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PART I

(Part II begins on page 19087)

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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July 17, 1973—Pages 19001–19103

REMINDERS

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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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.

Presidential Documents

Title 3—The President

PROCLAMATION 4229

Captive Nations Week, 1973

By the President of the United States of America

A Proclamation

As a nation we seek no imposition of our beliefs. But as human beings, we must always keep alive the hope that our great heritage of freedom will one day be enjoyed throughout the world.

As we make progress toward world peace and security, let us continue to show our sympathies for others who aspire to liberty and self-determination. In support of this sentiment, the Eighty-Sixth Congress on July 17, 1959, by a joint resolution, authorized and requested the President to proclaim the third week in July in each year as Captive Nations Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning July 15, 1973, as Captive Nations Week.

I call upon the people of the United States to observe this week with appropriate ceremonies and activities, and I urge rededication to the high purpose of individual liberty for all men.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of July, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.73-14724 Filed 7-16-73;9:42 am]

Rules and Regulations

Title 7—Agriculture

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

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Minimum Quality Standards and Inspection Requirements

This regulation, designed to promote orderly marketing of Oregon-California potatoes, imposes minimum quality standards and requires inspection of fresh shipments to keep low quality potatoes from being shipped to consumers.

Notice of rulemaking with respect to a proposed handling regulation to be made effective under Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in the production area defined therein, was published in the FEDERAL REGISTER July 2, 1973 (38 FR 17500). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than July 9, 1973. None was filed.

Findings. After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Oregon-California Potato Committee, it is hereby found and determined that this handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

The grade, size, quality, maturity and pack requirements as provided herein are necessary to prevent potatoes of quality or undesirable sizes from being distributed into fresh market channels. They will also provide consumers with good quality potatoes consistent with the overal quality of the crop, and standardize the quality of the potatoes shipped from the production area in order to provide the consumer with a more acceptable product.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes may be handled without regard to maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements, provided that safeguards are used to prevent such potatoes from reaching unauthorized outlets.

Shipments for use as livestock feed within the production area or to specified adjacent areas are exempt; a limit to the destinations of such shipments is provided so that their use for the purpose specified may be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading, and storing are exempt from requirements because these two areas have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason, potatoes grown in District 5 may be shipped without regard to the aforesaid requirements to specified locations in Idaho, Washington, and Malheur County, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Requirements for export shipments differ from those for domestic markets; while high quality standards are desired in foreign outlets, smaller sizes are more acceptable. Therefore, different requirements for export shipments are provided.

Inspection requirements are waived in certain portions of District 4 because the area is remote from inspection facilities and this requirement would cause unreasonable hardship to growers in the area.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that shipments of potatoes grown in the production area are currently being marketed and the regulation should become effective at the time herein provided to maximize the benefits to producers and consumers. The Oregon-California Potato Committee, after due notice, held an open meeting June 13, 1973, to consider recommendations for a handling regulation, and interested persons were afforded an opportunity to submit their views at this meeting; information regarding the provisions of the recommendations by the committee, which are similar to those in effect during the previous season, has been disseminated among the growers and handlers of potatoes in the production area; and compliance with this section will not require any special preparation of potato sorting and packing equipment on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

Termination of regulations. Limitation of shipments § 947.331 effective July 24, 1972, through October 15, 1973 (37 FR 14754–14756) shall be terminated upon the effective date of this section.

§ 947.332 Handling regulation.

During the period July 18, 1973, through October 15, 1974, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c), (d), (e), and (i) of this section, or unless such potatoes are handled in accordance with paragraphs (f), (g), (h), and (j) of this section.

(a) *Grade requirements.* All varieties—U.S. No. 2, or better grade: Except that potatoes designated U.S. Commercial shall meet all of the requirements and tolerances of U.S. No. 1, except that they may be no more than "slightly dirty."

(b) *Size requirements.* All varieties—2 inches minimum diameter, or 4 ounces minimum weight: *Provided,* That U.S. No. 1 potatoes for export may be 1½ inches minimum diameter.

(c) *Cleanliness requirements.* All varieties and grades—As required in the United States Standards for Grades of Potatoes, except that U.S. Commercial may be no more than "slightly dirty."

(d) *Maturity (skinning) requirements.* (1) All varieties—no more than "moderately skinned."

(2) Not to exceed a total of 100 hundredweight of potatoes may be handled any seven day period without meeting these maturity requirements. Prior to shipment of potatoes exempt from the above maturity requirements, the handler shall obtain from the committee a Certificate of Privilege.

(e) *Pack.* Potatoes packed in 50 pound cartons must be U.S. No. 1 or better grade.

(f) *Special purpose shipments.* The minimum grade, size, cleanliness, pack, and maturity requirements set forth in paragraphs (a), (b), (c), (d), and (e) of this section shall not be applicable to shipments of potatoes for any of the following purposes.

(1) Certified seed, subject to applicable safeguard requirements of paragraph (g) of this section.

(2) Livestock feed: *Provided*, That potatoes may not be handled for such purposes if destined to points outside of the production area, except that shipments to the Counties of Benton, Franklin and Walla Walla in the State of Washington and to Malheur County, Oregon, may be made, subject to the safeguard provisions of paragraph (g) of this section.

(3) Planting: *Provided*, That potatoes may not be shipped for this purpose to points outside of the district where grown, except that potatoes grown in District No. 2 or District No. 4 may be shipped between those two districts.

(4) Grading or storing, under the following provisions:

(i) Between districts within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (g) of this section.

(ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing between those two districts without regard to the safeguard requirements of paragraph (g) of this section.

(iii) Potatoes grown in District No. 5 may be shipped for grading and storing to points in the Counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, or to Malheur County, Oregon, subject to the safeguard provisions of paragraph (g) of this section.

(5) Charity: *Provided*, That shipments for charity may not be resold if they do not meet the requirements of the marketing order: *And further provided*, That shipments in excess of 5 hundredweight per charitable organization shall be subject to the safeguard provisions of paragraph (g) of this section.

(6) Starch manufacture.

(7) Canning, freezing, prepeeling, and "other processing," as hereinafter defined (including storage for such purposes).

(g) *Safeguards.* (1) Each handler making shipments of certified seed outside the district where grown pursuant to subparagraph (1), of paragraph (f) of this section shall obtain from the committee a Certificate of Privilege, and shall furnish a report of shipments to the committee on forms provided by it.

(2) Each handler making shipments of potatoes pursuant to paragraphs (f) (2), (4) (i), (4) (iii), and (5) of this section shall obtain a Certificate of Privilege from the committee, and shall:

(i) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(ii) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require;

(iii) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(iv) Bill each shipment directly to the applicable receiver.

(3) Each handler making shipments pursuant to paragraph (f) (7) of this section may ship such potatoes to persons or firms designated as manufacturers of potato products by the committee and shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's current list of approved manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(4) Each receiver of potatoes for processing pursuant to paragraph (f) of this section shall:

(i) Complete and return an application form for listing as a manufacturer of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(h) *Minimum quantity exemption.* Any person may handle not more than 19 hundredweight of potatoes on any day without regard to the inspection requirements of § 947.60 and to the assessment requirements of § 947.41 of this part: *Provided*, That no potatoes may be handled pursuant to this exemption which do not meet the requirements of paragraphs (a), (b), (c), and (d) of this section. This exemption shall not apply to any part of a shipment which exceeds 19 hundredweight.

(i) *Inspection.* (1) Except when relieved by paragraphs (f) or (h) of this section, or by subparagraph (2) of this paragraph, no person shall handle potatoes without first obtaining inspection from an authorized representative of the Federal-State Inspection Service.

(2) Shipments originating in Modoc or Siskiyou Counties of California, from points over 40 airline miles from Merrill, Oregon, are not required to obtain Federal-State inspection: *Provided*, That shippers agree to meet safeguard procedures of the committee.

(3) For the purpose of operation under this part, unless exempted from inspection by the provisions of this section, each required inspection certificate is hereby determined, pursuant to § 947.60 (c), to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in mechanically refrigerated storage within 14 days of the inspection shall be 14 days exclusive of the number of days that the potatoes were held in refrigerated storage.

(4) Any lot of potatoes previously inspected pursuant to § 947.60(b) is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of such regrading, resorting, or repacking the potatoes.

(j) *Definitions.* (1) The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540-51.1566 of this title as amended February 5, 1972, (37 FR 2745)) including the tolerances set forth therein.

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

(3) The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removing the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 United States Standards for Grades of Peeled Potatoes (§§ 52.2421-52.2433 of this title).

(4) The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, or starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

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

Dated July 12, 1973, to become effective July 18, 1973.

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

[FR Doc.73-14580 Filed 7-16-73;8:45 am]

PART 980—VEGETABLES: IMPORT REGULATIONS: ONIONS

Establishment of Minimum Quality Requirements

This regulation will establish minimum quality requirements for imported onions.

Notice of rulemaking regarding proposed requirements on the importation

of onions into the United States to be made effective under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1), was published in the June 29, 1973, FEDERAL REGISTER (38 FR 17238).

The notice afforded interested persons an opportunity to file data, views, or arguments in regard thereto not later than July 6, 1973. None was filed.

Section 8e of the act provides that whenever a Federal marketing order is in effect for onions, the importation of onions shall be prohibited unless they comply with the grade, size, quality and maturity provisions of such order. The provisions hereinafter set forth comply with those which will become effective July 16, 1973, under Marketing Order No. 958 for onions grown in Idaho and Malheur County, Oregon. It is not contemplated that any other marketing order will have concurrent grade, size, quality and maturity provisions in effect regulating onions until the spring of 1974.

Findings. (a) After consideration of all relevant matters, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the proposal as published in the notice should be issued and that imported onions comply with the grade, size, quality and maturity requirements, as hereinafter provided, applicable to onions produced in the United States, and effective under Marketing Order No. 958, as amended (7 CFR Part 958) regulating the handling of onions grown in designated counties of Idaho and Malheur County, Oregon. This regulation is subject to amendment with adequate notice as domestic regulations are changed.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under section 8e of the act; (2) all known onion importers were notified of the proposed regulation; and (3) notice hereof was published in the June 29, 1973, FEDERAL REGISTER (38 FR 17238), and such notice is determined to be reasonable.

§ 980.112 Onion import regulation.

Except as otherwise provided herein, during the period beginning July 20, 1973, and continuing through April 30, 1974, no person may import onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Grade, size, and maturity requirements*—(1) *Yellow varieties.* U.S. No. 2, or better grade, 1½ inches minimum diameter.

(2) *White varieties.* U.S. No. 2, or better grade, 1 inch minimum diameter.

(3) *Yellow and white varieties.* At least "moderately cured."

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under section 8e of the act (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance Notice
All Texas points	L. M. Denbo, P.O. Box 107, San Juan, Texas 78589 (Phone 512-787-4001 or 6881)	1 day
All Arizona points	B. O. Morgan, P.O. Box 1614, Nogales, Arizona 85621 (Phone 602-287-2902)	1 day
All California points	D. P. Thompson, 784 S. Central Avenue, Room 266, Los Angeles, California 90021 (Phone 213-622-8756)	3 days
All Hawaii points	Stevenson Ching, P.O. Box 5425, Pawaa Substation, 1428 S. King Street, Honolulu, Hawaii 96814 (Phone 808-941-3071)	1 day
All Puerto Rico points	Darrell McNeal, P.O. Box 10163, Santurce, Santurce, Puerto Rico 00908 (Phone 809-783-2230 or 4116)	2 days
New York City	Frank J. McNeal, Rm. 28A Hunts Point Market, Bronx, New York 10474 (Phone 212-991-7669-7668)	1 day
New Orleans	Pascal J. Lamarca, 5027 Federal Office Building, 701 Loyola Avenue, New Orleans, Louisiana 70113 (Phone 504-527-6741-6742)	1 day
All other points	D. S. Matheson, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (Phone 202-447-5870)	3 days

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant; Meets import requirements of 7 U.S.C. 608e–1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. "Importation" means release from custody of the United States Bureau of Customs.

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

Dated July 11, 1973, to become effective July 20, 1973.

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

[FR Doc.73-14487 Filed 7-16-73;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 63]

PART 1063—MILK IN THE QUAD CITIES-DUBUQUE MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Quad Cities-Dubuque marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 16878) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of July and August 1973, the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1063.14, the proviso which reads:

"*Provided*, That in any of the months of July through January milk diverted from the farm of a producer on more than the number of days that milk was delivered to a pool plant from such farm during the month shall not be deemed to have been received by the diverting handler."

Statement of consideration. The suspension action will permit unlimited diversion of producer milk under the Quad Cities-Dubuque order during July and August 1973.

The suspension is requested by Mississippi Valley Milk Producers Association, Inc., Land O'Lakes, Inc., and Mid American Dairymen, Inc., to accommodate the handling of reserve milk on the market. The seasonal increase in milk production in conjunction with a decline in Class I sales has created a surplus milk disposal problem in this market. Without the suspension much of the reserve milk on the market would have to be moved from farms to pool plants and then reshipped to manufacturing plants in order to remain pooled instead of being moved directly from farms to manufacturing plants. The additional labor and hauling costs involved with such milk movements would adversely affect the economic handling of milk in excess of fluid requirements. This suspension will allow more economic handling of the market's reserve milk while the dairy farmers involved, retain producer status.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling the market's reserve milk supply is movement directly from producers' farms to milk manufacturing plants. This suspension would allow such handling during July and August 1973, while the dairy farmers involved retain producer status;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. No views were received in opposition to the proposed suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during July and August 1973.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of July and August 1973.

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

Effective date: July 17, 1973.

Signed at Washington, D.C., on July 12, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-14582 Filed 7-16-73;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Permitted Dips

The purpose of this amendment is to lower the concentration at which approved proprietary brands of Dioxathion (Delnav®) may be used as a permitted dip in official dipping for interstate movement.

Statement of consideration. The Environmental Protection Agency has recommended a change in the proposed use pattern for Dioxathion (Delnav®) when used on beef cattle, horses, sheep and goats which would reduce the maximum concentration at which this product may be used from 0.160 percent to 0.150 percent. Such a concentration is within the effective range for disinfection purposes.

Therefore, to conform with the Environmental Protection Agency's proposed use pattern and pursuant to the provisions of the Act of March 3, 1905, as amended, the Act of February 2, 1903, as amended, and the Act of May 29, 1884, as amended (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126), § 72.13(b)(2) is amended to read as follows:

§ 72.13 Permitted dips and procedures.

* * * * *

(b) * * *

(2) Approved proprietary brands of a Dioxathion (Delnav®) emulsifiable concentrate used at a concentration of 0.125 to 0.150 percent.[2]

* * * * *

(Secs. 1, 2, 32 Stat. 791–792, as amended; secs. 4–7, 23 Stat. 32, as amended; secs. 1–4, 33 Stat. 1264, 1265, secs. 3 and 11, 76 Stat. 130, 132 as amended; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477.)

Effective date. The foregoing amendment shall become effective July 17, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the interstate spread of Texas fever ticks and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of July 1973.

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

[FR Doc.73-14581 Filed 7-16-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Fracture Toughness and Surveillance Program Requirements

On July 3, 1971 the Atomic Energy Commission published in the FEDERAL REGISTER (36 FR 12697) proposed amendments to its regulations in 10 CFR Part 50 which would add new appendices entitled, "Appendix G, Fracture Toughness Requirements," and "Appendix H, Re-

[2] Care is required when treating animals and in maintaining required concentration of chemicals in dipping baths. Detailed information concerning the use of, criteria for, and names of proprietary brands of permitted dips for which specific permission has been granted, and concerning the use of compressed air, vat management techniques, and vatside tests, and other pertinent information may be obtained from the U.S. Department of Agriculture, APHIS, Veterinary Services, Hyattsville, Maryland 20782.

actor Vessel Material Surveillance Program Requirements."

Interested persons were invited to submit written comments within 60 days. Upon consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments with certain modifications in the form set forth below.

Significant differences in Appendix G from the amendments published for comment are:

(1) Terminology was changed to be consistent with that of the ASME Code.[1]

(2) The method of combining the results of the Charpy and dropweight tests to get a combined measure of toughness was changed.

The proposed rule would have required characterization of the fracture toughness of the ferritic materials in the reactor coolant pressure boundary in terms of the temperature dependence of two quantities: (a) Energy absorbed in Charpy V-notch impact tests (ASTM[2] Standard A-370) and (b) the nil-ductility transition (NDT) temperature obtained from dropweight tests (ASTM Standard E-208). Charpy tests were to be run at appropriate temperatures to characterize the transition from fully ductile, "upper shelf," behavior to low-energy, "brittle," behavior. To obtain a toughness characterization that depended on both types of tests, the "Charpy curve" was to be adjusted upward on the temperature scale to make the 15 ft. lb. level correspond to the NDT temperature from the dropweight tests.

These amendments continue the requirement contained in the proposed rule that fracture toughness be measured by the Charpy test and the dropweight test. However, to reflect comments urging consistency with the ASME Code, fracture toughness of the material is characterized by its reference temperature, RT_{NDT}. This temperature is the higher value of the NDT temperature from the dropweight test or the temperature that is 60° F below the temperature at which Charpy test data meet a specified toughness level (50 ft. lbs. and 35 mils lateral expansion).

(3) The concept of a lowest pressurization temperature given in the proposed rule was changed to a concept based on fracture mechanics that allows a continuous buildup of pressure as a function of temperature and wall thickness.

The proposed rule would have required a "thickness correction" whereby the Charpy curve was to be shifted up the temperature scale 7°F per inch of material thickness. The thickness correction would have been added to the shift required for consistency between the two types of toughness tests to obtain a curve of "adjusted fracture energy" versus temperature. Fracture control would have been achieved by requiring the "lowest pressurization temperature" at which system pressure could exceed 25 percent of normal operating pressure, or at which the rate of temperature change could exceed 50°F/hr., to be the temperature at which the adjusted fracture energy exceeded a certain level, which was higher for thick material than for thin.

Many of the comments questioned the validity of the dependence placed on the Charpy test by the proposed rule. The thickness correction was considered excessive for thick sections and inadequate for thin sections. Other comments asked that the rules treat stresses more quantitatively to take account of the operators' ability to control pressure and rate of temperature change and the designers' ability to calculate pressure and thermal stresses. Specifically, they urged the adoption of the approach that now appears in the 1972 Summer Addenda to the ASME Code. The proposed rules were also revised to reflect these comments. As required by these amendments, fracture control is achieved by requiring that stress in the pressure boundary be limited as a function of the metal temperature relative to the reference temperature, RT_{NDT}, and as a function of material thickness according to the "K_{IR} curve" given in the ASME Code. Taken from fracture mechanics, the term "stress intensity factor" (K) defines a quantity that is proportional to the product of gross stress and the square root of crack depth, and includes factors to account for crack shape and for the manner of loading. Critical values of K, determined from tests in which precracked specimens are loaded to failure, are a convenient measure of fracture toughness, because differences in crack size and shape and differences in manner of loading between specimen and component can be treated quantitatively. The K_{IR} curve in the ASME Code gives allowable values of fracture toughness as a function of temperature relative to RT_{NDT}. The curve is based on data obtained from tests of large specimens in the HSST[3] program. Rather than require the estimation of maximum expected flaw size, these amendments require that in areas of the reactor vessel remote from discontinuities, the assumed flaw size be proportional to wall thickness. Thus, from the value of K_{IR} at a given temperature, allowable stress values are obtained that are inversely proportional to the square root of wall thickness.

(4) Fracture control procedures described in paragraph (3), above, are supplemented in these amendments by a requirement that whenever the core is critical, the metal temperature of the reactor vessel shall exceed specified values dependent on the concurrent stress level.

(5) The Charpy V-notch upper-shelf energy requirements for beltline region materials was set at 75 ft. lbs. for all cases, without distinction as to the predicted amount if irradiation damage.

(6) Fracture toughness requirements for the various components of the pressure boundary were separated to reflect comments suggesting that the rules fit the anticipated severity of service to which the component might be subjected.

(7) The definition of "beltline region of the reactor vessel" was broadened to include more shell material above and below the core.

Significant differences in Appendix H from the amendments published for comment are:

(1) Terminology was changed to be consistent with that of Appendix G and the ASME Code. In particular, the adjustment for irradiation effects is described in these amendments as an adjustment of the reference temperature, RT_{NDT}, and the amount of temperature shift is determined by a slightly different treatment of the Charpy data than that given in the proposed amendment.

(2) Provision was made for accelerated irradiation capsules and for modification of capsule withdrawn schedules based on results of tests of specimens that received the accelerated irradiation.

(3) A general provision for an integrated surveillance program was substituted for the specific requirements given in the proposed rule. It appeared from comments that it would be impractical to meet the requirements of the proposed rule for commonality of multiple reactors.

Appendices G and H are intended to implement General Design Criterion 31, "Fracture Prevention of Reactor Coolant Pressure Boundary," of 10 CFR Part 50, Appendix A, "General Design Criteria for Nuclear Power Plants," to the extent described below. The margin of safety against brittle fracture will be controlled more quantitatively by these amendments than by the proposed rule, particularly with regard to specific guidelines for the treatment of heatup and cooldown conditions. Appendices G and H track the language of the ASME Code and have adopted certain of its requirements but also include several key supplemental requirements. For the vessel beltline, inservice requirements are based on the reference temperature as adjusted to account for irradiation damage. There is also an additional fracture toughness requirement in the form of shelf energy values from the Charpy curve for the material in its unirradiated condition.

Although the requirements of Appendices G and H become effective on August 16, 1973, the Commission recognizes that there may be an interim period when, for plants now under construction, the method of compliance with certain provisions may be determined on a case-by-case basis. For

[1] American Society of Mechanical Engineers Boiler and Pressure Vessel Code, section III, "Rules for the Construction of Nuclear Power Plant Components," 1971 Edition, and addenda through the Winter, 1972 Addenda.

[2] American Society for Testing and Materials.

[3] Heavy Section Steel Technology Program, conducted at Oak Ridge National Laboratory.

example, if the test data needed to establish certain fracture control requirements are not available because they were not required at the time material sampling was done, estimated values that are appropriately conservative may be acceptable.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50, are published as a document subject to codification to be effective on August 16, 1973.

1. In § 50.55a of 10 CFR Part 50, the existing paragraph (i) is redesignated paragraph (j), a new paragraph (i) is added, and subdivision (a)(2)(i) and the prefatory language in paragraph (a)(2) are amended to read as follows:

§ 50.55a Codes and standards.

Each construction permit for a utilization facility shall be subject to the following conditions, in addition to those specified in § 50.55:

(a)(1) * * *

(2) As a minimum, the systems and components of boiling and pressurized water-cooled nuclear power reactors specified in paragraphs (c), (d), (e), (f), (g), and (i) of this section shall meet the requirements described in those paragraphs, except that the American Society of Mechanical Engineers (hereinafter referred to as ASME) Code N-symbol need not be applied, and the protection systems of nuclear power reactors of all types shall meet the requirements described in paragraph (h) of this section, except as authorized by the Commission upon demonstration by the applicant for or holder of a construction permit that:

(i) Design, fabrication, installation, testing, or inspection of the specified system or component, is to the maximum extent practical, in accordance with generally recognized codes and standards, and compliance with the requirements described in paragraphs (c) through (i) of this section or portions thereof would result in hardships or unusual difficulties without a compensating increase in the level of quality and safety; or

* * * * *

(i) Fracture toughness requirements: Pressure-retaining components of the reactor coolant pressure boundary shall meet the requirements set forth in Appendices G and H to this part.

(j) Power reactors for which a notice of hearing on an application for a provisional construction permit or a construction permit has been published on or before December 31, 1970, may meet the requirements of paragraphs (c)(1), (d)(1), (e)(1), and (f)(1) of this section instead of paragraphs (c)(2), (d)(2), (e)(2), and (f)(2) of this section, respectively.

2. New Appendices G and H are added to Part 50 to read as follows:

APPENDIX G—FRACTURE TOUGHNESS REQUIREMENTS

I. INTRODUCTION AND SCOPE

This appendix specifies minimum fracture toughness requirements for ferritic materials of pressure-retaining components of the reactor coolant pressure boundary of water cooled power reactors to provide adequate margins of safety during any condition of normal operation, including anticipated operational occurrences and system hydrostatic tests, to which the pressure boundary may be subjected over its service lifetime.

The requirements of this appendix apply to the following materials:

A. Carbon and low-alloy ferritic steel plate, forgings, castings, and pipe with specified minimum yield strengths not over 50,000 psi.

B. Welds and weld heat-affected zones in the materials specified in section I.A.

C. Materials for bolting and other types of fasteners with specified minimum yield strengths not over 130,000 psi.

Adequacy of the fracture toughness of other ferritic materials shall be demonstrated to the Commission on an individual case basis.

II. DEFINITIONS

A. "ASME Code" means the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, section III, "Rules for the Construction of Nuclear Power Plant Components" (unless another section is specified), 1971 Edition, and addenda through the Winter, 1972 Addenda.[1]

B. "Ferritic material" means carbon and low-alloy steels, higher alloy steels including all stainless alloys of the 4xx series, and maraging and precipitation hardening steels with a predominantly body-centered cubic structure.

C. "System hydrostatic tests" means all preoperational system leakage and hydrostatic pressure tests and all system leakage and hydrostatic pressure tests performed during the service life of the pressure boundary in compliance with the ASME Code, section XI, "Rules for Inservice Inspection of Nuclear Reactor Coolant Systems."

D. "Specified minimum yield strength" means the minimum yield strength (in the unirradiated condition) of a material specified in the construction code under which the component is built pursuant to § 50.55a.

E. "Lowest service temperature" means the lowest service temperature as defined by paragraph NB-2332 of the ASME Code.

F. "Reference temperature" means the reference temperature, RT_{NDT}, as defined in paragraph NB-2331 of the ASME Code.

G. "Adjusted reference temperature" means the reference temperature as adjusted for irradiation effects (see Appendix H) by adding to RT_{NDT} the temperature shift in the Charpy V-notch curve for the irradiated material relative to that for the unirradiated material, measured at the 50 ft lb level or measured at the 35 mil lateral expansion level, whichever temperature shift is greater.

H. "Beltline region of reactor vessel" means the shell material (including welds and weld heat-affected zones) that directly surrounds the effective height of the fuel element assemblies and any additional height of shell material for which the predicted adjustment of reference temperature at end of service life of the reactor vessel exceeds 50° F.

I. "Material surveillance program" means the provisions for the placement of reactor vessel beltline material specimens in the reactor vessel, and the program of periodic withdrawal and testing of such specimens to monitor, over the service life of the vessel, changes in the fracture toughness properties of the beltline as a result of exposure to neutron irradiation and the thermal environment.

J. "Integrated surveillance programs" means the combination of individual material surveillance programs as applied to one or more reactor vessels to yield results which serve to monitor the changes in fracture toughness properties for a group of vessels.

III. FRACTURE TOUGHNESS TESTS

A. To demonstrate compliance with the minimum fracture toughness requirements of sections IV and V of this appendix, ferritic materials shall be tested in accordance with the ASME Code, section NB-2300, "Fracture toughness requirements for materials." Both unirradiated and irradiated ferritic materials shall be tested for fracture toughness properties by means of the Charpy V-notch test specified by paragraph NB-2321.2 of the ASME Code. In addition, when required by the ASME Code, unirradiated ferritic materials shall be tested by means of the dropweight test specified by paragraph NB-2321.1 of the ASME Code. Provision shall be made for supplemental tests in crucial situations such as that described in Section V.C.

B. Charpy V-notch impact tests and dropweight tests shall be conducted in accordance with the following requirements:

1. Location and orientation of impact test specimens shall comply with the requirements of paragraph NB-2322 of the ASME Code.

2. Materials used to prepare test specimens shall be representative of the actual materials of the finished component as required by the applicable rules of the construction code under which the component is built pursuant to § 50.55a, except that ferritic materials intended for the reactor vessel beltline region shall comply with the additional requirements of section III.C. of this appendix.

3. Calibration of temperature instruments and Charpy V-notch impact test machines used in impact testing shall comply with the requirements of paragraph NB-2360 of the ASME Code.

4. Individuals performing fracture toughness tests shall be qualified by training and experience and shall have demonstrated competency to perform the tests in accord with written procedures of the component manufacturer.

5. Fracture toughness test results shall be recorded and shall include a certification by the licensee or person performing the tests for the licensee that:

a. The tests have been performed in compliance with the requirements of this appendix,

b. The test data are correctly reported and identified with the material intended for a pressure-retaining component,

c. The tests have been conducted using machines and instrumentation with available records of periodic calibration, and

d. Records of the qualifications of the individuals performing the tests are available upon request.

C. In addition to the test requirements of section III.A. of this appendix, tests on ma-

[1] Copies may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, N.Y. 10017. Copies are available for inspection at the Commission's Public Document Room, 1717 H St. N.W., Washington, D.C.

terials of the reactor vessel beltline shall be conducted in accordance with the following minimum requirements:

1. Charpy V-notch (C_V) impact tests shall be conducted at appropriate temperatures over a temperature range sufficient to define the C_V test curves (including the upper-shelf levels) in terms of both fracture energy and lateral expansion of specimens. Location and orientation of impact test specimens shall comply with the requirements of paragraph NB-2322 of the ASME Code.

2. Materials used to prepare test specimens for the reactor vessel beltline region shall be taken directly from excess material and welds in the vessel shell course(s) following completion of the production longitudinal weld joint, and subjected to a heat treatment that produces metallurgical effects equivalent to those produced in the vessel material throughout its fabrication process, in accordance with paragraph NB-2211 of the ASME Code. Where seamless shell forgings are used, or where the same welding process is used for longitudinal and circumferential welds in plates, the test specimens may be taken from a separate weldment provided that such a weldment is prepared using excess material from the shell forging(s) or plates, as applicable, the same heat of filler material, and the same production welding conditions as those used in joining the corresponding shell materials.

IV. FRACTURE TOUGHNESS REQUIREMENTS

A. The pressure-retaining components of the reactor coolant pressure boundary that are made of ferritic materials shall meet the following requirements for fracture toughness during system hydrostatic tests and any condition of normal operation, including anticipated operational occurrences:

1. The materials shall meet the acceptance standards of paragraph NB-2330 of the ASME Code, and the requirements of sections IV.A.2, 3 and 4 and IV.B. of this appendix.

2. For vessels, exclusive of bolting or other fasteners:

a. Calculated stress intensity factors shall be lower than the reference stress intensity factors by the margins specified in the ASME Code Appendix G, "Protection Against Non-Ductile Failure". The calculation procedures shall comply with the procedures specified in the ASME Code Appendix G, but additional and alternative procedures may be used if the Commission determines that they provide equivalent margins of safety against fracture, making appropriate allowance for all uncertainties in the data and analyses.

b. For nozzles, flanges and shell regions near geometric discontinuities, the data and procedures required in addition to those specified in the ASME Code shall provide margins of safety comparable to those required for shells and heads remote from discontinuities.

c. Whenever the core is critical, the metal temperature of the reactor vessel shall be high enough to provide an adequate margin of protection against fracture, taking into account such factors as the potential for overstress and thermal shock during anticipated operational occurrences in the control of reactivity. In no case when the core is critical (other than for the purpose of low-level physics tests) shall the temperature of the reactor vessel be less than the minimum permissible temperature for the inservice system hydrostatic pressure test nor less than 40°F above that temperature required by section IV.A.2.a.

d. If there is no fuel in the reactor during the initial preoperational system leakage and hydrostatic pressure tests, the minimum permissible test temperature shall be determined in accordance with paragraph G2410 of the ASME Code except that the factor of safety applied to each term making up the calculated stress intensity factor may be reduced to 1.0. In no case shall the test temperature be less than $RT_{NDT}+60°F$.

3. Materials for piping (i.e., pipe, tubes and fittings), pumps, and valves (excluding bolting materials) shall meet the requirements of paragraph G3100 of the ASME Code.

4. Materials for bolting and other fasteners with nominal diameters exceeding 1 inch shall meet the minimum requirements of 25 mils lateral expansion and 45 ft lbs in terms of Charpy V-notch tests conducted at the preload temperature or at the lowest service temperature, whichever temperature is lower.

B. Reactor vessels beltline materials shall have minimum upper-shelf energy, as determined from Charpy V-notch tests on unirradiated specimens in accordance with paragraphs NB-2322.2(4) and 2322.2(6) of the ASME Code, of 75 ft lbs unless it is demonstrated to the Commission by appropriate data and analyses based on other types of tests that lower values of upper shelf fracture energy are adequate.

C. Reactor vessels for which the predicted value of adjusted reference temperature exceeds 200°F shall be designed to permit a thermal annealing treatment to recover material toughness properties of ferritic materials of the reactor vessel beltline.

V. INSERVICE REQUIREMENTS—REACTOR VESSEL BELTLINE MATERIAL

A. The properties of reactor vessel beltline region materials, including welds, shall be monitored by a material surveillance program conforming to the "Reactor Vessel Material Surveillance Program Requirements" set forth in Appendix H.

B. Reactor vessels may continue to be operated only for that service period within which the requirements of section IV.A.2. are satisfied, using the predicted value of the adjusted reference temperature at the end of the service period to account for the effects of irradiation on the fracture toughness of the beltline materials. The basis for the prediction shall include results from pertinent radiation effects studies in addition to the results of the surveillance program of section V.A.

C. In the event that the requirements of section V.B. cannot be satisfied, reactor vessels may continue to be operated provided all of the following requirements are satisfied:

1. An esentially complete volumetric examination of the beltline region of the vessel including 100 percent of any weldments shall be made in accordance with the requirements of Section XI of the ASME Code.

2. Additional evidence of the changes in fracture toughness of the beltline materials resulting from exposure to neutron irradiation shall be obtained from results of supplemental tests, such as measurements of dynamic fracture toughness of archive material that has been subjected to accelerated irradiation.

3. A fracture analysis shall be performed that conservatively demonstrates, making appropriate allowances for all uncertainties, the existence of adequate margins for continued operation.

D. If the procedures of section V.C. do not indicate the existence of an adequate safety margin, the reactor vessel beltline region shall be subjected to a thermal annealing treatment to effect recovery of material toughness properties. The degree of such recovery shall be measured by testing additional specimens that have been withdrawn from the surveillance program capsules and annealed under the same time-at-temperature conditions as those given the beltline material. The results shall provide the basis for establishment of the adjusted reference temperature after annealing. The reactor vessel may continue to be operated only for that service period within which the predicted fracture toughness of the beltline region materials satisfies the requirements of section IV.A.2., using the values of adjusted reference temperature that include the effects of annealing and subsequent irradiation.

E. The proposed programs for satisfying the requirements of sections V.C. and V.D. shall be reported to the Commission for review and approval on an individual case basis at least 3 years prior to the date when the predicted fracture toughness levels will no longer satisfy the requirements of section V.B.

APPENDIX H—REACTOR VESSEL MATERIAL SURVEILLANCE PROGRAM REQUIREMENTS

I. INTRODUCTION

The purpose of the material surveillance program required by this appendix is to monitor changes in the fracture toughness properties of ferritic materials in the reactor vessel beltline region of water cooled power reactors resulting from their exposure to neutron irradiation and the thermal environment. Under this program, fracture toughness test data are obtained from material specimens withdrawn periodically from the reactor vessel. These data will permit the determination of the conditions under which the vessel can be operated with adequate margins of safety against fracture throughout its service life.

II. SURVEILLANCE PROGRAM CRITERIA

A. No material surveillance program is required for reactor vessels for which it can be conservatively demonstrated by analytical methods, applied to experimental data and tests performed on comparable vessels, making appropriate allowances for all uncertainties in the measurements, that the peak neutron fluence (E 1MeV) at the end of the design life of the vessel will not exceed 10^{17} n/cm^2.

B. Reactor vessels constructed of ferritic materials which do not meet the conditions of section II.A. shall have their beltline regions monitored by a surveillance program complying with the American Society for Testing and Materials (ASTM) Standard Recommended Practice for Surveillance Tests for Nuclear-Reactor Vessels, ASTM Designation: E-185-73,[1] except as modified by this appendix.

C. The surveillance program shall meet the following requirements:

1. Surveillance specimens shall be taken from locations alongside the fracture toughness test specimens required by section III of Appendix G. The specimen types shall comply with the requirements of section III.A. of Appendix G (except that drop weight specimens are not required).

2. Surveillance capsules containing the surveillance specimens shall be located near but not attached to the inside vessel wall in the beltline region, so that the neutron flux received by the specimens is at least as high but not more than three times as high

[1] Effective March 1, 1973. Copies may be obtained from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa. 19103, either as a separate or (when available) as part of the 1973 Annual Book of ASTM Standards, Part 30 and also in Part 31. Copies are available for inspection at the Commission's Public Document Room, 1717 H St. NW., Washington, D.C.

as that received by the vessel inner surface, and the thermal environment is as close as practical to that of the vessel inner surface. The design and location of the capsules shall permit insertion of replacement capsules. Accelerated irradiation capsules, for which the calculated neutron flux will exceed three times the calculated maximum neutron flux at the inside wall of the vessel, may be used in addition to the required number of surveillance capsules specified in section II.C.3.

3. The required number of surveillance capsules and their withdrawal schedules are as follows:

a. For reactor vessels for which it can be conservatively demonstrated by experimental data and tests performed on comparable vessel steel, making appropriate allowances for all uncertainties in the measurements, that the adjusted reference temperature established in accordance with section IV.B. will not exceed 100°F at the end of the service lifetime of the reactor vessel, at least three surveillance capsules shall be provided for subsequent withdrawal as follows:

WITHDRAWAL SCHEDULE

First capsule—One-fourth service life
Second capsule—Three-fourths service life
Third capsule—Standby

In the event that the surveillance specimens exhibit, at one-quarter of the vessel's service life, a shift of the reference temperature greater than originally predicted for similar material as recorded in the applicable technical specification, the remaining withdrawal schedule shall be modified as follows:

REVISED
WITHDRAWAL SCHEDULE

Second capsule—One-half service life
Third capsule—Standby

b. For reactor vessels which do not meet the conditions of section II.C.3.a. but for which it can be conservatively demonstrated by experimental data and tests performed on comparable vessel steels that the adjusted reference temperature will not exceed 200°F at the end of the service lifetime of the reactor vessel, at least four surveillance capsules shall be provided for the subsequent withdrawal as follows:

WITHDRAWAL SCHEDULE

First capsule—At the time when the predicted shift of the adjusted reference temperature is approximately 50°F or at one-fourth service life, whichever is earlier.
Second capsule—At approximately one-half of the time interval between first and third capsule withdrawal.
Third capsule—Three-fourths service life.
Fourth capsule—Standby.

c. For reactor vessels which do not meet the conditions of section II.C.3.b., at least five surveillance capsules shall be provided for subsequent withdrawal as follows:

WITHDRAWAL SCHEDULE

First capsule—At the time when the predicted shift of the adjusted reference temperature is approximately 50°F or at one-fourth service life, whichever is earlier.
Second and third capsules—At approximately one-third and two-thirds of the time interval between first and fourth capsule withdrawal.
Fourth capsule—Three-fourths of service life.
Fifth capsule—Standby.

d. Provision shall also be made for additional surveillance tests to monitor the effects of annealing and subsequent irradiation.

e. Withdrawal schedules may be modified to coincide with those refueling outages or plant shutdowns most closely approaching the withdrawal schedule.

f. If accelerated irradiation capsules are employed in addition to the minimum required number of surveillance capsules, the withdrawal schedule may be modified, taking into account the test results obtained from testing of the specimens in the accelerated capsules. The proposed modified withdrawal schedule in such cases shall be approved by the Commission on an individual case basis.

g. Proposed withdrawal schedules that differ from those specified in paragraphs a. through f. shall be submitted, with a technical justification therefor, to the Commission for approval. The proposed schedule shall not be implemented without prior Commission approval.

4. For multiple reactors located at a single site, an integrated surveillance program may be authorized by the Commission on an individual case basis, depending on the degree of commonality and the predicted severity of irradiation.

III. FRACTURE TOUGHNESS TESTS

A. Fracture toughness testing of the specimens withdrawn from the capsules shall be conducted in accordance with the requirements of section III of Appendix G, "Fracture Toughness Requirements."

B. The adjusted reference temperatures for the base metal, heat-affected zone, and weld metal shall be obtained from the test results by adding to the reference temperature the amount of the temperature shift in the Charpy test curves between the unirradiated material and the irradiated material, measured at the 50 foot-pound level or that measured at the 35 mil lateral expansion level, whichever temperature shift is greater. The highest adjusted reference temperature and the lowest upper-shelf energy level of all the beltline materials shall be used to verify that the fracture toughness requirements of section V.B. of Appendix G are satisfied.

IV. REPORT OF TEST RESULTS

A. Each capsule withdrawal and the results of the fracture toughness tests shall be the subject of a summary technical report to be provided to the Commission. The report shall include a schematic diagram of the capsule locations in the reactor vessel, identification of specimens withdrawn, the test results, and the relationship of the measured results to those predicted for the reactor vessel beltline region.

B. The report shall also include the dosimetry measurements performed at each specimen withdrawal, analyses of the results which yield the calculated neutron fluence which the reactor vessel beltline region has received at the time of the tests, and comparisons with the originally predicted values of fluence.

C. The operating pressure and temperature limitations established for the period of operation of the reactor vessel between any two surveillance specimen withdrawals shall be specified in the report, including any changes made in operational procedures to assure meeting such temperature limitations.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 11th day of July 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register on May 29, 1973.

[FR Doc.73-14531 Filed 7-16-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of	Rate	Effective
Boston	7	July 2, 1973
New York	7	July 2, 1973
Philadelphia	7	July 2, 1973
Cleveland	7	July 2, 1973
Richmond	7	July 2, 1973
Atlanta	7	July 2, 1973
Chicago	7	July 2, 1973
St. Louis	7	July 2, 1973
Minneapolis	7	July 2, 1973
Kansas City	7	July 2, 1973
Dallas	7	July 2, 1973
San Francisco	7	July 2, 1973

2. Section 201.52 is amended to read as follows:

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

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

Federal Reserve Bank of	Rate	Effective
Boston	7-½	July 2, 1973
New York	7-½	July 2, 1973
Philadelphia	7-½	July 2, 1973
Cleveland	7-½	July 2, 1973
Richmond	7-½	July 2, 1973
Atlanta	7-½	July 2, 1973
Chicago	7-½	July 2, 1973
St. Louis	7-½	July 2, 1973
Minneapolis	7-½	July 2, 1973
Kansas City	7-½	July 2, 1973
Dallas	7-½	July 2, 1973
San Francisco	7-½	July 2, 1973

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

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

Federal Reserve Bank of	Rate	Effective
Boston [1]	9	July 2, 1973
New York	9	July 2, 1973
Philadelphia	9	July 2, 1973
Cleveland	9	July 2, 1973
Richmond [1]	9	July 2, 1973
Atlanta [1]	9	July 2, 1973
Chicago [1]	9	July 2, 1973
St. Louis [1]	9	July 2, 1973
Minneapolis [1]	9	July 2, 1973
Kansas City [1]	9	July 2, 1973
Dallas [1]	9	July 2, 1973
San Francisco	9	July 2, 1973

[1] A rate of 7 percent was approved, effective on the indicated dates on advances to nonmember banks, to be applicable in special circumstances resulting from implementation of changes in Regulation J (see 37 FR 12714).

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, July 6, 1973.

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

[FR Doc.73-14417 Filed 7-16-73;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL

[Docket No. 73-852]

PART 500—ORGANIZATION AND CHANNELLING OF FUNCTIONS

PART 501—OPERATIONS

Organization and Channelling of Functions

JUNE 20, 1973.

The Federal Home Loan Bank Board has periodically published in the FEDERAL REGISTER statements of the general course and method by which its functions are channelled and determined. The last such statement was FR Doc. 67-7146 which was published in the June 24, 1967 issue of the FEDERAL REGISTER (32 FR 9041). These statements are not codified as part of the Board's codified regulations.

The Board considers it advisable to make certain minor changes and to codify its current rules on organization and channelling of functions. Also, the Board considers it advisable to include in such codification a list of certain forms which are available at the Federal Home Loan Banks. Accordingly, on the basis of such considerations, the Federal Home Loan Bank Board hereby (1) rescinds FEDERAL REGISTER Document 67-7146 which was published in the FEDERAL REGISTER on June 24, 1967 (32 FR 9041), (2) redesignates § 500.10 of the general regulations of the Federal Home Loan Bank Board (12 CFR 500.10) as § 501.2 of said regulations (12 CFR 501.2), and (3) amends Part 500 of said regulations (12 CFR Part 500) to read as set forth below, effective July 17, 1973.

1. The headings and the text of amended Part 500 are as follows:

Subpart A—Functions and Responsibilities of the Board

Sec.

Subpart B—General Organization

Subpart C—Procedures

AUTHORITY: Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.

Subpart A—Functions and Responsibilities of the Board

§ 500.1 General statement and statutory authority.

The Federal Home Loan Bank Board (referred to in this subchapter as "Board") is responsible for the administration and enforcement of the Federal Home Loan Bank Act, the Home Owners' Loan Act of 1933, Title IV of the National Housing Act, and with respect to institutions subject to provisions of the foregoing acts and title, the Bank Protection Act of 1968, the Truth in Lending Act, and the Fair Credit Reporting Act. The members of the Board constitute the Board of Directors of the Federal Home Loan Mortgage Corporation, which was created by Title III of the Emergency Home Finance Act of 1970.

§ 500.2 The Federal Home Loan Bank system.

The Board supervises the Federal Home Loan Banks created by the Federal Home Loan Bank Act and issues regulations and orders for carrying out the purposes of the provisions of that Act. Savings and loan associations and other institutions specified in section 4 of the Federal Home Loan Bank Act that make long-term home mortgage loans are eligible to become members of a Federal Home Loan Bank. The functions of the Board with respect to the Banks and their members include, but are not limited to, the following: prescribing the conditions upon which a Federal Home Loan Bank is authorized to make advances to its members and to nonmember borrowers; prescribing rules governing the payment and advertisement of interest or dividends on deposits, shares, or withdrawable accounts that may be paid by Bank members, other than those members the deposits of which are insured in accordance with the provisions of the Federal Deposit Insurance Act; prescribing rules and conditions upon which a Federal Home Loan Bank shall be authorized to borrow, to pay interest upon its borrowings, and to issue obligations; issuing upon such conditions as the Board may prescribe consolidated Federal Home Loan Bank bonds or debentures which are the joint and several obligations of all Federal Home Loan Banks; requiring examination of each Federal Home Loan Bank at least annually; appointing four directors to the board of directors of each Bank and conducting the election of the remaining directors by the members; approving dividends paid by each Federal Home Loan Bank; and acting on applications for Bank membership.

§ 500.3 The Federal savings and loan system.

The Board is authorized under such rules and regulations as it may prescribe to provide for the organization, incorporation, examination, operation, and regulation of Federal savings and loan associations. Under this authority, the Board's functions include, but are not limited to, regulation of the corporate structure of such associations, regulation of the distribution of their earnings, regulation of their lending and other investment powers, acting upon their applications for branch offices, mobile facilities, and satellite offices, the regulation of mergers, conversions, and dissolutions involving such associations, the appointment of conservators and receivers for such associations, and the enforcement of laws, regulations, or conditions against such associations or the officers or directors thereof by proceedings under section 5 of the Home Owners' Loan Act of 1933, as amended.

§ 500.4 The Federal Savings and Loan Insurance Corporation.

The Federal Savings and Loan Insurance Corporation is under the direction of the Federal Home Loan Bank Board. The Corporation insures the accounts of all Federal savings and loan associations and of other building and loan, savings and loan, and homestead associations and cooperative banks that are eligible for insurance and the applications of which have been approved by the Corporation. The Corporation regulates and examines insured institutions within the authority conferred by Title IV of the National Housing Act and is authorized to enforce applicable laws, regulations, or conditions against insured institutions or the officers or directors thereof by proceedings under section 407 of the National Housing Act, as amended. The Corporation also regulates and supervises savings and loan holding companies pursuant to the provisions of section 408 of the National Housing Act, as amended.

§ 500.5 District of Columbia savings and loan associations.

The Board exercises supervisory and regulatory authority over all building and

loan or savings and loan associations and similar institutions of or doing business in or maintainig offices in the District of Columbia.

Subpart B—General Organization

§ 500.10 The Board.

The Board is composed of three members, not more than two of whom are members of the same political party. The members are appointed by the President with the advice and consent of the Senate for four year terms. The Chairman is designated by the President and is the chief executive officer of the Board. Executive and administrative functions of the Board were transferred to the Chairman by Reorganization Plan No. 6 of 1963. The Board is assisted by a staff that includes eleven Offices.

§ 500.11 Secretary to the Board.

The Secretary to the Board is responsible for the secretarial functions of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation. The Secretary to the Board is responsible for the preparation and maintenance of the Minute Record of all official actions of the Board and for the authentication of documents. The Office of the Secretary provides general record services for the Board through the Files and Docket Section, which is under the direction and supervision of the Secretary to the Board. The Secretary to the Board is Liaison Officer to the FEDERAL REGISTER. The same person may be the Secretary to the Board and the Director of an Office at the same time.

§ 500.12 Congressional Liaison Officer.

The Congressional Liaison Officer is responsible to the Chairman for ensuring appropriate co-ordination and communication with Congress.

§ 500.13 Director of the Office of Management Systems and Administration.

The Director of the Office of Management Systems and Administration is the Executive Assistant to the Chairman. The Director is responsible for the supervision and administration of the Office of Management Systems and Administration, which is divided into four divisions: The Comptroller's Division, the Administration and Methods Division, the Personnel Management Division, and the Information Systems Division.

(a) The Comptroller's Division is responsible for the administration and management of the internal financial operations of the Board and the Federal Savings and Loan Insurance Corporation, including budgeting, accounting, the receipt and disbursement of funds, the control, processing, and payment of expenses, and the maintenance of pay and leave records. This Division is also responsible for the preparation of the Board's annual budget submissions to the Office of Management and Budget and to the Congress.

(b) The Administration and Methods Division is responsible for internal management reports and studies, records and forms control, and the maintenance of a manual of procedures. The Board's emergency planning program for the continuity of operations and relocation of the agency in the event of an emergency is also a function of this Division. The Division is responsible for conducting purchase and supply operations, sorting, receiving, and distributing mail, maintenance, transportation, acquiring and allocating space, contract administration and other housekeeping functions for the Board. The Management Information Center is maintained as part of this Division. A printing and reproduction plant is operated by this Division, as authorized by the Congressional Joint Committee on Printing.

(c) The Personnel Management Division is responsible for the development and execution of the personnel management program of the Board. The program includes recruitment, placement and staffing; position classification and wage administration; employee development and training; employee-management relations; health; and incentive awards. The Director of the Personnel Management Division is also responsible for carrying out the purposes of Executive Order No. 10450, as amended, as Personnel Security Officer of the Board.

(d) The Information Systems Division compiles and distributes information essential in measuring the operations of the members of the Federal Home Loan Bank System, as well as that information necessary to the internal operations of the Board itself. The Division is responsible for the planning, design, programming, operation, and maintenance of Electronic Data Processing systems for the Board and for furnishing technical advice and assistance to other Offices and Divisions in connection with Electronic Data Processing operations.

§ 500.14 Director of the Office of Economic Research.

The Director of the Office of Economic Research is the principal economic adviser to the Board and is responsible for the analysis of economic data, including but not limited to the conditions and operations of savings and loan institutions, financial intermediaries, mortgage and housing markets, and real estate matters generally. The Director selects and conducts economic studies that he determines to be of need and value of the Board. The Director has joint responsibility with the Director of the Office of Management Systems and Administration for the collection and internal use of savings and loan data and is responsible for the dissemination of such data in statistical form outside the Board. He is responsible for the economic analysis of merger applications with respect to possible impact on competition; and for assisting and co-ordinating the work and programs of Federal Home Loan Bank economists.

§ 500.15 Director of the Office of Audits.

The Director of the Office of Audits is responsible for the continuing audit of the operations of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation. The Director is also responsible for an annual examination of each Federal Home Loan Bank.

§ 500.16 Director of the Office of Communications.

The Director of the Office of Communications is responsible for the communication of Board actions and policy to the public and news media and for the preparation of responses to inquiries of a general nature respecting such actions and policy.

§ 500.17 The General Counsel.

The General Counsel is the chief legal officer of the Board and has, among other functions, those set forth below. He is responsible for the representation of the Board and the Federal Savings and Loan Insurance Corporation in judicial proceedings in which the Board or the Corporation is involved as a party or as amicus curiae and in administrative proceedings under the Federal Home Loan Bank Act, the Home Owners' Loan Act of 1933, and Title IV of the National Housing Act. He is responsible for advising the Board with respect to interpretations involving questions of law, for the preparation of legislation submitted by the Board to Congress, for the preparation of Board comments to Congress upon pending legislation, and for the preparation of regulations. He is also responsible for dealing with general problems arising under the Administrative Procedure Act and for dealing with legal problems arising under applications to the Board and the Federal Savings and Loan Insurance Corporation.

§ 500.18 Director of the Office of Examinations and Supervision.

The Director of the Office of Examinations and Supervision is responsible for the performance of the responsibilities of the Board and the Federal Savings and Loan Insurance Corporation with respect to the examination and supervision of Federal savings and loan associations under the Home Owners' Loan Act of 1933 and of State-chartered insured institutions, savings and loan holding companies, and subsidiaries of savings and loan holding companies under Title IV of the National Housing Act. The Director is also responsible for advising the Board with respect to matters of policy decision, legislation, and regulation to which his functions of supervision and examination are related. The Director is responsible for the management of the examination process and the development and improvement of examination techniques and for the direction of supervisory and enforcement activities of the staff and agents of the Board and the Federal Savings and Loan Insurance Corporation. This Office supervises the security programs of insured institutions required by the Bank Protection Act of 1968 and the enforcement of the

Truth in Lending Act and the Fair Credit Reporting Act.

§ 500.19 Director of the Office of Industry Development.

The Director of the Office of Industry Development is responsible for the processing, review, and evaluation of certain applications to the Board and the Federal Savings and Loan Insurance Corporation, except for those instances in which such applications are approved by an agent or officer of the Board pursuant to delegated authority. Applications for which the Director is responsible concern the following matters: permission to organize a Federal savings and loan association; a branch office, limited facility branch office, satellite office, or mobile facility of an existing Federal savings and loan association; insurance of accounts; conversion from Federal to State or from State to Federal charter; membership in the Federal Home Loan Bank System; a merger involving a Federal savings and loan association; voluntary dissolution of a Federal savings and loan association; an increase in accounts of an insurable type through merger, consolidation, or purchase of bulk assets; investment in a service corporation by a Federal savings and loan association; a change in office location; investment in an office building; waiver or modification of a condition for insurance of accounts or issuance of a Federal charter; release of pledged savings accounts or escrowed stock; extension of a lending area; approval of designation of a reserve account as part of the Federal insurance reserve; approval of amendments to charter, bylaws, or security forms; permission to issue subordinated debt securities; and other applications for which the Director of this Office may be assigned responsibility. The Director of this Office is also responsible for planning and coordinating new programs to stimulate the development of the savings and loan industry by encouraging financially sound restructuring.

§ 500.0 Director of the Office of the Federal Savings and Loan Insurance Corporation.

The Director of the Office of the Federal Savings and Loan Insurance Corporation is responsible for advising the Board with respect to the policies and operations of the Corporation. In coordination with the General Counsel and the Director of the Office of Examinations and Supervision, the Director is responsible for the development and implementation of plans of financial assistance to prevent the default of insured institutions. He is also responsible for the implementation and settlement of the Corporation's insurance obligations and for the management and liquidation of assets acquired by the Corporation as receiver or otherwise.

§ 500.21 Director of the Office of the Federal Home Loan Banks.

The Director of the Office of the Federal Home Loan Banks is responsible for reviewing the activities of the Banks and for directing and co-ordinating their operating procedures to ensure conformity with the goals and objectives of the Board. The Director is responsible for establishing standards of accounting, reporting, and financial analysis for the Banks and for providing advice and assistance to the Banks in their operations, including but not limited to, data processing, planning, and community activity. He is also responsible for advising the Board with respect to policy decisions respecting the Banks and making recommendations concerning such matters as budgets, the elections of officers and counsel, salaries, dividends, and bylaw amendments.

§ 500.22 Director of the Office of Housing and Urban Affairs.

The Director of the Office of Housing and Urban Affairs is responsible for advising the Board on the subject of housing, urban problems, and minority affairs and for recommending policies pertaining thereto. This Office develops and implements programs in low- and moderate-income housing, inner-city housing investment and rehabilitation, preventing discrimination in lending and employment by the savings and loan industry, and assisting minority groups who apply for Federal charters or insurance of accounts. The Center for Executive Development is maintained as part of this Office.

Subpart C—Procedures

§ 500.30 General statement concerning procedures and forms.

(a) Rules and procedures of the Board and the Federal Savings and Loan Insurance Corporation are published in Chapter V of Title 12 of the Code of Federal Regulations and in supplementary material published in the Federal Register. The statutes administered by the Board and the rules and regulations promulgated pursuant to such statutes prescribe the course and method of the formal procedures to be followed in proceedings of the Board or the Federal Savings and Loan Insurance Corporation. These are supplemented where practicable by informal procedures designed to aid the public and facilitate the execution of the Board's functions. The informal procedures of the Board consist principally in the rendering of advice and assistance to members of the public dealing with the Board. Opinions expressed by members of the staff do not constitute an official expression of the views of the Board, but do represent views of persons working with the provisions of the statute or regulation involved.

(b) Information with respect to procedures, forms, and instructions of the Board and the Federal Savings and Loan Insurance Corporation is available to the public at the headquarters of the Board or at the offices of the Federal Home Loan Banks. Forms of concern to the public consist principally of periodic financial reports and of applications to the Board or the Federal Savings and Loan Insurance Corporation. The Board and the Federal Savings and Loan Insurance Corporation may from time to time require the completion by individuals or institutions of miscellaneous forms, questionnaires, reports, or other papers. In each instance, the individual or institution is given actual and timely notice of the scope and contents of the papers in question.

§ 500.31 Forms.

(a) The following forms, which are available at the offices of agents of the Board and the Federal Savings and Loan Insurance Corporation at the Federal Home Loan Banks, shall be used for the purposes indicated.

(1) Forms with permanent numbers, excepting Savings and Loan Holding Company forms in the H and HC series:

Form	
93	Confidential Report of Security Information and Protection Devices: Report P–1 (Insured institution)
94	Confidential Report of Crimes Against Insured Institutions: Report P–2 (Insured institution)
107	Monthly Report of Selected Financial Data (Insured institution)
138	Application for Permission to Organize a Federal Savings and Loan Association
138(IS)	Outline of Information to be Submitted in Support of an Application for Permission to Organize a Federal Savings and Loan Association
139	Confidential Biographical and Financial Report (Certain applications)
140	Application for Insurance of Accounts (State-chartered applicant)
140(IS)	Outline of Information to be Submitted in support of an Application for Insurance of Accounts or a Request for a Commitment to Insure Accounts of a State-chartered Institution
141	Request for a Commitment to Insure Accounts (State-chartered institution)
142	Proposed Operating Budget (Insured institution)
159	Preliminary Application for Conversion into a Federal association—Exhibit J
186	Application for Insurance of Accounts (Federal Savings and Loan Association and State-chartered applicant for Conversion)
241	Emergency and Disaster Preparedness Measures (Insured institution)
297	Affidavit (Pursuant to §§ 556.2 and 571.5)
300	Reserve Agreement (Applicant for Federal charter or insurance of accounts)
303	Statement of Condition (Federal Savings and Loan Association)
443	Report of Liquidity Deficiency (Bank member)
450	Application for Membership and Subscription to Stock in Federal Home Loan Bank
457	Dividend Agreement—Exhibit A (State-chartered applicant for Insurance of Accounts)

Form	
458	Stockholder's Affidavit (State-chartered institution)
601	Pledge & Escrow Agreement (New Federal Savings and Loan Association)
602	Pledge & Escrow Agreement (Converted Association)
603	Pledge & Escrow Agreement (Insurance of Accounts)
631	Depositary and Interlock Report (Insured institution)
638	Dividend Agreement (Applicant for a Charter for a Federal Savings and Loan Association)
646	Lender's Application for Borrower Approval and Firm Commitment of Housing Opportunity Allowance (Bank member)
647	Lender's Schedule of Housing Opportunity Allowance Programs (Bank member)
660	Confidential Biographical and Financial Report (Holding Company)
700	Application for Permission to Establish a Branch Office (Federal Savings and Loan Association)
700(IS)	Applicant Instructions for a Branch Office (Federal Savings and Loan Association)
709	Application for Permission to Increase Accounts of an Insurable Type (State-chartered institution)
710	Application for Merger (Pursuant to §§ 546.1, 546.2, and 556.2)
709/710 (IS)	Applicant Instructions for Preparation of Merger Applications (Pursuant to §§ 546.2 and 563.22)
712	Statement of Condition (Submitted with Form 709 or 710)
713	Comparative Operating Statement (Submitted with Form 709 or 710)
714	Part I & Part II—Report of Officers and Directors In Institution "C" (Submitted with Form 709 or 710)
718	Report of Permanent Stock (Voting Shares) (Submitted with Form 709 or 710)
719	Part I & Part II—Report of Advisory Board or Committee and Consultants for Institution "C" (Submitted with Form 709 or 710)
720	Report of Assets, Savings and Mortgages (Submitted with Form 709 or 710)
721	Institution Address List (Submitted with Form 709 or 710)
722	Random Sampling of Savings Accounts Outstanding (Submitted with Form 709 or 710)
723	Report of Mortgage Loans Made (Submitted with Form 709 or 710)
724	Report of Mortgage Recordings (Submitted with Form 709 or 710)
741	Pertinent Financial Ratios (Submitted with Form 709 or 710)
742	Financial Footnotes and Commentary (Submitted with Form 709 or 710)
743	Application for Final Approval of Exact Location of Authorized Branch Office (Federal Savings and Loan Association)
754	Checklist of Supporting Documents for Branch Office Application (Federal Savings and Loan Association)
756	Checklist of Supporting Documents for Permission to Organize (Federal Savings and Loan Association)
774a	Semiannual report: Statement of Condition—Assets (Insured institution)
774b & c	Semiannual report: Statement of Condition—Liabilities, Net Worth (Insured institution)
775	Semiannual report: Income and Expense (Insured institution)
776	Semiannual report: Slow loans and Scheduled Items (Insured institution)
777	Semiannual report: Supplemental Data (Insured institution)
850	Application for Permission to Change Location of an Office (Federal Savings and Loan Association)
861	Application for Permission to Establish a Satellite Office (Federal Savings and Loan Association)
873	Application for Permission to Establish a Limited Facility Office (Federal Savings and Loan Association)
893	Determination of Compliance with Insurance Regulation 563.13

(2) Savings and Loan Holding Company forms (described more fully in § 584.10 of this chapter):

Form	
H-(b)3	Registration Statement (Corporation as trustee)
H-(b)4	Registration Statement (Creditor as savings and loan company)
H-(b)5	Registration Statement (Voting Trust)
H-(b)10	Registration Statement
H-(b)11	Annual Report
H-(b)12	Current Report
H-(d)1	Application (Pursuant to § 584.3(a)(4))
H-(d)2	Application (Pursuant to § 584.3(a)(6))
H-(e)1	Application under § 584.4
H-(e)2	Application under § 584.4
H-(e)3	Application under § 584.4
H-(f)	Dividend Notification
H-(g)	Application under § 584.6
HC-F	Instructions: Form and Content of Financial Statements of Savings and Loan Associations Required in Filings Pursuant to Section 408 of the National Housing Act, as amended

(3) Forms with temporary numbers:

Form	
1-T	Application for Authorization to Invest in Office Building (Federal Savings and Loan Association)
2-T	Application for Permission to Establish and Operate a Mobile Facility (Federal Savings and Loan Association)
3-T	Application for Conversion into a Federal Association (Charter K revised)
4-T	Application for Conversion into a Federal Association (Charter N)
6-T	Petition for Charter (Charter K revised)
7-T	Petition for Charter (Charter N or K)
8-T	Agreement for Operating Policies (Insured institution)
9-T	Outline of Information to be Submitted in Support of an Application for Permission to Establish and Operate a Mobile Facility (Federal Savings and Loan Association)
10-T	Subscription to Capital (Federal Savings and Loan Association)
11-T	Dividend Agreement (Uninsured State-chartered Applicants for Conversion)
12-T	Affidavit of Transferor (Permanent stock)
13-T	Affidavit of Transferee (Permanent stock)
14-T	Escrow of Permanent Stock—Resolution of Institution Directors (under Exhibit "X"); Certification
15-T	Escrow Agreement—Exhibit "X" (Permanent stock)
16-T	List of Stockholders
17-T	Escrow of Permanent Stock—Resolution of Institution Directors (under Exhibit "W"); Certification
18-T	Escrow Agreement—Exhibit "W" (Permanent stock)
19-T	Substitute Stock Escrow Agreement
20-T	Applicant's Instructions for Extension of Lending Area (Pursuant to § 563.9(b))
21-T	Escrow of Permanent Stock—Form of Receipt

(b) The following forms, which are available at the offices of the Federal Savings and Loan Insurance Corporation, Federal Home Loan Bank Board Building, 101 Indiana Avenue, NW., Washington, D.C. 20552, are prescribed for use by members of the public:

Form	
400	Notice of Default (Loans)
681	Affidavit as to Ownership interest in Non-qualifying Joint Accounts
683	Agreement to Indemify (Payment of Claim for Insurance)
844	Affidavit for Lost Passbook or Certificate Claim for Insurance and Assignment of Insured Account

§ 500.32 Offices of the Board; information and submittals.

(a) The headquarters of the Federal Home Loan Bank Board is located at 101 Indiana Avenue, NW, Washington, D.C. 20552. General information concerning the Federal Home Loan Bank Board, the Federal Home Loan Bank system, the Federal savings and loan system, or the Federal Savings and Loan Insurance Corporation may be obtained in person at that location or by written request addressed to the Secretary to the Federal Home Loan Bank Board, 101 Indiana Avenue, NW, Washington, D.C. 20552.

(b) Sections 501.10 and 501.11 of the general regulations of the Federal Home Loan Bank Board set forth the purposes for which the President of a Federal

Home Loan Bank or officer or employee of a Federal Home Loan Bank when designated by the Board may be agents of the Board and the Federal Savings and Loan Insurance Corporation. General information concerning the Board, the Federal Home Loan Bank System, the Federal savings and loan system, or the Federal Savings and Loan Insurance Corporation may be obtained from agents of the Board and the Federal Savings and Loan Insurance Corporation at the offices of the Federal Home Loan Banks. Submittals to the Board or the Federal Savings and Loan Insurance Corporation should be made to the President of the Federal Home Loan Bank of the district in which the submitting person or institution resides or is located. The Federal Home Loan Banks and their districts are as follows:

(1) Federal Home Loan Bank of Boston
One Union Street, Boston, Massachusetts 02108
District 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

(2) Federal Home Loan Bank of New York
60 Broad Street, New York, New York 10004
District 2: New Jersey, New York, Puerto Rico, Virgin Islands

(3) Federal Home Loan Bank of Pittsburgh
Eleven Stanwix Street, Fourth Floor, Gateway Center
Pittsburgh, Pennsylvania 15222

Philadelphia Branch Office
Three Parkway Building
16th and Benjamin Franklin Parkway, Philadelphia, Pennsylvania 19102
District 3: Delaware, Pennsylvania, West Virginia

(4) Federal Home Loan Bank of Atlanta
Coastal States Building
260 Peachtree Street, N. W.
Atlanta, Georgia 30303
District 4: Alabama, District of Columbia, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia

(5) Federal Home Loan Bank of Cincinnati
2500 DuBois Tower
Cincinnati, Ohio 45202
District 5: Kentucky, Ohio, Tennessee

(6) Federal Home Loan Bank of Indianapolis
2900 Indiana Tower
One Indiana Square
Indianapolis, Indiana 46204
District 6: Indiana, Michigan

(7) Federal Home Loan Bank of Chicago
111 East Wacker Drive
Chicago, Illinois 60601
District 7: Illinois, Wisconsin

(8) Federal Home Loan Bank of Des Moines
Federal Home Loan Bank Building
Second at Center
Des Moines, Iowa 50309
District 8: Iowa, Minnesota, Missouri, North Dakota

(9) Federal Home Loan Bank of Little Rock
1400 Tower Building
Little Rock, Arkansas 72201
District 9: Arkansas, Louisiana, Mississippi, New Mexico, Texas

(10) Federal Home Loan Bank of Topeka
Federal Home Loan Bank Building
Seventh and Harrison Streets
Topeka, Kansas 66601
District 10: Colorado, Kansas, Nebraska, Oklahoma

(11) Federal Home Loan Bank of San Francisco
The Crown Zellerbach Building
One Bush Street
San Francisco, California 94104
Los Angeles Branch Office
615 South Flower Street
Los Angeles, California 90017
District 11: Arizona, California, Nevada

(12) Federal Home Loan Bank of Seattle
600 Stewart Street
Seattle, Washington 98101
District 12: Alaska, Hawaii and Guam, Idaho, Montana, Oregon Utah, Washington, Wyoming

(c) A Chief Examiner in charge of a staff of field examiners and office personnel is stationed in each of the Federal Home Loan Bank districts. Under the direction of the Director of the Office of Examinations and Supervision, each Chief Examiner is responsible for examinations conducted in his district. The address of the district office and, where it exists, of any branch office of a Chief Examiner may be obtained from the President of the Federal Home Loan Bank serving the Chief Examiner's district.

(d) The field offices of the Federal Savings and Loan Insurance Corporation are as follows:

900 Wilshire Boulevard
Suite 840
Los Angeles, California 90017
10001 West Roosevelt Road
Westchester, Illinois 60153

2. The heading and the text of § 501.2, formerly § 500.10, are as follows:

§ 501.2 Assessments.

Beginning with the assessment for the last half of calendar year 1972, each semiannual assessment under the provisions of subsection (b) of section 18 of the Federal Home Loan Bank Act, as amended, to meet the estimated expenses of the Board shall be made on the following basis: Each Federal Home Loan Bank will be assessed such amount as may be necessary to meet the Board's expenses, such assessment to be upon the several Banks in the same proportion as the total paid-in value of capital stock of the respective Banks bears to the total paid-in value of capital stock of all the Banks at the same point in time. For the assessment for the first half of a calendar year, total paid-in value of capital stock shall be determined from information contained in the reports of the respective Banks as of November 30; and for the assessment for the last half of the calendar year, such determination shall be made from information contained in the reports of the respective Banks as of May 31.

* * * * *

(Secs. 17, 18, 47 Stat. 736, 737, as amended; 12 U.S.C. 1437, 1438. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.73-14557 Filed 7-16-73;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 6]

PART 120—BUSINESS LOAN POLICY

On March 9, 1973, the Small Business Administration published in the FEDERAL REGISTER (38 FR 6409) a notice of proposed rulemaking which consolidated revision 5 and its several amendments. It also deleted policy relating to disaster loans, which policy has been added to Part 123 of these regulations, effective July 1, 1973. It also proposed changes relating to refusals by lending institutions prior to SBA approval of direct loans, gambling activities involving the sale of official State lottery tickets, and the one-time guaranty fee. The public was invited to comment by March 29, 1973. Such comment has been received and considered, and the proposed revision is adopted with minor modifications. This Revision 6 is effective as of July 1, 1973, as follows:

Sec.
120.1 Introduction.
120.2 Business loans and guarantees.
120.3 Terms and conditions of business loans and guarantees.

AUTHORITY: 72 Stat. 387, as amended, 15 U.S.C. 636, sec. 5, 72 Stat. 385, 15 U.S.C. 634 (b)(6).

§ 120.1 Introduction.

(a) This part is established by the SBA to set forth principles and policies which will be followed in the granting and denial of financial assistance for business loans to small business concerns. It is not intended that this general statement of policy provide answers to all questions which may arise in connection with specific applications.

(b) "Financial assistance" as used in this part shall include direct loans made by SBA, immediate participation loans, and guaranteed loans.

(c) "Financial institutions" as used in this part shall include, but not be limited to, banks and other lending institutions whose regular course of business entails the making of commercial, industrial and/or other loans of the type authorized to be made by SBA to eligible small business concerns, and who otherwise meet the criteria specified in § 120.3(c).

§ 120.2 Business Loans and Guarantees.

Basic principles governing the granting and denial of applications for financial assistance:

(a) Applications for financial assistance may be considered only when there is evidence that the desired credit is not otherwise available on reasonable terms. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms, unless it is satisfactorily demonstrated that:

(1) Proof of refusal of the required financial assistance has been obtained from—

(i) The applicant's bank of account;

(ii) If the amount of financial assistance applied for is in excess of the

amount that the lender normally lends to any one borrower, then a refusal from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the financial assistance applied for; and

(iii) Not less than 2 financial institutions for direct loans in cities where the population exceeds 200,000.

Proof of refusal must contain the date, amount and terms requested, and the reasons for not granting the desired credit. Refusals to advance credit should not be considered the full test of unavailability of credit and, where there is knowledge or reasons to believe that credit is otherwise available on reasonable terms from other sources, the financial assistance applied for cannot be granted notwithstanding the receipt of written refusals from such lending institutions.

(2) The financial assistance required does not appear to be obtainable:

(i) On reasonable terms through the public offering or private placing of securities of the applicant;

(ii) Through the disposal at a fair price of assets not required by the applicant in the conduct of its existing business or not reasonably necessary to its potential healthy growth; and

(iii) Without undue hardship through utilization of the personal credit or resources of the owner, partners, management, or principal shareholders of the applicant;

(iv) Through other applicable Government financing.

(b) It is the policy to stimulate and encourage loans by banks and other lending institutions.

(1) An applicant for a direct SBA loan must show that an immediate participation or guaranteed loan is not available. An applicant for an immediate participation loan must show that a guaranteed loan is not available.

(2) SBA's share of immediate participation loans shall not exceed 75 percent of the loan. Exceptions may be made in cases when the participant's legal lending limit precludes a 25-percent participation. In such cases the participant will be required to share in the loan to the extent of its legal lending limit but in no event less than 10 percent. In guaranteed loans the exposure of SBA under the guaranty may not exceed 90 percent of the unpaid principal balance and accrued interest.

(3) No agreement to extend financial assistance under the Small Business Act shall establish any preferences in favor of a bank or other lending institution.

(c) Assurance of repayment, change of ownership, and recreational and amusement enterprises.

(1) No financial assistance shall be extended unless there exists reasonable assurance that the loan can and will be repaid pursuant to its terms. Reasonable assurance of repayment will exist only where the past earnings record and future prospects indicate ability to repay the loan and other obligations. It will be deemed not to exist when the proposed loan is to accomplish an expansion which is unwarranted in the light of the applicant's past experience and management ability, or when the effect of making the loan is to subsidize inferior management.

(2) Where the purpose of the loan application is to effect a change in the ownership of the applicant small business concern, the loan may usually be approved where there is a reasonable justification for the change in ownership on the ground that the change will promote the sound development or preserve the existence of a small business concern; or will contribute to a well-balanced national economy by facilitating ownership of small business concerns by persons whose participation in the free enterprise system has been prevented or hampered because of economic, physical, or social disadvantages, or because of disadvantages in the business or residential locations.

(3) Where the purpose of the financial assistance is to finance the construction, acquisition, conversion, or operation of recreational or amusement enterprises, any such enterprise must be open to the general public, it must be properly licensed by appropriate State or local authority, and the character and reputation of the applicant will be given special consideration.

(d) Financial assistance will not be granted by SBA:

(1) If the direct or indirect purpose or result of granting such assistance would be to—

(i) Pay off a creditor or creditors of the applicant who are inadequately secured and are in position to sustain a loss.

(ii) Provide funds, directly or indirectly, for payment distribution, or as a loan to owners, partners, or shareholders of the applicant which do not change ownership interests in applicant. This shall not apply to ordinary compensation for services rendered.

(iii) Refund a debt owed to a Small Business Investment Company.

(iv) Replenish funds theretofore used for such purposes.

(2) If the financial assistance will provide or free funds for speculation in any kind of property, real or personal, tangible or intangible;

(3) If the applicant is an eleemosynary institution or other nonprofit enterprise: *Provided, however,* That this provision shall not be construed to bar financial assistance to a cooperative if it carries on a business activity and the purpose of such activity is to obtain pecuniary benefit for its members in the operation of their otherwise eligible small business concerns. An otherwise eligible small business concern will not become ineligible because it is owned in whole or in part by a nonprofit organization.

(4) If the applicant is a newspaper, magazine, book publishing company, radio broadcasting company, television broadcasting company, film production company, or similar enterprise;

(5) If any part of the gross income of the applicant (or of any of its principal owners) is derived from gambling activities, except in those cases where an otherwise eligible small business concern obtains less than one-third of its gross income from its income or commission from the sale of official state lottery tickets under a state license.

(6) If the financial assistance is to provide funds to an enterprise primarily engaged in the business of lending or investments or to any otherwise eligible enterprise for the purpose of financing investments not related or essential to the enterprise;

(7) If the purpose of the financial assistance is to finance the acquisition, construction, improvement, or operation of real property which is, or is to be, held primarily for sale or investment;

(8) If the effect of the granting of the financial assistance will be to encourage monopoly or will be inconsistent with the accepted standards of the American system of free competitive enterprise;

(9) Generally, if the financial assistance would be used primarily in agricultural activities. Agricultural activities include, but are not limited to, the production of food and fiber. Where the applicant is engaged in an agricultural activity and financial assistance has been formally declined by an Agency of the Federal Government or an agricultural credit service supervised by the Farm Credit Administration, such applicant may be eligible for financial assistance from SBA: *Provided, however,* That an activity will not be eligible for financial assistance if it (i) produces (or in the last growing season produced) one or more crops currently eligible for U.S. Department of Agriculture support payment or production loan; (ii) is engaged in the production of livestock or poultry, including eggs, except for (*a*) the operation of a hatchery for the production of baby chicks for sale to others, provided that the hatchery purchases from others more than 50 percent of its eggs; or (*b*) the operation of a commercial feed yard for cattle or hogs where its income is derived from the service operation of housing and feeding animals, either owned by others or purchased from producers solely for the purpose of fattening and resale prior to slaughter; or (*c*) the operation of a commercial poultry feed yard where its income is derived from the service operation of housing and feeding poultry owned by others, even when such operation results in the production of eggs; or (iii) is engaged in the production of fish, unless the production process or type of fish is novel, innovative, or experimental in nature.

(10) Generally, if the financial assistance to be provided is for use in multi-level sales distribution plans.

§ 120.3 Terms and conditions of business loans and guarantees.

(a) *Maturities.* The maturity of business loans made under the Small Business Act shall be restricted to the minimum consistent with sound business practice. The maturity may not exceed 10 years, except that such portion of a loan made for the purpose of construct-

ing facilities may have a maturity not in excess of 15 years.

(b) *Charges and interest rates*—(1) *Charges.* In guaranteed loans (those made by a financial institution with which SBA has entered into an agreement to guarantee as set forth in the Part 122 of this chapter), a guaranty charge shall be payable by the financial institution to SBA for such agreement. The guaranty charge shall be one-fourth of 1 percent per annum of the portion of the loan which SBA has guaranteed, for guarantees approved prior to January 1, 1973. Effective January 1, 1973, the guaranty charge is set on a one-time basis at 1 percent of the amount of the authorized guaranteed portion of the loan, and is payable at first disbursement by the participating lender. For loans made under a revolving line of credit with a maturity of up to 12 months, the guaranty charge is one quarter of one percent of the guaranteed portion payable initially by the participating lender at the time of SBA approval of the line of credit. Longer maturities, or extensions, will be pro-rated on the basis of one quarter of one percent per annum, payable to SBA at the time of approval of the extension of maturity.

(2) *Interest.* (i) Except as provided in subdivision (iii) of this subparagraph, interest on SBA's share of immediate participation loans shall not exceed 5½ percent per annum and where the rate of interest on the share of the loan of the bank or other financial institution is less than 5½ per annum then the rate of SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. Subject to the approval of SBA, a participating financial institution may establish such rate of interest on its share of a loan as shall be legal and reasonable. Subject to the above guidelines, lending institutions may be given the option of utilizing a fluctuating rate of interest. The fluctuations may occur no more than semiannually, and must rise or fall on the same basis.

(ii) Direct loans: Except as provided in subdivision (iii) of this subparagraph, interest on all direct loans which may be made by SBA shall be at the rate of 5½ percent per annum except as may be otherwise required by reason of the provisions of the Servicemen's Readjustment Act of 1944, as amended.

(iii) Interest on SBA's share of financial assistance, which may be extended to Group Corporations shall be at the rate of 5 percent per annum. Subject to the approval of SBA, financial institutions may establish such rate of interest on their share of participation or guaranteed loans as shall be legal and reasonable.

(iv) Except as provided in subdivision (iii) of this subparagraph, the interest rate on guaranteed loans, subject to the approval of SBA, may be established by the participating financial institution at a rate that shall be legal and reasonable. Subject to the above guidelines, lending institutions may be given the option of utilizing a fluctuating rate of interest. The fluctuations may occur no more than semiannually, and must rise or fall on the same basis. When purchased by SBA, the rate of interest to the borrower on SBA's share of the loan shall be 5½ percent per annum, except where the rate of interest on the share of the loan of the financial institution is less than 5½ percent per annum then the rate on SBA's share of the loan shall be at the same rate, but not less than 5 percent per annum. When SBA purchases its guaranteed share, its payment to the guaranteed participant of accrued interest to the date of purchase shall be at the interest rate established by participant but shall not exceed an effective rate of interest of 8 percent per annum, and without any future adjustment for any unpaid accrued interest in excess of 8 percent per annum.

(v) The interest which a financial institution pays SBA for temporary advances under the liquidity privilege in a guaranty loan agreement varies according to the approval date of SBA's guaranty on a given loan.

(vi) From time to time SBA may publish in the FEDERAL REGISTER notices of the maximum rates acceptable to SBA under the immediate participation and guaranty programs.

(3) *Service fees.* In immediate participation loans, and guaranteed loans where SBA has purchased its portion, made and serviced by a financial institution, the financial institution may deduct a service fee only out of interest collected for the account of SBA so long as the bank is servicing the loan: *And provided,* That such fee shall not be added to any amount which borrower is obligated to pay under the loan. Where SBA's share of the loan is 75 percent or less, the service fee shall be three-eighths of 1 percent per annum on the unpaid principal balance of SBA's share of the loan. Where SBA's share is in excess of 75 percent of the loan, the service fee shall be one-fourth of 1 percent per annum on the unpaid principal balance of SBA's portion of the loan.

(4) *Closing fees.* A closing fee equivalent to one-eighth of 1 percent of SBA's approved portion of the loan, or $10, whichever is the greater, shall be imposed upon all direct loans and immediate participation loans made and serviced by SBA which are authorized pursuant to section 7(a) of the Small Business Act, as amended. The fee shall be paid to SBA prior to disbursement of the loan and shall be exclusive of any other closing costs (such as recording fees and taxes, costs of title examination and title insurance, and other charges incident to the transaction) which are customarily paid by the borrower.

(c) *Eligible loan participant.* SBA is authorized by appropriate enabling legislation to make participation loans to small concerns in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis. In order to serve as an eligible loan participant in a particular loan transaction with SBA, the financial institution must—

(1) *Capacity to service loan.* Have the continuing capacities for processing; evaluating, disbursing, and servicing commercial term, and other loans authorized to be made by SBA to small concerns.

(2) *Capital structure and financial standing.* Have an adequate capital structure aggregating not less than $200,000, which must be so unimpaired or of such tangible nature to be considered sound (except that the $200,000 minimum shall not apply to institutions which are subject to supervisory and examining control of State or Federal chartering, licensing or similar regulatory authority) and, together with its existing or proposed directors, officers, other employees, and other persons connected with its organization and operations, possess good character as well as general standing and reputation in the community based on their lending and other established financial ability and experience.

(3) *Qualified management.* Have and maintain in charge of operations qualified management which shall be available to the public during regular business hours, and hold itself out to the public as engaged in the making of commercial, industrial and other loans of the type authorized to be made by SBA to eligible small concerns.

(4) *Supervisory and examining authority.* Be operating subject to applicable supervisory and examining control of State or Federal chartering, licensing or similar regulatory authority, or, in the absence of such control, be authorized to and shall enter into a written agreement with SBA to submit appropriate financial reports to SBA or to make available for SBA examination its books, records, accounts and affairs deemed necessary and appropriate by SBA to the protection of its interest in the transaction.

(5) *Absence of other financial or self-dealing interest in borrower concern.* Not possess, nor may any of its officers, directors, stockholders owning ten (10) or more percent of any class of shares, investment advisers, or other associates or affiliates, possess any interest directly or indirectly, in the small business concern (or in the case of a loan to a Local Development Company, the small business concern to be assisted) by reason of a stock or warrants position, or as a result of financing its own sales or business operations (except that any such interest in the borrower by a small business investment company, duly licensed by SBA, associated or affiliated with a loan participant shall not disqualify such otherwise eligible loan participant). Concerns operating as a subsidiary or affiliate engaged primarily in lending for the purpose of financing the sale of products or services or other business operations of an affiliate or parent concern are not considered eligible. In the event the borrower shall be required to obtain personal insurance coverage (as contrasted with hazard insurance to protect collateral), it shall be only in such minimum amounts and costs as are necessary to protect the loan. Such insurance coverage shall be limited to declining term policies, providing a decrease in coverage

consistent with the decreasing loan balance outstanding.

(6) *Ineligibility of SBIC's.* Not operate as a small business investment company duly licensed by SBA.

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans)

Dated: July 1, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73-14508 Filed 7-16-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-NE-20; Amdt. 39-1686]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-61 Helicopters

Amendment 39-1216, AD 71-11-7, requires visual inspection of the fuselage hinge fittings of specified Sikorsky S-61 helicopters for cracks. After issuing Amendment 39-1216, reports have been received by the FAA indicating the occurrence of corrosion of certain of the fuselage hinge flittings and the pylon hinge fitting lugs which could result in failure of these hinge fitting assemblies. Since this condition is likely to exist or develop in other aircraft of the same type design, an AD is being issued superseding AD 71-11-7 which will require an inspection of the fuselage hinge fittings and pylon hinge fittings for corrosion in accordance with a revised Sikorsky Service Bulletin No. 61B20-6A, dated June 18, 1973. The visual inspection of the fuselage hinge fittings required in AD 71-11-7 is being retained with the modification that the previous compliance interval of 120 days is being changed to 150 hours time in service so as to make this inspection coincide with the new inspection for corrosion.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD:

SIKORSKY AIRCRAFT—Applies to all S-61A, S61D, S-61E, S-61V and S-61L Helicopters certificated in all categories.

Compliance required as indicated.

To prevent fatigue failures of the rear fuselage and pylon hinge fitting assemblies, accomplish the following:

(a) Foraft fuselage upper and lower hinge fitting assemblies S6120-65118-3, S6120-65118-4, S6120-65118-34, S6120-65121-0, S6120-75702-1 and S6120-75702-2:

(1) Within the next 15 hours time in service after the effective date of this AD, unless already accomplished, inspect the hinge fittings in accordance with Section 2A of Sikorsky Service Bulletin No. 61B20-6A dated June 18, 1973 or later approved revisions or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration New England Region;

(2) Thereafter, on a daily basis inspect the hinge fitting assemblies in accordance with Section 2C of said Bulletin or later approved revisions or an equivalent method approved as above; and

(3) At each 150 hours time in service after the initial inspection described in (a) (1) or approved equivalent period inspection, inspect the hinge fitting assemblies in accordance with Section 2G of said bulletin or later approved revisions or an equivalent method approved as above.

(b) For aft fuselage upper and lower hinge fitting assemblies and upper and lower pylon hinge fitting assemblies S6120-65118-3, S6120-65118-4, S6120-65118-34, S6120-65121-0, S6120-75702-1, S6120-75702-2, S6120-66117-0, S6120-66117-2, S6120-66120-0, S6120-66120-2:

(1) Within the next 15 days after the effective date of this AD, unless already accomplished, inspect the aft fuselage hinge fitting lugs and the pylon hinge fitting lugs in accordance with Section 2B of Sikorsky Service Bulletin No. 61B20-6A dated June 18, 1973 or later approved revisions or an equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region.

(2) Thereafter, at intervals not to exceed 50 hours time in service from the last inspection, inspect the aft fuselage hinge fitting lugs and the pylon hinge fitting lugs in accordance with Section 2D of said Bulletin, or later approved revisions, or an equivalent inspection method approved as above; and

(3) At each 150 hours time in service after the initial inspection described in (b) (1) or approved equivalent period inspection, inspect the aft fuselage hinge fitting lugs and the pylon hinge fitting lugs in accordance with Section 2F of said Bulletin, or later approved revisions or an equivalent inspection method as approved above.

(c) If a crack is found, remove and replace the hinge fitting prior to further flight.

(d) These inspections are not required on the steel upper hinge fitting assemblies or on any hinge fitting assemblies in the T73 condition. (This supersedes AD-71-11-7)

This amendment becomes effective July 27, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1345(a), 1421 and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Massachusetts on July 6, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.73-14501 Filed 7-16-73;8:45 am]

[Docket No. 12326, Amdt. No.91-118]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Large and Turbine-Powered Multiengine Airplanes: Charges for Certain Operations

The purpose of these amendments to Subpart D of Part 91 of the Federal Aviation Regulations is to clarify and more specifically prescribe those items that may be charged under § 91.181.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rulemaking (Notice 72-28) issued on October 20, 1972, and published in the FEDERAL REGISTER on October 25, 1972 (37 FR 22798). Due consideration has been given to all comments presented in response to the notice. Except for minor editorial changes, and except as specifically discussed hereinafter, these amendments and the reasons therefor are the same as those in Notice 72-28.

The FAA received over 35 comments in response to Notice 72-28. All but one favored adoption of the proposed amendments to Subpart D of Part 91. However, most of the commentators favoring adoption recommended that the list of permissible charges in proposed § 91.181 (d) be changed so as to specifically permit charging for expenses that could be attributed to a particular flight, although they are not incurred as a direct result of that flight in that they are incurred irrespective of whether or not the flight is conducted. Such expenses include (1) salaries of flight crews employed by the aircraft operator, (2) aircraft depreciation, (3) insurance premiums (hull and liability), (4) crew training costs, and (5) maintenance costs. In this regard, a number of means were suggested by commentators whereby these expenses could be recovered as charges for a particular flight.

With respect to the proposal in the notice that a charge equal to 100 percent of the cost of the fuel for the flight be allowed instead of a specific computation of these expenses, a number of commentators contended that such a provision would not, in many cases, permit recovery of all of the expenses resulting from the operation of the aircraft. However, the FAA believes, based on the information available to it, that the allowance of such a charge would provide for the recovery by the operator of an amount that would reasonably approximate expenses not incurred as a direct result of a particular flight, but appropriately attributed thereto. This would, at the same time, relieve the FAA of the administrative burden of verifying in detail the various methods used by operators to compute those expenses, in order to ensure that a profit is not made. Accordingly, § 91.181(d)(10), as adopted, allows an additional charge equal to 100 percent of the expenses listed in § 91.181(d)(1), and does not provide for authorization by the Administrator of any other charge.

It should be noted that, although the FAA does not foresee compliance with § 91.181(d) causing an unreasonable burden on any operator, individual operators who believe that the uniqueness of their particular situation justifies a specific charge not provided for in subparagraph (d) may, of course, petition for an appropriate exemption in accordance with the procedures contained in Part 11.

The National Air Transportation Conferences, Inc., in its comment on the notice, suggested that the word "registered" be inserted before the word "owners" in proposed § 91.181(c)(3), in order to prevent abuse of this provision

through attempts to conceal the sale of air transportation under the guise of temporary ownership of an aircraft. The FAA agrees with this comment. Section 47.3(b)(1) provides that no person may operate an aircraft that is eligible for registration under section 501 of the Federal Aviation Act of 1958, unless that aircraft has been registered by its owner. Accordingly, proposed § 91.181(c)(3), as adopted, is clarified by inserting the word "registered" before the words "joint owners" wherever they appear.

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

In consideration of the foregoing, and for the reasons given in Notice 72-28, Part 91 of the Federal Aviation Regulations is amended, effective August 16, 1973, as follows:

1. Section 91.181 is amended as follows:

a. By amending subparagraphs (3) through (5), and subparagraph (7) of paragraph (b);

b. In paragraph (b)(9), by amending the parenthetical phrase "other than transportation" to parenthetically read "other than transportation by air";

c. By amending paragraph (c); and by

d. Adding a new paragraph (d) to read as follows:

§ 91.181 Applicability.

* * * * *

(b) * * *

(3) Flights for the demonstration of an airplane to prospective customers when no charge is made except for those specified in paragraph (d) of this section;

(4) Flights conducted by the operator of an airplane for his personal transportation, or the transportation of his guests when no charge, assessment, or fee is made for the transportation;

(5) The carriage of officials, employees, guests, and property of a company on an airplane operated by that company, or the parent or a subsidiary of that company or a subsidiary of the parent, when the carriage is within the scope of, and incidental to, the business of the company (other than transportation by air) and no charge, assessment or fee is made for the carriage in excess of the cost of owning, operating, and maintaining the airplane, except that no charge of any kind may be made for the carriage of a guest of a company, when the carriage is not within the scope of, and incidental to, the business of that company.

* * * * *

(7) The carriage of property (other than mail) on an airplane operated by a person in the furtherance of a business or employment (other than transportation by air) when the carriage is within the scope of, and incidental to, that business or employment and no charge, assessment, or fee is made for the carriage other than those specified in paragraph (d) of this section;

* * * * *

(c) As used in this section

(1) A "time sharing agreement" means an arrangement whereby a person leases his airplane with flight crew to another person, and no charge is made for the flights conducted under that arrangement other than those specified in paragraph (d) of this section;

(2) An "interchange agreement" means an arrangement whereby a person leases his airplane to another person in exchange for equal time, when needed, on the other person's airplane, and no charge, assessment, or fee is made, except that a charge may be made not to exceed the difference between the cost of owning, operating, and maintaining the two airplanes;

(3) A "joint ownership agreement" means an arrangement whereby one of the registered joint owners of an airplane employs and furnishes the flight crew for that airplane and each of the registered joint owners pays a share of the charges specified in the agreement.

(d) The following may be charged, as expenses of a specific flight, for transportation as authorized by paragraphs (b)(3) and (7) and (c)(1) of this section:

(1) Fuel, oil, lubricants, and other additives.

(2) Travel expenses of the crew, including food, lodging, and ground transportation.

(3) Hangar and tie-down costs away from the aircraft's base of operations.

(4) Insurance obtained for the specific flight.

(5) Landing fees, airport taxes, and similar assessments.

(6) Customs, foreign permit, and similar fees directly related to the flight.

(7) In flight food and beverages.

(8) Passenger ground transportation.

(9) Flight planning and weather contract services.

(10) An additional charge equal to 100 percent of the expenses listed in subparagraph (1) of this paragraph.

Issued in Washington, D.C., on July 9, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-14502 Filed 7-16-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

By publication in the FEDERAL REGISTER of January 20, 1972 (37 FR 889), notice was given that a petition (FAP 2B2759) had been filed by Weston Chemical Inc., 103 Spring Road, Montavale, NJ 07645, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of distearyl pentaerythritol diphosphite as an antioxidant and/or stabilizer in the manufacture of polyolefin plastics intended for food contact use.

The Commissioner of Food and Drugs, having evaluated the data in the petition, and other relevant material, concludes that the proposal should be adopted for the petitioned additive under the preferred chemical nomenclature, as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by alphabetically adding to the list of substances a new item as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
Cyclic neopentanetetrayl bis (octadecyl phosphite); the phosphorus content is in the range of 7.8-8.2 weight percent.	For use only at levels not to exceed 0.25 percent by weight of olefin polymers complying with § 121.2501(c), items 1.1 or 2.1.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 16, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective July 17, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: July 10, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14572 Filed 7-16-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Copper Naphthenate Solution, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new ani-

mal drug application (12-991V) filed by Ayerst Laboratories, Div. of American Home Products Corp., 685 Third Ave., New York, NY 10017, proposing the safe and effective use of copper naphthenate solution, veterinary for the treatment of horses, cattle, swine, sheep, goats, and dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding a new section as follows:

§ 135a.51 Copper naphthenate solution, veterinary.

(a) *Specification.* The drug contains 37.5 percent copper naphthenate in a suitable solute.

(b) *Sponsor.* See code No. 038 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is used in the treatment of lesions in horses, cattle, swine, sheep, goats, and dogs including footrot, ringworm, wounds, for drying up superficial sores, for drying necrotic material for subsequent removal, to keep open lesions clean, and for treating udder sores. It is used in cattle for treating heal cracks, hoof punctures, and dehorning wounds. It is used in horses for treating thrush, scratches, and for toughening hooves (spongy). It is used in dogs for treating cracked skin over elbows and for toughening foot pads.

(2) Necrotic material should be removed prior to application if damage is extensive. The drug is applied daily. If a scab is present, the drug should be applied once a day until the scab is easily removed; then the drug is applied every other day until fully healed. After dehorning, the drug is applied to the open wound with a swab.

(3) Do not use on teats of lactating dairy animals.

Effective date. This order shall be effective July 17, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: July 11, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-14573 Filed 7-16-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7282]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Declaration of Estimated Tax by Individuals and Waiver of Penalty for Underpayment by Individuals of 1971 Estimated Income Tax

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Friday, March 23, 1973 (38 FR 7567), amendments to the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) were proposed in order to conform such regulations to the provisions of sections 207 and 209 of the Revenue Act of 1971 (85 Stat. 512, 517), relating to declaration of estimated tax by individuals and waiver of penalty for underpayment by individuals of 1971 estimated income tax. No comments were presented by interested persons regarding the notice of proposed rule making. The proposed amendments of the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) are adopted by this document.

The new regulations conform to the changes made in section 6015(a) of the Code by section 209 of the Revenue Act of 1971. Under paragraph (a) of the revision to § 1.6015(a)-1, the income level at which a declaration of estimated tax must be filed is increased over that under prior law to amounts in excess of $20,000 for a single person, a head of household, a surviving spouse, or a married individual whose spouse does not receive wages and amounts in excess of $10,000 for a married individual where both spouses receive wages. The income level remains at amounts in excess of $5,000 for a married individual if either spouse is a nonresident alien, if they are separated under a decree of divorce or of separate maintenance, or if they have different taxable years. A declaration is also required if gross income is expected to include more than $500 of income from sources other than wages. However, no declaration is required if the estimated tax can reasonably be expected to be less than $100. These amounts were increased over those under prior law. All of these changes are effective for taxable years beginning after December 31, 1971.

New § 1.6654-4 provides, pursuant to section 207 of the Revenue Act of 1971, that, in the case of individuals, the penalty prescribed by section 6654(a) and § 1.6654-1 for underpayment of estimated tax shall not apply in certain cases to taxable years beginning after December 31, 1970, and ending before January 1, 1972. Generally, those taxpayers for whom the penalty is waived are single persons (or married persons not entitled to file a joint return) whose gross income does not exceed $10,000, heads of households and surviving spouses if their gross income does not exceed $20,000, and married individuals entitled to file a joint return whose aggregate gross income does not exceed $20,000. However, the waiver does not apply if the taxpayer had more than $200 ($400 in the case of married taxpayers entitled to file a joint return) in income from sources other than wages.

Adoption of amendments to the regulations. On Friday, March 23, 1973, notice of proposed rule making with respect to the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6015 and 6654 of the Internal Revenue Code of 1954 to conform such regulations to sections 207 and 209 of the Revenue Act of 1971 (85 Stat. 512, 517), relating to declaration of estimated tax by individuals and waiver of penalty for underpayment by individuals of 1971 estimated income tax, was published in the FEDERAL REGISTER (38 FR 7567). No comments were presented by interested persons regarding the rules proposed. The regulations as proposed are hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: July 11, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) to the provisions of sections 207 and 209 of the Revenue Act of 1971 (85 Stat. 512, 517), such regulations are amended as follows:

PARAGRAPH 1. Section 1.6015 is amended by revising section 6015(a) and by adding to the historical note. These revised and added provisions read as follows:

§ 1.6015(a) Statutory provisions; declaration of estimated income tax by individuals.

Sec. 6015. *Declaration of estimated income tax by individuals*—(a) *Requirement of declaration.* Except as otherwise provided in this section, every individual shall make a declaration of his estimated tax for the taxable year if—

(1) The gross income for the taxable year can reasonably be expected to exceed—

(A) $20,000, in the case of—

(i) A single individual, including a head of a household (as defined in section 2(b)) or a surviving spouse (as defined in section 2(a)); or

(ii) A married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if his spouse has not received wages (as defined in section 3401(a)) for the taxable year; or

(B) $10,000, in the case of a married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if both he and his spouse have received wages (as defined in section 3401(a)) for the taxable year; or

(C) $5,000, in the case of a married individual not entitled under subsection (b) to file a joint declaration with his spouse; or

(2) The gross income can reasonably be expected to include more than $500 from sources other than wages (as defined in section 3401(a)).

Notwithstanding the provisions of this subsection, no declaration is required if the estimated tax (as defined in subsection (c)) can reasonably be expected to be less than $100.

[Sec. 6015(a) as amended by sec. 5, Act of Sept. 14, 1960 (Pub. Law 86-779, 74 Stat. 1000); sec. 103(j)(1), Foreign Investors Tax Act 1966 (80 Stat. 1554); sec. 803(d)(7), Tax Reform Act 1969 (83 Stat. 684); sec. 209, Rev. Act 1971 (85 Stat. 517)]

PAR. 2. Section 1.6015(a)-1(a) as amended by revising the caption of subparagraph (1) and so much of such subparagraph as precedes subdivision (i) thereof, by redesignating such revised subparagraphs (1) and (2) as subparagraphs (2) and (3) respectively, by in-

serting immediately before such redesignated subparagraph (2) a new subparagraph (1), and by revising paragraphs (c) and (e). These revised, redesignated, and added provisions read as follows:

§ 1.6015(a)–1 Declaration of estimated income tax by individuals.

(a) *Requirement*—(1) *Taxable years beginning after December 31, 1971.* With respect to taxable years beginning after December 31, 1971, a declaration of estimated income tax by an individual is not required if the estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $100. In all other cases a declaration of estimated income tax shall be made by every individual if the following conditions are met and if such individual is not a nonresident alien individual who is excepted under section 6015(i) and § 1.6015(i)–1 from the requirements of making a declaration:

(i) The gross income for the taxable year can reasonably be expected to exceed—

(*a*) $20,000, in the case of—

(*1*) A single individual including a head of a household (as defined in section 2(b)) or a surviving spouse (as defined in section 2(a)); or

(2) A married individual entitled under section 6015(b) to file a joint declaration with his spouse, if his spouse has not received wages (as defined in section 3401(a)) for the taxable year; or

(*b*) $10,000, in the case of a married individual entitled under section 6015(b) to file a joint declaration with his spouse, if both he and his spouse have received wages (as defined in section 3401(a)) for the taxable year; or

(*c*) $5,000, in the case of a married individual not entitled under section 6015(b) to file a joint declaration with his spouse; or

(ii) The gross income can reasonably be expected to include more than $500 from sources other than wages (as defined in section 3401(a)).

(2) *Taxable years beginning after December 31, 1966, and before January 1, 1972.* With respect to taxable years beginning after December 31, 1966, and before January 1, 1972, a declaration of estimated income tax by an individual is not required if the estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $40. In all other cases a declaration of estimated income tax shall be made by every individual if the following conditions are met and if such individual is not a nonresident alien individual who is excepted under section 6015(i) and § 1.6015(i)–1 from the requirement of making a declaration:

(i) The gross income for the taxable year can reasonably be expected to exceed—

(*a*) $5,000, in the case of—

(*1*) A single individual other than a head of a household (as defined in section 1(b)(2) for taxable years ending before January 1, 1971, or as defined in section 2(b) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after December 31, 1970; or

(2) A married individual not entitled under section 6015(b) to file a joint declaration with his spouse; or

(3) A married individual entitled under section 6015(b) to file a joint declaration with his spouse, but only if the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(*b*) $10,000, in the case of—

(*1*) A head of household (as defined in section 1(b)(2) for taxable years ending before January 1, 1971, or as defined in section 2(b) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after December 31, 1970); or

(2) A surviving spouse (as defined in section 2(b)) for taxable years ending before January 1, 1971, or as defined in section 2(a) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after December 31, 1970); or

(ii) The gross income can reasonably be expected to include more than $200 from sources other than wages (as defined in section 3401(a)).

(3) *Taxable years beginning before January 1, 1967.* With respect to taxable years beginning before January 1, 1967, and after December 31, 1960, a declaration of estimated income tax by an individual is not required if the estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $40. In all other cases a declaration shall be made by every citizen of the United States, whether residing at home or abroad, every individual residing in the United States though not a citizen thereof, every nonresident alien who is a resident of Canada, Mexico, or Puerto Rico and who has wages subject to withholding at the source under section 3402, and every nonresident alien who has been, or expects to be, a resident of Puerto Rico during the entire taxable year, if—

(i) The gross income for the taxable year can reasonably be expected to exceed—

(*a*) $5,000, in the case of—

(*1*) A single individual other than a head of a household (as defined in section 1(b)(2)); or

(2) A married individual not entitled under section 6015(b) to file a joint declaration with his spouse; or

(3) A married individual entitled under section 6015(b) to file a joint declaration with his spouse, but only if the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(*b*) $10,000, in the case of—

(*1*) A head of a household (as defined in section 1(b)(2)); or

(2) A surviving spouse (as defined in section 2(b)); or

(ii) The gross income can reasonably be expected to include more than $200 from sources other than wages (as defined in section 3401(a)).

* * * * *

(c) *Exemption of spouse.* For the purpose of determining whether a declaration of estimated tax is required under the provisions of paragraph (a)(3) of this section, a married person filing a separate declaration may not take into account the exemption of his spouse, if his spouse has, or is reasonably expected to have, gross income, or is reasonably expected to be the dependent of another taxpayer for the taxable year.

* * * * *

(e) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). H maintains as his home a household which is the principal place of abode of himself and his two dependent children. H's wife died in 1970 and he has not remarried. H and his wife filed a joint return for 1970. H's salary from January 1 to June 30, 1972, is at the annual rate of $18,000. However, effective July 1, 1972, his annual salary is increased to $24,000, and under the facts then existing it is reasonable to assume that his salary for the remaining portion of 1972 will remain unchanged and that his total salary for the year will, therefore, be $21,000. Since H is a surviving spouse (as defined in section 2(a)) and his gross income can reasonably be expected to exceed $20,000, he is required to file a declaration of estimated tax for 1972. Since it was not reasonable to assume that H's gross income for 1972 would exceed $20,000 until July 1972 (after June 1 and before September 2), H is not required to file a declaration until September 15, 1972. However, if H's estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $100, he is not required to file a declaration of estimated tax. See section 6073 and §§ 1.6073–1 to 1.6073–4, inclusive, for rules as to when a declaration must be filed.

Example (2). H, a taxpayer making his return on the calendar year basis, has an annual salary of $12,000 in 1972. W, H's wife, received wages (as defined in section 3401(a)) in December 1972. W did not receive wages prior to December. Assuming that H and W are entitled to file a joint declaration of estimated tax under section 6015(b), H would not be required to file a declaration for 1972 until January 15, 1973, since prior to December 1972 W had not received wages. Since W received wages after September 1, 1972, H must file a declaration on or before January 15, 1973, because, under the rule contained in paragraph (a)(1)(i)(*b*) of this section, H's gross income could reasonably be expected to exceed $10,000 for 1972. However, no declaration would be required if H's estimated tax (as defined in section 6015(c)) could reasonably be expected to be less than $100. No declaration is required prior to January 15, 1973, because, under the rule contained in paragraph (a)(1)(i)(*a*)(2) of this section, H's gross income for 1972 could not reasonably be expected to exceed $20,000.

Example (3). P is a taxpayer making his return on the calendar year basis. P is engaged in the practice of his profession on his own account and has gross income of $2,000 from such profession for the 2 months of January and February 1972. He reasonably expects that his gross income from his

profession will continue to average $1,000 each month throughout the year and that he will have no income from any other source during 1972. Since P has gross income which does not constitute wages subject to withholding, he is required to file a declaration of estimated tax for that year since he has income of more than $500 from sources other than wages, unless he reasonably expects his estimated tax to be less than $100.

Example (4). S, a married taxpayer, has been regularly employed for many years. As of January 1, 1972, his weekly wages are $305. For many years, S has also owned stock in a corporation which has regularly paid him annual dividends ranging from $575 to $600. Because his gross income can reasonably be expected to include more than $500 from sources other than wages, S is required to make a declaration of estimated tax for 1972, unless he reasonably expects his estimated tax to be less than $100.

* * * * *

PAR. 3. Immediately after the historical note of § 1.6654 is inserted the following:

Sec. 207. [Revenue Act of 1971] *Waiver of penalty for underpayment of 1971 estimated income tax*—(a) *Waiver of penalty.* Notwithstanding any other provision of law, section 6654(a) of the Internal Revenue Code of 1954 (relating to addition to tax for failure by individual to pay estimated income tax) shall not apply to any taxable year beginning after December 31, 1970, and ending before January 1, 1972—

(1) If gross income for the taxable year does not exceed $10,000 in the case of—

(A) A single individual other than a head of a household (as defined in section 2(b) of such Code) or a surviving spouse (as defined in section 2(a) of such Code); or

(B) A married individual not entitled under section 6013 of such Code to file a joint return for the taxable year; or

(2) If gross income for the taxable year does not exceed $20,000 in the case of—

(A) A head of a household (as defined in section 2(b) of such Code); or

(B) A surviving spouse (as defined in section 2(a) of such Code); or

(3) In the case of a married individual entitled under section 6013 of such Code to file a joint return for the taxable year, if the aggregate gross income of such individual and his spouse for the taxable year does not exceed $20,000.

(b) *Limitation.* Subsection (a) shall not apply if the taxpayer has income from sources other than wages (as defined in section 3401 (a) of such Code) in excess of $200 for the taxable year ($400 in the case of a husband and wife entitled to file a joint return under section 6013 of such Code for the taxable year).

[Sec. 207, Rev. Act 1971 (85 Stat. 512)]

PAR. 4. Section 1.6654–2 is amended by revising so much of paragraph (a) as follows subparagraph (4) to read as follows:

§ 1.6654–2 Exceptions to imposition of the addition to the tax in the case of individuals.

(a) *In general.* * * *

In the case of a taxpayer whose taxable year consists of 52 or 53 weeks in accordance with section 441(f), the rules prescribed by paragraph (b) of § 1.441–2 shall be applicable in determining, for purposes of subparagraph (1) of this paragraph, whether a taxable year was a year of 12 months and, for purposes of subparagraphs (3) and (4) of this paragraph, the number of calendar months in a taxable year preceding the date prescribed for payment of an installment of estimated tax. For the rule to be applied in determining taxable income for any period described in subparagraphs (3) and (4) of this paragraph in the case of a taxpayer who employs accounting periods (e.g., 13 4-week periods or four 13-week periods) none of which terminates with the end of the applicable period described in subparagraph (3) or (4) of this paragraph, see paragraph (a)(5) of § 1.6655–2. See § 1.6654–4 for certain cases where the imposition of the addition to the tax prescribed by section 6654(a) shall not apply with respect to taxable years beginning after December 31, 1970, and ending before January 1, 1972.

PAR. 5. Section 1.6654–4 is redesignated as § 1.6654–5.

PAR. 6. The following section is inserted immediately following § 1.6654–3:

§ 1.6654–4 Waiver of penalty for underpayment of 1971 estimated tax by an individual.

(a) *In general.* Section 207 of the Revenue Act of 1971 provides that, in the case of individuals, the penalty prescribed by section 6654(a) and § 1.6654–1 for underpayment of estimated tax shall not apply in certain cases to taxable years beginning after December 31, 1970, and ending before January 1, 1972. The penalty shall be waived only if the taxpayer meets one of the gross income requirements contained in paragraph (b) of this section and if the limitation contained in paragraph (c) of this section is not applicable.

(b) *Gross income requirement.* Except as provided in paragraph (c) of this section, the waiver provided in paragraph (a) of this section shall be applicable only—

(1) If the gross income for the taxable year does not exceed $10,000 in the case of—

(i) A single individual who is neither a head of a household (as defined in section 2(b)) nor a surviving spouse (as defined in section 2(a)), or

(ii) A married individual not entitled under section 6013 to file a joint return for the taxable year, or

(2) If the gross income for the taxable year does not exceed $20,000 in the case of—

(i) A head of a household (as defined in section 2(b)) or

(ii) A surviving spouse (as defined in section 2(a)), or

(3) If the aggregate gross income for the taxable year does not exceed $20,000 in the case of a married individual (entitled under section 6013 to file a joint return for the taxable year) and his spouse.

(c) *Limitation.* Notwithstanding any other provision of this section, the waiver provided in paragraph (a) of this section shall not be applicable if, in the taxable year, the taxpayer has income from sources other than wages (as defined in section 3401(a)) in excess of $200 ($400 in the case of a husband and wife entitled to file a joint return for the taxable year under section 6013). Thus, for example, even if the aggregate gross income of a husband and wife (entitled under section 6013 to file a joint return for the taxable year) does not exceed $20,000, the waiver of the penalty for underpayment of estimated tax shall not apply if the husband and wife have, in the aggregate, income from sources other than wages in excess of $400.

PAR. 7. Section 301.6015 is amended by revising section 6015(a) and by adding to the historical note. These revised and added provisions read as follows:

§ 301.6015 Statutory provisions; declaration of estimated income tax by individuals.

Sec. 6015. *Declaration of estimated income tax by individuals*—(a) *Requirement of declaration.* Except as otherwise provided in this section, every individual shall make a declaration of his estimated tax for the taxable year if—

(1) The gross income for the taxable year can reasonably be expected to exceed—

(A) $20,000, in the case of—

(i) A single individual, including a head of a household (as defined in section 2(b)) or a surviving spouse (as defined in section 2(a)); or

(ii) A married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if his spouse has not received wages (as defined in section 3401(a)) for the taxable year; or

(B) $10,000, in the case of a married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if both he and his spouse have received wages (as defined in section 3401(a)) for the taxable year; or

(C) $5,000, in the case of a married individual not entitled under subsection (b) to file a joint declaration with his spouse; or

(2) The gross income can reasonably be expected to include more than $500 from sources other than wages (as defined in section 3401(a)).

Notwithstanding the provisions of this subsection, no declaration is required if the estimated tax (as defined in subsection (c)) can reasonably be expected to be less than $100.

* * * * *

[Sec. 6015 as amended by sec. 74, Technical Amendments Act 1958 (72 Stat. 1660); sec. 5(a), Act of Sept. 14, 1960 (Public Law 86–779, 74 Stat. 1000); sec. 1(a)(1), Act of Sept. 25, 1962 (Public Law 87–682, 76 Stat. 575); sec. 102 (a) and (d), Tax Adjustment Act 1966 (80 Stat. 38); sec. 301(j), Foreign Investors Tax Act 1966 (80 Stat. 1554); sec. 301(b)(12), 803(d)(7), and 944, Tax Reform Act 1969 (83 Stat. 586, 684, 729); sec. 209, Rev. Act 1971 (85 Stat. 517)]

PAR. 8. Immediately after the historical note of § 301.6654 is inserted the following:

Sec. 207. [Revenue Act of 1971] *Waiver of penalty for underpayment of 1971 estimated income tax*—(a) *Waiver of penalty.* Notwithstanding any other provision of law, section 6654(a) of the Internal Revenue Code of 1954 (relating to addition to tax for failure by individual to pay estimated income tax) shall not apply to any taxable year beginning after December 31, 1970, and ending before January 1, 1972—

(1) If gross income for the taxable year does not exceed $10,000 in the case of—

(A) A single individual other than a head of a household (as defined in section 2(b)

of such Code) or a surviving spouse (as defined in section 2(a) of such Code); or

(B) A married individual not entitled under section 6013 of such Code to file a joint return for the taxable year; or

(2) If gross income for the taxable year does not exceed $20,000 in the case of—

(A) A head of a household (as defined in section 2(b) of such Code); or

(B) A surviving spouse (as defined in section 2(a) of such Code); or

(3) In the case of a married individual entitled under section 6013 of such Code to file a joint return for the taxable year, if the aggregate gross income of such individual and his spouse for the taxable year does not exceed $20,000.

(b) *Limitation.* Subsection (a) shall not apply if the taxpayer has income from sources other than wages (as defined in section 3401 (a) of such Code) in excess of $200 for the taxable year ($400 in the case of a husband and wife entitled to file a joint return under section 6013 of such Code for the taxable year).

[Sec. 207, Rev. Act 1971 (85 Stat. 512)]

PAR. 9. Section 301.6654–1 is amended to read as follows:

§ 301.6654–1 Failure by individual to pay estimated income tax.

For regulations under section 6654, see §§ 1.6654–1 to 1.6654–5, inclusive, of this chapter (Income Tax Regulations).

[FR Doc.73–14585 Filed 7–16–73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 529–73]

PART 50—STATEMENTS OF POLICY

Consent Judgments in Actions To Enjoin Discharges of Pollutants

This order establishes a policy of the Department of Justice of affording an opportunity for public comment before the Department consents to a proposed judgment in an action to enjoin discharges of pollutants into the environment.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Part 50 of Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following § 50.7 at the end thereof:

§ 50.7 Consent judgments in actions to enjoin discharges of pollutants.

(a) It is hereby established as the policy of the Department of Justice to consent to a proposed judgment in an action to enjoin discharges of pollutants into the environment only after or on condition that an opportunity is afforded persons (natural or corporate) who are not named as parties to the action to comment on the proposed judgment prior to its entry by the court.

(b) To effectuate this policy, each proposed judgment which is within the scope of Paragraph (a) of this section shall be lodged with the court as early as feasible but at least 30 days before the judgment is entered by the court. Prior to entry of the judgment, or some earlier specified date, the Department of Justice will receive and consider, and file with the court, any written comments, views or allegations relating to the proposed judgment. The Department shall reserve the right (1) to withdraw or withhold its consent to the proposed judgment if the comments, views and allegations concerning the judgment disclose facts or considerations which indicate that the proposed judgment is inappropriate, improper or inadequate and (2) to oppose an attempt by any person to intervene in the action.

(c) The Assistant Attorney General in charge of the Land and Natural Resources Division may establish procedures for implementing this policy. Where it is clear that the public interest in the policy hereby established is not compromised, the Assistant Attorney General may permit an exception to this policy in a specific case where extraordinary circumstances require a period shorter than 30 days or a procedure other than stated herein.

Dated: July 11, 1973.

ELLIOTT RICHARDSON,
Attorney General.

[FR Doc.73–14518 Filed 7–16–73;8:45 am]

[Order No. 528–73]

PART 50—STATEMENTS OF POLICY

Policy Regarding Criteria for Discretionary Access to Investigatory Records of Historical Interest

Under and by virtue of the authority vested in me by section 509 of Title 28 of the United States Code, Part 50 of Title 28 of the Code of Federal Regulations is amended by adding at the end thereof the following new section:

§ 50.8 Policy with regard to criteria for discretionary access to investigatory records of historical interest.

(a) In response to the increased demand for access to investigatory files of historical interest that were compiled by the Department of Justice for law enforcement purposes and are thus exempted from compulsory disclosure under the Freedom of Information Act, the Department has decided to modify to the extent hereinafter indicated its general practice regarding their discretionary release. Issuance of this section and actions considered or taken pursuant hereto are not to be deemed a waiver of the Government's position that the materials in question are exempted under the Act. By providing for exemptions in the Act, Congress conferred upon agencies the option, at the discretion of the agency, to grant or deny access to exempt materials unless prohibited by other law. Possible releases that may be considered under this section are at the sole discretion of the Attorney General and of those persons to whom authority hereunder may be delegated.

(b) Persons outside the Executive Branch engaged in historical research projects will be accorded access to information or material of historical interest contained within this Department's investigatory files compiled for law enforcement purposes that are more than fifteen years old and are no longer substantially related to current investigative or law enforcement activities, subject to deletions to the minimum extent deemed necessary to protect law enforcement efficiency and the privacy, confidences, or other legitimate interests of any person named or identified in such files. Access may be requested pursuant to the Department's regulations in 28 CFR Part 16A, as revised February 14, 1973, which set forth procedures and fees for processing such requests.

(c) The deletions referred to above will generally be as follows:

(1) Names or other identifying information as to informants;

(2) Names or other identifying information as to law enforcement personnel, where the disclosure of such information would jeopardize the safety of the employee or his family, or would disclose information about an employee's assignments that would impair his ability to work effectively;

(3) Unsubstantiated charges, defamatory material, matter involving an unwarranted invasion of privacy, or other matter which may be used adversely to affect private persons;

(4) Investigatory techniques and procedures; and

(5) Information the release of which would deprive an individual of a right to a fair trial or impartial adjudication, or would interfere with law enforcement functions designed directly to protect individuals against violations of law.

(d) This policy for the exercise of administrative discretion is designed to further the public's knowledge of matters of historical interest and, at the same time, to preserve this Department's law enforcement efficiency and protect the legitimate interests of private persons.

Dated: July 11, 1973.

ELLIOTT L. RICHARDSON,
Attorney General.

[FR Doc.73–14517 Filed 7–16–73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

REGIONAL ADMINISTRATOR; CHANGE IN TITLE

Pursuant to section 8 (g)(2) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 657), 29 CFR 1911.5, and Secretary of Labor's Orders Nos. 12–71 (36 FR 8754) and 13–73, Chapter XVII of Title 29 of the Code of Federal Regulations is hereby amended to replace in all instances the term "Regional Administrator" with the term "Assistant Regional Director."

Signed at Washington, D.C., this 10th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73–14520 Filed 7–16–73;8:45 am]

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Fire Extinguishers; Approval

On page 15317 of the FEDERAL REGISTER of July 29, 1972, there was published a notice of proposed rulemaking regarding amendments to §§ 1910.157 and 1910.160 of Title 29, Code of Federal Regulations. Interested persons were given 30 days in which to submit written objections, data, views, and arguments concerning the proposed amendments, and to request a hearing, if desired. No objections have been received, and no hearing has been requested. The proposed amendments are hereby adopted, for the reasons set forth in the July 29 notice, without change and are set forth below.

Effective date. These amendments shall become effective on August 17, 1973.

1. In § 1910.157, paragraph (b)(1) is revised to read as follows:

§ 1910.157 Portable fire extinguishers.

* * * * *

(b) *Selection of extinguishers*—(1) *General.* The selection of extinguishers for a given situation will depend upon the character of the fires anticipated, the construction and occupancy of the individual property, the vehicle or hazard to be protected, ambient-temperature conditions, and other factors. The number of extinguishers required shall be determined by reference to paragraph (c) of this section. Approved fire extinguishers shall be used to meet the requirements of this section.

* * * * *

2. In § 1910.160, paragraphs (b)(1) and (c)(1)(iv) are revised to read as follows:

§ 1910.160 Fixed dry chemical extinguishing systems.

* * * * *

(b) *Alarms and indicators*—(1) *General.* Alarms and/or indicators are used to indicate the operation of the system, hazard to personnel, or failure of any supervised device or equipment. The devices may be audible or visual. The type, number, and location of the devices shall be such that their purpose is satisfactorily accomplished.

* * * * *

(c) *Inspection and maintenance*—(1) *Inspection and tests.* * * *

(iv) Between the regular annual inspection or tests, the system shall be inspected visually or otherwise by competent personnel, following a predetermined schedule.

* * * * *

(Sec. 6, Public Law 91-596, 84 Stat. 1593 (29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754))

Signed at Washington, D.C., this 10th day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-14519 Filed 7-16-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 121—PACKAGING

Regulations dealing with the packaging of matter to be mailed have been revised as to requirements and criteria for containers, cushioning, closure, reinforcement, and marking.

Publication of the revisions in the FEDERAL REGISTER is effective immediately.

Sec.
121.1 Packaging adequacy.
121.2 Definitions.
121.3 Packaging for mailing.
121.4 Marking.
121.5 Mailability.

AUTHORITY: 39 U.S.C. 401.

§ 121.1 Packaging adequacy.

Articles accepted for mailing shall be prepared according to the general criteria and regulations specified herein.

§ 121.2 Definitions.

(a) *Types of loads.* In the transportation industry there are three recognized types of loads. They are determined by the contents, degree of protection, and the strength of the package. The types of loads are:

(1) *An easy load.* Items of moderate density, which completely fill the container, or items packaged in interior containers which completely fill the outer mailing container. Easy loads are not readily damaged by puncture or shock and do not shift or otherwise move within the package or present a hazard to other parcels.

(2) *An average load.* Moderately concentrated items, which are packed directly into a shipping container or which may be subjected to an intermediate stage of packing, and which provide partial support to all surfaces of the container. Average loads may be prepackaged by wrapping or by positioning in partitions or paperboard boxes or by other means which provide some support to the faces of the package.

(3) *A difficult load.* Items which require a high degree of protection to prevent puncture, shock or distortion either to themselves or the package. Fragile items, delicate instruments, high density, small bulk items, etc., which do not support the mailing container are not acceptable in paperboard or fiberboard boxes or bags or wraps of any type.

(b) *Other definitions.* The "Glossary of Packaging Terms" also defines terms frequently used in the packaging field. This joint Government-industry developed document may be obtained from the Packaging Institute Inc., 342 Madison Avenue, New York, NY 10017. Federal Government agencies may obtain it as the current revision of Federal Standard 75 from established distribution points.

§ 121.3 Packaging for mailing.

(a) *Preservation.* It is the responsibility of the mailer to provide protection against deterioration or degradation of the contents. Preshipment testing is practiced by the airline carriers and by many company managers to determine the effectiveness of their packaging as well as the durability and the quality of their product. The mailer should be aware of the characteristics of the item he is mailing, the transit time, and the mail handling and transportation environment. Postmasters and customer services representatives will keep customers advised on service and transit times for parcel post.

(b) *Containers acceptable for mailing*—(1) *Boxes.* (i) Paperboard boxes, similar to suite boxes, are acceptable for easy and average loads up to 10 pounds.

(ii) Metal-stayed paperboard boxes are acceptable for easy and average loads up to 20 pounds.

(iii) Solid and corrugated fiberboard boxes are acceptable for easy and average loads up to the following weight limits:

(A) 175 pound test board up to 20 pounds.

(B) 200 pound test board up to 45 pounds.

(C) 275 pound test board up to 70 pounds.

(iv) Wood, metal or plastic boxes are acceptable for all types of loads depending on the adequacy of their construction, their ability to withstand the forces of shock and pressure, and their potential as a source of damage to other items. Boxes with difficult loads to out of town destinations will be reinforced with banding about every six inches in each of the two directions around the package.

(v) The size of the box must be adequate to contain the item(s) and provide enough extra space for cushioning material. If the box is too large and the load is not properly blocked and cushioned, the contents will shift in transit. If it is too small, the cushioning will not be effective and container failure is liable to occur.

(vi) Good, rigid used boxes with all flaps intact are acceptable. If a box of the desired size cannot be found, a larger one may be cut down as shown in Illustration 1. Bend the four sides over the articles which have been cushioned in the box and close and band as in illustration 7. Illustration 2 shows a method of making an acceptable container by using two boxes of the same general dimensions from which the flaps have been removed.

(2) *Outside wraps for boxes.* Paperboard and fiberboard boxes may be wrapped as shown in Illustration 3. Closure and reinforcement may be accomplished by the use of tape, twine, or cord.

See paragraph (d) of this section. Although wrapping paper equivalent to a regular large grocery bag, 60 pounds basis weight, may be used as an outside cover for boxes, it is preferable that paper wrappers be omitted if the box itself constitutes an adequate shipping container.

(3) *Bags, bales, bundles and wraps.* Bags, bales, bundles and wraps shall not be accepted with difficult loads. The contents in bags, bales, bundles and wraps will be compressed whenever possible:

(i) Paper bags and wraps are acceptable for easy loads of up to five pounds when they are at least 60 pounds basis weight, the strength of the average large grocery bag, and the items are immune from impact or pressure damage. A combination of plies adding up to or exceeding 60 pounds is not acceptable (e.g. three plies of 20 pound basis weight paper). Reinforced bags are acceptable for easy and average loads of up to 10 pounds. Nonreinforced loose-fill padded bags are not acceptable as exterior containers, except when the exterior ply is at least 60 pounds basis weight.

(ii) Plastic bags shall, as a minimum, be at least four mil thick polyethylene or equivalent for easy loads up to five pounds and six mil for easy loads up to 10 pounds. Experience indicates that plastic bags, which will stretch and resist puncturing, are more durable than most nonreinforced paper bags and provide a high degree of waterproofness. However, the ordinary plastic bag is to be avoided.

ILLUSTRATION 1

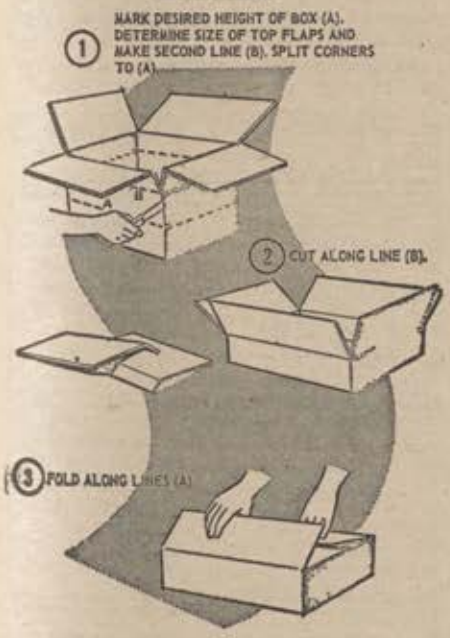
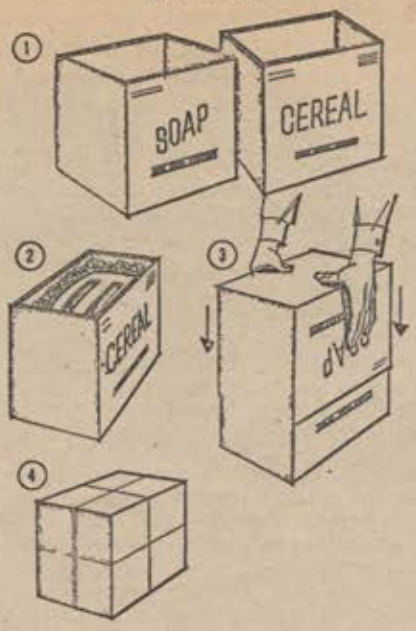
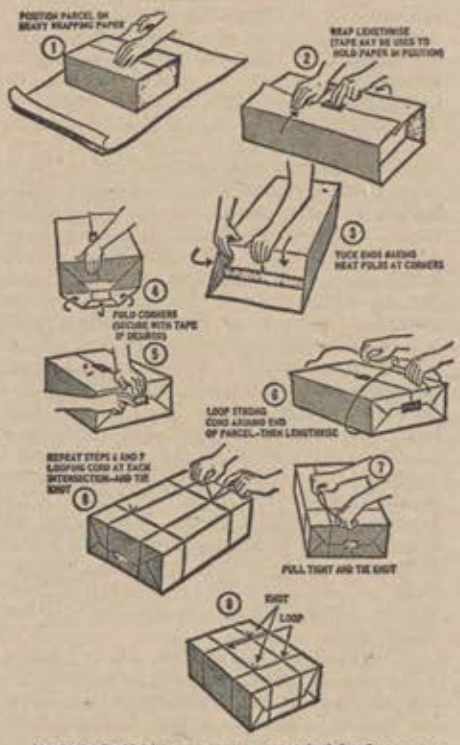


ILLUSTRATION 2



The usual point of fracture is at the taped corners.

ILLUSTRATION 3



(iii) Cloth bags are acceptable for easy and average loads of up to 10 pounds provided their seams are equivalent in strength to the basic material.

(iv) Bales and bundles are acceptable within postal weight limits provided they are adequately compressed and reinforced to contain the material.

(4) *Envelopes.* Envelopes are acceptable as containers for stationery, publications, and similar material up to one pound in weight and one inch in thickness. Many other items may be mailable in large envelopes or flats if stiffeners provide a flat and stable surface. Pens, bottle caps, and similar items are not acceptable in letter size envelopes because they could burst the envelope and damage mail processing equipment or injure employees.

(5) *Fiberboard Tubes and Similar Long Packages.* Fiberboard tubes and similar long packages are acceptable providing their length does not exceed 10 times their girth. As a minimum, the strength of the tube ends must be equal to the tube sidewall strength, except when the contents are lightweight rolled items. Crimped, masking, or cellophane taped end closures are not acceptable for other than lightweight, rolled items. Tape must completely encircle the seams on friction slide closures of mailing tubes.

(6) *Cans and drums.* Cans and drums are acceptable with positive closures. Generally, friction closures by themselves are not acceptable. Protruding devices, such as locking rings, shall be shielded by padding to prevent injury to Postal employees, equipment or other mail.

(c) *Cushioning.* (1) Cushioning absorbs and distributes forces caused by shock and vibration. Examples of cushioning materials are foamed plastics, rubberized hair, corrugated fiberboard, and loose fill material, such as polystyrene, excelsior and shredded newspapers. Illustrations 4, 5 and 6 show ways of using cushioning material for packaging odd shaped items, picture frames, fragile ceramic articles and electronic equipment.

(2) Loose fill cushioning must overfill the container prior to closure to hold the item and prevent its movement to an outside surface of the container or to other items in the package, but the cushioning should not distort the container. Combinations of several types of cushioning should not distort corrugated fiberboard pads and less dense, loose fill material are most effective in force distribution. Shock and pressure forces must be dissipated over as much of the surface of the item as possible.

(3) When several items are within a package they must be protected from each other as well as from external

forces. Concentrated heavy items must not be packaged with fragile items unless extreme care is exercised to separate the items from each other. Heavy items must be adequately blocked and braced.

(d) *Closure and reinforcement*—(1) *General.* Closure and reinforcement of packages are primary considerations in the preparation and acceptability of any parcel. The principal methods of closure and reinforcement employ gummed and pressure sensitive tapes, adhesives, strapping, twine and cord; staples for boxes and bags; and various friction closures, screw caps and locking devices for cans and similar containers.

ILLUSTRATION 4

ILLUSTRATION 5

ILLUSTRATION 6

(2) *Tape.* (i) Tape is used for closure, sealing and reinforcement of containers. Cellophane and masking tape shall not be used for closure or reinforcement of packages, but may be used to augment adhesive closures on envelopes or to cover staples on bags. Pressure sensitive, filament reinforced tape is recommended.

(ii) Gummed paper tape must be at least 60 pounds basis weight kraft. This tape is widely used for closure and sealing, but is not adequate for reinforcement. Reinforced kraft paper tape is considerably more durable than plain kraft tape, and takes less time and tape for an equal closure. The adhesives on gummed tapes must be adequately dissolved prior to application, by the use of warm water with a wetting agent, and must be firmly applied with the tape extending at least three inches over the adjoining side of the box. Improper application results when the gummed adhesive is not activated or when the water is absorbed by the fibrous container. The tape must be kept from freezing for at least an hour. Care should be taken when extremely cold temperatures are anticipated. Even properly applied gummed tapes tend to crack under these conditions.

(iii) Pressure sensitive tapes come with various paper, cloth or plastic backings, both plain and reinforced, and may be readily applied at any temperature above freezing. Application, especially in below freezing temperature, requires that the tape be rubbed down well to assure adhesion. Pressure sensitive tape should be used on the container in the same way as gummed tapes.

(iv) Illustration 7 shows proper and improper methods of applying reinforced and gummed paper tapes and reinforced pressure sensitive tapes. Tapes can also be used to close other types of packages not illustrated, including those of irregular shapes and soft wrapped items. Packages properly closed with reinforced tape are substantially stronger than are parcels closed with nonreinforced paper tape.

(3) *Adhesive.* Adhesive is a general term covering cement, glue, mucilage, paste, thermoplastic adhesive, etc. An adhesive must cover at least 50% of the box flaps and should be applied not more than ¼ inch from the ends of the box flaps.

(4) *Strapping, twine, and cord.* When nonpressure sensitive strapping, twine, or cord is used for closure and reinforcement, it should encircle the package at least once girthwise and lengthwise over the sides, ends and tops of rectangular containers and bundles. Twine and cord must be at least 20 pounds tensile strength and must be secured at an intersection at least once on each side. Strapping includes both metallic and nonmetallic banding and pressure sensitive filament tape. Loose strapping, especially metal, is not acceptable because it constitutes a hazard to employees and equipment and does not reinforce the container.

(5) *Staples and steel stitching.* Staples and steel stitching are acceptable providing they are spaced not more than 2½ inches apart and not more than 1¼ inches from the ends of the box. Boxes that do not meet these requirements may be made acceptable by application of a strip of three-inch-wide tape in the gap between the staples or by strapping to compensate for the gap in the staple closure. Illustration 8 shows staple and augmented staple closures.

ILLUSTRATION 7

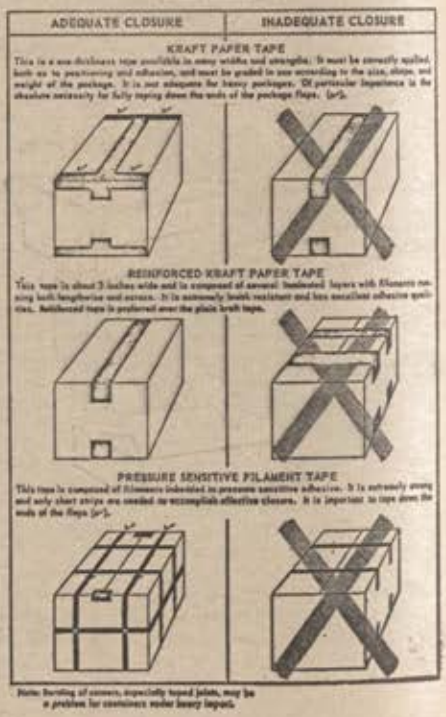
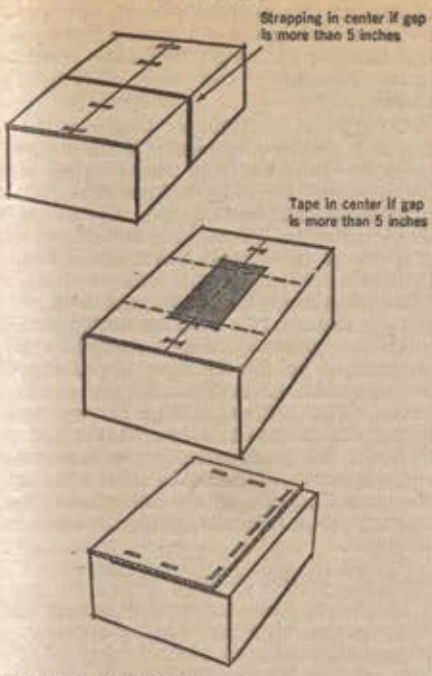


ILLUSTRATION 8



§ 121.4 Marking.

(a) *General.* Marking by the mailer must be by a material which is not readily water soluble of which can easily be rubbed off or smeared and will be sharp and clear at a distance of two feet. It is recommended that the name and address of the sender and addressee also be inserted within the package to aid in delivery if the address on the package is defaced.

(b) *Special markings.* Special markings as identified shall be placed in an area below the postage and above the name of the addressee:

(1) Fragile markings shall be applied to any package containing delicate items such as glass and electrical appliances. Identification of contents is not required.

(2) Perishable markings shall be applied to any package which will degrade or decompose rapidly such as meat, produce, plants, or certain chemical samples.

(3) Handling markings, such as *DO NOT BEND,* should be used only when contents are protected with stiffeners.

(4) Words implying expedited handling, such as *RUSH DO NOT DELAY,* shall not be used on any package except those intended for shipment as special delivery or special handling mail.

(5) Unauthorized labels which do not designate the address, nature of contents, or handling are not permitted. Obsolete markings will be obliterated. Containers improperly identified as to contents are not acceptable; e.g., a box marked as containing seafood which contains dry goods.

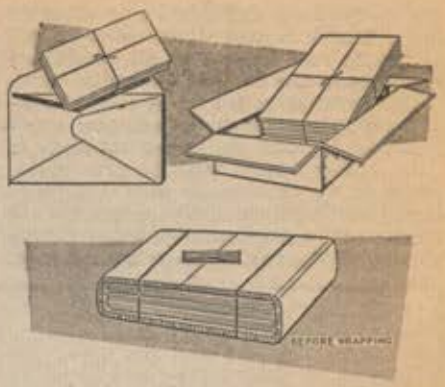
(c) *Marking surfaces.* Marking methods or surfaces shall be of such type as to permit postal endorsements to be made by hand stamp, ball point pen, or Number 2 grade pencil. Package surfaces which will not retain an adhesive stamp, postage meter impression, ball point pen or pencil markings are not acceptable.

§ 121.5 Mailability.

(a) *Acceptability.* Acceptability of packaging is a principal criteria of mailability. No item shall be packaged so that its contents may harm mail handling personnel or equipment. Fragile items must be packaged to withstand the mail processing and transportation environment. Heavy items must be braced and cushioned to prevent damage to other mail. Some general classes of items which cause a continuing problem due to packaging deficiencies are described in this section. Further information may be obtained from parcel post window clerks, dock foremen, and mailing requirements personnel. Requests for exceptions to the prohibitions set forth herein shall be submitted for a ruling to the Office of Mail Classification, Finance Department, U.S. Postal Service, Washington, D.C. 20260.

(b) *Publications.* Publications and stationery-type items ranging from packages of several single sheets to hard back books weighing several pounds each constitute a major source of *loose-in-the-mail* items. Problems occur because of unrestrained, concentrated or shifting contents, and the use of containers, internal packaging, closures and reinforcements which are inadequate. Publications and stationery-type items exceeding one inch in depth or one pound in weight should not be accepted in envelopes. Publications in packages must be unitized by tying or banding or through the use of partitions or close fitting interior containers to prevent shifting. Illustration 9 gives several examples of unitizing this type material. Boxes of publications must be adequately closed and should be reinforced with metal, nonmetallic or tape strapping.

(c) *Liquids.* Liquids, particularly gallon containers with friction top closures, are a source of loss and damage to other mail and Postal equipment. As a general rule, containers of liquid with only friction top closures are not acceptable. Screw caps, soldering, clips or other means must be employed to effect closure. Glass and other breakable containers with a capacity of over 4 fluid ounces must be cushioned with an absorbent material sufficient to take up all leakage in case of breakage inside a sealed waterproof container. Containers of liquid with a capacity of over 32 fluid ounces shall not be acceptable for mailing unless cushioned as above and packaged within another sealed waterproof container, such as a can or plastic bag. The outer shipping container must be of sufficient strength to provide physical protection to the contents. Exceptions to this procedure must be submitted for a mailability ruling as prescribed in § 123.8 of this title.



(d) *Aerosols.* Aerosol containers with inadequate friction cap closures, or other nonpositive means to prevent accidental discharge of contents, are a source of loss of contents and contamination to other mail. These cans must be so constructed as to preclude accidental discharge of contents in the mail. This may be accomplished through the use of recessed valves, screw thread caps, tape closures or other means of preventing discharge.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-14515 Filed 7-16-73;8:45 am]

PART 144—POSTAGE METERS AND METER STAMPS

Postage Meters and Meter Stamps

Regulations codified under Part 144 with respect to postage meters, have been revised. Matters affected by this revision include but are not limited to prepayment of reply postage by postage meter stamps; payment of metered postage; failure to make required daily entries; use of fluorescent ink; appropriate dating of metered mail; deposits of mail in post office other than where meter is licensed.

Section 144.4(c) dealing with mandatory use of fluorescent ink for postage imprints on letter size metered mail took effect on July 1, 1973. This requirement was published as an amendment to § 144.4 in 37 FR 17830 as corrected in 37 FR 18466.

Part 144 has, as indicated above, already been revised by the Postal Service. Publication in the FEDERAL REGISTER is effective immediately.

Sec.
144.1 Postage meters.
144.2 Meter license.
144.3 Setting meters.
144.4 Meter stamps.
144.5 Mailings.
144.6 Security.
144.7 Post office meters.
144.8 [Reserved]
144.9 Manufacture and distribution of postage meters.

AUTHORITY: 39 U.S.C. 401, 404.

§ 144.1 Postage meters.

(a) *Use of meter stamps.* (1) Postage may be paid by printing meter stamps

with a postage meter on any class of mail. Metered mail is entitled to all privileges and subject to all conditions applying to the various classes of mail.

(2) Meter stamps may be used to prepay reply postage on letters and postcards under the following conditions:

(i) Meter stamps must be printed directly on the envelope or card that bears the return address of the meter license holder in an amount sufficient to prepay in full the first-class or airmail rate.

(ii) Any photographic, mechanical, or electronic process, or any combination of such processes, other than handwriting, typewriting, or handstamping, may be used to prepare the address side of reply mail prepaid by meter stamps. The address side must be prepared both as to style and content in the following form without the addition of any matter other than a return address:

(Meter stamp to be placed here)

NO POSTAGE STAMP NECESSARY
POSTAGE HAS BEEN PREPAID BY

John Doe Company
123 Tremont Street,
New York, N.Y. 10010

(iii) Reply mail prepaid by meter stamps will be delivered only to the address of the meter license holder. If the address is altered, the mail will be held for postage.

(3) Postage meter stamps for zero postage shall not be affixed to items delivered by other carriers since this would give the impression of Postal Service delivery.

(b) *Description of meters.* Postage meters are made to print single, several, or all denominations of postage. They contain in one sealed unit the printing die or dies and two recording counters. One adds and keeps a total of all postage printed by the meter. The other subtracts and shows the balance of postage remaining in the meter, after the use of which it will lock. From time to time, mailers take the meter to the post office to have this counter set for additional postage, which is added to the balance remaining. Payment must be made for each additional setting.

(c) *Meter manufacturers.* (1) Postage meters may be leased from authorized manufacturers who are held responsible by the Postal Service for the control, operation, maintenance, and replacement, when necessary, of meters manufactured by them. The following manufacturers are presently authorized to lease meters to mailers:

(i) ADS-Anker Data Systems Midwest, Inc., Postalia Division, 2021 Swift Drive, Oak Brook, IL 60421.

(ii) National Cash Register Co., Dayton, OH 45409.

(iii) Pitney-Bowes, Inc., Pacific and Walnut Sts., Stamford, CT 06904.

(iv) The Singer Co., Business Machine Div., 2350 Washington Ave., San Leandro, CA 94577.

§ 144.2 Meter license.

(a) *Application.* A customer may obtain a license to use a postage meter by submitting Application for a Postage Meter License, Form 3601–A (or a form supplied by the manufacturer), to the post office where his metered mail will be deposited. No fee is charged. On approval, the postmaster will issue a license.

(b) *Responsibilities of licensee.* (1) After a meter has been delivered to a licensee, he must keep it in his custody until returned to the authorized manufacturer or to the post office. A customer may not have a meter in his possession unless it has been set, sealed, and checked into service by the Postal Service. Avoiding the payment of postage through tampering with or misusing a meter is punishable by law.

(2) The licensee must enter in the Daily Record of Meter Register Readings, Form 3602–A, the figures appearing in the ascending and descending registers each day the meter is operated. Failure to make such entries will be considered grounds for revocation of a meter license. If at any time the sum of the two figures does not equal the total entered in the Form 3602–A at the last setting, the meter should be taken immediately to the post office, station, or branch where it was set for examination. The post office will provide Form 3602–A when the meter is initially set. Additional copies will be provided as the forms are filed.

(3) The meters in the custody of the licensee and his records relating to meter transactions must be immediately available for examination and audit by the Postal Service upon request.

(4) If a meter is not reset within a 6-month period, it must be presented together with related Forms 3602–A for examination at the post office, station, or branch where it is regularly set.

(5) If the meter's printing or recording mechanism is in any way faulty, it shall be immediately taken to the post office, station, or branch where it is regularly set to be checked out of service. Under no circumstances, shall the faulty meter be used.

(c) *Revocation.* (1) A license may be revoked if a meter is used in operating any scheme or enterprise of an unlawful character, for nonuse during any consecutive 12 months, or for any failure of the licensee to comply with the regulations governing the use of postage meters.

(2) The meter license holder will be notified by the postmaster if the license is to be canceled and the reasons for cancellation. Form 3604, Nonuse of Mailing Permit or Meter License, may be used if cancellation for nonuse is being considered. If no written statement of objection is filed by the license holder within ten days, the postmaster will cancel the license. If a written statement is filed, the appeal shall be referred by the postmaster to the Finance Department, Mail Classification Division, for resolution. The Mail Classification Division will notify the license holder of the decision through the postmaster. If a meter license is revoked, the postmaster will note the date and reason for cancellation on Form 3601–A (see paragraph (a) of this section).

§ 144.3 Setting meters.

(a) *Requirement.* A customer may not have any postage meter in his possession until it has been set, sealed, and checked into service by the Postal Service. The manufacturer will bring the meter to the post office where it is to be regularly set for setting and sealing prior to delivery to the customer.

(b) *Place.* Meter settings, including checking meters in and out of service, will be done only by designated employees at the post office, station, or branch where the metered mail will be deposited, except as provided for in paragraph (d)(5) of this section. Postal employees will not be sent out of the post office to set meters except under programs authorized by the regional mail classification branch. Contract stations and branches are not authorized to set meters.

(c) *Payment.* (1) Payment must be made for postage at the time the meter is set. Payment may be made by cash, check, money order, or by a withdrawal from a trust fund previously established with the post office for that purpose. See section 142, Fiscal Handbook F–1, regarding the acceptance of checks. Trust accounts may be established when the monthly mailing of a licensee is $500 or more. No activity in the account over a 60-day period shall be grounds for closing of the account by the post office and returning the trust funds to the mailer.

(2) Receipts for payment to a trust account shall be made on Form 3544, Post Office Receipt for Money. The original will be given to the customer, the duplicate sent to the office maintaining the cash book, and the triplicate retained by the employee setting the meter. Trust account transactions shall be recorded on Form 25, Trust Fund Account, kept on the individual account by the employee setting the meter. Daily totals of the money received for such trust funds shall be listed on the Daily Cash Report, Form 1412.

(3) Receipts for individual meter settings shall be made on Form 3603, Receipt for Postage Meter Settings, in accordance with paragraph (d)(2) of this section.

(d) *Examination and Setting.*—(1) *Examination.* (i) When meters are brought in for reset or examination in accordance with paragraph (b)(2) of this section, they shall be examined to determine if they operate properly or have been tampered with.

(ii) Meters not reset within a 6-month period shall be examined, if practicable, by an employee not assigned to setting postage meters.

(iii) Meters shall be examined to determine whether the seal, register windows, break-off screws, top cover, lock cover, or other visible parts, have been broken or tampered with, and whether the die hub or meter drum is locked in home position. If evidence of tampering or breakage is found, retain the meter and promptly notify the postal inspector in charge.

(iv) Serial numbers shall be checked to see that they agree with those listed on Form 3610, Record of Postage Meter Settings, and that the total of the two registers equals the last entry in column 8 of Form 3610. If the meter is not registering properly, it shall be checked out of service in accordance with paragraph (e) of this section.

(v) Instances where daily entries are obviously not being made should be brought to the attention of the supervisor for consideration of license revocation. An entry shall be made on Form 3610 when an examination (but no reset) has been made.

(2) *Setting.* (i) Prior to setting, meters shall be examined in accordance with subparagraph (1) of this paragraph.

(ii) Record descending and ascending register readings *before* reset and their sum on Form 3603, prepared in triplicate. Verify that the sum agrees with the last entry in column 8 of Form 3610 and column C of Form 3602–A.

(iii) Set the meter in accordance with the manufacturer's instructions.

(iv) Seal the meter using official USPS sealing pliers furnished by the manufacturer. Assure that the seal is properly affixed and thoroughly compressed. After sealing, the lead seal shall be checked to make sure it cannot move on the wire.

(v) Record readings of descending and ascending registers' readings (after setting) on Form 3603 and complete the form.

(vi) If payment is to be made by withdrawal from a trust account, record the transaction on Form 25 maintained for that account by the employee setting the meter.

(vii) Post information from Form 3603 to Form 3610 and complete the Form 3610 entry.

(viii) The original copy of Form 3603 shall be given to the customer with the meter and Form 3602–A. Copy 2 of Form 3603 shall be sent to the holder of the cash book, and copy 3 shall be kept in the receipt book by the meter setter.

(ix) When a meter manufacturer's representative brings in a meter for initial setting or withdrawal, or reports a meter lost, stolen, recovered or found, he shall provide a copy of an installation or withdrawal form. This shall be forwarded to the office where the meter files are kept (see paragraph (g) of this section.

(3) *Transfer of units.* When units are transferred from one meter to another, a note shall be made after the entries on Forms 3602–A for both meters and Form 3610 as required by subparagraph (2) of this paragraph, indicating the value of the units transferred and the serial number of the postage meter from (to) which the units were transferred. When additional units are purchased at the time of transfer, a receipt Form 3603 shall be prepared for the additional units purchased in accordance with subparagraph (2) of this paragraph.

(4) *Setting meter for use at another post office.* The postmaster who serves the place where a mailer is located may set a meter to be used in paying postage on mail presented at another post office when it will be a convenience to the mailer. Before doing so the following requirements must be met:

(i) The postmaster must obtain confirmation from the Regional Assistant Postmaster General, Mail Processing, in the region where the post office of mailing is located, that the post office of mailing has adequate facilities for handling the mail. This is intended to improve coordination between the Postal Service and the mailer as to which point of mailing can provide the best service by virtue of acceptance and transportation facilities. The postmaster shall request this confirmation by memorandum, describing the nature of the material to be mailed (letter size, flats, etc.), volume, classes and frequency of mailing, and the desired place of mailing.

(ii) The mailer must obtain a meter license from the post office where the mailing is to be presented. When the license is received, it must be presented to the mailer's local post office with the meter for setting. The license will be returned to the licensee.

(iii) The postmark die must show the name of the post office of mailing. A separate meter must be used for each post office.

(iv) Payment for each meter setting must be made by check or money order payable to the postmaster at the post office where mailings will be made. See section 142.1, Handbook F–1, regarding acceptance of checks. Checks must be presented to the local post office when the meter is set. Trust funds will not be utilized to pay for setting such meters.

(v) The employee setting the postage meter will complete Form 3618, Local Setting of Postage Meter Licensed at Another Office, in duplicate. The original of this form with the check and a stamped, self-addressed envelope (furnished by the mailer for return of Form 3603) will be sent in a post office penalty envelope to the postmaster where the mailings are to be made. The duplicate shall be retained by the employee setting the meter. A record of each setting shall be entered on Form 3610 at the office where the mailings are made and the completed Form 3603 will then be sent to the mailer.

(vi) Mail must be presented at a designated receiving point in the post office by the mailer's representative. It may not be consigned to the post office in bulk by freight, express, or other carrier. The postmaster may not act as the mailer's representative and the Postal Service has no responsibility for the articles until they are actually accepted in the mail.

(vii) Matter sent to other post offices for mailing must be shipped in private containers. Post offices will not furnish mail sacks for this purpose. The total weight of containers such as cartons, crates, etc., which must be lifted by postal employees shall not exceed 70 pounds.

(viii) When the use of a meter is discontinued, the meter shall be presented to the post office where it was set, for checking out of service. Any postage adjustment will be made by the postmaster where the mailings have been made.

(5) *Changing place of setting meter.* (i) When the place of setting is changed to a different branch or station of the same post office, Form 3610 shall be retained by the office, branch, or station which previously set the meter. The readings on the registers and the office, branch, or station where future settings are to be made shall be recorded on Form 3610 and a horizontal line drawn under this last entry. Form 3610 shall be retained for 3 years.

(ii) A new Form 3610 will be prepared and sent to the office which will make future resets. It shall have one entry stating office, branch, or station which previously did resets and the register readings when transferred. When appropriate, the second office can obtain this information by telephone and prepare the new Form 3610.

(6) *Reporting receipts.* In filling out the Daily Cash Report (Form 1412 or 1412–A, as appropriate) stations, branches, and main office window unit personnel shall list the total of payments received for deposit in metered postage trust accounts as trust accounts receipts. The total of cash receipts for meter resets shall be listed as Metered Postage, A/C 40220. Duplicate copies of the corresponding Forms 3603 and 3544 shall be attached to the Daily Cash Report. Trust fund transactions shall be recorded on a Form 3083, Trust Accounts Receipts and Withdrawals, and forwarded with the Daily Cash Report to the chief accountant (or person designated to keep the cash book) with copies of corresponding Forms 3603.

(7) *Meter setting supplies.* The manufacturer furnishes the postmaster with instructions for setting various types of meters and provides keys to the locks on the recording mechanism, a stylus (used in setting meters), lead seals and a sealing device. Protect these items to prevent their use by unauthorized persons. Keep the instructions in the binder holding Forms 3610. Requisition additional copies of the manufacturer's setting instructions from the nearest branch or head-

quarters office of the meter manufacturer. Requisition additional supplies of lead seals from the headquarters office of the meter manufacturer. Requisition the following forms from your supply office when the first application for a postage meter license is received at your office:

3083	Trust Accounts Receipts and Withdrawals.
3601–A	Application for a Postage Meter License.
3602–A	Daily Record of Meter Register Readings.
3603	Receipt for Postage Meter Settings.
3604	Nonuse of Mailing Permit or Meter License.
3610	Record of Postage Meter Settings.
3616	Report of Quarterly Verification of Metered Mail.
3619	Permit Number Record.
3977	Duplicate Key Envelope.

(8) *Custody of meter setting keys.* Accurate custody records of meter keys will be maintained by post offices. Duplicate keys will be kept in Duplicate Key Envelope, Form 3977, and safeguarded in accordance with the instructions on the envelope. A semiannual verification of keys will be made, with the entry for each key being initialed and dated as evidence of verification. The loss of any key shall be immediately investigated and reported to the regional mail classification branch and the meter manufacturer. If a key is subsequently recovered, promptly notify the regional mail classification branch and the manufacturer. Keys no longer required at an office and emergency requests for meter setting keys will be sent to the sectional center.

(e) *Checking meter out of service—* (1) *Checkout procedures.* (i) When a mailer brings in a meter which he no longer requires or in which the printing and recording mechanism fails to record its operations correctly, promptly check the meter out of service. Notify the manufacturer's representative to call for the meter, if the meter user has not notified him.

(ii) Unused postage in the meter may be transferred to another meter used by the licensee and registered at the same post office, or the postmaster may refund the amount in accordance with provisions of paragraph (e) of § 147.2 of this title if the total readings of the ascending and descending registers are equal to or less than the total settings shown on the Form 3610. If the total of the register readings of the defective meter exceeds the total settings, deduct excess from the amount shown in the descending register to determine the amount of postage to be refunded or transferred. When a meter fails to lock out and prints stamps in excess of the amount for which set, collect the additional amount due from the mailer in cash. Convert the collection into postage-due stamps of a high denomination, affix the stamps to a sheet of paper, cancel and deliver them to the meter user as a receipt for postage collected. Do not furnish any other receipt.

(iii) Clear the descending register to zero or to lowest possible setting.

(iv) Record on Form 3610 the date, reason, and whether unused units were transferred to another meter, including the number of the meter and the number and value of units transferred. When units of postage are refunded, show amounts and method of payment.

(v) Form 3602–A must be submitted by the user when the meter is checked out of service. Enter in the book, below the last entry, the readings of both registers before and after checkout, the amount of postage transferred, and the meter it was transferred to. Make an entry on Form 3602–A of the second meter indicating the amount of postage transferred and the meter it was transferred from. If the meter record book does not show the ascending and descending register readings, totals, and dates for the last three settings, enter these in the book from the information on Form 3610 and notify the supervisor. If Form 3602–A is not available, furnish a report to the manufacturer stating that fact, furnishing register readings, totals, and dates after each of the last three settings. State also the amount of postage transferred to another meter. Return Form 3602–A to the licensee unless the meter was faulty (see subparagraph (2) of this paragraph). The licensee shall keep Form 3602–A for at least one year after date of final entry.

(vi) Enter date of discontinuance on numerical file record card for each meter checked out of service.

(vii) Turn the meter over to the meter manufacturer's representative with the lock unsealed. Provide the manufacturer with Form 3602–A if the meter was faulty.

(2) *Checkout of faulty meter.* (i) When a meter is presented for checkout because of mechanical failure, follow the procedures in subparagraph (1) of this paragraph.

(ii) Upon request of the manufacturer, furnish a photostat copy of Form 3610 for any meter checked out because of faulty operation. Send the copy directly to the manufacturer.

(iii) After examination of a meter withdrawn because of apparent faulty operation affecting registration, the manufacturer will return the meter record book directly to the postmaster with a detailed statement explaining why the meter failed to function properly. The manufacturer may also recommend an appropriate postage adjustment. Determine from the manufacturer's report and other facts what postage adjustment, if any, is necessary. Return the meter record book to the meter user. In case of doubt regarding proper postage adjustment, report all facts to the Finance Department, Mail Classification Division, for instructions.

(f) *Refunds for unused meter stamps.* Refunds for unused meter stamps will be made in accordance with paragraph (e) of § 147.2 of this title.

(g) *Records—files.* Three basic files shall be kept for meters and meter licensees: an alphabetical file of licensed meter users, an alphabetical file of meter licensees and meters currently in use by them, and a numeric file of postage meters. These files will be maintained in the main post office. They shall not be duplicated at branches, stations, or other locations but shall be kept so that information is readily obtainable by telephone or other means. Additional information concerning accounting records for Postal Service owned meters is contained in § 144.7(d).

(1) *License file.* A central file shall be maintained of all currently licensed users of postage meters. This file shall consist of approved Forms 3601–A (top portion of form). Canceled licenses shall be maintained for a period of one year and then disposed of.

(2) *Meter user file.* This file consists of cards filed alphabetically by licensee, listing the manufacturer and serial number of meters in use. As meters are withdrawn, delete from the list by simply drawing a line through the serial number. This file and the numeric file shall be kept where they will be available for use any time the post office is open for business or mail is being processed.

(3) *Numeric file.* This file shall consist of cards for each meter set by post office, branch, or station. Cards shall contain the make, model, and serial number of the meter and list the name of the meter user, date of installation, and date when withdrawn or reported lost or stolen.

§ 144.4 Meter stamps.

(a) *Designs.* The types, sizes, and styles of meter stamps are fixed when meters are approved by the Postal Service for manufacture. Only approved designs may be used. Some approved designs are illustrated below.

(b) *Legibility.* Meter stamps must be legible and not overlap. Illegible or overlapping meter stamps will not be counted in determining postage paid.

(c) *Fluorescent ink.* The use of fluorescent ink will be mandatory for postage imprints on letter-size metered mail effective July 1, 1973. Failure to use fluorescent ink may result in the revocation of the meter license. Letter-size mail is defined as being from 4¼" to 11½" long, 3" to 6⅛" wide, and .006" to .25" thick.

(d) *Meter stamps on tape.* When meter stamps are printed on tape, only tape approved by the Postal Service may be used.

(e) *Position.* Meter stamps must be printed or stuck in the upper right corner of the envelope, address label, or tag.

(f) *Content.* Meter stamps must show city, State, meter number, and amount of postage for all classes of mail. When it is necessary to print multidenomination meter stamps on more than one tape, the circle showing the post office must appear on each tape.

(g) *Date of mailing.* (1) Dates shown in the meter postmark of any type or kind of mail shall be the actual date of deposit except when the mailing piece is deposited after the last scheduled collection of the day. When deposit is made after the last scheduled collection of the day, mailers are encouraged but not required to use the date of the next scheduled collection.

(2) The month, day, and year must be shown in the meter postmark on all first-class, airmail, and priority mail (heavy pieces), and on all registered, certified, insured, COD, special delivery, and special handling mail, except prepaid reply postage, whether the postmark is printed directly on the mailing piece or on a separate tape.

(3) The month and year must be shown on meter postmarks printed on a separate tape for second-, third-, and fourth-class pieces. The day may be omitted. Mailing pieces postmarked on a separate tape with only the month and year may be accepted during the month shown and through the third day of the following month when, in the judgment of the postmaster, the mailing was unavoidably delayed prior to its deposit with the Postal Service.

(4) The date (day, month, or year) is not required to be shown on meter postmarks printed directly on a second-, third-, or fourth-class mailing piece.

(5) The date shall not be shown on meter postmarks used to prepay reply postage in accordance with § 144.1(a)(2).

(h) *Hour of Mailing.* The hour of mailing may be shown only on first-class, air, or special delivery mail, and then only when it is mailed in time to be dispatched at the hour shown.

(i) *Meter Slogan and Ad Plates.* Licensees may print advertising matter simultaneously with meter stamps within space limitations. Licensees must obtain the plates for advertising from authorized manufacturers of meters to assure suitable quality and content in accordance with the requirements of the Postal Service. The plates may not be used to print postal endorsements on mail. Slogans must not be objectionable or misleading.

§ 144.5 Mailings.

(a) *Preparation.* The mailer must bundle, box, or otherwise package mailings of 5 or more letter-type pieces with the addresses facing in one direction. This prevents the pieces from becoming mixed with other mail which has to be faced, canceled, and postmarked in the post office. Properly prepared metered mail can go directly to distribution and thereby be expedited in dispatch. Metered mail not properly bundled, boxed, or otherwise packaged as required will be reported by telephone or personal visit to the mailer or his authorized agent. A record of this action will be maintained by the postmaster on Form 3749, Irregularities in the Preparation of Mail Matter. If the mailer or his agent disregards such reports and irregularities are repeated, the mail will be retained by the postmaster and the mailer immediately notified by telephone so that the mailing can be picked up for proper preparation before acceptance and dispatch. Each class and denomination should be bundled separately. Special delivery and airmail should always be bundled separately or located on the top of a bundle.

(b) *Place of Mailing.* (1) Metered mail, other than bulk mailings of third-class mail may be deposited in any street collection box, mail chute, receiving box, cooperative mailing rack, or other place where mail is accepted, which is under the jurisdiction of the post office shown in the meter stamp. To secure faster dispatch, metered mail should be deposited at the main post office or a station or branch thereof.

(2) To expedite dispatch and as a convenience to meter users, limited quantities of airmail, special delivery, and other first-class mail may be deposited at offices other than the one which appears in the meter stamp. A limited quantity is considered to be the quantity of mail a secretary might deposit in a mail receptacle on the way home from work.

(c) *Handling of Metered Mail*—(1) *Mailed at stations and branches.* At stations and branches where mail is not processed, keep metered mail separate from other types of mail insofar as possible so that the advantages of the separation are not lost at the time of processing. When the quantity warrants, place metered mail in pouches, sacks, or hampers, labeled *Metered Mail.* When the quantities are too small be be separately pouched or sacked, tie the pieces securely in bundles, labeled *Metered Mail* so that they may be identified and promptly separated in the distributing unit from other types of mail.

(2) *Postmarking.* Do not postmark metered mail, except as required in 332.35 of the Postal Service Manual and subparagraph (4) of this paragraph.

(3) *Distribution.* Send metered mail to distribution points as soon as received. Distribute in order of priority of receipt regardless of time shown in postmarks or meter stamps.

(4) *Examination.* Examine mail while being routed for distribution to determine that it is properly prepared. This examination may be made by a selective check of the pieces as they are distributed. Metered mail bearing the wrong date of mailing see § 144.4(g) will be run through a canceling machine or otherwise postmarked to show the proper date. Form 3749 will be used by postmasters to call irregularities to the attention of the mailer. If the same irregularity is repeated, the postmaster will notify the head of the firm or his authorized agent in writing. If a mailer disregards such notices on dating of mail, the postmaster may refuse to accept the mail, or if the mail has already been accepted, he may return the mail with instructions to enclose it in new envelopes bearing the correct date in the meter stamp.

§ 144.6 Security.

(a) *Quarterly Verification.* (1) The postal data center provides each post office with a quarterly meter control list of postage meters used for mailings at that post office. These listings should be checked for accuracy in accordance with section 236.4, Handbook F–1.

(2) Area mail processing units and post offices which do initial distribution of originating mail will take a sampling of local originating metered mail (letters and parcels including those bearing Postal Service meter stamps) during a different day of each quarter. Sample sizes will depend on the number of meters under license at the office, the total volume of local originating metered mail, classes of metered mail, and the diversity of mailings. Five to twenty-five percent of the meters set at the office should be included in the sampling, with larger offices using the lower percentage figure and smaller offices the higher. This sampling is designed to:

(i) Detect use of unauthorized meters

(ii) Detect altered metered stamps

(iii) Detect improper metered mail procedures by mailers, especially incorrect postmarks.

(3) Employees making the sample shall be familiar with the requirements of part 144 and shall be provided with copies of Forms 3616 and 3749.

(4) Local originating metered mail with other than a local postmark shall be listed on a separate Form 3616, a separate Form 3616 being used for each postmark.

(5) Metered mail being sampled should also be examined for alterations or counterfeit impressions. Suspect impressions should be immediately reported to the supervisor. Alterations may be indicated by:

(i) Peculiar tint of ink.

(ii) Smudged or uneven impressions.

(iii) Digits which are out of line or vary in size.

(iv) Impressions which appear to have been altered manually by pen and ink or other means.

(6) Metered mail being sampled should also be examined for improper mailing practices such as wrong date and improper preparation. Form 3749 shall be prepared for each irregularity observed.

(7) An employee who did not participate in the sampling shall check the Forms 3616 against the numeric listing of meters set by the post office. Discrepancies which cannot be resolved shall be reported to the regional mail classification branch.

(8) Forms 3616 for mail having other than local postmarks shall be forwarded to the appropriate postmaster to determine if they are authorized. These Forms 3616 shall be filed with Forms 3616 developed during that office's quarterly verification. Postmasters shall report use of unauthorized meters to the regional mail classification branch.

(9) The regional mail classification branch shall attempt to resolve reports of unauthorized meters by comparison with lists of stolen meters and by discussion with meter manufacturers. Meters that are unauthorized or which have previously been reported stolen shall be reported to the Inspection Service and to the manufacturer. The reporting post office shall be advised of any action taken.

(b) *Lost and stolen meters.* Report the loss, theft, or recovery of any lost or stolen meters immediately to the local postmaster, to the mail classification branch for the region in which the meter is licensed for use, and to the local police. Reports shall include the meter model and serial number; the date, location and details of the loss or theft; and a copy of the police report when applicable.

§ 144.7 Post office meters.

(a) *Criteria for use.* Omnidenomination postage meters are assigned to parcel post and registry windows and postage-due units at post offices and classified stations and branches meeting the criteria in section 641.444 of the Postal Service Manual. Post-office-owned meters are not assignable to contract stations or branches.

(b) *Requests for meters.* Requests for postage meters shall be made in accordance with section 641.444 of the Postal Service Manual.

(c) *Operation of meter*—(1) *Instructions by meter manufacturer.* A representative of the manufacturer will instruct employees how to operate the device at time of installation.

(2) *Keys.* (i) Two different keys are needed to operate a postage meter. One key is required to unlock the meter operating lever and must be used each day the machine is operated. A different key, which is the same as the key used to open customers' meters at time of setting, is required to open the meter unit to set an amount of postage in the device. The manufacturer will not furnish an additional meter setting key if you already have one.

(ii) Duplicate keys are provided for the meter operating lever of each machine. One key will be kept in custody of the designated supervisor except during the period the meter is assigned to the meter operator. The duplicate key will be recorded and retained in protective custody.

(3) Settings. Meters must be set by an employee authorized to set customer's meters. A meter machine operator must never set his own meter. Record initial setting and all other information called for on Form 3609–PO, *Control for Post Office Meter.* Set each meter at least once each 6 months. Limit settings to multiples of $100.00.

(4) Conversion to postage due. (i) Meters are converted to postage-due use by installing a snap-in die plate which imprints the words Postage Due to the left of the postmark circle. Dies are furnished by the Western Area Supply Center, Parts Section, Topeka, KS 66601. Requisition on Form 4984, Repair Parts Requisition. Include the model of meter with all requests.

(ii) Requisition a portable meter stand to move the meter between postage-due units and receiving windows when it is used in a dual capacity.

(iii) Meter operators assigned to receiving mail from the public may not also deliver postage due mail to window callers.

(5) *Affixing meter stamps.* Sell meter postage for packages or parcels of all classes, and for occasional letters presented by mailers of parcels. Affix meter stamps to the mail in presence of mailer. Do not use a meter for quantities of letters or circulars. Do not sell meter stamps to be taken from the post office to be put on parcels elsewhere. You may sell to collectors, stamps of meters installed at parcel post and registry receiving windows provided the stamps are for small amounts and are for philatelic purposes only. Do not issue stamps showing ".00" in the indicia or for less than 5 cents. Do not sell postage-due imprints except to collect postage-due. A meter operator should submit unused meter stamps daily that are printed in error with Form 3533, Application and Voucher for Refund of Postage and Fees, to postmaster for full refund. Do not hold these stamps longer than one week in any case.

(6) *Ink and tape.* Use only tape and red ink furnished by the Postal Service. Requisition from the supply center. Use green ink in meters used exclusively for postage-due mail. Green ink must be obtained from meter manufacturer or their local representative in accordance with local procurement authority in chapter 6 of the Postal Service Manual.

(7) *Protection of meter heads.* Remove meter heads and place in a safe or locked cabinet overnight and at other times when operator is temporarily absent from his station and adequate surveillance cannot be maintained over the meter head to prevent its misuse by unauthorized persons.

(8) *Repairs.* Postage meters are guaranteed against all defects in materials and workmanship for 1 year after installation. Request nearest authorized manufacturer's representative for free service during the 1-year guarantee. For other repairs see part 623 of the Postal Service Manual.

(9) *Slogan Ad Plates.* Except as provided in subparagraph (4) of this paragraph do not use slogan die plates in post-office owned meters.

(d) *Accounting*—(1) *Employees accountable.* (i) Designate a supervisor or other employee not assigned to operating the meter as responsible to check the daily accountability of postage printed by a meter. He shall check the meter in and out of service daily for the operator and see that it is protected as provided in paragraph (c)(7) of this section.

(ii) A meter operator is responsible for all postage printed by a meter while it is checked into his service; and for locking the machine and safeguarding the key during temporary absences. He shall use an informal receipt, or back of Form 3602–PO, when meter is turned over to a relief clerk during lunch or other short period.

(2) *Preparation and verification of accounting records.*—(i) *Form 3602–PO.* This is an accountable form, serially numbered, used daily to record meter register readings and remittance of cash. Each day the meter operator shall record the meter number, unit or station name, date, and ascending and descending register readings. The designated supervisor shall verify the readings of registers and then turn over the lever key to the operating clerk. At the end of his tour, the meter operator shall record the ascending and descending register readings. The difference between the beginning and ending readings represent postage for which the meter operator is accountable. The designated supervisor must verify readings and initial Form 3602–PO when checking a meter out of service or when transferring it to another operator.

(ii) *Form 3609–PO.* (A) Form 3609–PO shall be retained by the director, office of finance, chief accountant or the individual in charge of the office cash records. The first meter setting shall be recorded directly in Form 3609–PO. All other settings are reported on Form 3602–PO and posted to Form 3609–PO.

(B) A copy of Form 3602–PO must be kept with Form 3609–PO and the total amount of postage posted once each accounting period on Form 3609–PO. The numerical sequence of Forms 3602–PO must be verified.

(3) *Ascending register reversion.* The ascending register on reaching its maximum will revert to zero and start a new ascending record. When this occurs, the meter operator shall record the closing ascending register on Form 3602–PO as though it had not reverted by recording the carry-over digits in parentheses, as for example:

Descending register beginning	120000	Ascending register end	(1)0060000
Descending register end	40000	Ascending register beginning	9980000

Amount remitted: $800.00

When Form 3602–PO is received by the employee maintaining records on Form 3609–PO, appropriate notation of the date of reversion shall be made on the Form 3609–PO. Thereafter, readings of the ascending register will be recorded in the usual manner without addition of the digit in parentheses.

(4) *Remittance.* Money collected through postage meter operations must be remitted daily as near the end of the tour as possible. The original of Form 3602–PO must accompany Form 1412 or 1412–A Daily Cash Report. If Form 1412 or 1412–A is not used, send remittance with Form 3602–PO.

(e) *Use by contract stations and branches.*—(1) *Privately owned meters.* Although post-office-owned meters are not furnished to contract stations and branches, the contractor may at his own expense and option obtain a postage meter to collect postage on parcels presented by patrons.

(2) *Accountability.* (i) Settings of meters for contract stations shall be made at the post office or classified station or branch designated by the postmaster.

(ii) If meter is used exclusively for mailings of customers, follow instructions in paragraph (b)(3) of this section and reduce stamp credit. Furnish Form 3602–PO to contractor and require submission of form with daily remission of meter funds.

(iii) If meter is also used by contractor to pay postage on his own mail, require payment for each setting at the time meter is set. Contractor will reimburse himself for meter postage applied to customers' parcels.

(iv) Account for all settings of non-post-office owned meters used at contract stations in the same manner as customer meters. See Handbook F–1.

§ 144.8 [Reserved]

§ 144.9 Manufacture and distribution of postage meters.

(a) *Authorization to manufacture and lease*—(1) *Qualification.* Any concern desiring authorization to manufacture and lease postage meters for use by mailers under § 144.1(c) must qualify as follows:

(i) Satisfy the U.S. Postal Service as to its integrity and financial responsibility.

(ii) obtain approval of at least one model postage meter incorporating all the mechanical features and safeguards specified in paragraph (b) of this section.

(iii) Have, or establish, and maintain under its supervision and control adequate manufacturing facilities suitable to carry out to the satisfaction of the Finance and Administration Department the provisions of paragraph (d) of this section. Such facilities shall be subject to inspection by representatives of the Finance and Administration Department.

(iv) Have, or establish, and maintain adequate facilities for the control, distribution, and maintenance of postage meters and their replacement when necessary.

(2) *Application.* Any person or concern seeking authorization to manufacture postage meters may make application to the Finance and Administration Department, in person or in writing. On qualification and approval, the applicant will be authorized in writing to manufacture postage meters and to lease them to mailers. The name of the manufacturer will be listed in the Postal Service Manual.

(3) *Suspension.* The U.S. Postal Service may require a manufacturer to suspend production and distribution of any or all of his models of postage meters pending investigation to determine whether his authorization should be revoked and the Postal Service will fully advise him of the facts which may warrant such action. The manufacturer will be given an opportunity to demonstrate or achieve compliance with all the lawful requirements within a reasonable, specified time limit.

(4) *Revocation.* Authorization may be revoked if the manufacturer engages in any scheme or enterprise of an unlawful character or fails to comply with any of the provisions of part 144.

(b) *Specifications.* Postage meters must incorporate all of the following mechanical features and safeguards:

(1) A postage meter may be either the detachable portion containing the printing die and registering mechanism of a mailing machine, or it may be complete in itself. In either case, it must be suitable for the mailer to bring to the post office for setting.

(2) A postage meter may be capable of printing one denomination of postage and registering the number of such impressions made (single denomination); or it may be capable of printing several denominations and registering either multiples of the smallest unit printed (multidenomination) or the currency value of the impressions made (omnidenomination). The printing die or dies, counters and counter-actuating mechanism must be inseparable in the unit brought to the post office for setting.

(3) In each postage meter, there must be two accurate and dependable counting devices, one ascending and registering the total imprinted, the other descending and registering the balance of the last setting remaining unused. The descending register must actuate a locking mechanism preventing further operation of the meter after the register has reduced to an amount less than the largest denomination printable in one operation or to zero. The descending register must be so constructed as to be easily set at the post office for any amount of postage or number of impressions within its capacity, prepaid by the mailer.

(4) The entire mechanism must be encased in a substantial housing. The descending register must be accessible to the post office by means of a door equipped with a suitable lock and with provision for a post office seal. The ascending register and all other mechanism must be so shielded as not to be accessible even when the door is open. The readings of both registers must be easily obtainable at any time between operations, either by visibility through closed windows, or by imprint on tape or card, or by a combination of the two methods. The housing must be of such construction that it is impossible to alter the readings of the ascending register except by normal operation, or to gain access to the internal mechanism, except for setting the descending register as provided in subparagraph (3) of this paragraph, without mutilation.

(5) The printing die must either conform in design to one already in use or be approved by the Finance and Administration Department. It must include the serial number of the meter and identification of the manufacturer, and be so constructed or shielded that it is not practically possible without proper registration in the ascending and descending register to obtain imprints fraudulently.

(6) The meter die must include a postmark to print the name of the city and State from which mail is dispatched and the date of mailing. The postmark must be printed at the left of but adjacent to the denomination stamp and may be either included in an overall design with the denomination stamp or separated from it. Provision must be made so that the date may be either printed or omitted as required by the U.S. Postal Service on the various classes of mail. Provision may be made to print an hour of mailing either within or in a close position outside the postmark. Provision may also be made to print designations such as "Nonprofit Org.", and the like, adjacent to and in the same operation with the meter stamp. The denomination die must not be completely exposed at any time during the process of installing or removing postmark dies, daters, hour type, or special designation slugs or when changing the date.

(7) Provision may be made in a meter for a meter slogan or ad plate to print to the left of and adjacent to the postmark. The size and position of a slogan or meter ad must be such that it will not interfere with or obscure the meter stamp or postmark and it must be possible to install the plate easily without exposing the meter stamp die. Plates must be made of suitable, durable material which will not soften or disintegrate while in use. They must be well fitted and so securely fastened to the printing mechanism that they will not become loose or detached or otherwise interfere with proper operation of a meter.

(8) The entire mechanism must be of such solid, substantial, and dependable construction as to protect the U.S. Postal Service amply against loss of revenue from fraud, manipulation, misoperation, or breakdown.

(c) *Testing and approval*—(1) *Submission of each model.* Each model meter proposed for manufacture must be approved by the Finance and Administration Department, after being tested by the National Bureau of Standards, or the U.S. Postal Service Laboratory, at the expense of the manufacturer. A preliminary working model which meets the specifications in paragraph (b) of this section may be submitted for tentative approval. No meters of any model may be distributed or used for payment of

postage until a complete unit made to production drawings and specifications has been submitted, tested, and approved, except as may be specifically authorized for preliminary field testing.

(2) *Security examination.* Each model meter proposed for manufacturer will be examined to see that it incorporates all the mechanical features and safeguards required by paragraph (b) of this section and that it amply protects the U.S. Postal Service against loss of revenue.

(3) *Endurance test.* Each model of meter proposed for manufacture must pass without error or breakdown the following described printing cycle endurance test which includes operation of the printing mechanism with proper registration of the selected postage value in both the ascending and descending registers:

(i) For meters that operate at 100 or more printing cycles per minute—4 million cycles.—For meters that operate at less than 100 printing cycles per minute (and cannot be used interchangeably on power base machines that operate at 100 or more printing cycles per minute)—2 million cycles.

(ii) For multi- and omni-denomination meters, postage value selection elements shall be tested for one-half million operations. A complete operation includes selection of a value and return to zero.

(iii) Balance register lockout operation shall be performed at the start of, at intervals during, and at the end of the printing cycle test.

(4) *Approval.* The U.S. Postal Service reserves the right before approval to require additional examination and testing as necessary to resolve any areas of doubt regarding the security or endurance characteristics of any meter which is proposed for manufacture.

(5) *Deposit of specimen meter.* One production model of each meter approved must be deposited with the Finance and Administration Department, and no changes affecting the basic features or safeguards may be made thereafter without Postal Service approval.

(6) *Tests after approval.* Additional meters from current manufacture must be submitted to the National Bureau of Standards, or the U.S. Postal Service, for test, at the expense of the manufacturer, as may be requested by the Finance and Administration Department, U.S. Postal Service.

(d) *Safeguards*—(1) *Materials and workmanship.* All meters must closely adhere to the quality in materials and workmanship of the approved production model and must be manufactured with suitable jigs, dies, tools, etc., to assure proper maintenance and interchangeability of parts.

(2) *Breakdown tests.* At reasonably frequent intervals, the manufacturer must take meters at random from production and subject them to breakdown tests to make certain that quality and performance standards are maintained.

(3) *Protection of printing dies and keys.* During the process of fabricating parts and assembling postage meters, the manufacturer must exercise due care to prevent loss or theft of keys or of serially numbered postage printing dies or component parts, such as denomination printing dies, which might be used in some manner to defraud the Government of postal revenues. All serially numbered printing dies produced should be accounted for by assembly into meters or by evidence of mutilation or destruction. Postage printing dies removed from meters and not suitable for reassembly must also be mutilated beyond the possibility of use, or be completely destroyed.

(4) *Destruction of meter stamps.* All meter stamps printed in the process of testing dies or meters must be collected and destroyed daily.

(5) *Inspection of new and rebuilt meters.* All new and rebuilt meters must be carefully inspected before leaving the manufacturer's meter service station.

(6) *Keys and setting equipment.* The meter manufacturer must furnish keys and other essential equipment for setting his meters to all post offices under whose jurisdiction his meters are licensed for use. These items must be protected and shall not be furnished to persons not authorized by the U.S. Postal Service to have them.

(e) *Distribution.*—(1) *Facilities.* Authorized manufacturers must maintain adequate facilities for the distribution, control, and maintenance of postage meters. All such facilities are subject to inspection by representatives of the Finance and Administration Department.

(2) *Controls.* Each authorized manufacturer is required to:

(i) Retain title permanently to all meters of his manufacture except such as may be purchased by the U.S. Postal Service for use in post offices.

(ii) Lease his meters only to mailers to whom meter licenses have been issued by the post office.

(iii) Supply only those meter slogan or ad plates that meet the requirements of the U.S. Postal Service for suitable quality and content.

(iv) Deliver meters to post offices or postal stations only—never to mailers until set and sealed at a post office.

(v) Take reasonable precautions in the transportation and storage of his meters to prevent their reaching the hands of unauthorized individuals.

(vi) Report the loss or theft of any of his meters, or the recovery of any lost or stolen meters, immediately to the local postmaster, the local police, and the Regional Postmaster General for the region in which the meter is licensed for use.

(vii) Report to the appropriate postal data center of the U.S. Postal Service each time a meter is presented at a post office for initial setting or to be checked out of service—the report to include the name and address of the mailer, the post office or postal station through which it was handled, and the readings of both registers at the time the meter left or was returned to the manufacturer's possession.

(viii) Maintain at his headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time it is produced until it is scrapped, and the reading of the ascending register each time it is checked into or out of service through a post office. These records must be subject to inspection at any time during business hours by officials of the U.S. Postal Service. These records may be destroyed 3 years after the meter is scrapped.

(ix) Cancel his lease agreement with any mailer whose meter license is canceled by the U.S. Postal Service and remove his meter promptly.

(x) Maintain a permanent record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential preferably in the form of signed receipt cards. Report the loss or theft of any of his meter setting keys, or the recovery of lost or stolen keys, to the Regional Postmaster General.

(xi) Examine each meter withdrawn from service for failure to record its operations correctly and accurately, and report to the U.S. Postal Service the mechanical condition or fault which caused the failure. See § 144.3(d).

(xii) Submit such other reports to the U.S. Postal Service as may be required from time to time.

(f) *Maintenance*—(1) *Replacement.* The manufacturer must maintain his meters in proper operating condition for mailers by replacing them when necessary or desirable to forestall mechanical breakdown.

(2) *Inspection of meters in use.* The manufacturer must have all of his meters in service with mailers inspected at least twice annually at approximate six-month intervals. Inspections must be sufficiently thorough to determine that each meter is clean, in proper operating condition, is recording its operations correctly and accurately, that neither the post office seal nor any seal placed by the manufacturer to prevent access to the mechanism has been removed or tampered with, and that there are no other indications of tampering. A specimen printing of .00¢ shall be run off and the ascending and descending registers checked to insure that they do not change. The meter register readings must be compared with the control figure last recorded by the postal setting employee in the meter user's Form 3602-A, Daily Record of Meter Register Readings, to confirm the accuracy of the registers. If the post office control figure has not been recorded, obtain such figure immediately from post office to confirm accuracy of registers. Any irregularities found in the operation of a meter at any time or any improper usage of a meter must be reported immediately to the mailer's postmaster, and appropriate steps must be taken to have the meter discontinued.

(3) *Repair of internal mechanism.* Repair or reconditioning of meters involving access to internal mechanisms must be performed only within a factory or

suitable meter repair department under the direct control and supervision of the manufacturer. Meters must be checked out of service through the post office of setting before they are opened or any internal repairs are undertaken.

(g) *Notice of proposed changes in regulations.* So far as may be consistent with the public interest, before any changes are made in the regulations in this Part 144, the U.S. Postal Service will give notice of any proposed changes sufficiently far in advance of the proposed effective date to enable persons who manufacture or who may be interested in manufacturing postage meters, a reasonable opportunity to be heard and to adjust their operations to accord with the proposed changes if they are adopted.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-14398 Filed 7-16-73;8:45 am]

PART 156—RURAL SERVICE

Custom Built Rural Mailboxes

Regulations dealing with approval by the Postal Service of the quality of rural mailboxes are amended to indicate the criteria for custom built boxes. Accordingly, paragraph (a) of § 156.5 *Rural boxes* is amended, effective July 17, 1973, by the addition of subparagraph (6) to read as follows:

§ 156.5 Rural boxes.

(a) * * *

(6) *Custom built rural mailboxes.* Postmasters are authorized to approve rural mailboxes constructed by individuals who for esthetic or other reasons do not wish to use an approved manufactured box. The custom built box must conform generally to the same requirements as approved manufactured boxes relative to the flag, size, strength and quality of construction.

* * * * *

(39 U.S.C. 401).

ROGER P. CRAIG,
Deputy General Counsel.

JULY 12, 1973.

[FR Doc.73-14526 Filed 7-16-73;8:45 am]

PART 164—INDEMNITY CLAIMS

previously designated "Payment for Losses," are now designated as "Indemnity Claims." The regulations have been rewritten to implement procedures to expedite the processing of insured mail (including c.o.d.) indemnity claims.

Publication of the revisions in the FEDERAL REGISTER is effective immediately.

Sec.

AUTHORITY: 39 U.S.C. 401.

§ 164.1 General instructions on filing an insured (including C.O.D.) mail claim.

(a) *Who may file.* A claim for loss or damage of insured (including c.o.d.) mail may be filed by either the mailer or the addressee.

(b) *How to file*—(1) *Domestic claims.* A customer may file a claim at any post office, classified branch, or station. Form 3812, *Request for Payment of Domestic Postal Insurance*, dated Nov. 1971 or later, is used to request payment for the loss or damage of insured mail. The form is a four-part snap-out set which includes two copies of Form 1510-A, *Inquiry for the Loss or Rifling of Mail Matter*, and one copy of Form 3841, *Post Office Record of Claim*. DO NOT COMPLETE A SEPARATE FORM 1510 or FORM 3841 FOR INSURED OR C.O.D. CLAIMS.

(2) *International claims.* Claims for international insured mail are to be handled in accordance with Parts 17-73 of this title.

(c) *When to file*—(1) *Loss claims.* Customers may not file a claim for loss until 30 days after the date of mailing.

(2) *Damage claims.* Customers may file damage claims immediately.

(3) *Insurance (including C.O.D.) claims.* Indemnity claims must be filed within one year from the date the article was mailed, unless the claimant can establish that the delay was not his fault. In case of doubt, accept the claim and outline the details for postal data center evaluation.

(d) *Information required*—(1) *Evidence of insurance.* The customer must submit evidence that the package was insured. Acceptable evidence includes either:

(i) The original insurance receipt issued at time of mailing. Business firms may annotate the appropriate line(s) in their firm mailing book *Claim filed on (date)*, and submit a photocopy with the claim form.

(ii) The wrapper, if it has the name and address of both the mailer and the addressee and the appropriate insurance endorsement.

(2) *Evidence of value.* The customer (including Government agencies which have insured official mail) must submit evidence of value for claims of $50 or more. The Postal Service will not undertake to obtain estimates of value. Acceptable evidence may include any one of the following:

(i) Sales receipt.

(ii) Invoice.

(iii) Completion of item 13 of the claim form as to purchase price of the article, approximate year of purchase, indication of whether the article was new or used, or price of materials used and labor, if handmade.

(iv) Statement of value from a reputable dealer.

(v) Catalog value of a similar article.

(vi) Paid repair bills, estimates of repair costs, or appraisals.

(e) *Assignment of responsibilities.* (1) Post offices, classified stations and branches will:

(i) Accept claims when evidence of insurance, statement of value (if claim is for $50 or more), and required signatures are furnished.

(ii) Assist customers in preparation of Form 3812.

(iii) Complete post office portion of Forms 3812.

(iv) Route completed Forms 3812 in accordance with section 164.4.

(2) The St. Louis Postal Data Center will adjudicate and pay or disallow all domestic insured and c.o.d. mail claims.

§ 164.2 Acceptance and preparation of insured mail claims.

(a) *Filed by mailer.* (1) The accepting postal employee will complete items 1 through 10 on Form 3812. Type or print legibly with a ballpoint pen. Press hard.

Item 1. Check the appropriate block to indicate type of claim.

Item 2. Indicate use of airmail, if applicable.

Item 3. Check the appropriate block to indicate category of the claim.

Item 4. Indicate special delivery service, if applicable.

Item 5. Enter city, State and ZIP Code of *mailing post office* (not necessarily the post office where the claim is being filed). If the package was mailed at a station or branch, use the appropriate ZIP Code.

Item 6. Enter the date the package was mailed.

Item 7. Enter the date the claim is being filed.

Item 8. Enter city, State and ZIP Code of *post office of address.*

Item 9. Enter amount of postage paid, including special fees such as special delivery or special handling.

Item 10. Enter amount of insurance fee paid.

(2) Assist the customer in completing items 11 through 14 and items 17 and 18 of Form 3812 to the extent possible as follows:

Items 11 and 12. Names and addresses of mailer and addressee. The mailer should indicate the payee by checking the payee block in either item 11 or 12. If payee is a third party, do not check either block; complete the customer portion of the Identification Slip to indicate payee.

Item 13. Describe the articles lost or damaged; indicate the purchase price, the approximate year of purchase, whether the article was new or used, or the price of materials used and labor, if handmade. Describe the items in sufficient detail for the postal data center to determine that the value claimed is not excessive. Attach a supplementary sheet of paper to the claim form if necessary.

Item 14. Enter the total amount claimed excluding postage.

Item 15. Leave blank.

Item 16. Leave blank.

Item 17. Complete if package was commercially insured. Include policy number, name and address of insurance company and amount of deductible, if appropriate.

Item 18. Have the mailer sign and enter his telephone number in appropriate block. If the claim is being filed by a business firm, the firm name should be entered in the signature block and the firm's representative should sign the block labeled *By*.

Item 19. Leave blank.

(3) The accepting postal employee will complete items 20, 21 and 22 (if applicable) of Form 3812.

Item 20. Date stamp and initial.

Item 21. Check the appropriate block to indicate evidence of insurance. Endorse the insurance receipt and wrapper *Claim Filed*, date stamp and initial it. Return it to the customer and instruct him to keep it until the claim is settled.

Item 22. Location of the damaged article:

(i) If the mailer has possession of the damaged article, he must display it to the accepting postal employee to verify actual damage.

(ii) If the claim is for partial damage, check the appropriate block to indicate that the customer will retain possession of the article.

NOTE: Under no circumstances should the accepting postal employee arrange to have the article repaired.

(iii) If the claim is for total damage, disposition of the article will be at the option of the Postal Service. If the totally damaged article will have little or no salvage value, the article may be returned to the customer if he so desires. If the totally damaged article will have salvage value, dispose of it in accordance with §164.3 of this title.

(4) Enter the following information on lower portion of Form 3812, *Postal Insurance Claim Identification*.

Mailer's Name and Address.
Addressee's Name and Address.
Other Identification (at option of customer).
Name and Address of Payee as Designated by Mailer.

(5) Review the claim form before the mailer leaves the post office to assure that:

(i) The mailer has designated the payee; signed the claim form; and completed the postal insurance claim identification portion of the form; and

(ii) All necessary available supporting documents (bill of sale, invoice, repair bill or estimate of repairs) are attached to the back of claim form.

(b) *Filed by addressee*

(1) The accepting postal employee will complete items 1 through 10 on Form 3812, as appropriate. Type or print legibly with a ballpoint pen. Press hard.

Item 1. Check the appropriate block to indicate type of claim.

Item 2. Indicate use of airmail, if applicable.

Item 3. Check the appropriate block to indicate category of the claim.

Item 4. Indicate special delivery service, if applicable.

Item 5. Enter city, State and ZIP Code of *mailing post office*, if known.

Item 6. Enter the date the package was mailed, if known.

Item 7. Enter the date the claim is being filed.

Item 8. Enter city, State and ZIP Code of *post office of address*.

Item 9. Enter amount of postage paid.

Item 10. Enter amount of insurance fee paid, if possible.

(2) Assist the customer in completing the following items of Form 3812 to the extent possible:

Items 11 and 12. Names and addresses of mailer and addressee. Check the payee block in either item 11 or 12 *only if the claim is for repair of a partially damaged article.*

Item 13. Describe the articles lost or damaged; indicate the purchase price, the approximate year of purchase, whether the article was new or used, or the price of materials used and labor, if handmade. Describe the items in sufficient detail for the postal data center to determine that the value claimed is not excessive. Attach a supplementary sheet of paper to the claim form, if necessary.

Item 14. Enter the total amount claimed excluding postage.

Item 15. Complete for loss claims only.

Item 16. Complete for c.o.d. claims only.

Item 17. Complete if package was commercially insured. Include policy number, name and address of insurance company and amount of deductible, if appropriate.

Item 18. Leave blank.

Item 19. Have the addressee sign and enter his telephone number in appropriate block. If the claim is being filed by a business firm, the firm name should be entered in the signature block and the firm's representative should sign the block labeled "By".

(3) The accepting postal employee will complete items 20, 21 and 22 (if applicable) of Form 3812.

Item 20. Date stamp and initial.

Item 21. Check the appropriate block to indicate evidence of insurance. Endorse the insurance receipt and/or wrapper *Claim Filed*, date stamp and initial it. Return it to the customer and instruct him to keep it until the claim is settled.

Item 22. Location of the damaged article:

(i) If the customer has possession of the damaged article, he must display it to the accepting postal employee to verify actual damage.

(ii) If the claim is for partial damage, check the appropriate block to indicate that the customer will retain possession of the article.

NOTE: Under no circumstances should the accepting postal employee arrange to have the article repaired.

(iii) If the claim is for total damage, disposition of the article will be at the option of the Postal Service. If the totally damaged article will have little or no salvage value, the article may be returned to the csutomer if he so desires. If the totally damaged article will have salvage value, dispose of it in accordance with section 164.3.

(4) Enter the following information on lower portion of Form 3812, *Postal Insurance Claim Identification*, only if the claim is for repair of a partially damaged article:

Mailer's Name and Address.
Addressee's Name and Address.
Other Identification (at option of customer).
Name and Address of Payee.

(5) Review the claim form before the addressee leaves the post office to assure that:

(i) The addressee has signed the claim form and completed the *Postal Insurance Claim Identification* portion of the form, if applicable; and

(ii) All necessary available supporting documents (bill of sale, invoice, repair bill or estimate of repairs) are attached to the back of claim form.

§ 164.3 Disposition of the damaged article.

(a) For a totally damaged article that will have little or no salvage value such as smashed glassware, allow the customer to retain the article if he so desires, otherwise destroy it. If the totally damaged article will have salvage value retain it for 60 days then forward it to your dead parcel post branch on the next weekly dispatch. Use Form 3831 *Receipt for Article(s) Damaged in Mails*. If customer's claim is denied, article is to be returned upon request.

(b) For partially damaged articles, return the article to the customer.

§ 164.4 Disposition of the claim.

(a) The accepting clerk should forward the partially completed claim form, with the available supporting documentation attached, to:

(1) The claims and inquiry section, if one exists, or

(2) The employee within the post office who has been designated to handle insurance claims.

(b) Final preparation of the claim form at the accepting post office (except APO/FPO claims and Canal Zone claims—See paragraph (d) of this section)—is completed as follows:

(1) Assign a nine-digit number in the space provided at the top of Form 3812. The claim number is composed of the six digit post office finance number and a three digit sequential number beginning with 001 and continuing through 999. When the total of claims initiated reaches 999, begin again with 001.

(2) *Forward to* block: Check the appropriate box to indicate to whom the claim form will be forwarded.

(3) Detach and file copy 4 of the claim form set (Form 3841, *Post Office Record of Claim*) alphabetically by mailer's name.

(4) Leave copies 2 and 3, Form 1510-A, attached to the claim form set.

(5) Select the appropriate form letter of instructions and attach it to the front of the claim form set as follows:

(i) Loss Claim Filed by Mailer, Form Letter 3861.

(ii) Damage Claim Filed by Mailer, Form Letter 3862.

(iii) Damage Claim Filed by Addressee, Form Letter 3863.

(6) Prepare a pre-addressed, penalty reply envelope as follows:

Postal Data Center
P.O. Box 14677
St. Louis, Mo. 63180

Attach the envelope to the claim form set.

(c) Send the claim form set with the appropriate form letter and pre-addressed postal data center envelope as follows:

(1) Loss or c.o.d.—to the addressee.

(2) Damage claim—to the second customer (either mailer or addressee). See exceptions in paragraph (c) of this section.

(3) Exceptional damage claims.

(i) If the mailer has possession of the damaged article and submits proof that it was received by the addressee in a damaged condition, or that it was returned from the office of address as undeliverable, do not send the claim form to the addressee. Forward it directly to the St. Louis Postal Data Center for certification and payment.

(ii) If repairs to a partially damaged article have been paid for by the addressee, forward the claim directly to the St. Louis Postal Data Center without the statement or signature of the mailer, provided you can determine from the insurance endorsement on the wrapper that the insurance fee paid was sufficient to have purchased insurance to cover the cost of repairs. Otherwise forward to the mailer for his evidence of insurance in accordance with paragraph (b)(5)(iii) of this section and paragraph (c)(2) of this section.

(d) When preparing and forwarding APO/FPO and Canal Zone Claims:

(1) Determine whether or not the mailer is still in an overseas area. Frequently APO/FPO and Canal Zone claims can be settled locally without contacting the port post office and the claim form set can be forwarded directly to the St. Louis Postal Data Center.

(2) If the claim cannot be settled locally, prepare the claim form set as you would for ordinary domestic claims except do not enter a claim number and do not detach copy 4 (Form 3841).

(3) Select and attach the appropriate form letter and forward as follows:

(i) Overseas Military Mail—to the postmaster at the port post office identified in the mailer's or addressee's address.

(ii) Canal Zone Mail—to the Postmaster, New Orleans, LA 70113.

(e) Port post office responsibilities are:

(1) Upon receipt of an APO/FPO or Canal Zone claim initiated by another post office, take the following action:

(i) Enter your own claim number.

(ii) Detach and file copy 4 (Form 3841) of the claim form set.

(iii) Forward the claim form set on to the next contact point.

(2) When the claim form set is returned to your office:

(i) Annotate the Form 3841 appropriately.

(ii) Forward the claim form set to the St. Louis Postal Data Center for adjudication and payment.

§ 164.5 Additional Post Office responsibilities (insured mail claims).

(a) *General Assistance to Customers.* (1) Completion of a claim form initiated at another post office.

If a customer comes into your office with any one of the form letters mentioned in § 164.4(b)(5) and a partially completed Form 3812, comply with the following procedures:

(i) Read carefully the form letter which transmitted directions to the customer.

(ii) Assist the customer in completing his portion of the Form 3812 in accordance with the directions in the form letter.

(iii) Place the completed Form 3812 and all other material which the customer has received into the pre-addressed postal data center envelope and mail.

(2) *Verification of insurance receipt.* When the addressee has filed a damage claim and the amount of indemnity claimed exceeds $50, the mailer must present his insurance receipt for verification at any post office, classified station, or branch. Accept the insurance receipt, the partially completed Form 3812, and the form letter of instructions from the mailer. Comply with the following procedures:

(i) Read carefully the form letter which transmitted directions to the customer.

(ii) Complete items 9 and 10 on Form 3812.

(iii) Assist the customer in completing his portion of the Form 3812 in accordance with the directions in the form letter.

(iv) Endorse the insurance receipt *Claim Filed,* date stamp and initial it. Return the receipt to the customer and instruct him to keep it until the claim is settled.

(v) Date stamp and initial item 24 of Form 3812.

(vi) Place the completed Form 3812 and all other material which the customer has received into the pre-addressed postal data center envelope and mail.

(b) *Follow up on the status of a claim.* (1) Provided at least 30 days (75 days for surface APO/FPO and Canal Zone mail) have elapsed since the claim was initiated, process the customer's inquiry as follows:

(i) Forward Form Letter 3864, *Insurance Claim Follow-up,* and a penalty, pre-addressed return envelope direct to the second customer involved in the claim.

(ii) Annotate Form 3841 to show the date on which the follow up letter was sent.

(2) Depending upon the response from the second customer, proceed as follows:

(i) *If the second customer indicates nonreceipt of the initial Form 3812,* prepare and process a duplicate Form 3812 in accordance with § 164.5(c).

(ii) *If the second customer indicates that the claim has been completed and forwarded to the postal data center,* annotate the Form 3841 appropriately and inform the customer who initiated the inquiry.

(iii) *If the second customer does not respond within 15 days,* send Form Letter 3865 *Inquiry on Status of Indemnity Claim,* to the St. Louis Postal Data Center and annotate Form 3841.

(3) Depending upon the response from the postal data center, proceed as follows:

(i) *If the postal data center indicates that the claim has been received,* annotate the Form 3841 appropriately and inform the customer who initiated the inquiry.

(ii) If the postal data center has no record of the claim, prepare and process a duplicate Form 3812 in accordance with § 164.5(c).

(c) *Duplicate claims.* (1) The initiating post office will prepare and process a duplicate claim as follows:

(i) Use the information on the original Form 3841 to complete as much of the duplicate Form 3812 as possible. Enter the same claim number that appeared on the original Form 3812. The signature of the customer who initiated the claim and the supporting documents are not necessary.

(ii) Mark the top of the Form 3812 *Duplicate.*

(iii) Annotate the original Form 3841 to indicate that a duplicate claim has been initiated. Do not detach the Form 3841 from the duplicate claim form set.

(iv) Select the appropriate form letter of instructions to the customer (see § 164.4(b)(5)) and attach it to the front of the claim form set.

(v) Prepare a pre-addressed, postage paid envelope as follows:

Postal Data Center
P.O. Box 14677
St. Louis, MO 63180

Attach the envelope to the claim form set.

(vi) Complete Form Letter 3866, *Duplicate Insurance Claim,* and attach it to the front of the claim form set.

(vii) Forward the entire package to the post office which serves the second customer.

(2) Upon receipt of a duplicate claim form set, the post office which serves the second customer should read carefully and comply with the instructions in Form Letter 3866.

§ 164.6 General instructions for filing registered mail claims.

(a) *Who may file.* A claim for loss of registered mail may be filed only by the mailer. Claims for damage may be filed by either the mailer or addressee.

(b) *How to file*—(1) *Domestic Claims.* A customer may file a claim at any post office, branch, or station. At a first and second-class post office, branch or station, use Form 565, *Application for Indemnity for Registered Mail,* to file a claim. At a third or fourth-class post office, the postmaster must send a memorandum to the local Postal Inspector-in-Charge. This memorandum must identify the nature of the loss, the registration number, the address of both mailer and addressee, and the date of mailing.

(2) *International claims.* Claims for international registered mail are to be handled in accordance with Parts 71–73 of this title.

(c) *When to file*—(1) *Loss claims.* Customers may not file a claim until a Form 1510, *Inquiry for the Loss or Rifling of Mail Matter*, has been processed.

(2) *Damage claims.* The sender or addressee may file claims for damage immediately.

(3) *Registered indemnity claims.* Must be filed within one year from the date the article was mailed, unless the claimant can establish that the delay was not his fault. In case of doubt, accept the claim and outline the details for postal data center evaluation.

(d) *Information required*—(1) *Evidence of registration.* The customer must submit evidence that the article was registered. Acceptable evidence includes either:

(i) The original registered mail receipt issued at the time of mailing.

(ii) The wrapper which must have the names and addresses of both the mailer and addressee and the appropriate registered mail endorsement.

(2) *Evidence of value.* The customer (including Government Agencies which have registered Official Mail) must submit evidence of value for registered claims. Acceptable evidence includes:

(i) Sales receipt.

(ii) Invoice.

(iii) Statement of value from a reputable dealer.

(iv) Paid repair bills, estimates of repair costs or appraisals.

(v) Statement of cost for duplication and premium for surety bond when claim is for loss of securities or certificates of stock.

(3) *Evidence of loss or damage.* (i) For loss claims, a Form 1510 must have been processed.

(ii) For damage claims, the article with the packaging must be presented either by the claimant or at the second post office.

(e) *Assignment of responsibilities.* (1) Post offices, stations and branches will accept and process claims upon presentation of the required information.

(2) The St. Louis Postal Data Center will adjudicate and pay or disallow all domestic registered mail claims.

§ 164.7 Acceptance and initial preparation of registered mail claims.

(a) *Filed by mailer.* (1) The accepting postal employee will complete items 2 through 23 and item 33 on Form 565. Type or print legibly with a ball point pen.

Item 2. Check appropriate block to indicate the type of claim.

Item 3. Indicate if the article was commercially insured. If yes, give the policy number, name and address of the insurance company and amount of deductible, if appropriate.

Item 4. Enter the name, address and ZIP Code *of the mailer.*

Item 5. Enter the name, address and ZIP Code *of the addressee.*

Item 6. List and describe the lost, missing or damaged articles. For damage claims, describe packing in detail.

Item 7. Fill in name and address of the payee.

Item 8. Enter the amount claimed.

Item 9 and 10. Have the mailer date and sign the claim form.

Item 11. Enter the name and ZIP Code of the post office where the claim is filed.

Item 12–20. Enter the required information. Use the mailer's copy of the registered mail receipt for this information. Verify this information against post office record. Endorse post office record *Claim Filed*, date and and initial.

Item 22. Enter date the claim is filed or the date the Form 1510 was initiated.

Item 23. Have the postmaster or his designated representative sign the form.

Item 33. Complete for damage claims.

(2) Complete lower portion of the form, *Registry Claim Identification.* (This information is to be identical to that contained in blocks 4, 5 and 7.)

(3) Record the claim on Form 3841 in duplicate. Show the amount of indemnity claimed. File the original by the name of the mailer and attach duplicate copy of the claim. Do not file with records of insurance claims.

(4) Send claim and accompanying Form 1510 (for loss claims) to the post office of address for completion of the claim form.

(b) *Filed by the addressee.* (1) The accepting employee will complete items 2 thru 6, if practicable and items 24 thru 28. Complete from your delivery records.

Item 29. Date signed by addressee.

Item 30. Obtain the necessary information from the customer. Make answer as complete as possible.

Item 31. Obtain signature of the addressee or owner.

Item 33. Complete for damage claims.

(2) Enter the following information on the lower portion of Form 565, *Registry Claim Identification:*

Mailer's Name and Address
Addressee's Name and Address
Other Identification (at option of customer)
Name and Address of Payee as designated by mailer.

(3) Record the claim on Form 3841 in duplicate. Show the amount of indemnity claimed. File the original by the name of the mailer and attach duplicate copy to the claim. Do not file with records of insurance claims.

(4) Send claim and accompanying Form 1510 (for loss claims) to the office of mailing for completion of the claim form.

§ 164.8 Additional Post Office responsibilities (registered mail claims).

(a) *Office of mailing.* (1) Request the mailer to appear with the necessary documentation. Do not release the claim form to the mailer.

(2) Complete claims for damaged registered articles received from the office of address. (See § 164.7(a).)

(3) Endorse registered mail receipt *Claim Filed*, date and initial. Return the receipt to the customer and instruct him to keep it until the claim is settled.

(4) Enter on Form 3841 the date and disposition of claim. File by name of the mailer.

(5) Send the completed claim form and the necessary documentation to the local Postal Inspector-in-Charge.

(b) *Office of address.* (1) Request the addressee to appear. If addressee has possession of the damaged article, it must be presented for inspection.

(2) Complete claim form received from the office of mailing. (See § 164.7(b).)

(3) Enter on Form 3841 the date and disposition of claim. File by the name of the mailer.

(4) Forward completed Form 565 and documentation to the local Postal Inspector-in-Charge.

(c) *Follow up on the status of a claim.* (1) Provided at least 90 days have elapsed since the claim was initiated, process the customer's inquiry by sending a memorandum requesting status to the:

Postal Data Center
P.O. Box 14677
St. Louis, MO 63180

The memorandum must identify the nature of loss, registration number, the address of both mailer and addressee, the date of mailing and date the claim was filed.

(2) Depending upon the response from the postal data center proceed as follows:

(i) If the postal data center indicates that the claim has been received, annotate the Form 3841, as appropriate, and inform the customer who initiated the inquiry.

(ii) If the postal data center has no record of the claim, they will provide further instructions.

(d) *Duplicate claims.* (1) Duplicate claims shall not be accepted or submitted unless requested by the St. Louis Postal Data Center or the Mail Classification Division, Finance Department, at Headquarters.

(2) When instructed, the initiating post office will prepare and process a duplicate claim as follows:

(i) Use the information on the original Form 3841 to complete as much of the duplicate Form 565 as possible. The signature of the customer who initiated the claim and the supporting documents are not necessary.

(ii) Mark the top of the Form 565 *Duplicate.*

(iii) Annotate the original Form 3841 to indicate that a duplicate claim has been initiated.

(iv) Process through normal channels.

§ 164.9 Recovery of articles after payment, overpayments, erroneous or improper indemnity claim payments, or indemnity refunds.

(a) *Disposition of article.* When a lost, registered, insured, or c.o.d. article is recovered, the payee may accept the article and reimburse the Postal Service for the full amount paid if the article is undamaged, or such amount as may be determined equitable by the Postal Service if the article is damaged or has depreciated in value or if the contents are not intact.

(b) *Handling reimbursement.* If reimbursement is tendered representing an overpayment, erroneous or improper payment, or a voluntary indemnity refund, accept it and issue a receipt. Send all reimbursements to the St. Louis Postal Data Center with the applicable certifying office claim number and date of certification. Personal checks, money orders, or other negotiable instruments should be made payable to the Postal Service. If the instrument is made payable to the postmaster, he should sign his name and restrictively endorse it *Pay to Postal Service* and remit as above. Do not mark an entry in the cashbook.

(c) *Control over recovery claims.* When an overpayment, erroneous, or improper indemnity claim payment is disclosed and repayment is not tendered, report it to the Director, St. Louis Postal Data Center, by memorandum, to be placed under accounts receivable control.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-14568 Filed 7-16-73;8:45 am]

CHAPTER III—POSTAL RATE COMMISSION

[Order 36]

PART 3001—RULES OF PRACTICE AND PROCEDURE

Form and Number of Copies of Documents

JULY 12, 1973.

The Commission's rules of practice currently require persons filing documents to provide an original and 14 fully conformed copies to the Secretary (PRC rules of practice 10(c)). Our experience demonstrates that the filing of fourteen copies has proved to be insufficient to meet the needs of the Commission and its staff. Indeed, in the first postal rate proceeding and the pending mail case, the Chief Administrative Law Judge presiding at those proceedings found it necessary to order a greater number of copies to be filed (Postal Rate and Fee Increases, Tr. 4/508; Mail Classification Schedule, Tr. 1/135-36). The Commission Staff's need for 25 copies derives from two factors: (1) The size and complexity of rate increase and mail classification proposals submitted by the Postal Service and (2) each case is essentially a prototype regulatory proceeding. Accordingly, section 10 of the rules of practice is hereby amended to require the filing of 25 copies[1] as follows:

§ 3001.10 Form and number of copies of documents.

* * * * *

(c) *Number of copies.* Except for correspondence or as otherwise required by the Commission, the Secretary, or the presiding officer in any proceeding, all persons shall file with the Secretary, an original and 24 fully conformed copies of each document required or permitted to be filed under this part. The copies need not be signed but shall show the full name of the person signing the original document and the certificate of service attached thereto.

By the Commission.

[SEAL] JOSEPH A. FISHER,
Secretary.

[FR Doc.73-14527 Filed 7-16-73;8:45 am]

[1] In appropriate cases, the requirement for filing 25 copies could be modified, pursuant to Rule 22.

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

Subpart D—Exemptions From Tolerances

VIABLE SPORES OF MICROORGANISM *Bacillus Thuringiensis* BERLINER; SPECIFICATION

A notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of April 30, 1973 (38 FR 10643), proposing that bacteriological and toxicological specifications set forth in § 180.1011 be amended to include a toxicity test to determine the presence of β-exotoxin to insure that *B. thuringiensis* products are free of this toxin.

One comment was received from Abbott Laboratories in favor of the proposal, noting that prior to the 1970's, U.S. manufacturers of *Bacillus thuringiensis* products used strains that did produce β-exotoxin and that such products did contain β-exotoxin. No requests for referrals to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), 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), § 180.1011(a) is amended by adding a new subparagraph (4), as follows:

§ 180.1011 Viable spores of the microorganism *Bacillus thuringiensis* Berliner; exemption from the requirement of a tolerance.

(a) * * *

(4) Spore preparations shall be free of the *Bacillus thuringiensis* β-exotoxin when tested with the fly larvae toxicity test ("Microbial Control of Insects and Mites," R.P.M. Bond et al., p. 280 ff., 1971). This specification can be satisfied either by determining that each master seed lot brought into production is a *Bacillus thuringiensis* strain which does not produce β-exotoxin under standard manufacturing conditions or by periodically determining that β-exotoxin synthesized during spore production is eliminated by the subsequent spore-harvesting procedure.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before August 16, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & 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 July 17, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346(e))

Dated: July 11, 1973.

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

[FR Doc.73-14587 Filed 7-16-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 51—COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

Correction

In FR Doc. 73-12216 appearing at page 16316 in the issue of Thursday, June 21, 1973, the words "Proposed Rules" which appear at the top of each page should read "Rules and Regulations".

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 18—RECREATION FEES

Golden Eagle Program

Correction

In FR Doc. 73-11266 appearing at page 14829 in the issue of Wednesday, June 6, 1973, the section heading now designated "§ 18.7 *Validation and display of entrance permits*", should read "§ 18.7 *Fees for single-visit permits.*"

Title 45—Public Welfare

CHAPTER VII—COMMISSION ON CIVIL RIGHTS

PART 703—OPERATIONS AND FUNCTIONS OF STATE ADVISORY COMMITTEES

Officers

Chapter VII of Title 45 of the Code is amended by revising § 703.5(a) to read as set forth below. This amendment increases the minimum membership of the

Commission's state advisory committees from 5 to 11.

§ 703.5 Officers.

(a) *Membership.* Subject to exceptions made from time to time by the Commission to fit special circumstances, the State committee shall consist of at least 11 members appointed by the Commission. Members of the State committee shall serve for a fixed term to be set by the Commission upon the appointment of a member, subject to the duration of advisory commitees as prescribed by the charter: *Provided*, That members of the State committee may, at any time, be removed by the Commission.

* * * * *

Effective date. This amendment shall become effective on July 17, 1973.

STEPHEN HORN,
Vice Chairman.

[FR Doc.73-14498 Filed 7-16-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. MC-C-258 (Sub-No. 3)]

PART 1048—COMMERCIAL ZONES

Kansas City, Mo.-Kansas City, Kans., Commercial Zone

Order. At a session of the Interstate Commerce Commission, Review Board Number 2, held at its office in Washington, D.C., on the 1st day of June 1973.

It appearing, that on August 28, 1970, Review Board Number 3 entered its report and order, 112 M.C.C. 103, in this proceeding specifically defining the zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans.;

It further appearing, that by joint petition filed March 5, 1973, the Blue Springs Chamber of Commerce and Blue Springs Industry, Inc., seek redefinition and extension in certain respects of the Kansas City, Mo.-Kansas City, Kans., commercial zone limits;

And it further appearing, that investigation of the matters and things involved in said petition having been made, and said board having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof;

It is ordered, That § 1048.8 as prescribed in this proceeding on August 28, 1970 (49 CFR 1048.8), be, and it is hereby, vacated and set aside, and the revision set forth in the findings in the attached report is hereby substituted in lieu thereof. (49 Stat. 543, as amended 544, as amended 546, as amended, 49 U.S.C. 302, 303, and 304.)

It is further ordered, That this order shall become effective on August 1, 1973, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the secretary of the Commission by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Review Board Number 2.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-14559 Filed 7-16-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Special Freeze Group Questions and Answers No. 18

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 (Part 140 of Title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to Appendix A of 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, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

Issued in Washington, D.C., on July 14, 1973.

JAMES W. MCLANE,
Director,
Special Freeze Group.

Appendix A of Part 140 is amended by adding the following:

SPECIAL FREEZE GROUP QUESTIONS AND ANSWERS No. 18

1. Q. Are court costs covered by the freeze?

A. Yes. Court costs are considered fees or charges which state or local governments charge for services provided by them and may not be increased during the freeze. See Q & A No. 8, question 5.

2. Q. During the freeze may a dentist pass on the increased cost of gold used in fillings?

A. No. Under no circumstances may a dentist pass on increased costs of gold during the freeze period. Gold is subject to the freeze price rules. Therefore, the price of domestic gold may not increase. Furthermore, a dentist who purchases imported gold is considered to physically transform the gold when he uses it to make fillings. Consequently, any increases in the cost of imported gold may not be passed on.

3. Q. A law firm rents a suite of offices and five parking spaces in a commercial building. The landlord intends to increase the amount he charges for the use of the parking spaces. Is an increase in the amount charged for the use of a parking space subject to the freeze?

A. Generally the rental of a parking space is a sale of a service and is subject to the freeze. Thus, in instances where the rent of the parking space is determined separately from the rent for the commercial or residential property, the amount charged for the parking space is subject to the freeze. The separate determination may be made either by a distinct agreement or by a separate computation which is part of the lease for the commercial or residential property. However, when the parking space is rented as part of a residence or in conjunction with the rental of commercial space, it is exempt from the freeze as the rental of real property if the rent for the parking space is not determined separately from that for the commercial or residential space.

4. Q. An oil company owns gas stations and leases them to retail dealers. The historical practice has been to charge the dealers sent on the basis of the numbers of gallons of gasoline pumped by the dealer (e.g., 1.5¢ per gallon times number of gallons pumped equals the rent). May the oil companies raise the rent of the station to 2¢ per gallon?

A. Yes. Rentals of real property are not subject to the freeze.

5. Q. Company A acquires Company B and Company B becomes a division of Company A. The two companies had different prices for their products. What prices may be charged after the acquisition?

A. The price ceilings in force at the time of acquisition do not change. The ceilings that were applicable to the products of Company B continue to apply to sales made from that division of the merged Company.

[FR Doc.73-14747 Filed 7-16-73;10:58 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Notice of Proposed Rule Making; Correction

In the notice of proposed rulemaking relative to the continuance of Pear Regulation 3 (§ 917.432; 38 FR 17182) the final date for the submission of data, views, or arguments pertaining to such action was omitted. Therefore, the following is added to said notice which appeared in the July 11, 1973 FEDERAL REGISTER (38 FR 18469):

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 23, 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)).

Dated: July 12, 1973.

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

[FR Doc.73-14577 Filed 7-16-73;8:45 am]

[7 CFR Part 926]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Notice of Proposed Rule Making Regarding Approval of Expenses and Fixing of Rate of Assessment for 1973–74 Fiscal Period

Consideration is being given to the following proposals submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses which are reasonable and likely to be incurred by the Industry Committee, during the period April 1, 1973, through March 31, 1974, will amount to $55,215.

(b) That there be fixed, at five and one-half cents ($0.055) per standard package or equivalent quantity of Tokay grapes, the rate of assessment payable by each handler in accordance with § 926.46 of the aforesaid marketing agreement and order.

(c) Terms used in the marketing agreement and this part shall, when used herein have the same meaning as is given to the respective term in said marketing agreement and this part.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 27, 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)).

Dated July 12, 1973.

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

[FR Doc.73-14578 Filed 7-16-73;8:45 am]

[7 CFR Part 930]

CHERRIES GROWN IN CERTAIN STATES

Notice of Proposed Rulemaking Regarding Approval of Expenses and Fixing of Rate of Assessment for 1973–74 Fiscal Period and Carryover of Unexpended Funds

This notice invites written comments relative to proposed expenses of $107,200 for administration of the marketing order activities for the 1973–74 fiscal period. It also proposes a $1.00 per ton assessment rate to be paid by each handler as his pro rata share in support of the marketing program. Both amounts were recommended unanimously by the Cherry Administrative Board.

Consideration is being given to the following proposals submitted by the Cherry Administrative Board, establish under Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof.

(1) That expenses that are reasonable and likely to be incurred by the Cherry Administrative Board, during the 1973–74 fiscal period, May 1, 1973 through April 30, 1974, will amount to $107,200.

(2) The rate of assessment for such period, payable by each first handler in accordance with § 930.41 to be fixed at $1.00 per ton of cherries.

(3) Unexpended assessment funds in excess of expenses incurred during the fiscal period ended April 30, 1973, shall be carried over as a reserve in accordance with § 930.42(a) of said marketing order.

Terms used in the order shall, when used herein, have the same meaning as is given to the respective term in said order and "ton of cherries" shall mean 2,000 pounds of raw cherries.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 29, 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)).

Dated: July 12, 1973.

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

[FR Doc.73-14579 Filed 7-16-73;8:45 am]

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO IN AREA NO. 2

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 2 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, United States Department of Agriculture, Washington, D.C. 20250, before August 6, 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 proposals are as follows:

§ 948.269 Expenses and rate of assessment.

The proposals are as follows:

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 2 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1974, will amount to $14,780.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0025 per hundredweight of potatoes grown in Area No. 2 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1974, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

Dated: July 12, 1973.

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

[FR Doc.73-14576 Filed 7-16-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 73-SW-28]

BELL MODEL 47 SERIES HELICOPTERS

Proposed Airworthiness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 47 Series helicopters equipped with main rotor blade grips, P/N 47-120-135 or 47-120-252. There has been a fatigue failure of a grip where crack initiation was attributed to a sharp notch in the inboard thread relief groove and also a fatigue crack reported in the inboard threaded portion of the grip where crack initiation was attributed to a sharp notch in the thread root on Bell Model 47 Series helicopters. In addition, there has been a fatigue failure of a grip where a crack initiated from multiple sites along the root of a thread. Failure of the grip could result in loss of a main rotor blade. Since this condition is likely to exist or develop in other helicopters of the same type design that are equipped with main rotor grips, P/N 47-120-135 or 47-120-252, the proposed airworthiness directive would require a one-time inspection for sharp notches in the thread root and the thread relief groove on Bell Model 47 Series helicopters.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 15, 1973 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to Model 47 series helicopters certificated in all categories that are equipped with main rotor blade grips, P/N 47-120-135-1, -2, -3 or P/N 47-120-252-1, -3.

Compliance required within the next 100 hours' time in service after the effective date of this A.D., unless already accomplished.

To prevent possible fatigue cracks from developing, accomplish the following for each main rotor blade grip:

(a) Inspect the grip thread relief fillet. The inboard radius and bottom of the fillet must have a smooth finish and be free of nicks or sharp tool marks (Ref. Figure 1-22 of Bell 47D-1, 47G and 47G-2 Maintenance and Overhaul Instructions).

(b) Inspect the root radius of the 4½ inch diameter threads for sharp notches. The root radius must be smooth and free of sharp notches or grooves.

(c) In the grip thread relief fillet is not as specified in subparagraph (a) or has nicks or sharp tool marks, or if the thread root radius has a sharp notch or groove, replace the affected grip prior to next flight, except the helicopter may be flown in accordance with FAR 21.197 to a base where the grip may be replaced.

Issued in Fort Worth, Tex., on June 8, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-14503 Filed 7-16-73;8:45 am]

[14 CFR Parts 121, 123, 127, 135]

[Docket Nos. 10012, 10033; Reference Notice 70-14]

SMOKING ON AIRCRAFT OPERATED BY AIR CARRIERS, AIR TRAVEL CLUBS, AND COMMERCIAL OPERATORS

Withdrawal of Advance Notice of Proposed Rule Making

The purpose of this notice is to withdraw Notice 70-14, published in the FEDERAL REGISTER March 25, 1970 (35 FR 5045), in which the Federal Aviation Administrator solicited comments on the need to further regulate the smoking of cigarettes, cigars, and pipes by persons in the passenger compartments of aircraft operated by air carriers, air travel clubs, and commercial operators. This action would involve amending Parts 121, 123, 127, and 135 of the Federal Aviation Regulations.

Notice 70-14 was issued in response to a petition filed on December 12, 1969, requesting the FAA to adopt a rule that would ban the smoking of cigarettes, cigars, and pipes on all passenger carrying flights, and to another petition filed on December 17, 1969, requesting the adoption of a rule requiring all domestic air carriers to effectively segregate smoking passengers from nonsmoking passengers. With respect to the assertion made by the petitioners, that tobacco smoke is deleterious to the health of passengers, the notice stated that the FAA considered that the matter warranted an in-depth exploration of the health hazard question as related to nonsmoking passengers. All other assertions of the petitioners were disposed of in Notice 70-14. The FAA issued Notice 70-14 to obtain wider public participation before undertaking formal rule making, to gather other relevant arguments, data, and evidence, and to give other interested persons an opportunity to put forward alternatives to the courses of action urged by the petitioners.

During its examination of the material docketed in connection with Notice 70-14 and other material bearing on the issue involved, the FAA found no persuasive evidence that exposure to tobacco smoke, in concentrations likely to occur in transport aircraft (assuming normal ventilation rates), is injurious to the health of nonsmokers. The material examined included: the medical evidence submitted by the petitioners; the comments and medical evidence submitted in response to Notice 70-14; the joint study conducted by the FAA and the Department of Health, Education, and Welfare (referred to in Notice 70-14) to measure the amount of tobacco-smoke contaminants in typical transport aircraft; the Surgeon-General's 1972 report titled "The Health Consequences of Smoking"; and other pertinent material in medical literature.

The FAA received approximately 3,600 comments in response to the notice. A large number of comments were not directly responsive to the notice, but merely expressed views for or against smoking on passenger carrying aircraft, without presenting reasons for those views. Others simply agreed with, repeated or, in some cases, rejected the reasons submitted by the petitioners for banning smoking. A number of commentators described their own physical reactions when exposed to tobacco smoke on aircraft, that ranged from no adverse reaction to simple annoyance, through various degrees of physical discomfort, to acute illness, sometimes lasting several days.

Approximately 150 comments were received from physicians, dentists, medical associations, health organizations and the like. Almost all of these recom-

mended that the FAA restrict smoking in aircraft, generally basing their recommendations on the view that since smoking has been clearly shown to be injurious to the health of smokers, exposure to tobacco smoke is probably injurious to the health of nonsmokers. However, a number of those commentators conceded that as yet there is no conclusive medical evidence to support their contention.

The medical evidence submitted by petitioners and by commentators on the notice rests primarily on experiments conducted in either unventilated or poorly ventilated enclosures, or on survey studies which did not identify the tobacco smoke concentrations that were involved. The FAA sees no positive correlation between the environmental conditions that apparently prevailed during these experiments and those that actually prevail on modern transport aircraft in which the air in the passenger compartment is replaced approximately every three minutes during flight. Furthermore, the ventilation systems of today's transport aircraft are unique in that fresh air enters the passenger cabin through numerous openings in the ceiling and is vented out directly through the walls and floors of the cabin. Unlike the ordinary ventilation system that creates a flow of air throughout the entire room, air entering the passenger cabin through a ceiling opening takes the most direct route to the floor and walls.

A number of commentators suggested that in view of the lack of medical evidence as to the effects of smoking on nonsmokers in a well ventilated environment similar to today's modern transport aircraft, a decision on whether to further regulate passenger smoking should await the outcome of the joint FAA/HEW study mentioned in the notice. That study was conducted during 1970 and 1971, and a report entitled "Health Aspects of Smoking in Transport Aircraft," was issued in December 1971. Cabin air measurements were made during 20 long-range flights in B–707, DC–8, and B–747 aircraft, and during 8 short-range flights in B–727, B–737, DC–9, and BAC–111 aircraft. Seat occupancy was 100 percent on the long-range flights and averaged 60 percent on the short-range flights. About 50 percent of the passengers smoked during the long-range flights; 32 percent during the short-range flights. Four air-sampling locations (distributed along the length of the cabin) were used on the long-range flights; three on the short-range flights.

The results of that environmental sampling revealed very low levels of each contaminant measured, much lower than those recommended in occupational and environmental air quality standards (Threshold Limit Values of Airborne Contaminants, adopted by the American Conference of Governmental Industrial Hygienists, 1971; Ambient Air Quality Standards of the Environmental Protection Agency, March, 1970; and the standard for ammonia adopted in Ontario, Canada—no standard for ammonia existing in the United States). The report observed that these low concentrations of tobacco smoke contaminants "result from the rapid exchange of air aboard the aircraft (the equivalent of one complete air change each 3–4 minutes) and the relative pollution-free air entering the aircraft at cruising altitudes of the test flights." On the basis of the low levels of contaminants measured, the report concluded that "inhalation of the by-products from tobacco smoke generated as a result of passenger smoking aboard commercial aircraft does not represent a significant health hazard to nonsmoking passengers".

A significant number of persons among the commentators to the notice and the passengers abroad the test flights of the FAA/HEW study complained of adverse physical reactions (beyond mere annoyance) from exposure to tobacco. However, the problem created by smoking on passenger-carrying aircraft for persons suffering from allergies or from diseases which may be aggravated by the possible irritating effect of tobacco smoke is no greater than that which they must face in places open to the public such as restaurants and stores.

A number of commentators referred to the Surgeon General's 1972 report entitled "The Health Consequences of Smoking." However, that report did not contain evidence of any hazard to the health of nonsmokers from tobacco smoke generated in a well-ventilated environment. In fact, the Surgeon General stated publicly that he could not say with certainty that exposure to tobacco smoke is causing serious illness in nonsmokers since the long term research necessary for such a finding has not yet been done.

By reason of the foregoing, the FAA has determined the further rule-making action with respect to the smoking of cigarettes, cigars, and pipes by persons in passenger compartments of aircraft operated by air carriers, air travel clubs, and commercial operators would not be appropriate at this time, and that Notice 70–14 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.

It should be noted that the Civil Aeronautics Board has recently amended its regulation (14 CFR Part 252; 38 FR 12207), to require domestic airlines to provide designated "no-smoking" areas aboard their aircraft. The Board justified its action on the grounds that exposure to tobacco smoke in airline aircraft annoys and discomforts nonsmoking passengers to an unacceptable degree.

In consideration of the foregoing, the advance notice of proposed rulemaking published in the FEDERAL REGISTER on March 25, 1970 (35 FR 5045) and circulated as Notice 70–14, entitled "Smoking on Aircraft Operated by Air Carriers, Air Travel Clubs, and Commercial Operators," is hereby withdrawn.

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

Issued in Washington, D.C., on July 9, 1973.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.73-14504 Filed 7-16-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 69-7, Notice 28; Docket No. 2-6, Notice 7]

OCCUPANT CRASH PROTECTION

Postponement of Effective Date

This notice proposes the postponement of the effective date of the requirements of Standards Nos. 208, Occupant Crash Protection, and 216, Roof Crush Resistance, applicable to the upcoming model year, from August 15, 1973, to September 1, 1973, in response to a petition by Chrysler Corporation.

Standard No. 208, 49 CFR 571.208, Occupant Crash Protection, contains requirements for vehicle occupant restraint systems in several time phases. These requirements were last amended on June 20, 1973, 38 FR 16072 (Docket No. 69–7, Notice 27). The next phase of requirements, which includes an option requiring starter interlocks, is to begin on August 15, 1973, as the rule presently stands. Standard No. 216, Roof Crush Resistance, is also presently scheduled to go into effect on that date.

Chrysler Corporation has petitioned for a 17-day postponement of the August 15 effective date with respect to both standards, to September 1, 1973. Chrysler states that factors beyond its control have threatened to delay the build-out of their 1973 models beyond the August 15 date. These factors are said to include "slow delivery and shortages of parts from suppliers, unscheduled plant shutdowns due to excessively warm weather and unauthorized labor disputes, short supplies of gasoline for plants due to the energy shortage and new Canadian import restrictions, supplier labor disputes, and several other equally uncontrollable factors." Chrysler said that inability to complete the 1973 model run before the changeover date required by the standard would result in "economic loss to Chrysler workers, suppliers, and to Chrysler Corporation and its stockholders". Chrysler also notes that several other new standards or amendments go into effect on September 1, 1973 (No. 124, Accelerator Control Systems, No. 217, Bus Window Retention and Release, No. 101, Control Location, etc., and No. 215, Exterior Protection).

The NHTSA recognizes that the August 15 date was chosen as approximately the end of the normal changeover period for much of the industry, and did not originally intend to restrict these changeover practices. Except for allowing a slightly delayed build-out of the current year's production, this agency is unaware

of any substantial effect of the requested delay in the effective dates in question.

In light of the foregoing, it is proposed that Standard No. 208, Occupant Crash Protection, 49 CFR 571.208, be amended by changing the date of August 14, 1973, appearing in S4.1.1 to August 31, 1973, and by changing the date of August 15, 1973, appearing in S4.1.2 to September 1, 1973. It is further proposed that the effective date of Standard No. 216, 49 CFR 571.216, be changed from August 15, 1973, to September 1, 1973.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: August 5, 1973.

Proposed effective date: Date of publication of the amendment.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 38 FR 12147).

Issued on July 13, 1973.

JAMES E. WILSON,
Associate Administrator,
Traffic Safety Programs.

[FR Doc.73-14725 Filed 7-16-73;9:55 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 87]

CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Proposed Emission Standards for In-Use Aircraft After January 1, 1983

Section 231 of the Clean Air Act, as amended by Public Law 91-604, directs the Administrator of the Environmental Protection Agency to "establish standards applicable to emissions of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to or are likely to cause or contribute to air pollution which endangers the public health or welfare." Regulations ensuring compliance with these standards are required to be issued by the Secretary of Transportation in accordance with section 232 of the Act.

Section 231 also directs the Administrator to conduct a study of the extent to which aircraft emissions affect air quality in air quality control regions throughout the United States, and the technological feasibility of controlling such emissions. The report of such a study, "Aircraft Emissions: Impact on Air Quality and Feasibility of Control," was published on December 12, 1972, and copies are available upon request free of charge from the Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

Final standards, which are being published in the FEDERAL REGISTER concurrently with this notice of proposed rule making, have specified limits on emissions from a variety of new and in-use aircraft engines. These standards were derived following extensive analysis of the comments submitted in response to the December 12, 1972 proposal. One change from the proposal was to adjust the emissions limits required for newly manufactured engines in 1979 upwards to levels which match the goals of research projects presently planned and in progress within the National Aeronautics and Space Administration and the United States Air Force. It can be concluded that these levels, though somewhat less stringent than those first proposed by EPA, have the advantage of being achievable by design approaches which do not significantly increase the space requirements of the combustor sections of existing engines. In fact some of this research is being carried on through contracts with two of the major manufacturers of aircraft gas turbine engines, and the contractural requirements include demonstration testing in full scale test rigs based on current engine types produced by these manufacturers.

Therefore, it appears entirely feasible to apply this developing pool of technology to retrofit of existing aircraft gas turbine engines, following the introduction of the revised standards applicable to newly manufactured engines in 1979.

The technology necessary to meet these standards is still in an early development stage. EPA intends to monitor closely the development of this technology through the NASA, Air Force, and other related programs and to reassess by January 1, 1976 the standards finally promulgated. This reassessment may result in additional rulemaking action to ensure that the best technology then available can be reflected in the standards.

Through the proposed retrofit program, the nation will benefit from the reductions in emissions from large commercial aircraft on the earliest schedule that is both technically and economically practicable. This will contribute to the maintenance of acceptable ambient air quality levels in and around major air terminals along with the other measures being promulgated concurrently with this proposal.

Though the exact costs of this program cannot be estimated accurately, since the technology is still undergoing development, it is expected to fall between 1 and 5 percent of the cost of complete new engines. (The cost of the engine makes up only a small fraction of the total cost of an airline ticket). The standards contained in this notice are being proposed after consultation with the Secretary of Transportation in order to assure appropriate consideration of aircraft safety. However, the Department of Transportation has advised that it is impossible to make conclusive judgments as to the effects of an emission standard on aircraft safety until engines designed to meet that standard have been developed, constructed, and tested. Therefore, there will be continuing consultation on this issue between this Agency and that Department, both prior to and after promulgation of the standards. Should the Secretary of Transportation determine at any point that an emission standard cannot be met within the specified time without creating a safety hazard, appropriate modifications will be made to that standard or its effective date.

40 CFR Part 87 as modified by this amendment would be applicable to in-use aircraft gas turbine engines of Class T2 and of rated power of 29,000 pounds of thrust or greater beginning January 1, 1983.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the proposed regulations to the Administrator, Environmental Protection Agency, Attention: Mobile Source Air Pollution Control Program, Office of Air and Water Programs, Washington, D.C. 20460. All relevant material received on or before Sept. 17, 1973, will be considered.

Comments submitted shall be available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, Fourth and M Streets, SW., Washington, D.C. 20460.

This notice of proposed rule making is issued under the authority of Section 231 of the Clean Air Act, as amended (42 U.S.C. 1857f-9).

Date: July 6, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart D of Part 87 of Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

Subpart D—Exhaust Emissions (In-Use Aircraft Gas Turbine Engines)

§ 87.31 Standards for exhaust emissions.

* * * * *

(d) Exhaust emissions from each in-use aircraft gas turbine engine of Class T2 and of rated power of 29,000 pounds of thrust or greater, beginning January 1, 1983, shall not exceed:

(1) Hydrocarbons—0.8 pound/1,000 pound-thrust-hours/cycle

(2) Carbon monoxide—4.3 pounds/1,000 pound-thrust-hours/cycle
(3) Oxides of nitrogen—3 pounds/1,000 pound-thrust-hours/cycle
(4) Smoke—Smoke number from Figure 1.

(e) The standards set forth in paragraphs (a), (b), (c), and (d) of this section refer to a composite gaseous emission sample representing the operating cycle set forth in the applicable sections of Subpart G of this part and exhaust smoke emissions emitted during operations of the engine as specified in the applicable sections of Subpart H of this part, and measured and calculated in accordance with the procedures set forth in those subparts.

[FR Doc.73-14492 Filed 7-16-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 93-921]

FEDERAL SAVINGS AND LOAN SYSTEM

Real Estate Loan Percentage-of-Assets Limitations

JULY 3, 1973.

The Federal Home Loan Bank Board considers it advisable to amend §§ 545.6-6 and 545.6-7 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-6, 545.6-7) for the purposes described herein. By a companion document (Document No. 73-922; July 3, 1973) the Board proposes collateral amendments to §§ 561.22 and 563.9 of the rules and regulations for Insurance of Accounts (12 CFR 561.22, 563.9).

Section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)) provides that Federal associations "shall lend their funds only * * * on the security of first liens on real property within 100 miles of their home office or within the State in which such home office is located * * * ." Pursuant to that language, the Board in § 545.6-6 has confined the "regular lending area" of a Federal association to the area within a radius of 100 miles from such an association's home office both within and without the State in which such home office is located and an additional area within a radius of 100 miles from each branch or agency of such an association to the extent that such additional area is also within the State in which the association's home office is located. (There is a further provision for additional lending area for Federal associations which have converted from State-chartered institutions). In so prescribing the regular lending area of Federal associations, the Board has not granted the full lending area available in section 5(c). This restriction on regular lending area is a basis for certain real estate loan percentage-of-assets restrictions in § 545.6-7.

Under paragraph (a) of § 545.6-7 a loan on the security of a single-family dwelling, a home or combination of home and business property is not subject to a percentage-of-assets limitation if such a loan, among other things, is made on the security of any such property located within the Federal association's "regular lending area". A loan on the security of such properties located beyond the association's regular lending area is subject to the "general" 20-percent-of-assets category of § 545.6-7(c)(1). As a result, a loan on the security of a single-family dwelling or on the security of a home or combination of home and business property which is located beyond the association's regular lending area but within the State in which the association's home office is located must be included within the general 20-percent-of-assets category. The Board proposes to increase "regular lending area" to include the entire State and the 100-mile radius from the home office whether within or without the State, and thereby remove loans on the security of such properties so located from the general 20-percent-of-assets category.

Under paragraph (c)(1)(i) of § 545.6-7 any loan on the security of other dwelling units (defined in § 541.10-3; generally multi-family apartment loans) falls within the general 20-percent-of-assets category without regard to the location of the security property. However, loans made on other dwelling units located within regular lending area also may be placed in the "special" 20-percent-of-assets category of § 545.6-7(c)(2) assuming that the other requirements of that category are met also. Again, a loan made on an apartment building located beyond regular lending area but within the State presently must be included within the general category and may not be included in the special category. If regular lending area included the entire State and the 100-mile radius from the home office whether within or without the State, then such an apartment loan could be included within the special category. The same result would apply to the type of security property described as "a combination of dwelling units, including homes, and business property involving only minor or incidental business use" (defined in § 541.11-1).

This same result would apply to certain participation loans. A participation interest in a loan on the security of a single-family dwelling, a home, or combination of home and business property located beyond regular lending area but within the State must be placed in either the general category or the "participation" 20-percent-of-assets category in § 545.6-7(c)(3). If regular lending area included the entire State and the 100-mile radius from the home office whether within or without the State, such participation loans could be made without percentage-of-assets limitations.

Section 545.6-7 provides an exception from the regular lending area requirement for insured loans secured by a single-family dwelling, a home, or combination of home and business property located more than 100 miles from an office of the Federal association but within the State in which the association's home office is located. These exceptions appear in § 545.6-7(a)(1)(i), (c)(1)(ii)(b), (c)(1)(iii)(b) and (c)(2)(i). If the Board adopts the proposed amendment increasing regular lending area, these insured loan exceptions would be unnecessary and would be deleted.

Section 545.6-7(c)(2)(iii) provides that otherwise qualifying loans secured by other dwelling units or a combination of dwelling units, including homes, and business property involving only minor or incidental business use may not be placed in the special category if, at the time the loan is allocated to that category, the Federal association's net worth is less than 5 percent of the average of the association's savings account balances as of the close of the three preceding calendar years. The Board proposes to amend § 545.6-7(c)(2)(iii) to provide that such loans may be placed in the special 20-percent-of-assets category if, at the time the loan is allocated to that category, the lending Federal association meets the net worth requirement set forth in Insurance Regulation 563.13.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend said §§ 545.6-6 and 545.6-7(c)(2)(iii) to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by August 15, 1973, as to whether these proposals should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.6-6 Lending area.

The regular lending area of a Federal association consists of the area: (a) Within the State in which such association's home office is located; (b) within any portion of a circle with a radius of 100 miles from such association's home office which is outside of the State in which such association's home office is located; and (c) in the case of a Federal association which is converted from a State-chartered institution, beyond the areas specified in paragraphs (a) and (b) of this section but within which area such association made loans while operating under State charter. Each converted association that desires to continue to make loans beyond the areas specified in paragraphs (a) and (b) of this section but in the areas in which it made loans while operating under State charter shall file with the Board a map showing the areas within which such association made loans while operating under State charter. For the purpose of this section, the term "State" shall include the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States; and a county, parish, or similar political subdivision of a State is the unit of "area" in which a converted association made loans beyond the areas specified in paragraphs (a) and (b) of this section while operating under State charter.

§ 545.6–7 Percentage limitations on real estate loan investments.

* * * * *

(c) *Percentage limitations for other loans.* Except as specified in paragraphs (a) and (b) of this section, no Federal association may make any investment in a real estate loan unless the amount of such investment can be allocated within one or more of the 3 percentage-limitation categories specified in this paragraph. In the case of a loan investment which is specified as allocable to more than one of the 3 categories, all or part of any allocation to any one of such categories may be reallocated at any time to another one of such categories, if applicable.

* * * * *

(2) *Special 20-percent-of-assets category.* The following investments, not to exceed at any one time an amount equal to 20 percent of the association's assets, are allocable to this category: any loan, or participation interest in a loan, on the security of other dwelling units or a combination of dwelling units, including homes, and business property involving only minor or incidental business use, if—

* * * * *

(iii) at the time of the allocation to this category, the association's net worth (as defined in § 561.13 of this chapter) meets the net worth requirement of § 563.13 of this chapter.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1974, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73–14558 Filed 7–16–73;8:45 am]

[12 CFR Parts 561, 563]

[No. 73–922]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Normal Lending Territory

JULY 3, 1973.

The Federal Home Loan Bank Board considers it advisable to amend §§ 561.22 and 563.9 of the rules and regulations for Insurance of Accounts (12 CFR 561.22, 563.9) for the purposes described herein. By a companion document (Document No. 73–921; July 3, 1973) the Board proposes collateral amendments to §§ 545.6–6 and 545.6–7 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6–6, 545.6–7).

By said Document No. 73–921, the Board proposes to amend § 545.6–6 in order to expand "regular lending area" for Federal associations. The Board proposes to make a similar expa-nsion of "normal lending territory" for all insured institutions. Normal lending territory is defined by the Board in Insurance Regulation 561.22 and is the same area as regular lending area, except that the 100-mile radius from an insured institution's principal office, branch office or agency office is reduced to 50 miles if the insured institution has scheduled items (other than assets acquired in a merger instituted for supervisory reasons) in excess of 4 percent of its specified assets. Normal lending territory is used principally in § 563.9 (nationwide lending) and § 563.9–1 (participation loans). For example, an investment by an insured institution in a conventional whole loan secured by improved real estate located beyond normal lending territory but within the State in which the insured institution's principal office is located is a "nationwide loan" and is subject to the 15 percent-of-assets limitation of § 563.9 (e). The same is true under § 563.9–1(b) for the 40 percent-of-assets limitation on participation loan investments on the security of improved real estate located beyond normal lending territory but within the State.

The Board proposes to amend § 561.22 in order to expand normal lending territory to include the entire State in which an insured institution's principal office is located plus the territory within any portion of a circle with a radius of 100 miles which is outside of such State. The Board does not propose to change the provision for "grandfathered" normal lending territory or the reduction in normal lending territory caused by having a scheduled items ratio in excess of 4 percent.

Paragraph (b) of § 563.9 limits to 20 percent-of-assets the loans which an insured institution having a scheduled items ratio in excess of 4 percent may make on the security of real estate located between 50 and 100 miles from the principal, branch, agency or other approved office of the institution. In connection with expanding normal lending territory to include the entire State, the Board proposes to make a conforming change to § 563.9(b) to substitute the State-wide limitation for the 100-mile limitation.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend said §§ 561.22 and 563.9(b) to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by August 15, 1973, as to whether these proposals should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 561.22 Normal lending territory.

(a) *Scheduled items not in excess of 4 percent.* "Normal lending territory" for an insured institution which, at the close of its most recent semiannual period, had scheduled items (other than assets acquired in a merger instituted for supervisory reasons) not in excess of 4 percent of its specified assets means the territory: (1) Within the State in which such institution's principal office is located; (2) within any portion of a circle with a radius of 100 miles from such institution's principal office which is outside of the State in which such institution's principal office is located; and (3) beyond (1) and (2) of this paragraph (a) but within which territory the institution was operating on June 27, 1934.

(b) *Scheduled items in excess of 4 percent.* "Normal lending territory" for an insured institution which, at the close of its most recent semiannual period, had scheduled items (other than assets acquired in a merger instituted for supervisory reasons) in excess of 4 percent of its specified assets means the territory: (1) Within the portion of the State in which the institution's principal office is located which is within a radius of 50 miles from such principal office or from each place of business which has been approved in writing by the institution's appropriate supervisory authority as a branch office, agency office, or similar place of business for such institution; (2) within any portion of a circle with a radius of 50 miles from such institution's principal office which is outside of the State in which such institution's principal office is located; and (3) beyond 50 miles from such institution's principal office but within which territory the institution was operating on June 27, 1934.

(c) *Definitions.* For the purpose of this section, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States; and a county, parish, or similar political subdivision of a State is the unit of "territory" in which the institution was operating on June 27, 1934.

§ 563.9 Nationwide lending.

* * * * *

(b) *Loans beyond normal lending territory when scheduled items exceed 4 percent.* Any insured institution may, to the extent that it has legal power to do so, make or purchase whole loans in an aggregate amount not exceeding 20 percent of its assets on the security of real estate located outside its normal lend-

ing territory but within the State in which its principal office is located.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-14583 Filed 7-16-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 154, 157]

JUST AND REASONABLE NATIONAL RATES FOR FUTURE SALES OF NATURAL GAS FROM CERTAIN WELLS

[Docket No. R-389-B]

Order Prescribing Procedures; Correction

APRIL 27, 1973.

In the Notice of Proposed Rulemaking and Order Prescribing Procedures, Issued April 11, 1973 and published in the FEDERAL REGISTER April 23, 1973 38 FR 10014: APPENDIX C, Tabulation, Under column headed "Interstate Volumes Rates" Over columns (n), (o), and (p) should be changed to read "Intrastate Volumes and Rates".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14536 Filed 7-16-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Office of the Secretary

POLYPROPYLENE STRAPPING FROM JAPAN

Antidumping; Notice of Tentative Negative Determination

JULY 12, 1973.

Information was received on December 20, 1972, that polypropylene strapping from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of January 19, 1973, on page 1945.

I hereby make a tentative determination that polypropylene strapping from Japan is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Analysis of information from all sources revealed that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated by deducting inland freight from the f.o.b. purchaser's warehouse price.

The adjusted home market price was based on the delivered customers' premises price, with a deduction for inland freight. Adjustments were made for differences in the merchandise and, where appropriate, for diffifferences in packing.

Using the above criteria, purchase price was found to be higher than the adjusted home market price of such or similar merchandise.

In accordance with §§ 153.33(a) and 153.37, Customs regulations (19 CFR 153.33(a), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the FEDERAL REGISTER. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before August 16, 1973.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs regulations (19 CFR 153.33).

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

[FR Doc. 73-14709 Filed 7-16-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT DES 73-37]

DEEPWATER PORTS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for deepwater ports and invites written comments on or before August 16, 1973.

The statement was developed for proposed legislation to authorize the Secretary of the Interior to license the construction and operation of deepwater port facilities located on the Outer Continental Shelf.

Copies of the draft statement are available for inspection at the following locations:

Office of Communications, Room 7218, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-3171;

Office of Public Affairs, Bureau of Land Management, Room 5643, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-5717.

Single copies may be obtained by writing the Office of Public Affairs, Bureau of Land Management, Room 5643, Department of the Interior, Washington, D.C. 20240.

LAURENCE E. LYNN Jr.,
Secretary of the Interior.

JULY 9, 1973.

[FR Doc.73-14500 Filed 7-16-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

1973 PEANUT CROP

Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34 and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended Incoming Quality Regulation—1973 Crop Peanuts, Outgoing Quality Regulation—1973 Crop Peanuts and the Terms and Conditions of Indemnification—1973 Crop Peanuts, which modify or are in addition to the provisions of sections 5, 31, 32 and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended Incoming Quality Regulation—1973 Crop Peanuts, Outgoing Quality Regulation—1973 Crop Peanuts and the Terms and Conditions of Indemnification—1973 Crop Peanuts, be issued so as to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The 1973 peanut crop year begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

Upon consideration of the Committee recommendation and other available information the appended Incoming Quality Regulation—1973 Crop Peanuts, Outgoing Quality Regulation—1973 Crop Peanuts, and the Terms and Conditions of Indemnification—1973 Crop Peanuts are hereby approved.

Dated: July 11, 1973.

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

INCOMING QUALITY REGULATION—1973 CROP PEANUTS

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions of 1973 crop peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to 1973 crop farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more than 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of a higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of whole kernels which ride screens with the following slot openings: Runner—$^{16}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia—$^{15}/_{64}$ x $^{3}/_{4}$ inch; Virginia—$^{15}/_{64}$ x 1 inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts and shall be held separate and apart from other peanuts and disposed of as oil stock. If the whole kernels are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The whole kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the tem "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible *Aspergillus flavus,* and, in addition, the following moisture content, as applicable.

(1) For seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture; and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with visible *Aspergillus flavus* shall be stored and shelled separate from other peanuts, and any residual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operations may include custom seed shelling, may receive custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who may acquire seed peanut residuals from their custom seed shelling operations or from another seed sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals which meet Outgoing Quality Regulation requirements may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed of by sale to oil stock or crushing.

(f) *Oil stock.* Handlers may acquire as oil stock, peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting such acquisitions to handlers who are crushers is hereby modified to authorize all handlers to act as accumulators and acquire Segregation 2 or 3 farmers stock peanuts for the sole purpose of delivery to crushers: *Provided,* That all such acquisitions shall be bagged, red tagged and held separate and apart from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts and shall be disposed of only by crushing or by delivery to crushers and the consequent production of oil and meal.

(g) *Segregation 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by the Federal or Federal-State Inspection Service to be Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 3 peanuts from milling for edible use. If any lot of Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee which shall be used only for information purposes.

(h) *Warehouse storage facilities.* Handlers shall report to the Committee, on a form furnished by the Committee, all storage facilities or contract storage facilities which they will use to store acquisitions of 1973 crop Segregation 1 farmers stock peanuts and all such storage facilities must be reported prior to storing of any such handler acquisitions. All such storage facilities must be of sound construction, in good repair, built and equipped so as to provide suitable storage and sufficient ventilation to prevent moisture condensation and provide adequate protection for farmers stock peanuts. All breaks or openings in the walls, floors or roofs of the facilities shall have been repaired so as to keep out moisture. Elevator pits and wells must be kept dry and free of moisture at all times. Insect control procedures must be carried out in such a manner so as to prevent undesirable moisture in the storage facilities. The Committee may make periodic inspections of storage facilities and farmers stock peanuts stored in such facilities to determine if handlers are adhering to these requirements.

(i) *Shelled peanuts.* Handlers may acquire from other handlers shelled peanuts (which originated from "Segregation 1 peanuts") that fail to meet the requirements of the Outgoing Quality Regulation. Any lot of such peanuts must be accompanied by a valid inspection certificate for grade factors, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the buyer and seller on a form provided by the Committee. Peanuts acquired pursuant to this paragraph shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the Outgoing Quality Regulation.

Outgoing Quality Regulation—1973 Crop Peanuts

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of 1973 crop peanuts for human consumption:

(a) *Shelled peanuts.* No handler shall ship or otherwise dispose of shelled peanuts for human consumption unless appropriate samples for pretesting have been drawn in accordance with subparagraph (c) of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than (1) a total of 1.50 percent unshelled peanuts and damaged kernels; (2) a total of 3.00 percent unshelled peanuts and damaged kernels and minor defects; (3) 9.00 percent moisture in the Southeastern and Southwestern areas, or 10.00 percent moisture in the Virginia-Carolina area; or (4) 0.10 percent foreign material in peanuts "with splits" and peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material

in U.S. splits and other edible quality peanuts not of U.S. grade. Fall through in such peanuts shall not exceed 4 percent except that fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners, Spanish or Virginia "with splits" shall not exceed 2 percent. The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screens. Screens used for determining fall through in peanuts covered by this subparagraph (a) shall be as follows:

Type	Screen Openings	
	Split & broken kernels	Whole kernels
Virginia	15/64 inch round	15/64 x 1 inch slot.
Runners	15/64 inch round	15/64 x 3/4 inch slot.
Spanish & Valencia	15/64 inch round	15/64 x 3/4 inch slot.

(Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Runners or Spanish 2.00 percent whole kernels which will pass through 15/64 x 3/4 slot screen and for Virginias a 15/64 x 1 slot screen, and (c) otherwise meet the specifications of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) With more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by an Agricultural Marketing Service laboratory (hereinafter referred to as "AMS laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service. The gross amount of peanuts drawn shall be large enough to provide for a grade analysis, for a grading check sample and for one 48-pound sample for aflatoxin assay. The 48-pound sample shall be ground by the Federal or Federal-State inspector, AMS or designated laboratories in a "sub-sampling mill" approved by Committee. Four sub-samples of a size specified by the Committee shall be drawn from the ground portion of the sample diverted by the "sub-sampling mill" during the grinding process. Two of the resulting sub-samples from the 48-pound sample shall be designated as "1–A" and "2–A". The two remaining sub-samples shall be designated as "1–B" and "2–B". The sub-samples designated "1–A" and "1–B" shall be sent as requested by the handler or buyer, for aflatoxin assay to an AMS laboratory or a laboratory listed on the most recent Committee list of approved laboratories that can provide analyses results on such samples in 36 hours. The sub-samples designated as "2–A" and "2–B" shall be held as aflatoxin check-samples by the Federal or Federal-State Inspection Service, AMS or designated laboratories and shall be analyzed only in AMS or designated laboratories.

Sub-samples "1–A" and "1–B" shall be accompanied by a notice of sampling, signed by the inspector, containing, at least, identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification of the shelled peanuts. A copy of such notice on each lot shall be sent to the Committee office. All assay sub-samples shall be positive lot identified and sub-samples "2–A" and "2–B" held for 30 days, after delivery of sub-samples "1–A" and "1–B", and delivered for assay upon call of the laboratory or the Committee and at the Committee's expense. The cost of drawing the 48-pound sample and the preparation of the resultant sub-samples and postage for mailing the sub-samples "1–A" and "1–B" shall be borne by the handler. When the sub-samples "1–A" and "1–B" have not been analyzed within 30 days from date of delivery of the "1–A" and "1–B" sub-samples and a second set of "2–A" and "2–B" sub-samples must be drawn, the cost of drawing, grinding, preparation and mailing such sub-samples shall be for the account of the holder of the peanuts. Cost of the assay on the "1–A" and "1–B" sub-samples shall be for the account of the buyer of the lot and of the "2–A" and "2–B" sub-samples for the Committee's account. If the handler elects to pay for the assay of the "1–A" sub-sample, he shall charge the buyer when he invoices the peanuts, and if more than one buyer, on a pro rata basis. The results of each assay shall be reported to the buyer listed in the notice of sampling and, if the handler desires, to the handler.

If a buyer is not listed in the notice of sampling the results of the assay shall be reported to the handler who shall promptly cause notice to be given, to the buyer of the contents thereof and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the official stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State inspectors and to the Committee. All lots of shelled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Until such time as procedures permitting all interplant and cold storage movements are established by the Committee, any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—16/64 x 3/4 inch; Spanish and Valencia—15/64 x 3/4 inch; Virginia—15/64 x 1 inch; shall be disposed of only by sale as domestic oil stock or by crushing. Fall through and pickouts shall also be sold as domestic oil stock or crushed. For the purpose of this regulation: the term "non-edible quality peanuts described in paragraph (g)(1)" means loose shelled kernels, fall through, and pickouts; the terms "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fall to ride the screens (U. S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed at the picking table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Each such category of peanuts shall be bagged separately in suitable new or clean, sound, used bags or placed in bulk containers acceptable to the Committee. Such peanuts shall be inspected by Federal or Federal-State inspectors

in lots of not more than 100,000 pounds and a certification made as to moisture and foreign material content.

(3) Each category of non-edible quality peanuts described in paragraph (g) (1) shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag. Such peanuts may be disposed of only by crushing into oil and meal or destroyed, unless other disposition is authorized by the Committee and all dispositions shall be reported to the Committee on such forms and at such times as it prescribes. Such peanuts shall be deemed to be "restricted" peanuts and the meal produced therefrom shall be used or disposed of as fertilizer or other non-feed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for nonfeed use or sell it to the aforesaid fertilizer manufacturers. However, peanuts other than pickouts and meal from peanuts other than pickouts in specifically identified lots of not more than 50 tons each, may be sampled by Federal or Federal-State inspectors, or by the Area association if authorized by the Committee, and tested for aflatoxin by laboratories approved by the Committee or operated by the Agricultural Marketing Service, at handler's or crusher's expense, and if such meet Committee standards, the meal may be disposed of for food use.

(4) Notwithstanding any other provision of this regulation or of the Incoming Quality Regulation applicable to 1973 crop peanuts, a handler may transfer such "restricted" peanuts to another plant within his own organization or transfer or sell such peanuts to a crusher for crushing. Sales or transfer of restricted peanuts to persons not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) including the reporting requirements.

(h) *Peanuts failing quality requirements.* Handlers may sell to other handlers shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the Outgoing Quality Regulation requirements heretofore specified. Lots of peanuts disposed of in this manner must be accompanied by a valid grade inspection certificate, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the seller and buyer on a form provided by the Committee. Any such peanuts acquired by handlers pursuant to paragraph (i) of the incoming quality regulation shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the requirements specified heretofore.

Handlers may blanch or cause to have blanched peanuts failing to meet specifications of the outgoing quality regulation because of excessive damage or minor defects. To be eligible for disposal into human consumption outlets, such peanuts, after blanching, must meet specifications for unshelled peanuts, damaged kernels, and minor defects as listed in the outgoing quality regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee.

(i) *Residuals from seed peanuts.* Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified as meeting the incoming quality regulation) shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 1 farmers stock. Likewise, any such residuals received or acquired from a handler or non-handler, shall be held and milled separate and apart in the same manner. Residuls that meet requirements of the outgoing quality regulation may be disposed of by sale to human consumption outlets or to another handler and any portion not meeting such requirements shall be disposed of by sale to an oil mill for crushing or by crushing.

TERMS AND CONDITIONS OF INDEMNIFICATION—1973 CROP PEANUTS

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify or arrange for the buyer to notify the Manager, Peanut Administrative Committee of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay. To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in (a) and (c) of the "Outgoing Quality Regulation—1973 Crop Peanuts", and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions and such is concurred in by the Agricultural Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Agricultural Marketing Service shall, prior to disposition for crushing cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Agricultural Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, plus actual costs of any necessary storage. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the "Outgoing Quality Regulation—1973 Crop Peanuts". Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1.00 percent damaged kernels other than minor defects. Lots with damage in excess of 1.00 percent on such inspection shall be remilled without reimbursement from the Committee for milling, freight, or temporary storage and handling but otherwise shall be indemnifiable the same as lots with not more than 1.00 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be as listed in the final paragraph of these terms and conditions.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1.00 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus temporary storage, except as hereinafter restricted, plus an allowance for remilling of one cent per pound on the original weight,

less 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1973 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Transportation expenses (excluding demurrage) from the handler's plant or storage to the point within the Continental United States where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirement of the "Outgoing Quality Regulation—1973 Crop Peanuts". On lots on which the remilling is not successful in making the lot wholesome as a aflatoxin, the idemnification payment shall be reduced by an additional 4 percent of the indemnification value multiplied by the original weight if the lot is declared for custom blanching. If such peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus any temporary storage, the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the indemnification value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner but it shall be reduced by 1½ percent of the indemnification value multiplied by the original weight. However, the 1½ percent deduction shall not apply to peanuts whose appropriate samples for pretesting, drawn and assayed in accordance with paragraph (c) of the "Outgoing Quality Regulation—1973 Crop Peanuts", were determined to be not indemnifiable as to aflatoxin. Moreover, no indemnification payments shall be paid on any lot of peanuts where the Committe determines that the custom blanched peanuts from such a lot has been sold at a price lower than the indemnification value on the original red skin lot at the time the indemnification claim was filed with the Committee.

Claims for indemnification on 1973 crop peanuts may be filed by any handler sustaining a loss as result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

Payment shall be made to the handler claiming indemification or receiving the rejected lot as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lot for human consumption as the Committee may require and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification. However, the Committee shall refuse to pay indemification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling.

Claims for indemnification on peanuts of the 1973 crop shall be filed with the Committee at least 60 days prior to December 31, 1974.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and the Manager, Peanut Administrative Committee, Atlanta, Georgia. Upon a determination of the Peanut Administrative Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller. Seller shall not be precluded from replacing such peanuts if he so elects.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to an AMS laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's to send one copy of the results of the assay to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments with respect to any claim filed with the Committee on 1973 crop peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on 1973 crop peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (h) of the "Incoming Quality Regulation—1973 Crop Peanuts" shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee.

Categories eligible for indemnification and values for each category are as follows:

Cleaned inshell peanuts—

(1) U.S. Jumbos, 24 cents per pound (shelled basis)
(2) U.S. Fancy Handpicks, 24 cents per pound (shelled basis)
(3) Valencia—Roasting Stock, 24 cents per pound (shelled basis) [1]

U.S. Grade shelled peanuts—

(1) U.S. No. 1, 24 cents per pound
(2) U.S. Splits, 24 cents per pound
(3) U.S. Virginia Extra-Large, 26 cents per pound
(4) U.S. Virginia Medium, 24 cents per pound

Shelled peanuts "with splits"—

(1) Runners with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a 16/64 x 3/4 slot screen, 24 cents per pound.
(2) Spanish with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a 15/64 x 3/4 slot screen, 24 cents per pound.
(3) Virginias with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a 15/64 x 1 slot screen, 24 cents per pound.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) were milled from seed peanut residuals as referred to in the last sentence of paragraph (e) of the Incoming Quality Regulation and paragraph (i) of the Outgoing Quality Regulation for 1973 Crop Peanuts; (2) failed the Outgoing Quality Regulation for 1973 Crop Peanuts due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such excess damage and minor defects pursuant to paragraph (h) of such regulation; and (3) when shipped for human consumption outlets contained more than a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2.00 percent unshelled peanuts, damaged kernels and minor defects.

[FR Doc.73-14506 Filed 7-16-73;8:45 am]

Forest Service

NEBRASKA NATIONAL FOREST LIVESTOCK ADVISORY COMMITTEE

Notice of Meeting

The Nebraska National Forest Livestock Advisory Committee will meet at

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[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

8 P.M., CDT, July 26, 1973, at the Forest Service Office, Halsey, Nebraska.

The purpose of this annual meeting is to discuss various grazing resource management practices.

The meeting will be open to the public. Persons who wish to attend should notify the District Ranger, Bessey Ranger District, Halsey, Nebraska 69142, phone (308) 533-2257.

The Committee has established the following rules for public participation:

1. Members of the public may present oral statements at any time during discussions.

2. Any member of the public who wishes to do so should file a written statement with the committee, either before or after the meeting.

JAMES A. LEES,
Acting Forest Supervisor.

JULY 9, 1973.

[FR Doc.73-14521 Filed 7-16-73;8:45 am]

OKANOGAN NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Okanogan National Forest Multiple Use Advisory Committee will meet at 8:00 p.m. on July 31, 1973, in the second floor Conference Room of the Forest Supervisor's Office at 219 Second Avenue South, Okanogan, Washington.

The purpose of this meeting is to discuss land use planning and proposed trial and area restrictions for 1974.

The meeting will be open to the public. The Committee will accept comment from the public during the meeting and public members are encouraged to speak up at any time to express their views on land use planning and proposed trail and area restrictions for 1974.

Written statements may be filed with the Committee until August 10, 1973. Send them to Okanogan National Forest Supervisor, Post Office Box 950, Okanogan, WA 98840.

GERHART H. NELSON,
Forest Supervisor.

JULY 6, 1973.

[FR Doc.73-14514 Filed 7-16-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Order 46-2, Amdt. 1]

BUREAU OF EAST-WEST TRADE

Organization and Functions

JUNE 1, 1973.

This order effective June 1, 1973 amends the material appearing at 38 FR 9329 of April 13, 1973.

DIBA Organization and Function Order 46-2, dated December 4, 1972, is hereby amended as follows:

1. In Section 8., *Office of Export Control*, section 8.06 is amended to read:

.06 The product/licensing divisions as stated below:

CAPITAL GOODS AND PRODUCTION MATERIALS DIVISION SCIENTIFIC AND ELECTRONIC EQUIPMENT DIVISION

Each division shall, for the products under its jurisdiction, administer export controls in accordance with the Export Administration Act and the Equal Export Opportunity Act and the policies and procedures established by the Office of Export Control; determine and take appropriate action on export license applications; conduct technical analyses of products, including potential end-use applications, to determine and recommend the extent of controls to be applied; and render assistance to industry and other Government agencies on export control problems within its jurisdiction.

The organization chart for the Bureau of East-West Trade, referenced in Section 2, is amended as depicted in the attached organization chart. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

STEVEN LAZARUS,
Director, Bureau of East-West Trade.

Approved:
JUDITH S. CHADWICK,
Director, Directorate of Administrative Management.

[FR Doc.73-14499 Filed 7-16-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-638; NADA No. 6-226V]

AMERICAN CYANAMID CO.

Led-O-San; Notice of Opportunity for a Hearing

In an announcement published in the FEDERAL REGISTER of September 5, 1970 (35 FR 14168, DESI 901V) the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Led-O-San (a product which contains calcium polysulfide and hexachlorophene), new animal drug application (NADA) No. 6-226V; marketed by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540.

The announcement invited the holder of said NADA and any other interested person to submit pertinent data on the drug's effectiveness. American Cyanamid Co. responded to the announcement by submitting revised labeling and manufacturing data. By letters of August 29, 1972 and February 21, 1973, the Food and Drug Administration requested additional manufacturing data and revised labeling. Such data have not been submitted.

Therefore, notice is given to the holder of the NADA and to any other interested person that the Commissioner proposes to issue an order under section 512(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of NADA No. 6-226V and all amendments and supplements thereto on the grounds that new information before him with respect to the drug evaluated together with the evidence available to him at the time of approval of the application shows there is a lack of substantial evidence that the drug will have all of the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products not the subject of an approved new animal drug application are covered by the NADA reviewed. Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the NADA not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Bureau of Veterinary Medicine, Division of Compliance, 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 512 of the act and the regulations promulgated thereunder (21 CFR Part 135), the Commissioner hereby gives the applicant and any other interested person an opportunity for a hearing to show why approval of the NADA should not be withdrawn.

The applicant and any interested person is required to file, on or before August 16, 1973, with the Hearing Clerk, Food and Drug Administration, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election by August 16, 1973 will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before August 16, 1973, a written appearance requesting the hearing, giving the reasons why approval of the NADA should not be withdrawn, together with a well organized and full factual analysis of the data he is prepared to prove in support to his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 135.15(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating efficacy of the product for the labeling claims involved, the Commis-

sioner will rescind this notice of opportunity for a hearing.

If review of the data in the application and the data submitted by the applicant or any other interested person in a request for a hearing, together with the reasoning and factual analysis warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new animal drug applicant or any other interested person, a hearing is justified, the issues will be defined, an administrative law judge will be named, and he shall issue, as soon as practicable after August 16, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the NADA will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearings contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the office of the hearing clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 343-351; 21 U.S.C. 360b(e)) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: July 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14570 Filed 7-16-73;8:45 am]

MEDICAL DEVICE CLASSIFICATION PANELS

Request for Nominations for Members

In his message to the Congress on consumer affairs on October 30, 1969, the President requested the Secretary of Health, Education, and Welfare, to determine the scope and nature of additional legislative controls to protect the public against unreasonable risk of injury or illness from medical devices. The Secretary established a Study Group on Medical Devices for this purpose under the chairmanship of Theodore Cooper, M.D., Director of the National Heart and Lung Institute. The Study Group completed its report, entitled "Medical Devices: A Legislative Plan," in September 1970. (The report of the Study Group is available for public review at the office of the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852, during regular working hours Monday through Friday, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151.)

The Cooper committee recommended an immediate, systematic review of existing medical devices, and classification of these devices into three categories: (1) Those requiring premarketing clearance, (2) those for which standards would be appropriate, and (3) those which should be exempt from premarketing review and standards. The Secretary requested that the Commissioner of Food and Drugs immediately undertake an industry-wide inventory of existing medical devices, and their classification into the above three categories, pending introduction and enactment of appropriate new medical device legislation.

In 1972, an inventory of existing medical devices was developed. Information for this inventory was obtained by sending questionnaires to over 4000 addressees in the United States. From the approximately 2000 replies received, 1100 manufacturers in the United States were identified as supplying medical devices. From these manufacturers a list of approximately 8000 devices was developed.

The classification of devices which was requested by the Secretary has been initiated by dividing all devices into 14 separate categories generally based on medical specialties. These are: Orthopedics; cardiovascular; dental; anesthesiology; obstetrical and gynecology; gastroenterology and urology; radiology; neurological disease; ear, nose and throat; ophthalmology; plastic and general surgery; physical medicine; clinical pathology; and general and personal use.

The Commissioner has established the first four panels to review and classify devices that fall within their respective medical specialty areas. These panels are:

Orthopedics:
- Victor H. Frankel, M.D., Ph.D.
- Charles H. Epps, Jr., M.D.
- Floyd J. Jergesen, M.D.
- Jacquelin Perry, M.D.
- Albert H. Burstein, Ph.D.
- Horace Grover, Ph.D.

Cardiovascular:
- John J. Collins, Jr., M.D.
- Nina Starr Braunwald, M.D.
- Clarence Dennis, M.D.
- Jerome Liebman, M.D.
- Arthur Miller, Sc.D.

Dental:
- John W. Stanford, Ph.D.
- Garrett V. Ridgley, D.D.S.
- Robert B. Wolcott, D.D.S., M.S.
- W. Arthur George, D.D.S.
- George E. Myers, D.D.S.
- David B. Mahler, Ph.D.

Anesthesiology:
- Leslie Rendell-Baker, M.D.
- James A. Meyer, M.D., LTC, MC
- Eugene L. Nagel, M.D.
- Stanley W. Weitzner, M.D.
- Penelope Cave Smith, M.B.
- Arnold St. J. Lee, B.A.

The curriculum vitae of each panel member is available for public review at the office of the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Rm. 6-88, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner is forming two additional panels, for obstetrical and gynecological devices and for gastrointestinal and urology devices.

Notice is hereby provided for all interested persons to nominate qualified physicians, engineers, or scientists to serve on each of these two panels. Nominations for these qualified experts are invited from individuals and from consumer, industry, and professional organizations, and should be sent to:

Dr. Carl W. Bruch,
Food and Drug Administration,
Office of Medical Devices (CM-120),
5600 Fishers Lane,
Rockville, MD 20852.

Nominations must state that the person nominated is aware of the nomination, is interested in becoming involved in this effort, and appears to have no conflict of interest. A complete curriculum vitae must be enclosed with each nomination. Nominees shall be qualified by training, education and experience in the field of medical devices and have particular expert knowledge in the specialty area concerned.

The Commissioner has concluded that each panel should also include one non-voting representative of the consumer interests, and one non-voting representative of the regulated industry. Accordingly, any group or organization interested in participating in the selection of an appropriate representative of the consumer interests or of the regulated industry, for each of the six panels designated above, is requested to write to Dr. Bruch stating this interest. After receipt of all such letters, the Commissioner will request that the interested consumer groups and organizations and industry groups and organizations consult among themselves and each designate a single non-voting member for each panel. It will be the responsibility of the non-voting consumer and industry members of the panel to represent the consumer and industry interests in all deliberations.

To be considered, nominations of experts to serve on the two panels now being formed, and letters from consumer and industry groups and organizations expressing an interest in participating in the selection of a consumer and an industry non-voting member for each of the six panels, must be received on or before September 1, 1973.

The Commissioner has also determined that a procedure for the functioning of these panels should be published as a proposal for comment in the FEDERAL REGISTER. Such a procedure is now in preparation and will be published in the near future. Pursuant to this procedure, an opportunity will be provided for all interested persons to present information

and views to the panels for their consideration in the classification process.

Dated: July 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14571 Filed 7-16-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX73-3; Notice 2]

CITROEN

Petition for Temporary Exemption from Motor Vehicle Safety Standards

The National Highway Traffic Safety Administration has decided to deny S. A. Automobiles Citroen an exemption of its SM model from compliance with the pendulum test requirements of Federal Motor Vehicle Safety Standard No. 215, *Exterior Protection*.

Notice of petition for the exemption was published in the FEDERAL REGISTER on May 14, 1973 (38 FR 12636), and an opportunity afforded for comment. Citroen applied for exemption pursuant to section 123(a)(1)(D) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1410(a)(1)(D)) which requires it to demonstrate that to mandate compliance with Standard No. 215 would prevent [it] from selling a motor vehicle whose overall level of safety is equivalent to or exceeds the overall level of safety of nonexempted motor vehicles.

In support of its petition Citroen listed several features of the SM vehicle for which exemption was sought. These were: (1) A self-leveling hydropneumatic suspension that provies constant vehicle height and exceptional dynamic stability (roadholding); (2) power steering with self-returning and self-centering capability; (3) high pressure power brakes with front-rear repartitioning; (4) very low center of gravity; and (5) a cruising speed in excess of 125 mi/h. Citroen also submitted figures intended to show that it exceeded the minimum requirements of several motor vehicle safety standards.

In order to achieve compliance, Citroen stated that the front and rear ends of the SM would have to be redesigned, at an estimated cost of $1,183,000. This figure does not include costs to redesign and retest the vehicle's cooling system. Because of the vehicle's low production, 19 units a day for all markets, Citroen stated that it had no plans to bring the SM into compliance with Standard No. 215. Failure to obtain an exemption would mean that Citroen would terminate its participation in the American market with respect to vehicles manufactured on or after September 1, 1973, since the SM is its only product currently offered for sale.

No comments were filed supporting the petition. Opposing the petition were the Center for Auto Safety and the State of Hawaii.

Section 123(e) of the Act and 49 CFR 555.6(d)(1) require a petitioner to provide a detailed analysis of how the vehicle provides an overall level of safety equivalent to or exceeding the overall level of safety of nonexempted motor vehicles, including (§ 555.6(d)(1)(iv)) the results of any tests conducted on the vehicle demonstrating that its overall level of safety exceeds that which is achieved by conformance to the standards. No such analysis or test was submitted by Citroen. In fact, the petition provided no information at all on the overall level of safety of either the Citroen SM or of any nonexempted vehicles. In the judgment of this agency, listing features such as power steering and hydropneumatic suspension does not begin to satisfy the requirement of establishing an objective measure of a vehicle's overall level of safety. Indicating the margin by which the performance levels of individual standards are exceeded also adds little to the picture. In practical terms, all conforming vehicles must exceed those levels. The two central concepts of this statutory basis are (1) overall levels of safety, and (2) comparison of the vehicle in question with other vehicles. It is true that these concepts may be novel and complex, but Citroen made no attempt whatever to deal with them in its petition.

Although for the above reasons the petition must be denied, and further issues need not be reached, there appears to be serious doubt as to whether Citroen has adequately shown that requiring compliance would prevent the sale of the SM within the meaning of section 123(a)(1)(D). Given the evident size and competence of the petitioner, there is no question that it is financially and technologically capable of bringing the SM into conformity with the standard in question. Its position is that the cost of doing so is out of proportion with the quantity of vehicles produced and would be impossible to depreciate. Considering the wide variety of vehicles in all price ranges whose manufacturers are assuming the burden of achieving conformity, the situation presented by Citroen does not appear to be a standard preventing the sale of the SM, within the intended meaning of the statute.

The Citroen petition is accordingly denied.

(Sec. 3, Public Law 92-548, 86 Stat. 1159, 15 U.S.C. 1410; delegation of authority at 38 FR 12147).

Dated: July 3, 1973.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs.

[FR Doc.73-14528 Filed 7-16-73;8:45 am]

ATOMIC ENERGY COMMISSION

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

DUKE POWER CO.

Order on Motion To Amend, and Rescheduling of Prehearing Conference

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

In view of motion filed by Applicant dated July 10, 1973, to amend paragraph (1) of Board Order of June 15, 1973, and the telephone conference calls between the Parties and the Board on July 10 and 11, at which time the Parties indicated support of the motion, and since the Parties have demonstrated substantial progress toward voluntary compliance of discovery, the scheduled time for the filing of certain second round discovery requests, previously set for July 20, 1973, is hereby suspended, pending further discussion at a prehearing conference to be held on August 2, 1973.

Accordingly, the prehearing conference now scheduled for July 24, 1973, is hereby postponed and rescheduled for August 2, 1973, at 9:30 a.m., local time, at the U.S. Tax Court, Room 2142, 1111 Constitution Avenue, NW, Washington, D.C. 20044.

It is so ordered.

The Atomic Safety and Licensing Board.

Issued at Washington D.C. July 11, 1973.

WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-14509 Filed 7-16-73;8:45 am]

[Dockets Nos. 50-440, 50-441]

DUQUESNE LIGHT CO. ET AL.

Establishment of Atomic Safety and Licensing Board

In the matter of Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co., The Cleveland Electric Illuminating Co., The Toledo Edison Co.

On July 11, 1973, the Commission published in the FEDERAL REGISTER, 38 FR 18481, a notice of hearing to consider the applications filed for construction permits for the Perry Nuclear Power Plant, Units 1 & 2. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Dr. Frank F. Hooper, Mr. Gustave A. Linenberger, and John B. Farmakides, Esq., Chairman. Dr. George A. Ferguson has been designated as a technically qualified alternate and John F. Wolf, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. John B. Farmakides, Esq., Chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

2. Dr. Frank F. Hooper, School of Natural Resources, University of Michigan, Ann Arbor, Michigan 48104.

3. Mr. Gustave A. Linenberger, a technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

4. John F. Wolf, Esq., Alternate Chairman, Wolf, Sheehan & Wolf, 1015 18th Street, NW., Washington, D.C., 20005.

5. Dr. George A. Ferguson, Alternate, Professor of Nuclear Engineering, Howard University, Washington, D.C. 20001.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at: Washington, D.C., July 12, 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-14529 Filed 7-16-73;8:45 am]

[Docket No. 50-363]

JERSEY CENTRAL POWER & LIGHT CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

In the matter of Jersey Central Power & Light Co. (Forked River Nuclear Generating Station, Unit No. 1).

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

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

Dated: July 11, 1973.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.73-14530 Filed 7-16-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23542; Order 73-7-41]

ATC BYLAWS INVESTIGATION AND AIR TRAFFIC CONFERENCE OF AMERICA

Order of Temporary Approval and Consolidation Regarding Non-member Participation in ATC Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of July 1973.

The Air Traffic Conference of America (ATC) has filed with the Board, pursuant to section 412(a) of the Federal Aviation Act (49 U.S.C. 1382(a)) and Part 261 of the Board's Economic Regulations (14 CFR Part 261), amendments to the bylaws of ATC and a resolution entitled "Participation by Non-Members in Air Traffic Conference Meetings." These amendments and this resolution have been designated Agreement CAB 16485-A2, and the Agreement is, by its terms, to become effective 30 days after its approval by the Board.

The Agreement, briefly, would permit non-members of ATC to obtain copies of the agenda and minutes of ATC and of its standing committees, by subscription; to submit proposals to ATC for its consideration; to submit written views on matters pending before ATC and its standing committees; and, in limited circumstances, to appear in person at ATC meetings to present views. The Agreement also would permit action on ATC mail votes to be stayed, in certain circumstances, if certain non-members of ATC object to specific mail vote proposals. Agreement CAB 16485-A2 in its entirety, as well as the explanatory comments filed by ATC with this agreement, are attached hereto as an Appendix.

No objections to approval of this Agreement have been received.

At the present time the bylaws of ATC (Agreement CAB 16485) are under review in the "ATC Bylaws Investigation," Docket 23542. Public hearings have recently been concluded, briefs have been submitted to the Administrative Law Judge, and supplemental briefs were recently filed on June 29, 1973. Among the issues in the "Investigation" is the question of whether ATC procedures afford non-members adequate notice of pending ATC proposals and adequate opportunity for non-members to participate in ATC deliberations.

By motion filed June 12, 1973, the Conference has requested that the Board consolidate the Agreement with the "Investigation" since the Agreement represents a fundamental amendment of the ATC bylaws with respect to third-party participation which should be examined as part of an orderly completion of the Board's decision-making process in the "Investigation." The Conference argues further that the basic issues regarding the Agreement are already part of the "Investigation," that the same parties are involved, and that consolidation will be conducive to the proper dispatch of the Board's business and will not unduly delay the proceeding. Answers to the motion have been filed by the American Society of Travel Agents (ASTA), the National Passenger Traffic Association, and the Bureau. They do not oppose consolidating the agreement for final decision in the "Investigation" in view of the identity of the issues, but request that the Board approve the agreement on an interim basis so that consolidation does not result in delay. The National Air Transportation Conference (NATC) opposes the motion on the ground that consolidation would lead to significant delay and that there are no public interest considerations sufficient to warrant the requested consolidation. NATC nonetheless argues that the agreement represents a "constructive step" and that there need be no conflict between routine Board action under a non-hearing procedure and ultimate disposition of the "Investigation" by the Administrative Law Judge and the Board, including the question of what conditions should be ordered with respect to any approval of the ATC bylaws.

Upon consideration of the matters presented, the Board has decided to grant the motion for consolidation and to approve the Agreement on an interim basis. We believe that this approach will provide the Board with the fullest evidentiary record, provide for maximum decisional flexibility, and permit a decision on all facets of the ATC bylaws at the same time. We note, in this connection, that there are no objections to approval of the Agreement; on the contrary, those parties addressing themselves to the Agreement suggest that it represents a step in the right direction. Under all the circumstances, we find that approval of the agreement on an interim basis would be in the public interest. Our pendente lite approval, however, should not be construed as a prejudgment of any of the issues in the "Investigation" (including the proper extent of non-member participation in ATC deliberations) and such approval is expressly conditioned upon the Board's right to disapprove or otherwise modify the agreement at the end of the "Investigation." As conditioned, it is found that temporary approval of Agreement CAB 16485-A2 is in the public interest.

Accordingly, it is ordered, That:

1. The motion of ATC for consolidation be and it hereby is granted;

2. Agreement CAB 16485-A2 be and it hereby is temporarily approved;[1]

3. The approval granted in ordering paragraph 2 may be amended or revoked in the discretion of the Board without hearing.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX

AIR TRAFFIC CONFERENCE RESOLUTION

NON-MEMBER PARTICIPATION IN ATC MATTERS

Resolved, that, Effective 30 days after approval by the Civil Aeronautics Board:

1. Subject to concurrence of the Board of Directors of the Air Transport Association, the By-Laws of the Air Traffic Conference are amended in the following respects:

A. Add the following language to the end of Article IX, paragraph A:

Provided, further, however, that if the Executive Secretary receives a timely written objection from any person who is permitted to appear in person before the Conference pursuant to regulations adopted by the Conference under the provisions of paragraph D of Article IX, stating in detail the reasons for such objection, the provisions of this paragraph allowing committee recommendations to become automatic Conference action shall be stayed until the Executive Committee reviews the objection. If in the opinion of the Executive Committee the objection should be discussed by the Conference, the resolution may be included on the Conference agenda for action, or discussion, at the discretion of the Executive Committee; otherwise the procedures allowing for automatic Conference action shall operate as if there had been no objection.

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[1] Such approval shall continue only until 60 days after final Board action in the ATC Bylaws Investigation, Docket 23542.

B. Add the following new paragraph "D" to Article IX:

"D. *The Conference may establish by resolution procedures governing the conduct of its meetings including the method by which it will receive the views of persons outside of the Conference, and may, in accordance with Conference procedures, act upon matters presented by such persons during the course of Conference business.*"

2. The following resolution entitled "Participation by Non-Members in Air Traffic Conference Meetings" is adopted:

PARTICIPATION BY NON-MEMBERS IN AIR TRAFFIC CONFERENCE MEETINGS

The procedures contained in this resolution are in addition to and not in lieu of any existing resolutions which provide for participation by non-members in Air Traffic Conference meetings.

A. Any person shall have the right to receive copies of the agenda of any and all standing committees and the Conference, mail vote proposals and the decision reached, and the minutes of the standing working committees and the Conference. Provided, that documents requested under this paragraph shall be subject to those charges which may be promulgated and assessed by the Executive Secretary for the costs of production and distribution. The Executive Secretary shall send a reasonable number of copies of each and every document described in this paragraph to the Civil Aeronautics Board for its information and use.

B. Any person may submit a specific written proposal on any subject to the Executive Secretary who shall refer such proposal, where appropriate, to a standing working committee or the Conference within the terms of reference of such standing working committee or the Conference. A written response shall be provided to the proponent of the proposal upon request. Any person may submit written views on any matter pending before any standing working committee or the Conference. Provided, however, that any document submitted to the Executive Secretary for consideration by any standing working committee or the Conference shall become the property of the Members and may be used by any Member or Members in any manner desired.

C. Any air carrier having a Certificate of Public Convenience and Necessity from the Civil Aeronautics Board to perform scheduled route air transportation, any association composed substantially of carriers of passengers or cargo by air, any association representing travel agents on a national basis, or any association which previously demonstrates satisfactorily to the Executive Committee that it actually represents a substantial number of users of air transportation on a national basis shall have the right to appear in person subject to the approval of the Executive Committee, with or through counsel, at a Conference meeting for the express purpose:

(a) To present a proposal or proposals which could otherwise be properly before the Conference for action, and on subjects which could be discussed without the need for prior Civil Aeronautics Board approval to discuss, or,

(b) To present views on any pending matter which the Conference has on its agenda for action. *Provided, however,* Prior written showing is directed to the Executive Secretary of the Conference detailing how the matter in question will have a financial or property impact or will have an impact on the services rendered by or for such non-member.

The demonstration required above shall be made in part by a written statement containing the actual number of users such association represents, the names and addresses of its officers and directors and a showing of instances where it has represented users on aviation issues. With respect to the right to appear described in this paragraph, the following procedures shall be followed:

1. If an appearance is allowed under the terms of this paragraph for purposes of presenting a proposal or proposals, the non-member proponent of such proposal(s) must furnish the Executive Secretary with a written statement of his proposal(s) forty (40) days in advance of the Conference meeting at which such non-member is to appear.

2. If an appearance is allowed under the terms of this paragraph for the purpose of submitting views on a matter pending on the Conference agenda, the non-member submitting such views must furnish the Executive Secretary with a written statement outlining what such non-member intends to state in his appearance no later than fourteen (14) days in advance of the Conference meeting at which such non-member is to appear.

3. The written statements in 1 & 2 above must be in sufficient detail as to inform the Executive Committee and the Members of the substance of such proposal(s) or views.

4. The total time allotted to all appearances before a Regular Conference Meeting shall not exceed 25 percent of the aggregate time scheduled for such Conference or not to exceed four hours, whichever is less.

a. The apportionment of time for individual appearance shall be determined by the Executive Secretary: *Provided, however,* That no individual appearance shall exceed 30 minutes in any event, unless the Executive Committee extends such time upon a showing of need, or the Conference extends such time at its will.

b. The right to appear shall be limited to the representative(s) of the non-member in connection with and limited to his presentation or his statement of views. No other person shall have such a right.

Provided, however, That the Executive Committee of ATC, in its discretion, may schedule a Special Meeting of the Conference in lieu of above rights to appear at a Regular Conference Meeting in order to receive the proposal(s) or presentation of any non-member.

Adopted: Air Traffic Conference Meeting, May 3–4, 1973. By-law changes approved by ATA Board of Directors, May 16, 1973.

Effective: 30 days after approval of the Civil Aeronautics Board.

Filed with the Civil Aeronautics Board by letter dated May 29, 1973.

EXPLANATORY COMMENTS ATC RESOLUTION NON-MEMBER PARTICIPATION IN ATC MATTERS

These comments are offered in explanation of the provisions of the accompanying resolution of the Air Traffic Conference, adopted at the May 3–4, 1973 Conference meeting, which establishes formalized procedures for the participation by non-members in ATC matters. The resolution includes two amendments to the ATC By-laws, one of which provides procedures for the stay of effectiveness of unanimous recommendations of standing working committee upon the receipt of objection to such recommendations from certain parties. The other By-law amendment empowers the Conference to establish procedures for non-member participation in Conference matters. In addition, the resolution also includes the specific procedures for such non-member participation.

On May 16, 1973, the ATA Board of Directors approved the amendments to the Conference By-laws, as required by Article XIV of those By-laws. The entire resolution will become effective thirty (30) days after approval by the Civil Aeronautics Board.

As stated in the minutes of the November 16–17, 1972 meeting of the Air Traffic Conference, a special three man committee was appointed to consider non-member participation in Conference matters. The accompanying resolution emanates from recommendations of that committee.

Representatives of ARTA, ASTA, NATC and NPTA met separately with and presented their views to the committee during the developmental stage of the committee's recommendations. ABTB was invited to attend but its representative stated that their organization found the present means of coordination and input to be satisfactory. Representatives of AAA met separately with the ATC staff and their views were forwarded to the committee prior to the development of the committee's recommendations. In addition an appointment was made to meet with ACAP but its representative failed to keep the appointment.

Most of the parties wanted to be heard on matters affecting them, and wanted this to be done *before final Conference action.* The ATC adopted resolution on third party participation fulfills these desires, while still, hopefully, leaving the Conference with the flexibility it needs to carry on its work. In summary, the resolution, in addition to participation areas presently covered by other Conference resolutions including the travel agency dialogue meetings, provides for the following:

1. The agenda of the Conference and any of its standing working committees would be made available to the public prior to the meeting concerned on a subscription basis at a charge to cover the costs of production and distribution. The charge would be established by the Executive Secretary. Copies of these agenda would also be filed with the CAB for its use. (Copies of Conference agenda are presently sent to the CAB, but not prior to Conference meetings.)

2. The Conference and standing working committee minutes would be made available to the public also on a subscription basis. (Copies of Conference minutes are presently sent to the CAB.)

3. Written proposals could be made by any person to any standing working committee or to the Conference through a central point for decision as to where such proposals should be directed.

4. Written views could be made by any person on any matter pending before any standing working committee of the Conference also to a central point to allow for proper distribution.

5. Non-member representative bodies and air carriers, as specifically defined, may appear in person at Conference meetings to make proposals, or to comment on proposals pending before the Conference which would have a direct impact on such non-member. Procedural conditions on appearances were deemed essential and therefore written into the resolution so that on the one hand non-members having important contributions could be heard, while on the other hand the work of the Conference would not be unduly disrupted or unreasonably expanded.

We believe the action by the Conference adequately provides for appropriate input to the Conference from non-members.

[FR Doc.73-14574 Filed 7-16-73;8:45 am]

[Docket No. 23338; Order 73-7-28]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Fares for Cargo Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 10th day of July 1973.

By Order 73-3-99, dated March 26, 1973 action was deferred on the subject portion of an agreement, adopted by the International Air Transport Association (IATA), dealing with revision of the basis upon which reduced-fare concessions for United States-based IATA cargo agents are allocated. The general effect of the revision is to establish an incentive program geared to agents' productivity in place of the present allocation of a fixed number of tickets for each agency location. Presently, each IATA-approved agency location receives two tickets annually, at a 75-percent discount from the otherwise applicable air fare. The new proposal entitles each agency registered in a particular country to two 75-percent discount tickets regardless of the number of locations it operates. The new productivity feature would allot two additional tickets at a 50-percent discount of the applicable first-class or normal economy fare for each 100 percent (or fraction thereof) by which an agent's total international sales exceed the annual average for the country of registration.[1] The maximum annual allowance of these tickets would be set at 40.

Action on the resolution was deferred for a 30-day period[2] in order to allow time for the carrier parties to submit data relating to the numbers of reduced-fare tickets issued under the existing system in 1972 and estimates of issuance had the proposed system been in effect, and to grant interested persons and parties an opportunity to comment on the resultant effect of the resolution on the number of reduced-fare tickets available to individual agents or on the cargo agency industry as a whole.

Data and/or comments have been received from Compagnie Nationale Air France (Air France); American Airlines, Inc. (American); Delta Air Lines, Inc. (Delta); Eastern Air Lines, Inc. (Eastern); The Flying Tiger Line Inc. (Flying Tiger); Lufthansa German Airlines (Lufthansa); Northwest Orient Airlines, Inc. (Northwest); Pan American World Airways, Inc. (Pan American); Trans World Airlines, Inc. (TWA); Seaboard World Airlines, Inc. (Seaboard); Air Express International Corporation (AEI); Air Freight Forwarders Association (AFFA); Emery Air Freight Corporation (Emery); International Air Freight Agents Association (IAAA); and the National Customs Brokers and Forwarders Association of America, Inc. (NCBFAA).

Pan American and TWA urge approval of the proposed agreement.[3] TWA claims the new program represents significant improvement over the present system, alleges that allocation of reduced-fare tickets by agency location is obsolete since IATA now registers its agents by country rather than by individual location and that in any event the number of locations is not a reliable index of growth and progress in air cargo sales. Both carriers contend that sales volume is more clearly related to the agent's actual travel requirements since it is a reliable index of productivity and that the instant agreement, since it is geared to cargo sales productivity, is an equitable system of allocating reduced-rate authorizations.

Pan American maintains that the amount of actual reduced-fare travel by cargo agents would not materially increase or decrease under the new agreement, since many multi-location agents are also among the most productive single location agents; that opportunities for such travel would increase somewhat for productive single location agents; and that the reduced discount available would not adversely affect the cargo agent's business travel plans, since business itineraries are generally brief and tightly scheduled thus preventing cargo sales agent use of discount fares available to tourists.

Seaboard opposes the agreement. While indicating that reduced-fare travel for cargo agents is an effective market development tool, Seaboard feels that the proposed agreement is inherently discriminatory and will penalize IATA agents selling for Seaboard since these sales will not be included in the productivity base for ticket allotment thus reducing Seaboard's sales and increasing sales of Seaboard's IATA competitors, and that its overall competitive position will be impaired. Seaboard also claims that the existing reduced-fare system is discriminatory since, as a non-IATA all-cargo carrier, it cannot itself provide reduced-fare passenger transportation for its sales agents and carriers able to perform such service are generally IATA members and will not honor Seaboard's requests for reduced-fare carriage, and alleges that past Board refusal to condition a reduced-fare resolution for transportation of foreign-based cargo agents to require IATA carriers to honor Seaboard requests for such carriage has hurt its westbound business.[4] The carrier, therefore, requests the Board to impose conditions requiring IATA carriers to honor reduced travel requests for transportation of its cargo sales agents and to prohibit basing reduced-fare ticket eligibility solely upon agent sales for IATA carriers.

AFFA opposes adoption of the proposed agreements as filed, and maintains in general that past Board policy towards foreign-based agents discriminates against U.S.-based cargo agents and forwarders and acts to promote imports and discourage exports contrary to national policy. AFFA asserts that a complete reversal of past Board decisions is needed to eliminate the competitive advantage accorded foreign-based cargo agents and forwarders and that U.S. and foreign-based cargo agents and forwarders should be put on an equal basis. Specifically, AFFA contends that the instant agreement is not prompted by a real need for change; that the changes proposed result from problems associated with IATA's internal administrative changes; that IATA carriers have arbitrarily reduced the discount to 50 percent for tickets awarded under the productivity feature; that the burden falls upon IATA to justify these changes; that the current system satisfied Board requirements that such fares for agents be related to their need for business travel and the likelihood of promoting air cargo traffic; that the new formula unjustly discriminates against cargo agents and forwarders in favor of passenger agents who receive more reduced-fare tickets under a different formula; and that the proposed formula would wreak great hardship on U.S. forwarder/agents due to decreased tickets received and discounts offered.

AFFA urges, at a minimum, retention of the status quo but recommends adoption of similar allocation procedures as afforded foreign cargo agents (except reduced-fare tickets for spouses). Alternatively, AFFA suggests two 75 percent discount tickets plus additional 75-percent discount tickets per each additional $500,000 gross billings; or two 75-percent discount tickets per qualified employee.

AEI, Emery, IAAA, and NCBFAA likewise express opposition to the instant agreement, citing objections and recommendations similar to those expressed by AFFA. Additionally, AEI and Emery especially advocate equal treatment for air freight forwarders vis-a-vis U.S. cargo agents. Specifically, Emery states that sales generated as an air freight forwarder will not count in their productivity base with consequent reduction in their reduced-fare tickets. Finally, NCBFAA alleges the proposed agreement discriminates against the small-volume agent in favor of the large-volume agent and will reduce the small agent's travel opportunity to expand cargo traffic; and therefore recommends that all U.S. cargo agents be given equal travel rights.

Upon consideration of the comments and data received, the Board reiterates its view that continuation of a program granting reduced-fare concessions to cargo agents is warranted. The productivity feature incorporated in the instant agreement seems to conform sufficiently with previously-stated Board policy that

[1] Country averages, as well as each agent's allotment, are to be determined by the IATA Agency Administrator on the basis of annual reports already required of each agent under terms of the IATA Cargo Agency Agreement. $1,000,000 would be used as the average for any country whose actual average exceeds that amount. Reports submitted for a given year would be used to calculate quotas for the following year.

[2] We shall also herein act upon an IATA resolution dealing with reduced-fare concessions for foreign-based IATA cargo agents. This resolution allows each agent registered for a specific country to be issued two 75-percent discount tickets by each carrier per year; a maximum of 40 75-percent discount tickets under the productivity feature, based upon commissionable sales; 20 additional 50-percent discount tickets; and includes reduced-fare travel provisions for spouses of IATA-approved cargo agents.

[3] American has filed comments in support of TWA's position.

[4] See Order 72-8-99, dated August 23, 1972 in which the Board disposed of Seaboard's petition to reconsider Order 72-5-59 approving reduced-fare transportation for foreign-based cargo agents.

a system of reduced-fare concessions should be closely related to actual business requirements of each agent in the promotion of air cargo transportation.

Turning first to claims by various parties that approval of the differing resolutions pertaining to U.S.-based cargo agents and to foreign-based cargo agents would discriminate against the former in favor of the latter, the Board has historically declined to exercise jurisdiction over foreign-based cargo agents noting that they operate under differing laws and that their activities are more appropriately the concern of their respective governments. The Board has also noted, to a lesser degree, the practical difficulties of enforcement. Moreover, to require more restrictive standards, with respect to travel into the United States, in order to achieve uniformity among agents moving in "air transportation" as defined by the Act could serve to create a greater incentive for the sale of cargo transportation between other countries and thus negatively affect U.S. interests. Therefore, we shall herein approve that portion of the agreement dealing solely with IATA cargo agents based outside the U.S., subject to standard conditions.

Nor are we persuaded that differences in the allocation of reduced-fare tickets between cargo sales and passenger sales agents constitute a discrimination. It would appear to us that such differences stem from variations between the two activities, in the nature of customers, businesses, and employees. We do not perceive any basis at this time on which to require identical allocation systems for IATA cargo sales and passenger sales agents.

As to the contention of NCBFAA that the agreement would discriminate against small agents, we believe that evaluation of data submitted by the airlines indicates that the reverse is more likely to occur. According to data submitted by the IATA carriers, the location allocation would afford approximately 355 agents two 75-percent tickets and 76 agents more than two tickets. Under the productivity concept 343 agents would receive two tickets while 88 agents would receive more than two. Moreover, the total number of tickets accorded agents registered by country is expected to increase from 1406 to 1484. We also note that of a total 1706 tickets authorized in 1972 (including 320 tickets for 160 agents still registered under the location concept) only 34.5 percent or 590 were actually used, indicating that U.S.-based IATA cargo sales agents are not utilizing all the tickets available to them under the present system.

Although TWA indicates that sales generated by an agent in his capacity as an air freight forwarder, which are not commissionable, would be included in the productivity base for purposes of allocating reduced-fare tickets, our examination of the agreement suggests otherwise. The agreement specifically states that determination of average sales must be in accordance with the provisions of IATA Resolution 821, Subparagraph (5) (e), which refers only to commissionable sales; therefore, air freight forwarder consolidations (under their own tariffs and waybills) would appear not eligible for inclusion in the productivity base. It has long been the Board's opinion that those acting in their own behalf as an air freight forwarder should not be granted free or reduced-rate transportation since such transportation would constitute an unlawful refund or remittance of valuable consideration to a special class of shipper.[5] We believe it consistent with this position that sales generated by an agent acting in this capacity should be excluded from the productivity base upon which reduced-fare tickets would be extended.

Seaboard urges that the Board require extension of the reduced-fare privileges granted IATA agents to agents acting on behalf of non-IATA carriers; specifically, we are requested to condition our approval of the resolution so as to require IATA carriers to honor Seaboard's requests for reduced-fare carriage for agents acting in its behalf and to require inclusion of sales by these agents in the productivity base for ticket allocation. We can perceive no basis from the comments received to go beyond the issue here before us, that is the issue of whether or not the IATA carriers' program for agents acting on their behalf is a reasonable one. Seaboard has not demonstrated injury and, in view of past usage of reduced-fare tickets, it does not appear that these privileges are of such significance as to create an unfair competitive situation vis-a-vis IATA carriers. In the last analysis, the agents' reward stems from commissions on their sales and profits from their activities. Moreover, we would think it irrational for IATA carriers to deny IATA-approved agents reduced-fare transportation because those agents also act in behalf of non-IATA carriers. Such practice would constitute a patent demonstration that the basic reduced-fare program is manipulated for purposes having nothing to do with the development of the air transportation cargo market, but instead represent a manipulable reward system contrary to Board policy. Nevertheless, in order to make explicit our understanding that an IATA agent who also holds appointments from non-IATA carriers shall not be excluded or limited from obtaining reduced-fare transportation on IATA carriers because of such appointment, we will attach appropriate conditions to our approval of the resolutions.

Finally we come to the question of the percentage discount to be offered. As indicated, the two regular tickets allocated annually to each agent on a country-of-registration basis are to be discounted 75 percent from the otherwise applicable fare. However, the tickets granted in proportion to an agent's productivity would be discounted only 50 percent, and that only from the full normal fare. Several objections specifically directed at this issue have been raised, and no U.S. carrier party to the agreement has provided rationale as to why the discounts and the fares upon which they would be based should vary.

Historically, all reduced-rate tickets have been authorized at a 75-percent discount from the otherwise applicable air fare. While it appears that the total allocation of reduced-fare tickets would not materially change under the new concept, the agents receiving reduced-rate tickets under the productivity aspect of the program would be required to pay more for their transportation than previously. In the absence of information from the carriers, we are unable to discern any circumstances which would warrant such an increase in total cost to the agent for what is essentially the same amount of reduced-rate travel. Accordingly we will condition our approval of the agreement to require that all tickets granted under the resolution shall be based on the same discount; *i.e.*, 75 percent of the otherwise applicable fare.

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act, does not find that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to the conditions stated herein:

Agreement C.A.B. 23516	IATA No.	Title	Application
R-3	203a...	Reduced Fares for Cargo Agents (U.S.A. Only).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

Provided that with respect to Resolution 203a:

(1) Free or reduced-rate transportation for United States-based agents shall be limited to the extent permitted by the provisions of Resolution 203a and shall not be provided under entertainment or instruction provisions of other cargo agency resolutions, e.g., Resolution 810b—Section J, and Resolution 811b—Paragraph (1) (e);

(2) All reduced-rate transportation authorized under the provisions of the resolution shall be provided at a discount of 75 percent of the otherwise applicable fare; and

(3) Notwithstanding any provision or interpretation of said resolution, IATA-approved agents shall not be precluded or limited in obtaining reduced-fare transportation on IATA carriers because such agents act pursuant to appointments received from non-IATA carriers.

Agreement C.A.B. 23516	IATA No.	Title	Application
R-4.....	203c...	Reduced Fares for Cargo Agents (Except U.S.A.).	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

Provided, That with respect to Resolution 203c:

(1) Approval of the provisions embodied in said agreements, insofar as they

[5] International Airfreight Forwarder Investigation, 27 C.A.B. 658, 663-667, decided November 6, 1958.

are applicable in air transportation as defined by the Federal Aviation Act of 1958, shall not be construed as:

(a) An exemption from the requirements of filing tariff provisions as a condition precedent under section 403 of the Federal Aviation Act of 1958 to the issuance of passes to any person described in said agreements;

(b) A determination as to whether a violation of Section 404 of the Federal Aviation Act of 1958 would result from the issuance of passes pursuant to such agreements whether or not tariff provisions applicable thereto have previously been filed with the Board; and

(c) An exemption from the provisions of the Board's Economic Regulations relating to tariffs for free or reduced-rate transportation; and

(2) Notwithstanding any provision or interpretation of said resolution, IATA-approved agents shall not be precluded or limited in their obtaining reduced-fare transportation on IATA carriers because such agents act pursuant to appointments received from non-IATA carriers.

Accordingly, it is ordered, That:

Agreement C.A.B. 23516, R-3 and R-4, be and hereby is approved subject to the conditions stated herein.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

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

[FR Doc.73-14575 Filed 7-16-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from July 2 through July 6, 1973.

NOTE: At the head of the listing of statement received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T.C. Byerly
Office of the Secretary
Washington, D.C. 20250
(202) 447-7803
Forest Service

Draft — *Date*

Northern Region's Slash Disposal Program — 07/05

The statement discusses the Northern Region's Slash Disposal Program. Slash treatment options include: treatment with prescribed fire; mechanical treatment; isolation and/or limited treatments; and no treatment. Adverse impact may occur to air quality and soil stability. (ELR ORDER # 31110) (NTIS ORDER # EIS 73 1110D)

Winter Park Management, Arapaho National Forest — 07/05
Colorado
County: Grand

The statement refers to the management of the Winter Park Management Unit of the Arapaho National Forest, in order to protect its suitability for winter sports activities, and to expand its capacity. (44 pages)
(ELR ORDER # 31118) (NTIS ORDER # EIS 73 1118D)

Little Slate Creek, Nezperce National Forest — 07/05
Idaho

Proposed is the implementation of the Little Slate Creek Unit Plan, which calls for multiple use management of 43,690 acres of the Little Slate Creek Drainage District, Nezperce National Forest. Recommended in the plan is development beginning with the harvest of 193 million board feet of mature timber over a 15 year period and the construction of a mid-elevation main access route through the drainage. Adverse impact will include the loss of roadless qualities, increases in soil disturbance, and increased hazard to water quality. (80 pages)
(ELR ORDER # 31121) (NTIS ORDER # EIS 73 1121D)

Multiple Use, North Bridger Mountains, Gallatin N.F. — 07/05
Montana
County: Gallatin

Proposed is the implementation of a Multiple Use Management Plan for the North Bridger Mountains, Bozeman Ranger District, Gallatin National Forest. Total area is 60,000 acres, of which 42,000 acres is National Forest lands. Included will be construction of a new road and improvement of others, harvesting of timber, and maintaining roadless areas. Five thousand acres of roadless area will be lost; there will be a loss of game cover and increases in soil disturbance. (40 pages)
(ELR ORDER # 31116) (NTIS ORDER # EIS 73 1116D)

Final

Bitterroot National Forest — 07/06
Montana
County: Ravalli

The statement considers the implementation of a revised Multiple Use Plan for the Moose Creek Planning Unit of the Forest. The plan considers the construction of roads and the cutting (including clearcutting) of timber in selected sections of 20,000 acres of Forest, and management for recreation in others. The plan will affect water and air quality (the latter due to the burning of log slash), natural landscapes, and wildlife habitat. (177 pages)
COMMENTS MADE BY: EPA
(ELR ORDER # 31130) (NTIS ORDER # EIS 73 1130F)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters:
Mr. Robert J. Catlin, Director,
Division of Environmental Affairs
Washington, D.C. 20545
(202) 973-5391
For Regulatory Matters:
Mr. A. Giambusso, Deputy Director
for Reactor Projects, Directorate
of Licensing
(202) 973-7373
Washington, D.C. 20545

Draft — *Date*

Nine Mile Point Nuclear Station — 07/05
New York

Proposed is the conversion of the current provisional operating license, held by the Niagara Mohawk Power Corporation, to a full term license. Unit 1 of the Station employs a boiling water reactor to produce 1850 MWt, from which 610 MWe (net) are generated. Exhaust steam is cooled by a once-through flow of water from Lake Ontario, with discharge at 6 degree above ambient. Transmission line right-of-way has required 1640 acres. (196 pages)
(ELR ORDER # 31109) (NTIS ORDER # EIS 73 1190D)

Final

Oak Ridge Consolidated Industrial Park — 07/02
Tennessee

The statement refers to the proposed issuance of a full-term (5-year) special Nuclear Materials License to U.S. Nuclear, Inc. for the operation of a fuel element fabrication plant. The facility will have on site at any given time a maximum of 100kg of U-235. Only unirrigated uranium will be processed There will be discharge of small quantities of chemicals and uranium to the nearby environs. (135 pages)
COMMENTS MADE BY: AHP USDA COE DOC HEW HUD DOI DOT EPA FPC TVA
(ELR ORDER # 31095) (NTIS ORDER # EIS 73 1095F)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler
Deputy Assistant Secretary for Environmental Affairs
Department of Commerce
Washington, D.C. 20230
(202) 967-4335

ECONOMIC DEVELOPMENT ADMINISTRATION

Draft — *Date*

Yamhill County Bridge — 07/03
Oregon
County: Yamhill

Proposed is the construction of a bridge and connecting approaches across the Willamette River at Mile 62.8. Approximately 84 acres of land will be committed to the project. (225 pages)
(ELR ORDER # 31106) (NTIS ORDER # EIS 73 1106D)

DEPARTMENT OF DEFENSE

Contact: Mr. Robert L. Gilliat
Office of General Counsel
Room 3E977
Department of Defense
The Pentagon
Washington, D.C. 20301
(202) OX 5-3272

Final — *Date*

Air Installations Compatible Use Zones — 07/02

The proposal is the publishing of a policy which would recognize the characteristics of air installations operations as incompatible with certain possible land uses in the vicinity of the installation. The policy would define the methods by which compatible use zones may be determined and delineated, and require that the Military Departments develop programs to establish compatible use zones. Methods would range from local zoning, through state legislation, and acquisition of restrictive easements or fee title by the Federal Government. The establishment of compatible use zones would promote the development of non-noise sensitive activities in the high noise area. (140 pages)

COMMENTS MADE BY: EPA DOC HEW HUD DOI DOT
(ELR ORDER # 31098) (NTIS ORDER # EIS 73 1098F)

DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly
Director, Office of Public Affairs
Attn: DAEN-PAP
Office of the Chief of Engineers
U.S. Army Corps of Engineers
1000 Independence Avenue, S.W.
Washington, D.C. 20314
(202) 693-7168

Draft — *Date*

Pottstown Flood Protection Project — 07/03
Pennsylvania

The proposed project consist of 2 miles of channel improvements in the Schuykill River and removal of a construction in Manatawny Creek which exists under High Street Bridge. Loss of aquatic life will occur. (24 pages)

(ELR ORDER # 31105) (NTIS ORDER # EIS 73 1105D)
Hay Creek, Birdsboro 07/05
Pennsylvania
County: Berks
The proposed project is the construction of levees and floodwalls along portions of Hay Creek. East Main and East First Street Bridges will be raised by 9 and 7 feet respectively, to accommodate the levees and floodwalls. An increase in water turbidity will occur. (32 pages)
(ELR ORDER # 31114) (NTIS ORDER # EIS 73 1114D)
Final
Tred Avon River, Maryland 07/05
Maryland
County: Talbot
The proposed project is the hydraulic dredging of a channel in the Tred Avon River for navigation purposes. The project will disturb or remove benthic organisms, such as oysters and clams; temporarily increase turbidity and silt load of the rivers; and remove 57 acres of agricultural land for spoil, thus destroying the wildlife habitat. Increases in noise will occur. (62 pages)
COMMENTS MADE BY: USDA USCG USN DOC EPA (ELR ORDER # 31122) (NTIS ORDER # EIS 73 1122F)
Willamette and Columbia Rivers 07/05
Washington Oregon
The statement refers to the proposed construction of a 40' deep navigation channel, (1600' wide), at Slaughters Bar; and a 40' x 1200' turning basin at Longview Bridge. Dredged spoil will be deposited at Lord Island, Slaughters Bar, and Howard Island (at 3.1 million cu. yds. initially and 450,000 cu. yds. annually thereafter). Approximately 509 acres of wildlife habitat will be lost to the project.
(68 pages)
COMMENTS MADE BY: USDA USCG DOI DOT EPA (ELR ORDER # 31123) (NTIS ORDER # EIS 73 1123F)

ENVIRONMENT PROTECTION AGENCY

Contact: Mr. Sheldon Meyes
Director, Office of Federal Activities
Room 3630 Waterside Mall
Washington D.C. 20460
(202) 755-0940

Draft *Date*
Sewage Treatment Plant, Fulton and Cobb Counties 07/06
Georgia
Counties: Fulton, Cobb
The statement refers to projects which have been funded or are proposed for funding. Included are interceptor sewers, pumping stations and force mains, and expansions to the existing Bay Creek sewage treatment plant. Sanitary sewage will be treated prior to discharge to the Chattahochee River. The primary adverse impact of the action is the stimulation of secondary effects caused by urban development, including a reduction of the aesthetic values of the Chattahochee River corridor. (105 pages)
(ELR ORDER # 31135) (NTIS ORDER # EIS 73 1135D)
Marion Sewage System 07/06
North Carolina
County: McDowell
The statement refers to the proposed construction of wastewater pumping stations, force mains, interceptor sewers, and a wastewater treatment plant with discharge to the Catawba River. Adverse impact will include construction disruption, the loss of flora, and soil erosion. (78 pages)
(ELR ORDER # 31133) (NTIS ORDER # EIS 73 1133D)
Final *Date*
Sewage System, Fort Lauderdale 07/02
Florida
County: Broward
The proposed action is the construction of a larger and more advanced sewage collection and treatment system. Total capacity will be expanded from 19.5 MGD to 38 MGD. Among the project measures are: multimedia filtration, nitrification, and breakpoint chlorination at the Port Everglades and Coral Ridge Plants; redirection of the flow from the Executive Airport Plant to north Broward; interconnection among several plants; and related work. Completion of the project will allow continued area population growth. (The statement "Ocean Outfalls and Other Methods of Treated Wastewater Disposal in Southeast Florida," NTIS # EIS 73 0491F, 3/22/73, should be considered part of the statement by reference.)
COMMENTS MADE BY: USDA HUD HEW DOI (ELR ORDER # 31100) (NTIS ORDER # EIS 73 1100F)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Rod Kreger
Acting Administrator
GSA-AD
Washington, D.C. 20405
(202) 343-6077

Final *Date*
Dwight D. Eisenhower Library 07/05
Kansas
County: Dickinson
The proposal is for major improvements at the Dwight D. Eisenhower Library. Included are the acquisition of land; the construction of additional parking facilities; the construction of a Visitors' Center; and the completion of landscaping. These are intended to accommodate the increasing number of visitors. There will be adverse impact from construction disruption. (63 pages)

COMMENTS MADE BY: AEC USDA DOT EPA GSA HUD2 DOI (ELR ORDER # 31113) (NTIS ORDER # EIS 73 1113F).

Courthouse and Federal Office Building, Dayton 07/03
Ohio
The statement refers to the construction of a new Courthouse and Federal Office Building in Dayton. The building will accommodate the U.S. Courts, a postal station, and twelve other Federal agencies. The facility will have a gross area of approximately 162,000 square feet in nine stories and a basement, and will house approximately 440 employees. (60 pages)

COMMENTS MADE BY: AHP USDA AEC DOC EPA HEW HUD DOI DOT (ELR ORDER # 31102) (NTIS ORDER # EIS 73 1102F)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard
Director, Environmental Project Review
Room 7260
Department of the Interior
Washington, D.C. 20240
(202) 343-3891

BUREAU OF LAND MANAGEMENT

Final *Date*
Wild Free-Roaming Horse and Burro Management 07/06
The statement refers to proposed regulations for the protection, management, and control of wild free-roaming horses and burros on land administered by BLM. The regulations would authorize a system of management which would enable maintenance of strong, health herds in a quality habitat. The dedication of habitat to horses and burros would limit availability of forage and habitat for other animals. (136 pages)
COMMENTS MADE BY: AEC DOD DOI (ELR ORDER # 31134) (NTIS ORDER # EIS 72 1134F)

BUREAU OF OUTDOOR RECREATION

Final *Date*
Transmission Line, Lake Tahoe State Park 07/03
Nevada
The proposed project is the construction of 16 miles of 120 kV overhead transmission line, from Carson City, across Lake Tahoe State Park, to Incline Village. The line will adversely affect the scenic and recreation values of the part. (95 pages)
COMMENTS MADE BY: USDA COE EPA DOI (ELR ORDER # 31107) (NTIS ORDER # EIS 73 1107F)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director
Office of Environmental Quality
400 7th Street, S.W.
Washington, D.C. 20590
(202) 466-4357

FEDERAL AVIATION ADMINISTRATION

Draft *Date*
Boston Logan International Airport 07/06
Massachusetts
The proposed project is to improve the instrumentation of Runway 15R by providing optimum siting for the electronic components of the Instrument Landing System (ILS) and to install additional visual and electronic navigational aides. The project will claim 40 acres of marsh and with it marinelife. An increase in water pollution will occur. (58 pages)
(ELR ORDER # 31131) (NTIS ORDER # EIS 73 1131D)

FEDERAL HIGHWAY ADMINISTRATION

Draft *Date*
County Highway 30 and Ala. Route 229 07/05
Alabama
County: Macon Elmore
Proposed is the continuation of Macon County Highway 30 to Milstead and the reconstruction of Alabama Route 229 from Milstead to Tallasee. Total length of the project is approximately 9.47 miles. Approximately 195 acres of agricultural land will be committed to the project; one tenant family will be displaced. (15 pages)
(ELR ORDER # 31120) (NTIS ORDER # EIS 73 1120D)
U.S. Highway 30, Nebraska 07/02
Nebraska
County: Dawson
The project involves the reconstruction of 1.84 miles of US 30 through the City of Lexington. The reconstruction involves substituting a storm sewer for existing open drainage ditches; constructing a 4-lane divided and undivided roadway section in place of the 2-lane rural roadway section; and providing a sidewalk, lighting and signalization. Two properties will be served to acquire additional right-of-way. Water and air pollution will occur during construction; the ambient noise level will increase. (12 pages)
(ELR ORDER # 31101) (NTIS ORDER # EIS 73 1101D)
Draft *Date*
U.S. Route 4, Vermont 07/03
Vermont
County: Rutland
Proposed is the construction of approximately 4.3 miles of US Route 4 on new location. The project will be a 4-lane divided, controlled-access facility and involves structures at five locations. Three hundred and nine acres are required for right-of-way. One residence, one vacant house and one wood products business will be displaced; two farm operations will be affected. (123 pages)
(ELR ORDER # 31103) (NTIS ORDER # EIS 1102D)
Final *Date*
Soda Springs Overpass 07/06
Idaho
County: Caribou
Three alternate routes for the construction of a highway railroad grade separation struc-

ture on State Highway 34 are considered in this statement. Project length is 0.3 mile. The number of families and businesses displaced will depend upon the route selected. (40 pages)

COMMENTS MADE BY: AHP DOI EPA HUD HEW (ELR ORDER # 31126) (NTIS ORDER # EIS 73 1126F)

Railroad Grade Separation Replacement, Ohio 07/03
Ohio
County: Defiance
Proposed is the construction of a four-lane facility and grade separation to carry North Clinton Street (S.R. 15-18-66) over the Norfolk and Western Railroad. Three families, two businesses and two vacant dwellings will be displaced by the project. The noise level will increase with the increase in traffic volumes. (52 pages)

COMMENTS MADE BY: EPA state agencies (ELR ORDER # 31104) (NTIS ORDER # EIS 73 1104F)

U.S. 82 07/02
Texas
County: Grayson
The statement refers to the proposed construction of a connector between existing U.S. 82 and proposed U.S. 82. Project length is 1.4 miles. Adverse effects include acquiring additional grass and wooded area for right-of-way and displacing two homes. (65 pages)
COMMENTS MADE BY: USDA COE EPA (ELR ORDER # 31099) (NTIS ORDER # EIS 73 1099F)

State Route 193, Snake River Bridge 07/02
Washington
County: Asotin Whitman
Proposed is the construction of a highway bridge across the Snake River for State Route 193, in the vicinity of Clarkston. The structure will be 1,450 feet long and will span a section of the river scheduled for inundation in 1975 as part of the Lower Granite Dam Reservoir. Adverse effects may occur as a result of erecting piers within the reservoir area and constructing bridge approaches (116 pages)
COMMENTS MADE BY: EPA COE DOC HUD DOI DOT state and local agencies
(ELR ORDER # 31094) (NTIS ORDER # EIS 73 1094F)

U.S. COAST GUARD

Draft *Date*
Route 18 Extension Fixed Highway Bridge 07/05
New Jersey
County: Middlesex
Proposed is the extension of existing Route 18 from north of New Street, New Brunswick to River Street in Piscataway Township. A fixed highway bridge will be constructed over the navigable water of the Raritan River. Adverse effects of the action are the elimination of a portion of the historic Delaware and Raritan Canal by filling in; loss of approximately 18 acres of Section 4(f) parkland; increased air and noise pollution; and encroachment on Ivy Hall, a registered historical site. (130 pages)
(ELR ORDER # 31117) (NTIS ORDER # EIS 73 1117D)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-14494 Filed 7-16-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of EPA Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of June 1, 1973, and June 15, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Order 1640.1, setting forth the policies and procedures for EPA's review of agency actions, may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: July 5, 1973.

SHELDON MEYERS,
Director, Office of Federal Activities.

APPENDIX I

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JUNE 1, 1973 AND JUNE 15, 1973

Identifying Number	Title	General Nature of Comments	Source for Copies of Comments
Department of Agriculture			
D-AFS-61133-CO	St. Louis Peak Roadless Area, Henderson East, Colorado.	ER-2	I
D-AFS-65020-MT	Timber Management Plan on Kootenai National Forest, Montana.	LO-2	I
D-AFS-82067-NM	Vegetation Control with Herbicides in State of New Mexico.	LO-1	G
D-DOA-36249-MS	Sowashee Creek Watershed, Mississippi	ER-2	E
D-DOA-24054-MI	Application of Sewerage Sludge to Agriculture Land, Michigan.	LO-2	F
D-SCS-36259-TX	Paluxy River Watershed, Somervell County, Texas	LO-2	G
Department of Commerce			
D-DOC-03039-HI	Establishment of Synthetic Natural Gas Plant in Honolulu, Hawaii.	LO-1	J
D-EDA-28001-NC	Water System for New Community, Soul City, North Carolina.	ER-2	E
D-EDA-39023-IA	Rathbun Regional Rural Water System, Phase I, Iowa.	ER-2	H
	Corps of Engineers		
D-COE-32411-ME	Scarboro River Navigation Project, Scarboro, Maine	LO-2	B
D-COE-34074-AL	Jones Bluff Lock and Dam, Alabama River Basin, Alabama.	ER-2	E
D-COE-35073-RI	Providence River and Harbor, Rhode Island	ER-2	B
D-COE-36244-LA	Red River below Denison Dam, West Agurs Levee, Louisiana.	LO-2	G
D-COE-36245-TX	Red River below Denison Dam, Days Creek, Arkansas and Texas.	LO-2	G
D-COE-36246-TX	Red River below Denison Dam, McKinney Bayou, Arkansas and Texas.	ER-2	G
D-COE-36264-CA	Wildcat and San Pablo Creeks Flood Control Study, California.	LO-1	J
D-COE-36266-OK	Deep Fork Logjam Deep Fork River, Oklahoma	ER-2	G
D-COE-36267-TX	Zacate Creek, Flood Control, Laredo, Texas	LO-2	G
D-COE-36277-NM	Rio Grande and Tributaries, Rio Pueroco and Rio Salado, New Mexico.	LO-1	G
D-COE-81130-CA	San Francisco Bulk Mail Center, Sacramento, California.	LO-1	J
D-COE-39018-TX	Operation and Maintenance, Belton Lake, Texas	LO-2	G
	Department of Defense		
D-USN-11037-00	Proposed Removal of Tower on Argus Island, Bermuda.	LO-1	A
	Delaware River Basin Commission		
D-DRB-39021-PA	Trout Run Earthfill Dam, Berks County, Pennsylvania.	LO-2	D

Identifying Number	Title	General Nature of Comments	Source for Copies of Comments
Federal Power Commission			
D-FPC-65481-WI	Chippewa Reservoir Project #108, Wisconsin	LO-2	F
General Services Administration			
D-GSA-81122-CA	Government Acquisition of North American Rockwell Building, Los Angeles, California.	ER-2	J
Department of the Interior			
D-BOR-61142-MN	Spirit Mountain Recreation Area, Minnesota	LO-2	F
D-NPS-26053-CA	Water Pollution Abatement Projects, Sequoia National Park, California.	LO-1	J
D-NPS-60072-AK	Glacier Bay Wilderness, Glacier Bay National Monument, Alaska.	LO-1	K
D-NPS-61132-WY	Transpark Road, Bighorn Canyon National Recreation Area, Wyoming.	LO-2	I
D-NPS-61144-AK	Katmai Wilderness, Alaska	LO-1	K
D-SFW-64010-PA	Construction and Operation of Allegheny National Fish Hatchery, Pennsylvania.	LO-1	D
Department of Transportation			
D-FAA-51265-SD	Desmet Municipal Airport, Desmet, South Dakota	LO-1	I
D-FAA-51266-UT	Roosevelt City Airport, Roosevelt, Utah	LO-1	I
D-FAA-51273-WV	Logan County Airport, West Virginia	LO-1	D
D-FAA-51281-WV	Wood County Airport, Parkersburg, West Virginia	LO-1	D
D-FHW-41793-MD	Maryland Route 43, Baltimore County, Maryland	3	D
D-FHW-41745-CO	Project No. M-5323(001), South Kipling Street, Denver, Colorado.	EU-3	I
D-FHW-41789-NY	Hornell, North-South Arterial, Steuben County, New York.	ER-2	C
D-FHW-41773-WA	I-90 Asbel Curtis Interchange to Snoqualmie, Washington.	LO-1	K
D-FHW-41815-SC	Greenville County, Reedy River Freeway, South Carolina.	ER-2	E
D-FHW-41816-PA	A-952, Section 1, Richmond Avenue, York, Pennsylvania.	LO-2	D
D-FHW-41829-IA	Clinton-Mississippi Highway, Feliciana Parish, State Route 67, Iowa.	ER-2	H
D-FHW-41830-WA	Skookumchuck Creek to Heckman Ranch, U.S. Highway 95, Washington.	LO-1	K

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III

FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN JUNE 1, 1973 AND JUNE 15, 1973

Indentifying No.	Title	General nature of comments	Source for copies of comments
F-COE-36232-VA.	Four mile run local flood protection project, city of Alexandria and Arlington County, Virginia.	EPA concluded that the project as proposed not entail an unacceptable effect on aspects of environmental quality subject to its regulatory authority. However, the pro ect fails to incorporate suggested measures which could maximize its positive contribution to environmental quality. These measures relate particularly to comprehensive planning of flood control in relation to land-use and development and to preservation of wetlands.	D
F-COE-30014-PA.	Cowanesque lake project, Tioga County, Pennsylvania.	EPA has reservations concerning the environmental effects of the project as proposed in the final statement. The final statement indicates that euthrophication of the proposed reservoir is like. The proect plan incorporates use of chemical control algal growths; EPA believes alternatives to chemical controls should be used where possible. Water released from the dam may contain a reduced concentration of dissolved oxygen. There is no provision in the project plan to require downstream flood plain zoning as a local cooperation measure. EPA believes that the issues raised in our comments on the final statement be resolved before construction of the project is initiated.	D
F-COE-30004-HI:	Nawiliwili Small Boat Harbor, Kauai, Hawaii.	EPA found that the final statement substantially resolved the environmental concerns raised on the draft statement.	J
Tennessee Valley Authority			
F-TVA-00011-TN:	Browns Ferry Nuclear Plant, units 1, 2, and 3, Tennessee.	EPA expressed environmental reservations with respect to the proposed project. The major concern centers on the environmental effects that could arise from the operations of the proposed cooling system. EPA made several recommendations which will minimize the environmental effects created during operation.	A
Department of Transportation			
F-FHW-41769-TN:	SR 29 (Project F-031-1) Morgan County, Tennessee	The draft statement was not submitted to EPA for review. However, EPA has no objections to the proposed project as reflected in the final statement.	E
F-FHW 41702-KY:	Multi-Agency Open Cut, Pikeville, Pike County, Kentucky	EPA generally agrees with the proposed project. However, the final statement did not provide sufficient details needed for the evaluation of the control of seeps and springs which drain mined out slams of coal. Discussion was also absent on maintenance and inspection.	E
F-FHW-41559-WV:	West Virginia Route 56, Ravenswood connector to I-77, Jackson County, West Virginia	The final statement adequately resolves the issues raised by EPA on the draft statement.	D

APPENDIX IV

REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN JUNE 1, 1973 AND JUNE 15, 1973

Agency	Title	General Nature of Comments	Source for copies of comments
Interstate Commerce Commission			
L-ICC-53021-00:	Federal-aid Railroad Act of 1973.	EPA supports the intent of the proposed act. However, EPA is concerned over the exclusion from the act of environmental considerations beyond the general statement expressed under the congressional findings and declaration of purpose in title I.	A

APPENDIX V

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

B. Director of Public Affairs
Region I
Environmental Protection Agency
Room 2303
John F. Kennedy Federal Building
Boston, Massachusetts 02203

C. Director of Public Affairs
Region II
Environmental Protection Agency
Room 847
26 Federal Plaza
New York, New York 10007

D. Director of Public Affairs
Region III
Environmental Protection Agency
Curtis Bldg., 6th and Walnut Streets
Philadelphia, Pennsylvania 19106

E. Director of Public Affairs
Region IV
Environmental Protection Agency
Suite 300
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

F. Director of Public Affairs
Region V
Environmental Protection Agency
1 N. Wacker Drive
Chicago, Illinois 60606

G. Director of Public Affairs
Region VI
Environmental Protection Agency
1600 Patterson Street
Dallas, Texas 75201

H. Director of Public Affairs
Region VI
Environmental Protection Agency
1735 Baltimore Street
Kansas City, Missouri 64108

I. Director of Public Affairs
Region VIII
Environmental Protection Agency
Lincoln Tower, Room 916
1860 Lincoln Street
Denver, Colorado 80203

J. Director of Public Affairs
Region IX
Environmental Protection Agency
100 California Street
San Francisco, California 94102

K. Director of Public Affairs
Region X
Environmental Protection Agency
1200 6th Avenue
Seattle, Washington 98101

[FR Doc.73-14396 Filed 7-16-73;8:45 am]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Agenda and Notice of Public Hearings

Notice is hereby given of three public hearings to be held by the Effluent Standards and Water Quality Information Advisory Committee ("the Committee") established pursuant to section 515 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. section 1251 et seq. ("the Act"). The first hearing will be held on July 30, 1973 at 9:30 a.m. in Room D-23, O'Hare Inn, 6600 N. Mannheim Road, Rosemont, Illinois. The second hearing will be held on August 1, 1973 at 9:30 a .m. in Room 1750, Environmental Protection Agency, 26 Federal Plaza, New York, New York. The third hearing will be held on August 3, 1973 at 9:30 a.m. in Room 218, Environmental Protection Agency, 100 California Street, San Francisco, California. The hearings will be open to the public.

On Friday, July 8, 1973, the Acting Administrator of the Environmental Protection Agency published a proposed list of toxic pollutants in the FEDERAL REGISTER at pages 18044-45 in accordance with section 307(a)(1) of the Act. The proposed list consisted of the following pollutants:

LIST OF TOXIC POLLUTANTS

1. Aldrin (1, 2, 3, 4, 10, 10-hexachloro- 1, 4, 4a, 5, 8, 8a hexahydro- 1, 4, 5, 8 - endo-exodimethanonaphthalene) Dieldrin (1, 2, 3, 4, 10, 10-hexachloro- 6, 7- epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-1, 4-endo, exo-5, 8-dimethanonaphthalene)
2. Benzidine and its salts (para-para'-diaminobiphenyl)
3. Cadmium and all cadmium compounds
4. Cyanide and all cyanide compounds
5. DDD(TDE) 1, 1- dichloro-2, 2-bis (para-chlorophenyl)-ethane DDE (dichlorodiphenyldichloroethylene) 1, 1- dichloro-2, 2-bis (para-chlorophenyl)- ethylene DDT (dichlorodiphenyltrichloroethane) 1, 1, 1-trichloro-2, 2-bis (para-chlorophenyl)- ethane
6. Endrin (1, 2, 3, 4, 10, 10-hexachloro-6, 7-epoxy-1, 4, 4a, 5, 6, 7, 8, 8a-octahydro-1, 4-endo-endo-15, 8-dimethanonaphthalene)
7. Mercury and all mercury compounds
8. Polychlorinated biphenyls (PCB's)
9. Toxaphene (chlorinated camphene)

Pollutants chosen for inclusion on this initial list meet the following criteria:

1. There is evidence that, either directly or through transformation or bioaccumulation, they are toxic, as defined by section 502(13), at extremely low concentrations in water, and
2. They are discharged in significant amounts from point sources, and
3. Point source discharges are known to have resulted in incidents involving the types of adverse effects cited in section 502(13), and/or
4. There is a significant potential for the occurrence or recurrence of such incidents as a result of point source discharges, and
5. Standard setting under section 307(a) is necessary because the prospective timing and effectiveness of abatement action under other provisions of the Act are not commensurate with the nature and seriousness of the problems identified by the above criteria, and
6. Adequate data are available to establish an effluent standard meeting the requirements of the Act.

The purpose of the hearings noticed hereby will be to consider such scientific and technical information as is pertinent to the determinations required to be made by the Administrator when proposing effluent standards for toxic pollutants.

The hearings may be adjourned to subsequent dates in order to obtain further information.

Additional information concerning the hearings may be obtained by writing Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, environmental Protection Agency, Room 821, Crystal Mall, Building 2, Washington, D.C. 20460. The hearings will be held pursuant to the direction of the Chairman and in accordance with hearing procedures published in the FEDERAL REGISTER on Wednesday, April 11, 1973, at pages 9179-80. Certain persons or organizations may be invited by the Committee to appear and give oral testimony. Others desiring to appear and give oral testimony should contact the Committee at 703/557-7390 or may request the opportunity to appear by telegraphic notice or letter to Dr. Sager at the address listed above. Due to limitations of time, it may be necessary to limit the number of witnesses who may appear and give oral testimony. Witnesses will ordinarily be limited to 15-minute presentations to be followed by 15-minute periods of questions from the Committee.

Although the opportunity to appear and give oral testimony must necessarily be limited because of the short time available to the Committee to hold public hearings and obtain additional information pursuant to the provisions of section 515 of the Act, all persons desiring to submit written statements or testimony to the Committee are encouraged to do so. Such statements or testimony should clearly indicate the pollutant or pollutants concerned and should be addressed to the "Effluent Standards and Water Quality Information Advisory Committee" at the address listed above.

Statements presented at the hearings or otherwise submitted to the Committee will be available to the public pursuant to section 10(b) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), subject to the assessment of reasonable reproduction charges. Requests for such information should be directed to Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency,

Room 821, Crystal Mall, Building 2, Washington, D.C. 20460.

Dated July 11, 1973.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.73-14586 Filed 7-16-73;8:45 am]

HEARING ON COMPLIANCE SCHEDULES FOR THE STATE OF KENTUCKY

Cancellation Notice

The public hearing scheduled for Thursday, July 26, 1973, in Frankfort, Kentucky (38 FR 16187), is hereby cancelled. This hearing was to be held for the purpose of permitting public participation in the development of compliance schedules for certain air pollution sources subject to Kentucky's plan for implementing national ambient air quality standards. Cancellation is necessitated by the recent court decision in "East Kentucky Rural Electric Cooperative Corp., et. al. v. EPA," Case No. 72-1629 (6th Cir., June 28, 1973), and a related case (72-1632) which vacated the Administrator's approval of the Kentucky implementation plan. A hearing on proposed compliance schedules for Kentucky will be held at a future time which will be announced in the FEDERAL REGISTER.

ALAN G. KIRK II,
Acting Assistant Administrator for Enforcement and General Counsel.

JULY 12, 1973.

[FR Doc.73-14602 Filed 7-16-73;8:45 am]

UNIROYAL CHEMICAL

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1408) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, CT 06525, proposing establishment of tolerances (40 CFR Part 180) for residues of the plant regulator succinic acid 2,2-dimethyl hydrazide in or on the raw agricultural commodities tomatoes at 40 parts per million and cranberries and pears at 20 parts per million.

The analytical method proposed in the petition for determining residues of the plant regulator is a colorimetric procedure in which the residue is hydrolyzed with 50 percent sodium hydroxide. The resulting unsymmetrical dimethyl hydrazine is distilled and reacted with trisodium pentacyanoamine ferrate to form a specific red color at pH 5. The color is measured spectrophotometrically at 490 and 600 nanometers.

Dated: July 11, 1973.

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

[FR Doc.73-14588 Filed 7-16-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-7775]

APPALACHIAN POWER CO.

Change in Time

JULY 6, 1973

On July 2, 1973, the attorney for Bedford, et al. requested that the prehearing conference scheduled for July 10, 1973 at 10 a.m. by notice issued June 1, 1973, be changed to the afternoon.

Upon consideration, notice is hereby given that the time for the commencement of the prehearing conference on July 10, 1973 is changed to 2 p.m.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14537 Filed 7-16-73;8:45 am]

[Docket No. E-8294]

ARIZONA PUBLIC SERVICE CO.

Notice of Extension of Agreement

JULY 10, 1973.

Take notice that Arizona Public Service Company (Arizona) on June 11, 1973, tendered for filing an extension of Arizona Public Service Company, Rate Schedule FPC No. 10 to an expiration date of July 31, 1974. Arizona states that the extension is necessary to prepare the physical plant necessary to effectuate the agreement contained in the rate schedule. Arizona also says that all parties to the agreement concur in the extension.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before July 24, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14538 Filed 7-16-73;8:45 am]

[Docket No. CI73-691]

ATLANTIC RICHFIELD CO.

Notice Changing Date and Time of Hearing

JULY 9, 1973.

On July 6, 1973, Atlantic Richfield Company requested that the hearing fixed by the order issued July 2, 1973, be rescheduled. The request states that Transwestern agrees with the request.

Upon consideration, notice is given that the time and date of the hearing in the above matter is changed to July 16, 1973, at 1:30 p.m. in a hearing room of the Federal Power Commission at 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14539 Filed 7-16-73;8:45 am]

[Docket No. CI73-691]

ATLANTIC RICHFIELD CO.

Notice of Application; Correction

MAY 8, 1973.

In the Notice of Application, Issued April 20, 1973 and published in the FEDERAL REGISTER April 26, 1973, 38 FR 10331: Second paragraph, last line: Substitute the number "2,250,000" for the number "75,000."

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14532 Filed 7-16-73;8:45 am]

[Docket No. CI73-697]

C & K PETROLEUM, INC.

Postponement of Hearing

JULY 6, 1973.

On July 6, 1973, Staff Counsel requested that the hearing scheduled for July 9, 1973, by order issued May 29, 1973, in above-designated matter be postponed because of a conflict in the schedule of Administrative Law Judge Litt. The request states that all parties agree to the request.

Upon consideration, notice is hereby given that the date of the hearing is postponed to July 13, 1973, at 10:00 a.m. in a hearing room of the Federal Power Commission at 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14540 Filed 7-16-73;8:45 am]

[Docket No. E-8057]

COMISION FEDERAL DE ELECTRICIDAD

Application for Permit To Export Electric Energy

JULY 5, 1973.

Take notice that on February 28, 1973, Comision Federal de Electricidad (Applicant) filed with the Federal Power Commission, pursuant to Executive Order No. 10485, dated September 3, 1953, and the Commission's regulations thereunder, an application for a Presidential Permit authorizing the construction, operation, maintenance and connection of certain electric transmission facilities at the international border between the United States and Mexico. The facilities for which authorization is sought include one 3-phase electric power line operating nominally at 138,000 volts, 60 Hertz, and extending across the international border from a point near Laredo, Texas to Nuevo Laredo, Tampico, Mexico. Applicant has indicated to the Commission that the line will be used in the interchange of electric energy with an electric system in Mexico and that any transmission to Mexico will be in accordance with an authorization

from the Commission, pursuant to Section 202(e) of the Federal Power Act, for transmission of electric power and energy across the international border for use in Mexico.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14541 Filed 7-16-73;8:45 am]

[Project No. 2681]

DUKE POWER CO.

Application for Withdrawal

JULY 6, 1973.

Public notice is hereby given that an application was filed July 3, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by the Duke Power Company (Correspondence to: Mr. Carl Horn, Jr., President, Duke Power Company, P.O. Box 2178, Charlotte, North Carolina 28201), for approval of withdrawal of application for minor license for Walnut Cove Project No. 2681, located on the Dan River in Stokes County, North Carolina. The cities of Greensboro, High Point, Reidsville, Thomasville, and Winston-Salem are within a radius of approximately 30 miles.

The project is comprised of a 427-foot long, 26-foot high concrete dam, with integral powerhouse, in the following sections: (a) A 60-foot long west bulkhead, (b) a 38-foot long powerhouse, (c) a 36-foot long sluice gate section with three 5-foot square sluiceways, (d) a 141-foot long spillway with 4-foot flashboards to elevation 638.33 feet, and (e) a 71-foot long spillway section at elevation 638.33 feet, and (f) an 81-foot long east abutment; a reservoir at elevation 638.33 feet covering approximately 44 acres; a concrete and brick powerhouse containing two generating units, each rated at 272 kw; and appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before August 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14542 Filed 7-16-73;8:45 am]

[Docket No. E-7994]

DUKE POWER CO.

Extension of Time, Postponement of Prehearing Conference and Hearing

JULY 5, 1973.

On June 29, 1973, ElectriCities of North Carolina, Piedmont Municipal Power Systems, and the municipalities of Easley, Gaffney, Greenwood, Greer, Laurens, Newberry, Prosperity, and Rock Hill, all of South Carolina, filed a motion to extend the procedural dates fixed by order dated May 23, 1973 in the above designated matter.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Prehearing Conference September 11, 1973 (10 a.m., EDT)
Service of Testimony and Exhibits by Interveners September 25, 1973
Service of Rebuttal Evidence by Duke October 9, 1973
Cross Examination October 23, 1973 (10 a.m., EDT)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14543 Filed 7-16-73;8:45 am]

[Docket Nos. RI73-81, *et al.*]

EXXON CORPORATION, ET AL.

Correction

JUNE 21, 1973.

In the Order Providing for Hearing on and Suspension of proposed changes in rates, and allowing rate changes to Become Effective subject to refund, Issued March 2, 1973 and published in the FEDERAL REGISTER March 12, 1973, 38 FR 6726: APPENDIX A Docket No. RI73-220, Skelly Oil Company Under column headed Supplement Number change 2 to 3.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14533 Filed 7-16-73;8:45 am]

[Project 1494]

GRAND RIVER DAM AUTHORITY

Application for Change in Land Rights

JULY 6, 1973.

Public notice is hereby given that application for change in land rights was filed February 16, 1967, supplemented April 12, 1973, and April 19, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the Grand River Dam Authority (Correspondence to: Mr. Richard W. Lock, General Manager, Grand River Dam Authority, P.O. Drawer G, Vinita, Oklahoma 74301) for constructed Project No. 1494, known as the Pensacola Project, located on the Grand River a navigable waterway of the United States, in Craig, Delaware, Mayes, Muskogee, Ottawa, Rogers, Tulsa, and Wagoner Counties, Oklahoma, and McDonald County, Missouri.

Applicant requests Commission approval of its proposal to sell 1.93 acres of land within the project boundary and of its revised project boundary to exclude this land from the Project. The tract involved would be used by the Town of Disney, Mayes County, Oklahoma as a public park. The tract is located 800 feet east of the end of Pensacola Dam and adjacent to lands previously conveyed to the Town of Disney on which a community recreation building has been constructed.

Any person desiring to be heard or to make protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14544 Filed 7-16-73;8:45 am]

[Project 1494]

GRAND RIVER DAM AUTHORITY

Application for Change in Land Rights

JULY 6, 1973.

Public notice is hereby given that application for change in land rights was filed June 1, 1970, under the Federal Power Act (16 U.S.C. 791a-825r) by the Grand River Dam Authority (Correspondence to: Mr. Richard W. Lock, General Manager, Grand River Dam Authority, P.O. Drawer G., Vinita, Oklahoma 74301) for constructed Project No. 1494, known as the Pensacola Project, located on the Grand River, a navigable waterway of the United States, in Craig, Deleware, Mayes, Muskogee, Ottawa, Rogers, Tulsa and Wagoner Counties, Oklahoma, and McDonald County, Missouri.

Applicant requests Commission approval of its proposal to sell approximately 1.5 acres of land within the project boundary to Shangri-La Lodge. The proposed sale involved property on which Shangri-La Lodge has previously con-

structed an effluent holding basin. The holding basin is presently formed by a dike which would be elevated slightly above an elevation of 755.0 feet m.s.l. to prevent the treated effluent from running directly into Grand Lake the Project reservoir. The land involved is in Delaware County, southwest of Grove, Oklahoma.

Any person desiring to be heard or to make protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14545 Filed 7-16-73;8:45 am]

[Project 2183]

GRAND RIVER DAM AUTHORITY

Application for Change in Land Rights

JULY 6, 1973.

Public notice is hereby given that application for approval of change in land rights has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Grand River Dam Authority (Correspondence to: Mr. L. M. Packard, General Manager, Grand River Dam Authority, P.O. Drawer G, Vinita, Oklahoma 74301) within the boundaries of Project No. 2183, known as the Markham Ferry Project, located in Mayes and Craig Counties, Oklahoma.

Grand River Dam Authority, Licensee for the Markham Ferry Project No. 2183, requests Commission approval for the sale of two parcels of land (totalling 10.96 acres) within the project boundary.

The first tract, comprising 2.46 acres, is located in the following described subdivision: Indian Meridian, T. 21 N., R. 20 E., Section 22 N½NE¼SW¼NE¼ Mayes County, Oklahoma. The owner has constructed on this tract a public use and recreational facility consisting of a marina, camping and picnic area, and trailer facilities for permanent and transient use.

The second tract, comprising 8.5 acres, is located in subdivision Indian Meridian, T. 21 N., R. 20 E., Section 22, S½NE¼SW¼NE¼ and that part of the S½NW¼SW¼NE¼ lying east of the K.O. & G. Railroad and above the 625 feet countour in Mayes County, Oklahoma. The transferee has constructed on a portion of the tract a water and septic system, a trailer court and has allowed placement of public utilities services.

Any person desiring to be heard or to make protests with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14546 Filed 7-16-73;8:45 am]

[Docket No. E-8256]

NEW YORK STATE ELECTRIC AND GAS CORP.

Amendment to Filing

JULY 5, 1973.

Take notice that on June 28, 1973, New York State Electric and Gas Corporation (New York) tendered for filing a letter agreement dated June 19, 1973, which constitutes an amendment to the agreement dated May 25, 1973, between New York and Central Hudson Gas and Electric Corporation (Central Hudson). New York states that the earlier agreement provides for the sale by New York to Central Hudson of 42,000 kilowatts of firm capability and associated energy for the period commencing on June 1, 1973, and terminating on June 30, 1973.

New York submits that the later agreement filed herewith extends the term of the earlier agreement to August 1, 1973, and also amends to provide for the sale of 45,000 kilowatts of firm capability and associated energy from July 1, 1973, through July 31, 1973, and 7,000 kilowatts of firm capability and energy from August 1, 1973, to August 31, 1973. Estimated revenues to be derived over the two month period from this amendment total $289,151. An effective date of July 1, 1973, is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with § 1.8 and § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14547 Filed 7-16-73;8:45 am]

[Docket No. RP72-127]

NORTHERN NATURAL GAS CO.

Further Extension and Postponement of Prehearing Conference and Hearing

JULY 6, 1973.

On July 2, 1973, Staff Counsel filed a motion for a further extension of the procedural dates set by the notice issued May 15, 1973 in the above-designated matter. The motion states that no party to the proceeding objects to the motion.

Upon consideration, notice is hereby given the procedural dates are further modified as follows:

Staff Service Date September 11, 1973
Intervener Service Date October 2, 1973
Northern Natural Rebuttal Service Date October 16, 1973 (10 a.m., EDT)
Prehearing Conference and Hearing Date November 6, 1973 (10 a.m., EST)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14548 Filed 7-16-73;8:45 am]

[Project 309]

PENNSYLVANIA ELECTRIC CO.

Application for Renewal

JULY 6, 1973.

Public notice is hereby given that application for approval to grant a renewal of a lease for 2.5 acres of project lands for recreational use to the Commonwealth of Pennsylvania on behalf of the Pennsylvania Fish Commission, has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Pennsylvania Electric Company (Correspondence to: Mr. W. R. Thomas, Secretary and Treasurer, Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907) in Piney Project No. 309, located on the Clarion River in Clarion County, Pennsylvania.

The Licensee is currently operating the project under an annual license and will continue in that status until the Commission acts on the Licensee's application for a new license under section 15 of the Federal Power Act.

The application seeks approval of a proposed amendment to the original ten years lease agreement which expired June 1, 1972. The proposed amendment to the lease would reactivate the original lease on a year to year basis, with the period running from October 14, to October 13.

The present recreational site includes a picnic area, fishing access, and a boat ramp. The Pennsylvania Fish Commission intends to expand its present dock facilities and to sublease to a third party the right to operate a concession stand and boat livery. The License further

states that the rights proposed to be granted will have no adverse affect on the operation of the project.

Any person desiring to be heard or to make protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14549 Filed 7-16-73;8:45 am]

[Docket No. CI73-762]

RICHARD H. FLEISCHAKER

Amendment to Application

JULY 6, 1973.

Take notice that on June 22, 1973, Richard H. Fleischaker (Applicant), Singer-Fleischaker Oil Company, P.O. Box 663, Oklahoma City, Oklahoma 73101, filed in Docket No. CI73-762 an amendment to the application filed on May 7, 1973, in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from acreage in Beaver County, Oklahoma, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In his application of May 7, 1973, Applicant stated that he intends to sell up to 2,000 Mcf of gas for one year at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant now proposes to sell gas at 45.0 cents per Mcf of gas at 14.65 psia subject to upward and downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before July 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14550 Filed 7-16-73;8:45 am]

[Docket No. RI73-313]

SKELLY OIL CO.

Notice of Petition

JULY 6, 1973.

Take notice that on May 29, 1973, Skelly Oil Company (Petitioner), P.O. Box 1650, Tulsa, Oklahoma 74102, filed, pursuant to section 4 of the Natural Gas Act and section 1.7(b) of the Commission's rules of practice and procedure, a petition for a clarification of the terms "dedication" or "commitment" to the interstate market or, in the alternative, for special relief in Docket No. RI73-313 pursuant to Commission Order No. 481, issued April 12, 1973. Petitioner requests the Commission to issue an order for a waiver of the January 1, 1976, moratorium date for filing for a rate increase in excess of the applicable area rate prescribed in Opinion No. 595, Area Rate Proceeding, et al. (Texas Gulf Coast Area), Docket Nos. AR64-2, *et al.*, 45 F.P.C. 674 (1971), appeal pending *sub nom.* Public Service Commission for the State of New York, et al. v. F.P.C., No. 71-1828, (D.C. Cir.).

Petitioner, and other interested parties, drilled a well in 1969 which resulted in discovery of a substantial reserve of natural gas. On September 1, 1970, Petitioner entered into a contract for the sale of natural gas with Transcontinental Gas Pipe Line Corporation (Transco). Sales to Transco described in the application are made from Block A-76, Brazos Area, Federal Domain, Offshore Matagorda County, Texas.

On March 1, 1971, Petitioner requested and was granted a Temporary Certificate. Petitioner's acceptance of the temporary certificate was filed with the Commission on April 1, 1971. Deliveries of natural gas to Transco under the temporary certificate commenced on June 23, 1972, from the well drilled in 1969, in accordance with the contract dated September 1, 1970.

Commission Opinion No. 595, Texas Gulf Coast Area Rate, was issued May 6, 1971, Therefore, the date of issuance of Opinion No. 595 was prior to the initial delivery date of the natural gas, but subsequent to the dates of the contract between Petitioner and Transco, and to the issuance and acceptance of the temporary certificate.

In Ordering Paragraph (G) of Opinion No. 595, the Commission promulgated § 154.111 of the regulations under the Natural Gas Act and not § 154.107(d) as Petitioner states in its application. This regulation provides that subject to certain conditions, the applicable area rate may be exceeded or producer's refund obligation be discharged if, from May 6, 1971 to January 1, 1976, producers "dedicate" or "commit" reserves in Texas Gulf Coast Area to jurisdictional sales.

Petitioner requests that the reserve related to the contract between Petitioner and Transco be declared by the Commission as "dedicated" or "committed" as of the date of initial delivery and not as of the dates of either the contract between Petitioner and Transco or the issuance and acceptance of the temporary certificate under which it commenced deliveries.

In the alternative, Petitioner requests that the Commission grant special relief pursuant to § 2.76 of the Commission's general rules of practice and procedure promulgated in Commission Order No. 481, issued April 12, 1973. To support its request for special relief, Petitioner states that: "Skelly should not be penalized for signing the contract at an early date or seeking Commission approval both of which were far in advance of anticipated production * * *".

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 23, 1973, file with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14551 Filed 7-16-73;8:45 am]

[Docket No. E-7711]

SOUTHWESTERN ELECTRIC POWER CO.

Order Providing for Hearing: Correction

MARCH 21, 1973.

In the Order Providing for Hearing, Issued March 20, 1973 and published in the FEDERAL REGISTER March 26, 1973 FR 38(7849): Add Footnote [1]:

Tex-La has formally waived its right to such increase in a telegram to the Commission dated July 1, 1972. Under the circumstances, it is evident that waiver was conditioned upon cancellation of the Company's prior rate schedule being rejected, so Tex-La will not be precluded by this waiver from increasing its rates to the Company.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14534 Filed 7-16-73;8:45 am]

[Rate Schedule No. 9, etc.]

SUN OIL CO., ET AL.

Rate Change Filings

JULY 6, 1973.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before July 16, 1973, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing Date	Producer	Rate Schedule No.	Buyer	Area
6-18-73	Sun Oil Company, P.O. Box 2880 Dallas, Texas 75221.	9	Tennessee Gas Pipeline Company.	Texas Gulf Coast.
6-25-73	Exxon Corporation, P.O. Box 2180 Houston, Texas 77001	6	"	"
"	"	11	"	"
"	"	15	Texas Eastern Transmission Corporation.	"
"	"	34	United Gas Pipe Line Company.	South Louisiana.
"	"	39	Southern Natural Gas Company.	Other Southwest Area.

[FR Doc.73-14552 Filed 7-16-73;8:45 am]

[Docket No. CP73-339]

TENNESSEE GAS PIPELINE CO.

Notice of Application

JULY 10, 1973.

Take notice that on June 21, 1973, Tennessee Gas Pipeline Company, a division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP73-339 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline facilities in the East Cameron Block 33 Area, offshore Louisiana, and the transportation of natural gas for Continental Oil Company (Continental) and Cities Service Oil Company (Cities Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct approximately 0.4 mile of 16-inch pipeline extending from a Continental-Cities Service production platform to the end of Applicant's existing 16-inch pipeline in the said area of offshore Louisiana and approximately 14.42 miles of 16-inch pipeline extending from Applicant's pipeline in East Cameron Block 16 to a point of interconnection on Applicant's 26-inch line near the Grand Chenier Processing Plant in Cameron Parish. The total cost of the proposed facilities is $4,779,500 and will be financed from general funds and/or borrowings under the Applicant's revolving credit agreements.

It is stated that on November 14, 1972, Applicant signed gas purchase contracts with Continental and Cities Service dedicating one-half of the natural gas produced from their respective interests in Block 33 to it for 20 years or until the gas is depleted. On the same data, Applicant contracted with Continental and Cities Service to transport the other half of the natural gas produced from said area to a point onshore adjacent to Applicant's Sabine-Kinder pipeline. After very limited development of the area, Applicant presently estimates that 70 million Mcf of recoverable natural gas are available to it and plans to take into its own system through the proposed facilities approximately 50,000 Mcf of gas per day. Applicant also proposes to transport an estimated 25,000 Mcf of gas per day for Continental and an estimated 25,000 Mcf of gas per day for Cities Service through the proposed facilities at 4.39 cents per Mcf for 20 years or until the gas is depleted. It is stated that Continental and Cities Service have filed applications seeking Commission authorization for the proposed sale to Applicant in Docket Nos. CI73-744 and CI73-728, respectively.

Applicant states that it needs the deliverability and supply that the new gas source will provide in order to assure an uninterrupted supply of gas to itself and its customers and to offset declines in gas supplies from other sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14553 Filed 7-16-73;8:45 am]

[Docket No. CP70-185]

TENNESSEE GAS PIPELINE CO.

Notice of Petition To Amend

JULY 6, 1973.

Take notice that on June 25, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP70-185 a petition to amend the Commission's order issued pursuant to section 7(c) of the Natural Gas Act on June 22, 1970 (43 FPC 937) in said docket so as to authorize Petitioner to sell gas to the Springfield Gas Light Company (Springfield) under Petitioner's CD-6 rate schedule, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The Commission by order of May 31, 1973, in the subject docket, denied Petitioner's tender, pursuant to section 4 of the Natural Gas Act, of the gas purchase agreement of January 10, 1973, between Petitioner and Springfield, which changed the service previously authorized from that under Petitioner's G-6 rate schedule to that under Petitioner's CD-6 rate schedule. The Commission's order did not preclude Petitioner from seeking separate authority to change its service to Springfield pursuant to section 7 of the Natural Gas Act.

Petitioner requests herein that the Commission's order be amended to permit it to sell gas to Springfield under its CD-6 Rate Schedule in lieu of the G-6 rate schedule. It is stated that although the total annual volume of gas supplied

to Springfield and the daily volume of 40,725 Mcf will not change, Petitioner does propose to increase the daily volume limit for delivery at the Agawam delivery point to 34,875 Mcf from the maximum daily quantity of 29,322 Mcf and the daily volume limit for delivery at the East Longmeadow delivery point to 16,875 Mcf from the maximum daily quantity of 11,403 Mcf, pursuant to the gas purchase agreement of June 1, 1973, between Petitioner and Springfield.

The purpose of the proposed service change is to enable Springfield, which is building a natural gas liquefaction, storage and vaporization facility at East Longmeadow, Massachusetts, to divert an estimated 1,000,000 Mcf of gas purchased from Petitioner during the summer months and store it for vaporization and sale during the winter to Springfield's high priority customers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 3, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14554 Filed 7-16-73;8:45 am]

[Docket No. RP72-64]

TEXAS GAS TRANSMISSION CORP.

Order Establishing Hearing and Conference Procedures

JULY 9, 1973.

By order issued June 15, 1973, in this proceeding, the Commission suspended until June 18, 1973, certain proposed revised tariff sheets [1] to Texas Gas Transmission Corporation's (Texas Gas) FPC Gas Tariff, Third Revised Volume No. 1.[2] These revisions to Texas Gas' tariff pertain, among other things, to curtailment procedures, applicability of force majeure provisions to all failures of gas supply, recovery of demand charge adjustments resulting from curtailment, imposition of an overrun penalty, and extension of the presently effective Quantity Entitlements.

In our order of June 15, 1973, we found that the proposed tariff filing, except for future Quantity Entitlements by Texas Gas, should be suspended for one day and the use thereof deferred. A public hearing should now be held to test the validity of the objections raised to implementation of the priority-of-service categories for curtailment purposes set forth in Texas Gas' proposed curtailment procedure as well as to determine the reasonableness of Texas Gas' other revised tariff provisions under the Natural Gas Act. We will also set forth the procedures for that hearing.

Since Texas Gas' proposed curtailment procedures conform to the procedures set forth in our Statement of Policy, Order No. 467-B, issued March 2, 1973, in Docket No. R-469, we are of the view that interveners opposing the proposed procedures should be required to submit testimony and exhibits in support of any deviations therefrom, in Texas Gas' proposed curtailment plan, as well as in support of their objections to other tariff provisions contained in Texas Gas' filing of May 17, 1973. Texas Gas, on the other hand, should submit evidence supporting its revised tariff provisions other than those relating to priority of service during curtailed deliveries.

After distribution of the aforesaid evidence, we believe that a conference should be scheduled to endeavor to settle the issues raised in this proceeding. If the conference does not result in a settlement, we will hereinafter set forth the procedures to be followed for the trial of this proceeding.

The Commission finds.

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in Texas Gas' FPC Gas Tariff and that the issues in this proceeding be scheduled for hearing in accordance with the procedures hereinafter set forth.

The Commission orders.

(A) On or before August 13, 1973, Texas Gas and interveners shall file their cases-in-chief providing evidentiary support for their respective positions in regard to the issues herein which have been described heretofore in the recital above.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held in this proceeding on September 5, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, Washington, D.C., for the purpose of incorporating into the record the testimony and exhibits previously distributed. Immediately thereafter the Presiding Administrative Law Judge will convene a conference for the purpose of endeavoring to settle the issues involved in this proceeding.

(C) In the event that a settlement of the issues does not result from said conference, the Presiding Administrative Law Judge will reconvene the hearing for the purpose of ruling on all data requests or any other relevant matters presented. Thereafter the hearing will be recessed, and on or before October 4, 1973, the parties shall file answering testimony and exhibits, if any. The hearing will then convene on October 24, 1973, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, Washington, D.C., for the purposes of incorporating into the record the testimony and exhibits heretofore filed in this proceeding and of commencing cross-examination.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control these proceedings in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-14556 Filed 7-16-73;8:45 am]

[Docket No. CP73-309]

UNITED GAS PIPE LINE CO. AND TRANSCONTINENTAL GAS PIPE LINE CO.

Notice of Application; Correction

JUNE 19, 1973.

In the notice of application, issued June 11, 1973 and published in the FEDERAL REGISTER June 22, 1973, 38 FR 16435: CAPTION: Add United Gas Pipe Line Company

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14535 Filed 7-16-73;8:45 am]

FEDERAL RESERVE SYSTEM

CITIZENS BANKSHARES INC.

Formation of Bank Holding Company

Citizens Bankshares Incorporated, St. Francis, Kansas, 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 96 percent or more of the voting shares of The Citizens State Bank, St. Francis, Kansas. 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 Reserve Bank to be received not later than July 22, 1973.

Board of Governors of the Federal Reserve System, July 10, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14524 Filed 7-16-73;8:45 am]

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[1] Designated as Original Sheet No. 92-C, First Revised Sheet Nos. 90, 91, 92-A, and 92-B, Second Revised Sheet No. 79 and Third Revised Sheet No. 92.

[2] Additionally, the Commission deferred decision on acceptance for filing of First Revised Sheet Nos. 148 through 152 of that Volume, pending disposition of the issue raised concerning the revised tariff provisions filed by Texas Gas on May 17, 1973.

FIRST ALABAMA BANCSHARES, INC.

Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama, 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 First National Bank of Athens, Athens, Alabama. 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 August 4, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14525 Filed 7-16-73;8:45 am]

SUBURBAN BANCORPORATION

Acquisition of Bank

Suburban Bancorporation, Hyattsville, Maryland, 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 Farmers and Mechanics National Bank, Frederick, Maryland. The factors that are considered in acting on the application are set forth in § 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 Richmond. 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 August 4, 1973.

Board of Governors of the Federal Reserve System, July 9, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14523 Filed 7-16-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Notice of Public Meeting

Notice is hereby given, PL 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held at 1:00 p.m. July 26, 1973 through July 27, 1973 at 3:00 p.m. The location of the meeting will vary according to subcommittees.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Education Act (20 U.S.C. 2411) to advise the President and the Congress of the effectiveness of compensatory education to improve the educational attainment of disadvantaged Children.

The gathering is called to facilitate subcommittee sessions. The 6 individual subcommittees will have separate assignments and will meet in separate locations.

Because of limited space for the public meeting of subcommittees July 26 and 27, all persons wishing to attend should call for reservations at Area Code 202/632-5221 by July 23, 1973.

Further information regarding subcommittee sessions can be obtained from this office at the above number.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located in Room 202, 1717 H Street, NW., Washington, D.C. 20006.

Signed at Washington, D.C. on July 11, 1973.

ROBERTA LOVEHEIM,
Executive Director.

[FR Doc.73-14522 Filed 7-16-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 311]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

JULY 6, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call Letters	Location	Power kW	Antenna	Schedule	Class	Antenna Height (ft.)	Ground system		Proposed date of commencement of operation
							No. of radials	Length (ft.)	
CJRP	Quebec, Quebec N 46 41 08 W 71 19 54 (Now in operation).	50D/10N	DA-2	1060 kHz U	II				
(New)	The Pas, Manitoba N 53 48 50 W 101 16 33	1D/0.5N	ND-175	1240 kHz U	IV	135	120	324	E.I.O. 6 7.74
CHAL	St. Pamphile, Quebec N 46 58 58 W 69 48 38 (Assignment of call letters).	1	DA-1	1360 kHz U	III				

[SEAL]

HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.73-14468 Filed 7-16-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 297]

ASSIGNMENT OF HEARINGS

JULY 12, 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.

No. MC-113678, Sub 442, Curtis, Inc., No. MC-115841 Sub 412, Colonial Refrigerated Trans, & No. MC-117883 Sub 158, Subler Transfer, Inc., is continued to September 18, 1973 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 114290 Sub 64, Exley Express, Inc., now being assigned hearing October 9, 1973 (1 day), at Olympia, Wash., in a hearing room to be later designated.

MC 20824 Sub 31, Commercial Motor Freight, Inc., now being assigned hearing September 17, 1973 (1 week), at Indianapolis, Indiana, in a hearing room to be later designated.

MC 134460 Sub 8, American Transport System, Inc., now being assigned hearing September 13, 1973 (1 day), at San Francisco, Calif., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14560 Filed 7-16-73;8:45 am]

[Ex Parte 241; Rule 19, 3rd Rev. Exemption 43]

ATCHISON, TOPEKA, AND SANTA FE RAILWAY CO., ET AL.

Exemption Under Mandatory Car Service Rules

To: The Atchison, Topeka and Santa Fe Railway Company, Burlington Northern Inc., Chicago and North Western Transportation Company, Chicago, Rock Island and Pacific Railroad Company, Missouri-Kansas-Texas Railroad Company, Missouri Pacific Railroad Company, St. Louis-San Francisco Railway Company, Union Pacific Railroad Company.

It appearing, that there is a massive harvest of wheat in progress in the states of Kansas, Nebraska, and Oklahoma; that presents 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 to Kansas, Nebraska, and Oklahoma 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 11:59 p.m., July 7, 1973.

Expires 11:59 p.m., July 18, 1973.

Issued at Washington, D.C., July 3, 1973.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.73-14564 Filed 7-16-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 12, 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. 42713—*Brewers' Grains and Malt Sprouts from, to and Between Points in IFA, Southwestern and WTL Territories.* Filed by Western Trunk Line Committee, Agent, (No. A-2686), for interested rail carriers. Rates on brewers' grains, dried, in bulk; also malt sprouts, in bulk or in bags, in carloads, as described in the application, from, to and between points in Illinois Freight Association, southwestern, and western trunk-line territories.

Grounds for relief—Revision in carload minimum weights.

Tariffs—Supplement 30 to Western Trunk Line Committee, Agent, tariff 120-L, I.C.C. No. A-4868, and other schedules named in the application. Rates are published to become effective on August 12, 1973, and later.

By the Commission

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14561 Filed 7-16-73;8:45 am]

[Rev. S.O. 994, I.C.C. Order 104]

GREEN MOUNTAIN RAILROAD CORP.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Green Mountain Railroad Corporation is unable to transport traffic over its line between Gassetts, Vermont, and Rutland, Vermont, because of track damage from flooding.

It is ordered, That:

(a) The Green Mountain Railroad Corporation, being unable to transport traffic over its line between Gassetts, Vermont, and Rutland, Vermont, because of track damage 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 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 11:30 a.m. July 2, 1973.

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 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., July 2, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-14563 Filed 7-16-73;8:45 am]

[Notice 314]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceeding on or before August 6, 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.

Finance Docket No. 27297. By order entered July 5, 1973, the Motor Carrier Board approved the transfer to C-Line Forwarding Co., Inc., Warwick, Rhode Island, of that portion of Fourth Amended Permit and Order No. FF-96, issued September 6, 1972, to New England Forwarding Company, Inc., North Bergen, N.J., authorizing operations, in interstate commerce, as a freight forwarder of commodities generally, between New York, N.Y., points in Nassau, Westchester, and Rockland Counties, N.Y., and Passaic, Essex, Union, Hudson, Middlesex, and Bergen Counties, N.J., on the one hand, and, points in Philadelphia, Delaware, and Montgomery Counties, Pa., Camden and Gloucester Counties, N.J., Baltimore, Md., points in Baltimore, Anne Arundel, Prince George's, Montgomery, and Howard Counties, Md., Alexandria, Va., Arlington and Fairfax Counties, Va., and the District of Columbia, on the other; and between points in the areas above described, on the one hand, and, points in Rhode Island, and Bristol, Suffolk, Middlesex, Norfolk, Plymouth, Essex, and Worcester Counties, Mass., on the other, restricted against the transportation of traffic having a prior or subsequent movement in foreign commerce. Ronald N. Cobert, 1730 M St., N.W., Washington, D.C. 20036 and William J. Lippman, 1819 H St., N.W., Washington, D.C., attorneys for transferee and transferor, respectively.

No. MC-FC-74512. By order of July 5, 1973, Motor Carrier Board approved the transfer to H. and H. Hauling, Inc., 469 Main St., Brookville, Pa., 15825, of the operating rights in Certificate No. MC-128047 (Sub-No. 1), issued December 4, 1970, to Clark R. Ingram, R.D. #1, Weedville, Pa., 15868, authorizing the transportation of coal, from points in Huston Township (Clearfield County), Pa., and points in Elk County, Pa., to points in Erie, Chautauqua, and Niagara Counties, N.Y. Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219 attorney for applicants.

No. MC-FC-74521. By order of July 11, 1973, the Motor Carrier Board approved the transfer to OC Transportation Co., Inc., Beverly, N.J., of the operating rights in Permits Nos. MC-114332, MC-114332 (Sub-No. 4), MC-114332 (Sub-No. 5), and MC-114332 (Sub-No. 6) issued January 12, 1968, May 19, 1971, December 23, 1969, and August 30, 1972, respectively, to Rayburn Trucking, Inc., Elizabeth, N.J., authorizing the transportation of (1) such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, material, and supplies used in the conduct of such business, between points in a defined area of New Jersey, Delaware, and Pennsylvania; (2) fruits, vegetables, farm products, poultry, and sea food, from points in Delaware, New Jersey, and Pennsylvania, to points in the territory indicated above; (3) groceries and grocery store supplies, from Philadelphia, Pa., to Baltimore, Md., and points in New Jersey; (4) sugar, from Edgewater and Linden, N.J., to points in New York and New Jersey within 40 miles of Edgewater, and sugar and sugar products, in containers, from New York, N.Y., and Linden, N.J., to points in New Jersey (except Linden) and New York within 40 miles of Columbus Circle, New York, N.Y., and (5) wearing apparel and component parts used in the manufacture thereof, between New York, N.Y., and Elizabeth and Middlesex, N.J., on the one hand, and, on the other, Miami, Fla., restricted to the transportation of traffic in foreign commerce having a prior or subsequent movement by water or air, and limited to a transportation service performed under a continuing contract, or contracts, with Trade Wind Fashions, Ltd., of New York, N.Y. Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102 Attorney for applicants.

No. MC-FC-74522. By order of July 3, 1973, the Motor Carrier Board approved the transfer to Harry Charles Freeman, D/B/A New Basin Homing Pigeon Training, Brooklyn, N.Y. 11234, of Certificate No. MC-114556 issued May 18, 1971, to Walter Dittenheimer, Howard Beach, N.Y. 11414, authorizing the transportation of Homing pigeons, from Brooklyn and Queens Boroughs, N.Y., to Wilmington, Del., Aberdeen, Md., Charlottesville and Danville, Va., Washington, D.C., points in New Jersey, and those in that part of Pennsylvania east of the Susquehanna River. Morris Honig, 150 Broadway, New York, N.Y. 10038, attorney for applicant.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14566 Filed 7-16-73;8:45 am]

[Notice 91]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 6, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 26396 (Sub-No. 80 TA) filed June 25, 1973 Applicant: POPELKA TRUCKING CO. doing business as THE WAGGONERS P.O. Box 990 201 W. Park Livingston, Mont. 59047 Applicant's representative: Wayne Waggoner (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat scraps, blood meal, bone meal*, in bulk and bags; and (2) *Bentonite*, in bulk and bags: (1) from the plant sites of Billings, Rendering, Midland Empire Packing Company, Pierce Packing, and Montana Beef Industries, at or near Billings, Mont.; Great Falls Meat Company, at or near Great Falls, Mont.; Western Montana By-Products, at or near Missoula, Mont.; and Miles City Rendering Company, at or near Miles City, Mont., to points in Minnesota, Iowa, South Dakota, North Dakota, Washington, and Oregon; (2) from the plant sites of American Colloid at or near Belle Fourche, S. Dak., to points in Minnesota, Iowa, South Dakota, North Dakota, Nebraska, Wisconsin and Illinois, for 180 days. SUPPORTING SHIPPER: Wellens & Co., Inc., 6700 France Avenue South, Minneapolis, Minn. 55435. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222 U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 52921 (Sub-No. 23 TA) filed June 26, 1973 Applicant: RED BALL, INC. 317 E. Lee (Collins Bldg.) P. O. Box 520 Sapulpa, Okla. 74066 Applicant's representative: Lewis C. Johnson 200 Law Bldg. 500 W. 7th Tulsa, Okla. 74119 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant site and storage facilities of Olinkraft, Inc., Monroe and West Monroe, La., to points in

Arkansas, Colorado, New Mexico, Oklahoma, Missouri and Texas, for 180 days. SUPPORTING SHIPPER: H. T. Nichols, Traffic Manager, Olinkraft, Inc., P. O. Box 488, West Monroe, La. 71291. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 240-Old P. O. Bldg., Ft. Worth, Tex. 73102.

No. MC 100666 (Sub-No. 248 TA) filed May 31, 1973 Applicant: MELTON TRUCK LINES, INC. 1129 Grimmett Drive P. O. Box 7666 Shreveport, La. 71107 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Rolla, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Louisiana, Mississippi, Nebraska, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPER: Some Industries, Inc., Pipe Div., Box 1235, Rolla, Mo. 65401, Mr. John L. Ellis, Customer Service Mgr. SEND PROTESTS TO: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 107295 (Sub-No. 649 TA) filed June 22, 1973 Applicant: PRE-FAB TRANSIT CO 100 South Main Street P.O. Box 146 Farmer City, Ill. 61842 Applicant's representative: Bruce J. Kinnee (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets, wooden, parts thereof and counter tops*, with or without vinyl covering or plastic, set up or knocked down, from the Boise Cascade Corporation facilities at Fendwick, Paw Paw and Moorefield, W. Va., and Berryville, Orange and Winchester, Va., to all points in the continental United States, for 180 days. SUPPORTING SHIPPER: Charles G. Wise, Mgr., Transportation Commerce, Boise Cascade Corporation, P.O. Box 7747, Boise, Idaho 83707. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 107496 (Sub-No. 900 TA) filed June 26, 1973 Applicant: RUAN TRANSPORT CORPORATION P.O. Box 855 (Box zip 50304) Keosauqua Way at Third St. Des Moines, Iowa 50309 Applicant's representative: E. Check (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *LPG*, in bulk, in tank vehicles, from Watertown, Wis., to points in Iowa, Illinois, and Minnesota, for 150 days. SUPPORTING SHIPPER: Hydrocarbon, Inc., 765 North Church Street, Watertown, Wis. 53094. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 114552 (Sub-No. 85 TA) filed June 25, 1973. Applicant: SENN TRUCKING COMPANY, P.O. Box 333, Newberry, S.C. 29108. Applicant's representative: Terry P. Wilson, 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products*, from the facilities of the Celotex Corporation at or near Elizabethtown, Ky., to points in Virginia, North Carolina, South Carolina, Georgia and Florida, for 180 days. SUPPORTING SHIPPER: The Celotex Corporation, Tampa, Fla. 33607. SEND PROTESTS TO: District Supervisor E. E. Strotheid, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, S.C. 29201.

No. MC 114606 (Sub-No. 6 TA) filed June 26, 1973. Applicant: S. F. DOUGLAS TRUCK LINE, INC., 587 First Street SW., P.O. Box 2766, New Brighton, Minn. 55112. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, other than liquid, in bulk, in tank vehicles, from Chaska, Minn., to Fremont, Nebr., for 180 days. SUPPORTING SHIPPER: American Crystal Sugar Company, P.O. Box 419, Denver, Colo. 80201. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 114896 (Sub-No. 7 TA) filed June 26, 1973 Applicant: PUROLATOR SECURITY, INC. Suite 1001 1341 W. Mockingbird Lane Dallas, Tex. 75202 Applicant's representative: William E. Fullingim (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, between all points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: General Services Administration, Chief, Contracts and Negotiations Branch, Washington, D.C. 20406. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 116474 (Sub-No. 27 TA) filed June 26, 1973 Applicant: LEAVITTS FREIGHT SERVICE, INC. 3855 Marcola Road Springfield, Oreg. 97477 Applicant's representative: David C. White 2400 S.W. Fourth Avenue Portland, Oreg. 97201 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products*, for the account of Rosboro Lumber Company, from Springfield, Oreg., to points in Arizona, for 180 days. SUPPORTING SHIPPER: Rosboro Lumber Company, P.O. Box 1098, Springfield, Oreg. 97477. SEND PROTESTS TO: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 119789 (Sub-No. 164 TA) filed June 27, 1973 Applicant: CARAVAN REFRIGERATED CARGO, INC. P.O. Box 6188 1612 East Irving Blvd. Dallas, Tex. 75222 Applicant's representative: James K. Newbold, Jr. (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Liberal, Kans., to points in Michigan and Ohio, for 180 days. RESTRICTION: Restricted to the transportation of traffic originating at the plant site and storage facilities of National Beef Packing Company, Inc., and destined to the named destinations. SUPPORTING SHIPPER: National Beef Packing Company, P.O. Box Q, Liberal, Kans. 67901. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 123048 (Sub-No. 262 TA) filed June 26, 1973 Applicant: DIAMOND TRANSPORTATION SYSTEM, INC. 1919 Hamilton Avenue P.O. Box A Racine, Wis. 53401 Applicant's representative: Carl S. Pope (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors and parts therefor* when transported in same vehicle at the same time, from Milwaukee, Wis., to points in Illinois and Iowa, for 180 days. SUPPORTING SHIPPER: Deere & Company, Transportation Department, 400 19th Street, Moline, Ill. 61265, (S. H. Lane, Supervisor, Truck Transportation). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 125785 (Sub-No. 21 TA) filed June 25, 1973 Applicant: SATURN EXPRESS, INC. 8716 L Street Omaha, Nebr. 68127 Applicant's representative: Donald L. Stern 530 Univac Building Omaha, Nebr. 68106 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible corn products and pretzels*, from Terre Haute, Ind., to Omaha, Nebr., for 180 days. SUPPORTING SHIPPER: Kitty Clover Division, Fairmont Foods Co., 24th & Martha Streets, Omaha, Nebr. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 128343 (Sub-No. 25 TA) filed June 25, 1973 Applicant: C-LINE, INC. Tourtellot Hill Road Chepachet, R.I.

02814 Applicant's representative: Ronald N. Cobert 1730 M Street, N.W. Washington, D.C. 20036 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cinder blocks*, from Warwick, R.I., to Fitchburg, Harwich, Lexington and Lowell, Mass., for 180 days. SUPPORTING SHIPPER: Cinder Products Corporation, 399 Kilvert Street, Warwick, R.I. 02886. SEND PROTESTS TO: Gerald H. Curry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 187 Westminster Street, Providence, R.I. 02903.

No. MC 128659 (Sub-No. 3 TA) filed June 27, 1973 Applicant: ORBITAL TRANSPORT, INC. 2647 Karen Street Bellmore, N.Y. 11710 Applicant's representative: Arthur J. Piken One Lefrak City Plaza Flushing, N.Y. 11368 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass Bottles*, from Wharton, North Bergen, Millville and Freehold, N.J. and Orangeburg, N.Y., to Garden City and Patchogue, N.Y, under contract with PepCom Industries, Inc., for 180 days. SUPPORTING SHIPPER: PepCom Industries, Inc., Roosevelt Field, Garden City, N.Y. 11530. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 134323 (Sub-No. 52 TA) filed June 26, 1973 Applicant: JAY LINES, INC. 720 N. Grand Street P.O. Box 4146 (Box zip 79105) Amarillo, Tex. 79107 Applicant's representative: Gailyn Larson, P.O. Box 80806 Lincoln, Nebr. 68501 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in Arizona, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New Hampshire, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: N. L. Cummins, Vice President-Physical Distribution, Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134890 (Sub-No. 3 TA) filed June 18, 1973. Applicant: MARION'S TRANSPORT, INC. 2380 North 124th Street, Wauwatosa, Wis. 53226. Applicant's representative: Carlo Benvenuto (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese food products*, (1) from Hilbert, Wis. and Weyauwega, Wis., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia and West Virginia and (2) from Somerville, Mass., to points in Connecticut, Delaware, District of Columbia, Illinois, Maryland, Michigan, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wisconsin, for the account of Churney Company, Inc., for 180 days. SUPPORTING SHIPPER: Churney Company, Inc., 39 Medford St., Somerville, Mass. 02143 (Paul R. McGee, Vice President). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street Room 807—Milwaukee, Wis. 53203.

No. MC 136713 (Sub-No. 1 TA) filed June 26, 1973. Applicant: AERO LIQUID TRANSIT, INC. 834 West Main Street, Lowell, Mich. 49331. Applicant's representative: Daniel J. Kozera, Jr., 715 McKay Tower, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from points in Kent County, Mich., to points in Indiana, for 180 days. SUPPORTING SHIPPER: Ben Geib, Assistant Manager, A&E Transportation, Inc., 5010 N. Post Road, Indianapolis, Ind. 46226. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 138165 (Sub-No. 1 TA) filed June 25, 1973. Applicant: CANUCK CARRIERS, Ltd., 1514 Meridian Road, N.E., Calgary, Alberta, Canada. Applicant's representative: Joe Gerbase, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and component parts thereof, from Hesston, Kans. and Logan, Utah, to points on the International Boundary Line between the United States and Canada, at or near Pembina and Portal, N. Dak., and Sweetgrass, Mont., for 180 days. SUPPORTING SHIPPER: Hesston Industries, Ltd., 770 9th Avenue S.E., Calgary, Alberta, Canada. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 138274 (Sub-No. 2 TA) filed June 25, 1973 Applicant: SHIPPERS BEST EXPRESS, INC. 1656 West 14600 South Riverton, Utah 84065 Applicant's representative: Chester A. Zyblut 1522 K Street, N.W. Washington, D.C. 20005 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from the facilities of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in Washington, California, Oregon, Nevada, Idaho and Utah, for 180 days. SUPPORTING SHIPPER: Missouri Beef Packers, Inc., 630 Amarillo Bldg., Amarillo, Tex. 79101, (N. L. Cummins, Vice President—Physical Distribution). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

No. MC 138760 TA filed June 27, 1973 Applicant: ABRAMS TRUCKING COMPANY 3011 San Rafael Tampa, Fla. 33609 Applicant's representative: N. W. Abrams (same address as above) Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk materials* in dump or side unloading compartmentized vehicles, from or to the plant site locations of Kerr-McGee Chemical Corp. in Alabama, Florida, Georgia, Mississippi, North Carolina and South Carolina, for 180 days. SUPPORTING SHIPPER: Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, Okla. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 S.W. 17th Street, Room 105, Miami, Fla. 33155.

No. MC 138765 (Sub-No. 1 TA) filed June 25, 1973 Applicant: YODER'S MILK TRANSPORT, INC. 8 Salisbury Street Meyersdale, Pa. 15552 Applicant's representative: Harold E. Miller (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Processed milk and dairy products*, from Cumberland, Md., to (1) points in Allegany and Washington Counties, Md.; (2) points in Bedford, Blair, Cambria, Fulton, Huntington, Franklin, and Somerset Counties, Pa.; and (3) points in Monongalia, Preston, Taylor, Barbour, Randolph, Tucker, Hardy, Mineral, Hampshire, Morgan and Berkeley Counties, W. Va., for 180 days. SUPPORTING SHIPPER: Country Belle Cooperative Farmers, 1623 Saw Mill Run Boulevard, Pittsburgh, Pa. 15210. SEND PROTESTS TO: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, Pa. 15222.

No. MC 138847 TA filed June 27, 1973 Applicant: AINSWORTH TRUCK LINES, INC. Ainsworth, Iowa 52201 Applicant's representative: Kenneth F. Dudley P.O. Box 279 Ottumwa, Iowa 52501 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polyester resin panels*, from Williamsburg, Iowa, to points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri,

Nebraska, Nevada, Oklahoma, Oregon, Texas, Utah, Wisconsin, and Wyoming, and (2) *architectural crushed rock*, from points in the named destination states to Williamsburg, Iowa, for 180 days. SUPPORTING SHIPPER: Poly-Cast Systems, Inc., P.O. Box 660, Williamsburg, Iowa 52361. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 138848 TA filed June 25, 1973 Applicant: MEDICAL DELIVERY SERVICE, INC. 630 West 26th Street New York, N.Y. 10001 Applicant's representative: Robert B. Pepper 168 Woodbridge Avenue Highland Park, N.J. 08904 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Blood and urine samples, and supplies* for securing samples, and EDP (analysis) reports, in passenger automobiles, between the plantsite of Biochemical Procedures, Hillside, N.J.; New York, N.Y.; points in Nassau and Suffolk Counties, N.Y.; and points in Fairfield, New Haven, and Hartford Counties, Conn., for 180 days. SUPPORTING SHIPPER: Biochemical Procedures, 1350 Liberty Avenue, Hillside, N.J. 07207. SEND PROTESTS TO: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 138850 TA filed June 21, 1973 Applicant: OHIO VALLEY TRANSPORT, INC. 762 Marion Road Cincinnati, Ohio 45215 Applicant's representative: Charles H. Schaffner 317 Scott Street Covington, Ky. 41011 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from Florence, Ky., to all points in Ohio; (2) from Florence, Ky., to Hammond and Gary, Ind.; Chicago, Ill.; and Detroit, Mich.; and (3) from Cincinnati, Ohio, to Florence, Ky., for the account of Equitable Bag Co., Inc., for 180 days. SUPPORTING SHIPPER: Equitable Bag Co., Inc., 7600 Empire Drive, Florence, Ky. 41042. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

By the Commission.

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

[FR Doc.73–14567 Filed 7–16–73;8:45 am]

[Rev. S.O. 994; Rev. I.C.C. Order 79, Amdt. 3]

ST. JOHNSBURY AND LAMOILLE COUNTY RAILROAD

Rerouting or Diversion of Traffic

Upon further consideration of Revised I.C.C. Order No. 79 (St. Johnsbury & Lamoille County Railroad) and good cause appearing therefor:

It is ordered, That:

Revised I.C.C. Order No. 79 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., September 3, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 15, 1973, and that 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 it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 6, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73–14565 Filed 7–16–73;8:45 am]

[Rev. S.O. 994, I.C.C. Order 103]

VERMONT RAILWAY, INC.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Vermont Railway, Inc., is unable to transport traffic over its line between Rutland, Vermont, and White Creek, New York, because of bridge damage.

It is ordered, That:

(a) The Vermont Railway, Inc., being unable to transport traffic over its line between Rutland, Vermont, and White Creek, New York, because of bridge damage, 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 9:00 a.m., July 2, 1973.

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 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., July 2, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73–14562 Filed 7–16–73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—JULY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during July.

FEDERAL REGISTER PAGES AND DATES—JULY

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federal register

TUESDAY, JULY 17, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 136

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Emission Standards and Test Procedures for Aircraft

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 87—CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Emission Standards and Test Procedures for Aircraft

Section 231 of the Clean Air Act, as amended by Public Law 91-604, directs the Administrator of the Environmental Protection Agency to "establish standards applicable to emissions of any air pollutant from any class or classes of aircraft or aircraft engines which in his judgment cause or contribute to or are likely to cause or contribute to air pollution which endangers the public health or welfare." Regulations ensuring compliance with these standards are required to be issued by the Secretary of Transportation in accordance with section 232 of the Act.

Section 231 also directs the Administrator to conduct a study of the extent to which aircraft emissions affect air quality throughout the United States, and the technological feasibility of controlling such emissions. The report of such a study, "Aircraft Emissions: Impact on Air Quality and Feasibility of Control," has been published and copies of the report are available upon request free of charge from the Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460.

On December 12, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (Volume 37, Number 239) which described standards limiting emissions from aircraft and aircraft engines. As required by section 231 of the Act, the Administrator held public hearings with respect to the proposed aircraft emission standards. One was held in Boston, Massachusetts, on January 29, 1973, and another in Los Angeles, California on February 6, 1973. Testimony was presented at these hearings by twenty-two representatives of domestic and foreign manufacturers and operators of aircraft and aircraft engines and other interested parties. Additional detailed comments were provided subsequent to the hearings by thirty-one organizations.

Consideration has been given to all relevant material presented and a number of amendments have been made to the regulations as proposed.

Changes have been made in the engine classification system. A separate class was created for turboprop engines because, after considering the comments, the proposed equivalency between shaft horsepower and jet thrust was not considered acceptable for all operating conditions over the landing/take off (LTO) cycle. Except for the creation of special classes for the JT3d and JT8D engines, which was done in order to require smoke retrofits on separate schedules, turbine engines over 8,000 lbs. thrust which power subsonic aircraft have been put into one class. This over-8,000 lbs. thrust class represents essentially all turbines used in commercial air transportation, except for the supersonic aircraft to be introduced during the next few years.

Based on testimony and comments during the public hearings, the engines which power supersonic transport aircraft are not technically capable of achieving as low emissions levels as other large turbine engines by using equivalent combustor design technology. The reasons for this include the following:

(1) Some such engines employ afterburners for thrust augmentation during take off and acceleration at cruising speeds. This type of device involves combustion at relatively low pressures in the engine tailpipe and consequent greater loss of hydrocarbons and carbon monoxide to the atmosphere.

(2) All such engines known to EPA operate at compressor ratios much lower than engines designed for subsonic aircraft. This means that at low speed, low altitude conditions, where the "ram" pressure rise is small, these engines burn more fuel, and hence emit greater total quantities of hydrocarbons and carbon monoxide than do the high pressure ratio subsonic engines. Comments demonstrated that this is a necessary design tradeoff to ensure that these engines achieve maximum efficiency (best possible fuel consumption) throughout a complete flight.

(3) In addition, the supersonic engines do not employ the high bypass ratio turbofan principle which contributes to the excellent fuel economy and low pollutant emission capability of the engines which power most large subsonic engines, since the relatively large diameter (or frontal areas) of this type of engine would cause excessive aerodynamic drag in aircraft flying at mach 2-3 flight speeds.

A separate class has been established for engines which power supersonic aircraft. Exhaust emission standards for this class will be based on the best available combustor design technology expected in 1979 and later, but with due consideration for the inherently higher emission characteristics of supersonic aircraft engines under landing/takeoff cycle conditions, as discussed above. These standards will represent the same level of emissions reduction from current supersonic aircraft, through application of the same types of combustor design technology, as will be required of subsonic aircraft, though the absolute hydrocarbon and carbon monoxide levels will be several times higher. Standards will be proposed for this class of engines within 60 days.

Consideration will also be given to development of ground handling procedures specifically applicable to supersonic aircraft which would further reduce their inherently greater pollution characteristics during operations at large metropolitan airports.

It is recognized by the EPA that potential problems have been identified relating to upper atmosphere effects of supersonic aircraft and to a lesser extent subsonic aircraft operations. The work in progress under the Department of Transportation Climatic Impact Assessment Program will be closely monitored by the EPA, in order that the present regulations can be adjusted if necessary. The present regulations are based on the need to control emissions occurring under 3,000 feet, to protect ambient air quality in urban areas.

The effective date for the completion of the JT3D smoke control retrofit has been delayed until 1978 to allow time for the development of the necessary new combustor components. This deferral is based upon the manufacturers' comments that the additional time is necessary to solve problems relating to component durability.

The proposed 1976 standards applicable to carbon monoxide and hydrocarbon emissions from newly manufactured turbine engines have been deleted. Deletion of the 1976 standards is based upon the manufacturers' comments that insufficient lead time is available to allow introduction of changes in all newly manufactured engines to achieve these levels by that date. To relax the standards to levels which could be achieved this quickly would eliminate any useful impact which they might have on ambient air quality. It was concluded that efforts could be more effectively directed toward achieving substantially greater emissions reductions than those proposed at a later point in time, i.e., 1979.

Following a detailed study of the comments plus consultation with the National Aeronautics and Space Administration and the Air Force, the originally proposed 1979 standards applicable to gas turbine engines have been revised to become essentially equivalent to emission levels being used as design goals by these two agencies in planned and current research and development projects. A new set of standards, applicable to newly certified large engines only, has been set for January 1, 1981, to reflect the introduction of the same types of advanced combustor design technology originally expected in 1979. The technology necessary to meet these 1981 standards is in an early development stage. EPA intends to monitor closely the development of this technology through programs sponsored both by other federal agencies and by industry. If it should become evident that the standards as promulgated cannot be achieved by the technology approaches explored in these programs, additional rule making action will be considered to ensure that the best technology available is reflected in the standards. These two changes respond to the many comments received which stated that the emissions reductions originally proposed for 1979 could not be achieved this quickly using currently known technology. It is estimated that approximately 6 years are needed to translate combustion research findings into production engines which are fully certified and flight tested for safe usage in aircraft.

The method for specifying smoke limits has been changed to reflect a sliding scale of values chosen to be proportional to thrust for engines to be produced after 1979. It now represents a more flexible approach than specifying an absolute number for an entire class of engines and is fundamentally sounder for application to future engine designs whose

thrust characteristics are not known now. This change will better ensure that the actual visibility characteristics of the exhaust plumes from newly designed engines are within limits consistent with protection of the public welfare, i.e., protection of visibility and personal well-being.

The proposed standards controlling crankcase emissions from piston engine aircraft have been deleted because it has been concluded based on comments received that introduction of these systems could induce safety hazards and in any case would provide relatively little reduction in emissions. The exhaust emissions standards applicable to piston engines have been retained as proposed, effective for engines produced after December 31, 1979, to allow needed additional time for development. In addition, comments expressed concern over the safety of the measures expected to be used by the manufacturers of such engines to achieve the standards. Therefore, the EPA will monitor closely the development of the technology necessary to meet these 1980 standards. If it should become evident that the standards as promulgated cannot be achieved at that time by design techniques which are safe and in other respects airworthy, additional rule making action will be considered to ensure that the best technology available is reflected in the standards.

Many comments were received asking that EPA develop suitable correction factors for differences in ambient temperatures, pressures and humidity levels at locations where emissions testing would be carried out. The EPA is in agreement with the need to develop such factors, so as to allow for these influences, as is done in other EPA standards applicable to highway vehicles. Projects are being started to define these relationships so as to allow introduction of suitable correction factors as soon as possible.

In addition, the final rules contain other technical amendments and clarifying modifications to the testing and measurement procedures.

A number of additional basic criticisms of the proposed regulations were considered in the analysis which led to the revised standards, but were rejected for the reasons identified below:

Some commenters pointed out that the timing of the initially proposed standards was too late to be of any value to the states in their implementation plans aimed at meeting ambient air quality standards by 1975. However, consideration of other comments presented at the hearings plus information on the availability of emission reduction technology in the study accompanying the proposal, and consideration of the lead time necessary to introduce such technology into manufactured products and certify them for safety considerations, made it impossible to design standards to achieve meaningful air quality reductions which would be implemented any sooner than the regulations now specify.

Several commenters recommended that the Ringleman visual system for evaluating aircraft gas turbine smoke behavior should be substituted for the indirect filtration system described in the regulations, to facilitate direct correlation of the method used to certify engines with a technique which could be employed for enforcement purposes. Unfortunately, the Ringleman system is not suited to the precise evaluation of engine smoking characteristics. Moreover, during test cell operation, the plume cannot be viewed directly and its appearance is not the same as it would be under the conditions of altitude and visual contrast which exist in flight. Therefore the prescribed filter reflectance method and associated sampling systems have been retained.

Some commenters felt that the simulated landing/take-off cycle used as a basis for the numbers derived in the standards should be altered to make it more representative of an average LTO operation instead of reflecting peak traffic times at metropolitan air terminals. This comment was rejected, since the justification for the aircraft standards is largely based on protecting air quality in and around large metropolitan air terminals during adverse conditions. The short term National Ambient Air Quality Standards (40 CFR Part 50) are not written to be exceeded more than once per year. Thus the LTO cycle is based on typical adverse conditions.

Several commenters recommended that standards not be set at all for the 1979 and later period, pending the development of technology capable of achieving significant known emission reductions. EPA considers that the published standards will have a significant effect on stimulating the rate of progress of technological development and spur its rapid introduction into flight applications. The standards are based on NASA and Air Force-sponsored research already in progress, as well as engineering evaluations sponsored by EPA. The standards reflect reductions from present emission levels resulting from modified designs to existing engine components based on the application of known control technology. It should be emphasized that the standards set by EPA may reflect technology which may reasonably be obtained within a given time frame but which is not yet available. Section 231(b) of the Act expressly contemplates "*development* and application of the requisite technology" (emphasis added).

Commenters representing general aviation interests opposed the introduction of emission standards applicable to piston engine aircraft, on the grounds that compliance would require introductions of exhaust system reactors which would have drastic and costly effects on the configuration of the entire aircraft. The Agency has concluded that sufficient evidence is already available in the form of measured emissions data on current aircraft to indicate that the proposed standards can be met by improved fuel management and will not require exhaust system reactors.

A number of commenters felt that the report cited in the preamble to the proposed regulations had not adequately demonstrated a compelling need for emission standards applicable to aircraft. EPA does not feel that the minimal evidence offered by these commenters in support of their claim represents a valid basis for deciding that aircraft emissions do not contribute to air pollution endangering health or welfare in areas surrounding airports.

A new Part 87 of Title 40, Code of Federal Regulations, is hereby adopted and establishes:

(a) Fuel venting emission standards for new and in-use aircraft gas turbine engines.

(b) Exhaust emission standards for new and in-use aircraft gas turbine engines.

(c) Exhaust emission standards for new aircraft piston engines.

(d) Exhaust emission standards for new aircraft.

(e) Test procedures applicable to aircraft gas turbine engines and aircraft.

(f) A test procedure applicable to aircraft piston engines.

In judging the need for the regulations, the Administrator has determined (1) that the public health and welfare is endangered in several air quality control regions by violation of one or more of the national ambient air quality standards for carbon monoxide, hydrocarbons, nitrogen oxides, and photochemical oxidants, and that the public welfare is likely to be endangered by smoke emissions; (2) that airports and aircraft are now, or are projected to be, significant sources of emissions of carbon monoxide, hydrocarbons, and nitrogen oxides in some of the air quality control regions in which the national ambient air quality standards are being violated, as well as being significant sources of smoke; and therefore (3) that maintenance of the national ambient air quality standards and reduced impact of smoke emissions requires that aircraft and aircraft engines be subject to a program of control compatible with their significance as pollution sources. Accordingly, the Administrator has determined that emissions from aircraft and aircraft engines should be reduced to the extent practicable with present and developing technology. The standards proposed herein are not quantitatively derived from the air quality considerations discussed in the study report cited above but, instead, reflect EPA's judgment as to what reduced emission levels are or will be practicable to achieve for turbine and piston engines.

In general, the influence of the regulations, will be to contribute to the maintenance of the quality of the air in and around major air terminals throughout the post-1975 era in which air traffic is undergoing expansion. The timing of these standards is such that they will not make contributions to achievement of the ambient air pollution levels required by 1975 through the state implementation programs, although they will influence attainment of those levels where extensions until 1977 are granted for the ambient standards.

The total cost of these requirements to the airline industry is estimated at 141 million dollars over a ten year period. This represents for newly designated commercial engines an increase in cost of at most 3 percent. All equipment costs (including engines) used in commercial air transport account for only 13 percent of the airline ticket dollar. Thus, it is believed that imposition of the schedule of standards set forth in this regulation is too small to have any impact on the continued growth of air transportation in a fashion healthy and beneficial to the economy.

The standards promulgated for piston type aircraft are expected to result in significant fuel savings. (29 million dollars over ten years). The technology expected to be used to achieve 1979 and 1981 standards for turbines is not expected to result in fuel consumption penalties. Similarly, there is no inconsistency or conflict presently envisioned between the imposition of the above standards and the compliance of aircraft with noise control regulations during the same period.

It is intended that the attainment of any standards proposed herein not result in the increased emission of any substance for which a standard is not proposed if such emission could endanger public health or welfare. The Administrator intends to remain informed throughout engine and aircraft development and certification programs to permit him to determine at the earliest possible time if the emissions of a substance are likely to endanger the public health or welfare. Therefore, the Administrator may subsequently publish in the FEDERAL REGISTER a list of those substances whose emissions are liable to increase as a result of the installation or incorporation of any system or component, including fuel additives, designed to enable an aircraft or aircraft engine to conform to any prescribed standard. In the event such a list of substances is so published, appropriate testing and sampling methods and/or analytical techniques will be proposed under the normal rule making procedures after consultation with the Department of Transportation.

The standards contained in this notice are being promulgated after consultation with the Secretary of Transportation in order to assure appropriate consideration of aircraft safety. However, the Department of Transportation has advised that it is impossible to make conclusive judgments as to the effects of an emission standard on aircraft safety until engines designed to meet that standard have been developed, constructed, and tested. Therefore, there will be continuing consultation on this issue between this agency and that Department, both prior to and after promulgation of the standards. Should the Secretary of Transportation determine at any point that an emission standard cannot be met within the specified time without creating a safety hazard, appropriate modifications will be made to that standard or to its effective date.

(Section 231 of the Clean Air Act, as amended (42 U.S.C. 1857f-9))

Dated: July 6, 1973.

ROBERT W. FRI,
Acting Administrator.

In Title 40 of the Code of Federal Regulations, a new part, Part 87, is to be added as follows:

Subpart A—General Provisions

AUTHORITY: Sec. 231 of the Clean Air Act, as amended (42 U.S.C. 1857f-9).

Subpart A—General Provisions

§ 87.1 Definitions.

(a) As used in this part, all terms not defined herein shall have meaning given them in the Act:

(1) "Act" means the Clean Air Act, as amended by Public Law 91-604.

(2) "Administrator" means the Administrator of the Environmental Protection Agency to whom the authority involved may be delegated.

(3) "Aircraft" means any airplane for which a U.S. standard airworthiness certificate or equivalent foreign airworthiness certificate is issued.

(4) "Aircraft engine" means a propulsion engine which is installed in or which is manufactured for installation in an aircraft.

(5) "Aircraft gas turbine engine" means a turboprop, turbofan, or turbojet aircraft engine.

(6) "New aircraft gas turbine engine" means an aircraft gas turbine engine which has never been in service.

(7) "New aircraft piston engine" means an aircraft piston engine which has never been in service.

(8) "In-use aircraft gas turbine engine" and "in-use aircraft piston engine" mean an aircraft gas turbine engine or aircraft piston engine (as appropriate) which is in service.

(9) "Newly certified aircraft gas turbine engine" means an aircraft gas turbine engine which is originally type certified on or after the effective date of the applicable emission standard.

(10) "Rated power" means the maximum power/thrust available for takeoff at standard day conditions as approved for the engine by the Federal Aviation Administration.

(11) "Standard day conditions" means standard ambient conditions as described in the United States Standard Atmosphere, 1962, (i.e., temperature=59°F, relative humidity=0%, and pressure =29.92 inches Hg).

(12) "Power setting" means the power output of an engine in terms of pounds thrust for turbojet and turbofan engines and shaft horsepower for turboprop and piston engines.

(13) "Pound-thrust/hr." means pounds of thrust for 1 hour.

(14) "Shaft horsepower" means only the measured shaft power output of an auxiliary power unit, turboprop, or piston engine.

(15) "Auxiliary power unit" means any engine installed in or on an aircraft exclusive of the propulsion engines.

(16) "Class T1" means all aircraft turbofan or turbojet engines except engines of Class T5 of rated power less than 8,000 pounds thrust.

(17) "Class T2" means all turbofan or turbojet aircraft engines except engines of Class T3, T4, and T5 of rated power of 8,000 pounds thrust or greater.

(18) "Class T3" means all aircraft gas turbine engines of the JT3D model family.

(19) "Class T4" means all aircraft gas turbine engines of the JT8D model family.

(20) "Class T5" means all aircraft gas turbine engines employed for propulsion of aircraft designed to operate at supersonic flight speeds.

(21) "Class P1" means all aircraft piston engines, except radial engines.

(22) "Class P2" means all aircraft turboprop engines.

(23) "Taxi/idle (in)" means those aircraft operations involving taxi and idle between the time of landing roll-out and final shutdown of all propulsion engines.

(24) "Taxi/idle (out)" means those aircraft operations involving taxi and idle between the time of initial starting of the propulsion engine(s) used for the taxi and turn onto duty runway.

(25) "Exhaust emissions" means substances emitted to the atmosphere from the exhaust discharge nozzle of an aircraft or aircraft engine.

(26) "Fuel venting emissions" means all raw fuel, exclusive of hydrocarbons in the exhaust emissions, discharged from aircraft gas turbine engines during all normal ground and flight operations.

(27) "Smoke" means the matter in exhaust emissions which obscures the transmission of light.

(28) "Smoke number (SN)" means the dimensionless term quantifying smoke emissions.

(29) "Oxides of nitrogen" means the sum of the amounts of the nitric oxide and nitrogen dioxide contained in a gas sample as if the nitric oxide were in the form of nitrogen dioxide.

(30) "Calibration gas" means a gas of known concentration which is used to establish the response curve of an analyzer.

(31) "Span gas" means a gas of known concentration which is used routinely to set the output level of an analyzer.

§ 87.2 Abbreviations.

The abbreviations used in this part have the following meanings in both upper and lower case:

abs.	Absolute.
APU	Auxiliary power unit.
ASA	American Standards Association.
ASTM	American Society for Testing and Materials.
b.hp.	Brake horsepower.
c.f.h.	Cubic feet per hour.
c.f.m.	Cubic feet per minute.
C.	Centigrade.
cc.	Cubic centimeter.
CO_2	Carbon dioxide.
CO	Carbon monoxide.
EPR	Engine pressure ratio.
F.	Fahrenheit.
FAA	Federal Aviation Administration, Department of Transportation.
FID	Flame ionization detector.
H/C	Hydrogen to carbon atomic ratio.
HC	Hydrocarbon(s).
Hg	Mercury.
hp.	Horsepower.
hp.-hr.	Horsepower-hr.
hr.	Hour(s).
in.HgV.	Inches of mercury, vacuum.
I.D.	Inside diameter.
lb.	Pound(s).
L/TO	Landing takeoff.
min.	Minute(s).
mm.	Millimeter(s).
N_1	First-stage rotor speed.
N_2	Second-stage rotor speed or nitrogen (as applicable).
N_3	Third-stage rotor speed.
NO	Nitric oxide.
NO_2	Nitrogen dioxide.
NO_x	Oxides of nitrogen, NO and NO_2.
NDIR	Nondispersive infrared analyzer.
O_2	Oxygen.
O_3	Ozone.
p.p.m	Parts per million by volume.
p.p.m.C	Parts per million carbon.
PT_7	Total pressure at station 7.
R.	Rankine.
r.p.m.	Revolutions per minute.
s.c.f.h.	Standard cubic feet per hour.
s.c.f.m.	Standard cubic feet per minute.
sec.	Second(s).
SHP	Shaft horsepower
SN	Smoke number.
TIM	Time in mode.
TT	Total temperature at station 7.
°	Degree.
%	Percent.

§ 87.3 General requirements.

(a) This part provides for the approval or acceptance by the Administrator or his agents of testing and sampling methods, analytical techniques, and related equipment not identical to those specified in this part. Before he approves or accepts any such alternate, equivalent, or otherwise nonidentical procedures or equipment, the Administrator shall consult with the Secretary of Transportation in determining whether or not the action requires rule making under sections 231 and 232 of the Clean Air Act, as amended, consistent with the Secretary's responsibilities under section 232 of the Act.

(b) Under section 232 of the Act, the Secretary of Transportation issues regulations to insure compliance with this part and all amendments thereof.

(c) With respect to aircraft of foreign registry, these regulations shall apply in a manner consistent with any obligation assumed by the United States in any treaty, convention or agreement between the United States and any foreign country or foreign countries.

§ 87.4 Test conditions.

The complete engine as configured for final acceptance testing, including all accessories which might reasonably be expected to influence emissions to the atmosphere excluding auxiliary gearbox-mounted components required to drive aircraft systems and service air bleed, shall be functional for all testing in this part.

§ 87.5 Special test procedures.

The Administrator may, upon written application by a manufacturer or operator of aircraft or aircraft engines, prescribe test procedures for any aircraft or aircraft engine that is not susceptible to satisfactory testing by the procedures set forth herein. Prior to taking action on any such application, the Administrator shall consult with the Secretary of Transportation.

§ 87.6 Aircraft safety.

The provisions of this part will be revised if at any time the Secretary of Transportation determines that an emission standard cannot be met within the specified time without creating a safety hazard.

Subpart B—Engine Fuel Venting Emissions (New and In-Use Aircraft Gas Turbine Engines)

§ 87.10 Applicability.

The provisions of this subpart are applicable to each new aircraft gas turbine engine of classes T2, T3, T4, and T5 manufactured on or after January 1, 1974, and all in-use aircraft gas turbine engines of classes T2, T3, T4, and T5 beginning January 1, 1974, and each new aircraft gas turbine engine of Classes T1 and P2 manufactured on or after January 1, 1975 and all in-use aircraft gas turbine engines of classes T1 and P2 beginning January 1, 1975.

§ 87.11 Standard for fuel venting emissions.

(a) No fuel venting emissions shall be discharged into the atmosphere from any new or in-use gas turbine engine subject to the subpart.

(b) Conformity with the standard set forth in paragraph (a) shall be determined by inspection of the method designed to eliminate these emissions.

Subpart C—Exhaust Emissions (New Aircraft Gas Turbine Engines)

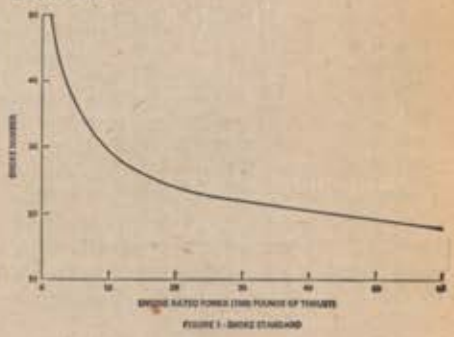
§ 87.20 Applicability.

The provisions of this subpart are applicable to all aircraft gas turbine engines of the classes specified beginning on the dates specified.

§ 87.21 Standards for exhaust emissions.

(a) Exhaust emissions of smoke from each new aircraft gas turbine engine of class T4 manufactured on or after January 1, 1974, shall not exceed: Smoke number of 30.

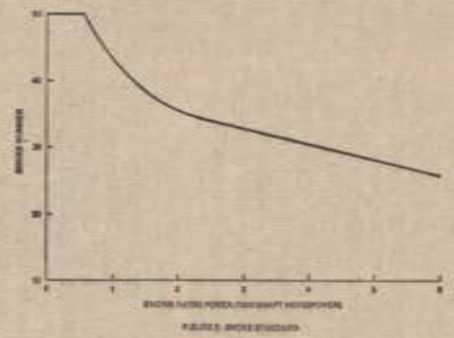
(b) Exhaust emissions of smoke from each new aircraft gas turbine engine of class T2 and of rated power of 29,000 pounds thrust or greater, manufactured on or after January 1, 1976 shall not exceed: Applicable smoke number from Figure 1.



(c) Exhaust emissions of smoke from each new aircraft gas turbine engine of class T3 manufactured on or after January 1, 1978 shall not exceed: smoke number of 25.

(d) Exhaust emissions from each aircraft gas turbine engine of the classes specified below manufactured on or after January 1, 1979, shall not exceed:

(1) Class T1:	
(i) Hydrocarbons	1.6 pounds/1,000 pound-thrust hours/cycle
(ii) Carbon monoxide	9.4 pounds/1,000 pound-thrust hours/cycle
(iii) Oxides of nitrogen	3.7 pounds/1,000 pound-thrust-hours cycle
(iv) Smoke	Smoke number from Figure 1.
(2) Class T2, T3, or T4:	
(i) Hydrocarbons	0.8 pound/1,000 pound-thrust hours/cycle
(ii) Carbon monoxide	4.3 pounds/1,000 pound-thrust hours/cycle
(iii) Oxides of nitrogen	3 pounds/1,000 pound-thrust hours/cycle
(iv) Smoke	Smoke number from Figure 1.



(3) Class P2:	
(i) Hydrocarbons	4.9 pounds/1,000 horsepower-hours/cycle
(ii) Carbon monoxide	26.8 pounds/1,000 horsepower-hours/cycle
(iii) Oxides of nitrogen	12.9 pounds/1,000 horsepower-hours/cycle
(iv) Smoke	Smoke number from Figure 2.

(4) The smoke number for each engine shall be determined by obtaining the smoke number corresponding to the engine rated power from Figure 1 for turbofan or turbojet engines and Figure 2 for turboprop engines.

(e) Exhaust emissions from each newly certified aircraft gas turbine engine of Classes T2, T3, or T4 manufactured on or after January 1, 1981, shall not exceed:

(i) Hydrocarbons	0.4 pound/1,000 pound-thrust hours/cycle
(ii) Carbon monoxide	3 pounds/1,000 pound-thrust hours/cycle
(iii) Oxides of nitrogen	3 pounds/1,000 pound-thrust hours/cycle
(iv) Smoke	Smoke number from Figure 1.

(f) The standards set forth in paragraphs (a), (b), (c), (d), and (e) of this section refer to a composite gaseous emission sample representing the operating cycles set forth in the applicable sections of Subpart G of this part, and exhaust smoke emissions emitted during operations of the engine as specified in the applicable sections of subpart H of this part, and measured and calculated in accordance with the procedures set forth in those subparts.

Subpart D—Exhaust Emissions (In-Use Aircraft Gas Turbine Engines)

§ 87.30 Applicability.

The provisions of this subpart are applicable to all in-use aircraft gas turbine engines certified for operation within the United States of the classes specified beginning on the dates specified.

§ 87.31 Standards for exhaust emissions.

(a) Exhaust emissions of smoke from each in-use aircraft gas turbine engine of Class T4, beginning January 1, 1974, shall not exceed: Smoke number of 30.

(b) Exhaust emissions of smoke from each in-use aircraft gas turbine engine of class T2 and of rated power of 29,000 pounds thrust or greater, beginning January 1, 1976, shall not exceed: Applicable Smoke number from Figure 1.

(c) Exhaust emissions of smoke from each in-use aircraft gas turbine engine of class T3, beginning January 1, 1978 shall not exceed: Smoke number of 25.

(d) The standards set forth in paragraphs (a), (b), and (c) of this section refer to exhaust smoke emissions emitted during operations of the engine as specified in the applicable sections of Subpart H of this part, and measured and calculated, in accordance with the procedures set forth in this subpart.

(e) In addition to the requirements imposed by paragraphs (a), (b), and (c) of this section, each in-use aircraft gas turbine engine shall not exceed the level of the emissions applicable to such engine when it was new.

Subpart E—Exhaust Emissions (New and In-Use Aircraft Piston Engines)

§ 87.40 Applicability.

The provisions of this subpart are applicable to all aircraft piston engines of class P1 beginning on the date specified.

§ 87.41 Standards for exhaust emissions (new aircraft piston engines).

(a) Exhaust emissions from each new aircraft piston engine manufactured on or after December 31, 1979, shall not exceed:

(i) Hydrocarbons	0.00190 pound/rated power/cycle
(ii) Carbon monoxide	0.042 pound/rated power/cycle
(iii) Oxides of nitrogen	0.0015 pound/rated power/cycle.

(b) The standards set forth in paragraph (a) of this section refer to a composite gaseous exhaust emission sample representing the operating cycle set forth in the application sections of Subpart I of this part and measured and calculated in accordance with the procedures set forth in that subpart.

§ 87.42 Standards for exhaust emissions (in-use aircraft piston engines).

Exhaust emissions from each in-use aircraft piston engine manufactured on or after January 1, 1979, shall not exceed the level applicable to such engine when it was new.

Subpart F—Exhaust Emissions (New and In-Use Aircraft)

§ 87.50 Applicability.

The provisions of this subpart are applicable to all aircraft beginning on the date specified.

§ 87.51 Standards for exhaust emissions (new aircraft).

(a) Exhaust emissions resulting from the generation of onboard power from each new aircraft manufactured on or after January 1, 1979, shall not exceed:

(i) Hydrocarbons	0.4 pound/1,000 hp.-hr. of power output
(ii) Carbon monoxide	5 pounds/1,000 hp.-hr. of power output
(iii) Oxides of nitrogen	3 pounds/1,000 hp.-hr. of power output.

(b) The standards set forth in paragraph (a) of this section refer to exhaust emissions from new aircraft exclusive of the exhaust, crankcase, and fuel venting emissions from the propulsion engines mounted on such aircraft.

(c) In determining conformity of aircraft with the standards set forth in paragraph (a) of this section, all auxiliary power units shall be operated under the conditions set forth in the applicable sections of Subpart G of this part and emissions measured and calculated in accordance with those procedures.

§ 87.52 Standards for exhaust emissions (in-use aircraft).

Exhaust emissions from each in-use aircraft manufactured on or after January 1, 1979, resulting from generation of onboard power shall not exceed the level of the emission standards applicable to such aircraft when it was new.

Subpart G—Test Procedures for Engine Exhaust Gaseous Emissions (Aircraft and Aircraft Gas Turbine Engines)

§ 87.60 Introduction.

Except as provided under § 87.5, the procedures described in this subpart shall be the test program to determine the conformity of new and in-use aircraft gas turbine engines with the applicable standards set forth in this part. The procedures shall also be used to determine emissions from auxiliary power units in determining conformity of new and in-use aircraft with the applicable standards set forth in this part.

(a) The test consists of operating the engine at prescribed power settings on an engine dynamometer (for engines producing primarily shaft horsepower) or thrust measuring test stand (for engines producing primarily thrust). The exhaust gases generated during engine operation are sampled continuously for specific component analysis through the analytical train.

(b) The exhaust emission test is designed to measure hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen concentrations and determine mass emissions and engine work output through calculations during a simulated aircraft landing-takeoff cycle (LTO). The LTO cycle is based on time in mode data during high activity periods at major airports. The test for propulsion engines consists of at least the following five modes of engine operation: Taxi/idle (out), takeoff, climbout, approach, and taxi/idle (in). The mass emission and work output for the modes are combined to yield the reported values. The test for auxiliary power units consists of one mode: Full load.

(c) When an engine is tested for exhaust emissions on an engine dynamometer or test stand, the complete engine shall be used with all accessories which might reasonably be expected to influence emissions to the atmosphere installed and functioning but excluding auxiliary gearbox-mounted components required to drive aircraft systems and service air bleed.

§ 87.61 Turbine fuel specifications.

For exhaust emission testing, fuel meeting the specifications, ASTM D1655-latest version-Jet A, shall be used. Nonmetallic additives as specified in ASTM D1655-latest version-Jet A, may be present. Additives used for the purpose of smoke suppression (such as organometallic compounds) shall not be present.

§ 87.62 Test procedure (propulsion engines).

(a)(1) The engine shall be tested in each of the following five engine operating modes which simulate aircraft operation to determine its mass emission rates and work output.

Actual power setting, that when corrected to standard day conditions, corresponds to the following percentage of rated power.

Mode	Class T1 or P2	Class T2, T3, or T4
Taxi/idle (out)	See subparagraph (2) of this paragraph.	
Takeoff	100	100
Climbout	90	85
Approach	30	30
Taxi/idle (in)	See subparagraph (2) of this paragraph.	

(2) The taxi/idle operating modes shall be carried out at a power setting in accordance with applicable Federal Aviation Administration regulations, at the manufacturer's recommended power setting for idle.

(b) Emission testing shall be conducted on warmed-up engines which have achieved a steady operating temperature.

§ 87.63 Test procedure (auxiliary power units)

(a) In determining compliance with the aircraft emission standards under Subpart F of this part, each auxiliary power unit shall be tested at its maximum load condition as indicated by its power output, exhaust gas temperature, or turbine inlet temperature to determine its mass emission rate and work output. The work output shall be determined as a combination of shaft energy output and actual bleed air energy content. The bleed air equivalent horsepower for APU's shall be determined as follows:

Work Output = 0.341W ($T_{bleed} - T_{in}$), where W = bleed airflow in lbs/sec, T_{bleed} = measured bleed air temperature in °F, and T = compressor inlet temperature in °F.

(b) Emission testing shall be conducted on warmed-up auxiliary power units which have achieved a steady operating temperature.

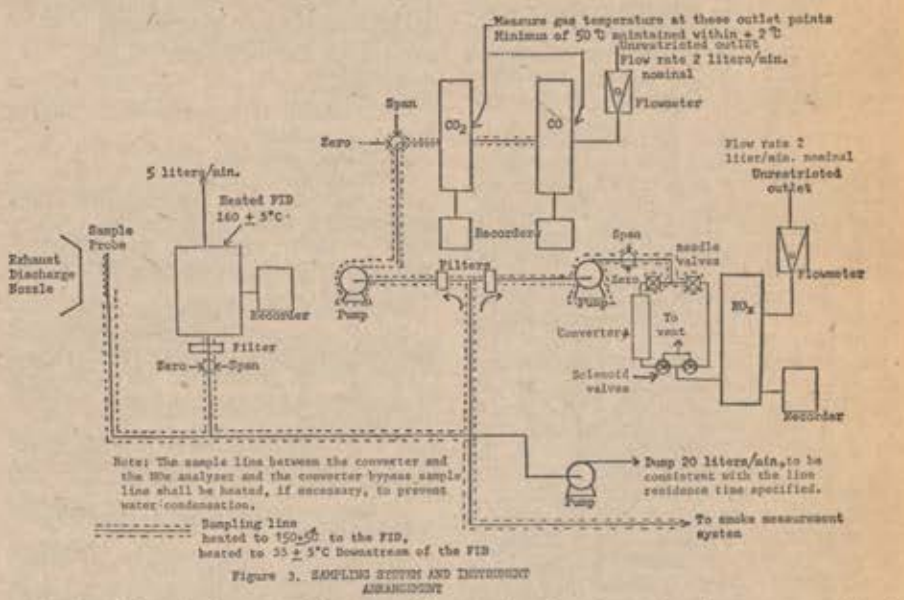


Figure 3. SAMPLING SYSTEM AND INSTRUMENT ARRANGEMENT

(c) In determining compliance with the aircraft emission standards under Subpart F of this part, auxiliary power units shall be tested prior to installation in aircraft.

§ 87.64 Sampling and analytical system for measuring exhaust emissions.

(a) *Schematic drawing.* Figure 3 is a schematic drawing of the exhaust gas sampling and analytical system which shall be used for testing under the regulations in this subpart. Additional components such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems. Parallel installation of CO and CO_2 instruments are an acceptable alternate configuration of Figure 3.

(b) *Water removal devices.* No desiccants, dryers, water traps, or related equipment may be used to treat the exhaust sample flowing to the oxides of nitrogen measurement instrumentation. NO_x instrument configuration must be such that condensation is avoided through the instrument. The extent of water vapor and carbon dioxide interference on the carbon monoxide analyzer shall be determined by passing a range of known concentrations of carbon dioxide and water vapor through the instrument and observing the response. If the effect is greater than 2 percent of measured CO levels, all subsequent measurements shall be corrected for these interferences.

(c) *Component description (exhaust gas sampling system).* The following components shall be used in the exhaust

gas sampling system for testing under the regulations in this subpart.

(1) *Sampling probe.* (i) Probe design concept: The probe shall be made of stainless steel. If a mixing probe is used, all sampling holes shall be of equal diameter. Total probe orifice area shall be such that the principal pressure drop (at least 80 percent) through the probe assembly shall be taken at the orifice (or orifices).

(ii) Probe orientation and sampling location:

(*a*) A minimum of 12 sampling points shall be used. Either mixing or individual probes are acceptable.

(*b*) A minimum of three different radial positions shall be used in each of four sampling quadrants.

(*c*) If the minimum of 12 sampling points are used, the points in circumferentially adjacent sampling areas shall be separated in any direction by a distance less than 0.1 tailpipe radius or 0.1 annular height, as applicable. If the number of sampling points (n) is greater than 12, they shall be equal in number in each quadrant or sector and the minimum separations specified above shall be reduced by a factor = 12/n.

(*d*) The axial sampling plane shall be as close to the plane of the exit nozzle as engine performance parameters permit but in any case, shall be within one exit nozzle diameter of the exit plane.

(*e*) In all cases, the probe shall be designed to obtain a representative sample over the area of the entire exhaust nozzle, on both mixed fan engines and nonmixed fan engines as well as turbojets, turboprops and auxiliary power engines.

(*f*) The multipoint probe shall be designed to minimize the errors due to pollutant stratification, whether the stratification is due to combustor design, mixing or lack of mixing, or engine design such as mixing of fan and core air.

(2) *Sample transfer.* The sample shall be transferred from the probe to the analytical instruments through a heated sample line of either stainless steel or Teflon of 0.18- to 0.32-in. I.D. The sample lines shall be maintained at a temperature of 150°±5° C. Sample flow rate from the engine to the instruments is 2 sec. or less. The sample line length from the probe exit to the instruments shall be of minimum length, but in no case greater than 80 feet.

(d) *Component description (exhaust gas analytical system).* The following components shall be used in the exhaust gas analytical system for testing under the regulations in this subpart. The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared analysis and the determination of oxides of nitrogen concentrations by chemiluminescence analysis of exhaust samples. The chemiluminescence method of analysis requires that the nitgrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See Appendix A of this part.

§ 87.65 Information to be recorded.

The following information, as applicable, shall be recorded with respect to each test.

(a) *General.* (1) Facility performing test.

(2) Description of test equipment including the probe and sampling and analytical train.

(3) Instrument operator.

(4) Test stand operator.

(5) Fuel identification, including H/C ratio and additives, if any.

(b) *Aircraft (in which engine will be installed) description.* (1) Manufacturer.

(2) Model number.

(3) Serial number (if known).

(4) User.

(5) Engine installation position.

(c) *Engine description.* (1) Manufacturer.

(2) Model number.

(3) Serial number.

(4) Time since overhaul and other pertinent maintenance information.

(d) *Test data.* (1) Test number.

(2) Date.

(3) Time.

(4) Ambient temperature and engine inlet temperature.

(5) Barometric pressure.

(6) Relative humidity.

(7) Sample line temperature. Line temperature shall be taken at a minimum of three locations, two of which shall be the probe outlet and instrumentation inlet.

(8) Sample line residence time.

(9) All pertinent instrument information such as tuning, gain, full scale range.

(10) Recorder charts: Identify zero, span, exhaust gas sample traces, and operating mode.

(11) Date of most recent analytical assembly calibration and identification number, if any.

(e) *Operating mode data.* (1) Nominal power setting.

(2) Actual power setting (pounds, thrust, horsepower, etc.).

(3) N_1 speed, revolutions per minute.

(4) N_2 speed and N_3, if applicable, revolutions per minute.

(5) Measured fuel flow, pounds/hour.

(6) Air flow, pounds/second and method of determination.

(7) Bleed air flow, pounds/second and pressure (APU's only).

(8) PT_7.

(9) EPR.

(10) TT_7.

(11) Pollutant concentration, from recorders, in percent or parts per million by volume, and parts per million carbon for hydrocarbons.

§ 87.66 Calibration and instrument checks.

(a) Calibrate the analytical assembly at least once every 30 days. Use the same flow rate as when analyzing samples.

(1) Adjust analyzers to optimize performance.

(2) Zero the hydrocarbon analyzer with zero grade air and the carbon monoxide, carbon dioxide, and oxides of nitrogen analyzers with zero grade nitrogen. The allowable zero gas impurity concentrations should not exceed 0.1 p.p.m. equivalent carbon response, 1 p.p.m. carbon monoxide, 350 p.p.m. carbon dioxide, and 0.1 p.p.m. nitric oxide.

(3) Set the CO and CO_2 analyzer gains to give the desired range. Select desired attenuation scale of the HC analyzer and adjust the electronic gain control to give the desired full scale range. Select the desired scale of the NO_x analyzer and adjust the phototube high voltage supply or amplifier gain to give the desired range.

(4) Calibrate the HC analyzer with propane (air diluent) gases having nominal concentrations equal to 50 and 95 percent of full scale of each range used. Calibrate the CO analyzer with carbon monoxide (nitrogen diluent) gases and the CO_2 analyzer with carbon dioxide (nitrogen diluent) gases having nominal concentrations equal to 30, 60, and 90 percent of full scale of each range used. Calibrate the NO_x analyzer with nitric oxide (nitrogen diluent) gases having nominal concentrations equal to 50 and 95 percent of full scale of each range used. The actual concentrations should be known to within ±2 percent of the true values.

(5) Compare values obtained on the the CO and CO_2 analyzers with previous calibration curves. Any significant change reflects some problem in the system. Locate and correct problem, and recalibrate. Use best judgment in selecting curves for data reduction. Log gain reading.

(6) Check the NO_x to NO converter efficiency by the following procedure. Use the apparatus described and illustrated in Figure 4.

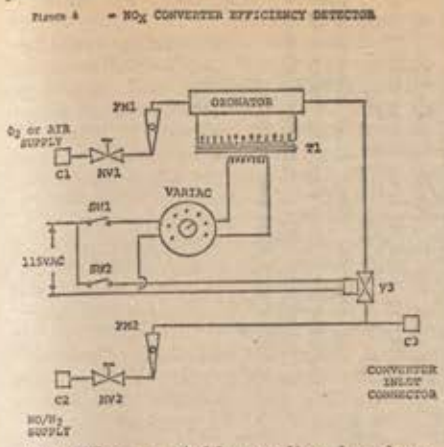
(i) Attach the NO/N_2 supply (150–250 p.p.m.) at C_3, the O_2 supply at C_1 and the analyzer inlet connection to the efficiency detector at C_2. If lower concentrations of NO are used, air may be used in place of O_2 to facilitate better control of the NO_2 generated during step (iv).

(ii) With the efficiency detector variac off, place the NO_x converter in bypass mode and close valve V3. Open valve MV2 until sufficient flow and stable readings are obtained at the analyzer. Zero and span the analyzer output to indicate the value of the NO concentration being used. Record this concentration.

(iii) Open valve V3 (on/off flow control solenoid valve for O_2) and adjust valve MV1 (O_2 supply metering valve) to blend enough O_2 to lower the NO concentration (ii) about 10%. Record this concentration.

(iv) Turn on the ozonator and increase its supply voltage until the NO concentration of (iii) is reduced to about 20% of (ii). NO_2 is now being formed from the $NO+O_3$ reaction. There must always

be at least 10% unreacted NO at this point. Record this concentration.



(v) When a stable reading has been obtained from (iv), place the NOx converter in the convert mode. The analyzer will now indicate the total NOx concentration. Record this concentration.

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The mixture NO+02 is still passing through the converter. This reading is the total NOx concentration of the dilute NO span gas used at step (iii). Record this concentration.

(vii) Close valve V3. The NO concentration should be equal to or greater than the reading of (ii) indicating whether the NO contains any NO_2.

Calculate the efficiency of the NOx converter by substituting the concentrations obtained during the test into the following equation.

$$\% \text{ Eff.} = \frac{(v)-(iv)}{(vi)-(iv)} \times 100\%$$

The efficiency of the conventer should be greater than 90 percent. Adjusting the converter temperature may be needed to maximize the efficiency. Efficiency checks should be made on each analyzer range using an NO span gas concentration appropriate to the instrument range.

(viii) If the converter efficiency is not greater than 90 percent, the cause of the inefficiency shall be determined and corrected before the instrument is used.

(ix) The converter efficiency shall be checked at least once weekly and preferably once daily.

(b) Verifications and instrument checks shall be performed in accordance with § 87.67 on in-use systems. Verification and instrument checks shall be performed before and after each test, but not less than once per hour.

(c) For the purposes of this section, the term "zero grade air" includes artificial "air" consisting of a blend of nitrogen and oxygen with oxygen concentrations between 18- and 21-mole percent.

§ 87.67 Sampling procedures.

(a) *HC, CO, CO_2, and NOx measurements.* Allow a minimum of 2 hours warmup for the CO, CO_2, HC, and NOx analyzers. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motors of the infrared analyzers are turned off and the phototube high voltage supply of the chemiluminescence analyzer is placed in the standby position.) The following sequence of operations shall be performed in conjunction with each series of measurements:

(1) Check the sampling system for any leaks that could dilute the exhaust gas and replace or clean sample line filters.

(2) Introduce the zero grade gas at the same flow rates used to analyze the test samples and zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(3) Introduce span gases and set the CO and CO_2 analyzer gains, the HC analyzer sample capillary flow rate and electronic gain control, if provided, and the NOx analyzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of each range used. If gain has shifted significantly on the CO or CO_2 analyzers, check tuning. If necessary, check calibration. Respan at least at end of test but not less than once per hour. Show actual concentrations on chart. Log gain readings.

(4) Check zeros; repeat the procedure in subparagraphs (1) and (2) of this paragraph, if required.

(5) Check sample line temperature and sample residence time. To check sample residence time:

(i) Introduce HC span gas into sampling system at sample inlet and simultaneously start timer.

(ii) When HC instrument indication is 15 percent of span concentration, stop timer.

(iii) If elapsed time is more than 2.0 seconds, make necessary adjustments.

(iv) Repeat (i) through (iii) with CO, CO_2, and NO instruments and span gases.

(6) Check instrument flow rates and pressures.

(7) The engine shall be operated in each operating mode until emission levels have stabilized as indicated by a constant instrument reading or recorder output. This stabilized reading shall be recorded and used in calculating mass emission rates as called for in Section 87.70.

(8) Measure, HC, CO, CO_2, and NOx concentrations of the exhaust sample at the various modes called for in §§ 87.62 or 87.63, as appropriate.

(9) If individual probes are used, the number to be reported (for each component) shall be the arithmetic average of the values obtained at each sampling point. If mixing probes are used, the number to be reported shall be the average of the values of the several probes, giving each probe a weighting factor equal to the number of sample points in that particular probe.

(10) Recheck zero and span points at the end of the test and also at approximately one hour intervals during the test. If either has changed by ±2 percent of full scale, the test shall be rerun after instrument maintenance: *Provided*, That if it is impractical to repeat the test, a correction based on an interpolation which is linear with time is acceptable for corrections within ±4 percent.

(b) *Sample system contamination.* (1) Care shall be taken to avoid loading of the sampling system with raw fuel discharge during engine starting.

(2) When the sample probe is in the exhaust stream and sampling is not in process, a back purge with air or an inert gas may be necessary to protect the probe and sample line from particulate buildup which could affect smoke and hydrocarbon readings. Check sample line for contamination each time the instrument zero and span points are checked. Use the following procedure to check the sample line:

(i) Immediately after instrument zero and span measurements and necessary adjustments are complete, introduce hydrocarbon zero gas near the sample probe. If the instrument zero reading increases by more than 5 percent of the scale in use, the sample line shall be purged or cleaned as required, to bring the zero within limits.

(ii) When the requirements of (i) have been met, introduce hydrocarbon span gas into the inlet of the sampling system. If the instrument span reading is different by more than ±5 percent from the correct setting for the scale in use, the sample line shall be purged or cleaned, as required, to bring the span within limits.

§ 87.68 Test run.

A test run shall consist of operating the engine in accordance with §§ 87.62 or 87.63, as applicable. During the test run, the engine shall not be operate at a power setting above normal idle power before beginning the test sequence of § 87.62. The engine shall be operated in the sequence called for under these sections, unless an alternate procedure is agreed to in writing by the Administrator before such testing is conducted. If repeat runs at full takeoff power are necessary, they may be conducted after the last idle run in the test sequence.

§ 87.69 Chart reading.

Determine the HC, CO, CO_2, and NOx concentrations of the exhaust sample during the various modes from the instrument deflections or recordings, making use of appropriate calibration charts.

§ 87.70 Calculations.

(a) The final reported test results shall be computed by use of the following formulas:

(1) Hydrocarbon:

$$\textit{HC} \text{ pounds/1,000 pound-thrust-hrs. or 1,000 hp.-hr., as appropriate/cycle} = \frac{\text{Sum of the HC mass/mode of ea. mode}}{\text{Sum of the work output of ea. mode}}$$

(2) Carbon monoxide:

$$\text{CO pounds/1,000 pound-thrust hrs. or 1,000 hp.-hr., as appropriate/cycle} = \frac{\text{Sum of the CO mass/mode of ea. mode}}{\text{Sum of the work output of ea. mode}}$$

(3) Oxides of nitrogen:

$$\text{NO}_x \text{ pounds/1,000 pound-thrust hrs. or 1,000 hp.-hr., as appropriate/cycle} = \frac{\text{Sum of the NO}_x \text{ mass/mode of ea. mode}}{\text{Sum of the work output of ea. mode}}$$

(b) The pollutant mass and work output per mode shall be computed by use of the following formulas:

(1) HC mass/mode = HC emission rate x TIM.
(2) CO mass/mode = CO emission rate x TIM.
(3) NO_x mass/mode = NO_x emission rate x TIM.
(4) Work output of each mode = power (in 1000 pounds thrust of 1000 horsepower) x TIM.

(c) The emission rates for each mode shall be computed by use of the following formulas:

$$\text{(1) HC emission rate} = \frac{M_{HC}\frac{(HC)}{10^6}F}{(M_C + {}_aM_H)\left(\frac{(CO)}{10^6} + (CO_2) + \frac{(HC)}{10^6}\right)}$$

$$\text{(2) CO emission rate} = \frac{M_{CO}\frac{(CO)}{10^6}F}{(M_C + {}_aM_H)\left(\frac{(CO)}{10^6} + (CO_2) + \frac{(HC)}{10^6}\right)}$$

$$\text{(3) } NO_x \text{ emission rate} = \frac{M_{NO_2}\frac{(NO_x)}{10^6}F}{(M_C + {}_aM_H)\left(\frac{(CO)}{10^6} + (CO_2) + \frac{(HC)}{10^6}\right)}$$

(d) The times in mode (TIM) shall be as specified below:

Time in mod (minutes)	Class T1 or P2	Class T2, T3 or T4
(1) Taxi/idle (out)	19	19
(2) Takeoff	0.5	0.7
(3) Climbout	2.5	2.2
(4) Approach	4.5	4.0
(5) Taxi/idle (in)	7.0	7.0

(e) Meaning of symbols:

(1) (i) HC mass/mode = Total mass of hydrocarbon emissions in pounds emitted during an operational mode as specified in Section 87.62 and paragraph (d) of this section.

(ii) CO mass/mode = Total mass carbon monoxide emissions in pounds emitted during an operational mode as specified in Section 87.62 and paragraph (d) of this paragraph.

(iii) NOx mass/mode = Total mass of oxides of nitrogen emissions in pounds emitted during an operational mode as specified in Section 87.62 and paragraph (d) of this section.

(2) (i) HC emission rate = Pounds/hour of exhaust hydrocarbons emitted in an operational mode.

(ii) CO emission rate = Pounds/hour of exhaust carbon monoxide emitted in an operational mode.

(iii) NOx emission rate = Pounds/hour of exhaust oxides of nitrogen emitted in an operational mode.

(3)
(i) M_{HC} = Molecular weight of methane, $M_{HC} = 16.04$.
(ii) M_{CO} = Molecular weight of carbon monoxide.
(iii) M_{NO_2} = Molecular weight of nitrogen dioxide.
(iv) M_C = Atomic weight of carbon.
(v) M_H = Atomic weight of hydrogen, $M_H = 1.008$.
(vi) a = Atomic hydrogen-carbon ratio of fuel.

(4) For each operating mode:

(i) (HC) = Concentration of hydrocarbons in the exhaust sample in parts per million carbon equivalent, i.e., equivalent propane x 3.
(ii) (CO) = Concentration of carbon monoxide in the exhaust sample in parts per million by volume.
(iii) (CO_2) = Concentration of CO in the exhaust sample in volume percent.
(iv) (NO_x) = Concentration of oxides of nitrogen in the exhaust sample in parts per million by volume, NO + NO_2.
(v) F = Mass rate of fuel flow in pounds per hour.

(5) TIM = Time in mode as specified in paragraph (d) of this section, divided by 60 to yield time in mode in hours.

§ 87.71 Compliance with emission standards.

Compliance with each emission standard by any aircraft or aircraft engine shall be determined by comparing the pollutant level in pounds/1,000 pound-thrust hours/cycle or pounds/1,000 hp.-hr./cycle as calculated in § 87.70(a) with the applicable emission standard under this part. The pollutant level for the cycle shall not exceed the standard.

Subpart H—Test Procedures for Engine Smoke Emission (Aircraft Gas Turbine Engines)

§ 87.80 Introduction.

Except as provided under § 87.5, the procedures described in this subpart shall be the test program to determine the conformity of new and in-use gas turbine engines with the applicable standards set forth in this part. The test is essentially the same as that described in §§ 87.60–87.62, except that the test is designed to determine the smoke emission level at various operating points representative of engine usage in aircraft. Other smoke measurement systems may be used if shown to yield equivalent results and if approved in advance by the Administrator.

§ 87.81 Fuel specifications.

Fuel having specifications as provided in Section 87.61 shall be used in smoke emission testing.

§ 87.82 Sampling and analytical system for measuring smoke exhaust emissions.

(a) *Schematic drawing.* Figure 5 is a schematic drawing of the exhaust smoke sampling and analytical system which shall be used in testing under the regulation in this subpart.

(b) *Component description.* The following components shall be used in the sampling and analytical system for testing under the regulations in this subpart.

(1) *Sample size measurement.* A wet or dry positive displacement meter shall be used to measure sample size to an accuracy of ±0.01 standard cubic foot. Pressure and temperature shall be measured immediately upstream of the meter. Accuracy shall be no less than ±0.10 in. Hg and ±4° F., respectively. If a dry type meter is used, it may be located between the filter holder and the vacuum pump.

(2) *Sample flow rate measurement.* Sample flow rate shall be measured with a rotameter with accuracy of no less than ±0.02 cubic foot per minute.

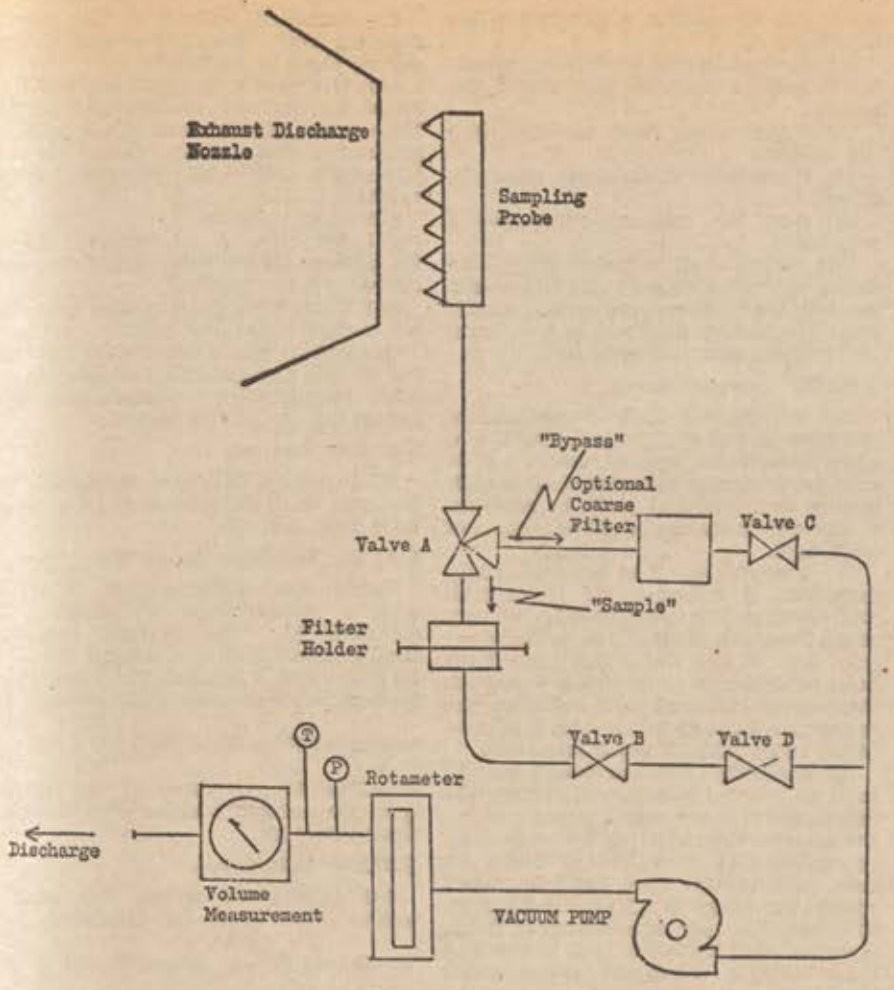


Figure 5 - SAMPLING SYSTEM SCHEMATIC DIAGRAM

(3) *Filter holder.* The filter holder shall firmly clamp the filter material so that overall system leakage does not exceed that provided in § 87.84(c). The holder internal geometry shall be such that the variation of SN over the sample spot surface is not greater than two. Required elements of the filter holder design are given in Figure 6. The filter holder shall be made of corrosion resistant material.

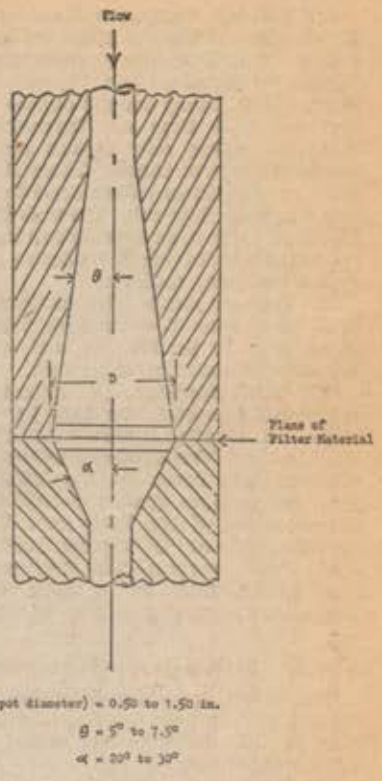


Figure 6 - FILTER HOLDER SCHEMATIC DIAGRAM

(4) *Sampling probe.* The sample probe and procedure shall be the same as used to show compliance with § 87.64(c).

(5) *Sampling lines.* The sampling lines shall be straight through with no kinks or loops, and no bends having a radius of less than 10 line diameters. Sampling line inside diameter shall be within 0.18 to 0.32 inch. The sampling line section from the probe exit to valve A entrance shall be of minimum length, not greater than 75 feet, with a minimum of fittings or other breaks. Line material shall be such as to not encourage build-up of either particulate matter or static electric charge, such as stainless steel or copper.

(6) *Valving.* Four valve elements shall be provided. Valve A shall be a quick acting, full-flow, flow diverter with "closed," "sample," and "bypass" positions. Valve A may consist of two valves, provided that they are interlocked so that one of the pair cannot act independently of the other. Valves B and C shall be throttling valves used to establish a system flow rate. Valve D shall be a shutoff valve used in isolating the filter holder. All valves shall be made of corrosion resistant material.

(7) *Vacuum pump.* The vacuum pump shall have a no-flow vacuum capability of at least 22 in. Hg. V., and full-flow capacity of 1 s.c.f.m. minimum.

(8) *Reflectometer.* A reflectometer conforming to ASA standard for diffuse reflection density, number Ph2.17–1958, shall be used. The diameter of the reflectometer light beam on the filter paper shall be no more than one-half of "D," the diameter of the filter spot. The allowable range of "D" is given in Figure 6.

(9) *Filter material.* The filter material shall be Whatman No. 4 filter paper or equivalent approved by the Administrator.

§ 87.83 Information to be recorded.

The following information shall be recorded with respect to each test in addition to that information called for in § 87.65 (a) through (c).

(a) Sample temperature.

(b) Sample pressure.

(c) Actual sample volume at sampling conditions.

(d) Actual sample flow rate at sampling conditions.

(e) Leak and cleanliness checks substantiation as required by § 87.84 (b) and (c).

§ 87.84 Calibration and instrument checks.

(a) *Reflectometer calibration.* The reflectometer required by § 87.82(b)(8) shall be calibrated in accordance with manufacturer's specifications.

(b) *System maintenance.* The need for cleaning or replacement shall be determined by conducting the following cleanliness check:

(1) Full open valves B, C, and D.

(2) Use the vacuum pump and alternately set valve A to "bypass" and "sample" to purge the entire system with clean air for at least 5 minutes.

(3) Set valve A to "bypass."

(4) Close valve D and clamp clean filter material into the holder. Open valve D.

(5) Set valve A to "sample," reset back to "bypass" after 1 standard cubic foot of air per square inch of filter area has passed through the filter material.

If the filter spot exhibits SN greater than 3, the system lines must be cleaned or replaced. The system shall not be used until this cleanliness requirement has been met.

(c) *Leak check.* The following procedure shall be used to leak check the system.

(1) Clamp clean filter material into the holder.

(2) Close valve A, full open valves B, C, and D.

(3) Run the vacuum pump for 5 minutes.

The system shall be satisfactory if no more than 0.20 standard cubic foot passed through the volume meter during 5 minutes. The system shall not be used until this requirement has been met.

§ 87.85 Test procedures.

(a) The engine shall be operated as provided in § 87.62. The leak check and cleanliness check requirements of § 87.84 shall be confirmed before and after each engine test. The test shall be repeated if the requirements of § 87.84 are not confirmed.

(b) Precautions: The material being measured is composed of low-micron and/or submicron size agglomerated particles. Precautions should be taken to assure that steady state conditions have been achieved prior to taking a sample. To prevent material accumulation, the system shall not be left in a no-flow condition when exhaust gas is contained.

(c) Sampling: Not less than 1 minute shall be allowed to assure that the system is fully charged with a representative gas sample. The sampling flow rate shall be maintained at 0.50±0.02 c.f.m. At least four sample sizes shall be taken within the range of 0.00765 to 0.115 lb. of exhaust gas per square inch of filter. Samples shall be taken both above and below 0.0230 lb. of exhaust gas per square inch of filter.

(d) Temperature control: The gas temperature from the sampling probe entrance to the filter material shall be above the dew point temperature. All lines and valves shall be lagged and/or heated as necessary to meet this requirement.

(e) Preparation for each power setting: The following shall be done to prepare the system at each power setting:

(1) Set valve A to "bypass," close valve D.

(2) Draw exhaust gas for 5 minutes minimum, then use valve C to set flow rate at 0.50±0.02 c.f.m.

(3) Clamp clean filter material into the holder.

(4) Open valve D.

(5) Set valve A to "sample" and use valve B to again set the flow rate to 0.50±0.02 c.f.m. This shall be done quickly before particulate buildup on the filter causes excessive pressure drop.

(6) Set valve A to "bypass" and close valve D.

(7) Clamp clean filter material into the holder.

(f) Sampling procedure: The procedure for smoke sampling at each power setting shall be as follows:

(1) With valve D closed and valve A set at the "bypass" position, charge the lines with exhaust gas for 1 minute minimum. Reestablish flow rate at 0.50±0.02 c.f.m. as required, using valve C.

(2) Open valve D.

(3) Set valve A to "sample," allow the chosen sample volume to pass, then set valve A to "bypass."

(4) Close valve D and clamp clean filter material into the holder.

(5) Repeat subparagraphs (2) through (4) of this paragraph for at least three more sample sizes in accordance with paragraph (c) of this section.

§ 87.86 Test run.

With respect to engine operation, the test run shall be conducted in accordance with § 87.68.

§ 87.87 Determination of SN.

Smoke spot analysis shall be made with a reflectometer as specified in § 87.82(b)(8). The backing material shall be black with a maximum absolute reflectance of 3 percent. The reflectance reading of each spot shall be used to calculate SN by: $SN=100\left(1-\frac{Rs}{Rw}\right)$, where Rs=absolute reflectance of the sample spot. Rw=absolute reflectance of clean filter material.

§ 87.88 Calculations.

(a) *Calculation of W.* The sample weight (W) shall be calculated by: $W\ (lb.)=1.326\frac{PV}{T}$, where P and T are sample pressure and temperature in units of inches of mercury absolute and degrees Rankine, respectively, measured immediately upstream of the volume meter. V is measured sample volume in cubic feet.

(b) *Calculation of W/A.* The sample weight in pounds per square inch of filter spot area (W/A) shall be calculated for each sample size taken.

(c) *Plotting SN versus W/A.* All SN shall be plotted versus W/A on semilog coordinates, with W/A as the logarithmic abscissa. A straight line shall be fitted to these points using the method of least squares. Such a line shall be produced for each power setting specified.

(d) *Plotting reporting values of SN versus power setting.* Values of SN shall be read from the straight line functions of paragraph (c) of this section for W/A=0.0230 lb/sq. in. These SN are the values to be reported and shall be presented by plotting them as ordinate versus power setting as abscissa on rectangular coordinates.

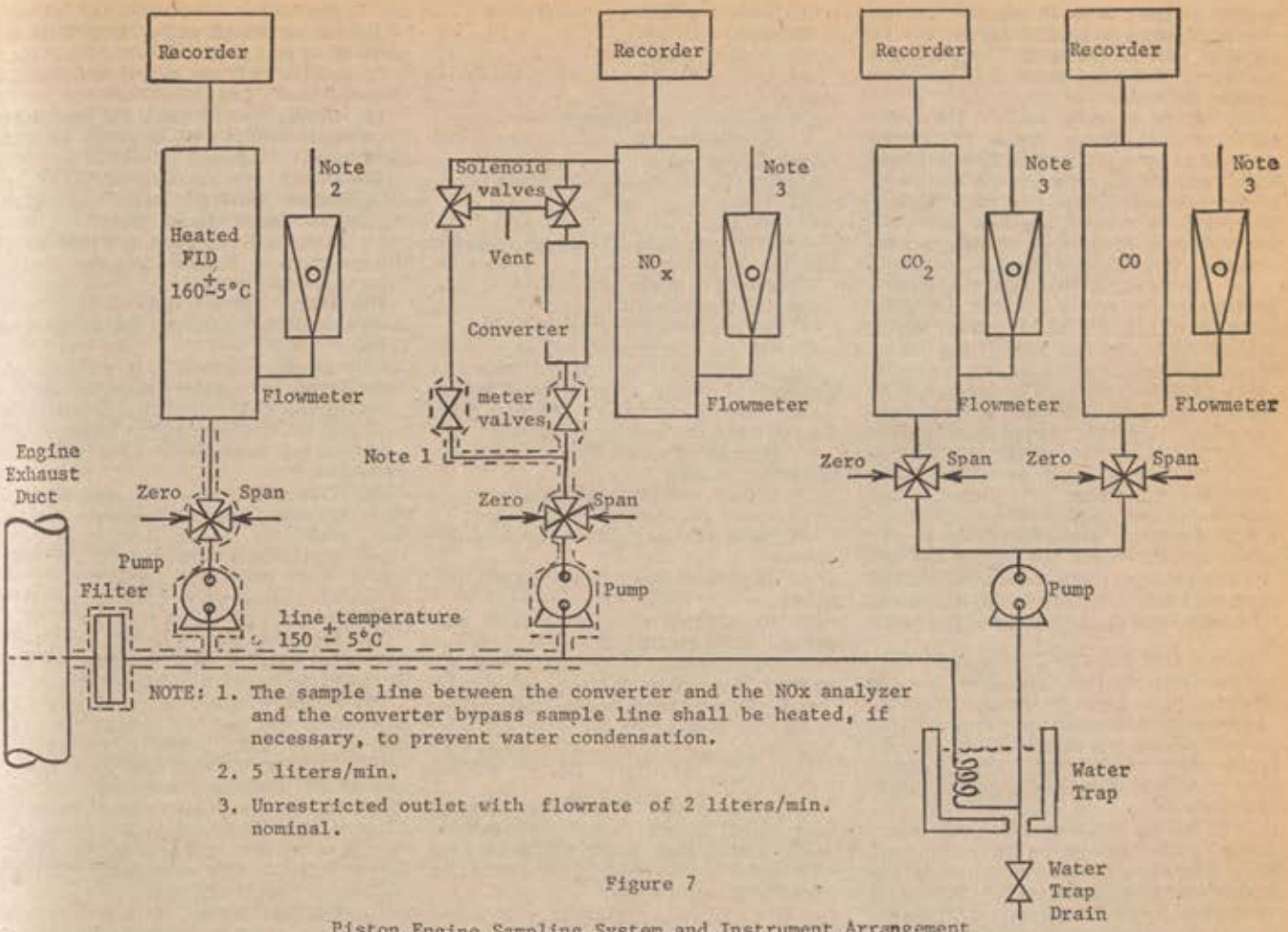


Figure 7

Piston Engine Sampling System and Instrument Arrangement

§ 87.89 Compliance with emission standards.

Compliance with each emission standard shall be determined by comparing the plot of SN versus power setting from § 87.88 with the applicable emission standard under this part. The SN at every power setting shall not exceed the standard.

Subpart I—Test Procedures for Engine Exhaust Gaseous Emissions (Aircraft Piston Engines)

§ 87.90 Introduction.

Except as provided under § 87.5, the procedures described in this subpart shall be the test program to determine the conformity of new and in-use aircraft piston engines with the applicable standards set forth in this part.

(a) The test consists of operating the engine at prescribed power settings on an engine dynamometer or test stand. The exhaust gases generated during engine operation are sampled continuously for specific component analysis through the analytical train.

(b) The exhaust emission test is designed to measure hydrocarbon, carbon monoxide, and oxides of nitrogen concentrations and determine mass emissions through calculations during a simulated aircraft landing-takeoff cycle (LTO). The LTO cycle is based on time in mode data during high activity periods at major airports. The test consists of five modes of engine operation: Taxi/idle (out), takeoff, climbout, approach, and taxi/idle (in). The mass emissions for the modes and engine rated power are combined to yield the reported values.

(c) When an engine is tested for exhaust emissions on an engine dynamometer or test stand, the complete engine shall be used with all accessories, which might reasonably be expected to influence emissions to the atmosphere, installed and functioning.

§ 87.91 Gasoline fuel specifications.

For exhaust emission testing, fuel meeting the specifications of ASTM D910 latest version for grades 80/87 or 100/130 (as applicable) shall be used. The lead content and octane rating of the fuel shall be in the range recommended by the engine manufacturer.

§ 87.92 Test procedure.

(a)(1) The engine shall be tested in each of the following five engine operating modes which simulate aircraft operation to determine its mass emission rates:

Mode	*Power setting (percent of rated power)*
Taxi/idle (out)	See subparagraph (2) of this paragraph
Takeoff	100 percent
Climbout	See subparagraph (3) of this paragraph
Approach	40 percent
Taxi/idle (in)	See subparagraph (2) of this paragraph

(2) The taxi/idle operating modes shall be conducted in accordance with the manufacturer's recommended power setting.

(3) The climbout operating mode shall be conducted in accordance with the manufacturer's recommended power setting: *Provided*, That the power setting shall be between 75 and 100 percent of rated power.

(b) Emission testing shall be conducted on warmed-up engines which have achieved a steady operating temperature.

§ 87.93 Sampling and analytical system for measuring exhaust emissions.

(a) *Schematic drawing.* Figure 7 is a schematic drawing of the exhaust gas sampling and analytical system which shall be used for testing under the regulations in this subpart. Additional com-

ponents such as instruments, valves, solenoids, pumps, and switches may be used to provide additional information and coordinate the functions of the component systems.

(b) *Water removal devices.* No desiccants, dryers, water traps, or related equipment may be used to treat the exhaust sample flowing to the oxides of nitrogen measurement instrumentation. Temperature control shall be provided for NOx sample lines, hardware and instrument to prevent water condensation.

(c) *Component description (exhaust gas sampling system).* The following components shall be used in the exhaust gas sampling system for testing under the regulations in this subpart:

(1) *Sampling probe.* The probe will be made of stainless steel of at least one-fourth inch outside diameter extending across the diameter of the engine exhaust duct. The gas sample will be drawn through a minimum of 5 holes in the sample probe distributed uniformly across the inside diameter of the engine exhaust duct. Where the engine has two or more exhaust pipes, the pipes shall be combined into a common exhaust pipe of sufficient length to provide for good mixing.

(2) *Sample transfer.* The sample shall be transferred from the probe to the analytical instruments through a stainless steel or Teflon sample line. Sample flow rate from the engine to the instruments shall be such that the transport time from exhaust pipe to instruments is 2 seconds or less.

(d) *Component description (exvhaust gas analytical system).* The analytical system provides for the determination of hydrocarbon concentrations by flame ionization detector analysis, the determination of carbon monoxide and carbon dioxide concentrations by nondispersive infrared analysis and the determination of oxides of nitrogen concentrations by chemiluminescence analysis of exhaust samples. The chemiluminescence method of analysis requires that the nitrogen dioxide present in the sample be converted to nitric oxide before analysis. Other types of analyzers may be used if shown to yield equivalent results and if approved in advance by the Administrator. See appendix B of this part.

§ 87.94 Information to be recorded.

The following information, as applicable, shall be recorded with respect to each test:

(a) *General.* (1) Facility performing test.

(2) Description of test equipment including the probe and sampling and analytical train.

(3) Instrument operator.

(4) Test stand operator.

(5) Fuel identification including H/C ratio and additives, if any.

(b) *Aircraft (in which engine will be installed) description.* (1) Manufacturer.

(2) Model number.

(3) Serial number (if known).

(4) User.

(c) *Engine description.*—(1) Manufacturer.

(2) Model number.

(3) Serial number.

(4) Displacement.

(5) Type, manufacturer, and model of carburetion.

(6) Cylinder configuration.

(7) Turbocharger manufacturer and model, if applicable.

(d) *Test data.*—(1) Test number.

(2) Date.

(3) Time.

(4) Ambient temperature and engine inlet temperature.

(5) Barometric pressure.

(6) Relative humidity.

(7) Sample line temperature.

(8) Sample line residence time.

(9) All pertinent instrument information such as tuning, gain, full scale range.

(10) Recorder charts: Identify zero, span and exhaust gas sample traces.

(e) *Operating mode data.*—(1) Nominal power setting.

(2) Actual power setting, horsepower.

(3) Speed, revolutions per minute.

(4) Absolute manifold pressure, inches mercury.

(5) Measured fuel flow, pounds per minute.

(6) Air flow, pounds per minute and method of determination.

(7) Pollutant concentration, from recorders, in percent or parts per million by volume, and parts per million carbon for hydrocarbons.

§ 87.95 Calibration and instrument checks.

Calibration and instrument checks shall be performed in accordance with § 87.66 except that daily calibration and instrument checks shall be performed in accordance with § 87.96.

§ 87.96 Sampling procedures.

(a) *HC, CO, CO², and NOx measurements.* Allow a minimum of 2 hours warmup for the CO, CO_2, HC and NOx analyzers. (Power is normally left on infrared and chemiluminescence analyzers; but when not in use, the chopper motors of the infrared analyzers are turned off and the phototube high voltage supply of the chemiluminescence analyzer is placed in the standby position.) The following sequence of operations shall be performed in conjunction with each series of measurements:

(1) Check the sampling system for any leaks that could dilute the exhaust gas.

(2) Introduce the zero grade gas at the same flow rates used to analyze the test samples and zero the analyzers. Obtain a stable zero on each amplifier meter and recorder. Recheck after tests.

(3) Introduce span gases and set the CO and CO_2 analyzer gains, the HC analyzer sample capillary flow rate and electronic gain control, if provided, and the NO, anaylzer high voltage supply or amplifier gain to match the calibration curves. In order to avoid corrections, span and calibrate at the same flow rates used to analyze the test samples. Span gases should have concentrations equal to approximately 80 percent of each range used. If gain has shifted significantly on the CO or CO_2 analyzers, check tuning. If necessary, check calibration. Respan at least at end of test but not less than once per hour. Show actual concentrations on chart. Log gain readings.

(4) Check zeros; repeat the procedure in subparagraphs (1) and (2) of this paragraph if required.

(5) Check sample line temperature and sample residence time. To check sample residence time:

(i) Introduce HC span gas into sampling system at sample inlet and simultaneously start timer.

(ii) When HC instrument indication is 15 percent of span concentration, stop timer.

(iii) If elapsed time is more than 2.0 seconds, make necessary adjustments.

(iv) Repeat (i) through (iii) with CO, CO_2, and NO instruments and span gases.

(6) Check instrument flow rates and pressures.

(7) The engine shall be operated in each operating mode until emission levels have stabilized as indicated by a constant instrument reading or recorder ouput. This stabilized reading shall be recorded and used in calculating mass emission rates as called for in § 87.99.

(8) Measure HC, CO, CO_2, and NOx concentrations of the exhaust sample at the various modes called for in § 87.92.

(9) Recheck zero and span points at the end of the test and also at approximately one hour intervals during the test. If either has changed by ±2 percent of full scale, the test shall be rerun after instrument maintenance: *Provided,* That if it is impractical to repeat the test, a correction based on interpolation linear with time is acceptable for corrections within ±4 percent.

(b) *Carbon balance.* As a test of representative sample collection, a carbon balance shall be calculated from air and fuel flow data. This balance shall be within ±5 percent of that calculated from exhaust gas constituents or the test will be invalidated. Fuel flow data shall be derived by measurement during the test for which emissions are to be calculated. Air flow data preferably is from direct measurement but if such measurement is impractical, the data shall be taken from air consumption curves generated for the particular model of engine under test.

(c) *Sample system contamination.* (1) Care shall be taken to avoid loading of the sampling system with raw fuel discharge during engine starting.

(2) When the sample probe is in the exhaust stream and sampling is not in process, a back purge with air or an inert gas may be necessary to protect the probe and sample line from hydrocarbon buildup.

Check sample line for contamination each time the instrument zero and span points are checked. Use the following procedure to check the sample line:

(i) Immediately after instrument zero and span measurements and necessary adjustments are complete, introduce hydrocarbon zero gas near the sample probe. If the instrument zero reading increases by more than 5 percent of the

scale in use the sample line shall be purged or cleaned as required, to bring the zero within limits.

(ii) When the requirements of paragraph (c) (2) (i) of this section have been met, introduce hydrocarbon span gas near the sample probe. If the instrument span reading is different by more than ±5 percent from the correct setting for the scale in use, the sample line shall be purged or cleaned, as required to bring the span within limits.

§ 87.97 Test run.

A test run shall consist of operating the engine in accordance with § 81.92. The engine shall be operated in the sequence called for under that section without intervening operating points unless an alternate procedure is agreed to in writing by the Administrator before such testing is conducted.

§ 87.98 Chart reading.

Determine the HC CO, CO_2, and NOx concentrations of the exhaust sample during the various modes from the instrument deflections or recordings making use of appropriate calibration charts. CO and CO_2 measurements shall be converted to a wet basis by multiplying the recorded concentrations by a conversion factor calculated in accordance with good engineering practices for rich or lean mixtures as appropriate from actual air and fuel flow measurements or from air consumption curves generated for the particular model of engine under test.

§ 87.99 Calculations.

(a) The final reported test results shall be computed by use of the following formulas:

(1) Hydrocarbon:

$$\text{HC pounds/rated power/cycle} = \frac{\text{Sum of the HC mass/mode of ea. of the modes}}{\text{Engine rated power (horsepower)}}$$

(2) Carbon monoxide:

$$\text{CO pounds/rated power/cycle} = \frac{\text{Sum of the CO mass/mode of each of the modes}}{\text{Engine rated power (horsepower)}}$$

(3) Oxides of nitrogen:

$$\text{NO}_x \text{ pounds/rated power/cycle} = \frac{\text{Sum of the NO}_x \text{ mass/mode of ea. of the modes}}{\text{Engine rated power (horsepower)}}$$

(b) The pollutant mass per mode shall be computed by use of the following formulas:

(1) HC mass/mode=HC emission rate x TIM.

(2) CO mass/mode=CO emission rate x TIM.

(3) NOx mass/mode=NOx emission rate x TIM.

(c) The emission rates shall be computed by use of the following formulas:

$$\text{(1) HC emission rate} = \dot{v}\ \text{exhaust} \times \text{density HC} \times \frac{\text{HC conc}}{1{,}000{,}000}$$

$$\text{(2) CO emission rate} = \dot{v}\ \text{exhaust} \times \text{density CO} \times \frac{\text{CO conc}}{1{,}000{,}000}$$

$$\text{(3) NO}_x \text{ emission rate} = \dot{v}\ \text{exhaust} \times \text{density NO}_x \times \frac{\text{NO}_x \text{ conc}}{1{,}000{,}000}$$

(d) The time-in-mode (TIM) shall be as specified below (in minutes):

(1) Taxi/idle (out)	12.0
(2) Takeoff	0.3
(3) Climbout	5.0
(4) Approach	6.0
(5) Taxi/idle (in)	4.0

(e) Meaning of symbols:

(1) (i) HC mass/mode=Total mass of hydrocarbons emissions in pounds emitted during an operational mode as specified in § 87.92 and paragraph (d) of this section.

(ii) CO mass/mode=total mass of carbon monoxide emissions in pounds emitted during an operational mode as specified in § 87.92 and paragraph (d) of this section.

(iii) NOx mass/mode=total mass of oxides of nitrogen emissions in pounds emitted during an operational mode as specified in § 87.92 and paragraph (d) of this section.

(2) (i) HC emission rate=pounds/hour of exhaust hydrocarbons emitted in an operational mode.

(ii) CO emission rate=pounds/hour of exhaust hydrocarbons emitted in an operational mode.

(iii) NOx emission rate=pounds/hour of exhaust oxides of nitrogen emitted in an operational mode.

(3) V exhaust=Total engine exhaust volume flow rate in terms of cubic feet per hour at 68°F. and 760 mm. Hg pressure. V exhaust shall be calculated in accordance with good engineering practices from actual air and fuel flow measurements or from air consumption curves generated for the particular model of engine under test.

(4) (i) Density HC=Density of hydrocarbons in the exhaust gas, assuming an average carbon to hydrogen ratio of 1:1.85, in pounds per cubic foot at 68°F. and 760 mm. Hg pressure (0.0359 lb./cu. ft).

(ii) Density CO=Density of carbon monoxide in the exhaust gas in pounds per cubic foot at 68°F. and 760 mm. Hg pressure (0.0726 lb./cu. ft.).

(iii) Density NOx=Density of oxides of nitrogen in the exhaust gas, assuming they are in the form of nitrogen dioxide, in pounds per cubic foot at 68°F. and 760 mm. Hg pressure (0.119 lb./cu. ft.).

(5) (i) HC conc.=hydrocarbon concentration of the exhaust sample in pounds per minute carbon equivalent, i.e., equivalent propaneX3.

(ii) CO conc.=Carbon monoxide concentration of the exhaust sample in parts per million by volume.

(iii) NOx conc.=Oxides of nitrogen concentration of the exhaust sample in parts per million by volume.

(6) TIM=Time in mode as specified in paragraph (d) of this section divided by 60 to yield time in mode in hours.

§ 87.100 Compliance with emission standards.

Compliance with each emission standard shall be determined by comparing the pollutant level to pounds/rated power/cycle as calculated in accordance with § 87.99, with the applicable emission standard under this part. The pollutant level for the cycle shall not exceed the standard.

APPENDIX A—INSTRUMENTATION (AIRCRAFT GAS TURBINE ENGINE MEASUREMENTS)

(a) *NDIR instruments.* Nondispersive infrared (NDIR) analyzers shall be used for the continuous monitoring of carbon monoxide and carbon dioxide.

The NDIR instruments operate on the principle of differential energy absorption from parallel beams of infrared energy. The energy is transmitted to a differential detector through parallel cells, one containing a reference gas, and the other, sample gas. The detector, changed with the component to be measured, transduces the optical signal to an electrical signal. The electrical signal thus generated is amplified and continuously recorded. The NDIR analyzer used in accordance with Subpart H of this part shall meet the following specifications:

(*1*) *Response time (electrical).* 90 percent full scale response in 0.5 second or less. Zero drift—Less than ±1 percent of full scale in 2 hours on most sensitive range. Span drift—Less than ±1 percent of full scale in 2 hours on most sensitive range. Repeatability—±1 percent of full scale. Noise—Less than 1 percent of full scale on most sensitive range. Cell temperature—Minimum 50° C. maintained within ±2° C.

(*2*) *Range and accuracy.*

Range	*Accuracy excluding interferences*
Carbon monoxide:	
0 to 100 p.p.m.	±2 percent of full scale
0 to 500 p.p.m.	±1 percent of full scale
0 to 2500 p.p.m.	±1 percent of full scale
Carbon dioxide:	
0 to 2 percent	±1 percent of full scale
0 to 5 percent	±1 percent of full scale

(3) All NDIR instruments shall be equipped with cells of suitable length to measure exhaust concentrations within the ranges encountered to the indicated accuracy. Range changes shall be accomplished either by the use of stacked sample cells or changes in the electronic circuitry, or both.

(b) *Total hydrocarbon analyzer* (1) General design specifications. The measurement of total hydrocarbon is made by an analyzer using a flame ionization detector (FID). With this type detector an ionization current, proportional to the mass rate of hydrocarbon entering a hydrogen flame, is established between two electrodes; the small current is

measured by an electrometer amplifier and continuously recorded.

The analyzer shall be fitted with a constant-temperature oven housing the detector and sample-handling components. It shall maintain temperature within ±2°C. of the set point, which shall be within 155° to 165°C.

The detector and sample handling components shall be suitable for continuous operation at temperatures to 200°C.

(2) The FID analyzer used in accordance with Subpart G of this part shall meet the following specifications:

Response time (electrical)—90 percent of full scale in 0.5 seconds or less.

Noise—±1 percent of full scale on most sensitive range.

Repeatability—±1 percent of full scale.

Zero drift—Less than ±1 percent of full scale in 2 hours on all ranges.

Span drift—Less than ±1 percent of full scale in 2 hours.

Linearity—Response with propane in air shall be linear with ±2 percent over the range of 0 to 2,000 p.p.m.C.

Accuracy:

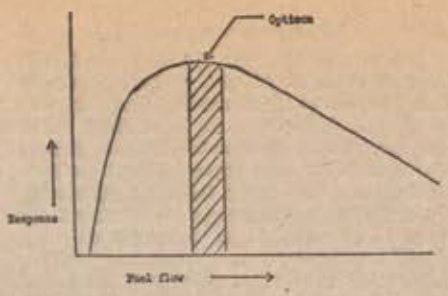
0 to 10 p.p.m.C..	±5 percent of full scale with propane calibration gas.
0 to 100 p.p.m.C..	±2 percent of full scale with propane calibration gas.
0 to 1,000 p.p.m.C	±1 percent of full scale with propane calibration gas.
0 to 2,000 p.p.m.C	±1 percent of full scale with propane calibration gas.

(3) Total hydrocarbon analyzer shall have an initial alignment as follows:

(i) *Optimization of detector response.* (a) Follow manufacturer's instructions for instrument startup and basic operating adjustment. Fuel shall be 60 percent helium, 40 percent hydrogen containing less than 2 p.p.m.C. hydrocarbon. Air shall be "hydrocarbon-free" grade containing less than 2 p.p.m.C.

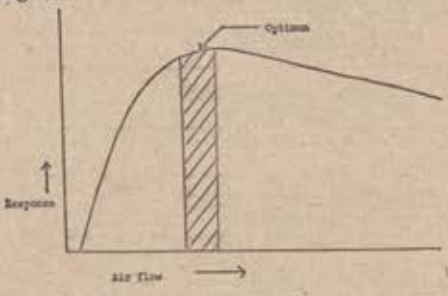
(b) Set oven temperature at 160°±5°C. and allow at least one-half hour after oven reaches temperature for the system to equilibrate. The temperature is to be maintained at set point ±2°C.

(c) Introduce a mixture of propane in air at a propane concentration of about 500 p.p.m.C. Vary the fuel flow to burner and determine the peak response. A change in zero may result from a change in fuel flow; therefore, the instrument zero should be checked at each fuel-flow rate. Select an operating flow rate that will give near maximum response and least variation in response with minor fuel-flow variations. A typical curve for response versus fuel flow is shown in the following figure.



RESPONSE VS. FUEL FLOW

(d) To determine the optimum air flow, use fuel flow setting determined above and vary air flow. A typical curve for response versus air flow is shown in the following figure:



RESPONSE VS. AIR FLOW

After the optimum flow settings have been determined these flows are to be measured and recorded for future reference.

(ii) *Oxygen effect.* Check the response of the detector with varied concentrations of oxygen in the sample following the steps outlined below; this test shall be made with oven temperature at the set point and with gas flow to the detector at optimum conditions, as determined in paragraph (b)(3)(i) of this section.

(a) Introduce nitrogen (N_2) zero gas and zero analyzer; check zero using hydrocarbon-free air; the zero should be the same.

(b) The following blends of propane shall be used to determine the effect of oxygen (O_2) in the sample.

Propane in N_2.

Propane in 10%±0.5% O_2 and balance N_2.

Propane in zero grade air (refer to 87.66 (c)).

The volume concentration of propane in the mixture reaching the detector should be about 500 p.p.m.C, and the concentration of both the O_2 and hydrocarbon should be known within ±1 percent of the absolute value. The zero shall be checked after each mixture is measured. If the zero has changed then the test shall be repeated.

The response to propane in air shall not differ by more than 3 percent from the response to propane in the 10 percent-O_2/90 percent-N_2 mixture, nor differ by more than 5 percent from the response to propane in nitrogen.

The difference between the response to propane in nitrogen and response to propane in diluent containing 10 percent O_2 shall not exceed 2 percent. If the 2 percent specification cannot be met by changing the sample flow rate or burner parameters, such as air and/or fuel-flow rate, the detector shall be modified or replaced.

(iii) Linearity and relative response.

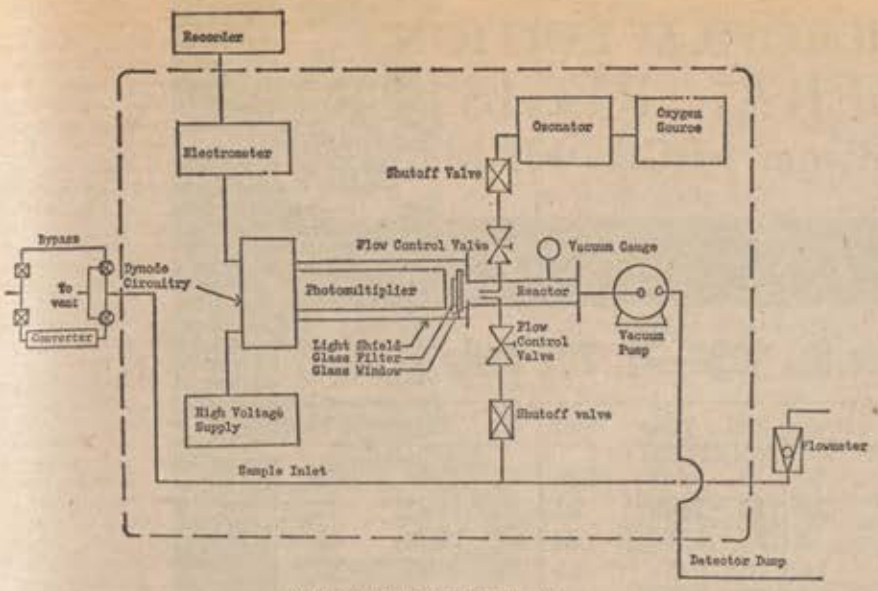
(a) With analyzer optimized in accordance with paragraph (b)(3)(i) of this section, the instrument linearity shall be checked for the ranges covering the range of analysis using propane in air at nominal concentrations of 30, 60, and 90 percent full scale of each range. The deviation of a best-fit curve from a least-squares best-fit straight line should not exceed 2 percent of the value at any point. If this specification is met, concentration values may be calculated by use of a single calibration factor. If the deviation exceeds 2 percent at any point, concentration values shall be read from a calibration curve prepared during this alignment procedure.

(b) A comparison of response to the different classes of compounds shall be made using (individually) propylene, toluene, n-hexane, and propane, each at 20 to 50 p.p.m.C concentration in air. If the response to propylene, toluene or n-hexane differs by more than 5 percent from the response to propane, check instrument operating parameters. Reducing sample flow rate improves uniformity of response.

(c) *Oxides of nitrogen analytical system.* The chemiluminescence method utilizes the principle that nitric oxide (NO) reacts with ozone (O_3) to give nitrogen dioxide (NO_2) and oxygen (O_2). Approximately 10 percent of the NO_2 is electronically excited. The transition of excited NO_2 to the ground state yields a light emission (600–2600 nanometer region) at low pressures. The detectable region of this emission depends on the PM-tube/optical filter being used in the detector. The intensity of this emission is proportional to the mass flow rate of NO into the reactor. The light emission can be measured utilizing a photomultiplier tube and associated electronics.

(1) The method also utilizes the principle that the thermal decomposition of NO_2 i.e., ($2NO_2 \rightarrow 2NO + O_2$), is complete at about 600°C. The rate constant for the dissociation of NO_2 at 600°C. is approximately 10^4 (liters/mole-second). A 6-foot length of one-eighth inch outside diameter, 0.028 inch wall thickness, flawless stainless steel tubing resistance heated using a low voltage, high current power supply to a temperature of 650°C. provides sufficient residence time at a sample flow rate of 700 cc. per minute (1.5 c.f.h.) for essentially complete conversion of nitrogen dioxide to nitric oxide. Other converter designs may be used if shown to yield equivalent results.

(2) The method permits continuous monitoring of NOx concentrations over a wide range. Response time (2 to 4 sec. is typical) is primarily dependent on the mechanical pumping rate at the operating pressure of the reactor. The following figure is a flow schematic illustrating one configuration of the major components required for the oxides of nitrogen analytical system.



OXIDES OF NITROGEN ANALYTICAL SYSTEM

(3) The oxides of nitrogen analyzer used in accordance with Subpart G of this part shall meet the following specifications:

Response time (electrical)—90 percent of full scale in 0.5 seconds or less.

Noise—Less than 1 percent of full scale.

Repeatability—±1 percent of full scale.

Zero drift—Less than ±1 percent of full scale in 2 hours.

Span drift—Less than ±1 percent of full scale in 2 hours.

Linearity—Linear to within ±2 percent of full scale on all ranges.

Accuracy—±1 percent of full scale on all scales.

(d) The dynamometer test stand and other instruments for measurement of power output and the fuel flow measurement instrumentation in accordance with Subpart G of this part shall be accurate to within ±2 percent at all power settings.

APPENDIX B—INSTRUMENTATION (AIRCRAFT PISTON ENGINE MEASUREMENTS)

(a) The NDIR analyzers used for continuous monitoring of carbon monoxide and carbon dioxide in accordance with Subpart I of this part shall meet the following specifications:

(1) Response time (electrical—90 percent full scale response in 0.5 second or less. Zero drift—Less than ±1 percent full scale in 2 hours on most sensitive range. Span drift—Less than ±1 percent of full scale in 2 hours on most sensitive range. Noise—Less than 1 percent of full scale on most sensitive range.

(2) Range and accuracy:

Range	*Accuracy excluding interferences*
Carbon monoxide, 0–12 percent	±1 percent of full scale.
Carbon dioxide, 0–15 percent	±1 percent of full scale.

(b) The FID analyzer used for measurement of hydrocarbons in accordance with Subpart I of this part shall meet the following specifications:

Response time (electrical)—90 percent of full scale in 0.5 seconds or less.

Noise—±1 percent of full scale on most sensitive range.

Repeatability—±1 percent of full scale.

Zero drift—Less than ±1 percent of full scale in 2 hours on all ranges.

Span drift—Less than plus or minus of full scale in 2 hours.

Linearity—Response with propane in air shall be linear with ±2 percent over the range of 0 to 20,000 p.p.m.C.

Accuracy:

0 to 100 p.p.m.C	±5 percent of full scale with propane calibration gas.
0 to 1,000 p.p.m.C	±2 percent of full scale with propane calibration gas.
0 to 10,000 p.p.m.C	±1 percent of full scale with propane calibration gas.

(c) The oxides of nitrogen analyzer used for measurement of oxides of nitrogen in accordance with Subpart I of this part shall meet the following specifications:

Response time (electrical)—90 percent of full scale in 0.5 second or less.

Noise—Less than 1 percent of full scale.

Repeatability—±1 percent of full scale.

Zero drift—Less than ±1 percent of full scale in 2 hours.

Span drift—Less than ±1 percent of full scale in 2 hours.

Linearity—Linear to within ±2 percent of full scale on all ranges.

Accuracy—±1 percent of full scale on all scales.

(d) The dynamometer, test stand, and other instruments for measurement of power output and air and fuel flow measurement instrumentation in accordance with Subpart I of this part shall be accurate to within ±2 percent at all power settings.

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