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TUESDAY, JULY 31, 1973

WASHINGTON, D.C.

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Pages 20311–20421

PART I

(Part II begins on page 20401)

July 31, 1973—Pages 20311–20421

NEW LOCATION OF FEDERAL REGISTER OFFICE

Effective Monday, July 30, 1973, the Office of the Federal Register will be located in Room 8401, 1100 L St., NW., Washington, D.C. Documents may be delivered or inspected between the hours of 8:45 a.m. and 5:15 p.m., Monday through Friday, except for Federal holidays. The mail address will remain unchanged: Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

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.

(Continued inside)

REMINDERS

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

Rules Going Into Effect Today

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

page no. and date

OSHA—Powered industrial trucks, cranes, derricks, portable powered tools, and indoor general storage. 14371; 6–1–73

FAA—Alteration of control zone and transition area..... 16843; 6–27–73

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Contents

(Continued on next page)

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.

7 CFR

922 20317
1427 20317

12 CFR

563 20318

13 CFR

PROPOSED RULES:

118 20351

14 CFR

PROPOSED RULES:

71 (7 documents) 20346–20348
73 20348

15 CFR

377 (2 documents) 20334, 20336
390 20332

19 CFR

PROPOSED RULES:

1 20338

21 CFR

121 20318

PROPOSED RULES:

135 20346

22 CFR

41 20319
42 20319

24 CFR

275 20319
1914 (2 documents) 20320
1915 20321

29 CFR

1952 20322

32 CFR

886 20324

36 CFR

221 20326

39 CFR

211 20402
221 20403
222 20404
223 20406
224 ..... 20327, 20406
225 20410
226 20414
235 20415

40 CFR

87 20327

41 CFR

114–26 20327

43 CFR

PUBLIC LAND ORDERS:

2588 (Revoked in part by PLO 5364) 20328
2721 (Revoked in part by 5371) 20330
3670 (Revoked in part by 5366) 20328
5360 20327
5361 20327
5362 20327
5363 20328
5364 20328
5365 20328
5366 20328
5367 20329
5368 20329
5369 20329
5370 20329
5371 20330

46 CFR

549 20330

50 CFR

28 20331
32 20332

PROPOSED RULES:

251 20338
255 20340

Rules and Regulations

Title 7—Agriculture

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

[Apricot Reg. 13]

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Limitation of Shipments

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

Notice was published in the FEDERAL REGISTER issue of June 25, 1973 (38 FR 12483) that the Department was giving consideration to a proposal which would limit the handling of apricots grown in designated counties in Washington by establishing regulations, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 922, as amended, (7 CFR Part 922) regulating the handling of apricots grown in designated counties in Washington. This regulatory program is effective under the Agricultural Marketing agreement Act of 1937, as amended (7 U.S.C. 601–674).

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

Apricots of the Moorpark variety shipped in open containers are required to be generally well matured. Provision is made for apricots of the Blenheim, Blenril, and Tilton varieties to be of a smaller size when packed in unlidded containers. These three varieties are of a somewhat smaller size than other varieties when mature. There is a demand for fruit meeting the foregoing specifications in local markets. Due to the nearness to the source of supply, shipment of more mature fruit and fruit of the specified varieties of smaller sizes in less expensive unlidded containers is feasible and the disposition of such fruit in such markets tend to improve the overall returns to growers. Individual shipments, not exceeding 500 pounds of apricots sold for home use and not for resale are exempt from regulation because such shipments do not materially affect the demand in commercial channels. Such shipments would be prevented from entering regulated channels of trade by the requirement that each container therein be stamped with the words "not for resale" in letters at least one-half inch in height.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such apricots will in progress at the effective date hereof and this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rule making concerning this regulation, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (38 FR 12483), and no objection to this regulation or such effective date was received; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 922.312 Apricot Regulation 13.

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

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

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

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

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

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

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

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that, with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent of the surface area of the fruit is at least as yellow as Shade 3 on the U.S. Department of Agriculture Standard Ground Color Chart for Apples and Pears in the Western States.

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

Dated: July 25, 1973.

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

[FR Doc.73–15679 Filed 7–30–73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

PART 1427—COTTON

Subpart—1973-Crop Supplement to Cotton Loan Program Regulations

Correction

In FR Doc. 73–14845, appearing at page 19381 for the issue of Friday,

July 20, 1973, make the following corrections:

1. In the second line of the authority citation in the second column of page 19381, the number which now reads "1970", should read "1070".

2. Under § 1427.101:

a. In the table under § 1427.101, under Alabama, "Eclectric" and "Greensboro" should read "Eclectic" and "Greenbrier" respectively.

b. In the table for Arkansas on page 19381, in the last line which now reads "Wynne_____Cross_____20.99", should read "Wynne_____Cross_____20.90".

c. In the first column on page 19382, the number that is now opposite "Dublin_____Laurens_____" which now reads "21.04" should read "21.40".

d. In the first column under Georgia on page 19382, the first reference to "Sylvester_____Worth_____" should read "Sylvania_____Screben_____".

e. In the second column on page 19382 under Missouri the number which appears opposite "Hayti_____Pemiscot _____" which now reads "20.80" should read "20.90".

3. In the table under § 1427.102, on page 19383 in the last column of numbers that appears under "1¼long(40)", the thirteenth number which now reads "+665" should read "+605".

4. In Footnote One in § 1427.102 which appears on page 19384, the number now reading "31/16" should read "13/16".

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 73-1032]

PART 563—OPERATIONS

Equal Employment Opportunity

JULY 20, 1973.

Part II of Executive Order 11246, as amended, requires nondiscrimination in employment by government contractors. Over-all administrative responsibility under the Order is vested in the Secretary of Labor and each contracting agency is primarily responsible for obtaining compliance with the Order.

The Office of the Solicitor of the Department of Labor has notified the Federal Home Loan Bank Board that it has determined that, for purposes of the Executive Order, insurance of accounts by the Federal Savings and Loan Insurance Corporation constitutes a "government contract" between the Corporation and the insured institution and that the Corporation is a "contracting agency." This means that the Corporation as a contracting agency, is required by the Executive Order to include certain prescribed provisions in every contract of insurance. This insertion is most simply accomplished by means of a regulation applicable to all insured institutions.

Accordingly, the Board hereby amends Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) by adding a new § 563.36, immediately following § 563.35 of said Part 563, to read as set forth below, effective August 31, 1973.

Since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since it is in the public interest that the Board implement Executive Order 11246, as amended, without such delay, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

§ 563.36 Equal Opportunity in Employment.

(a) *General.* Executive Order 11246, "Equal Opportunity in Employment", requires employers contracting with the Federal Government to provide equal employment opportunities. The Office of Federal Contract Compliance of the Department of Labor, which has administrative responsibility under such Order, has determined that for purposes of the Order insured institutions are government contractors. The Corporation is therefore required by the Order and by Department of Labor Regulations to insert in the contract of insurance of each insured institution the "Equal Employment Opportunity Clause" contained in paragraph (b) of this section, and such clause shall be deemed to be expressly incorporated in each such contract of insurance. The determination that insurance of accounts is a Government contract for the purposes of such Order is not considered by the Corporation or the Department of Labor to be a determination that such insurance is a "contract" for other purposes.

(b) *Equal Employment Opportunity Clause.* The following language shall constitute the "Equal Employment Opportunity Clause" referred to in paragraph (a) of this section:

(1) No insured institution shall discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin.

(2) Each insured institution shall take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall extend to: employment, promotion, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay, other compensation, training, selection for training, and other matters relating to employment.

(3) Each insured institution shall post in conspicuous places readily visible to employees and applicants for employment notices relating to Equal Opportunity in Employment as prescribed by regulation by the Office of Federal Contract Compliance of the Department of Labor (41 CFR 60-1.42).

(4) Each insured institution shall, in all solicitations or advertisements for employees placed by or on behalf of the institution, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(5) Each insured institution shall send, to each labor union or representative of workers with which the institution has a collective bargaining contract or understanding, if any, a notice advising the labor union or workers' representative of the insured institution's commitments under this section and section 202 of Executive Order 11246.

(6) Each insured institution shall (i) comply with all provisions of such Order, and of applicable rules, regulations, and orders issued pursuant thereto by the Corporation, the Secretary of Labor (41 CFR Chapter 60), and the Secretary of the Treasury (41 CFR Subpart 10-12.8); (ii) furnish such information and reports as may be required by such rules, regulations, and orders; and (iii) permit access to its books, records, and accounts by the Corporation, the Secretary of Labor, and the Secretary of the Treasury for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(c) *Enforcement.* In the event of an insured institution's noncompliance with the provisions of the Equal Employment Opportunity Clause contained in paragraph (b) of this section, such institution shall be subject to such sanctions and remedies as may be appropriate under the Executive Order or any other law, rule, regulation, or order.

(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.73-15753 Filed 7-30-73;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 D—Food Additives Permitted in Food for Human Consumption

CARBOPHENOTHION

A petition (FAP 2H5006) was filed by Stauffer Chemical Co., Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR Part 121) for combined residues of the insecticide carbophenothion (*S*-[(*p*-chlorophenylthio)methyl] *O,O*-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on dried tea at 20 parts per million resulting from application of the insecticide to the growing crop.

Pesticide tolerances for residues of carbophenothion and a food additive tolerance for its use as an additive in animal

feed have been previously established.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4)), 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), Part 121 is amended by adding the following new section to Subpart D:

§ 121.1251 Carbophenothion.

A tolerance of 20 parts per million is established for combined residues of the insecticide carbophenothion (*S*-[(*p*-cholorophenylthio)methyl] *O,O*-diethyl phosphorodithioate) and its cholinesterase-inhibiting metabolites in or on dried tea resulting from application of the insecticide to growing tea.

Any person who will be adversely affected by the foregoing order may at any time on or before August 30, 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 31, 1973.

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4))

Dated: July 26, 1973.

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

[FR Doc.73-15774 Filed 7-30-73;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.690]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Exchange Visitors

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to clarify regulations on the applicability of section 212(e) of the Immigration and Nationality Act, as amended, to the spouse or child of an exchange visitor.

In § 41.65, paragraph (b)(4) is amended to read:

§ 41.65 Exchange visitors.

* * * * *

(b) * * *

(4) If an alien is subject to the 2-year foreign residence requirement of section 212(e) of the Act, the spouse or child of such alien shall also be subject to such requirement if such spouse or child is admitted to the United States pursuant to section 101(a)(15)(J) of the Act, or acquires status pursuant to such section after admission, for the purpose of accompanying or following to join such alien.

* * * * *

Effective date. The amendment to the regulations contained in this order shall become effective on July 31, 1973.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

JULY 19, 1973.

[FR Doc.73-15669 Filed 7-30-73;8:45 am]

[Dept. Reg. 108.691]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Execution of Visa Application

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is amended to remove the requirement that the consular officer affix his seal to the visa application form.

Paragraph (b) of § 42.117 is amended to read as follows:

§ 42.117 Execution of visa application.

* * * * *

(b) *Oath and signature.* The applicant shall be required to read the application when it is completed or it shall be read to him in his language, or he shall otherwise be apprised of its full contents, and he shall be asked whether he is willing to subscribe thereto. If the alien is not willing to subscribe to the application unless changes are made in the information stated therein, the required changes shall be made. Form FS-510 shall then be signed by or on behalf of the applicant in the space provided therefor in the presence of the consular officer. The application shall be sworn to, or affirmed, by or on behalf of the applicant before the consular officer, who shall then sign the application and indicate his title in the designated place.

* * * * *

Effective date. The amendment to the regulations contained in this order shall become effective on July 31, 1973.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rulemaking are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

JULY 19, 1973.

[FR Doc.73-15670 Filed 7-30-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-73-230]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing; Correction

On Friday, June 8, 1973 (38 FR 15051), the Department of Housing and Urban Development published prototype per unit cost schedules for low-rent public housing pursuant to section 15(5) of the U.S. Housing Act of 1937.

Subsequently, it was discovered the schedules for Orangeburg, Rockhill, and Spartansburg, South Carolina were incorrect as found on page 15059.

Accordingly, Part 275—Low Rent Public Housing, Prototype Cost Limits for Public Housing is hereby amended in accordance with the following schedule.

WOODWARD KINGMAN,
Acting Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION IV

	Number of bedrooms						
	0	1	2	3	4	5	6
Orangeburg, S.C.:							
Detached and semidetached	7,900	9,550	11,700	14,050	16,900	18,750	19,650
Row dwellings	7,600	9,100	11,250	13,350	16,100	17,900	18,700
Walk-up	6,450	8,000	10,200	12,200	13,900	15,300	16,150
Elevator-structure	12,100	14,050	17,700				
Rockhill, S.C.:							
Detached and semidetached	8,000	9,700	11,900	14,300	17,150	19,100	20,000
Row dwellings	7,700	9,250	11,400	13,550	16,350	18,150	19,000
Walk-up	6,550	8,200	10,350	12,200	14,150	15,600	16,450
Elevator-strucutre	12,250	14,250	18,050				
Spartanburg, S.C.:							
Detached and semidetached	8,100	9,800	12,050	14,450	17,400	19,300	20,200
Row dwellings	7,800	9,350	11,550	13,750	16,550	18,400	19,250
Walk-up	6,600	8,250	10,450	12,300	14,300	15,750	16,550
Elevator-structure	12,250	14,250	18,050				

[FR Doc.73-15562 Filed 7-30-73;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-180]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Cook	Midlothian, Village of.				July 30, 1973 Emergency.
Virginia	Tazewell	Bluefield, City of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: July 23, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-15564 Filed 7-30-73;8:45 am]

[Docket No. FI-181]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Madison	Granite City, City of.				July 27, 1973 Emergency.
Do.	Cook	Palos Heights, City of.				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Michigan	Delta	Gladstone, City of.				Do.
Do.	St. Clair	China, Township of.				Do.
Minnesota	Hennepin	Edina, Village of.				Do.
Pennsylvania	Wyoming	Eaton, Township of.				Do.
Do.	Westmoreland	Allegheny, Township of.				Do.
Do.	Lackawanna	Carbondale, City of.				Do.
Do.	Tioga	Jackson, Township of.				Do.
Do.	Clinton	Noyes, Township of.				Do.
Texas	Brazoria	Brazoria, City of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: July 23, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-15563 Filed 7-30-73;8:45 am]

[Docket No. FI-182]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment of or delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective July 31, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 **List of communities with special hazard areas.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Louisiana	Jefferson Parish	Unincorporated areas.	H 22 051 2246 08 H 22 051 2246 12 (Revised 8-3-73)	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214 Capitol Station, Baton Rouge, La. 70804.	Jefferson Parish, Department of Sanitation, 648 Helois St., Metairie, La. 70005.	Mar. 6, 1970. July 11, 1970. and Oct. 1, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: July 23, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-15684 Filed 7-30-73;8:45 am]

Title 29—Labor

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

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Kentucky Plan

1. *Background.* Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the states may submit for approval, under the requirements of this section, plans to assume responsibility for the development and enforcement of state occupational safety and health standards.

On November 27, 1972, the State of Kentucky submitted a comprehensive developmental occupational safety and health plan in accordance with these procedures and on February 14, 1973, the plan was formally submitted to the Assistant Secretary. On March 5, 1973, a notice was published in the FEDERAL REGISTER (38 FR 5955) concerning the submission of the plan and the fact that the question of its approval was in issue before the Assistant Secretary.

The plan identifies the Kentucky Department of Labor as the state agency designated to administer the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in § 1902.2(c)(1) of Chapter XVII, Title 29, Code of Federal Regulations. The plan includes legislation passed by the Kentucky Legislature during its 1972 Session which became effective March 27, 1972. It also includes legislation enacted and approved in a Special Session of the 1972 Legislature amending certain provisions of the enabling legislation. In addition, the plan includes proposed draft amendments to be considered by the Kentucky Legislature during its next session amending certain provisions of its enabling legislation, Chapter 338 of the Kentucky Revised Statutes, which appear necessary to bring it into conformity with the requirements of section 18(c) of the Act and 29 CFR Part 1902. The plan further includes regulations promulgated by the State adopting all Federal standards and regulations containing procedures for the Kentucky Occupational Safety and Health Standards Board, posting of notices, inspections, including inspections in response to employer complaints, imminent danger situations, walkaround provisions, citations, contesting of citations, procedures before the Occupational Safety and Health Review Commission and variances, among others. As indicated in this decision, the variance procedures will be revised by the State.

2. *Issues.* Written comments concerning the plan were submitted by the United States Steel Corporation. No other written comments were received and there were no requests for an informal hearing.

Review of the plan raised several significant issues which have been addressed by Kentucky in supplementary letters submitted to the Atlanta Regional Office of the Occupational Safety and Health Administration on June 14, 1973, and to the Assistant Secretary on July 13, 1973, which clarified and modified the plan and are incorporated as part of the plan.

(a) *Regulatory authority.* Under the plan, the State relies on a broad statutory mandate to "adopt and promulgate occupational safety and health rules, regulations, standards, and secure all expertise, testimony, and evidence necessary to accomplish the purposes of this chapter" (KRS 338.051), for the adoption of standards which meet the requirements of 29 CFR 1902.4(b)(2)(vi) and (vii). The State additionally relies on a provision in its law authorizing the Department of Labor to "issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this chapter," to issue regulations providing the rights afforded by section 8(c)(3) of the Act and the posting requirements of 29 CFR 1902.4(c)(2)(x).

Kentucky statutes are to be construed liberally (KRS 446.080) and reasonable regulations adopted by an agency to implement administration of functions assigned to it by law "shall have the full force of law" (KRS 13.081).

Further, all regulations adopted by the State agencies must be approved by the Kentucky Legislative Research Commission, which is a branch of the State legislature. The purpose of this review is to determine that the regulations are in accordance with the authority granted under the legislation and carry out the intent of that legislation.

All Federal standards currently adopted by the State, including those on asbestos, and regulations covering these subjects submitted as part of the plan have received this legislative review.

The State has given assurances that it will continue to adopt all future Federal standards promulgated by the Assistant Secretary, or standards that are at least as effective as such standards. In addition, in adopting State standards where there are no comparable Federal standards, the State has given assurances that if it encounters any difficulty in implementing the required employee protections against hazards, it will promulgate the necessary regulations, or seek legislative amendments to assure that these protections are provided.

In the area of enforcement of these rights, as under section 8(c) of the Act, the State will revise its present regulations to bring them into conformity with these requirements within six months after plan approval.

In view of the State's own experience in implementing its statutory authority by regulation, the apparent intent in Kentucky provisions for liberal construction of legislative authority, and the State's assurances that it will seek legislative authority if and when difficulties should be encountered, we cannot find that Kentucky does not have the necessary legal basis for the requirements for a State program.

(b) *Standards*—1. *Promulgation of standards.* Under the plan, standards will be promulgated or adopted by a majority vote of the State Occupational Safety and Health Standards Board consisting of 13 members equally representing management, labor, agriculture and the safety and health professions with the thirteenth member being the Commissioner of Labor. However, our review of the procedure for the promulgation of standards discerned some problems such as publication of proposed standards, the opportunity to submit written comments on proposed standards and procedures to adopt or maintain standards at least as effective as the Federal standards, including standards promulgated subsequent to approval of the plan. The State has promised to revise its promulgation procedure to meet these objections, within six months after plan approval.

(2) *Temporary variances.* Section 338.151(1) of the Kentucky Act describing the criteria for the issuance of a variance presented a substantial departure from the Federal procedures. The Kentucky Act provides that variances may be granted "if there is practical difficulty or unnecessary hardship in meeting the provisions of (standards) provided that equivalent protection (for employees) is secured * * *." Variances may also be granted as provided under the permanent variance criteria of section 6(d) of the Federal Act.

Section 1902.4(b)(2)(iv) provides that a State plan must provide authority for the issuance of variances which correspond to variances authorized by the Federal Act. The State maintains that its provisions do not preclude the issuance of temporary variances; rather, that its provisions provide a more stringent standard for the granting of such variances. Generally, State plans may provide for more stringent standards than the Federal Act provided that they are consistent with the intent of the Act. However, the purposes, criteria and procedures for temporary and permanent variances under the Federal Act are not similar. Temporary variances are not designed to provide equivalency of protection, but to provide employers a regulated method of meeting standards. A lack of such an opportunity to employers might present enforcement problems as between employers seeking Federal temporary variances and others in the State. The State has agreed to sponsor legislation amending its law to provide the same basis for the issuance of temporary variances as provided under section 6(b) of the Act. Further, pending the enactment of such provision, the State has agreed to give Kentucky employers the option of seeking a Federal

temporary variance which will be recognized for enforcement purposes by the Kentucky Department of Labor.

(3) *Emergency temporary standards.* The Kentucky Act does not provide specific procedures for the promulgation of emergency temporary standards. Rather, such standards will be promulgated through the emergency regulation provisions of its Administrative Procedure Act. Such regulations may be issued "when (any) administrative body finds that an emergency exists, and that such finding is concurred in by the Governor" and will become effective immediately.

Our review of the plan indicated that there was no limit on the period of time in which the emergency standard was to be superseded by a permanent standard. Accordingly, Kentucky proposes to clarify its procedure in this respect by providing assurances that it will adopt regulations providing that an emergency standard shall be effective for a period not to exceed one year and that a permanent standard will be adopted by regular procedures whenever necessary.

(c) *Enforcement*—1. *Sanctions.* The Kentucky sanctions generally mirror those of the Act, with additional criminal sanctions of (1) up to $10,000 and/or one year for willfully causing bodily harm to an inspector; (2) up to $1,000 and/or one year for refusing entry or willfully obstructing an investigator; and (3) any employer found guilty of discharging or discriminating against an employee for exercising his rights under the Act would be subject to a $10,000 fine in addition to being required to reinstate the individual with back pay.

However, the Kentucky Act does not provide a specific penalty for violations of posting requirements, as under section 17(i) of the Act. The State has promulgated regulations requiring the posting of citations as well as other notices informing employees of their protections under the Act. It was provided under the regulations that any employer who violates the provisions of these regulations shall be subject to a non-serious violation for which there is a civil penalty of up to $1,000 for each violation.

The statute further did not provide a specific penalty for a willful violation of any standard, rule or order which results in the death of an employee as provided under section 17(e) of the Act. The State proposed instead to incorporate its involuntary manslaughter statute into the plan to provide for an equivalent willful violation resulting in death penalty. The use of a statutory manslaughter penalty appeared to present some substantial problems of enforcement of compliance with occupational safety and health standards. First, the penalty did not specifically pertain to violations of standards, rules or orders but rather to a death resulting from "an act creating such extreme risk of death or great bodily injury as to manifest a wanton indifference to human life according to the standard of conduct of a reasonable man under the circumstances * * *" or an act which manifested "reckless conduct according to the standard of conduct of a reasonable man under the circumstances * * *"

A further difficulty was that Kentucky case law indicates that a corporation may not be indicted or convicted for involuntary manslaughter, whereas under the Federal Act it may be charged for a willful violation. See *Commonwealth* v *Illinois Cent. R. Co.* 153 S.W. 459 (1913). Such convictions would apply rather to individuals only.

Finally, the penalty structure under the Kentucky proposal was not the same as that provided under the Federal Act. For a first offense, the State proposed to incorporate its second degree involuntary manslaughter sanctions of up to one year imprisonment and/or up to a $5,000 fine and for a second offense it proposed to implement its first degree involuntary manslaughter provision of one to fifteen years imprisonment. The Federal Act provides for a fine of up to $10,000 and/or 6 months imprisonment for a first offense and a double penalty for a second offense.

In order to make it clear that its provision for involuntary manslaughter is applicable to violations of standards, rules, orders or regulations and that appropriate penalties are applicable to a corporation, the State has promised to submit an amendment to the 1974 Session of its Legislature.

This amendment will provide that any employer (rather than person) who willfully violates any standard, rule, order, or regulation adopted pursuant to this Chapter, and that violation causes the death of an employee, shall be assessed a civil penalty of up to $10,000 and further shall be guilty of involuntary manslaughter in the second degree.

Following a conviction under these provisions, should this same employer again willfully violate any standard, rule, or regulation, adopted pursuant to this chapter, and that violation causes the death of an employee, the Act will provide that he shall be assessed a civil penalty of up to $20,000 and further shall be guilty of involuntary manslaughter in the first degree.

(2) *Employee participation in review proceedings.* The Kentucky Act provides that employees may contest citations issued to an employer, including contesting the reasonableness of an abatement period proposed by the Commission or Labor. Under the Federal program, employees do not have the right to contest the citations and proposed penalties, but only the right to contest the reasonableness of an abatement period fixed in the citation.

As pointed out in the Minnesota decision (38 FR 5076) State plans may provide for more stringent enforcement than the Act if such additional provisions appear to be reasonably calculated to increase the effectiveness of the State's program and are consistent with the intent of the Act. The Kentucky employee contest provisions appear to meet that test in that they would serve as an added check to secure enforcement of safe and healthful working conditions. Any undue burden on the administrative process resulting from them would bring about a reconsideration in the course of evaluation of the actual operation of the plan.

(3) *Public Service Commission.* The Kentucky legislation provides that the Public Service Commission, pursuant to an agreement with the Department of Labor, will be responsible for the administration of occupational safety and health matters relating to public utilities as defined under section 278.010 of the Kentucky Revised Statutes. However, since the Commission is not prepared to assume its responsibilities, it has entered into an agreement with the Department of Labor whereby the Department of Labor will assume responsibility for matters pertaining to public utilities until the Commission is prepared to assume its functions under the Act. A copy of both agreements is included within the Plan.

When the Public Service Commission assumes its responsibilities, it will be subject to all provisions of the Kentucky Occupational Safety and Health Act in the same manner as the Department of Labor. Since the Commission will be acting in areas in which it has a particular interest as part of its regulatory functions, its experience under the program will be subject to close evaluation during the course of our review of the operational effectiveness of the program.

3. *Decision.* After careful consideration of the Kentucky plan and comments submitted regarding the plan, the plan is hereby approved under section 18 of the Act and 29 CFR Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's Developmental schedule as set out below.

Pursuant to § 1902.20(b)(1)(iii), the present level of Federal enforcement will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f) of the Act, continue its Target Safety and Health Programs, and inspect a cross-section of all industries on a random basis.

An evaluation of the State plan as implemented will be made to assess the appropriate level of Federal enforcement activity. Federal enforcement activity will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Kentucky.

The Kentucky Plan is developmental. The following is the schedule of the developmental steps provided by the plan.

(a) A comprehensive public employee program will be developed within three years of plan approval.

(b) Within six months after plan approval, the procedure for the promulgation of standards will be revised.

(c) An affirmative action program will be submitted to the Assistant Secretary as well as clearance of possible inconsistencies of the State Merit System by the Civil Service Commission within six months after grant approval.

(d) Revision of various regulations, including those pertaining to employee access to information on their exposure to toxic materials or harmful physical agents and contests before the Review Commission, will be undertaken within six months after plan approval.

(e) Submission of amendments to KRS Chapter 338 in 1974 General Assembly to provide temporary variance authority and incorporate in that chapter penalties for willful violations causing death.

Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667), Part 1952 is hereby amended by adding a new Subpart Q, as follows:

Subpart Q—Kentucky

Sec.
1952.230 Description of Plan.
1952.231 Where the plan may be inspected.
1952.232 Level of Federal enforcement.
1952.233 Developmental schedule.

AUTHORITY: Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Subpart Q—Kentucky

§ 1952.230 Description of the Plan.

(a) The plan designates the Department of Labor as the agency responsible for administering the Plan throughout the state. It proposes to define the occupational safety and health issue covered by it as defined by the Secretary of Labor in § 1902.2(c)(1) of this chapter. All occupational safety and health standards promulgated by the United States Secretary of Labor have been adopted under the Plan as well as a certain standard deemed to be "as effective as" the Federal standard, except those found in Parts 1915, 1916, 1917 and 1918 of this chapter (ship repairing, ship building, ship breaking and longshoring). All Federal standards adopted by the state became effective on December 29, 1972.

(b) Within the plan there is enabling legislation revising Chapter 338 of the Kentucky Revised Statutes which became law on March 27, 1972; as well as legislation enacted and approved in a Special Session of the Legislature in 1972 amending the enabling legislation. The law as enacted and modified gives the Department of Labor, Division of Occupational Safety and Health, the statutory authority to implement an occupational safety and health plan modeled after the Federal Act. There are provisions within it granting the Commissioner of Labor the authority to inspect workplaces and to issue citations for the abatement of violations and there is also included a prohibition against advance notice of such inspections. The law is also intended to insure employer and employee representatives an opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of employee alleged violations; protection of employees against discrimination in terms and conditions of employment; and adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations and a system of penalties for violation of the statute. There are also provisions creating the Kentucky Occupational Safety and Health Standards Board and the Kentucky Occupational Safety and Health Review Board. The Law has further provision that the Department of Labor will enter into an agreement with the Public Service Commission (PSC) which shall serve as the State agency in the administration of all matters relating to occupational safety and health with respect to employees of public utilities.

(c) The plan includes an opinion from the Attorney General that the Law is consistent with the Constitution of the State. There is also set forth in the Plan a Time Schedule for the Development of a Public Employee Program. The Plan also contains a comprehensive description of personnel employed under the State's merit system as well as its proposed budget and resources.

(d) The Kentucky plan includes the following documents as of the date of approval:

(1) The plan description documents, including the Kentucky Occupational Safety and Health Act, and appendices in three (3) volumes;

(2) Letter for James R. Yocum, Commissioner of the Kentucky Department of Labor, to Basil A. Needham, Jr., Regional Administrator, Atlanta, Georgia Office, Occupational Safety and Health Administration, June 14, 1973, submitting additions and clarifications to the plan.

(3) Letter from James R. Yocum to the Assistant Secretary of Labor, John H. Stender, July 13, 1973, submitting assurances that the state will submit certain amendments to the 1974 Session of its Legislature.

(e) The public comments will also be available for inspection and copying with the plan documents.

§ 1952.231 Where the plan may be inspected.

A copy of the Plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, Railway Labor Building, 400 First Street, NW., Washington, D.C., 20210; Regional Administrator, Occupational Safety and Health Administration, Department of Labor, 1375 Peachtree Street, NW., Suite 587, Atlanta, Georgia, 30309; and the Kentucky Department of Labor, Capital Plaza Tower, Frankfort, Kentucky, 40601.

§ 1952.232 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of this chapter, the present level of Federal enforcement in Kentucky will not be diminished. Among other things, the U.S. Department of Labor will continue to inspect catastrophes and fatalities, investigate valid complaints under section 8(f) of the Act, continue its Target Safety and Target Health programs, and inspect a cross-section of all industries on a random basis.

§ 1952.233 Developmental schedule.

The Kentucky state plan is developmental. The following is the developmental schedule as provided by the plan:

(a) A comprehensive public employee program will be developed within three years of plan approval.

(b) Within six months after plan approval, the procedure for the promulgation of standards will be revised.

(c) An affirmative action program will be submitted to the Assistant Secretary as well as clearance of possible inconsistencies of the State Merit System by the Civil Service Commission within six months after grant approval.

(d) Revision of various regulations, including those pertaining to employee access to information on their exposure to toxic materials or harmful physical agents and contests before the Review Commission will be undertaken within six months after plan approval.

(e) Submission of amendments to KRS Chapter 338 in 1974 General Assembly, to provide temporary variance authority and incorporate in that Chapter penalties for willful violations causing death.

Signed at Washington, D.C., this 23d day of July 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-15751 Filed 7-30-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 886—EQUAL OPPORTUNITY AND TREATMENT OF MILITARY PERSONNEL

Sex Discrimination

This update prohibits discrimination by sex, consistent with physical capabilities. Air Force members and employees are responsible for conducting Air Force affairs in compliance with Air Force policy. Commanders must initiate action to oppose and overcome discriminatory treatment on and off base. Rating and indorsing officials will consider leadership or support of equal opportunity and treatment policy when evaluating personnel. Commanders will place off-limits business establishments that discriminate. Air Force off-base housing policies are summarized.

Part 886, Subchapter I, of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 886.1 is amended by making the current text paragraph (a) and adding a new paragraph (b) to read as follows:

§ 886.1 Purpose.

* * * * *

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

2. Section 886.2 is revised to read as follows:

§ 886.2 Policy.

It is the policy of the Air Force to conduct all of its affairs in a manner which is free from discrimination and provides equal opportunity and treatment for all members irrespective of their color, race, religion, national origin or sex, consistent with requirements for physical capabilities. All actions taken to implement this policy will be based on the following fundamental principles:

(a) *Equal and just treatment.* The equal and just treatment of all personnel is a well-established principle of effective personnel management. Such treatment is essential to attain and maintain a high state of morale, discipline, and military effectiveness.

(b) *Discriminatory practices.* Discriminatory practices on or off base, directed against Air Force personnel and their dependents are harmful to military effectiveness.

(c) *Adverse influences.* Commanders are responsible for the well-being of their personnel. This responsibility can best be discharged by the early detection of, and continuing effort to remove, those influences that adversely affect their personnel.

(d) *Principle of equal opportunity.* The principle of equal opportunity and treatment of military personnel permeates every organization, function, and activity of the Air Force. Therefore, each individual Air Force member and employee is charged with conducting Air Force affairs in strict compliance with this policy.

3. Section 886.4 is revised to read as follows:

§ 886.4 Responsibility of commanders.

The local commander will resolve problems peculiar to the local environment. Problems that require assistance at departmental level will be brought to the attention of higher authority without delay. Commanders will:

(a) Insure that this policy is implemented on and off base and that action is taken to repeal any regulation or practice that serves as an obstacle to providing equal opportunity to all military personnel and their dependents.

(b) Orient Air Force personnel annually on the Air Force policy regarding equal opportunity and treatment.

(c) Apprise military personnel annually of the provisions of Titles II, III, and IV of the Civil Rights Act of 1964 (Pub. L. 88–352) and process requests for suit by military personnel for action by the Attorney General.

(d) Initiate action to oppose and overcome discriminatory treatment of personnel and their dependents on and off base.

(e) Foster equal treatment of military personnel and their dependents in off-base civilian communities.

4. Section 886.5 is revised to read as follows:

§ 886.5 Principles of on-base implementation.

To insure uniform implementation, the following apply to all activities under Air Force control:

(a) All personnel regardless of race, color, religion or national origin must be accorded equal opportunity for enlistment, appointment, advancement, professional improvement, promotions, assignments, and retention.

(b) Military women are integrated into the Air Force personnel structure. All Air Force policies and directives apply equally to men and women unless specified otherwise. They must be accorded equal opportunity for professional improvement, advancement, promotion, and assignments consistent with existing law and in recognition of physical differences.

(c) Affirmative action will assure that discriminatory practices do not exist in the conduct of Air Force affairs.

(d) Commanders and supervisors at all levels have responsibilities for implementing Air Force policies and practices regarding the equal and just treatment of military personnel and their dependents. Rating and indorsing officials, when evaluating personnel under their supervision, will consider the quality and effectiveness of an individual's leadership or support of the Air Force equal opportunity and treatment policy.

5. Section 886.6 is revised to read as follows:

§ 886.6 Principles of off-base implementation.

Discriminatory treatment of military personnel and their dependents in off-base communities is harmful to the interest of the military installation and the civilian community. It is the commander's responsibility to take the initiative to encourage and assist community officials to eliminate any discriminatory treatment of military personnel and their dependents. The following recommended actions will assist commanders in fulfilling their responsibility:

(a) Utilize the base community council to discuss local discriminatory practices against military personnel and their dependents and recommend solutions to these problems. If a base community council does not exist, one may be established.

(b) Meet with representative local trade associations and other bonda fide groups and solicit their cooperation to preclude discrimination against military personnel and their dependents.

(c) Establish local liaison with other military services and Federal agencies with a view toward adopting common policies regarding off-base problems.

(d) Request the cooperation of local officials and leading citizens to the end that:

(1) Access and service is granted to all military personnel and their dependents on a nonsegregated basis to all public accommodations and business establishments including, but not limited to, hotels, motels, restaurants, bowling alleys, and theaters.

(2) Military personnel and their dependents are admitted to all local sporting events on a nonsegregated basis.

(3) Military personnel and their dependents are admitted to all community controlled public facilities such as parks, swimming pools, golf courses, schools, and so forth, on a nonsegregated basis.

(e) Utilize appropriate opportunities to publicize on-base equal opportunity practices to the local community.

(f) In those States that have anti-discrimination laws, coordinate with appropriate local and State agencies in the solution of off-base problems.

(g) Govern security policy relationships with local authorities to insure that no actual or tacit support is given to community discrimination practices. Maintaining peace and order, except in areas under military control, is primarily the responsibility of civil authorities. Consequently, commanders must establish close coordination with civil law enforcement agencies. This relationship should insure that incidents involving military personnel are handled expeditiously and uniform treatment of military personnel is accorded.

6. Section 886.7 is revised to read as follows:

§ 886.7 Off-base family housing.

(a) As part of the Air Force goal of fostering equal treatment for all of its people, installation commanders must seek to eliminate discrimination against military personnel off-base housing.

(b) This is not achieved simply by finding minority group service personnel a place to live in a particular part of town or in a particular facility. It is achieved only when such service personnel who otherwise meet normal occupant standards are able to obtain housing for themselves and their families anywhere in the area surrounding an installation, without suffering refusal and humiliation because of race, color, religion, sex or national origin. Commanders are responsible for establishing and monitoring an installation program designed to meet this goal.

(c) AFR 30–15 sets forth policy and procedures governing the establishment and operation of Housing Referral Offices (HROs) to assist all military personnel (and certain Department of Defense civilian employees) in locating adequate, suitable, and economical nondiscriminatory off-base housing within

reasonable proximity of their duty station.

(d) AFR 35–11 establishes policies and procedures for conducting the Equal Opportunity for Military Personnel in Off-Base Housing Program. According to this directive, commanders:

(1) Maintain community liaison.

(2) Obtain nondiscrimination assurances from rental facility owner/landlords.

(3) Take appropriate action when assurances are not given.

(4) Handle housing discrimination complaints.

(5) Take appropriate action if complaints are valid.

(6) Seek elimination of subtle forms of housing discrimination.

(7) Publicize the program.

(e) AFR 30–5 implements the Fair Housing Enforcement Program of the Department of Defense to assist military and Department of Defense civilian employees assert their rights under Title VIII or IX, Civil Rights Act of 1968, which require fair housing practices throughout the Nation. It sets forth procedures for processing complaints of unlawful housing discrimination made by personnel who elect to use command assistance in forwarding such complaints to the Department of Housing and Urban Development or the Department of Justice.

7. Section 886.8 is revised to read as follows:

§ 886.8 Military and dependent education.

(a) *Military education.* Military personnel will not be sponsored or subsidized from Air Force funds while attending civilian educational institutions if the educational facility discriminates on the basis of color, race, religion, or national origin.

(b) *Dependent education.* The Department of the Air Force supports the right of dependent children of military personnel to be assigned to and to attend public schools without regard to race, color, religion, or national origin. If deviations from this policy are practiced with respect to dependents of military personnel, commanders should make positive efforts on behalf of military children to eliminate these deviations. These actions must include but are not limited to the following:

(1) Determine from school authorities how the children are assigned and transferred to public schools on a nonsegregated basis.

(2) Advise sponsors of the Air Force policy and local procedures for gaining assignment and transfer of children to schools on a nonsegregated basis. Counsel sponsors on pupil placement procedures for initial school assignments, deadlines for transfer, applications or appeals and of the availability of legal assistance.

8. A new § 886.11 is added to read as follows:

§ 886.11 Reports of racial incidents.

Racial incidents occurring either on or off base and involving military personnel and their dependents are reported in accordance with Joint Chiefs of Staff (JCS) Publication 6, "U.S. Air Force Reporting Instructions," part III, chapter 6, volume V. For the purpose of these reports, a racial incident is defined as an overt, damaging act directed toward an individual, a group, or an institution, whether spontaneous or organized by a group which is clearly motivated by racial considerations. Each commander insures that his higher headquarters is notified concurrently with Headquarters USAF.

9. Section 886.12 is revised to read as follows:

§ 886.12 Complaints of racial discrimination.

(a) *Processing complaints.* Complaints of discrimination will be processed according to AFR 123–11. Military personnel will also be advised that they have free access to the staff judge advocate, the staff chaplain, equal opportunity officer, and other staff agencies.

(b) Individuals will be encouraged to make maximum use of the command channel because the commander is ultimately responsible for all of his military personnel.

(c) Military personnel in the United States who request the Attorney General to initiate suit in their behalf under the provisions of Titles II, III, or IV of the Civil Rights Act of 1964 may submit these requests through civilian channels or through military channels.

10. Section 886.13 is revised to read as follows:

§ 886.13 Legal assistance.

Military personnel in the United States and their dependents who feel they have been discriminated against in violation of the laws of the United States (Federal, State, or political subdivision thereof) will be provided legal advice and may be provided legal assistance as authorized by AFR 110–22. If it appears that the rights of the military member or his dependents may be endangered, and that an appearance in court or other legal action beyond the authority of the legal assistance program is required, the matter will be reported to The Judge Advocate General, USAF, for possible referral to the Department of Justice.

11. Section 886.14 is revised to read as follows:

§ 886.14 Use of off-limits sanctions.

(a) Commanders will impose off-limits sanction against all business establishments (other than housing facilities/agencies) that discriminate against military personnel or their dependents.

(b) Armed Forces Disciplinary Control Board Procedures (AFR 125–11) will be used to impose off-limits sanctions. Official rental sanctions will be applied as set forth in AFR 35–11, paragraph 8, in cases involving discrimination in off-base housing.

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73–15662 Filed 7–30–73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 221—TIMBER

Requirements in Use of National Forest Timber

On May 15, 1973, the FEDERAL REGISTER (38 FR 4675) contained a notice that the Department of Agriculture proposed to amend Part 221 of Title 36, Code of Federal Regulations by revising § 221.2, future growth, reduction of hazard, utilization.

Interested parties were given 30 days to submit written comments on the proposed amendment.

Seven written comments were received within the 30 day limit. Based on the information available, the proposed revision will be changed as set forth below.

1. Add the word "practical" before the word "requirements" in the first paragraph of the regulation.

2. Delete the word "Practical" in subparagraph (a).

3. Add the following citation of authority: (30 Stat. 34, 35 as amended; 16 U.S.C. 476, 551).

Accordingly, with these changes and additions, the proper revision is adopted as set forth below.

Effective date. This revised regulation is effective on August 1, 1973.

Dated: July 25, 1973.

PAUL A. VANDER MYDE,
Deputy Assistant Secretary for Conservation, Research, and Education.

§ 221.2 Requirements in use of national forest timber.

The approving officer will insure that each timber sale contract, permit, or other authorized form of national forest timber disposal is in compliance with land use plans and applicable environmental quality standards, and includes as appropriate such practical requirements as to provide:

(a) Fire prevention and suppression measures;

(b) Protection of residual live timber, including established young growth;

(c) Satisfactory regeneration of timber as may be made necessary by harvesting operations;

(d) Prevention and control of soil erosion;

(e) Favorable conditions of water flow and quality;

(f) Complete utilization of the timber as may be attained with available technology;

(g) Reduction of the hazards of destructive agencies; and

(h) Minimal adverse effects on, or protection and enhancement of, other national forest resources, uses, and improvements.

(30 Stat. 34, 35 as amended; 16 U.S.C. 476, 551).

[FR Doc.73-15676 Filed 7-30-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 224—POST OFFICE FUNCTIONS

Eligibility for Appointment as Postmaster

Regulations dealing with appointment of persons to Postmaster positions constitute internal procedures of the Postal Service which need not be contained in the FEDERAL REGISTER. The material which currently appears in § 244.1 of this title is obsolete. Accordingly, Part 244 is amended, effective on July 31, 1973 as follows:

1. Section 244.1 is hereby deleted.

2. Section 244.2 is hereby redesignated as § 244.1

(39 U.S.C. 401)

LOUIS A. COX,
General Counsel.

[FR Doc.73-15775 Filed 7-30-73;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 87—CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Emission Standards and Test Procedures for Aircraft

Correction

In FR Doc. 73-14493, appearing at page 19088 for the issue of Tuesday, July 17, 1973, the table that now appears just below the third line of § 87.30 on page 19092 should be transposed so that it appears just under § 87.21(e)(i) on page 19092.

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 114-26.4—Purchase of Items From Federal Supply Schedule Contracts

BILLING CODES

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114-26.4 of Chapter 114, Title 41 of the Code of Federal Regulations, is revised as set forth below.

This revision merely codifies the additional credit card billing code numbers that have been assigned to bureaus of the Department. It is therefore, determined that the public rulemaking procedure is unnecessary and this revision shall become effective on July 31, 1973.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

JULY 24, 1973.

In § 114-26.406-2(d), the list of billing code numbers assigned to Bureaus and Offices is revised to read as follows:

§ 114-26.406-2 Billing code.

* * * * *

(d) * * *

Southwestern Power Administration—000 through 009 inclusive.
Bonneville Power Administration—010 through 019 inclusive.
Geological Survey—020 through 029 inclusive.
Southeastern Power Administration—030 through 039 inclusive.
Bureau of Sport Fisheries and Wildlife—040 through 059 inclusive.
Bureau of Mines—060 through 099 inclusive.
Bureau of Sport Fisheries and Wildlife—100 through 199 inclusive.
Bureau of Reclamation—200 through 499 inclusive.
Bureau of Indian Affairs—500 through 549 inclusive.
National Park Service—550 through 569 inclusive.
Bureau of Land Management—570 through 599 inclusive.
Office of the Secretary—600 through 624 inclusive.
National Park Service—625 through 674 inclusive.
Reserved—675 through 699 inclusive.
Alaska Power Administration—700 through 704 inclusive.
Bureau of Indian Affairs—705 through 784 inclusive.
Reserved—785 through 799 inclusive.
Bureau of Land Management—800 through 864 inclusive.
Reserved—865 through 964 inclusive.
National Park Service—965 through 999 inclusive.

[FR Doc.73-15640 Filed 7-30-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5360]

[Arizona 6407]

ARIZONA

Modification of Reclamation Withdrawals To Permit Grant of Right-of-Way

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

The departmental orders of July 2, 1902, January 31, 1903, April 9, 1904, September 30, 1904, and March 14, 1929, withdrawing lands in Arizona for reclamation purposes, are hereby modified to the extent necessary to permit the location of a right-of-way under section 2477, U.S. Revised Statutes, 43 U.S.C. 932, by Yuma County, Arizona, over the following described lands, as delineated on a map filed by the Yuma County Highway Department with the Bureau of Land Management in Arizona 6407 for the construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 10 S., R. 23 W.,
Sec. 21, North 33' of N½NW¼; West 33' of W½NW¼.
T. 11 S., R. 24 W.,
Sec. 3, East 33' of lot 1, SE¼NE¼, E½SE¼; North 33' of lots 1, 2, 3, 4; West 33' of lot 4, SW¼NW¼, W½SW¼; South 33' of S½S½.

The areas described aggregate approximately 20 acres in Yuma County.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 24, 1973.

[FR Doc.73-15716 Filed 7-30-73;8:45 am]

[Public Land Order 5361]

[Oregon 6992]

OREGON

Withdrawal for National Forest Watershed Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest land is hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

MALHEUR NATIONAL FOREST

WILLAMETTE MERIDIAN

Byram Gulch Municipal Watershed

T. 14 S., R. 32 E.,
Sec. 18, lots 3, 4, 5, 6, and 7, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 19, lots 1 and 2, NE¼, E½NW¼.

The area described contains approximately 684 acres in Grant County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 24, 1973.

[FR Doc.73-15654 Filed 7-30-73;8:45 am]

[Public Land Order 5362]

[Oregon 7878]

OREGON

Withdrawal for National Forest Reservoir and Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

WHITMAN NATIONAL FOREST

WILLAMETTE MERIDIAN

Balm Creek Dam, Reservoir, and Recreation Area

T. 7 S., R. 42 E.,
Sec. 1, SE¼SE¼SE¼;
Sec. 12, E½NE¼NE¼ and NE¼SE¼NE¼.
T. 7 S., R. 43 E.,
Sec. 6, lot 7, NW¼SE¼, SW¼, S½SE¼SW¼, and S½SW¼SE¼;
Sec 7, lots 2, 3, and 4, W½NE¼, N½SE¼SW¼, N½NW¼SE¼, and SW¼NW¼SE¼.

The area described aggregates 383.62 acres in Baker County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 24, 1973.

[FR Doc.73-15650 Filed 7-30-73; 8:45 am]

[Public Land Order 5363]

[Colorado 16283]

COLORADO

Partial Revocation of Reclamation Project Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The Secretary's Orders of July 24, 1937, and August 20, 1937, withdrawing lands for the Colorado-Big Thompson Project, are hereby revoked so far as they affect the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 1 N., R. 75 W.,
Sec. 5, W½E½;
Sec. 8, E½NE¼, NW¼NE¼, NE¼ SE¼;
Sec. 9, NW¼SW¼.
T. 1 S., R. 75 W.,
Sec. 1;
Sec. 2, NE¼, S½NW¼, SW¼, N½SE¼;
Sec. 3, W½NW¼, SW¼, W½SE¼;
Sec. 10, SE¼NE¼, W½NE¼, NW¼;
Sec. 11, SE¼NE¼, E½NW¼, SW¼NW¼, NW¼SW¼, E½SE¼;
Sec. 12, NE¼, NE¼NW¼, SW¼NW¼, N½ SE¼;
Sec. 16.

The areas described aggregate 3,654.92 acres in Grand County.

All of the above described lands except section 16, T. 1 S., R. 75 W., which is owned by the State of Colorado, are national forest lands within the Arapaho National Forest.

2. At 10 a.m. on August 29, 1973, the national forest lands shall be open to such forms of disposition as may by law be made of national forest lands.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 24, 1973.

[FR Doc.73-15649 Filed 7-30-73; 8:45 am]

[Public Land Order 5364]

[Idaho 6585]

IDAHO

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in Section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The Order of the Bureau of Reclamation of April 30, 1951, concurred in by the Bureau of Land Management on January 28, 1952, and Public Land Order No. 2588 of January 15, 1962, withdrawing lands for the Southwest Idaho Water Development Project, are hereby revoked so far as they affect the following described lands:

BOISE MERIDIAN

T. 5 S., R. 7 E.,
Sec. 4;
Sec. 6, lots 3, 4, 7, SE¼SW¼;
Sec. 7, lots 1, 2, 3, 4, E½W½, SE¼;
Sec. 8, NE¼, S½;
Sec. 10, W½NW¼, S½;
Sec. 11, W½SW¼;
Sec. 14, W½NW¼, SW¼;
Sec. 15;
Sec. 17, E½SE¼, N½;
Sec. 18, lots 1, 2, 3, 4, NE¼, E½W½, W½ SE¼;
Sec. 19, lots 1, 2, 3, 4, NW¼NE¼, S½NE¼, E½W½, SE¼;
Sec. 20, NE¼NE¼, S½N½, NE¼SW¼, SE¼SE¼;
Sec. 21, NW¼, S½SW¼, SE¼;
Sec. 22, NE¼, S½;
Sec. 23, W½E½, W½;
Sec. 26, SW¼, NW¼SE¼, N½;
Sec. 27, lot 1, N½SW¼, SE¼SW¼, SE¼, N½;
Sec. 28, lots 1, 2, 3, NE¼SE¼, N½;
Sec. 29, lot 1, N½SW¼, NW¼SE¼, N½;
Sec. 30, lots 1, 2, 3, 4, NE¼, E½W½, N½SE¼;
Sec. 31, lots 1, 2, 3, NE¼NW¼;
Sec. 34, lots 1, 3, N½NE¼, SE¼NE¼;
Sec. 35, W½NW¼.

The areas described aggregate approximately 9,376.51 acres in Elmore County.

The lands are located adjacent to and north of the Snake River near Mountain Home. Vegetation is comprised of native grasses, brush and forbs.

2. At 10:00 a.m. on August 29, 1973, the lands shall be open to operation of the public land laws generally, including the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10:00 a.m. on August 29, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Idaho State Office, Bureau of Land Management, 550 W. Fort Street, P.O. Box 042, Boise, Idaho 83724.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 24, 1973.

[FR Doc.73-15642 Filed 7-30-73; 8:45 am]

[Public Land Order 5365]

[Sacramento 5239]

CALIFORNIA

Withdrawal of Land for Addition to the Modoc National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved as an addition to the Modoc National Wildlife Refuge:

MOUNT DIABLO MERIDIAN

T. 41 N., R. 12 E., Sec. 12, SE¼NW¼.

The area described aggregates 40 acres in Modoc County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, provided that such use or disposal will not be inconsistent with the purposes for which the land is withdrawn.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15665 Filed 7-30-73; 8:45 am]

[Public Land Order 5366]

[Idaho 5049]

IDAHO

Revocation of Public Land Order No. 3670

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 3670 of June 10, 1965, withdrawing the following described public domain lands for use by the Forest Service as sites for Job Corps Conservation Centers, is hereby revoked:

BOISE MERIDIAN

T. 15 N., R. 1 W.,
Sec. 3, lot 4.
T. 12 S., R. 20 E.,
Sec. 25, N½NE¼.

The areas described aggregate 119.11 acres in Adams and Cassia Counties.

2. At 10 a.m. on August 30, 1973, the lands shall be open to operation of the public land laws generally, including the United States mining laws, and to the

filing of applications and offers under the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals and classifications, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 30, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 042, Boise, Idaho 83702.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15653 Filed 7-30-73;8:45 am]

[Public Land Order 5367]

[Arizona 6883]

ARIZONA

Withdrawal for National Forest Recreation Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

KAIBAB NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

J. D. Dam Campground

T. 20 N., R. 3 E.,
Sec. 36, S½, S½N½.

Cataract Lake Campground

T. 22 N., R. 2 E.,
Sec. 30, SW¼NE¼SE¼, SE¼NW¼SE¼, NE¼SW¼SE¼, SE¼SE¼;
Sec. 31, NW¼NE¼NE¼, NE¼NW¼NE¼, S½SE¼NW¼NW¼NE¼, S½NW¼NE¼, E½SE¼NW¼, N½NE¼NE¼SW¼, SE¼NE¼NE¼SW¼, and those parts of the following parcels west of the Atchison, Topeka and Santa Fe Railroad right-of-way: NE¼NE¼NE¼, SW¼NE¼NE¼, SW¼NE¼, W½NW¼SE¼.

The areas described aggregate 670.75 acres in Coconino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15659 Filed 7-30-73;8:45 am]

[Public Land Order 5368]

[Arizona 7033]

ARIZONA

Withdrawal for Protection of Natural Springs and Watershed

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws in aid of programs of the Department of Agriculture:

TONTO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Superstition Wilderness Water Sources

T. 1 N., R. 9 E.,
Sec. 14, S½NE¼NE¼, SE¼NE¼;
Sec. 22, S½NE¼SW¼, SE¼SW¼.
T. 2 N., R. 9 E., (unsurveyed)
Sec. 22, S½SE¼SE¼;
Sec. 27, NE¼NE¼.
T. 1 N., R. 10 E.,
Sec. 4, S½SW¼SW¼;
Sec. 5, S½NE¼;
Sec. 6, W½ of lot 2, E½ of lot 3, NE¼SE¼NW¼, NW¼SW¼NE¼;
Sec. 9, S½NW¼;
Sec. 10, E½SW¼SW¼, W½SE¼SW¼;
Sec. 14, S½NE¼NW¼, SE¼NW¼NW¼, NE¼SW¼NW¼, NW¼SE¼NW¼;
Sec. 15, S½SW¼SE¼, SW¼SE¼SE¼;
Sec. 16, SW¼;
Sec. 22, NW¼NE¼NE¼, N½NW¼NE¼.

The areas described aggregate approximately 729.61 acres in Maricopa and Pinal Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15660 Filed 7-30-73;8:45 am]

[Public Land Order 5369]

[Arizona 6884]

ARIZONA

Modification of Reclamation Withdrawal To Permit Grant of Right-of-Way

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

The Departmental Orders of September 30, 1904, and March 14, 1929, withdrawing lands in Arizona for reclamation purposes, are hereby modified to the extent necessary to permit the location of a right-of-way under Section 2477, U.S. Revised Statutes, 43 U.S.C. 932, by the Yuma County Highway Department, over the following described lands, as delineated on a map entitled "County Road Right-of-Way, Survey Drawing No. 71-180", on file with the Bureau of Land Management in Arizona 6884, for construction of a public road:

GILA AND SALT RIVER MERIDIAN

T. 9 S., R. 23 W.,
Sec. 29, lot 2, SE¼SW¼.

The areas described aggregate 51.66 acres in Yuma County.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15658 Filed 7-30-73;8:45 am]

[Public Land Order 5370]

[New Mexico 12600]

NEW MEXICO

Withdrawal for National Forest Recreation Areas

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

CARSON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Trout Lake Recreation Area

T. 27 N., R. 5 E.,
Sec. 1, S½SW¼NW¼;
Sec. 2, SW¼ of lot 2, lots 3, 4, N½SW¼NE¼, S½N½SE¼NE¼, S½SE¼NE¼, N½N½SW¼NW¼, NE¼SE¼NW¼, N½NW¼SE¼NW¼;
Sec. 3, E½ of lot 1, N½NE¼SE¼NE¼.
T. 28 N., R. 5 E.,
Sec. 26, lot 4;
Sec. 34, lot 1, S½ lot 2, E½ lot 3, lot 4, NW¼SE¼, S½NE¼SE¼, N½SE¼SE¼, SE¼SE¼SE¼;
Sec. 35, lot 1, NW¼SW¼NW¼, NW¼SW¼SW¼, S½SW¼SW¼, SW¼SE¼SW¼.

Canjilon Lakes and Canjilon Creek Campground

T. 27 N., R. 6 E. (unsurveyed),
Sec. 19, E½NE¼, SW¼NE¼, E½SW¼, SE¼;
Sec. 20, NW¼, N½SW¼, N½SW¼SW¼, SE¼SW¼, W½W½SE¼;
Sec. 29, W½E½, W½SE¼SE¼;
Sec. 30, NW¼NE¼, N½NW¼, N½S½NW¼;
Sec. 32, NW¼NE¼, W½SW¼NE¼, E½NE¼NW¼.

The areas described aggregate 1,629.43 acres in Rio Arriba County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of

their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15656 Filed 7-30-73;8:45 am]

[Public Land Order 5371]

[New Mexico 14675]

NEW MEXICO

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. sec. 416 (1970), it is ordered as follows:

1. The Secretary's Orders of December 6, 1915, and February 13, 1919, and Public Land Order No. 2721 of July 16, 1962, withdrawing lands for reclamation purposes, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 30 N., R. 8 W.,
Sec. 1, W½SW¼;
Sec. 11, N½N½;
Sec. 12, NW¼NW¼;
Sec. 13, lot 3;
Sec. 14, lot 7;
Sec. 20, lots 5 thru 12;
Sec. 21, NE¼NW¼, S½NW¼, SW¼;
Sec. 24, SW¼NE¼.

The areas described aggregate 938.19 acres in San Juan County.

The land described as lot 7 sec. 14, containing 35 acres has been patented.

2. At 10 a.m. on August 30, 1973, the unappropriated public lands shall be oper to operation of the public land laws generally, including the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 30, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, Santa Fe, New Mexico 87501.

JACK O. HORTON,
Assistant Secretary of the Interior.

JULY 25, 1973.

[FR Doc.73-15655 Filed 7-30-73;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 29, Amdt. 1; Docket No. 72-43]

PART 549—REGULATIONS GOVERNING LEVEL OF MILITARY RATES

Utilization Factors

On December 2, 1972, the Commission promulgated its final rules in this proceeding (General Order 29) whereby it established the standards by which it would determine the level below which rates quoted pursuant to the Military Sealift Procurement System for the transportation of military cargo by common carriers subject to its jurisdiction become "detrimental to the commerce of the United States" within the meaning of section 18(b)(5) of the Shipping Act, 1916.

Therafter, Sea-Land Service, Inc. (Sea-Land) filed a Petition for Reconsideration wherein it asked the Commission "to reconsider and modify two aspects" of General Order 29. This petition was granted by the Commission on March 21, 1973, and interested parties were invited to submit responses thereto. Replies to Sea-Land's petition have been filed by American Export Lines, Inc. (AEL), the Military Sealift Command (MSC) and Commission Hearing Counsel.

Sea-Land's petition concentrates on two issues: (1) The Commission's decision, as reflected in § 549.5(b)(1) of G.O. 29, to use a uniform capacity utilization factor (UCUF) in determining cargo unit costs; and (2) the decision to determine vessel depreciation, in § 549.5(e)(1)(i), on the basis of cost to the carrier of construction of new vessels after construction differential subsidy (CDS). Sea-Land proposes instead that: (1) The Commission abandon UCUF and utilize either the carrier's full vessel capacity as offered in any particular trade or, in the alternative, actual historical utilization; and (2) the Commission make clear that the amount being depreciated is total shipyard cost rather than the net cost to the carrier after CDS.

Having considered the position of all the parties on the Petition for Reconsideration now before the Commission, we are, for reasons stated below, (1) modifying § 549.5(e)(1)(i) of G.O. 29 to provide that residual value, like depreciation, is to be based on the owner's vessel construction cost rather than shipyard cost, and (2) amending § 549.5(b)(1) to allow carriers, subject to these regulations, the *option* of using either actual historical utilization or UCUF.

Section 549.5(e)(1)(i) of General Order 29 presently provides in part:

(i) New vessels: 25-year depreciation life with residual value of 2½ percent of shipyard cost.

On the grounds that a carrier allowed to reduce its depreciation base by deducting construction differential subsidy (CDS) from shipyard cost will enjoy a competitive advantage over those other carriers who build ships without CDS, Sea-Land requests that depreciation be determined on the basis of total shipyard cost for both original cost and residual value.

Sea-Land also contends that it is being further prejudiced by the existing rule since carriers employing ships built with CDS can reduce their depreciation costs by applying the 2½ percent factor for residual value against total shipyard cost rather than actual cost after CDS, which means that such carriers can deduct a larger residual value from their capitalized cost resulting in a lower depreciable base, hence lower annual depreciation costs.

At the minimum, Sea-Land believes that the present regulation should be amended to make it clear whether total shipyard cost refers to both the original value of the vessel being depreciated and the residual value of such vessel, or merely the latter.

MSC takes no position on the depreciation issue raised by Sea-Land except to acknowledge that "the technique of owner's vessel cost less residual value of 2½ percent of shipyard cost minimizes the depreciation expense and is the most favorable" from its standpoint. MSC does question, however, the logic of the Commission's existing rule in basing residual value on shipyard costs, while at the same time determining vessel cost to be depreciated on the basis of the owner's cost.

AEL and Hearing Counsel would reject Sea-Land's proposal, as it relates to the amendment of the existing new vessel depreciation provision, on the ground that such proposal would unduly favor those carriers such as Sea-Land who employ foreign built vessels. As regards the alleged prejudicial effect of the Commission's present method for determining residual value as used in calculating depreciation, Hearing Counsel believe that while Sea-Land's contention has some merit, the practical significance of the principle involved is minor.

Sea-Land has submitted no valid justification whatsoever in support of its request to modify the existing regulation to allow vessel depreciation to be based on the actual construction cost to the carrier, i.e., after deduction of construction differential subsidy, if such subsidy is otherwise applicable. If the Commission were to grant Sea-Land's request and include CDS in its costs, those lines operating U.S. built vessels would have much

higher depreciation costs.[1] Thus, Sea-Land's proposal could, as at least one party has pointed out, impose upon carriers an aritificial cost burden to the undue advantage of carriers such as Sea-Land who employs vessels built abroad at lower cost. Consequently, we are rejecting Sea-Land's suggestion in this regard and reaffirming that new vessel depreciation, under G.O. 29, is to be determined on the basis of actual cost to the carrier.

As regards the suggested modification of the residual value aspect of § 549.5(e)(1)(i), we do see merit, at least in principle, to the position taken by Sea-Land. Therefore, in order to remove any inequity that may exist as a result of allowing carriers employing U.S. built vessels to deduct a larger, if not substantial, amount for residual value from their capitalized cost and thereby lowering their depreciation costs, we are amending § 549.5(e)(1)(i) by providing that the 2½ percent residual value for new vessels will be determined on the basis of owner's cost.

Section 549.5(b)(1) of General Order 29 presently states that:

(i) At least 30 days prior to the bidding date for any future RFP cycle, except for RFP 700, Second Cycle, the Commission will establish a uniform capacity utilization factor for each MSC trade route to be employed by all carriers in that trade in arriving at their cargo unit costs.

Sea-Land argues that the application of a trade wide average, i.e., UCUF, could (1) convert the high-utilizing carrier from low cost to high cost, thereby placing that carrier at a competitive disadvantage as regards the carriage of military cargo; (2) permit the low volume carrier to bid below its fully distributed costs; and (3) expose the taxpayer to higher costs by requiring the high volume carrier to artificially add an amount on top of its fully distributed costs. Sea-Land urges the Commission to discard UCUF and to utilize in lieu thereof either (1) the carriers' full vessel capacity as offered in any particular trade (100 percent utilization), or (2) actual historical utilization.

MSC would also abandon UCUF and adopt instead a 100 percent practical capacity utilization factor. MSC believes that UCUF in effect rewards the less efficient carriers and penalizes the more efficient carriers, while increasing costs to the taxpayer, and views a 100 percent practical capacity factor as being the fairest alternative.

AEL urges the rejection of Sea-Land's request to modify G.O. 29 to establish either a 100 percent utilization factor or a historical utilization factor. AEL is of the opinion that the use of a historical utilization factor would be contrary to the "fully distributed" cost theory of G.O. 29, since it would create a formula whereby the resulting cost would be lower than the carrier's actual cost. (This would allegedly occur because the operator's fixed costs would be distributed over a greater number of units than those it actually carried.) AEL believes that the adoption of a historical utilization factor would be likewise improper because it would give carriers who have succeeded in the past in securing military cargo a "built in advantage" since past volume of traffic will serve to reduce their unit costs.

Hearing Counsel recommend against the wholesale abandonment of UCUF on the ground that while UCUF "may present problems, it does ameliorate the competitive advantage enjoyed by a carrier like Sea-Land having large ships and high historical utilization." Thus, they suggest a modification to the present regulation which, they submit, would preserve the beneficial aspects of UCUF as regards the low-utilizing carrier while at the same time tempering its effects on the high-utilizing carrier. This proposed modification consists of amending G.O. 29 to allow any carrier the option of using UCUF or actual historical utilization, whichever is the greater. Specifically, G.O. 29 would be modified to read as follows:

(b) *Utilization Factor*

(1) At least 30 days prior to the bidding date for any RFP cycle, except for RFP 700, Second Cycle, and RFP 800, First Cycle, the Commission will establish a uniform capacity utilization factor for each MSC trade route. Carriers will determine cargo unit costs on the basis of such factor, or of the actual number of cargo units carried, whichever is greater.

While not suggesting that their proposal eliminates every difficulty, Hearing Counsel do believe that it constitutes a reasonable adjustment and avoids the extremes of unduly favoring either the high-utilizing carrier by using actual historical utilization or unduly favoring the low-utilizing carrier which occurs as a result of using UCUF exclusively. We agree.

There is most likely no utilization factor which would be acceptable to all carriers of military cargo. Of the four utilization factors which have to date been suggested to the Commission, i.e., historical carriage, historical carriage without military cargo, full capacity of the ship, or trade-wide average of historical utilization, none is without its own particular drawbacks. Historical utilization might prefer carriers whose low bids have enabled them to attract the greatest volume of cargo and tends to perpetuate their advantageous position. Historical carriage exclusive of military cargo, on the other hand, might be unfair to the successful military carrier whose commercial utilization might have been unduly depressed. A 100 percent utilization factor would confer an obvious advantage on a carrier like Sea-Land who employs or plans to employ larger vessels, such as the SL-7's.

Under Hearing Counsel's proposal the historically high-utilizing carrier will not be deprived of the benefits of his past success since his cost will not be artificially increased by application of the lower UCUF. The low-utilizing carrier, on the other hand, who would otherwise be locked into a high cost position if historical utilization were the only applicable factor, will be able to reduce costs by reliance on the trade-wide average factor. While the use of UCUF by the low-utilizing carrier would reduce such carrier's costs and thus enable him to more effectively compete with the high-utilizing carrier, the latter carrier having the option of rejecting UCUF in favor of actual utilization experience is amply protected since such experience being above the average would result in his own costs being reduced.

All in all, the compromise proposal advanced by Hearing Counsel strikes what we believe to be a fair balance between the variant interests affected, and we are modifying § 549.5(a)(1) accordingly.

Therefore, pursuant to sections 18(b)(5) and 43 of the Shipping Act, 1916 (46 U.S.C. 817 and 841(a)), Part 549, Title 46 CFR, is hereby amended in the following respects:

1. Paragraph (b)(1) of § 549.5 is modified to read as follows:

(b) *Utilization factor* (1) At least 30 days prior to the bidding date for any RFP Cycle except for RFP 700, Second Cycle and RFP 800, First Cycle, the Commission will establish a uniform capacity utilization factor for each MSC trade route. Carriers will determine cargo unit cost on the basis of such factor or of the actual number of cargo units carried, whichever is greater.

2. Subdivision (i) of paragraph (e)(1) of § 549.5 is amended to read as follows:

(i) New vessels: 25-year depreciation life based on owner's cost with residual value of 2½ percent of such owner's cost.

Effective date. The amendments contained herein shall become effective August 30, 1973.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.73-15742 Filed 7-30-73;8:45 am]

[1] Another point to be kept in mind here is that CDS is not paid to the vessel owner but rather to the shipyard as a means of equalizing the cost of constructing vessels in the U.S. with foreign built vessels. We see no reason, therefore, why the amount of CDS should be included as a factor of cost by the vessel owner.

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE AND RECREATION

Tule Lake and Lower Klamath National Wildlife Refuges, California; Elimination of Overnight Camping

On page 12232 of the FEDERAL REGISTER of May 10, 1973, there was published a notice of proposed rulemaking to issue regulations eliminating overnight recreational use including camping on the Tule Lake and Lower Klamath National Wildlife Refuges. After consideration of all relevant matter as was presented by

interested persons, the proposed regulations are hereby adopted without change and are set forth below.

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

(1) Overnight camping is prohibited within the boundaries of Tule Lake and Lower Klamath National Wildlife Refuges and Public Law 88-567 lands.

(2) Vehicles are not permitted to remain on the refuge areas between 90 minutes after sunset each day until 2 hours before sunrise the following morning, except as used in the authorized conduct of agricultural operations by valid agricultural lease holders and their agents.

Effective date. These regulations shall be effective as of September 1, 1973.

L. EDWARD PERRY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

JULY 23, 1973.

[FR Doc.73-15717 Filed 7-30-73;8:45 am]

PART 32—HUNTING

Medicine Lake National Wildlife Refuge, Mont.

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

§ 32.32 Special regulations, big game; for individual Wildlife Refuge areas.

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Big game hunting is permitted on the area designated by signs as open to big game hunting. This open area comprises 8,000 acres and is delineated on maps available at refuge headquarters, 3 miles southeast of Medicine Lake, Montana 59247 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Ave., Denver, Colo. 80215. Big game hunting shall be in accordance with all applicable State regulations. No vehicle travel is permitted except on maintained roads and trials.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32 and are effective through December 31, 1973.

DONALD N. WHITE,
Refuge Manager, Medicine Lake National Wildlife Refuge, Medicine Lake, Montana.

JULY 23, 1973.

[FR Doc.73-15718 Filed 7-30-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[13th Gen. Rev., Export Regs., Amdt. 66]

PART 390—GENERAL ORDERS

Advisory Committees

Section 390.1 is amended to read as set forth below.

Effective date: July 30, 1973.

RAUER H. MEYER,
Director, Office of Export Control.

Section 5(c) of the Export Administration Act of 1969, as amended, provides that: "Upon written request by representatives of a substantial segment of any industry which produces articles, materials, and supplies including technical data and other information, which are subject to export controls or are being considered for such controls because of their significance to the national security of the United States, the Secretary of Commerce shall appoint a technical advisory committee for any grouping of such articles, materials, and supplies including technical data and other information which he determines is difficult to evaluate because of questions concerning technical matters, worldwide availability and actual utilization of production and technology, or licensing procedures."

The Export Control Regulations are revised to provide procedures, instructions, and specific information relative to this provision of the Export Administration Act.

The Regulations also provide that whenever the Department of Commerce desires the advice or assistance of a particular segment of an industry with respect to any export control problem that is outside the scope of the Export Administration Act provisions relating to technical advisory committees, other advisory committees may be formed. In any event, nothing in these regulations shall be construed to restrict the Department of Commerce in consulting any person or firm relative to any export control matter; nor will anything in these regulations be construed to restrict in any manner the right of any individual person or firm to discuss any export control matter with the Department of Commerce.

Accordingly, § 390.1 is amended to read as set forth below.

§ 390.1 Advisory committees.

(a) *Purpose.* The purpose of this § 390.1 is to set forth the procedures and criteria for the establishment and operation of technical advisory committees under the provisions of section 5(c) of the Export Administration Act of 1969, as amended.

(b) *Technical Advisory Committees.* Any producer of articles, materials, or supplies including technical data that are subject to export control, or are being considered for such control because of their significance to the national security of the United States, may request the establishment of a technical advisory committee, under the provisions of section 5(c) of the Export Administration Act of 1969, as amended, to advise and assist the Department of Commerce and other U.S. Government agencies with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, or licensing procedures which may affect the level of export controls applicable to a clearly defined grouping of articles, materials, or supplies, including those subject to multi-lateral control. If producers of articles, materials, or supplies, including technical data, wish a trade association or other representative to submit a written request on their behalf for the appointment of a technical advisory committee, such request shall be submitted in accordance with the provisions of § 390.1(b)(4).

(1) *Form and substance of requests.* Each request for the appointment of a technical advisory committee shall be submitted in writing to the Director of the Office of Export Control (Attn: 548), U.S. Department of Commerce, Washington, D.C. 20230. The request shall include (i) a description of the articles, materials or supplies including technical data in terms of a clear, cohesive grouping (citing the applicable Export Control Commodity Numbers where practicable); (ii) a statement of the reasons for requesting the appointment of a technical advisory committee; and (iii) any information in support of any contention that may be made that the request meets the criteria set forth in § 390.1(b)(2).

(2) *Consideration of request for establishment of a technical Advisory Committee.* The Department of Commerce will review all requests for the establishment of a technical advisory committee to determine if the following criteria are met: (i) that a substantial segment of the industry producing the specified articles, materials or supplies including technical data desires such a committee and (ii) that the evaluation of such articles, materials or supplies including technical data, for export control purposes is difficult because of questions involving technical matters, worldwide availability and actual utilization of production and technology, or licensing procedures.

(3) *Determination of substantial segment of an industry.* In determining whether a substantial segment of any industry has requested the appointment of a technical advisory committee, the Department of Commerce will consider (i) the number of persons or firms requesting the establishment of a technical advisory committee for a particular grouping of commodities in relation to the total number of U.S. producers of such commodities, and (ii) the volume of annual production by such persons or firms of each commodity and all technical data in the grouping in relation to the total U.S. production. Generally, a substantial segment of an industry (for purposes of this § 390.1(b)) shall consist of:

(*a*) Not less than 30 percent of the total number of U.S. producers of the commodities or technical data concerned; or

(*b*) Three or more U.S. producers who produce a combined total of not less than 30 percent of the total U.S. annual producton, by dollar value of the commodities or technical data concerned; or

(c) Not less than 20 percent of the total number of U.S. producers of the commodities or technical data concerned; provided that the total of their annual production thereof is not less than 20 percent of the total U.S. annual production, by dollar value.

If it is determined that a substantial segment of the industry concerned has requested the establishment of a technical advisory committee concerning a specific grouping of commodities or technical data that the Department of Commerce determines difficult to evaluate for export control purposes, the Department of Commerce will establish and utilize the technical advisory committee requested.

(4) *Requests from trade associations or other representatives.* Requests from trade associations or other representatives of U.S. producers for the establishment of a Technical Advisory Committee must comply with the provisions of § 390.1(b) (1) through (3). In addition, in order to assist the Department in determining whether the criteria set forth in § 390.1(b)(3) have been met, a trade association or other representative submitting a request for the establishment of a technical advisory committee should include the following information: (i) the total number of firms in the particular industry, (ii) the total number of firms in the industry that have authorized the trade association or other representative to act in their behalf in this matter, (iii) the approximate amount of total U.S. annual production by dollar value of the commodities or technical data concerned produced by those firms that have authorized the trade association or other representative to act in their behalf, and (iv) a description of the method by which authorization to act on behalf of these producers was obtained.

(5) *Nominations for membership on Technical Advisory Committee.* When the Department of Commerce determines that the establishment of a technical advisory committee is warranted, it will request nominations for membership on the committee among the producers of the commodities and from any other sources that may be able to suggest well-qualified nominees.

(6) *Selection of industry members of Committee.* Industry members of a technical advisory committee will be selected by the Department of Commerce from a list of the nominees who have indicated their availability for service on the committee. To the extent feasible, the Department of Commerce will select a committee balanced to represent all significant facets of the industry taking into consideration such factors as the size of the firms, their geographical distribution, and their product lines. No industry representative shall serve on such committee for more than two consecutive years.

(7) *Government members.* Government members of a technical advisory committee will be selected by the Department of Commerce from the agencies having an interest in the subject matter concerned.

(8) *Invitation to serve on committee.* Invitations to serve on a technical advisory committee will be sent by letter to the selected nominees. Acceptance or declination should also be conveyed by letter.

(9) *Election of chairman.* The Chairman of each technical advisory committee shall be elected by a vote of a majority of the members of the committee present and voting.

(c) *Charter.* (1) No technical advisory committee established pursuant to § 390.1 (b) of this part shall meet or take any action until an advisory committee charter has been filed with the Assistant Secretary for Administration of the Department of Commerce and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of the Department. Such charter shall contain the following information:

(i) The committee's official designation;

(ii) The committee's objectives and the scope of its activity;

(iii) The period of time necessary for the committee to carry out its purposes;

(iv) The agency or official to whom the committee reports;

(v) The agency responsible for providing the necessary support for the committee;

(vi) A description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(vii) The estimated annual operating costs in dollars and man-years for such committee;

(viii) The estimated number and frequency of committee meetings;

(ix) The committee's termination date, if less than two years from the date of the committee's establishment; and

(x) The date the charter is filed.

(2) A copy of any such charter shall also be furnished to the Library of Congress, Exchange and Gift Division, Federal Advisory Committee Desk, Washington, D.C. 20540.

(d) *Meetings.* (1) Each technical advisory committee established under the provisions of the Export Administration Act, as amended, and § 390.1(b) of this part shall meet at least once every three months at the call of its chairman unless it is specifically determined by the Chairman, in consultation with other members of the committee, that a particular meeting is not necessary.

(2) No technical advisory committee may meet except at the call of its Chairman.

(3) Each meeting of a technical advisory committee shall be conducted in accordance with an agenda approved by a designated Federal employee.

(4) No technical advisory committee shall conduct a meeting in the absence of a designated Federal employee who shall be authorized to adjourn any advisory committee meeting, whenever he determines adjournment to be in the public interest.

(e) *Public notice.* Notice to the public of each meeting of a technical advisory committee shall be issued at least seven days in advance and shall be published in the Federal Register. The notice shall include the time and place of the meeting and its agenda.

(f) *Public attendance and participation.* (1) Any member of the public who wishes to do so may file a written statement with any technical advisory committee before or after any meeting of a committee.

(2) A request for an opportunity to deliver an oral statement relevant to matters on the agenda of a meeting of a technical advisory committee will be granted to the extent that the time available for the meeting permits. A committee may establish procedures requiring such persons to obtain advance approval for such participation.

(3) Attendance at meetings of technical advisory committees will be open to the public unless it is determined pursuant to section 10(d) of the Federal Advisory Committee Act to be necessary to close all, or some portion, of the meeting to the public. A determination that a meeting or portion thereof be closed to the public may be made if all or a specific portion of a meeting of a technical advisory committee is concerned with matters set forth in section 552(b) of Title 5, United States Code.

(4) Participation by members of the public in open technical advisory committee meetings or questioning of committee members or other participants shall not be permitted except in accordance with procedures established by the committee.

(5) All persons wishing to attend an open technical advisory committee meeting should submit a written request for admission to the meeting in advance of the announced date of the meeting. Every effort will be made to accommodate all members of the public who wish to attend. Where limitations of space prevent the attendance of everyone who has requested admittance, members of the public will be admitted in the order in which their requests are received.

(g) *Minutes.* (1) Detailed minutes of each meeting of each technical advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee.

(2) The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(h) *Records.* (1) Subject to section 552 of Title 5, United States Code and Department of Commerce Administrative Order 205-12, "Public Information," and "Public Information" regulations issued by the Department of Commerce that are contained in Part 4, Subtitle A, Title 15, Code of Federal Regulations, the records, reports, transcripts, minutes, appendixes,

working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by each technical advisory committee shall be available for public inspection and copying.

(2) Each technical advisory committee shall prepare at least once each year a report describing its membership, functions, activities and such related matters as would be informative to the public consistent with the policy of section 552 (b) of title 5, United States Code.

(3) Requests for records should be addressed to: Central Reference and Records Inspection Facility, Room 7043, U.S. Department of Commerce, Washington, D.C. 20230. Telephone 202-967-5511. Rules concerning the use of this facility are contained in Part 4, Subtitle A, Title 15, Code of Federal Regulations, or may be obtained from the facility.

(i) *Compensation.* If the Department of Commerce deems it appropriate, a member of a technical advisory committee, upon request, may be reimbursed for travel, subsistence, and other necessary expenses incurred by him in connection with his duties as a member.

(j) *Scope of advisory committee functions.* All technical advisory committees are limited to the functions set forth in their charters.

(k) *Duration of committees.* Each technical advisory committee shall terminate at the end of two years from the date the committee was established or two years from the effective date of its most recent extension, whichever is later. Committees may be continued only for successive two-year periods by appropriate action taken by the authorized officer of the Department of Commerce prior to the date on which such advisory committee would otherwise terminate. Technical advisory committees may be extended or terminated only after consultation with the committee.

(l) *Miscellaneous.* (1) Technical advisory committees established pursuant to § 390.1(b) of this part, in addition to conforming to the provisions of this part, shall also conform to the provisions of the Federal Advisory Committee Act (Public Law 92-463), Office of Management and Budget (OMB) Circular A-63 and OMB/Department of Justice Memorandum, "Advisory Committee Management," Department of Commerce Administrative Order 205-12, "Public Information," the applicable provisions of the Export Administrative Act of 1969, as amended, and any other applicable Department of Commerce regulations or procedures affecting the establishment or operation of advisory committees.

(2) Whenever the Department of Commerce desires the advice or assistance of a particular segment of an industry with respect to any export control problem for which the service of a technical advisory committee, as described in § 390.1(b) above, is either unavailable or impracticable, an advisory committee may be established pursuant to the provisions of § 9 of the Federal Advisory Committee Act. Such committees will be subject to the requirements of the Federal Advisory Committee Act, Office of Management and Budget (OMB) Circular A-63 and OMB/Department of Justice Memorandum "Advisory Committee Management," Department of Commerce Administrative Order 205-12, "Public Information," and any other applicable Department of Commerce regulations or procedures affecting the establishment or operation of advisory committees.

(3) Nothing in the provisions of this § 390.1 shall be construed to restrict in any manner the right of any person or firm to discuss any export control matter with the Department of Commerce or to offer advice or information on export control matters. Similarly, nothing in these provisions shall be construed to restrict the Department of Commerce in consulting any person or firm relative to any export control matters.

[FR Doc.73-15667 Filed 7-30-73;8:45 am]

[13th Gen. Rev., Export Regs., Amdt. 68]

PART 377—SHORT SUPPLY CONTROLS

Exports of Certain Agricultural Commodities

Section 377.3 is amended to read as set forth below.

Effective date: July 28, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.

In Export Control Bulletin No. 90 of July 5, 1973, validated license requirements were imposed on exports of 41 categories of agricultural commodities, including edible oils, animal fats, and livestock protein feeds. That Bulletin also announced a licensing policy for export of commodities classified under these 41 categories. (All agricultural commodities listed in Supplement No. 1 to Part 377 of the Export Control Regulations other than soybeans (Schedule B No. 221.4000); cottonseed (Schedule B No. 221.6000); soybean oil-cake and meal (Schedule B No. 081.3030); cottonseed oil-cake and meal (Schedule B No. 081.3020). It was stated that applications against orders accepted on or before June 13, 1973, for export of these 41 categories prior to October 1, 1973, will be licensed to the extent of 100 percent of the unfilled balance.

The purpose of this Bulletin is to announce the licensing policy for export of these 41 categories prior to October 1, 1973 against orders accepted after June 13, 1973; and also, to announce the licensing policy for exports prior to October 1 of peanuts certified of edible grade, and peanut meal containing aflatoxin. No licensing system is established for exports of cottonseed meal containing aflatoxin against orders accepted after June 13, but license applications for exports of such meal will be considered on a case-by-case basis, under the hardship procedure announced in Export Control Bulletin No. 92 of July 10, 1973.

Applications for export of any of these 41 categories after October 1, 1973, will not be considered until further notice. Those of the 41 aforementioned categories which presently may be exported under general license, if the shipment is valued at less than $250, may continue to be exported on that basis.

I. *Licensing policy for soybean and cottonseed oils to be exported prior to October 1, 1973.* Exports against orders accepted on or before June 13, will continue to be licensed on the basis of 100 percent of the unfilled balance of such orders. Exports against orders accepted after June 13, will be licensed on the basis of 100 percent of the unfilled balance of any accepted order reported on or before July 20, this being the latest report date for which aggregate anticipated export statistics have been tabulated. Exporters are cautioned not to draw any conclusions as to any licensing system for exports against accepted orders reported subsequent to that date.

II. *Licensing policy for the other oils, protein feeds, and animal fats to be exported prior to October 1, 1973.* These commodities comprise 32 categories, each of which will be licensed for export on the basis of the exporter's prior export history for such category during the period July-September 1972. In effect, the exporter will receive a quota based on his prior export history for each of these 32 categories. Against this quota will be charged all exports licensed against orders accepted on or before June 13. Exports against such orders will continue to be licensed 100 percent. To the extent such exports in a category do not exceed the exporter's quota for such category, the balance remaining will be licensed for export prior to October 1, against orders accepted after June 13. For each of the 32 categories, except inedible tallow (Schedule B No. 411.3220), the quota will be 100 percent of the exporter's exports of such category during July-September 1972. For inedible tallow, the quota will be set at 90 percent of the exporter's prior export history during July-September 1972. Licenses will be issued on this basis, for 100 percent of the unfilled balance of each order accepted after June 13, until the quota ceiling is reached.

III. *Licensing policy for edible grade peanuts, and peanut meal containing aflatoxin to be exported prior to October 1, 1973.* Licenses will be issued for export prior to October 1 of edible grade peanuts for 100 percent of the unfilled balance of any accepted order, regardless of the date on which such order was accepted, subject to the applicant submitting an affidavit at the time he applies for each license that the peanuts to be exported under such license are all of edible grade. Exports under such licenses will not be permitted unless the exporter submits to the appropriate U.S. Bureau of Customs officer at the time of export,

a copy of a U.S. Department of Agriculture certificate identifying the peanuts to be of an edible grade (*i.e.*, U.S. No. 1, U.S. Medium, and U.S. Extra Large for shelled grades; and U.S. Fancy and U.S. Jumbo for inshell grades).

Peanut meal containing aflatoxin in a ratio of 25 parts, or more, per billion will be licensed on the same basis as edible grade peanuts, except that the applicant's affidavit will affirm that the peanut meal to be exported under such license has an aflatoxin content not less than the aforementioned ratio. Exports under such licenses will not be permitted unless the exporter submits to the appropriate U.S. Bureau of Customs officer at the time of export, a U.S. Department of Agriculture certificate that the meal to be exported is "positive" for aflatoxin.

Accordingly, § 377.3 is amended by revising paragraph (c), and adding new paragraphs (d), (e), (f), and (g) to read as follows:

§ 377.3 Agricultural Commodities.

* * * * *

(c) *Licensing system for exports of additional agricultural commodities against orders accepted on or before June 13*—(1) *Submission of application with supporting documentation.* All exporters who wish to be considered for the issuance of a validated license for any export of the agricultural commodities listed in Supplement No. 1 to this Part 377, other than those identified in § 377.3 (b), must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation: (i) Photocopy or certified copy of the contract of sale for export to a foreign buyer accepted by the applicant on or before June 13 for export prior to October 1 and (ii) a sworn affidavit by the applicant as to the amount previously exported against such contract, if any. The application shall be submitted on forms FC-419 and FC-420.[1] The above-mentioned documentation will serve in lieu of the form FC-842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations.

(2) *Issuance of licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license for the unfilled balance against each verified contract submitted under the terms of paragraph (c) (1) of this section.

(d) *Licensing system for exports of additional agricultural commodities against orders accepted after June 13.*—(1) *Licensing for soybean and cottonseed oils*—(i) *In general.* All exporters who wish to be considered for the issuance of a validated license for any export of any of the nine categories of soybean and cottonseed oils listed in Supplement No. 1 to this Part 377 must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation:

(*a*) Photocopy or certified copy of the contract of sale for export to a foreign buyer accepted by the applicant for export prior to October 1, and reported on or before July 20, and

(*b*) A sworn affidavit by the applicant as to the amount previously exported against such contract, if any, and that the export for which a validated license is sought was reported as an anticipated export on or before July 20, pursuant to § 376.3 of this chapter.

The application shall be submitted on forms FC-419 and FC-420.[1] The above-mentioned documentation will serve in lieu of the form FC-842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of this chapter, the Export Control Regulations.

(ii) *Issuance of licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license for the unfilled balance against each verified contract submitted under the terms of paragraph (d) (1) (i) of this section.

(2) *Licensing for the remainder of the additional agricultural commodities*—(i) *In general.* All exporters who wish to be considered for the issuance of a validated license for an export of any of the agricultural commodities listed in Supplement No. 1 to this Part 377, other than those identified in 377.3 (b) and those identified in paragraph (d) (1) of this section, must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation:

(*a*) A photocopy or certified copy of the contract of sale for export to a foreign buyer accepted by the applicant prior to October 1, and

(*b*) A sworn affidavit by the applicant as to the amount previously exported against such contract, if any, and stating:

(*1*) The total of his exports of such commodity to all destinations (including Canada) durng the period from July 1, 1972 to September 30, 1972, and

(*2*) All of the orders for export of such commodity accepted on or prior to June 13, 1973, for export during the period July 1, 1973, through September 30, 1973, with respect to which the applicant has received, applied for, or intends to apply for, a validated license (if no such orders were accepted on or before June 13, 1973, the affidavit shall so state).

The application shall be submitted on forms FC-419 and FC-420.[1] The above-mentioned documentation will serve in lieu of the form FC-842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of this chapter, the Export Control Regulations.

(ii) *Issuance of licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license for the unfilled balance against each verified contract submitted under the terms of subdivision (i) of this subparagraph, but only to the extent of the applicant's allowable quota for the specified commodity. For purposes of this subparagraph, an applicant's allowable quota for any such specified commodity, except inedible tallow, is the total quantity of his exports of such commodity to all destinations (including Canada) during the period from July 1, 1972, to September 30, 1972; minus the total quantity of such commodity provided for by all orders for export of such commodity which he accepted on or prior to June 13, 1973, for export during the period July 1, 1973, through September 30, 1973, with respect to which the applicant has received, applied for, or intends to apply for, a validated license. In the case of inedible tallow (Schedule B No. 441.3220), the applicant's allowable quota is 90 percent of the total quantity of his exports of such inedible tallow to all destinations (including Canada) during the period from July 1, 1972, to September 30, 1972; minus the total quantity of such commodity provided for by all orders for export of such commodity which he accepted on or prior to June 13, 1973, for export during the period July 1, 1973, through September 30, 1973, with respect to which the applicant has received, applied for, or intends to apply for, a validated license.

(e) *Licensing system for exports of edible grade peanuts and peanut meal containing aflatoxin*—(1) *Submission of application with supporting documentation.* All exporters who wish to be considered for the issuance of a validated license for any export of edible grade peanuts and peanut meal containing aflatoxin must file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation:

(i) A photocopy or certified copy of the contract of sale to a foreign buyer accepted by the applicant for export prior to October 1, and

(ii) (*a*) With respect to edible grade peanuts, a sworn affidavit by the applicant stating the amount previously exported against such contract, that the peanuts proposed to be exported are all of edible grade, and that the applicant will furnish to the appropriate U.S. Bureau of Customs officer, at the point of export, a copy of an official Agricultural Marketing Service (U.S. Department of Agriculture) inspection certificate (Form FV-184-Peanuts) certifying that the peanuts proposed for export are all of edible grade (*i.e.*, graded U.S. No. 1, U.S. Medium, or U.S. Extra Large, if shelled; or U.S. Fancy or U.S. Jumbo, if not shelled), or

[1] Forms FC-419 and FC-420 are available from the Office of Export Control (Attention: 547), U.S. Department of Commerce, Washington, D.C. 20230, or the nearest Department of Commerce District Office.

(b) With respect to peanut meal containing aflatoxin, a sworn affidavit by the applicant stating the amount previously exported against such contract, that the peanut meal proposed to be exported contains aflatoxin to the extent of not less than 25 parts per billion parts, and that the applicant will furnish to the appropriate U.S. Bureau of Customs officer, at the point of export, a copy of an official Agricultural Marketing Service (U.S. Department of Agriculture) Certificate of Quality and Condition (Form FV-146) (which will bear the export license number) certifying that the lots proposed for shipment are "positive" for aflatoxin (contain aflatoxin to the extent of 25 parts or more per billion parts).

The application shall be submitted on forms FC-419 and FC-420.[1] The abovementioned documentation will serve in lieu of the form FC-842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of the Export Control Regulations.

(2) *Issuance of Licenses.* The Office of Export Control will verify the authenticity of each application and supporting documentation and will issue a validated export license for the unfilled balance against each verified contract submitted under the terms of paragraph (e)(1) of this section.

(f) *Special terms.* Each license issued under this section will only be valid for shipment against the particular contract applicable. All licenses issued for export of these commodities shall expire on October 15, 1973. Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant is required to file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(g) *Reduction of shipping tolerance allowance.* Section 386.7(b) (1) of this chapter, the Export Control Regulations states in part, that commodities listed in Supplement No. 1 to Part 377, are subject to the tolerance set forth in Part 377. Shipping tolerances applicable to the commodities subject to the requirements of this § 377.3(c) are accordingly shown in Supplement No. 1 to Part 377.

[FR Doc.73-15884 Filed 7-30-73;8:45 am]

[13th Gen. Rev., Export Regs., Amdt. 67]

PART 377—SHORT SUPPLY CONTROLS

Exports of Ferrous Scrap

Section 377.4 is amended to read as set forth below.

Effective date: July 27, 1973.

RAUER H. MEYER,
Director,
Office of Export Control.

The FEDERAL REGISTER issuance of July 3, 1973, established a licensing system for exports of ferrous scrap under which no licenses were issued for exports of ferrous scrap against orders of 500 short tons or more which were accepted after July 1, 1973, or which called for export after July 31, 1973. Applications to export ferrous scrap against accepted orders for less than 500 short tons were considered, irrespective of the date on which such orders were accepted.

I. *Amendment of licensing system against orders of 500 short tons or more for export in July 1973; extending validity period of such licenses to August 30, 1973.* As previously, validated licenses will continue to be granted in the case of applications to export ferrous scrap in respect to unfilled or partially filled orders of 500 short tons or more calling for export during the month of July 1973, which were accepted by an exporter on or before July 1, 1973, if such orders were reported by him pursuant to the reporting requirement of § 377.1(c). However, the validity period of all such licenses, whether issued prior to the effective date of this Bulletin, or hereafter is hereby extended until August 30, 1973.

II. *Licensing system against orders of 500 short tons or more for export in August 1973.* The licensing system against orders of 500 short tons or more of ferrous scrap for export in August 1973 is hereby announced. Validated licenses will be issued in the case of applications to export scrap against unfilled or partially filled orders calling for export during the month of August 1973, which were accepted by an exporter on or before July 1, 1973. Except as noted below, such licenses will be granted under the same terms and conditions as apply with respect to validated licenses for export of scrap during the month of July 1973. Thus, the orders must have been reported by the exporter pursuant to the reporting requirement of § 377.1(c), and the application must be accompanied by the supporting documentation (described in § 377.4(b)(1)) which would be required in the case of license applications for July exports of scrap. In addition to these requirements, however, the affidavit accompanying an application for August export must include an affirmation that the applicant has the necessary scrap on hand or earmarked for such accepted order, as of the date of filing such application. Further, in the case of an application for export to Japan, an Import Certificate, issued by the Government of Japan, must be filed in the manner provided by the regulations issued herewith. The Government of Japan has advised that the import certificates which it will issue for exports of U.S. ferrous scrap during the month of August will amount to a total quantity of 564,610 short tons. Exporters who apply for a license for export to Japan during the fifteen days following the effective date of this Bulletin, and who have not yet received a copy of the Japanese Import Certificate issued for this export, may, in lieu thereof, submit an affidavit with supporting documentary evidence that such a certificate has been issued, indicating the number of such certificate and the quantity of ferrous scrap for which it has been issued. Licenses issued for August exports of scrap to all destinations shall have a validity period of 60 days from the date of issuance.

III. *Amendment of licensing system against orders of less than 500 short tons; extending validity period of such licenses to 30 days from date of issuance, or (if later) August 15, 1973.* As previously, applications to export ferrous scrap against accepted orders for less than 500 short tons will be considered irrespective of the date on which such orders were accepted. However, whereas previously such licenses were to lapse 21 days after the date of issuance, the validity period of all such licenses whether issued prior to the effective date of this Bulletin or hereafter is hereby extended through the thirtieth day following the date of issuance, or August 15, 1973, whichever is later.

Licensing system against orders of 500 short tons or more for export in September 1973, to be announced. The licensing system for exports of ferrous scrap against reported orders of 500 short tons or more calling for export during September 1973, which were accepted on or before July 1, 1973, will be announced in a subsequent Bulletin.

Accordingly, Section 377.4 is amended to read as follows:

§ 377.4 Ferrous scrap.

(a) *In general.* Ferrous scrap commodities listed in Supplement No. 1 to this Part 377 require a validated license for export to all foreign destinations, including Canada. Except as provided in paragraph (c) of this section, no license will be issued for export of ferrous scrap during the 1973 calendar year against an order which was accepted after July 1, 1973; and no application for a validated license to export ferrous scrap will be considered until further notice, unless it is against an unfilled or partially filled order calling for export during the months of July or August 1973, which was accepted by an exporter on or before July 1, 1973, and reported by him pursuant to the reporting requirement of § 377.1(c).

(b) *Licensing system against orders of 500 short tons or more for export in July or August 1973—(1) Submission of application with supporting documentation.* Any exporter who reported (pursuant to § 377.1(c)) an unfilled or partially filled order accepted on or before July 1, 1973, for export during the month of July or August 1973, of 500 short tons or more of any of the ferrous scrap commodities listed in Supplement No. 1 to this Part 377, who wishes to be considered for the issuance of a validated license for export with respect to such order, shall file with the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, an application with the following supporting documentation:

(i) A photocopy or certified copy of the contract of sale for export to a foreign buyer, accepted by the applicant on or before July 1, 1973;

(ii) A sworn affidavit by the applicant as to the amount previously exported against each such contract, if any;

(iii) A statement, in the affidavit referred to in the preceding subdivision, that the applicant has the necessary quantity of such commodity earmarked for such accepted order, as of the date of filing such application; and

(iv) In the case of exports to Japan, an Import Certificate issued by the Government of Japan or such other document as may be required by the provisions of paragraph (b)(2) of this section.

For purposes of paragraph (b)(1)(ii) of this section, the term "earmarked" refers to commodities which are specifically allocated for export against the accepted order and either in stock or scheduled for timely delivery under binding arrangements. The application shall be submitted on Forms FC–419, *Application for Export License*, and FC–420, *Application Processing Card*. The abovementioned documentation will serve in lieu of Form FC–842, *Single Transaction Statement by Consignee and Purchaser*, that would otherwise be required pursuant to § 375.2 of this chapter.

(2) *Requirement of Japanese import certificate.* In the case of an accepted order for export of ferrous scrap to Japan, which calls for export during the month of August, an Import Certificate (for the full quantity of the export which would be covered by the validated license) must have been issued by the Government of Japan. Such Import Certificate, or a photocopy or certified copy thereof, shall be filed with the application pursuant to the procedures specified in subparagraph (1) of this paragraph. Where Japan is the destination indicated in the accepted order but the country of ultimate destination was from the outset intended to be another, no import certificate shall be required, but the circumstances must be established and documented to the satisfaction of the Office of Export Control for the requirements of this subparagraph to be waived. In any case in which export to Japan against an order calling for export in August is scheduled to occur on or before August 11, 1973, the applicant may, if the Import Certificate (or a copy thereof) is not physically available on the date of filing, submit in lieu thereof with his application, a sworn affidavit: (i) Affirming that an Import Certificate has been issued for the full amount of the export which would be covered by the validated license, (ii) supplying the number of such certificate, and (iii) pledging to file with the Office of Export Control the Import Certificate, or a copy thereof, within seven working days. Such affidavit shall be accompanied by any documentary evidence on which the affidavit is predicated.

(3) *Issuance of licenses for exportation.* The Office of Export Control will verify the authenticity of the application and supporting documentation referred to in paragraph (h)(1) and (where applicable) (2) of this section and, if they meet the requirements of such subparagraphs, will issue a validated license for 100 percent of the unfilled balance of the accepted order; provided, however, that with respect to orders, which do not specify a country of destination, against which the applicant is seeking a license to export to a destination other than Japan, he must establish to the satisfaction of the Office of Export Control that the ferrous scrap was not originally intended for exportation to Japan.

(4) *Special terms.* Each license issued under this procedure will only be valid for shipment against the particular contract, allowing shipment:

(i) In the case of a validated license which indicates July as the month for shipment, until August 30, 1973, and

(ii) In the case of a validated license which indicates August as the month for shipment, during the 60-day period following the date of issuance of such license.

Any cancellation of a contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant shall file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(c) *Licensing system against orders of less than 500 short tons.*—(1) *In general.* An application for a license to export ferrous scrap against an accepted order for less than 500 short tons, which is submitted on Forms FC–419 and FC–420, will be considered by the Office of Export Control, irrespective of the date on which the order was accepted, if accompanied by a photocopy or certified copy of the contract of sale for export to a foreign buyer, and a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The copy of the contract will serve in lieu of Form FC–842, *Single Transaction Statement by Consignee and Purchaser*, that would be otherwise required pursuant to § 375.2 of this chapter. After verification of the authenticity of the documentation submitted by the applicant, a license will be issued for export during the month specified in the contract for the total amount of the contract or the unfilled balance, whichever is the lesser amount. Such licenses shall expire 30 days after the date of issuance, or on August 15, 1973, whichever is later. Any cancellation of the contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant shall file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such a contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(2) *Notice.* Exporters are hereby placed on the notice that in the event the volume of exports under the licensing procedure of this paragraph reaches an unacceptable level, further restrictions may be imposed on exports against orders of less than 500 short tons.

(d) *Reduction of shipping tolerance allowance.* Section 386.7(b)(1) of the Export Control Regulations states, in part, that commodities listed in Supplement No. 1 to Part 377 are subject to the tolerance set forth in Part 377. Shipping tolerances applicable to the commodities subject to the requirements of this § 377.4(d) are accordingly shown in Supplement No. 1 to Part 377.

[FR Doc.73–15885 Filed 7–30–73;8:45 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 THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Customs Region VI, Designating the Dallas/Fort Worth Port of Entry

JULY 23, 1973.

In order to provide better Customs service to carriers, importers, and the public, it is considered desirable to consolidate the present Customs ports of Dallas and Fort Worth, Texas, and expand the area serviced by the new Dallas/Fort Worth Customs port of entry to include the entire commercial area surrounding those cities as well as the new Dallas/Fort Worth Airport.

Notice is, therefore, given that under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), it is proposed to establish a consolidated Dallas/Fort Worth Customs port of entry with geographical limits to include the area within Dallas and Tarrant Counties, Texas.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communciations, they must be received in the Bureau of Customs not later than August 30, 1973.

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

EDWARD L. MORGAN,
Assistant Secretary of the Treasury (Enforcement, Tariff and Trade Affairs, and Operations)

JULY 23, 1973.

[FR Doc.73-15758 Filed 7-30-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 251]

FINANCIAL AID PROGRAM PROCEDURES

Proposed Statement of Policy and Intent

JULY 26, 1973.

Notice is hereby given that the regulation as set forth below is proposed by the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration. The proposed regulation would introduce a new part to set forth policies, interpretations, and procedures under which financial assistance programs for the commercial fisheries will be administered.

The proposed regulation will notify the interested public of the Director's intent to improve financial assistance program procedures related to conservation and management of the fisheries and to make more efficient and effective use of both public and private resources. It is the intent of this regulation that financial assistance programs will not be used to add fishing vessels to a fishery when upon review of situations and conditions at hand, as well as prospective developments, the Director deems that such financial assistance would not be consistent with the wise use of that fishery resource and with the development, advancement, management, conservation, and protection of that fishery.

Federal and State agencies as well as the public will be given time and opportunity to comment on any proposed amendment to this regulation establishing a particular fishery as a conditional fishery, as these terms are defined in the proposed regulation. Comments that are received will be evaluated giving full consideration to the national interest and the multiplicity of environmental, biological, economic, social, and other situations and conditions as the Director may deem relevant. Upon evaluation of all comments and available information the Director will take action as may be appropriate. If action is taken under the regulation to restrict or condition the use of financial assistance in a particular fishery, the Director will continue to monitor and assess situations and conditions related to such fishery to determine the continued need for regulation. This proposed regulation is published pursuant to the authority contained in section 4 of the Fish and Wildlife Act of 1956, as amended, Title XI of the Merchant Marine Act, 1936, as amended, Section 607 of the Merchant Marine Act, 1936, as amended, the National Environmental Policy Act and Reorganization Plan No. 4 of 1970. Amendments to this part may be made from time to time, as appropriate, to adjust policy in accordance with changed situations and conditions.

Written views, data or arguments on all or a part of the proposed regulation should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All communications received on or before October 1, 1973, will be considered before action is taken with respect to adoption of the proposed regulation. No public hearing is contemplated at this time, however, any persons desiring a public hearing may request such a hearing by writing to the Director, National Oceanic and Atmospheric Admington, D.C. 20235. In the event that a public hearing is found necessary, an appropriate notice to that effect will be published in the FEDERAL REGISTER.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

Subpart A—General Policy

Sec.

Subpart B—Conditional Fisheries

AUTHORITY: Sec. 4 of the Fish and Wildlife Act of 1956, as amended, 16 U.S.C. 742; Title XI, Merchant Marine Act, 1936, as amended, 46 U.S.C. 1271–1279; sec. 607, Merchant Marine Act, 1936, as amended, 46 U.S.C. 1177; National Environmental Policy Act, 42 U.S.C. 4321–4347; and Reorganization Plan No. 4 of 1970, 86 Stat. 909.

Subpart A—General Policy

§ 251.1 Definitions.

For the purposes of this part, the following terms shall be construed as follows:

(a) *Secretary.* This term means the Secretary of Commerce or his delegate.

(b) *Director.* This term means the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration or his delegate.

(c) *State.* This term means the several States of the United States, including the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands and Guam.

(d) *Agency.* This term means any Federal, State or local Government, or International Organization to which the United States is a party, or any combination thereof, duly authorized to carry out functions related to the Fisheries Resources or the Fishing Industry.

(e) *Fisheries Resources.* This term means any form, or forms, of animal or plant life found in the aquatic environment.

(f) *Fishing Industry.* This term means a part, or parts, of the economic systems of labor and capital, directly or indirectly, deriving revenue from activities related to the Fisheries Resources.

(g) *Fishery.* This term means a part of the Fishing Industry engaged in harvesting a specific part, or parts, of the Fisheries Resources for commercial purposes.

(h) *Management.* This term means Agency activities related to assisting the Fishing Industry or protecting the Fisheries Resources.

(i) *Conditional Fishery.* This term means a Fishery in which financial assistance for fishing vessels will be approved only under provisional terms consistent with needs and objectives of Management, as determined by the Director. The terms under which financial assistance related to a Conditional Fishery may be approved will be set forth in the regulations for each program. (See § 251.2(c)).

§ 251.2 Scope and purpose.

(a) This part will provide for the central filing of (1) the Administrator's policy related to restricting the use of financial assistance programs in certain fisheries, (2) notices of proposed rule making, (3) locations of principal offices where the public may obtain information related to the functions cited in paragraph (b) of this section and the regulations cited in paragraph (c) of this section.

(b) This part sets forth policy and procedures under which the Director will perform his general responsibilities related to the following:

(1) The functions in section 4 of the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742c), which relate to the "Fisheries Loan Fund" for the purpose of providing financial assistance to commercial fisheries.

(2) The functions in section 607 of the Merchant Marine Act, 1936, as amended by the Merchant Marine Act of 1970 (46 U.S.C. 1177), which relate to the creation of "Capital Construction Funds" including tax deferrals, under certain conditions, to those owning or leasing vessels which are operated in the fisheries of the United States.

(3) The functions in Title XI of the Merchant Marine Act, 1936, as amended, and as amended by the Federal Ship Financing Act of 1972 (46 U.S.C. 1271–1279) which relate to the guarantee of certain obligations for, among other things, the construction, reconstruction or reconditioning of fishing vessels.

(4) The functions in section 4331 of the National Environmental Policy Act (42 U.S.C. 4331), which relate to the responsibility of the Federal Government to improve and coordinate Federal programs, including financial assistance, that impact on the natural environment.

(c) *Cross reference.* (1) For regulations relating to the functions quoted in paragraph (b)(1) of this section see Part 250 of this chapter governing Fisheries Loan Fund Procedures.

(2) For regulations relating to the functions quoted in paragraph (b)(2) of this section see Part 259 of this chapter governing Capital Construction Funds.

(3) For regulations relating to the functions quoted in paragraph (b)(3) of this section see Part 255 of this chapter governing Fishing Vessel Obligation Guarantee Procedures.

§ 251.3 Policy.

(a) Section 742(f) of the Fish and Wildlife Act of 1956, as amended, provides, in part, that the Secretary shall (1) consider and determine the policies and procedures that are necessary and desirable in carrying out efficiently and in the public interest the laws relating to fish; (2) develop and recommend measures which are appropriate to assure the maximum sustainable production of fish and fishery products and to prevent unnecessary and excessive fluctuations in such production; and (3) take such steps as may be required for the development, advancement, management, conservation, and protection of the fisheries resources.

(b) Under Title XI of the Merchant Marine Act, 1936, as amended, no commitment to guarantee an obligation shall be made by the Secretary unless he finds that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of the fisheries resources.

(c) Section 607(a) of the Merchant Marine Act, 1936, as amended, provides, in part, that the deposits in the fund, and all withdrawals from the fund, whether qualified or nonqualified, shall be subject to such conditions and requirements as the Secretary of Commerce may by regulation prescribe or as are set forth in such agreement. Regulations under Part 259 of this chapter relate to "Capital Construction Funds" and qualified withdrawals from an Interim Fund established for fishing vessels under the Merchant Marine Act, 1936, as amended. Under existing Interim Agreements the Secretary may determine that withdrawals which would add fishing vessels to an existing fleet in a fishery will be inconsistent with the wise use of the fishery resource involved, and inconsistent with the development, advancement, management, conservation, or protection of that resource, and therefore may from time to time withhold his consent to such withdrawals. The form of existing Interim Agreement appears in 36 FR 19699, October 9, 1971.

(d) Section 4331 of the National Environmental Policy Act, provides, in part, that the Federal Government use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal programs to the benefit of the Nation.

§ 251.4 Policy interpretations and determinations.

(a) The Director will interpret and apply, to the extent practicable, the language quoted in paragraphs (a), (b), (c), and (d) of § 251.3 to administer financial assistance programs in a manner which, on balance, will be consistent with the needs and objectives of Management related to each Fishery.

(b) It is recognized that (1) the Fisheries Resources, upon which the Fishing Industry depends, are renewable but limited with respect to yield; (2) the Fisheries Resources are subject to increasing fishing pressures and uncertainties; (3) Management must be strengthened to produce desired benefits from the Fisheries Resources; and (4) it would not be a wise and efficient use of financial assistance programs to encourage the introduction of vessels into a Fishery classified as a Conditional Fishery in this part.

(c) The National Marine Fisheries Service shall, under procedures established, or to be established, by the Director, maintain a continuing review of all Fisheries Resources for the purpose of determining a Fishery which may be in need of regulation as a Conditional Fishery to carry out the policy, intent, and purposes of this part.

(d) The Director shall take actions to publish Notices of Proposed Rule Making related to a Fishery being considered for regulation as a Conditional Fishery under this part. The public and Agency officials shall be given 90 days to comment on such notices of proposed rulemaking.

(e) In any case when it is determined that a Fishery is to be regulated as a Conditional Fishery under this part and a regulation related to that Conditional Fishery is to be adopted, such regulation, to be incorporated in Subpart B of this part, shall be published in the FEDERAL REGISTER, after 90 but within 180 days of the date the notice of proposed rulemaking with respect to such Fishery was published as set forth in paragraph (d) of this section.

(f) Findings and determinations made by the Director in accordance with this part will be based on source materials related to Management and the Fishery under consideration and made available through procedures as set forth in this part.

(g) Findings and determination for financial assistance applications related to fishing vessels operating in a Fishery

not yet regulated as a Conditional Fishery in this part may be made under existing delegations of authority. Such findings and determinations shall be (1) based on an evaluation of available information related to Management and the particular Fishery under consideration, (2) made using the guidelines and criteria as set forth in §§ 251.8 and 251.9, and (3) consistent with the policy, intent and purposes of this part.

(h) Amendments to, or revisions of, this part may be made when new information becomes available, or at any time, to add or to delete a Conditional Fishery from this part.

§ 251.5 Organization.

(a) The National Oceanic and Atmospheric Administration (NOAA) is a component of the Department of Commerce.

(b) The National Marine Fisheries Service (NMFS), a component of NOAA, is the agency with responsibilities to carry out generally the functions as quoted in this part.

§ 251.6 Principal Offices of the National Marine Fisheries Service.

(a) The mailing address of the Office of the Director, NMFS, is:

Director
National Marine Fisheries Service
Washington, D.C. 20235

(b) Mailing addresses of the Offices of the Regional Directors, NMFS, are:

Director, Northwest Region
National Marine Fisheries Service
1700 Westlake Avenue North
Seattle, Washington 98109

Director, Southeast Region
National Marine Fisheries Service
William C. Cramer Federal Office Bldg.
St. Petersburg, Florida 33701

Director, Northeast Region
National Marine Fisheries Service
Federal Building
14 Elm Street
Gloucester, Massachusetts 01930

Director, Southwest Region
National Marine Fisheries Service
300 South Ferry Street
Terminal Island, California 90731

Director, Alaska Region
National Marine Fisheries Service
P.O. Box 1668
Juneau, Alaska 99801

§ 251.7 Information sources and needs.

(a) Information for consideration under this part should relate to the Fisheries Resources, the Fishing Industry and Management relative to the Fishery under consideration for regulation as a Conditional Fishery.

(b) All sources that may be anticipated to provide fair and reasonable information should be explored.

(c) Information should include, but not be limited to, material in the following general classifications: (1) Environmental, (2) biological, (3) economic, (4) social, (5) legal, (6) international, and (7) national interests.

§ 251.8 Evaluation guidelines.

(a) For each Fishery under consideration for regulation as a Conditional fishery general guidelines for evaluation will be conditions that exist relating to each Fishery and (1) international fishery agreements or conventions, to which the United States is a party, dealing with fishery conservation or management, (2) Agency regulations dealing with fishery conservation or management, (3) the available data base, (4) proposed designated areas or zones, (5) the current and projected status of the existing fishing fleet, (6) the harvesting activities of fishing vessels engaged in that Fishery, (7) foreign competition, (8) Management, and (9) other relevant factors.

§ 251.9 Evaluation criteria.

(a) For each Fishery under consideration to be regulated as a Conditional fishery the Director will evaluate (1) related information received from interested parties, (2) related environmental factors, (3) the history, present status and prospective developments related to the Fishery, (4) conditions that may be necessary for reasonable improvement of a depressed Fishery, (5) conditions that may be necessary for reasonable stability of an economically and environmentally sound Fishery, (6) conditions that could contribute to adverse fluctuations or declines in yield, (7) the need to improve the economic efficiency of the fishing fleet, (8) the need to assure for fishermen safe and healthful fishing vessels, (9) the need to improve the engineering efficiency of the fishing vessels operating in the Fishery, (10) social needs, and (11) information and data on hand related to that Fishery.

Subpart B—Conditional Fisheries

§ 251.20 [Reserved]

[FR Doc.73-15759 Filed 7-30-73;8:45 am]

[50 CFR Part 255]

AIDS TO FISHERIES

Proposed Interim Fishing Vessel Obligation Guarantee Procedures

Notice is hereby given that the interim regulations set forth below are proposed by the Secretary of Commerce for administering Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271–1279), insofar as the guarantee under that Title of obligations relating to fishing vessels is concerned.

The Federal Ship Financing Act of 1972 (86 Stat. 909) amended Title XI. Title XI previously provided for the insurance of mortgages and loans given to, among other things, aid in financing the construction, reconstruction, or reconditioning of certain classes of vessels, including fishing vessels, documented under the laws of the United States. Enactment of the Federal Ship Financing Act of 1972, among other things: (1) Substituted the guarantee of obligations loans; (2) made it unnecessary for a lender with a guaranteed obligation to be party to the security arrangement between the Secretary of Commerce and the borrower; (3) expressly allowed guarantees which aid in financing (including reimbursement of an owner for its own expenditures) vessels already constructed, reconstructed, or reconditioned to be first entered as late as one year after construction, reconstruction, or reconditioning; and (4) liberalized the availability of guarantees for refinancing existing obligations.

The National Oceanic and Atmospheric Administration of the U.S. Department of Commerce, which administers the Title XI program with respect to fishing vessels, deems it necessary to issue these interim regulations in order that certain essential provisions of Title XI may continue to be effected without further delay. These interim regulations pertain, consequently, only to the guarantee, within one year after vessel delivery, or vessel redelivery in the case of reconstruction or reconditioning, of obligations which aid in financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of fishing vessels. The guarantee of obligations which aid in all other eligible financing or refinancing will be treated in regulations to be issued as soon as practicable hereafter. These interim regulations will be amended or supplemented from time to time as the need arises.

These interim regulations will be facilitated by reprinting those provisions of Title XI, as amended through the effective date of the Federal Ship Financing Act of 1972, to which these interim regulations pertain. Section 255.0 of these interim regulations is, consequently, such a reprint of Title XI after deletion therefrom of all provisions (1) to which these interim regulations do not presently pertain, (2) which pertain exclusively to the Secretary's internal program administration, and (3) which pertain exclusively to vessels other than those in the fishing trade or industry. A copy of the complete Title XI may be obtained by writing to the Chief, Financial Assistance Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235, or any of the Division's regional offices.

Although these interim regulations relate to matters which are exempt from the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 553), the Secretary will give consideration to written comments prior to final adoption of the regulations. Written comments should be (1) addressed to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235 and (2) received not later than thirty days following the date upon which these proposed interim regulations are published in the FEDERAL REGISTER.

These proposed interim regulations will, upon final adoption, repeal and replace the present Part 255 of this Title 50.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

Sec.
255.0 Reprint of certain provisions of Title XI of the Merchant Marine Act, 1936, as amended through the effective date of the Federal Ship Financing Act of 1972.
255.1 Definitions.
255.2 Purpose and priority.
255.3 Eligibility requirements.
255.4 Applications.
255.5 Commitments.
255.6 Closing procedures.
255.7 Defaults.
255.8 Cross references.
255.9 Applicability.

AUTHORITY: Title XI, Merchant Marine Act, 1936, as amended, 46 U.S.C. 1271–1279 and Reorganization Plan No. 4 of 1970, 86 Stat. 909.

§ 255.0 Reprint of certain provisions of Title XI of the Merchant Marine Act, 1936, as amended through the effective date of the Federal Ship Financing Act of 1972.

(a) *Exclusions.* This reprint of Title XI excludes all provisions (1) to which this interim Part 255 does not presently pertain, (2) which pertain exclusively to the Secretary's internal program administration, and (3) which pertain exclusively to vessels other than those in the fishing trade or industry.

(b) *Reprint of Title XI.*

SEC. 1101. As used in this title—

(a) The term "mortgage" includes a preferred mortgage as defined in the Ship Mortgage Act, 1920, as amended, on any vessel of the United States * * * and a mortgage on such a vessel which will become a preferred mortgage when recorded and endorsed as required by the Ship Mortgage Act, 1920, as amended;

(b) The term "vessel" includes all types, whether in existence or under construction, of * * * which are or will be documented under the laws of the United States, fishing vessels whose ownership will meet the citizenship requirements for documenting vessels in the coastwide trade within the meaning of section 2 of the Shipping Act, 1916, as amended * * *

(c) The term "obligation" shall mean any note, bond, debenture, or other evidence of indebtedness * * * issued for one of the purposes specified in subsection (a) of section 1104 of this title;

(d) The term "obligor" shall mean any party primarily liable for payment of the principal of or interest on any obligation;

(e) The term "obligee" shall mean the holder of an obligation;

(f) The term "actual cost" of a vessel as of any specified date means the aggregate, as determined by the Secretary of Commerce, of (i) all amounts paid by or for the account of the obligor on or before that date, and (ii) all amounts which the obligor is then obligated to pay from time to time thereafter, for the construction, reconstruction, or reconditioning of such vessel;

(g) The term "depreciated actual cost" of a vessel means the actual cost of the vessel depreciated on a straight-line basis over the useful life of the vessel as determined by the Secretary of Commerce, not to exceed twenty-five years from the date the vessel was delivered by the shipbuilder, or, if the vessel has been reconstructed or reconditioned, the actual cost of the vessel depreciated on a straight-line basis from the date the vessel was delivered by the shipbuilder to the date of such reconstruction or reconditioning on the basis of the original useful life of the vessel and from the date of such reconstruction or reconditioning on a straight-line basis and on the basis of a useful life of the vessel determined by the Secretary of Commerce, plus all amounts paid or obligated to be paid for the reconstruction or reconditioning depreciated on a straight-line basis and on the basis of a useful life of the vessel determined by the Secretary of Commerce; and

(h) The terms "construction," "reconstruction," or "reconditioning" shall include, but shall not be limited to, designing, inspecting, outfitting, and equipping.

SEC. 1103. (a) The Secretary of Commerce, upon application by a citizen of the United States, is authorized to guarantee, and to enter into commitments to guarantee, the payment of the interest on, and the unpaid balance of the principal of, any obligation which is eligible to be guaranteed under this title.

(b) No obligation shall be guaranteed under this title unless the obligor conveys or agrees to convey to the Secretary of Commerce such security interest, which may include a mortgage or mortgages on a vessel or vessels, as the Secretary of Commerce may reasonably require to protect the interests of the United States.

(c) The Secretary of Commerce shall not guarantee the principal of obligations in an amount in excess of 75 per centum * * * of the amount, as determined by the Secretary of Commerce which determination shall be conclusive, paid by or for the account of the obligor for the construction, reconstruction, or reconditioning of a vessel or vessels with respect to which a security interest has been conveyed to the Secretary of Commerce * * *.

(d) The full faith and credit of the United States is pledged to the payment of all guarantees made under this title with respect to both principal and interest, including interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee.

(e) Any guarantee, or commitment to guarantee, made by the Secretary of Commerce under this title shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee, or commitment to guarantee, so made shall be incontestable.

* * * * *

SEC. 1104. (a) Pursuant to the authority granted under section 1103(a), the Secretary of Commerce, upon such terms as he shall prescribe, may guarantee or make a commitment to guarantee, payment of the principal of and interest on an obligation which aids in—

(1) Financing, including reimbursement of an obligor for expenditures previously made for, construction, reconstruction, or reconditioning of a vessel or vessels owned by citizens of the United States which are designed principally for * * * commercial use * * * in the fishing trade or industry * * * *Provided, however,* That no guarantee shall be entered into pursuant to this paragraph (a) (1) later than one year after delivery, or redelivery in the case of reconstruction or reconditioning of any such vessel unless the proceeds of the obligation are used to finance the construction, reconstruction, or reconditioning of a vessel or vessels * * *;

(b) Obligations guaranteed under this title—

(1) Shall have an obligor approved by the Secretary of Commerce as responsible and possessing the ability, experience, financial resources, and other qualifications necessary to the adequate operation and maintenance of the vessel or vessels which serve as security for the guarantee of the Secretary of Commerce;

(2) Subject to the provisions of paragraph (1) of subsection (c) of this section, shall be in an aggregate principal amount which does not exceed 75 per centum of the actual cost or depreciated actual cost, as determined by the Secretary of Commerce, of the vessel which is used as security for the guarantee of the Secretary of Commerce * * *;

(3) Shall have maturing dates satisfactory to the Secretary of Commerce but, subject to the provisions of paragraph (2) of subsection (c) of this section, not to exceed twenty-five years from the date of delivery of the vessel which serves as security for the guarantee of the Secretary of Commerce or, if the vessel has been reconstructed or reconditioned, not to exceed the later of (i) twenty-five years from the date of delivery of the vessel and (ii) the remaining years of the useful life of the vessel as determined by the Secretary of Commerce;

(4) Shall provide for payments by the obligor satisfactory to the Secretary of Commerce;

(5) Shall bear interest (exclusive of charges for the guarantee and service charges, if any) at rates not to exceed such per centum per annum on the unpaid principal as the Secretary of Commerce determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary of Commerce;

(6) Shall provide, or a related agreement shall provide, that if the vessel used as security for the guarantee of the Secretary of Commerce is a delivered vessel, the vessel shall be in class A–1, American Bureau of Shipping, or shall meet such other standards as may be acceptable to the Secretary of Commerce, with all required certificates, including but not limited, marine inspection certificates of the United States Coast Guard, with all outstanding requirements and recommendations necessary for retention of class accomplished, unless the Secretary of Commerce permits a deferment of such repairs, and shall be tight, stanch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, and in all respects fit for service * * *

* * * * *

(c) (1) The security for the guarantee of an obligation by the Secretary of Commerce under this title may relate to more than one vessel and may consist of any combination of types of security. The aggregate principal amount of obligations which have more than one vessel as security for the guarantee of the Secretary of Commerce under this title may equal, but not exceed, the sum of the principal amount of obligations permissible with respect to each vessel.

(2) If the security for the guarantee of an obligation by the Secretary of Commerce under this title relates to more than one vessel, such obligation may have the latest maturity date permissible under subsection (b) of this section with respect to any of such vessels: *Provided,* That the Secretary of Commerce may require such payments of principal, prior to maturity, with respect to all related obligations as he deems necessary in order to maintain adequate security for his guarantee.

(d) No commitment to guarantee an obligation shall be made by the Secretary of Commerce unless he finds, at or prior to the time such commitment is made, that the property or project with respect to which the obligation will be executed will be, in his opinion, economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources and with the development, advancement, management, conservation, and protection of

the fisheries resources, and no obligation, unless made pursuant to a prior commitment, shall be guaranteed unless the Secretary of Commerce finds, at or prior to the time the guarantee becomes effective, that the property or project with respect to which the obligation is executed will be in his opinion economically sound and in the case of fishing vessels, that the purpose of the financing or refinancing is consistent with the wise use of the fisheries resources, and with the development, advancement, management, conservation, and protection of the fisheries resources.

(e) The Secretary of Commerce is authorized to fix a fee for the guarantee of an obligation under this title. If the security for the guarantee of an obligation under this title relates to a delivered vessel, such fee shall not be less than one-half of 1 per centum per annum nor more than 1 per centum per annum of the average principal amount of such obligation outstanding * * *. If the security for the guarantee of an obligation under this title relates to a vessel to be constructed, reconstructed, or reconditioned, such fee shall not be less than one-quarter of 1 per centum per annum nor more than one-half of 1 per centum per annum of the average principal amount of such obligation outstanding * * *. For purposes of this subsection (e), if the security for the guarantee of an obligation under this title relates both to a delivered vessel or vessels and to a vessel or vessels to be constructed, reconstructed, or reconditioned, the principal amount of such obligation shall be prorated in accordance with regulations prescribed by the Secretary of Commerce. Fee payments shall be made by the obligor to the Secretary of Commerce when moneys are first advanced under a guaranteed obligation and at least sixty days prior to each anniversary date thereafter. All fees shall be computed and shall be payable to the Secretary of Commerce under such regulations as the Secretary of Commerce may prescribe.

(f) The Secretary of Commerce shall charge and collect from the obligor such amounts as he may deem reasonable for the investigation of applications for a guarantee, for the appraisal of properties offered as security for a guarantee, for the issuance of commitments, * * * and for the inspection of such properties during construction, reconstruction, or reconditioning: *Provided*, That such charges shall not aggregate more than one-half of 1 per centum of the original principal amount of the obligations to be guaranteed.

* * * * *

(h) Obligations guaranteed under this title and agreements relating thereto shall contain such other provisions with respect to the protection of the security interests of the United States (including acceleration and subrogation provisions and the issuance of notes by the obligor to the Secretary of Commerce), liens and releases of liens, payments of taxes, and such other matters as the Secretary of Commerce may, in his discretion, prescribe.

SEC. 1105. (a) In the event of a default, which has continued for thirty days, in any payment by the obligor of principal or interest due under an obligation guaranteed under this title, the obligee or his agent shall have the right to demand, at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than ninety days from the date of such default, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon to the date of payment. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary of Commerce shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment: *Provided*, That the Secretary of Commerce shall not be required to make such payment if prior to the expiration of said period he shall find that there was no default by the obligor in the payment of principal or interest or that such default has been remedied prior to any such demand.

(b) In the event of a default under a mortgage, loan agreement, or other security agreement between the obligor and the Secretary of Commerce, the Secretary of Commerce may notify the obligee or his agent of such default and the obligee or his agent shall have the right to demand at or before the expiration of such period as may be specified in the guarantee or related agreements, but not later than sixty days from the date of such notice, payment by the Secretary of Commerce of the unpaid principal amount of said obligation and of the unpaid interest thereon. Within such period as may be specified in the guarantee or related agreements, but not later than thirty days from the date of such demand, the Secretary of Commerce shall promptly pay to the obligee or his agent the unpaid principal amount of said obligation and unpaid interest thereon to the date of payment.

(c) In the event of any payment by the Secretary of Commerce under section (a) or (b) of this section, the Secretary of Commerce shall have all rights in any security held by him relating to his guarantee of such obligations as are conferred upon him under any security agreement with the obligor. Notwithstanding any other provision of law relating to the acquisition, handling, or disposal of property by the United States, the Secretary of Commerce shall have the right in his discretion, to complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, or sell any property acquired by him pursuant to a security agreement with the obligor or may place a vessel in the national defense reserve. The terms of sale shall be as approved by the Secretary of Commerce.

(d) Any amount required to be paid by the Secretary of Commerce pursuant to subsection (a) or (b) of this section, shall be paid in cash * * *.

(e) In the event of a default under any guaranteed obligation or any related agreement, the Secretary of Commerce shall take such action against the obligor or any other parties liable thereunder that, in his discretion, may be required to protect the interests of the United States. Any suit may be brought in the name of the United States or in the name of the obligee and the obligee shall make available to the United States all records and evidence necessary to prosecute any such suit. The Secretary of Commerce shall have the right, in his discretion, to accept a conveyance of title to and possession of property from the obligor or other parties liable to the Secretary of Commerce, and may purchase the property for an amount not greater than the unpaid principal amount of such obligation and interest thereon. In the event the Secretary of Commerce shall receive through the sale of property an amount of cash in excess of any payment made to an obligee under subsection (a) or (b) and the expenses of collection of such amounts he shall pay such excess to the obligor.

SEC. 1106. Whoever, for the purpose of obtaining any loan or advance of credit from any person, partnership, association, or corporation with the intent that an obligation relating to such loan or advance of credit shall be offered to or accepted by the Secretary of Commerce to be guaranteed, or for the purpose of obtaining any extension or renewal of any loan, advance of credit, or mortgage relating to an obligation guaranteed by the said Secretary of Commerce, or the acceptance, release, or substitution of any security on such a loan, advance of credit, or for the purpose of influencing in any way the action of said Secretary of Commerce under this title, makes, passes, utters, or publishes, or causes to be made, passed, uttered, or published any statement, knowing the same to be false, or alters, forges, or counterfeits, or causes or procures to be altered, forged, or counterfeited, any instrument, paper, or document, or utters, publishes, or passes as true, or causes to be uttered, published, or passed as true, any instrument, paper, or document, knowing it to have been altered, forged, or counterfeited, or willfully overvalues any security, asset, or income, shall be guilty of a misdemeanor and punished as provided under the first paragraph of section 806(b) of this Act.

* * * * *

(c) *Interpretation or elaboration.* The following sections of this interim Part 255 relate only to those provisions of the Act set forth in paragraph (b) of this section.

§ 255.1 Definitions.

The following definitions are in addition to, or supplement, those contained in the Act and set forth in § 255.0(b).

(a) *Fishing vessel; vessels which are designed principally for commercial use in the fishing trade or industry.* These terms mean vessels which are designed or redesigned, and are outfitted or will be outfitted, principally for catching, processing, and/or transporting fisheries resources for commercial purposes. Documentation as a fishing vessel of the United States is required, except where the Secretary (in the case of processing or transporting vessels) expressly consents to U.S. documentation as a vessel other than a fishing vessel. More than fifty percent of such vessels' annual gross income must, however, be derived during the term of the guarantee from the activities specified above. These terms shall hereinafter be comprised by the word "vessel".

(b) *Reconstruction or reconditioning.* These terms include rebuilding, replacing, and/or reconverting any portion of a vessel which involves an actual cost equal to twenty percent of such vessel's replacement value or $40,000, whichever is less. A reconstruction or reconditioning project must, however, substantially prolong the useful life of the vessel and increase its value, or adapt it to a different commercial use in the fishing trade or industry, and all or a major portion of the actual cost of such project must ordinarily be classifiable as capital expenditures. If the sum of (1) the age of the vessel proposed to be reconstructed or reconditioned and (2) the terms of the proposed guaranteed obligation financing such reconstruction or reconditioning exceeds twenty years, then in that case only the project will not ordinarily be deemed to be a reconstruction or reconditioning unless it is specifically

demonstrated to the Secretary's satisfaction that the project will significantly upgrade the vessel in terms of modernization and efficiency.

(c) *Replacement value.* This term means the estimated cost of replacing a vessel, immediately after its redelivery in a reconstructed or reconditioned state, by newly constructing one substantially similar to it. A vessel's replacement value must be evidenced by at least one estimate of replacement value submitted by a naval architect, marine surveyor, or other firm or person determined by the Secretary as qualified to give such an estimate. The Secretary may, however, refuse to accept such an estimate of replacement value which he deems unreasonable and may require additional estimates. No estimate of replacement value will be required if the actual cost of reconstruction or reconditioning is $40,000 or more.

(d) *Actual cost.* This term is defined in section 1101(f) of the Act (see § 255.0 (b)). Actual cost shall not, however, include any amount paid by any Government agency as a subsidy or otherwise; any amount of the cost of equipping a vessel with either excessive fishing gear or certain types of fishing gear (such as pots and/or traps, including lines, buoys and accessory equipment) which will not remain integrally attached to the vessel during its fishing operations; any commitment fees, interest, legal or accounting fees or expenses, fees or commissions or charges for securing any loan or mortgage or other borrowing, or post-delivery vessel operating expense; any items not capitalizable under generally accepted accounting principles (except in the case of reconstruction or reconditioning).

(e) *Useful life.* Ordinarily, a vessel's useful life for the purpose of guarantee under this Part 255 shall exceed neither fifteen years from the delivery date of a newly constructed vessel nor seven years from the redelivery date of a reconstructed or reconditioned vessel. The Secretary will, however, determine individually the useful life of each vessel for the purpose of guarantee under this interim Part 255.

(f) *Project.* This term means the construction, reconstruction, or reconditioning of a vessel through an act of work or a series of acts of work, to be completed within one year from the date work is first commenced unless otherwise consented to by the Secretary.

(g) *Delivery or redelivery date.* The delivery or redelivery date shall be the date the vessel was first documented (delivery) or last redocumented (redelivery) under the laws of the United States. If a reconstruction or reconditioning does not, however, require redocumentation, then the redelivery date shall ordinarily be the effective date, as determined by the Secretary, possession of the vessel is redelivered to its owner.

(h) *Secretary.* This term means the Secretary of Commerce or his delegate.

(i) *Act.* This term means the Title XI of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1271–1279).

§ 255.2 Purpose and priority.

(a) *Purpose.* The major objective of the Fishing Vessel Obligation Guarantee program is to facilitate the private capital market's responsiveness to the general investment capital needs of the U.S. commercial fishing industry.

(b) *Priority.* Within the framework of paragraph (a) of this section, the Secretary shall affor priority to those projects which most facilitate the following:

(1) Increasing the productivity or efficiency of fishing vessels, either through technical advances or otherwise.

(2) Fostering the development of underutilized fisheries resources and/or stimulating the shifting of vessels from overutilized to less utilized fisheries resources.

(3) Protecting, preserving, or improving national rights (historic or otherwise) to international fisheries resources by strengthening the domestic fishing fleet in direct competition with foreign vessels.

The Secretary will, consequently, afford the highest program priority to those projects which demonstrate significant potential for facilitating the greatest number of the items enumerated as subparagraphs (1) through (3) of this paragraph. This interim Part 255 will be construed and applied toward the end of encouraging such projects. The Secretary may encourage such projects by waiving, in his discretion and as a matter of policy, any requirement contained in this interim Part 255 and not otherwise expressly required by the Act.

§ 255.3 Eligibility requirements.

(a) *Construction; conditional fisheries.* An obligation for construction of a vessel shall ordinarily be eligible for guarantee only if such vessel is designed, outfitted, and equipped to operate, and/or is operating and will operate, as the case may be, in a fishery which the Secretary has not, prior to execution of a guarantee or a commitment to guarantee, restricted in accordance with Part 251 of this chapter. Such an obligation shall nevertheless be eligible for guarantee if the obligor causes to be permanently removed from all fishing or placed permanently in an underutilized or less utilized fishery, under such conditions as the Secretary deems necessary or desirable, a vessel or vessels which have during the previous eighteen months operated substantially in the same fishery as the vessel constructed or to be constructed and which have a fishing capacity substantially equivalent to the vessel constructed or to be constructed.

(b) *Reconstruction or reconditioning; conditional fisheries.* An obligation for reconstruction or reconditioning of a vessel shall ordinarily be eligible for guarantee only if such vessel is designed or redesigned, outfitted, and equipped to operate, and/or is operating and will operate, as the case may be, in a fishery which the Secretary has not, prior to execution of a guarantee or commitment to guarantee, restricted in accordance with Part 251 of this chapter. Such an obligation shall nevertheless be eligible for guarantee if the vessel reconstructed or reconditioned or to be reconstructed or reconditioned had operated substantially for at least the last thirty-six months before its reconstruction or reconditioning in substantially the same fishery in which it is operating or will operate after its reconstruction or reconditioning.

(c) *Obligations.* Each obligation guaranteed under this interim Part 255 shall:

(1) Have an obligee approved by the Secretary as responsible and able properly to service the obligation.

(2) Provide that the obligation shall not be assigned unless the assignee is first approved by the Secretary.

(3) Contain such terms and provisions as the Secretary in his discretion may require with respect to amortization, interest, application of payment, default, acceleration and immediate payability of the entire outstanding indebtedness, payment of expenses, renewal, extension, modification, surrender, compromise, release, exchange, substitution, indulgence, assignment, guarantee, demand for payment under the guarantee, payment under the guarantee, and such other matters as the Secretary in his discretion may require.

(4) Be evidenced by an obligation satisfactory, both as to form and substance, to the Secretary.

(5) Be secured by such collateral under such form of loan agreement, contract, mortgage, indenture, or other security agreement between the Secretary and the obligor as the Secretary in his discretion may deem necessary or appropriate to protect the interest of the United States. Such form of loan agreement, contract, mortgage or indenture, or other security agreement shall:

(i) Contain such terms and conditions as the Secretary in his discretion may require, including but not limited to those related to: Operation of a vessel, citizenship, ownership, documentation, validity and enforceability of obligations, warranting and defending title and possession, liens, insurance, sale, mortgage, transfer, assignment, charter, discharge of libel or suit or levy, repair and maintenance, payment of taxes or fines or penalties or other assessments or charges, reimbursement of the Secretary for the Secretary's expenses, the keeping of books and records, access to them, reports, payment of guarantee fees, default, foreclosure, seizure, retaking mortgaged property, payment of the guaranteed obligation, use and operation and location of mortgaged property, maintenance of existence and right to do business, acquisition or sale of assets, dividends, distribution or sale or purchase or retirement of stock, advances, compensation, loans, gifts, bonuses, merger, consolidation, affiliates, subsidiaries,

execution of further obligations and documents and assurances, bankruptcy, assignment for benefit of creditors, forfeiture, receivership, petition for reorganization, disclosure, misrepresentation, false statement, fraud, maturity, acceleration of maturity, payment of principal and interest, the Secretary's right to sell or operate or otherwise dispose of mortgaged property, appointment of the Secretary as the obligor's true and lawful attorney, consent to jurisdiction, subordination, standby, guaranty, and such other matters as the Secretary in his discretion may require.

(ii) Be evidenced by a form of loan agreement, contract, mortgage, indenture, or other security agreement satisfactory, both as to form and substance, to the Secretary.

(iii) Provide for:

(*a*) Payment first, from sources other than the guaranteed obligation, by and for the account of the obligor, of not less than 25 percent of the actual cost, and thereafter for payment by the obligee directly to the shipyard or other contractor, except where payment reimburses the obligor for amounts expended by or for the account of the obligor toward payment of the actual cost in excess of the aforesaid 25 percent of the actual cost. No payment shall, however, be made by the obligee until work representing 25 percent of the actual cost shall have been performed and paid for and payments by the obligee shall at no time exceed 75 percent of the actual cost of work performed to the date of payment.

(*b*) Vesting of title to the vessel in the obligor according to payments made subject only to the lien or other rights of the shipyard or contractor for additional amounts due and unpaid or the lien or other rights of Secretary in accordance with (*f*) of this subdivision.

(*c*) The shipyard or contractor furnishing satisfactory insurance and a satisfactory performance and payment bond.

(*d*) Performance of work substantially in accordance with the contract plans and specifications approved by the Secretary; approval by the Secretary of all significant changes, and all changes whatsoever which decrease the actual cost, under the contract prior to commencement of work involving the changed specifications; and furnishing of all technical material necessary for approval of the changes.

(*e*) Furnishing to the Secretary two copies of design plans, specifications, sketches, and working schedules promptly after approval by the owner; furnishing two copies of correspondence regarding work being done or to be done if required by the Secretary; and furnishing one copy of the vessel's certificates, documents, and test reports if required by the Secretary.

(*f*) A security agreement on a vessel being constructed, assignment to the Secretary of the construction contract, and/or such other security or collateral as the Secretary in his discretion may require.

(*g*) If the Secretary's guarantee does not terminate with delivery or redelivery, then execution and delivery by the obligor of a first preferred mortgage of the delivered or redelivered vessel and such other collateral documents and assurances as the Secretary in his discretion may require.

(d) *Economic soundness.* The property or project with respect to which the obligation will be executed shall not ordinarily be deemed to be economically sound unless:

(1) The applicant obligor submits evidence satisfactory to the Secretary demonstrating that at the time of execution of the guarantee the obligor will then have net working capital (current assets minus current liabilities) and net worth (owner equity, capital stock, paid-in capital, and/or retained earnings) which will be available for the project and equal to at least the aggregate of the following:

(i) An amount equal to the difference between the actual cost of construction, reconstruction, or reconditioning (less any amount paid on account thereof) and the amount of the obligation proposed for guarantee.

(ii) Eight percent of the total estimated capitalizable cost of the vessel to the obligor.

(iii) One year's premium for vessel insurance, including hull and machinery, breach of warranty, protection and indemnity, and such other insurances as the Secretary may require.

(iv) The first year's obligation guarantee fee.

(v) Any additional amounts determined by the Secretary to be necessary or appropriate to the project under the circumstances of each individual case. The availability of net working capital and the net worth required by this § 255.3 (d) shall not, however, be the full test of economic soundness.

(2) The obligor and its project is deemed satisfactory by the Secretary after having taken into account the following credit factors:

(i) The obligor must be of established integrity. Responsible and cooperative management must be evident. Field analysis shall include a careful evaluation of character, experience, and past record and prospects of management in finance and fisheries operations.

(ii) The obligor must prospectively be able to meet obligations, continue business operations, and protect the Secretary against undue risk. The obligor's (and that of its related interests) total assets controlled, equity owned, contingent liabilities, and history of earnings to date are significant measures of financial responsibility and shall be carefully evaluated during field analysis.

(iii) A determination of the obligor's repayment capacity requires a careful field analysis of cash flow history and a projection from that history of cash flow prospects. A cash flow projection shall reflect cash generation from the obligor's fisheries operations and all other sources. Ordinarily the projection of cash flow from fisheries operations shall be sufficient to meet all obligations and provide a reasonable remainder for normal contingencies. Field analysis shall include a cash flow projection over the life of the obligation proposed for guarantee which shall be based upon a careful evaluation of the obligor's vessel, type of fisheries operation, area of operation, and the present and prospective status, over the life of the guarantee, of the fisheries resources for which the obligor will operate. The prospects of cash flow, projected from the obligor's past cash flow history and suitably adjusted for the change in the obligor's circumstances to be effected by the obligation proposed for guarantee, shall be compared with an average cash flow history of successful operators (compiled and maintained by each regional office) of similar vessels operating in the same area for the same fisheries resources. Whenever the obligor's cash flow is projected to be materially below that average, the application shall ordinarily be declined.

(iv) Collateral requirements are dictated by the strengths or weaknesses of all credit factors. The collateral required shall reasonably protect the Secretary and provide the necessary control of equity and repayment. Personal liability or entity liability, in the form of comakers or guarantors, shall be required as circumstances warrant in order to provide additional security for the Secretary's guarantee and to assure that the assets of the principal interests which stand to benefit most by the project proposed for guarantee are held accountable. Careful field analysis shall be made of the credit factors relevant to such comakers or guarantors, and their related interests, in order to assure that their liability actually provides the desired additional security for the Secretary's guarantee.

(v) The availability to the obligor of able and experienced masters and crews is of primary importance and may affect the weight placed upon other credit factors. Field analysis shall include a careful evaluation of the prospective master's ability and experience if such a master has been chosen and/or of the arrangements made to secure the services of able and experienced masters and crews. Every reasonable effort shall be made, prior to execution of a guarantee or a commitment to guarantee, to determine that the project under application will result in a profit by virtue of the fisheries operations intended to be pursued, the estimated expenses of the obligor, the earnings projected for the project, the character, integrity, and management ability of the obligor, the availability to the obligor of experienced masters and crews, and all other relevant factors. Economic soundness, particularly in the area of fisheries operations, is not, however, an exact science. A project must be tested as best it can and a judgment must be made whether or not that project has a reasonable chance of success.

(e) *Bids.* Each construction, reconstruction, or reconditioning shall be undertaken by the firm submitting the lowest of not less than three, responsive, competitive bids unless:

(1) Less than three, responsive, competitive bidders respond to properly, in the opinion of the Secretary, issued invitations, in which case the Secretary may make a determination as if subparagraph (5) of this paragraph were the case.

(2) The Secretary approves acceptance of a higher bid because, in the opinion of the Secretary, the lowest bidder cannot adequately accomplish the project.

(3) The Secretary approves acceptance of a higher bid and the obligor agrees that the amount by which the higher bid exceeds the lowest bid shall not constitute any portion of actual cost for the purpose of guarantee.

(4) The Secretary disapproves all bids as unreasonable, in which case new invitations may be issued to bidders or the Secretary may make a determination as if subparagraph (5) of this paragraph were the case.

(5) Construction, reconstruction, or reconditioning has been commenced or completed without having first obtained competitive bids, in which case the Secretary, taking into consideration the actual cost, and/or other factors deemed by him to be relevant, will determine an amount which fairly and reasonably would have been the actual cost had competitive bids been obtained, which determination shall be conclusive for the purpose of guarantee.

(f) *Seaworthiness.* All vessels constructed, reconstructed, or reconditioned with the aid of a guaranteed obligation, whether or not such vessels serve as security for the Secretary's guarantee, shall, in addition to such provisions of section 1104(b)(6) of the Act (see § 255.0(b)) as pertain to each individual vessel, be certified as in all respects fit and sufficient to withstand all foreseeable conditions of the intended service. For vessels eighty-feet registered length and over, such certification shall be provided by a certified naval architect (whose cost may be included in the actual cost for the purpose of guarantee). For vessels less than eighty-feet registered length, such certification shall be provided by any competent authority (whose cost may be included in the actual cost for the purpose of guarantee) approved by the Secretary. The Secretary reserves the right to require such additional tests or proofs as individual circumstances might warrant.

(g) *Guarantee fee.* The fee fixed for vessels to be constructed, reconstructed, or reconditioned shall be increased to the fee fixed for delivered or redelivered vessels if the guarantee does not terminate prior to or with delivery or redelivery of such vessels. The annual fee for the Secretary's guarantee shall ordinarily be:

(1) *Delivered or redelivered vessels.* One percent of the average outstanding principal amount of the guaranteed obligation if the original face amount of the guaranteed obligation represents more than fifty percent of the actual cost of construction, reconstruction, or reconditioning or three-quarters of one percent if the original face amount of the guaranteed obligation represents fifty percent or less of such actual cost.

(2) *Vessels to be constructed, reconstructed, or reconditioned.* One-half of one percent of the average outstanding principal amount of the guaranteed obligation.

(3) Unless otherwise specified by the Secretary, paid by the obligor's check payable to "NMFS, NOAA, FSFF—Commerce" and delivered to the National Marine Fisheries Service addressed to the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, 11420 Rockville Pike, Attention NBOC 1, Room 122, Rockville, Maryland 20852, together with identification of the specific guarantee to which the fee relates and the period covered by the payment.

(4) Fully earned when first due and no refund of earned fees will be made by the Secretary in the event the guarantee is terminated.

(5) If deficient, fully paid within 30 days of the Secretary's notice to the obligor of the amount of such deficiency.

§ 255.4 Applications.

(a) *Purpose.* Applications may be for guarantee of an obligation relating to a vessel to be constructed, reconstructed, or reconditioned; a delivered or redelivered vessel; both; or a commitment to guarantee an obligation for any of the above.

(b) *Where filed.* Applications shall be filed in duplicate with the regional office of the National Marine Fisheries Service's Financial Assistance Division corresponding to the region in which the obligor conducts its business on an application form furnished by the Service except that, in the Secretary's discretion, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient.

(c) *Processing of applications.* If it is determined on the basis of a preliminary review that the application is complete and appears to be in conformity with the Act and this interim Part 255, the regional Financial Assistance Division office will assign the application a Docket Number and forward one copy to the Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235. The regional Financial Assistance Division office will then conduct a field investigation of the application. After completion of the field investigation, an appropriate report will be sent to the Chief, Financial Assistance Division, National Marine Fisheries Service, Washington, D.C. 20235. The application and all supporting documents must be filed in sufficient time to permit the Secretary to make a full and complete investigation and to take all other action required in respect thereto, and in any event not later than 90 days prior to the date anticipated for closing the transaction.

(d) *Books, records, and reports.* The Secretary shall have the right to inspect such books and records, including tax returns, of the applicant as the Secretary in his discretion may deem necessary. A commitment to guarantee an obligation shall be made only upon the agreement of the obligee and obligor to furnish the Secretary, promptly upon his request, such reasonable material and pertinent reports, evidence, proof, and information as he may require in connection with a guarantee granted or applied for, and to permit the Secretary, upon his request, to make such reasonable examination and audit of records and books of account as the Secretary may deem necessary in connection with a guarantee granted or applied for.

(e) *Inspection of property.* The Secretary or his agent shall have access at all reasonable times to all vessels or other security with respect to which an obligation is guaranteed or for which an application for guarantee has been filed.

(f) *Filing and investigation fee.* The initial filing of each application must be accompanied by a check payable to "NMFS, NOAA, FSFF—Commerce" in the amount of one-half of one percent of the original principal amount of the obligation proposed to be guaranteed. Fifty dollars of the payment (or the full payment if less than $50) will be retained by the Secretary as a filing fee regardless of the subsequent disposition of the application. If the application is withdrawn before investigation, only the filing fee will be retained. After investigation, however, the full payment will ordinarily be retained by the Secretary if the application is approved (regardless of whether such approval is subsequently canceled) and one-half of the payment in excess of $50 will be retained if the application is disapproved.

§ 255.5 Commitment.

A commitment to guarantee an obligation will, subject to the restrictions of the Act, be issued by the Secretary when such a commitment is required prior to the actual execution of the obligation. This commitment will provide that the Secretary will guarantee an obligation and will further state the terms and conditions under which the guarantee will be issued. It will also contain the covenants to be accepted by the obligee and obligor. No commitment, nor any amendment to a commitment, shall exist unless reduced to writing and duly executed by the obligor, the obligee, and the Secretary.

§ 255.6 Closing procedure.

The guarantee shall take effect upon payment of the first year's guarantee fee and execution of the guarantee by all parties required to execute.

§ 255.7 Default.

In the event of default and the Secretary's payment as a result thereof of any portion of a guaranteed obligation, an investigation will be promptly made to determine if the interest of the United States requires, in the Secretary's discretion, immediate foreclosure upon the Secretary's security. If a determination is made that the interest of the United

States does not require immediate foreclosure and the obligor demonstrates to the Secretary's satisfaction that all defaults can and will be remedied, the Secretary may, in his discretion and under such terms and conditions as he may prescribe, enter into a written agreement with the obligor allowing it an additional period, ordinarily not to exceed seven months from the date of the Secretary's payment of the guaranteed obligation (but for such shorter or longer periods as the Secretary may in his discretion prescribe), in which to remedy all defaults and pay to the Secretary the full amount owed the United States. Such an agreement shall provide for the obligor's performance of regular and periodic conditions designed to assure remedy of all defaults and payment to the Secretary of the full amount owed the United States within the period allowed. Such an agreement shall not constitute the Secretary's waiver of any past, present, or future default, but shall merely allow the obligor to possess and operate the Secretary's security at the Secretary's pleasure. If, before expiration of the period allowed, the obligor has substantially remedied all defaults (and the Secretary's payment has been of the whole of the guaranteed obligation), the Secretary in his discretion may entertain an application for the guarantee of another obligation (to the extent otherwise qualified and eligible under the Act and this interim Part 255) which aids in financing the amount owed the United States. In any event, the Secretary will ordinarily commence foreclosure proceedings or such other action as the Secretary may in his discretion deem necessary or appropriate to recovery of the full amount owed the United States if such amount is not paid to the Secretary on or before expiration of the period allowed.

§ 255.8 Cross References.

Parties considering a Title XI guarantee should be aware of this following:

(a) Part 259 of this chapter establishes the conditions under which Capital Construction Funds for fishing vessels may be established under the provisions of section 21 of the Merchant Marine Act of 1970 (84 Stat. 1018) which amended section 607 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177). These provisions allow deferment of taxation on certain income, including that derived from fishing operations, when such income is deposited into a Capital Construction Fund for subsequent qualification as a withdrawal for acquisition, construction, or reconstruction of, among other things, fishing vessels. Such income may, for example, be deposited and withdrawn for the purpose of paying the installments of an obligation guaranteed under this interim Part 255.

(b) Part 251 of this chapter establishes certain fisheries for which the availability of both Title XI guarantees and Capital Construction Funds may, from time to time, be restricted.

§ 255.9 Applicability.

This interim Part 255 applies to all Title XI applications for which the Secretary had not issued a commitment prior to October 19, 1972. The approval of all Title XI applications for which the Secretary's investigation has been completed prior to the date this interim Part 255 is published in the FEDERAL REGISTER as a proposal may, however, be governed by so much of the present Part 255—which this interim Part 255, upon final adoption, will repeal and replace—as does not relate directly to the change in the nature of the Title XI relationship between the obligee, the obligor, and the Secretary.

[FR Doc.73-15760 Filed 7-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 135]

SULFONAMIDE-CONTAINING DRUGS FOR USE IN FOOD-PRODUCING ANIMALS

Notice of Proposed Rule Making

Correction

In FR Doc. 73-14918 appearing at page 19404 in the issue of Friday, July 20, 1973, make the following changes:

1. In the third column on page 19404, delete the sixth line from the bottom of the first complete paragraph, and insert in lieu thereof the following: "evaluation of the data submitted in re".

2. In the third column on page 19405:

a. In the fifteenth line of the first incomplete paragraph, delete "on or before October 18, 1973", and insert, "within 90 days following the date of publication of the final regulation."

b. In paragraph (d), in the second line, "512(i)" should read "512(l)".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-55]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Correction

In FR Doc. 73-14722, appearing at page 19235 in the issue of Thursday, July 19, 1973, make the following corrections:

1. In the paragraph labeled "2" in the third column of page 19235, in the second line, "amend" should be inserted at the end of that line.

2. In the third line of the description that immediately follows paragraph "2", "Lakehurst" should be inserted between what is now "Lakehurst, N.J." The phrase would read", "Lakehurst, Lakehurst, N.J.;".

3. In the third column in the eleventh line of the description that immediately follows paragraph "2" on page 19325, the first word which now reads "Robinsville" should read "Robbinsville".

[14 CFR Part 71]

[Airspace Docket No. 73-NE-21]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Administration Regulations so as to alter the Bridgeport, Connecticut, control zone (38 FR 360) and 700-foot transition area (38 FR 454).

The Standard Instrument Approach Procedures for VOR Runways 6 and 24 at Bridgeport Municipal Airport, Bridgeport, Connecticut, have been revised in accordance with the U.S. Standard for Terminal Instrument Procedures. These revised procedures will require the alteration of the Bridgeport control zone and 700-foot transition area in order to provide controlled airspace protection for aircraft executing these procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before August 30, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Bridgeport, Connecticut, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bridgeport, Connecticut, control zone and insert the following in lieu thereof:

That airspace within a 5.5 mile radius of the center, Lat. 41°09'48" N, Long. 73°07'34" W of the Bridgeport Municipal Airport, Bridgeport, Connecticut, exending clockwise from the 008° bearing from the center of the airport, to the 058° bearing from the airport; and within a 5 mile radius, extending clockwise from the 058° bearing from the center of the airport, to the 276° bearing from the airport; and within a 5.5 mile radius, extending clockwise from the 276° bearing from the center of the airport, to the 311° bearing from the airport; and within a 6 mile radius, extending clockwise from the 311° bearing

from the center of the airport, to the 008° bearing from the airport.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Bridgeport, Connecticut, 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface, within an 11 mile radius of the center Lat. 41°09'48" N, Long. 73°07'34" W of the Bridgeport Municipal Airport, Bridgeport, Connecticut, extending clockwise from the 013° bearing from the center of the airport, to the 055° bearing from the airport; and within an 8.5 mile radius, extending clockwise from the 055° bearing from the center of the airport, to the 248° bearing from the airport; and within an 11 mile radius, extending clockwise from the 248° bearing from the center of the airport, to the 291° bearing from the airport; and within a 12.5 mile radius, extending clockwise from the 248° bearing from the center of the airport, to the 326° bearing from the airport; and within a 13.5 mile radius, extending clockwise from the 326° bearing from the center of the airport, to the 013° bearing from the airport; and within 6.5 miles north and 4.5 miles south of the Bridgeport VOR 054° Radial, extending from the 13.5 mile, 11 mile, and 8.5 mile basic radius zones to a point 17.5 miles northeast of the Bridgeport VOR.

This amendment is proposed under Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and Section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Burlington, Massachusetts, on July 18, 1973.

FERRIS J. HOWLAND,
Director,
New England Region.

[FR Doc.73-15634 Filed 7-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-16]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sioux City, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 30, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangement for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Terminal radar is being installed at the Sioux City Airport, Sioux City, Iowa. Accordingly, it is necessary to alter the Sioux City transition area to adequately protect aircraft under radar control and making approaches during instrument conditions.

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

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

SIOUX CITY, IOWA

That airspace extending upward from 700 feet above the surface within a 19-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); within 5 miles southwest and 9½ miles northeast of the Sioux City VORTAC 140° radial, extending from the 19-mile radius area to 24½ miles southeast of the VORTAC; within 4½ miles southwest and 9½ miles northeast of the Sioux City ILS localizer northwest and southeast courses, extending from the 19-mile radius area to 24½ miles southeast of the OM; within 4½ miles northeast and 11½ miles southwest of the Sioux City VORTAC 320° radial, extending from the VORTAC to 35 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 28½ mile radius of Sioux City VORTAC; excluding that portion which overlies the Le Mars, Iowa transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 11, 1973.

JOHN R. WALLS,
Acting Director,
Central Region.

[FR Doc.73-15637 Filed 7-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-20]

TRANSITION AREA

Proposed Designation

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

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 30, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A new public use instrument approach procedure is being developed for the Corning, Iowa Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Corning, Iowa.

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

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

CORNING, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Corning Municipal Airport (latitude 41°00'00" N., longitude 94°46'00" W.); and within 3 miles each side of the 359° bearing from the Corning Muncipal Airport, extending from the 5-mile radius to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles east and 9.5 miles west of the 359° bearing extending from 6.5 miles south to 18.5 miles north of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on July 11, 1973.

JOHN R. WALLS,
Acting Director,
Central Region.

[FR Doc.73-15636 Filed 7-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-CE-24]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to

designate a transition area at Ogallala, Nebraska.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 30, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

A non-directional radio beacon (NDB) is being installed on the Ogallala, Nebraska airport. Since instrument approach procedures are being established for this airport utilizing the NDB, it is necessary to provide controlled airspace protection for aircraft executing these new approach procedures by designating a transition area at Ogallala, Nebraska.

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

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

OGALLALA, NEBRASKA

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Searle Airport (latitude 41°07'00" N., longitude 101°46'00" W.); and that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 4.5 miles south of the 100° bearing from the Searle Airport, extending to 18.5 miles east; and within 9.5 miles south and 4.5 miles north of the 252° bearing from the airport extending to 18.5 miles west with the southern boundary extended eastward to intersect the eastern extension 12 miles southeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on July 11, 1973.

JOHN R. WALLS,
Acting Director,
Central Region.

[FR Doc.73-15635 Filed 7-30-73;8:45 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 73-SW-33]

RESTRICTED AREAS AND CONTROLLED AIRSPACE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would alter the description of Restricted Areas R-2401 and R-2402, Fort Chaffee, Ark., and alter the description of the continental control area to include R-2401.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before August 30, 1973, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

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

The Department of the Army has proposed modifications to the two restricted areas to accommodate increased summer air and ground training requirements. The geographical dimensions of the restricted areas will be generally expanded within the limits of the military reservation to provide protected airspace for heavy artillery and air operations. The proposed extension of the continuous time of designation is to include the extension of the summer training period.

The new geographical coordinates describing R-2401 would alter the configuration slightly on the northern and western boundaries. The designated altitude would be changed from surface to 13,000 feet MSL to surface to 30,000 feet MSL to accommodate the firing of heavy artillery. The time of designation would be changed by increasing the continuous designation from June 1 through August 31 to April 1 through September 30. There would be no change in the controlling and using agency designations.

The new geographical coordinates describing R-2402 would alter the configuration slightly to accommodate air gunnery and heavy artillery operations. The time of designation would be changed by increasing the continuous designation from June 1 through August 31 to April 1 through September 30. There would be no change in the designated altitudes and the controlling and using agencies.

Although both restricted areas could be used simultaneously, a capability will exist to use them independently, and therefore maximize the availability of the unused area to nonparticipating aircraft.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace actions as hereinafter set forth.

1. a. R-2401, Fort Chaffee, Ark., would be altered:

Boundaries. Beginning at latitude 35°18'35"N., longitude 94°11'48"W.; to latitude 35°18'10"N., longitude 94°16'30"W.; to latitude 35°16'06"N., longitude 94°19'03"W.; to latitude 35°13'50"N., longitude 94°15'00"W.; to latitude 35°13'50"N., longitude 94°11'30"W.; to point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous April 1 through September 30 and 0600 Saturday to 2400 Sunday, October 1 through March 31, other times following issuance of a NOTAM at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commanding general, Fort Chaffee, Ark.

b. The description of the continental control area would be altered to include R-2401.

2. R-2402, Fort Chaffee, Ark., would be altered:

Boundaries. Beginning at latitude 35°17'51"N., longitude 94°03'00"W.; to latitude 35°17'00"N., longitude 94°03'00"W.; to latitude 35°17'00"N., longitude 94°01'00"W.; to latitude 35°10'20"N., longitude 94°01'00"W.; thence west along Arkansas State Highway No. 10 to latitude 35°11'33"N., longitude 94°12'00"W.; to latitude 35°18'50"N., longitude 94°12'00"W.; thence east along Arkansas State Highway No. 22 to point of beginning.

Designated altitudes. Surface to 30,000 feet MSL.

Time of designation. Continuous April 1 through September 30 and 0600 Saturday to 2400 Sunday, October 1 through March 31, other times following issuance of NOTAM at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commanding general, Fort Chaffee, Ark.

These amendment are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-15638 Filed 7-30-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-WA-20]

ADDITIONAL CONTROL AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to

Part 71 of the Federal Aviation Regulations that would designate an additional control area within the offshore airspace adjacent to the states of Massachusetts and Rhode Island.

Coincident with this proposal, any necessary nonrulemaking actions would be taken by the FAA and using agency to establish appropriate procedures for joint use of the warning area located within the proposed control area. These procedures would permit the FAA to control the use of the airspace within the warning area when it is not being used by the using agency.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 154 Middlesex Street, Burlington, Mass. 01803. All communications received on or before August 30, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilites and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would designate an additional control area as follows:

That airspace extending upward from 2,000 feet MSL bounded on the north by a line extending from Lat. 41°06'00'' N., Long. 69°-55'30'' W. easterly to 41°06'00'' N., Long. 68°00'00'' W.; on the east by a line extending from Lat. 41°06'00'' N., Long. 68°00'00'' W. southerly to Lat. 41°00'00'' N., Long 68°-00'00'' W.; on the southeast by a line extending from Lat. 41°00'00'' N., Long. 68°-00'00'' W. southwesterly to Lat. 39°53'30'' N., Long. 68°57'00'' W.; on the southwest by a line extending from Lat. 39°53'30'' N., Long. 68°57'00'' W. northwesterly to point of beginning.

Related nonrulemaking action would redefine Warning Area W-506 as follows:

W-506

BOUNDARIES

Beginning at Lat. 41°06'00'' N., Long. 69°-40'00'' W.; to Lat. 41°06'00'' N., Long. 68°00'-00'' W.; to Lat. 41°00'00'' N., Long. 68°57'00'' W.; to Lat. 39°53'30'' N., Long 68°57'00'' W.; to Lat. 40°48'10'' N., Long. 69°40'00'' W. to point of beginning.

Designated altitude. Surface to unlimited.
Time of use. Intermittent.
Controlling agency. FAA, Boston ARTCC.
Using agency. 21st NORAD Region.

The actions proposed in this notice would permit more efficient use of the airspace when the warning area is not being used by the using agency.

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 F.R. 9565) and section 6(c) of the Department of Transportation Act (49 U. S. C. 1655(c)).

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

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-15639 Filed 7-30-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 118]

HANDICAPPED ASSISTANCE LOAN PROGRAM

Proposed Establishment of a Loan Program To Provide Assistance to Certain Nonprofit Organizations and to Small Business Concerns Owned by Handicapped Individuals

Pursuant to authority contained in section 3 of the Small Business Investment Act Amendment of 1972, notice is hereby given that the Small Business Administration proposes to establish rules and regulations governing financial assistance to certain nonprofit organizations operated in the interests of the handicapped and to small business concerns owned, or to be owned, by handicapped individuals.

Specifically, it is proposed to establish a Part 118 of Chapter 1 of Title 13 of the Code of Federal Regulations which sets forth the objectives, eligibility and conditions for assistance under this Part. Interested parties may file with the Small Business Administration on or before August 30, 1973, written statement of facts, opinions, or arguments concerning the proposal. All correspondence shall be addressed to Mr. David A. Wollard, Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D. C. 20416.

The Small Business Act was amended by Public Law 92–595 to authorize a new program of financial assistance by means of loans and loan guaranties to benefit the physically, mentally, and emotionally handicapped. In addition financial assistance is to be provided to public or private nonprofit organizations which employ handicapped individuals for not less than 75 percent of the man-hours required for the production of commodities or in the provision of services which it renders. Generally, these nonprofit organizations will be sheltered workshops. Loans may not exceed $350,000 with a maximum maturity of 15 years. Loans may be made either on a direct basis or in participation with private lending institutions with the interest rate for the SBA share of a loan set at 3 percent. The interest rate on the bank share of a loan will be legal and reasonable with a maximum allowable rate as permitted under the Small Business Administration regular Business Loan and Economic Opportunity Loan Programs.

The proposed rules establish definitions of handicapped individuals and set forth the eligibility and credit requirements for these loans. Two programs will be established. One for loan assistance to nonprofit concerns (HAL–1) and one for small business concerns owned and operated by handicapped individuals (HAL–2). Every loan must be of such sound value or so secured as reasonably to assure repayment. In those borderline cases where a reasonable doubt exists as to repayment ability, the decision shall be resolved in favor of the applicant. Normal lending practices will be followed and no loans can be approved if funds are otherwise available on reasonable terms.

The provisions for loan approval generally follow the basic policies as set forth in Parts 119 (Economic Opportunity Loans), 120 (Loan Policy), 121 (Small Business Size Standards), and 122 (Business Loans) of this Title. In addition certain provisions of Title 41, Chapter 15, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, are utilized.

Loans made under this Part will be available at all Small Business Administration field offices as soon as practicable after adoption of the proposed rules and regulations.

PART 118—HANDICAPPED ASSISTANCE LOANS

AUTHORITY: Sec. 7(g) of the Small Business Act, as amended (86 Stat. 1314; 15 USC 636(g))

§ 118.1 Program objectives.

(a) Loans made to public or private nonprofit organizations (HAL–1) will be limited to nonprofit sheltered workshops and any similar organization to enable them to perform on Federal contracts under Public Law 92–28 (amended Wagner-O'Day Act), or to fulfill contracts and orders for goods and services from the private sector. It is not the purpose of these loans to provide for supportive services to workshops. These supportive services include, but are not limited to, subsidization of wages of low producers, health and rehabilitation services, and management. Usually such supportive services are funded by fees from State or local rehabilitation agencies, community fundraising drives, private donors, grants, bequests, and other Government programs. The Small Business Act prohibits the duplication of the work or activity of any other department or agency of the Federal Government unless expressly provided for.

(b) Loans made to eligible small business concerns owned by handicapped persons (HAL–2) are to assist in the establishment, acquisition, or operation of a small business.

§ 118.2 Definitions.

For purposes of this part:

(a) "Administrator" means the Administrator of the Small Business Administration.

(b) "SBA" means the Small Business Administration.

(c) "the Committee" means the Committee for Purchase of Products and Services of the Blind and other severely Handicapped.

(d) "Small business concern" means a business concern which would qualify as a small business under § 121.3-10 of this chapter.

(e) The "Act" means the Small Business Act.

(f) "Nonprofit organization" means any public or private organization which is organized under the laws of the United States or of any State, operated in the interest of handicapped individuals, the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual; and which, in the production of commodities and in the provision of services during any fiscal year in which it receives financial assistance under this program, employs handicapped individuals for not less than 75 percent of the man-hours required for the production or provision of the commodities or services.

(g) "Handicapped individual" means a person who has a physical, mental, or emotional impairment, defect, ailment, disease, or disability of a permanent nature which limits the individual under such disability from currently engaging in normal competitive employment, or from currently engaging in normal competitive business practices without SBA loan assistance.

(h) "Central nonprofit organization" means an agency designated by the Committee under Public Law 92-28.

(i) "HAL-1" means a Handicapped Assistance Loan to a nonprofit organization.

(j) "HAL-2" means a Handicapped Assistance Loan to an eligible small business concern owned, or to be owned, by handicapped individual(s).

HANDICAPPED ASSISTANCE LOANS

§ 118.11 Eligibility.

(a) In order to be eligible to apply for a HAL-1, the nonprofit organization must submit certification that it is organized under the laws of the State, or of the United States, as a nonprofit organization operating in the interests of handicapped individuals, and must provide documentation that it employed, or will employ, for the ongoing fiscal year, handicapped individuals for not less than 75 percent of the man-hours required for the production of commodities or in the provision of services which it renders. The organization must also show proof of affiliation with one or more of the Central Nonprofit Organizations designated by the Committee under the provisions of Public Law 92-28 (41 CFR 51-3.1 and 51-3.2). In addition it must comply with any applicable occupational health and safety standard which may be prescribed by the Secretary of Labor.

(1) Loans under HAL-1 are not to be used as a substitute for historical sources of funding.

(2) Financial assistance shall not be extended if funds are otherwise available on reasonable terms from private sources or other Federal, State or local programs. It must be demonstrated that:

(i) The applicant's bank of account will not make the loan.

(ii) Private credit is not obtainable.

(iii) Grant funds from other Government programs are not available.

(iv) Contributions from foundations, local or state fund raising activities, including tax assessments, donations, and similar historical avenues of funding will not be diminished as a result of the SBA loan.

(b) In order to be eligible to apply for a HAL-2, a business must qualify under Parts 120 and 121 of this chapter, except where inconsistent with specific provisions in this part. In the case of a partnership, corporation, or cooperative, the business must be 100 percent owned by handicapped individuals.

(1) 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:

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

(A) The applicant's bank of account;

(B) If the amount of financial assistance applied for is in excess of the amount that the bank 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

(C) 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. Bank refusal 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 sources other than such banks, the financial assistance applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

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

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

(B) 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

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

(D) Through other applicable Government financing, including SBA's regular Business Loan Program and its Economic Opportunity Loan Program.

(c) Under HAL-2 financial assistance may be used to acquire a business.

(d) Applicants for assistance under HAL-2 must provide information from a physician, psychiatrist, and/or counselor in writing as to the permanent nature of the handicap and the limitations it places on the applicant.

(1) A handicapped person who is able to engage in normal competitive employment or engage in normal competitive business practices because he or she has overcome the handicap, or the handicap has been substantially corrected, is not eligible to apply under this program.

(e) Direct loan assistance is subject to the availability of funds.

§ 118.21 Limitations on use of proceeds.

(a) Loans for nonprofit organizations (HAL-1) may not be used for:

(1) Training, education, housing, or other supportive services for handicapped employees of sheltered workshops.

(2) Construction of facilities if a construction grant is available from other Government sources.

(3) Purchase of a building when mortgage insurance through other Federal agencies is available.

(b) Restrictions on use of proceeds for HAL-2 loans are the same as for regular SBA business loans with the exception of acquisition of a business.

§ 118.31 Terms and conditions.

(a) HAL loans shall not be made, participated in, or guaranteed if the total amount of the Government's share of such assistance to a single borrower at any one time exceeds a total outstanding of $350,000. The loan limit applies collectively to all HAL-2 loans to business entities owned or controlled by affiliated ownership and for all HAL-1 loans to the specific applicant nonprofit organization.

(1) The administrative ceiling on a direct loan is $100,000, and $150,000 as the SBA share of an immediate participation loan. Acceptance of such applications is subject to availability of funds.

(b) Interest on direct loans and the SBA share of an immediate participation loan is 3 percent per annum.

(c) Subject to the approval of SBA, the participants share of immediate participation loans, and on guaranteed loans prior to SBA's purchase, the interest rate shall be at a legal and reasonable rate. Maximum allowable rates are published in the FEDERAL REGISTER at set intervals (§ 120.3(b)(2)(vi) of this chapter). Subject to the provisions of this paragraph, lending institutions may be given the option of utilizing a fluctuating rate of interest.

(d) The interest rate on SBA's share of a guaranteed loan after purchase by SBA becomes the same as the rate for direct loans. SBA's 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.

(e) Repayment will be required at the earliest feasible date giving consideration to the use to be made of the funds and indicated ability to repay with 15

years as the absolute maximum. When deemed necessary, grace periods for payment of principal may be provided. Interest payments must be made as soon after the loan is disbursed as possible and will be required during any grace period. A fluctuating repayment schedule may be established for seasonal businesses or nonprofit organizations.

§ 118.41 Participations.

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

(1) An applicant for a direct HAL loan must show that an immediate participation or guaranteed loan is not available. An applicant for any 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) Guaranty fees and service fees charged by the bank may equal but not exceed those it charges on regular business loans.

(4) No agreement to extend financial assistance under this program shall establish any preferences in favor of a bank or other lending institution.

§ 118.51 Credit requirements.

(a) An applicant must meet certain practical credit requirements established by SBA. Principal requirements are as follows:

(1) An applicant must be of good character as determined by SBA.

(2) There must be evidence that the ability exists to operate the business or the nonprofit organization successfully.

(3) There must be enough capital invested in the business so that, with assistance through SBA, the business will be able to operate on a sound financial basis.

(4) As required by the Small Business Act, as amended, the proposed loan, whether direct, immediate participation, or guaranteed must be "of such sound value or so secured as reasonably to assure repayment."

(i) In those border line cases where a reasonable doubt exists as to repayment ability, the decision shall be resolved in favor of the applicant.

(5) The loan should be secured by collateral of a type, amount, and value which, considered with other factors, such as the character and ability of the management, and of the prospective earnings, will afford the required assurance of repayment.

(i) On loans to be made to finance Federal Government contracts, an assignment of amounts to come due under such contracts may be required.

(ii) Personal guaranties of the officers or directors of nonprofit organizations (HAL–1) shall not be required.

(6) The past earnings record and future prospects of the firm for HAL–2 loans must indicate ability to repay the loan out of income from the business.

(i) For loans to nonprofit organizations (HAL–1), evidence that the organization has the capability and experience to perform successfully on the work to be performed must be furnished but it is not necessary that the loan be repaid from the earnings of the organization if repayment ability can be determined on another basis.

§ 118.61 Application procedures.

(a) An applicant desiring to obtain HAL assistance shall apply to the regional, district, or branch office servicing the area where the business or nonprofit organization is located, or to the applicant's bank which in turn will apply for the SBA guaranty to the regional, district, or branch office servicing the area where the business or nonprofit organization is located.

(1) If another SBA office is closer, the applicant may obtain counseling, advice, or assistance in filing an application from that office.

(2) Addresses of SBA offices are listed in Part 101 of this chapter.

(b) After a direct loan application has been submitted to SBA and has been approved or declined, the regional or district office will send a letter of notification to the applicant. In cases of decline, the reasons will be stated. When a bank is participating, the bank will be notified of the final decision.

(1) In the event of decline, the applicant may request a reconsideration from the declining office within six months. A reconsideration request must include new or additional information which will overcome the stated reasons for decline.

§ 118.71 Applicability of other SBA regulations.

(a) All applicable provisions of Parts 120 and 122 of this chapter shall apply to HAL's except where other provision is made in this part.

Dated: July 20, 1973.

THOMAS S. KLEPPE,
Administrator.

(Catalog of Federal Domestic Assistance Programs 59.003, Economic Opportunity Loans 59.012, Small Business Loans 13.763, Rehabilitation Services and Facilities)

[FR Doc.73–15652 Filed 7–30–73;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 STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR JAMAICA

Information for Investors

The Agency for International Development (AID) has advised the Jamaica Mortgage Bank (the Borrower) that, upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed $10 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to the authority contained in section 222 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used for the financing of a low and middle-income housing program in Jamaica.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. Lloyd Galloway
Jamaica Mortgage Bank
P.O. Box 701
30-34 Port Royal Street
Kingston, Jamaica, W.I.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

The loan will be disbursed in approximately 36 months beginning on or about October 1, 1974. This disbursement schedule is approximate and will depend upon the progress of the housing program.

To be eligible for a guaranty, the loan must be repayable in full within 30 years from the first disbursement under the loan, and the interest rate may be no higher than the maximum rate to be established by AID. AID will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director
Office of Housing
Agency for International Development
Room 300E, SA-2
Washington, D.C. 20523

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

PETER M. KIMM,
Director of Housing, Agency for International Development.

JULY 23, 1973.

[FR Doc.73-15719 Filed 7-30-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

U.S. ARMY AVIATION SYSTEMS COMMAND

Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

The U.S. Army Aviation Systems Command (AVSCOM), will conduct a meeting of the Scientific Advisory Group for Aviation Systems (SAGAS), at 0900 hours 2 August 1973, thru 1200 hours 3 August 1973, at the U.S. Army Air Mobility Research and Development Laboratory, Moffett Field, California. The meeting will consist of a tour of the facilities and discussion of classified defense information. The meeting will not be open to the public.

Any additional information concerning the meeting may be obtained from Mr. B. Thomas Horace, Executive Secretary, SAGAS, Area Code (314), 698-3821.

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

JULY 23, 1973.

[FR Doc.73-15661 Filed 7-30-73;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 73-12]

FOUR CORNERS PHARMACY

Notice of Hearing

Notice is hereby given that on June 11, 1973, The Drug Enforcement Administration (formerly the Bureau of Narcotics and Dangerous Drugs), Department of Justice, issued to Four Corners Pharmacy, an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs Registration No. AF-5345435 issued to the respondent pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

A written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on July 27, 1973, at the Drug Enforcement Administration, Room 1211, 1405 I Street, N.W., Washington, D.C. 20537.

Dated: July 26, 1973.

JOHN R. BARTELS, JR.,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.73-15707 Filed 7-30-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:00 a.m. on August 14, 1973, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Public Law 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman), Philadelphia, Pa.
Hon. Michael J. Bradley, Philadelphia, Pa.
Mr. John P. Bracken, Philadelphia, Pa.
Hon. James A. Byrne, Philadelphia, Pa.
Mr. William L. Day, Philadelphia, Pa.
Hon. Edwin O. Lewis, Philadelphia, Pa.
Mr. Filindo B. Masino, Philadelphia, Pa.
Mr. Frank C. P. McGlinn, Philadelphia, Pa.
Mr. John B. O'Hara, Philadelphia, Pa.
Mr. Howard D. Rosengarten, Villanova, Pa.
Mr. Charles R. Tyson, Philadelphia, Pa.

Matters to be considered at this meeting include the following:

1. Old Philadelphia Historic Area Plans—G. Craig Schelter, Deputy Executive Director, Phila. City Planning Commission.

2. Penns Landing and I-95 Ramps—James Martin, Executive Director, Old Philadelphia Development Corporation.

3. Progress Report—Superintendent, Independence NHP.

4. Liberty Bell move.

5. *Sunday Inquirer* article of July 8.

6. Report on attendance at the Sound and Light show and "It Happened Here."

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit written statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania, at 215-597-7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Date: July 19, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-15663 Filed 7-30-73;8:45 am]

Office of the Secretary

[INT DES 73-37]

DEEPWATER PORTS

Availability of Draft Environmental Impact Statement; Correction

In the FEDERAL REGISTER of July 17, 1973, at page 19054, the Department of the Interior published a Notice of Availability of a Draft Environmental Impact Statement on Deepwater Ports which requested written comments on or before August 16, 1973. The following addition and correction are hereby made to that Notice:

1. Comments on the impact statement should be submitted to Dr. William A. Vogely, Director, Office of Economic Analysis.

2. The title of Laurence E. Lynn, Jr., who signed the Notice, is corrected to read Assistant Secretary of the Interior.

These modifications to the Notice of July 17, 1973, shall not be deemed to extend the period of comment on the Draft Environmental Impact Statement beyond the specified date of August 16, 1973.

LAURENCE E. LYNN, Jr.,
Assistant Secretary of
the Interior.

JULY 25, 1973.

[FR Doc.73-15664 Filed 7-30-73;8:45 am]

[INT FES 73-39]

LAHONTAN NATIONAL FISH HATCHERY, NEVADA

Notice of Availability of Final 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 final environmental statement for the proposed construction at the Lahontan National Fish Hatchery in Douglas County, Nevada.

The project includes construction of buildings for public use, staff residence, and storage; ponds for fish production and waste removal; and systems for water treatment and reconditioning. The new facilities are necessary to propagate Lahontan cutthroat trout for restoration of the fisheries in Pyramid and Walker Lakes in Nevada and to increase the numbers of rainbow trout currently stocked on military and Indian reservations in northern Nevada and eastern California.

Copies of the final statement are available for inspection at the following locations:

Lahontan National Fish Hatchery
Route 2, Box 80
Gardnerville, Nevada 89410
Bureau of Sport Fisheries and Wildlife
P.O. Box 3737
Portland, Oregon 97208

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and C Streets, NW
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated: July 23, 1973.

LAURENCE E. LYNN, Jr.,
Assistant Secretary, Program
Development and Budget.

[FR Doc.73-15651 Filed 7-30-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

COMMODITY CREDIT CORPORATION ADVISORY BOARD

Notice of Public Meeting

Notice is hereby given that the Commodity Credit Corporation Advisory Board established under section 9(b) of the Commodity Credit Corporation Charter Act of 1949 (63 Stat. 154, 155; 15 U.S.C. section 714g(b)), will meet at 8:15 a.m. on Wednesday, August 8, 1973, and Thursday, August 9, 1973, in Room 2-W, of the Administration Building of the U.S. Department of Agriculture, Washington, D.C.

The purpose of this regularly scheduled quarterly meeting of the Advisory Board is to survey the policies of the Commodity Credit Corporation in connection with the purchase, storage and sale of commodities, and the operation of lending and price support programs. The meeting will be open to the public.

The names of the Presidential appointees comprising the Advisory Board, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Mr. Seeley G. Lodwick, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C.

Signed at Washington, D.C. on July 25, 1973.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-15678 Filed 7-30-73;8:45 am]

Rural Electrification Administration

SOUTH MISSISSIPPI ELECTRIC POWER ASSOCIATION

Negative Determination Regarding Environmental Statement

Notice is hereby given that the Rural Electrification Administration (REA) in connection with the release of loan funds to South Mississippi Electric Power Association, P.O. Box 2018, Hattiesburg, Mississippi 39401, has determined that it will not be necessary to publish an Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969.

The release of loan funds will allow the borrower to install equipment at its existing Moselle plant which consists of three 59 megawatt units, necessary to store No. 6 fuel oil and burn such fuel during periods of curtailment of deliveries of natural gas. South Mississippi EPA has facilities to store and burn lighter grades of fuel oil and due to recent efforts to conserve natural gas for domestic consumption is utilizing fuel oil when its gas supply is curtailed. Availability and price differentials of No. 6 fuel oil as compared to the lighter oil necessitates the installation of equipment suitable for No. 6 fuel oil.

The Environmental Protection Agency has notified South Mississippi EPA by letter that the addition of equipment required to burn No. 6 oil will be considered a modification of an existing source. The Mississippi Air Pollution Control Commission has notified South Mississippi that its plan is acceptable.

REA has concluded that its approval of the proposed action will not constitute a major Federal action having a significant effect upon the environment, and has determined that an Environmental Impact Statement is not required. Available loan funds for the necessary equipment will be released from Conditional Agreement on or after August 10, 1973.

Detailed information concerning this action is available for examination at the office of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4312.

Dated at Washington, D.C., this 24th day of July, 1973.

GEORGE P. HERZOG,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.73-15677 Filed 7-30-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF THREE 38,300 DWT TANKERS

Application for Construction-Differential Sudsidy

Notice is hereby given that Moore-McCormack Bulk Transport, Inc. has filed an application dated July 23, 1973, pursuant to Title V of the Merchant Marine Act, 1936, as amended, for a construction-differential subsidy to aid in

the construction of three new tank vessels of approximately 38,300 deadweight tons to be used in the worldwide bulk trade, including the import-export commerce of the United States.

The proposed new vessels will be built to plans previously approved by the Maritime Administration on January 3, 1972, in connection with approval of the construction-differential subsidy application of Margate Shipping Company in regard to three 38,300 dwt tankers, MA Design T6-S-93a.

Interested parties may inspect this application in the Office of the Secretary, Room 3099-B, Maritime Administration, Commerce Department Building, Fourteenth and E Streets, NW., Washington, D.C. 20235.

Dated: July 25, 1973.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-15762 Filed 7-30-73;8:45 am]

CONSTRUCTION OF THREE 390,000 DWT TANKERS

Application for Construction-Differential Subsidy

Notice is hereby given that Zapata Bulk Transport, Inc., a wholly owned subsidiary of Zapata Corporation, has filed an application dated June 22, 1973, pursuant to Title V of the Merchant Marine Act, 1936, as amended, for a construction-differential subsidy to aid in the construction of three ultra large crude carriers of approximately 390,000 deadweight and 194,000 gross registered tons and of approximately 16 knots speeds to be used in a foreign-to-U.S. crude oil transportation service.

Interested parties may inspect this application in the office of the Secretary, Room 3099-B, Maritime Administration, Commerce Department Building, Fourteenth and E Streets, NW., Washington, D.C. 20235.

Date: July 25, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-15763 Filed 7-30-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DIAGNOSTIC X-RAY SYSTEMS AND THEIR MAJOR COMPONENTS

Notice to Manufacturers and Assemblers Regarding Early Certification of Diagnostic X-ray Equipment

In the FEDERAL REGISTER of August 15, 1972 (37 FR 16461) the Commissioner of Food and Drugs published a final order concerning the performance standard for diagnostic x-ray systems and their major components (21 CFR 278.213). This order was to be effective on August 15, 1973. In the FEDERAL REGISTER of June 12, 1973 (38 FR 15444) the Commissioner extended the effective date of the standard to August 1, 1974.

In the preamble to the order extending the effective date, the Commissioner urged manufacturers to continue to make every effort to provide x-ray equipment meeting the standard at the earliest practical date, and stated that such equipment may be certified in accordance with § 278.213-1(c) and (d) in advance of this new effective date.

Such early certification will provide the purchaser and user of diagnostic x-ray equipment, which bears a manufacturer's certification label, with benefits of a product certified as meeting a performance standard under the Radiation Control for Health and Safety Act of 1968.

In addition to meeting the radiation performance requirements, these benefits include instructions concerning radiological safety procedures, schedules of maintenance necessary to keep the equipment in compliance with the performance standard, and technical data. Perhaps of greatest importance is that the purchaser will have the knowledge that, should the product be in noncompliance with any of the applicable provisions of the standard, the notification procedures as provided for in the act and regulations, and the obligation upon the manufacturer to provide for the repair of the product, its replacement, or a refund of the cost will be enforced.

The Commissioner has determined that an announcement is necessary to describe the requirements and obligations of a manufacturer who chooses to certify diagnostic x-ray equipment prior to August 1, 1974, as well as those of an assembler who installs such certified equipment. These requirements will assure that the radiation safety performance of equipment certified prior to August 1, 1974 is equivalent to that of equipment certified after August 1, 1974.

Therefore, the Commissioner of Food and Drugs announces the following policy regarding early certification. This policy is applicable to manufacturers of diagnostic x-ray systems and their major components who choose to certify such equipment as complying with the requirements of § 278.213 prior to August 1, 1974, as well as to assemblers who assemble or install such certified equipment prior to August 1, 1974:

1. All diagnostic x-ray systems and components certified to comply with § 278.213 must meet all applicable requirements of that section. Early certification will advance the effective date of the performance standard for that system or component from August 1, 1974 to the date on which the manufacturer first introduces that certified system or component into commerce.

2. A manufacturer certifying prior to August 1, 1974 must comply with the provisions of § 278.201 (21 CFR 278.201) and § 278.202 (21 CFR 278.202) concerning certification and identification.

3. A manufacturer certifying prior to August 1, 1974 must comply with the provisions of § 278.720 (21 CFR 278.720) concerning maintenance of records.

4. Prior to certification of a system or component the manufacturer must submit an initial report or report of model changes, as required by §§ 278.710 and 278.711 (21 CFR 278.710 and 278.711). Manufacturers providing early certification of systems or components, without submission of this report prior to introduction into commerce, shall be in violation of section 360B(a)(5) of the Radiation Control for Health and Safety Act of 1968.

5. Applications for variances as specified in § 278.213-1(i)(2) may be submitted by manufacturers (including assemblers) of diagnostic x-ray systems and components prior to August 1, 1974. However, any variances granted will not be made effective before August 1, 1974.

6. As stated in § 278.213 the manufacturing process of an x-ray component is not complete until the assembler has installed the component into the x-ray system. The assembler is considered one of the manufacturers and must file a report affirming that the assembly of the certified product is in accordance with the standard. The assembly of diagnostic x-ray equipment is an important process in providing the purchaser equipment that complies with the performance standard. Certification of a component imposes responsibilities on the assembler of the equipment, whether certified prior to, or after, August 1, 1974. Therefore, the assembly instructions provided by the manufacturer of the certified component or system will be considered the assembler's design specifications pursuant to § 278.501(a) (21 CFR 278.501) and either before or after August 1, 1974, a person who assembles certified diagnostic x-ray equipment must comply with those instructions to assure compliance with the standard. Assembled x-ray equipment not complying with the standard as a result of improper assembly, will be deemed defective as defined by § 278.501(b)(1) and the assembler will be subject to the notification requirements and obligation to repair, replace, or refund the cost of the product.

7. Assemblers of diagnostic x-ray equipment are required to submit a report of assembly in accordance with § 278.213-1(d) for the assembly of certified components or systems which are assembled prior to August 1, 1974.

Questions concerning this notice should be directed to the Food and Drug Administration, Bureau of Radiological Health, (RH-60), 5600 Fishers Lane, Rockville, MD 20852.

Dated: July 25, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-15698 Filed 7-30-73;8:45 am]

National Institutes of Health

AD HOC TOXICOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Ad Hoc Toxicology Committee, National Cancer Institute, August 3–4, 1973, 9:30 a.m. to 5:00 p.m., National Institutes of Health, Building 37, Conference Room 6B23. This meeting will be closed to the public to review approximately 35 proposals in the field of toxicology, in accordance with the provisions set forth in Section 552(b)4 of Title 5 U.S. Code and 10(d) of P.L. 92–463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the closed meeting and roster of committee members.

Dr. J. A. R. Mead, Executive Secretary, Building 37, Room 5A05, National Institutes of Health, Bethesda, Maryland 20014 (301/496–4386) will provide substantive program information.

Dated: July 23, 1973.

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

[FR Doc.73–15714 Filed 7–30–73;8:45 am]

AD HOC TOXICOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Ad Hoc Toxicology Committee, National Cancer Institute, August 14–16, 1973, 9:30 a.m. to 5:00 p.m., National Institutes of Health, Building 37, Conference Room 6B23. This meeting will be closed to the public to review approximately 35 proposals in the field of toxicology, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of P.L. 92–463.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the closed meeting and roster of committee members.

Dr. J. A. R. Mead, Executive Secretary, Building 37, Room 5A05, National Institutes of Health, Bethesda, Maryland 20014 (301/496–4386) will provide substantive program information.

Dated: July 23, 1973.

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

[FR Doc.73–15711 Filed 7–30–73;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, August 13–15, 1973, at 9 a.m., National Institutes of Health, Rocky Mountain Laboratory, Hamilton, Montana, RML Conference Room. This meeting will be open to the public from 9 a.m. to 5 p.m. on August 13 and 14, 1973, for general review of scientific program and visits to laboratories, and closed to the public from 9 a.m. to 1 p.m. on August 15, 1973, to evaluate research projects of the Rocky Mountain Laboratory in accordance with the provisions set forth in Section 552(b)6 of title 5 U.S. Code and 10(d) of P.L. 92–463. Attendance by the public will be limited to space available.

Summaries of the open meeting and rosters of committee members may be obtained from Mr. Robert L. Schreiber, Information Officer, National Institute of Allergy and Infectious Disease, National Institutes of Health, Building 31, Room 7A34, Bethesda, Md. 20014, telephone 496–5717. Substantive program information may be obtained from Dr. John R. Seal, Executive Secretary, Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 5, Room 137, Bethesda, Md. 20014, telephone 496–2144.

Dated July 23, 1973.

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

(Catalog of Federal Domestic Assistance Program No. 13–301, National Institutes of Health.)

[FR Doc.73–15712 Filed 7–30–73;8:45 am]

CANCER RESEARCH CENTER REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Research Center Review Committee's Executive Subcommittee, National Cancer Institute, August 8, 1973, at 8:30 a.m., Holiday Inn, Montgomery Room, Bethesda, Maryland. This meeting will be open to the public from 8:30 a.m. to 5:00 p.m., to discuss guidelines for the review and evaluation of Cancer Center applications, and to advise the Director, NCI, through the parent Committee, on policy concerning the support of Cancer Centers. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Robert L. Manning, Executive Secretary, Westwood Building, Room 820, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7721) will provide substantive program information.

Dated: July 23, 1973.

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

[FR Doc.73–15708 Filed 7–30–73;8:45 am]

ENDOCRINOLOGY AND TROPICAL MEDICINE AND PARASITOLOGY STUDY SECTIONS

Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of meetings of the following study sections and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

The Information Officer of the Division of Research Grants, Mr. Richard Turlington, will furnish summaries of the closed meetings and rosters of committee members. Substantive information may be obtained from each Executive Secretary whose name, room number and telephone extension are listed below his Study Section. Mr. Turlington and the Executive Secretaries are all located in the Westwood Building, National Institutes of Health, Bethesda, Maryland 20014. Mr. Turlington's room number is 433, telephone 496–7441.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting and closed thereafter in accordance with the provisions set forth in Section 552(b) 4 of Title 5 U.S. Code and Section 10(d) of P.L. 92–463 in order to review, discuss and evaluate and/or rank grant applications. Attendance by the public will be limited to space available.

Study section	Date	Time	Location of meeting
Endocrinology: Mr. Morris Graff, Rm. 333, Tel. 496-7346	Aug. 22-25	9:00	Board Room, Shoreham Hotel Washington, D.C.
Tropical Medicine and Parasitology: Dr. George Luttermoser, Rm. 319, Tel. 496-7494.	Aug. 24-25	8:30	Room 7, Bldg. 31, C-Wing Bethesda, Md.

Dated: July 23, 1973.

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

(Catalog of Federal Domestic Assistance Program Nos. 13.301, 13.309, 13.314, 13.317, 13.328, 13.349, 13.371, Department of Health, Education, and Welfare).

[FR Doc.73–15710 Filed 7–30–73;8:45 am]

NATIONAL ADVISORY COMMISSION ON MULTIPLE SCLEROSIS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Commission on Multiple Sclerosis on August 14, 1973, at the National Institutes of Health, Building 31A, Room 8A03A. This meeting will be open to the public from 10 a.m. to 4 p.m. and will continue the investigation into the most promising avenues for research leading to causes of and preventives and treatments for multiple sclerosis. Attendance by the public will be limited to space avalaible.

1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is:

Mrs. Ruth Dudley, Building 31, Room 8A03, phone: 496-5751.

2. The Executive Director from whom substantive program information may be obtained is:

Dr. Harry M. Weaver, Room 8A34, Building 31A, NIH, phone: 496-3523.

Dated July 23, 1973.

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

[FR Doc.73-15709 Filed 7-30-73;8:45 am]

PRIMATE RESEARCH CENTERS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Primate Research Centers Advisory Committee, Division of Research Resources, August 3, 1973, 1 p.m., Holiday Inn, Southborough, Massachusetts. This meeting will be open to the public from 1:00 p.m. to 1:30 p.m. for opening remarks and introduction of guests, and closed to the public from 1:30 p.m. to adjournment to review a grant application in accordance with provisions set forth in section 552(b) 4 of title 5 U.S. Code for grants and 10(d) of Public Law 92-463. Attendance by the public is limited to space available.

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

The Executive Secretary from whom substantive program information may be obtained is Dr. William J. Goodwin, Building 31, Room 5B30, Bethesda, Maryland 20014, 496-5451.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health.)

Dated: July 23, 1973.

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

[FR Doc.73-15713 Filed 7-30-73;8:45 am]

WORKING GROUP ON VIROLOGY

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Working Group on Virology of the Multiple Sclerosis *ad hoc* Scientific Advisory Committee, August 9 and 10, 1973, at 9:00 A.M., in Room 8A03, Building 31A, National Institutes of Health, Bethesda, Maryland. This meeting will be closed to the public to review, discuss and evaluate and/or rank research proposals on Multiple Sclerosis in accordance with the provisions set forth in section 552(b)4 of title V, US Code and section 10(d) of P.L. 92-463.

1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is: Mrs. Ruth Dudley, Building 31, Room 8A03, phone: 496-5751.

2. The Executive Director from whom substantive program information may be obtained is:

Dr. Harry M. Weaver, Room 8A34, Building 31A, NIH, phone: 496-3523.

Dated: July 23, 1973.

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

[FR Doc.73-15715 Filed 7-30-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Federal Advisory Committee Act, P.L. 92-463, that the next meeting of the National Advisory Council on Extension and Continuing Education will be held on August 20-21, 1973, at the Sheraton Tara Hotel in Braintree, Massachusetts. The meetings on both days will begin at 9:00 a.m. local time.

The National Advisory Council on Extension and Continuing Education is authorized under Public Law 89-239. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Council shall be open to the public. Complete agenda and records shall be kept of all Council proceedings and they will be available for public inspection at the Office of the Council's Executive Director, located in Room 710, 1325 G Street, NW., Washington, D.C.

EDWARD A. KIELOCH,
Executive Director.

JULY 24, 1973.

[FR Doc.73-15641 Filed 7-30-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-73-243]

ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION V, (CHICAGO)

Redelegation of Authority With Respect to Fair Housing

Section A. Authority with respect to fair housing. The Assistant Regional Administrator for Equal Opportunity Region V (Chicago), is authorized to exercise the power and authority of the Secretary of Housing and Urban Development under Title VIII (Fair Housing) of the Civil Rights Act of 1968 (42 U.S.C. 3601-3619), except the authority to:

1. Issue a subpena or an interrogatory under section 811 of the Act (42 U.S.C. 3611).

2. Make studies and publish reports under section 808(e) of the Act (42 U.S.C. 3608(d)).

3. Issue rules and regulations.

Sec. B. Authority to redelegate. The Assistant Regional Administrator for Equal Opportunity is further authorized to redelegate to employees of the Department the authority of the Secretary to administer oaths under section 811(a) of the Act (42 U.S.C. 3611(a)).

(Redelegation of authority by Assistant Secretary for Equal Opportunity effective Apr. 30, 1970, 35 FR 6877, Apr. 30, 1970)

Effective date. This redelegation of authority shall be effective on July 31, 1973.

GEORGE J. VAVOULIS,
Regional Administrator,
Region V (Chicago).

[FR Doc.73-15765 Filed 7-30-73;8:45 am]

Federal Disaster Assistance Administration

[Docket No. NFD-115]

MISSOURI

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Missouri, dated April 20, 1973, and published April 26, 1973 (38 FR 10334); amended April 27, 1973, and published May 3, 1973 (38 FR 11014); amended May 16, 1973, and published May 22, 1973 (38 FR 13512); amended June 6, 1973, and published June 13, 1973 (38 FR 15552); and amended July 18, 1973, is hereby further amended. Notice is hereby given that on July 20, 1973, the President amended his declaration of a major disaster of April 19, 1973, for Missouri as follows:

I have determined that the damage in certain areas of the State of Missouri from severe storms and flooding occurring during the period May 26-27, 1973, is of sufficient severity and magnitude to warrant amendment of my April 19, 1973, declaration of a major disaster. You are to determine the specific areas within the State eligible for Federal assistance under this amendment.

In order to provide Federal assistance, you are hereby authorized to extend the inci-

dence period and to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

The purpose of this amendment is to authorize Federal assistance for Bollinger, Cape Girardeau, Scott, Stoddard, Perry, Scotland, Wayne, Knox, Madison, Ripley, and Washington Counties for damage sustained during the periods March 6–April 22 and May 26–27.

In accordance with the President's amendment, the following counties are hereby included among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 19, 1973:

The Counties of:

Knox	Ripley
Madison	Washington

Dated: July 20, 1973.

THOMAS P. DUNNE
Administrator, Federal Disaster Assistance Administration

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-15680 Filed 7-30-73;8:45 am]

[Docket No. NFD-116]

NEW YORK

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on July 20, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of New York from severe storms and flooding, beginning about June 28, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of New York. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11725, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Thomas R. Casey, HUD Region 2, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of New York to have been adversely affected by this declared major disaster:

The Counties of:

Columbia	Rensselaer
Delaware	Sullivan
Dutchess	Ulster

Dated: July 20, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-15681 Filed 7-30-73;8:45 am]

[Docket No. NFD-117]

PENNSYLVANIA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Pennsylvania, dated July 18, 1973, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 17, 1973:

The Counties of:

Columbia
Northampton

Dated: July 24, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-15682 Filed 7-30-73;8:45 am]

[Docket No. NFD-118]

TEXAS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Texas, dated July 11, 1973, and published July 16, 1973 (38 F.R. 18918) is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 11, 1973:

The Counties of:

Matagorda
Newton

Dated: July 24, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-15683 Filed 7-30-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

DELAWARE'S PROPOSED ACTION PLAN

Notice of Submittal

The Delaware Department of Highways and Transportation has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Department of Highways & Transportation
   North District
   P.O. Box 8
   Route 7
   Bear, Delaware 19701
2. Department of Highways & Transportation
   Central District
   P.O. Box 778
   S. State Street
   Dover, Delaware 19901
3. Department of Highways & Transportation
   Sussex District
   P.O. Box 32
   Route 113
   Georgetown, Delaware 19947
4. Department of Highways & Transportation
   Office of the Support Coordinator
   Administration Center
   Dover, Delaware 19901
5. Delaware Division Office—FHWA
   Willard Hall
   2nd Floor
   5 East Reed Street
   P.O. Box 517
   Dover, Delaware 19901
6. FHWA Regional Office—Region 3
   31 Hopkins Plaza
   Baltimore, Maryland 21201
   (Room 1615)
7. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building, Room 3246
   400 7th Street, S.W.
   Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before August 24, 1973.

Issued on July 25, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-15720 Filed 7-30-73;8:45 am]

ENVIRONMENTAL CONSIDERATIONS IN PROJECTS

Notice of Consent Judgment

The Federal Highway Administration (FHWA) hereby gives notice that a consent judgment has been entered by Judge June L. Green of the U.S. District Court for the District of Columbia on July 23, 1973, in the case of *National Wildlife Federation* v. *Norbert T. Tiemann and Claude S. Brinegar*, (Civil Action No. 1318-73). This judgment governs the forwarding of FHWA projects under the

provisions of the National Environmental Policy Act in the remainder of this year. The judgment provides:

The plaintiff, National Wildlife Federation, and the federal defendants, Norbert T. Tiemann, Administrator of the Federal Highway Administration, and Claude S. Brinegar, Secretary of Transportation, having consulted by counsel and having determined that the best interests of all concerned would be served by an amicable resolution of this controversy, the Court having been fully advised in the premises and having concluded that the proposed settlement is in the public interest, it is hereby

Ordered that the complaint herein be dismissed with prejudice but without costs as to defendants Norbert T. Tiemann and Claude S. Brinegar on the following terms and conditions:

1. The FHWA (Federal Highway Administration) will not grant a "proposed FHWA authorization" (as defined below) without an FHWA NEPA (National Environmental Policy Act, 42 U.S.C. 4331 *et seq.*) reassessment (as described below) with respect to any Federal-aid highway section (a) for which a State HA (Highway Agency) requests a "proposed FHWA authorization" on or after January 1, 1974, (b) which is a "major Federal action significantly affecting the quality of the human environment," and (c) for which an environmental statement has not been filed with the Council on Environmental Quality.

2. Each FHWA division engineer will identify the "proposed FHWA authorizations" which the State HA intends to request from the FHWA between August 15, 1973, and January 1, 1974. "Proposed FHWA authorizations" are authorizations for advertisements for bid for work in "construction phases" as defined in paragraph 3 of PPM 21–12 and authorizations for the acquisition of right-of-way relating to federal-aid construction (a) which is a "major Federal action significantly affecting the quality of the human environment," and (b) for which no environmental statement is being or has been prepared pursuant to PPM 90–1: *Provided, however,* That "proposed FHWA authorizations" do not include any FHWA approvals of projects which involve work only on locations where grading and drainage have previously been authorized. Nothing in this agreement shall prevent a Regional Federal Highway Administrator from giving an authorization for right-of-way acquisition in hardship cases or for protective buying in extraordinary circumstances, or from approving demolition when necessary for the public safety.

3. Each FHWA division engineer will identify and compile one or more lists of the "highway sections" (as defined in paragraphs 3.a and 6, PPM 90–1) with respect to which the "proposed FHWA authorizations" as defined in paragraph 2 above will be requested. These highway sections will be subject to the FHWA's NEPA reassessment.

4. As of August 15, 1973, no "proposed FHWA authorization" as defined in paragraph 2 above will be granted for any highway section which is subject to the FHWA's NEPA reassessment until the FHWA division engineer determines whether an environmental statement should be prepared and considered for the highway section.

5. The FHWA shall require each State HA to publish, in the largest daily newspaper of general circulation in the vicinity of each highway section which is subject to the FHWA's NEPA reassessment, at least one public notice which includes: (a) A list of highway sections which are subject to the FHWA's NEPA reassessment, describing their locations, termini, length, and proposed number of lanes; (b) the FHWA's criteria for NEPA reassessment (a copy of which are attached hereto as Exhibit A); and (c) an invitation for interested persons to submit comments to the FHWA division engineer relating FHWA's criteria for NEPA reassessment to any or all of the highway sections in the list within 30 days after publication. Each list will be mailed to NWF Resources Defense, 1412 16th Street, NW., Washington, D.C. 20036, by air mail special delivery as soon as possible after its compilation and, in any event, no later than the day after its publication. A copy of each publication will be mailed to NWF Resources Defense within 10 days after the publication.

6. Each State HA may submit written comments to the FHWA division engineer relating the FHWA's criteria for NEPA reassessment to any or all of the highway sections on each published list within 30 days after publication.

7. The FHWA division engineer will determine whether an environmental statement should be prepared and considered for each highway section which is subject to the FHWA's NEPA reassessment. Each such determination will be made using the FHWA's criteria for NEPA reassessment and will be in writing. On request, the division engineer will promptly furnish a copy of any such written determination to any person free of charge.

8. As soon as possible after the FHWA division engineer's determination, the FHWA shall require the State HA to publish in the largest daily newspaper of general circulation in the vicinity of each highway section which is subject to the FHWA's NEPA reassessment at least one public notice which includes: (a) A list of highway sections for which the FHWA division engineer's determination was made, describing their location, termini, length, and proposed number of lanes; (b) a statement that the FHWA division engineer has determined that preparation and consideration of an environmental statement is, or is not, required for the highway section; and (c) the address where any person may obtain copies of the FHWA division engineer's written determinations. A copy of each publication will be mailed to NWF Resources Defense within 10 days after publication.

9. No "proposed FHWA authorization" as defined in paragraph 2 above will be granted for any highway section for which the division engineer determines that an environmental statement should be prepared and considered until a final environmental statement for the highway section has been lodged with the Council on Environmental Quality for the time required by its Guidelines.

10. On or before August 31, 1973, each FHWA division engineer will furnish NWF a list of each approval of plans, specifications and estimates or approval of advertisements for bid granted between July 25, 1973, and August 15, 1973, relating to proposed federal-aid highway construction which received design approval from the FHWA before February 1, 1971, and for which no final environmental statement or negative declaration has been processed.

11. Copies of all FHWA directives and instructions relating to implementation of this Agreement will promptly be furnished to counsel for NWF. Counsel for NWF will be invited to attend and observe any workshops or instructional meetings arranged by FHWA's Washington office relating to implementation of this Agreement.

12. The FHWA will take the necessary steps to publish the terms of this Agreement in the FEDERAL REGISTER as soon as possible.

Dated: July 23, 1973.

JUNE L. GREEN,
United States District Court Judge.

We consent to the entry of the above order:

IRWIN L. SCHROEDER,
Attorney, Department of Justice, Washington, D.C.,
Attorney for Defendants.

ROBERT M. KENNAN, JR.,
National Wildlife Federation, Washington, D.C.,
Attorney for Plaintiff.

EXHIBIT A

FHWA CRITERIA FOR NEPA REASSESSMENT

An environmental statement shall be prepared and processed in accordance with PPM 90–1 for each highway section which is subject to the FHWA's NEPA reassessment if, in the judgment of the division engineer, implementation of the National Environmental Policy Act to the fullest extent possible requires preparation and procesing of an environmental statement. In making his judgment, the division engineer shall compare all of the steps already taken toward construction of the highway section with all of the steps yet to be taken and determine whether the highway section has reached the stage of completion where the costs of delaying the proposed highway clearly outweigh the benefits that might be derived from preparing and processing an environmental statement. When the division engineer has doubt whether or not an environmental statement should be prepared and processed, the statement should be prepared. In making his determination, the division engineer should consider: (a) Any written reassessment prepared by the State highway agency pursuant to paragraph 5.c of PPM 90–1; (b) right-of-way acquisition, including demolition of improvements within the right-of-way; (c) number of families rehoused and those yet to be rehoused; (d) the extent to which the construction already completed involves an irretrievable commitment of natural resources; (e) user benefits to accrue from the proposed highway; (f) the extent to which the proposed highway is controversial; (g) available information on significant impacts of the proposed highway, including impacts on air and water quality, noise levels, and land use; (h) measures to minimize any adverse impacts of the proposed highway; and (i) any other relevant factors.

Issued on: July 26, 1973.

RALPH R. BARTELSMEYER,
Deputy Federal Highway Administrator.

[FR Doc.73-15685 Filed 7-30-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25252]

TEXAS INTERNATIONAL AIRLINES, INC.

Notice of Postponement of Prehearing Conference

The applicant, Texas International Airlines, Inc., by letter dated July 24, 1973, from its Counsel, Emory N. Ellis, Jr., has requested a postponement until September 26, 1973, of the prehearing conference scheduled upon its application for deletion of Lufkin, Texas, from segment 4 of route 82 of its certificate of public convenience and necessity. It requests this postponement based on the fact that the Lufkin Civic Interests are presently negotiating with the applicant for an agreement for continued service to Lufkin, and the possible withdrawal of the application for deletion.

The applicant reports that all parties, including the Lufkin Civic interests, have been advised of its intention to request this postponement, and that it has been authorized by all parties to state that they have no objection to the postponement.

Notice is hereby given that the prehearing conference in the above-entitled proceeding set for August 1, 1973 (38 FR 17872, July 5, 1973), has been postponed. The prehearing conference is rescheduled to be held on September 26, 1973 at 10:00 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., July 25, 1973.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.73-15755 Filed 7-30-73;8:45 am]

[Docket No. 25334]

TRANS-PROVINCIAL AIRLINES, LTD.

Notice of Prehearing Conference and Hearing

In the matter of Trans-Provincial Airlines, Ltd., foreign air carrier permit application, Prince Rupert, British Columbia-Ketchikan, Alaska, Service.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 21, 1973, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., before Administrative Law Judge William H. Dapper.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before August 14, 1973.

Dated at Washington, D.C., July 25, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-15754 Filed 7-30-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10:00 A.M., Wednesday, August 8, 1973, at 2025 M Street, NW, Washington, D.C.

The agenda will consist of discussions leading to recommendations on specific Phase II and Phase III wage cases in the food area, and future wage policy.

Since the above stated meeting will consist of discussions of future food wage policy and Phase II and III cases for decision, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on July 27, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-15855 Filed 7-27-73;4:14 pm]

COMMISSION ON CIVIL RIGHTS

ILLINOIS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois State Advisory Committee to this Commission will convene at 1 p.m. on August 1, 1973, in Room 1922, 219 South Dearborn Street, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to appoint a Subcommittee and begin to plan structure for an effective followup process to the report, "Bilingual/Bi-cultural Education, a Privilege or a Right—Education Bilinque/Bi-cultural (Un Privilegion o un Derecho)."

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

Dated at Washington, D.C., July 27, 1973.

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

[FR Doc.73-15868 Filed 7-30-73;8:45 am]

MAINE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine State Advisory Committee to this Commission will convene at 7 p.m. on August 7, 1973, at the Oblate Retreat House, Augusta, Maine 04330.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to develop program plans for Fiscal Year 1974 and prepare an outline for the Maine State Advisory Committee annual meeting.

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

Dated at Washington, D.C., July 27, 1973.

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

[FR Doc.73-15872 Filed 7-30-73;8:45 am]

MARYLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland State Advisory Committee to this Commission will convene at 8:00 p.m. on August 2, 1973, in Room G-20 Social Security Administration, 6401 Security Boulevard, Woodlawn, Maryland 21235.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20425.

The purpose of this meeting shall be to hear Subcommittee reports concerning the status of the new State Advisory Committee project proposals for fiscal year 1974.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 27, 1973.

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

[FR Doc.73-15869 Filed 7-30-73;8:45 am]

NEW HAMPSHIRE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee to this Commission will convene at 7:30 p.m.

on August 2, 1973, at the New Hampshire Highway Motel, Concord, New Hampshire 03301.

Persons wishing to attend this meeting should contact the Commitee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss the possibility of holding a State Advisory Committee factfinding meeting on corrections institutions in New Hampshire as part of the Commissions National Prison Study.

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

Dated at Washington, D.C., July 27, 1973.

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

[FR Doc.73-15870 Filed 7-30-73;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee to this Commission will convene at 7 p.m. on August 8, 1973, in Room 1639, 26 Federal Plaza, New York, New York 10007.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to consider fiscal year 1974 State Advisory Committee proposals for study by the Subcommittee on Sex Discrimination.

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

Dated at Washington, D.C., July 27, 1973.

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

[FR Doc.73-15874 Filed 7-30-73;8:45 am]

OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio State Advisory Committee to this Commission will convene at 10:00 a.m. on August 4, 1973, at the Holiday Inn, 802 West Eighth Street, Cincinnati, Ohio 45203.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to appoint a Subcommittee to structure and outline followup activities on the Ohio Prison Study.

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

Dated at Washington, D.C., July 27, 1973.

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

[FR Doc.73-15871 Filed 7-30-73;8:45 am]

UTAH STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Utah State Advisory Committee to this Commission will convene at 7:00 p.m. on August 8, 1973, in Room 15, Northwest Multipurpose Building, 1300 West Third North, Salt Lake City, Utah 84112.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting is to consider fiscal year 1974 State Advisory Committee project proposals for study by the Subcommittee on Sex Discrimination.

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

Dated at Washington, D.C., July 27, 1973.

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

[FR Doc.73-15873 Filed 7-30-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

Hearings and Proposed Generic Standards

OCCUPATIONAL SAFETY REQUIREMENTS FOR PESTICIDES

A. *Notice of public hearings.* This publication is to notify all interested parties of the intent of the Environmental Protection Agency to hold public hearings on the question of farm worker protection and on the proposed standards contained herein.

The notice is published as information and for public comment to precede a series of hearings to be held in the following cities beginning on the dates indicated:

Washington, D.C.	August 29-30, 1973
Sacramento, California	September 11, 1973
Phoenix, Arizona	September 18, 1973
Kansas City, Missouri	September 25, 1973
Chicago, Illinois	October 2, 1973
Atlanta, Georgia	October 9, 1973
Albany, New York	October 16, 1973
Washington, D.C.	October 23, 1973

The initial hearing of 2 days duration in Washington, D.C. will be held in Room 3906, Waterside Mall, 401 M Street, S.W. Specific addresses and number of days duration for other hearings will be published by August 29, 1973. Interested parties should respond within three weeks to the Hearing Clerk, Environmental Protection Agency, Waterside Mall, 4th and M Streets, S.W., Washington, D.C. 20460, indicating the place at which they desire to present evidence so that appearances and hearing duration may be scheduled.

It is emphasized that during this review, standards contained on labels for specific products (as discussed in Section B. II of this notice) continue to be fully in effect as enforceable standards under the FIFRA, as amended, as do any reentry standards promulgated by OSHA under the OSHA Occupational Safety and Health Act with such penalties as provided by that Act. Pesticides users are cautioned to read and comply with such standards on the product label or be subject to penalty provisions of the amended FIFRA. In addition, standards promulgated by OSHA in the case of specific organophosphate pesticides and selected crops for which OSHA standards may be effective must also be followed.

The Occupational Safety and Health Administration (OSHA) has announced a series of hearings in the FEDERAL REGISTER of June 29, 1973. Those hearings are scheduled for:

July 31, 1973	Boise, Idaho
August 2, 1973	Phoenix, Arizona
August 15, 1973	Atlanta, Georgia
August 22, 1973	Washington, D.C.

The specific subject of concern is worker reentry and protective clothing with respect to the following organophosphate chemicals on apples, citrus, grapes, peaches, tobacco:

Azinphosmethyl (Guthion)	Trichlorofon (Dylox)
Demeton (Systox)	Carbophenothion (Trithion)
Dimethoate (Cygon)	Diazinon
Disulfoton (DiSyston)	Dioxathion (Delnav)
Ethion	EPN
Malathion	Imidan (Prolate)
Mevinphos (Phosdrin)	Methyl parathion
Naled (Dibrom)	Monocrotophos (Azodrin)
Parathion	Oxydemethonmethyl (Meta-Systox R)
Phosphamidon (Dimecron)	Phosalone (Zolone)
	TEPP

Specific proposals were delineated in OSHA's FEDERAL REGISTER notice of June 29, 1973.

The Environmental Protection Agency will be cooperating with OSHA in these hearings with EPA's intent of issuing, based upon combined hearing records, standards for the specific organophosphate chemicals deemed, as a result of such hearings, to require standards prior to the 1974 growing season. EPA will, in consultation with OSHA, USDA and other interested Agencies, promulgate such standards. OSHA in consultation with EPA may issue standards on such crops and organophosphate chemicals as deemed necessary and appropriate under the OSH Act. In those cases where standards of the two agencies are directed at protecting workers from the same hazard, the two standards will not conflict.

The extent of issues and range of standards proposed to be covered by EPA

hearings and delineated in the following notice are, however, larger than the scope of the OSHA hearings to be held in July and August, 1973. Thus EPA will hold hearings commencing on August 29, 1973, on the broader scope of issues for the purpose of setting additional standards for registration, field reentry, protective clothing and related agricultural worker protection areas for all pesticides on the basis of such extended hearings. OSHA will cooperate in these subsequent hearings.

After consideration of the record of the hearings, together with any other written views, data or arguments received in response to this notice and data submitted in support of product registration, the Administrator, EPA, will promulgate, as he deems necessary, standards or regulations in any or all of the areas identified and for any or all registered pesticides.

Written views may be submitted, on or before October 30, 1973, to the Hearing Clerk, Environmental Protection Agency, Waterside Mall, 4th and M Streets, S.W., Washington, D.C. 20460 (preferably in quintuplicate). All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

B. *Background*—I. *Introduction*. Pesticide products subject to regulation under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (FIFRA), are required to be properly labeled and registered with this Agency. Prior to the issuance of registrations, proposed products are reviewed and evaluated with respect to usefulness and the risks they pose to man, beneficial animals, and the environment. After an evaluation of these risks, determinations are made as to directions for use, warning statements, and restrictions, including reentry intervals, which may be necessary to protect man and the environment.

This evaluation of risks includes consideration of potential hazards to pesticide applicators and others who might come in contact with the product during transportation, storage, use, or after the product has been applied. It has long been recognized that many pesticide products present a potential hazard, and if used carelessly without adherence to label warnings, cautions and restrictions, such hazard can become real. Concern for the protection of all persons, including farm workers, who might be exposed to pesticides during and after application has been an intergral part of the FIFRA registration process for many years. This mandate was reiterated in the legislative history of the 1972 Amendments to the FIFRA which states Sections 2 and 3 "are designed to protect all men". "The Committee believes there can be no question about the matter, but takes this occasion to emphasize that the bill [FEPCA] requires the Administrator to require that the labelling and classification of pesticides be such as to protect farmers, farm workers and others coming into contact with pesticides or pesticide residues". (Hearing of Senate Commerce Committee, Subcommittee on Agricultural and Forestry, Report No. 92-838, June 7, 1972.)

Restrictions against workers entering treated fields have been required for many pesticide products. These restrictions range from specifying a permissible field reentry time to requirements for protective clothing and warnings against exposing workers to direct spray or to spray drift. Others, also concerned with the safe and proper use of pesticides and with worker safety, have been concerned over possible adverse effects to exposed persons. Several States have considered this problem and California has taken action under State legislation to insure safety of farm workers harvesting certain crops previously treated with particular pesticides. Certain other States have found that no restrictions beyond those required in labeling were necessary. The Occupational Safety and Health Administration of the Department of Labor (OSHA) is concerned with safe and healthful working conditions for employees, including farm workers. That Agency published in the FEDERAL REGISTER on June 29, 1973, standards regarding workers entering areas containing certain crops after treatment with specific organophosphorus insecticides. This action was taken under the provisions of the Occupational Safety and Health Act of 1970 (84 Stat. 1590) and EPA is now working closely with the Agency in this area to assure compatibility among the two agencies' standards in this area as described in Section A.

Since pesticide products on the market vary widely in toxicity and formulations, requirements by EPA have been established on a chemical and crop basis, as determined to be necessary. Where review and evaluation indicates that specific precautions over and above normal cautions are not required, no specific provision is made on the label. A positive finding of the adequacy of normal cautions is equivalent to a positive finding of no need for a special requirement to be contained on the labeling.

II. *Enforceability of standards*. EPA requirements and precautions for proper pesticide use including worker protection are contained on the label of pesticide products registered with the Environmental Protection Agency, which currently encompasses pesticide products in interestate commerce. The FIFRA, as amended by the Federal Pesticide Control Act of 1973 (FEPCA) enacted October 21, 1973, makes such label instructions enforceable by law with both civil and criminal penalties for misuse under sections 12 and 14.

This portion of the present notice is intended to make pesticide users aware of these provisions of the amended FIFRA and to advise them that violators of EPA labeling requirements assume the risk of criminal and civil penalties. Labeling includes not only material affixed to the pesticide containers but all other directive material accompanying the product in channels of commerce.

In addition, it is observed that State standards, often of a more restrictive nature than those of EPA because of geographical differences or other circumstances also exist and must be observed.

III. *Proposed standards for agricultural operations*. The changing nature of pesticide law requires that additional consideration be given to labeling restrictions since these are no longer guidelines but enforceable standards. As a part of the process of implementing the amended FIFRA and consistent with prior interpretations of the 1947 FIFRA contained in 40 CFR Part 162 with respect to label requirements for certain highly toxic pesticide chemicals, EPA proposes to promulgate more specific and sweeping requirements in the area of agricultural worker protection.

As a part of EPA's continuing review of pesticide chemicals as they affect workers, we propose to hold a series of public hearings, beginning in August 1973 to gather views and information on the subject of pesticides and occupational safety. Comments should address the proposed standards generally as well as the following issues:

1. Relevant data or information regarding the length of time workers should be restricted from entering fields treated with any registered pesticides, and specification of protective equipment which is germane to modification of existing standards.

2. The most appropriate methods of analysis for establishment of standards relative to geographical, climatic and cultural differences and means of disseminating such standards with an eye toward clarity and efficacy in reaching legally responsible persons.

3. Specific testing and data requirements which should be incorporated as further condition of registration with respect to worker protection during harvesting treated crops or performing other work in treated orchards, groves or fields which involves substantial contact with treated foliage.

4. Methods of protecting workers and other exposed persons other than restrictions against entering treated fields.

5. Commonly recognized agricultural practices which should be considered for establishment of specific standards, including those activities which necessitate entering fields after treatment. Special emphasis should be given to the necessary timing of such activities, and the consequences of their delay.

6. Specific testing and data requirements which should apply as a condition of registration with respect to workers and others who may be involved in applying pesticides or mixing them prior to application.

EPA currently has some 32,000 products registered containing one or more of more than 900 different active ingredients, each having been specifically evaluated as to the adequacy of labeling directions and restrictions. Many have labeling specifically tailored to the product for the intended use. The generalization of such to provide easily available knowledge to users and other responsible parties requires the setting of more generic and less product-specific standards.

In place of such current product-by-product standards, EPA proposes that standards be generally applied based upon currently used and generally known categories of toxicity keyed to signal words on current labels. The categories and corresponding signal words are:

Toxicity Category	*Signal Words*
I Highly toxic	Danger, poison, and skull and crossbones symbol.
II Moderately toxic	Warning.
III Slightly toxic	Caution.
IV Low toxicity	None required.

The combined knowledge and experience of laboratory and field scientists in industry, universities, and State and Federal governments is used in the development of data needed in the preparation of the directions for pesticide use and the necessary precautionary information currently contained on pesticide labels. However, to make explicit the protection offered agricultural workers performing hand labor operations in fields and orchards after foliar application of pesticides, and to effectuate such standards for mixers, loaders and applicators, EPA proposes that interim national field and orchard entry intervals be established under Title 40, Chapter I, subchapter E, Part 162.

The agency plans to define environmental conditions and other factors which may modify entry intervals in particular growing regions. The need for special reentry intervals for individual regions may be indicated by a history of area problems, by research, or by specific requests of a concerned group, State, or EPA regional office. States will be solicited to work cooperatively with the Agency in addressing these matters. When appropriate, State or regional restrictions, or intervals may be adopted as the Federal restriction or intervals for the State or geographical region.

C. Proposed standards for review in public hearings. The following proposed standards, while representing the best judgement of a variety of scientific experts, are being proposed for the purpose of engendering discussion, debate and elucidation of data and information in the proposed hearings. Standards to be promulgated will reflect data, information and views presented to EPA in the course of the hearings and otherwise on reentry intervals, protective clothing and other major issues previously defined.

Reentry intervals for agricultural operations

Group I (3-day entry interval)—All agricultural pesticides in Toxicity Category I will require a minimum of 3 days between the last foliar application to crops and entry by workers engaged in hand labor operations except as noted in exceptions listed below in Subgroups A and B.

Group II (2-day entry interval)—All agricultural pesticides in EPA Toxicity Categories II and III will require a minimum of 2 days between the last foliar application to crops and entry by workers engaged in hand labor operations.

Group III (Spray dried or dust settled)—All agricultural pesticides in Toxicity Category IV above will require that the spray has dried or the dust have settled after foliar application to crops before allowing entry by workers engaged in hand labor operations.

Subgroups A and B. Some agricultural pesticides, under ill-defined circumstances in certain regions of the country, have been implicated as being especially hazardous to field and orchard workers performing hand operations such as harvesting and thinning. Until the relationships of environmental conditions and other factors which may be contributing to the imputed increased hazard of these materials are better understood, there is sufficient reliable data on which to base national entry intervals. Therefore, the following special subgroups are proposed for which interim entry intervals are established:

Subgroup A (5-day entry interval)—The following pesticides will require a minimum of 5 days between last foliar application and entry by workers engaged in hand labor operations:

1. 2-Carbomethoxy-1-methylvinyl dimethyl phosphate and its alpha isomer and related compounds (Phosdrin, Mevinphos, methyl 3-hydroxy-a-crotonate, and dimethyl phosphate).

2. Demeton (*O,O*-Diethyl *O*-[2-(ethylthio) ethyl] phophorothioate and *O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosorothioate) (Systox).

3. Dimethyl phosphate of 3-hydroxy-*N*-methyl-*cis*-crotonamide (Azodrin, 3-(dimethoxyphosphinyloxy)-*N* - methyl - *cis*-crotonamide, Monocrotophos, and SD 9129).

4. *S*-[2-(Ethylsulfinyl)ethyl] *O,O* - dimethyl phosphorothioate (Oxydemeton-methyl, and Metasystox R).

Subgroup B (5 or more days entry interval)—The following pesticide will require a minimum of 5 days or the minimum interval indicated for specific crops grown in dry areas [1] between foliar application and entry by workers engaged in hand labor operations:

1. Carbophenothion (*S*-[[(*p-chlorophenyl*)-thio]methyl] *O,O*-diethyl phosphorodithioate) (Trithion).

Crops	*Days*
Citrus	14
Grapes	14
Peaches	14.

2. *O,O*-Dimethyl *O*-*p*-nitrophenyl phosphorothioate or *O,O*-dimethyl *O*-*p*-nitrophenyl phosphorothiophosphate) (Methyl parathion, Metron, Folidol M, and Meticide).

Crops	*Days*
Cotton	7.
Grapes	14.
Peaches	14.

3. *O,O*-Dimethyl *S*-[(4-oxo-1,2,3-benzotriazin-3(4*H*)-yl)methyl] phosphorodithioate (Guthion, Azinphos Methyl, and Bayer 17147).

Crops	*Days*
Citrus	14.
Grapes	14.
Peaches	14.

4. Ethion (*O,O,O',O'*-Tetraethyl *S,S'*-methylene bisphosphorodithioate) (Nialate and *S,S'-methylene O,O,O',O'*-tetraethyl phosphorodithioate).

Crops	*Days*
Citrus	14.
Grapes	8.
Peaches	8.

5. *O*-Ethyl *O*-(*p*-nitrophenyl) phenylphosphonothioate (EPN).

Crops	*Days*
Citrus	14.
Grapes	10.
Peaches	10.

6. Parathion (*O,O*-Diethyl *O*-*p*-nitrophenyl phosphorothioate or *O,O*-diethyl *O*-*p*-phophorothiophosphate).

Crops	*Days*
Citrus	14.
Cotton	7.
Grapes	14.
Peaches	14.
Tobacco, plant bed	7.

7. Phosalone (*S*-[6-Chloro-3-(mercaptomethyl)-2-benzoxazolinone] *O,O* - diethyl phosphorodithioate or *O,O*-Diethyl *S*-[(6-chloro-2-oxobenzoxazolin-3-yl)methyl] phosphorodithioate) (RP-11974 and Zolone).

Crops	*Days*
Grapes	10.

8. Phosphamidon (2-Chloro-2-diethylcarbamoyl-1-methylvinyl dimethyl phosphate or 2-chloro-*N,N*-diethyl-3-hydroxycrotonamide ester with dimethyl phosphate) (Dimecron).

Crops	*Days*
Citrus	14

Earlier reentry. Persons whose duties require intimate contact with treated foliage and require entry into fields or orchards prior to expiration of established entry intervals should be protected by clothing and devices recommended for the type of pesticide applied to the fields or orchards. Persons whose duties require entry into fields or orchards prior to expiration of established entry intervals and whose contact with foliage is such that protective clothing or devices are not warranted, should have, if appropriate, cholinesterase levels checked professional at frequent intervals.

Protective clothing for early reentry and loaders and applicators. Protective clothing requirements are currently spelled out on labels. Minimum protective clothing requirements for operations involving potential contact with foliage prior to expiration of reentry intervals and for those involved in loading or applying pesticides are as follows:

For group I pesticides. For reentry within 24 hours after application, wear protective clothing to include a garment or garments of impermeable material to cover the entire body, hat, natural rubber gloves, impermeable shoe coverings, and goggles or face shields, wear also a respirator of the type approved by the U.S. Department of Health, Education and Welfare (NIOSH) and the U.S. Department of the Interior (Bureau of Mines).

For later entry to perform work involving prolonged and substantial contact with foliage but before the end of the reentry period, wear a coverall type garment of close-woven washable fabric, hat, shoes, and possibly gloves. To perform work involving little or no contact

[1] Dry Area—less than 25 inches average rainfall over last 20 years.

with foliage, no special protective equipment is considered necessary after 24 hours.

For group II and III pesticides. For reentry within 24 hours after application, wear protective clothing to include a coverall type of garment of closely-woven fabric, normal footwear to cover the entire foot, and an approved respirator where inhalation or ingestion is a hazard. For later reentry involving prolonged and substantial contact with the foliage, the coverall type of garment and footwear described above should be worn. To perform work involving little or no contact with foliage, no special protective equipment is considered necessary.

Relation to other standards. Reentry standards currently in effect in the State of California reflect special problem situations and have been so tailored. Exception is made to any and all of the above proposed standards for pesticide chemicals for which California has currently promulgated standards.

General requirement. In no circumstances shall pesticide spraying be undertaken, whether ground or aerial, in such a manner as to directly or through drift expose workers, or other persons except for persons properly protected and knowingly involved in the pesticide application. Fields being sprayed or areas likely to be contaminated by drift must be vacated during spraying operations and not reentered without protective clothing or as otherwise defined by this regulation.

When fields are sprayed with any Group I pesticide, posting shall be required at least in areas where workers live and/or congregate for assignment. Such notices shall provide information on date sprayed, field location, chemical sprayed, date of allowable reentry and such notice shall be in English as well as Spanish or other languages common to the area. Oral warnings shall be provided to workers who may not be able to read.

Done this 24th day of July 1973.

DAVID D. DOMINICK,
Assistant Administrator
for Hazardous Material Control.

[FR Doc.73-15772 Filed 7-30-73;8:45 am]

1975 MOTOR VEHICLE EXHAUST EMISSION STANDARDS

Applications for Suspension

JULY 16, 1973.

Applicants:

Alfa Romeo S.p.A.
Avanti Motor Corp.
Baverische Motoren Werke AG (BMW)
British Leyland Motor Corp.
Checker Motors Corp.
S.A. Automobiles Citroen
Daimler-Benz A.G.
Ferrari S.p.A. SEPAC
Fiat S.p.A.
Fuju Heavy Industries, Ltd.
Isuzu Motors, Ltd.
Jensen Motors, Ltd.
Lotus Cars, Ltd.
Officine Alfieri Maserati S.p.A.
Mitsubishi Motor Corp.
Nissan Motor Co., Ltd.
Automobiles Peugeot
Dr. Ing. h.c.F. Porsche AG
Regie Nationale Des Usine Renault
Rolls Royce, Ltd.
Saab-Scania A.B.
SS Automobiles, Inc.
Suzuki Motor Co., Ltd.
Toyota Motor Co., Ltd.
TVR Engineering, Ltd.
Volkswagenwerk A.G.
A.B. Volvo

DECISION OF THE ADMINISTRATOR

I. *Introduction.* Section 202 of the Clean Air Act, 42 U.S.C. 1857f-1, requires that emissions of carbon monoxide and hydrocarbons from automobiles sold in this country during the 1975 model year be reduced by at least ninety percent from their 1970 levels. The only authority which I as Administrator have been given to affect the application of the standards is set forth in section 202(b)(5)(D) of the Act. That Section allows me to suspend the effective date of these reductions for one year only, provided the following conditions are met:

> The Administrator shall grant such suspension only if he determines that (i) such suspension is essential to the public interest or the public health and welfare of the United States; (ii) all good faith efforts have been made to meet the standards established by this subsection; (iii) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for a sufficient period of time to achieve compliance prior to the effective date of such standards, and (iv) the study and investigation of the National Academy of Sciences conducted pursuant to subsection (c) and other information available to him has not indicated that technology, processes, or other alternatives are available to meet such standards.

The first application for suspension under this provision was filed with EPA on March 13, 1972 by A. B. Volvo, Ltd. of Sweden. Shortly thereafter, applications were also received from Chrysler, Ford, General Motors, and International Harvester. After three weeks of public hearings, the Administrator denied all five applications in a decision issued May 12, 1972.

The four American applicants appealed this decision to the courts, and on February 10, 1973, the United States Court of Appeals of the District of Columbia Circuit remanded the applications of the four appellants to the Administrator for reconsideration. International Harvester Co. v. Ruckelshaus (Slip Opinion No. 72-1517, February 10, 1973).

Following this remand by the Court, over two weeks of public hearings were held commencing March 12, 1973, to consider both the remanded applications and the application of American Motors Corporation, which was filed on March 2, 1973. In the course of these remand proceedings, a great mass of oral and written material was furnished, both voluntarily and in response to EPA subpoenas, by the applicants, other auto manufacturers, suppliers of catalysts and catalyst components, oil companies, and representatives of public interest groups.

On April 11, 1973, the Administrator granted the applications of American Motors Corporation, Chrysler Corporation, Ford Motor Company, General Motors Corporation, and International Harvester Company for a one year suspension of the effective date of the 1975 Motor Vehicle Exhaust Emission Standards. He simultaneously set interim emission standards applicable to the applicants' 1975 model year vehicles, and subsequently promulgated these standards in regulatory form in the FEDERAL REGISTER (38 FR 17441), Monday, July 2, 1973.

The findings of the April 11, 1973 decision with respect to three of the criteria of section 202(b)(5)(D) [(i) a suspension is essential to the public interest, (iii) technology is not available, and (iv) the National Academy of Sciences study concurs with the finding of lack of technology] are findings that concern the status of the automotive industry as a whole and hence apply to any application for suspension of the statutory 1975 standards filed after April 11, 1973 by any other manufacturer. However, the remaining finding, that an applicant has made all good faith efforts to meet the statutory standards [section 202(b)(5)(D)(ii)], must be made separately with regard to each applicant. Such a finding is to be made on the basis of an application and the record of a public hearing held subsequent to the receipt by EPA of any such application.

On May 15, 1973, EPA received the applications of Checker Motors Corporation, and Notice and Procedures for Public Hearing were subsequently, published in the FEDERAL REGISTER (38 FR 14682), Monday, June 4, 1973.

Shortly thereafter, applications were received from Rolls Royce, Ltd. and Porche, May 30, 1973; SS Automobiles, Inc., A.B. Volvo, May 31, 1973; Jensen Motors Ltd., June 1, 1973; Mitsubishi Motor Corp., Officine Alfieri Maserati S.p.A.S.A. Automobiles Citroen, Avanti Motor Corp., and Isuzu Motors, Ltd., June 4, 1973; Daimler-Benz A.G., Automobiles Peugeot, June 5, 1973; Baverische Motoren Werke AG (BMW), Saab-Scania A.B., Fuji Heavy Industries, Ltd., British Leyland Motor Corp., and Alfa Romeo S.p.A., June 6, 1973; Toyota Motor Company, Ltd., and Nissan Motor Co., Ltd., June 8, 1973; Volkswagenwerk A.G., June 13, 1973; Fiat S.p.A., Ferrari S.p.A. SEFAC, Regie Nationale Des Usine Renault, and Lotus Cars, Ltd., June 14, 1973; Suzuki Motor Co., Ltd., June 20, 1973; and TVR Engineering Limited, June 21, 1973.

In addition to the review and analysis of materials submitted in the applications and in response to written requests for information to augment the applications, two days of public hearings were held June 18 and 20, 1973. Eleven applicants were called to testify at these hearings: Bayerische Motoren Werke AB (BMW); British Leyland Motors, Ltd.; Fiat S.p.A.; Daimler-Benz AG; Nissan

Motor Co., Ltd.; Automobiles Peugeot; Porsche; SAAB-Scania AB; Toyota Motor Co.; Volkswagen AG; and AB Volvo. The information required of each applicant covered the scope and intensity of the applicant's emission control systems development programs, the applicant's choice of emission control systems to meet the 1975 statutory standards for hydrocarbon and carbon monoxide, reasons for choosing such emissions control systems, and the applicant's financial commitment to emission control development.

II. *Interim standards.* The Clean Air Act requires that Interim Standards be set if a suspension is granted; such standards should reflect the greatest degree of emission control achievable with technology available within the remaining time period. Such Interim Standards for hydrocarbons and carbon monoxide were set in the April 11, 1973 Decision and promulgated in the FEDERAL REGISTER cited above. They were based on the expected use of catalyst technology for cars sold in California and advanced engine modifications for the majority of cars sold outside of California.

The table below gives the emissions levels required by both the National and California Interim Standards:

	1975 Interim standards[1]		
	Hydrocarbons (gram/mile)	Carbon monoxide (gram/mile)	Nitrogen oxides (gram/mile)
National	1.5	15	3.1
California	[2] 0.9	9	[2] 2.0

[1] As measured on the 1975 Federal Test Procedure.
[2] California State standards for which waiver of preemption was granted.

These Interim Standards apply to all vehicles sold in 1975 in the United States and California by the applicants to whom suspension has been granted. No vehicle can be sold in California that does not meet the Interim Standards for that State, nor can any vehicle be sold nationally that does not meet the National Interim Standards.

As required by the Court of Appeals, these standards reflected the Administrator's judgment of the maximum level of emissions control at which it was possible to predict with confidence that the auto industry would be able to certify and provide enough cars to meet basic demand in the 1975 model year. Since this was a finding made with respect to the industry as a whole, and not just to the four applicants, it is applicable to these proceedings as well. All applicants which receive a suspension today will be subject to these interim standards.

III. *Applicants' position and administrator's decision.* Since each applicant must be judged on its individual efforts to meet the 1975 statutory standards, I have included in the appendix to this decision a separate review of each applicant's emission control research and development program. A general statement of the criteria and considerations that are relevant to judging the adequacy of a manufacturer's attempts to develop and apply necessary technology is contained in the Administrator's Decision of May 12, 1972. In addition, the Decision of April 11, 1973 further expands those considerations as they applied to the five applicants covered by that Decision.

Each of the applicants has taken the position that it has made all good faith efforts to meet the 1975 standards and will not be able to do so within the short time remaining before it must begin certification of its 1975 model year vehicles. Five of the applicants—Avanti, Checker, Jensen, SS, and TVR—do not manufacture their own engines and are completely dependent upon their engine suppliers to provide them with emission control systems which meet the emission standards. If these manufacturers cannot obtain certifiable engines for their vehicles, they cannot certify their cars and therefore cannot sell any vehicles in this country. Others are small and must depend heavily on the component manufacturers to develop devices which can be added to their engines in order to meet the standards. The short time remaining is even more critical for these manufacturers since they must wait until their supplier has developed a prototype system before they can adapt it to the car.

The efforts of the foreign manufacturers must be evaluated relative to their sales in this country, since most of their emissions research is directed towards meeting the strict U.S. standards and since other countries, with the exception of Japan, do not have such rigorous emissions control requirements. Although Japan will probably adopt emissions standards in 1975 similar to the statutory standards of the U.S., the test procedure used to measure exhaust emissions has not yet been set by the Japanese. However, it is expected to be quite different from the test procedure used in this country. Because of the different test procedure, the standards cannot be considered to be comparable. Some of the applicants, such as Ferrari, Rolls Royce and Citroen, sell less than two thousand cars a year in this country. Others which sell many cars worldwide, such as Fiat and Peugeot, sell only a small fraction of their total production here.

Many of the applicants have already signed catalyst supply contracts in preparation for 1975 production if no suspensions were granted. Although most of the manufacturers which sell a small number of cars in the U.S. have not obtained contracts from catalyst suppliers, they explain that the catalyst manufacturers have stated that it would be no problem providing catalysts to these manfacturers because of the small number of vehicles involved. I think that this is a reasonable explanation.

Taking into account the foregoing considerations and applying the criteria cited above, I find that all the applicants before me today have met the test of "all good faith efforts" and are, therefore, granted a one year suspension of the 1975 statutory Exhaust Emission Standards.

S.A. Automobiles Citroen asked that its "SM" and the Maserati "Merak" vehicles, which use the same engine and emission control system, "be required to meet only the Federal Interim Standards set up for the other States and not the 1975 California Interim Standards." (S.A. Automobiles Citroen Application) I cannot grant to any manufacturer an exemption from any applicable emission standards for purposes other than those set forth in Section 202(b)(1) of the Act. Hence, I must deny Citroen's request.

ROBERT W. FRI,
Acting Administrator.

JULY 16, 1973.

APPENDIX TO DECISION OF THE ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

GOOD FAITH ANALYSES

JULY 16, 1973.

TABLE OF CONTENTS

Alfa Romeo, S.p.A. Alfa Romeo has spent over one million dollars per year in 1971 and 1972 on its emission control program, a considerable amount in light of U.S. sales of only 2,347 cars in 1972. Its research program has concentrated on adding oxidation catalysts to the present line of internal combustion engines. In addition, Alfa Romeo began a very active program to investigate the Wankel Rotary combustion engine in January 1970.

Alfa Romeo's first choice system is its basic four-cylinder engine with the use of mechanical fuel injection, manifold air injection, and the addition of a noble-metal, pelletized oxidation catalyst. It does not plan to use exhaust gas recirculation (EGR) because of its effect on performance and driveability. Alfa Romeo has tested monolithic catalysts as well as pelletized, but feels the latter holds more promise. It has had some problems with catalyst mechanical vibration because of the unbalanced second-order reciprocating forces inherent in a four-cylinder engine; however, the firm feels that it has solved this problem by locating its catalyst container under the floor of the vehicle and

developing special mounts to isolate it from the engine vibration. In order to compensate for the reduced catalyst efficiency caused by positioning the catalyst away from the engine, Alfa Romeo has developed a catalyst with a considerable volume of reactive material, 1500 cc for a 2000 cc engine, which gives a higher residene time for the exhaust gases.

Alfa Romeo has spent an average of $391 per vehicle in the U.S. from 1967 to 1972 for emission control research, development, testing and engineering. This is high relative to other manufacturers and reflects a strong commitment to emissions control development.

Avanti Motor Corporation. Avanti is a small volume manufacturer of specialized personal cars, with a maximum production of 150 cars per year. Because of its very small volume, it does not develop and manufacture its own engines. Rather, it purchases complete engines, exhaust and emission control systems, and drive trains from the Chevrolet Division of General Motors Corp. Avanti has no emission research capability and is completely dependent on Chevrolet for supply of engines which meet emissions standards and which cannot be obtained until after Chevrolet has started production.

The Avanti II automobile at present uses a 400 cu. in. engine from the GM-104 engine family. This engine has been certified by GM in the past and is expected to be continued to 1975. After installing the engine and drive train in its car, Avanti must certify the total vehicle at the EPA laboratory. Since Avanti makes no changes to the engine and installs it in a lighter vehicle than GM uses, the Avanti emissions levels are often better than those of GM. The vehicle Avanti uses is built especially for certification and cannot be sold except as a used car. To a manufacturer the size of Avanti, this cost represents a heavy burden. The total cost of certification for Avanti is about $24,000 per year or a minimum of $160 per car.

Bayerische Motoren Werke (BMW). BMW seems to have particular problems meeting the 1975 statutory standards. None of its 15 durability cars have been able to stay within the statutory limits (TR p. 178). Its catalyst testing program is especially troublesome, perhaps because of BMW's insistence on maintaining high power output at high revolutions per minute (RPM) with a relatively small engine. The best system tested at BMW for durability, and the one which BMW intends to use for California in 1975, is the rich thermal reactor. However, the thermal reactor cannot meet the statutory 1975 standards, and for these BMW has stated it must use an oxidation catalyst system with feedback control (TR p 173, 175, 180).[1]

BMW has spent almost $4½ million on emission control development since 1967, an average of $70 per car sold in the U.S. During that period it spent $1.4 million in 1972 alone, with U.S. sales of only 15,113 cars. It has investigated 14 different control systems to meet the U.S. standards. At present, BMW has eliminated all but the three most promising: dual catalyst with EGR and regular carburetion, a single catalyst for both HC/CO and NO_x reduction with feedback control, and electronic fuel control with a single catalyst and feedback control. All of these systems would be compatible with BMW's present engines; no new engine should be needed. Since the large majority of BMW's sales are in Europe (only 7¼% are in the U.S.), it is important for BMW to have the same engine in cars sold both in the U.S. and elsewhere. At the same time, BMW considers maintaining top performance and fuel economy to be especially important to selling cars in Europe. In order to maintain a high performance to weight ratio, BMW considers a change to a larger engine an unsuitable solution for making emission control easier. (TR p 184) Therefore, BMW has concentrated its emissions development on its present family of engines.

British Leyland Motor Corporation. British Leyland, the sixth ranked U.S. importer of automobiles in 1972, sells passenger cars in this country under the names of Austin, Jaguar, MG, and Triumph. Because of the diversity of the vehicles and engines it manufacturers, British Leyland must develop different emission control systems to meet requirements on a wide variety of engine and chassis configurations. This problem is especially acute because only about 7% of its total sales are in this country while the greatest portion of corporate emissions research and development effort must be directed towards meeting the strict U.S. standards.

The emissions control development program at British Leyland is divided into two parts: (1) corporate coordination and central catalyst research, and (2) separate division programs to develop emission control systems for their particular engine/chassis combinations (TR p. 244-245). Because of the unique problems associated with each division's vehicles, detailed design and development tasks are carried out by the separate divisions. Catalyst research, on the other hand, is directed from a centralized laboratory which screens catalyst samples and sends the samples on to the divisions for vehicle durability testing. Thus, British Leyland has a multi-faceted emission control research program oriented towards the development of different systems, each of which is unique to separate vehicles within a wide variety of engine families. For instance, although the prime system for 1975 is based on a catalytic converter, its size and location will vary, and the other parts of the system—air injection, exhaust gas recirculation, carburetion or fuel injection—will be different for each division's vehicles.

In addition to its work on the internal combustion engine, British Leyland has an extensive research program in alternative power units. The primary effort has been in the development of gas turbines for use in heavy trucks and, in the long term, for passenger cars as well. Also, British Leyland has investigated Diesel, Sterling-Cycle, Wankel, stratified-charge and steam engines, as well as electrically powered cars.

British Leyland's expenditures for emission control development, including alternate power units for passenger cars and production and launch costs, were $3.7 million in its fiscal year ending October, 1972 and are projected to be $6.0 million in the 1973 fiscal year. This is approximately $62 per vehicle sold in the U.S. in 1972 and $93 per vehicle in 1973. These figures are considerably higher than those shown in the record (TR p. 150) because of the inclusion of costs which, after review of the testimony and application of British Leyland, I believe to be correctly a part of British Leyland's emission control development expenditures, as applied on a basis consistent with that of the other applicants.

Checker Motors Corporation. Checker Motors Corp., the first applicant to apply for a suspension after the April 11, 1973 decision, is in a position similar to that of Avanti. As a small manufacturer, Checker is completely dependent upon its engine supplier to provide it with an engine and emission control system which can meet the Federal Exhaust Emission Standards. Checker obtains engines from the Chevrolet Division of General Motors after receiving engineering information on the changes made to the engine for the coming model year. Checker then modifies its vehicle design to accept the new engine specifications and incorporates such changes in its production line.

During 1972, Checker spent $67,300 for the direct cost of these modifications. This amount cannot be compared directly with other firms' expenditures because Checker included only direct costs, rather than allocating indirect costs as did most other firms. Since Checker sold 5,394 vehicles in 1972, its direct cost per vehicle is approximately $12 in 1972, not counting the premium it must pay to obtain engines with complete emission control systems.

S. A. Automobiles Citroen. Citroen has asked for a suspension for its "SM" model vehicle and for the Maserati "Merak," since both are powered by the same engine. However, a suspension is granted to a manufacturer of the vehicle rather than to the engine manufacturer. Furthermore, if no special request is made to exclude a portion of its product line, a suspension extends to all vehicles produced by the manufacturer. Hence, only vehicles produced by Citroen are covered by the suspension granted to Citroen; the "Merak" is covered by the suspension granted to Maserati.

Citroen imports only approximately 2,000 cars per year into the U.S., while its total production was 736,448 vehicles in 1972. Thus, the U.S. market accounts for less than 1% of Citroen's total sales. Considering the small number of vehicles it sells in the U.S., Citroen has a rather comprehensive emissions control development program. Its first choice system to meet the statutory 1975 standards is a monolithic oxidation catalyst in conjunction with exhaust gas recirculation (EGR) and electronic fuel injection. Like other automobile manufacturers, Citroen has had problems with the durability and reliability of its catalysts. Every catalyst tested for durability to date has failed at low mileage, either from substrate failure or breakage of the catalyst housing.

Other research projects at Citroen cover advanced carburetors for its 4 cylinder engine, electronic fuel injection for its V-6 engine, improved intake manifold, exhaust gas recirculation, and an electronic ignition system. Citroen has also pursued research on thermal reactors, both lean and rich, for its 4 cylinder and rotary engines. Citroen has studied the rotary engine since 1969 and is investigating the use of a rich thermal reactor to provide emissions control for this engine.

Citroen has spent $3.9 million in the last three years on emissions control development, or an average of $1200 per vehicle sold in the U.S. An additional $777,000 was spent on facilities in that period, bringing Citroen's total expenditures to $4.7 million from 1970-1972. This amount is quite large considering the small number of cars sold by Citroen in the U.S. However, differences in accounting practices and definitions of "emission control development costs" make it difficult to compare financial figures among companies.

Daimler-Benz AG. Daimler-Benz, manufacturer of the Mercedes-Benz automobile, is the ninth largest importer into the U.S., selling 41,556 vehicles in this country in 1972. The U.S. market accounts for about 16% of Daimler-Benz total sales, a relatively large portion.

In addition to its family of gasoline engines, Daimler-Benz manufacturers a light-duty diesel engine which is used in its 220 model vehicle. Fourteen percent of Daimler-Benz's U.S. sales in 1972 were powered by this diesel engine. The 220 diesel has had the potential capability of meeting the statutory 1975 standards. However, Daimler-Benz did not choose the diesel as its first choice system in 1971 for six reasons that are listed in its

[1] TR—Transcript of the June 18 and 20, 1973 Hearings

application and at the public hearing June 20, 1973:

1. It is highly unlikely, according to Daimler-Benz, that a diesel could meet the 1976 NO_x standard.

2. No standards or test procedures existed for light-duty diesels in 1971.

3. The diesel has other environmental problems, such as noise, odor, smoke and particulates, which are not covered by the 1975 standards but which might be at some future date.

4. There was insufficient lead time in 1971, according to Daimler-Benz, to design and develop new diesel engines for its full product line by 1975.

5. Daimler-Benz was not sure if a larger diesel engine for its big cars could meet the 1975 standards.

6. Research results on the gasoline engine showed real promise of meeting the 1975 standards and a much higher probability of meeting the 1976 standard for NO_x than the diesel. (TR. pp. 192–193).

Daimler-Benz, therefore, asked that its diesel engine and its 220 series of vehicles powered by diesels be included in its Suspension Request. It is the policy of the EPA that the "law would not be construed to authorize the EPA to deny suspension to a manufacturer simply because that manufacturer had systems available to it which could meet the 1975 standards, if the industry as a whole could not meet basic demand by use of that or any other available technology." (TR. pp. 198–199). Furthermore, unless a company specifically requests that a portion of its product line be excluded from its Request for Suspension, all vehicles manufactured by that company shall be subject to the same standards, including interim standards if a suspension is granted. Hence, Daimler-Benz is entitled to a suspension which covers all of its automobiles, including those powered by its diesel engine; and all of its vehicles will be subject to the 1975 Interim Standards.

Daimler-Benz's first choice system for its gasoline engine is the catalytic converter in conjunction with exhaust gas recirculation (EGR), air injection, advanced carburetion and fuel injection systems, and engine modifications. In addition, it has done extensive work on thermal reactors. Daimler-Benz stated that it will use a thermal reactor on all cars sold outside of California in 1975 if it is granted a suspension (TR. p. 211). This system will utilize the same housing as the catalytic reactor on its California cars (TR. p. 212). The firm's work on an oxygen sensor to provide feedback control for the air/fuel mixture is another promising way to facilitate emission control. Durability tests results have not been very encouraging at Daimler-Benz: only one car out of 10 tested to date has reached 25,000 miles within the standards, and only 4 were still running as of June 1973. Eighteen more cars should begin durability testing shortly, giving a total of 28 durability tests.

Daimler-Benz stated in its application that because of the U.S. emission control requirements, four new engines were developed: a 4.5 liter V–8, a DOHC 6 cylinder, a new diesel, and a new V–6 (in development now). In addition to new gasoline and diesel engines, Daimler-Benz has investigated extensively the rotary engine, stratified-charge engine, future families of diesel engines, supercharged gasoline engines, gas turbines, and a unique rotary Stirling-cycle engine. It has also contacted Honda Motor Co. about the possible application of the Honda CVCC technology to Daimler-Benz engines.[3]

[3] Daimler-Benz application, p. 159

Daimler-Benz has committed a substantial amount of funds to emissions control research and development. Its expenditures were $33 million in 1972, including total new engine development costs since 1970. Approximately half of the engine costs, according to Daimler-Benz, could be directly allocated to emission control development. Reducing the 1972 figure by this amount, Daimler-Benz still spent $25.4 million in 1972, or about $600 per car. This is substantially higher than most other companies, including General Motors ($44), Volvo ($113), Fiat ($157), Toyota ($93) and Nissan ($107), though it must be recognized that these expenditures are not exactly comparable due to different accounting practices.

Ferrari S.p.A. SEFAC. Ferrari, a small manufacturer of racing and grand-touring cars, has only sold 1,227 cars in the U.S. since 1967, with one-half of those sales occurring in 1972 alone. Yet during that period, Ferrari has spent $542,250 on emission control development, or $444 per car sold in the U.S. A great deal of support for Ferrari has come from Fiat, which owns one-half of the company.

Ferrari, because of its small size and high performance engines, has been limited to a very few approaches to meeting the 1975 standards. It has decided to concentrate all of its efforts on one engine, a new V–8 designed with pollution control in mind (Ferrari application, p. 3). The first choice system for 1975 includes air injection, post-combustion and a catalyst.

Ferrari is depending upon Fiat to provide its catalyst research and testing capability. Since Ferrari has few resources and already has committed approximately 40% of its research and development funds for emissions control, as well as one-third of its total engineering staff (3 men), it is difficult to fault the firm for the lack of a fleet of durability test cars or other signs of a large test program.

Although its U.S. market is small in comparison to other manufacturers, it is about one-sixth to one-third of Ferrari's sales. Therefore, Ferrari wishes to remain in the U.S. market and has put forth every effort to do so (Ferrari application, p. 2).

Fiat, S.p.A. Fiat has concentrated on the utilization of an oxidation catalyst on its present engines to meet the 1975 statutory standards, as have other manufacturers. However, Fiat is committing about 40% of its total emissions control expenditures in 1972 on alternatives to the traditional internal combustion engine, far more than others. Fiat is also testing a laboratory version of a stratified-charge engine similar to the Honda CVCC, and may have it ready for production by the 1978 model year (TR. p. 261–262). In addition, Fiat has active programs in gas turbines, diesels, steam engines, and an electric car. I feel that Fiat's emphasis on developing alternative engines to meet emission control requirements is exemplary and it should be commended; however, no alternative to the internal combustion engine can be introduced by Fiat before 1978. Thus, an assessment of Fiat's effort to comply with the requirements of the 1975 standards must be principally based on Fiat's work on technology which would be available in time.

Less than 4% of Fiat's production is sold in the U.S. while, like other European manufacturers, the majority of its emissions development work is directed towards the U.S. standards. Fiat's program is centered on the development of a successful oxidation catalyst, as are those of most automobile manufacturers. After initial problems with durability of pelleted catalysts, Fiat began testing monolithic catalysts; because of new information on extended lifetime of pelleted catalysts, Fiat is now investigating both monolithic and pelleted catalysts for its 1975 system. Although no choice has been made between the two, Fiat feels that it would be able to meet interim California standards in 1975 with whichever catalyst is chosen, if a suspension is granted.

Fiat, like BMW, does not contemplate the need for new or larger internal combustion engines in order to meet the standards. Other than work on the stratified-charge engine, Fiat has not developed any new engines, relying instead on modifying its basic engine with improved carburetion, exhaust gas recirculation (EGR), and the addition of an oxidation catalyst. Fiat presently has 10 cars on durability testing; 8 with a 1975 system and 2 with a 1976 system which includes a reduction catalyst.[4]

Fiat has spent almost $27 million on emissions research and development since 1967, the largest portion, 62%, occurring after 1970. In 1972, Fiat spent $157 per vehicle sold in the U.S., more than many other companies. Since only 4% or less of Fiat's production is sold in this country, these expenditures indicate Fiat's commitment to the U.S. market and to meeting the U.S. emission standards.

Fuji Heavy Industries, Ltd. Fuji began importing its Subaru cars in June 1969, yet it sold 25,378 cars (12% of its production) in this country in 1972. It manufactures both four-cycle and two-cycle engines. Because of the distinctive characteristics of each engine, somewhat different emission control systems have been investigated by Fuji. However, a catalytic converter forms the basis for both types of control systems.

Fuji's efforts to meet the 1975 standards began with the passage of the Clean Air Act Amendments in 1970. Prior to that time, its emissions program was relatively small, although it was large compared to other small manufacturers. Since the passage of the Amendments, Fuji's program tripled in 1970 and more emphasis was put on meeting the 1975 and 1976 standards. Fuji spent $1.9 million in 1972, or $75 per vehicle sold in the U.S. and a total of $6.4 million through 1972. Also, total emission research on 1975 model year vehicles is estimated at $2.24 million to date, roughly 17 times the 1974 model year expenditures of $130,000 and 24% of total emissions expenditures from 1967 through 1973. Total expenditures for 1975 vehicles are estimated to ultimately be $4.8 million.[4]

The 1975 development program at Fuji has focused on improvements of the conventional internal combustion engine rather than on alternative power sources. This is because of Fuji's restricted capability and the state of development of such alternatives at the time the decision to concentrate on the internal combustion engine in 1970[5] was made. Early research into the use of a thermal reactor, either alone or in conjunction with an oxidation catalyst, was de-emphasized in March 1973 and the oxidation catalyst with an insulated exhaust manifold became the first choice system. Fuji has run approximately 230,000 miles of durability testing on 24 vehicles as of April 1973. Catalyst deterioration and reliability have been a continuous problem, with only three vehicles reaching 25,000 miles and still remaining under the statutory standards. Fuji has not tried to achieved 50,000 mile durability on the premise that Catalyst replacement is allowed by EPA after 25,000 miles.[6]

[4] Fiat Application, p. I–8.
[4] Fuji application, p. 2–1.
[5] Fuji application, p. 1–2.
[6] Fuji application, p 1–14.

Other parts of Fuji's development program include engine modifications, exhaust gas recirculation (EGR), fuel injection for its two-cycle engine, and development of an electric car.

In its suspension application, Fuji Heavy Industries, Ltd., asks to be allowed to replace the catalyst once during the 50,000 mile durability run. This will be allowed by regulations promulgated in 38 FR 14682–85 (June 4, 1973).

Fuji also requested that EPA consider changes in agency policies or regulations. The other Fuji requests have already been dealt with, directly or by implication, in the April 11 decision. None of them can be granted at this time. To the extent some of the requests relate to the terms of possible future rule-making by EPA, they may be raised again when such rules are proposed.

Isuzu Motors, Ltd. Isuzu has applied for a suspension of the 1975 Light-Duty Vehicle Exhaust Emission Standards even though the vehicles which Isuzu has imported into the U.S. (the KB30 Truck) do not fall into the light-duty vehicle category but rather into the light-duty truck category. Light-duty trucks are not covered by this decision because the Appeals Court decision of February 10, 1973[7] separated these two classes of vehicles into two categories with separate standards. Nevertheless, I have considered the application of Isuzu Motors, Ltd. in this decision because of Isuzu's contention that it is considering importing vehicles in the future which will be in the light-duty vehicle category (Isuzu application, p. 1).

Isuzu intends to import vehicles which will use an improved version of the KB30 engine and exhaust system. The principal means of controlling HC and CO for 1975 is a catalytic converter in conjunction with engine modifications and improved carburetion, air injection, and exhaust gas recirculation. Isuzu started development of this system in 1970, even though it imported no cars into the U.S. at that time. Four types of prototype vehicles are being tested with a variety of control systems. 19 cars are in durability testing, with 189,300 total miles accumulated to date (Isuzu application, Table 1, pp. 16–17). The most promising system has run 8,000 miles without trouble and is still being tested.

Additionally, Isuzu is testing electronically controlled fuel injection systems with feedback control to use with a single bed HC, CO, and NO_x converter for 1976 systems. Fuel injection systems have been used on Isuzu vehicles since 1970, but without feedback control. (Isuzu application, p. 5).

Isuzu has also investigated the possibility of reintroducing passenger car diesel engines, which it once sold in the U.S. from 1963 to 1966. The stratified-charge engine was also investigated by a joint agreement with Texaco, Inc.

Isuzu has spent about $5.2 million on emissions research since 1967, and $2.3 million in 1972 alone, although it has not imported any passenger cars subject to the emission standards. Of course, much of the past work was applicable to its light-duty truck which was in the light-duty vehicle category at the time. Regardless, Isuzu has shown commendable efforts in emissions control development.

Jensen Motors, Ltd. Jensen Motors, Ltd., like Avanti and Checker, is a small manufacturer which does not manufacture its own engines and emission control systems. Engines for its Interceptor vehicle are purchased from Chrysler Corp., those for its Healey car purchased from Lotus Cars, Ltd. Because of the "expertise required for both engine development for both durability and emission levels, it has been a policy of this firm (Jensen) not to enter this exacting, expensive and competitive field, but to purchase units that fulfill U.S. emission requirements."[8] Therefore Jensen is dependent, as are other small manufacturers, upon its engine suppliers for emission control development research. Jensen absorbs part of the cost of this research by paying a premium for engines with emission control systems meeting the U.S. requirements.

Approximately 10% of Jensen's engine requirements are met by the Chrysler Corporation, which has already been granted a suspension of the statutory 1975 standards. The remainder of Jensen's vehicles, the Jensen Healey Model, use Lotus Engines. Lotus has requested a suspension also; therefore Jensen's suspension is linked to that of Lotus Motor Co., Ltd.

Although it does not have an emission control research program, Jensen spent approximately $53,000 in 1972 for engineering necessary to modify its vehicles for new engine configurations required by emissions control and to certify its cars. This amount is expected to increase to $87,000 in 1973 when the new Jensen Healey Model is introduced in the U.S. Thus, Jensen will expect to spend about $22 per vehicle sold in the U.S. in 1973 even though they have no research program.

Lotus Cars, Ltd. The emission control development program of Lotus is limited because of its small size to developing and adapting a supplier's system to its engine and vehicles. Lotus has been investigating both a fuel injection system and a thermal reactor with advanced carburetion and exhaust air injection to meet the U.S. 1975 statutory standards. However, the thermal reactor system has not been able to reduce exhaust emissions to the levels required by the standards, and Lotus has turned to the fuel injection system as its first choice system.

A major problem which Lotus faces in developing a successful emission control system is its dependency on the manufacturers of its engine components for research and development. Lotus's small size prevents it from investigating as many potential systems as the large manufacturers do, and thus, its development program has been somewhat hindered. Lotus has not been able to achieve even the 1975 California Interim Standards to date with its thermal reactor system, although it has achieved emissions levels which are below the 1975 National Interim Standards. The firm has not tested catalysts and is depending on the fuel injection system with engine modifications to meet the 1975 statutory standards.

Lotus's financial commitment to emissions control development has risen from $39,500 in 1967 to $60,968 in 1972. Since Lotus sold only 317 cars in 1967, 648 in 1971, and 1146 in 1972, its per vehicle costs were $125 in 1967, $89 in 1971 and $53 in 1972. It expects to spend $198,000 in 1973, or about $200 per car. A portion of Lotus's expenditures will be for a new emissions testing laboratory to be operational next year.

Officine Alfieri Maserati S.p.A. Maserati has sold only 345 cars in the U.S. in the last four years. Maserati has had a joint research program with Citroen, which partially owns Maserati, utilizing Citroen's experience with catalysts and thermal reactors. After experiments with thermal reactors, Maserati has decided that the catalytic converter is the only approach which it seems as being able to ultimately meet the statutory 1975 standards. Problems associated with controlling emissions are even more acute on Maserati cars because of their high performance.

Maserati makes this application only for its V–8 engine which is used in all of its vehicles except the Merak model. The Merak is powered by a V–6 engine on which emissions control system development was performed by Citroen. The request for suspension for this engine is in the Citroen application. However, a suspension of the light-duty vehicle emissions standards is made to the manufacturer of the vehicle rather than the engine manufacturer; and, in the absence of a special request, a suspension extends to all vehicles produced by the vehicle manufacturer. Hence, the Merak is covered by the suspension granted to Maserati.

Because of its small size and lack of resources, Maserati, like Ferrari and other small manufacturers, depends upon its suppliers and outside firms to provide the majority of its research on emission control components such as carburetion, catalytic converters and other portions of the emission control system. Maserati, to a greater extent than many other small manufactures, has had available the additional experience and collaboration of a much larger company—Citroen. The close cooperation between the two companies has given Maserati the capability of testing many catalytic systems on its vehicles. The durability and reliability of catalysts remain major problems for Maserati, as they have been for other manufacturers. Maserati, however, has completed over 10,000 miles on a durability fleet with no failure, an indication of its efforts toward meeting the standards.[9]

Over the last four years, Maserati has spent over $1 million for emissions control research and development, or about 20 percent of its total U.S. sales volume during that period. Emissions control research expenditures are 96 percent of Maserati's total research and development costs during 1972, and have averaged 85 percent from 1967 to 1972.

Mitsubishi Motors Corp. Mitsubishi, a Japanese Company, manufactures the Dodge Colt and Plymouth Cricket cars, which are marketed in the U.S. by Chrysler Corporation. A suspension granted to Mitsubishi, however, covers all Mitsubishi vehicles which may be sold in the U.S. in 1975.

Mitsubishi's emission control development program has concentrated on developing a successful oxidation catalyst for 1975. In addition, it has developed an exhaust manifold air oxidation (EMAO) system, a lean thermal reactor to reduce the load on the catalytic converter and help the catalyst attain higher conversion efficiency.[10] The firm's first choice system consists of the oxidation catalyst and EMAO, plus advanced carburetion, engine modifications, and air injection. Exhaust gas recirculation is not likely to be used in Mitsubishi's 1975 system, although it is being used now for 1974 vehicles, unless Mitsubishi finds that increased NO_x will result from injecting air into the EMAO system. Mitsubishi is somewhat unique in that it is simultaneously developing a stand-by to its oxidation catalyst system, which is an improved EMAO thermal reactor without an oxidation catalyst. To prepare for 1975 production in case a suspension is not granted and catalysts are required for 1975, Mitsubishi signed a supply contract for pelleted catalysts with Universal Oil Products on May 14, 1973.

A vehicle testing program using 28 vehicles is currently underway to improve the durability of Mitsubishi's 1975 system. Thirteen of these vehicles are equipped with its first choice system with an oxidation catalyst. To

[7] International Harvester Co. vs. Ruckelshaus. (Slip Opinion No. 72–1517, Feb. 10, 1973)

[8] Jensen Application, p. 2.

[9] Maserati application, p. 4

[10] Mitsubishi application, p. 24.

date, one vehicle has finished a 50,000 mile test and remained within the 1975 statutory emission limits. Only three vehicle tests were stopped prior to the end of the test and 16 vehicles are currently running tests. Eight vehicles are being used for system improvement tests. Although tests are encouraging, Mitsubishi feels it needs more time to increase the durability and reliability of its systems prior to production.

In addition to the work on its first choice and standby systems, Mitsubishi has investigated various alternative power systems. These included stratified-charge, rotary, Rankine cycle, and Stirling cycle engines as well as gas turbines and electric cars. It has contacted Honda to determine if its CVCC technology should be used on Mitsubishi's engines and has investigated possible licensing agreements with Audi NSU and Toyo Kogyo for a rotary engine.

Mitsubishi's emissions control research and development expenditures increased from $2.8 million in 1967 to $74 million in 1972. They have averaged $5.1 million over that period. Considering that it only began importing cars into the U.S. in 1970 and sold only 44,000 cars in 1972, this seems a pretty impressive commitment. On a per-vehicle basis, Mitsubishi spent $120 in 1971 and $164 in 1972, higher than most manufacturers.

Nissan Motor Co., Ltd. Nissan, the number three importer into the U.S. and the world's fourth largest automobile manufacturer in 1972, has a large and diversified emission control research and development program. However, Nissan's research has been based on a single engine, the 2.0 liter type, and is being expanded and adopted to its other engine types. An additional problem is that Nissan must develop systems for the Japanese as well as the U.S. market, although Nissan testified that a car meeting the U.S. standards would undoubtedly meet the Japanese standards as well (TR. p. 77–78).

The Nissan emission control system revolves around basic modifications to the engine to lower its emissions prior to a catalytic converter installed in the exhaust. Research into engine modifications began at Nissan in 1965 and has involved changes in the intake and exhaust systems, carburetion, and ignition system.[11] This is the same approach taken by the domestic automobile manufacturers as well as most of the foreign firms. In addition, Nissan's first choice system, although not finalized in detail, requires the addition of a catalyst, exhaust gas recirculation (EGR), and air injection. Durability tests are currently being run on this system. Nissan has also entered into a catalyst supply contract for the 1975 model year.[12]

Nissan states that "one of the reasons why we cannot finalize the 1975 emission control systems specifications lies in the 1976 standards, which will become effective one year later." (TR p. 58). This issue is before me now for a decision on whether to suspend the 1976 standards for one year, the maximum allowable under the Clean Air Act. However, the uncertainty surrounding the 1976 standards, although understandably a major consideration, should not affect or slow down efforts to meet the 1975 standards.

Although the system described above is Nissan's first choice for 1975, it is not the firm's only effort. Nissan is also investigating fuel injection systems, thermal reactors, reduction catalysts for 1976, feedback control systems utilizing an exhaust oxygen sensor, and alternative power systems. The Wankel Rotary Engine is in final development and is planned for introduction in Japan in 1974. (TR. p. 74). The firm does not know now whether its Wankel will meet the 1975 statutory standards or not (TR. p. 75), but it has expectations that it can do so after 1976 without the use of oxidation catalysts.[13]

Other alternatives under investigation are a high turbulence combustion engine, stratified-charge engines, gas turbines, and electric cars (TR. p. 74).

Expenditures for emission control development at Nissan have increased from $3 million in 1967 to $37.4 million expected in 1973. On a per-vehicle basis, Nissan spent $107 in 1972 and has projected $135 in 1973. Emissions expenditures were 31% of total research and development expenditures in 1972 and are projected to be 36% in 1973. This ratio is higher than any domestic manufacturer in 1973, including General Motors (15%), Ford (25%) and Chrysler (20%).

Automobiles Peugeot. Peugeot has chosen oxidation catalysts in conjunction with exhaust gas recirculation (EGR), electronic ignition, engine modifications and air injection as its primary means of achieving the 1975 statutory standards, as did most other automobile manufacturers. The firm is also working to develop a thermal reactor, which it intends to use in California if it is granted a suspension (TR. p. 224). Catalyst testing has been on both monolithic and pelleted types, although the monolithic was its principal choice until recently. At present, Peugeot has not made a decision on catalysts. It still has problems with catalyst reliability, durability, and mounting.

Peugeot has entered into a cooperative agreement with Renault and Volvo for the purpose of joint engine development and research (TR. p. 222). One of the reasons for the agreement was to provide increased knowledge of emission control for new engines. The firm also states that it will introduce its light-duty diesel into the U.S. market by the end of this year (TR. p. 231). Although it cannot meet the 1975 statutory standards at present, the Peugeot diesel is expected to meet the standards by 1976 (TR. p. 231).

Expenditures for emission control development attributable to the U.S. standards have risen to $731,000 in 1972, or $186 per car sold in the U.S. However, this figure is not comparable with other manufacturers because the others do not separate costs associated with meeting U.S. standards from total emission research and development. Thus, a comparable figure for Peugeot is its total emissions research and development expenditures. Total expendiutres in 1972 were $1.64 million, or $417 per car sold in the U.S. Costs for research applicable solely to the U.S. are 45% of total emissions research and development costs. Peugeot is the only foreign manufacturer which has stated that its accounting system can identify expenditures for U.S. emission control development separate from its total emissions development expenditures. Since less than 1% of Peugeot's sales are in the U.S., I feel that its expenditures for U.S. emission control development reflect a high degree of commitment to compliance with the U.S. requirements.

Dr. Ing. h. c. F. PORSCHE A.G. Porsche has long built cars of light-weight construction with air-cooled, rear-mounted engines. Because of the limitations it sees in its present engines, Porsche has begun development of an entirely new vehicle with a water-cooled 8 cylinder engine.[14] According to Porsche, a major factor in the new vehicle and engine development is the need for lower emission. Porsche has also developed an emission control system for its air cooled engine consisting of air injection, exhaust gas recirculation (EGR), after burner and a catalytic converter.

Porsche has had to continuously modify and enlarge its present engine to meet the more stringent U.S. emission standards, from 2 liters in 1969 to 2.7 liters in 1974. Porsche has indicated that in 1975 an oxidation catalyst will be required as well to meet the standards. Its catalyst development program has had problems both with mounting the catalyst in the engine compartment and with durability of the catalyst in testing. Many catalysts melted within 10,000 miles and emissions levels were beyond standards. Only one car has run beyond 10,000 miles with emissions within the standard.

Expenditures for emission control research and development at Porsche have reached $2.9 million in 1972 and are expected to be $3.6 million in 1973. Since Porsche has been selling between 5,000 and 7,000 cars annually in the U.S. since 1967, its cost per vehicle sold in the U.S. has risen from $64 in 1967 to $521 in 1972. Emissions research has risen to 24% of Porsche's total research and development expenditures in 1972. This compares quite favorably with that of General Motors (16%) and Ford (21%) in this country and is higher than many European companies, such as Fiat (9%), Peugeot (4%), and Saab (14%).

Regie National des Usines Renault. Renault is the world's eighth largest automobile manufacturer, yet it imports fewer vehicles into the U.S. than many smaller companies such as Volvo, Daimler-Benz, and British Leyland. Renault sold only 12,000 vehicles in the U.S. in 1972, less than 1% of its total production of 1.33 million cars. Despite its small sales volume in the U.S., Renault has a complete emissions control development program aimed at the U.S. standards. In addition, it must meet the increasingly stringent European standards.

Renault's emission control program began before 1970, but was reoriented to explore the new technologies necessary to meet the 1975–76 standards as a result of the Clean Air Act Amendments.[15] Most of Renault's work prior to 1970 was not considered to be applicable to the requirements of the new standards.

After investigating several alternative emission control systems, Renault settled on a monolithic oxidation catalyst with exhaust gas recirculation (EGR), air injection, and engine modifications as its first choice system. Although low mileage emission levels are below the standards on many of its test vehicles, only one car has reached 25,000 miles with low emission levels. However, the hydrocarbon level on that car was slightly above the standard. Renault has run a total of over 180,000 miles of durability testing, but the average life of its catalysts is only 6,000 miles.

In addition to its catalyst research program, Renault is actively developing exhaust gas recirculation systems; improved carburetion, including electronic fuel injection with feedback control and advanced carburetors; electronic ignition system; NO_x reduction catalysts; and secondary air injection, including a by-pass valve for catalyst protection. Renault is also entered into a joint engine development program with A.B. Volvo and Automobiles Peugeot to provide a new engine which has inherently lower exhaust emissions than present engines.

Renault has spent $3.8 million since 1967 on emissions control development, not including capital investments. Its expenditures have risen from $624,401 in 1970 to a projected $1,984,707 in 1973, over three times the amount spent in 1970. On a per-vehicle

[11] Nissan Application, p. 3–a–32.
[12] Nissan Application, p. 1–b–10.
[13] Nissan Application, p. 1–a–50.
[14] Porsche application, p. 3.
[15] Renault application, p. 2.

basis, Renault spent $71 in 1971, $116 in 1972, and expects to spend $221 in 1973. This amount is comparable to that spent by many foreign manufacturers in 1972, including Volvo ($113), Toyota ($93), and Nissan ($107).

Rolls Royce Motors, Ltd. Rolls Royce, although selling less than 700 cars per year in the U.S., has a complete emission control development program. Its emissions expenditures per vehicle sold in the U.S., $556 in 1972, reflect both the depth of Rolls Royce's program and the small number of cars sold in this country.

The emissions control program at Rolls Royce is concentrated on developing an oxidation catalyst in conjunction with exhaust gas recirculation, air injection, and engine modifications. This system, the most commonly utilized by other manufacturers, has been tested to 25,000 miles to date. Deterioration data indicate that, although Rolls Royce can probably meet the California interim standards, it cannot expect to meet the 1975 statutory standards by 1975. Because of the small number of cars involved, Rolls Royce intends to have all its 1975 cars meet the more strict California interim standards if it is allowed a suspension of the statutory 1975 standards.

Rolls Royce's commitment to meeting the 1975 standards is shown by the fact that 60% of its engine development is devoted to emission control, accounting for about 17% of its total research and development expenditures in 1972. This compares favorably with General Motors (15%) and Ford (25%). Also, Rolls Royce's emissions expenditures per vehicle are generally higher than the other manufacturers, although this is due mainly to the small number of cars sold in this country. When emissions expenditures are compared on a percentage of sales value, Rolls Royce is quite high, 2% vs. about 0.7% for GM or 0.8% for Ford. Another indication of Rolls Royce's commitment to emissions control is its development of a precombustion chamber stratified-charged engine, similar to the Honda CVCC which meets the 1975 statutory standards now. Rolls Royce's engine is still in the laboratory development stage and could not be produced until the 1978 model year.

Saab-Scania AB. Saab, although a small manufacturer, has maintained an active emissions control development program since 1965. An early example of Saab's commitment to emission development was its decision in 1965 to replace its primary engine, a two-cycle, with a larger V4 engine which had a greater potential for emissions reduction (Saab application, p. 2.1). Saab has continuously investigated other manufacturers' engines and fuel injection systems which were better for emissions control, culminating in the design of a new, larger engine by Saab which incorporates features which are effective in achieving low baseline emission levels. (Saab application, p. 2.3).

Early in its research program to meet the new 1975 standards, Saab focused its efforts on catalytic converters. Early test results in 1971 were within the standards at low mileage, with durability testing commencing in November, 1971. This was substantially earlier development than other manufacturers. Saab has accumulated almost 600,000 miles of durability testing in 48 tests since 1971. Three cars have reached 50,000 miles, but only one maintained emission levels below the 1975 standards. This is a substantial achievement, however, since other much larger manufacturers have not had even one car go 25,000 miles within the standards. Saab's emission control system uses a catalytic converter with fuel injection or carburetors, engine modifications, air injection, and exhaust gas recirculation (EGR), if needed. The firm has stated EGR will probcar go 25,000 miles within the standards, but might be for the lower 1976 Federal or California NO_x levels. In order to speed up and facilitate catalyst testing, Saab has supplied its vehicles to catalyst suppliers for emissions tests. Vehicle and laboratory testing of catalysts from 11 companies were carried out between 1971 and the present, with both monolithic and pelleted types represented.

Saab has spent over $2.8 million from 1967 to 1972 on emission control development. On a per vehicle basis, Saab's expenditures rose from $13 in 1967 to $66 in 1972 and are projected at $78 in 1973 (not including interest costs). This compares favorably in 1972, with Volkswagen ($31), Toyota ($93), General Motors ($44), Ford ($49), and Chrysler ($11).

SS Automobiles, Inc. SS Automobiles, which makes the Excalibur automobile, is a very small manufacturer with a maximum production of 150 cars per year. As is the case with Avanti, Checker, Jensen, and TVR Engineering, SS is entirely dependent upon its engine supplier to provide acceptable engines and emission control systems which can meet the emission standards. SS merely makes the necessary modifications to its car and installs the complete production engine assembly. SS obtains its engines from the Chevrolet Division of General Motors, which has already been granted a suspension in the April 11, 1973 decision.

SS Automobiles' emission development program consists of engineering the modifications necessary for its vehicles to accept the new engine developed by Chevrolet for the next model year and then sending one car to Chevrolet in order to fit the engine into the vehicle and ensure that it will meet emission standards. A second car is then prepared by SS for certification testing. The expenditures amount to approximately $22,-500 per year, or a maximum of $150 per vehicle.

Suzuki Motor Co., Ltd. Suzuki, which only began importing passenger cars into the U.S. this year, started research into emissions control system development in 1967. It has developed two emissions control systems which it says can meet the 1975 Interim Standards: an Exhaust Port Ignition Cleaner (EPIC) system and a Manifold Afterburner (MA) system. These systems seem to be variations of a thermal reactor system, which ignite the unburned exhaust gases after they leave the engine. In addition, Suzuki investigated a direct fuel injection system between 1967 and 1972, when it was discontinued because of cost and technical considerations. Suzuki is also investigating six different oxidation catalyst systems but has yet to obtain durability data on a catalyst system. It considers the EPIC system its best choice and the MA system as an alternate.

Suzuki has increased its financial commitments to emission control research by over 600% between 1967 and 1972, from $502,280 to $3.6 million. Its total expenditures during that period were $11.5 million, a substantial amount in light of its position in the U.S. market.

Toyota Motor Co. Ltd. Toyota, the second largest automobile importer into the U.S. in 1972, spent $35.8 million in 1972 on emissions control development. This amount was $5.6 million more than Chrysler Corporation, which sold almost 1.4 million cars in 1972 compared to Toyota's U.S. sales of 386,360 cars—almost four times that of Toyota. Of course, Toyota's emissions expenditures include costs incurred to meet the Japanese as well as the U.S. standards; however, the majority of Toyota's effort is directed towards the U.S. requirements while only 16% of its total production was sold in the U.S. Toyota, like most foreign manufacturers, cannot identify the portion of its costs which are solely attributable to meeting the U.S. standards.

Toyota is the world's third largest automobile manufacturer; and, as befits a company of its size, it has a large, diversified, and comprehensive emission control development program. Toyota's first choice system for 1975 consists of engine modifications, air injection, enlarged exhaust manifold, exhaust gas recirculation (EGR), and an oxidation catalyst—basically the same system used by the domestic manufacturers and most foreign manufacturers as well. The first preliminary testing of this system began in January 1972, and none of the initial test cars could meet durability requirements. However, low mileage emissions levels were below the statutory 1975 requirements. Continuing development and testing showed definite promise, but no cars could meet the durability requirements. Over 60 durability vehicles are now being tested with the latest system configuration (TR. p. 94). Field tests were also conducted on 36 vehicles in normal driving conditions, with another 125 cars to begin tests this fall. In order to choose the best catalyst for its system, Toyota tested about 3500 samples of 20 different types of catalysts obtained from suppliers or from Toyota's own laboratories. Last December, it signed a letter of intent with Engelhard to purchase 200,000 units for 1975. It is presently negotiating an additional supply contract with Universal Oil Products for the remainder of its expected requirements for 1975 model year vehicles.

In addition to its major system for 1975, Toyota has investigated thermal reactors for possible use on 1976 vehicles, electronic fuel injection (through a licensing agreement with Bosch), and alternative power systems. Alternative power systems investigated include the stratified charge engine, Wankel rotary engine, gas turbine, diesel, and electric car. Toyota has recently contracted with Honda to develop the Honda CVCC principle and apply Honda's technology to Toyota's engines. Earlier in May 1971, Toyota signed a licensing agreement with Audi NSU and Wankel GMBH; and it is actively developing its own engine. None of these alternative engines, however, can be introduced by 1975; the earliest date the CVCC type engine could be introduced is perhaps the 1977 model year (TR. p. 106). Toyota estimates that 20% of its total emissions development expenditures are directed towards alternative power plants (TR. p. 116).

Toyota's financial commitment to emissions control development has risen from $967,000 in 1967 to $35.8 million in 1972 and is expected to increase to $98.2 million in 1976. Its cost per vehicle sold in the U.S. was $93 in 1972, comparable to Nissan ($107) and Volvo ($113), but higher than Volkswagen ($31), General Motors ($44), and Ford ($49). Although the cost per vehicle ratio is not an accurate comparison because of the differences in company accounting practices and proportion of sales in the U.S. (as well as fluctuating exchange rates), it gives some indication of each company's efforts relative to others.

TVR Engineering, Ltd. Although TVR Engineering, Ltd. submitted its application for suspension of the 1975 statutory standards after the June 14, 1973 deadline stated in the June 4 FEDERAL REGISTER, I am including it in this decision. TVR is a small manufacturer selling only approximately 250 cars per year in this country. It is in a situation similar to that of Avanti, Checker, SS and Jensen; TVR buys its complete engines from Standard-Triumph Motor Co., Ltd., a Division of British-Leyland, and is wholly dependent on

that supplier to provide engines which can meet the U.S. exhaust emission standards.

Volkswagenwerk A.G. Volkswagen is the largest automobile importer into the U.S., with sales in the U.S. of 502,000 vehicles in 1972. It manufactures both cars with rear-mounted, air-cooled and front-mounted water-cooled engines, the Volkswagen and Audi respectively. Because of widely different characteristics of these two engines and vehicles, Volkswagen has had to investigate separate concepts for each. Although many of the components of the different systems are the same or similar, Volkswagen has had a more difficult task to develop successful emissions control systems than have many other manufacturers.

Volkswagen's emission control development program for the 1975/76 U.S. standards began in 1969, when the Clean Air Act Amendments were under discussion but not yet passed. The firm made a decision at that time which directly affected its 1975 compliance schedule: It decided that "only solutions should be considered which have a potential to comply with the 76 emission standards." [36] This means that its emissions control systems must successfully control NO_x as well as HC and CO, a very difficult task which may have caused inordinate problems in meeting the 1975 emissions standards without the need for more stringent NO_x control. However, hindsight gives a much clearer picture today than Volkswagen had in 1970. As a result of its policy, Volkswagen's first choice system for meeting the 1975 standards is very similar to systems proposed by other, much larger manufacturers to meet the 1976 standards with a very stringent NO_x control requirement—a three-way catalyst for simultaneously controlling HC, CO, and NO_x with electronic feedback control. Because of the purported difficulty of achieving its goals with this type of system, the three largest domestic manufacturers are before me now requesting a one-year suspension of the 1976 standards.

In the course of its development program over the last three years, Volkswagen has investigated over eleven different concepts for both its air-cooled and water-cooled engines. Its final choice for ultimate development is the previously discussed catalytic converter with electronic, closed-loop fuel control (for its air-cooled engines) or carburetors with secondary closed-loop system (for its water-cooled engines). Volkswagen's catalyst is a monolithic type, and the major problem faced by Volkswagen, as with all other manufacturers, is mechanical durability of the catalyst. Its latest concept durability cars have reached approximately 31,000 miles in many cases, but still have experienced low mileage failures.[37] Twenty-three durability tests have been run since 1971, with six vehicles running as of April 1973 with the final concept systems.

Besides the closed-loop fuel control and the catalytic converter, Volkswagen has developed, and incorporated into its final system, proportional EGR, high energy ignition system, engine modifications of ignition timing, combustion chamber redesign, air injection (for its water-cooled engine), and a catalyst over-temperature protection system. In addition, early research was performed on thermal reactors, but it was de-emphasized when it became apparent to Volkswagen that a thermal reactor system could not meet the 1975 standards. Volkswagen has also researched alternative power systems, such as the gas turbine, stratified-charge engine, alternate-fuel engines, Wankel rotary engine (which Audi NSU, a Volkswagenwerk subsidiary, has initial rights on), diesel engines, and two-cycle engines. Volkswagen has begun development of an improved version of its original Wankel engine and hopes to introduce it into the U.S. in the "late 1970's." [38]

Volkswagen's expenditures for emissions control have risen from a low of $4.54 million in 1968 to $15.64 million in 1972 and is projected to be $28.2 million in 1976. Volkswagen spent $31 per car in 1972; this amount is somewhat lower than General Motors ($63); Ford ($100); Nissan ($107); Volvo ($113); and Toyota ($93); but is higher than Chrysler ($16).

A. B. Volvo. Volvo, which was an applicant in last year's hearings and which was denied its request for suspension of the 1975 statutory standards, is once more requesting a suspension. The 1972 decision was made on the basis that the applicants did not prove the lack of technology, and no decision was made on the applicants' good faith efforts. However, the decision now before me must be based solely on the good faith finding, since the technology question was determined in the April 11, 1973 decision. Therefore, I must make a decision as to whether Volvo has had "coherent program aimed at timely compliance with the statutory standards" [39] and whether Volvo has shown an adequate financial commitment.

Volvo is a relatively small manufacturer which sells a large portion of its vehicles in the U.S. Volvo, like American Motors in this country, appears to be somewhat limited in the amount of independent emissions control research it can carry on. It compensates for its more limited resources by working very closely with its suppliers in developing emissions control devices and improving engine components. In addition, Volvo has entered into a joint engine and emissions control research and development program with Renault and Peugeot. The objective of this program from the beginning is to develop an engine with easily controlled exhaust emissions. Volvo is responsible for emissions control design on this engine (TR p. 142). In its application, Volvo shows this engine ready for introduction into the U.S. market by the 1976 model year.[40]

Volvo's Emission Control Development Program involves improvement of its present engines, the B20 and B30, and the introduction of new cleaner engines by the 1976 model year (TR. P. 144).[41] Only theoretical studies have been conducted on the feasibility of using alternative power systems because of Volvo's limited resources. The emission system on which Volvo has concentrated its efforts for 1975 is a monolithic oxidation catalyst in conjunction with improved fuel injection, engine modifications, air injection and proportionally controlled exhaust gas recirculation (EGR). Volvo, like other manufacturers, has had problems with catalyst durability, with none of its cars reaching 50,000 miles under the standards. However, its major trouble has been mechanical failure of the catalyst, and in this area Volvo is hopeful. Three of its 24 1975 durability cars have completed 50,000 miles without mechanical failure, although emissions were above the statutory limits (TR. P. 121 and Volvo application, p. 87 and pp. 142 to 169). But some converters still failed at low mileage.

Volvo has already signed a catalyst supply agreement with Engelhard Kali-Chemi Auto Cat GmbH; in fact, it was possibly the second automobile manufacturer to do so. Volvo is providing $30,000 a month support to Engelhard Kali-Chemi in its production development costs. Considering Volvo's small size and limited resources, its commitment to a catalyst supplier, especially in the face of the uncertainty of the catalyst performance, can only be considered a considerable demonstration of its good faith effort.

Financial resources committed by Volvo to emissions control development have risen from $257,000 in 1967 to $5.8 million in 1972. Expenditures increased 75% in 1971 and doubled again in 1972. Eighty-eight percent of Volvo's emission development expenditures have occurred from 1970 through 1972. Its costs per vehicle sold in the U.S., an indication of Volvo's relative expenditures, have risen from $8 in 1967 to $113 in 1972, making it roughly comparable to other manufacturers. Volvo's commitment to emissions control research is indicated by the proportion of its total research and development expenditures devoted to emission research: 32% in 1972 as compared to Ford's 25%, General Motors' 15%, Nissan's 31%, Fiat's 9% and Porsche's 24%.

[FR Doc.73-15773 Filed 7-30-73;8:45 am]

[Dockets No. 145 etc.]

REGISTRATIONS AND TOLERANCES OF PESTICIDES ALDRIN AND DIELDRIN

Amendment to Supplemental Notice of Hearing

The hearing session scheduled to begin September 11, 1973, in Orlando, Florida, in a supplemental notice of hearing issued July 18, 1973 (38 FR 19712), in the consolidated proceedings under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq.), as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 973), and sections 406 and 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346 and 346a), involving registrations and tolerances of the pesticides aldrin and dieldrin, will begin instead on Monday, September 10, 1973, at 2:00 p.m., local time, in the County Agricultural Agent Office, 2350 E. Michigan Avenue, Orlando, Florida.

HERBERT L. PERLMAN,
Chief Administrative Law Judge.

JULY 26, 1973.

[FR Doc.73-15771 Filed 7-30-73;8:45 am]

FEDERAL MARITIME COMMISSION

BERMUDA RATE AGREEMENT

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New

[36] Volkswagenwerk application, P. 2.4-1
[37] Volkswagenwerk application, p. 2.4-8
[38] Volkswagenwerk application, p. 3.2.11-43
[39] April 11, 1973 Decision, P. 42
[40] Volvo application, P. 48-50
[41] Volvo application, Pp. 45-47, Pp. 48-50.

Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by August 20, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of Agreement Filed by:

F. W. Bayers, Manager
Bermuda Express Service/
Independent Gulf Line
Norton, Lilly & Co., Inc.
90 West Street
New York, New York 10006

Agreement No. 10067 between Atlantic Lines, Ltd. and Bermuda Express Service, operating cargo services between ports in Bermuda and Atlantic and Gulf ports of the United States, provides that the parties will confer, discuss and agree with each other the rates, charges, credits, classifications, practices and related tariff matters to be charged or observed by them in the above trade for the purpose of promoting the commerce and stability of such trade all in accordance with the terms and conditions set forth in the agreement.

Dated: July 26, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15744 Filed 7-30-73;8:45 am]

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS AND SEA-LAND SERVICE, INC.

Notice of Agreement Filed

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

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by August 10, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

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

Notice of Agreement Filed by:

Cyrus C. Guidry, Esq.
Port Counsel
Board of Commissioners of the Port of New Orleans
P.O. Box 60046
New Orleans, Louisiana 70160

Agreement No. T-2550-1, between the Board of Commissioners of the Port of New Orleans (Port) and Sea-Land Service, Inc. (Sea-Land), modifies the basic agreement between the parties providing for the 20-year lease to Sea-Land of a facility at the Port's France Road Container Terminal. The purpose of the modification is to: (1) provide for the lease of two additional tracts of land (Tracts II-A and II-B) comprising 8.31 acres; (2) provide for the construction of a second story to the office building provided for in the initial lease, as well as other improvements on the original premises as well as Tracts II-A and II-B, for a total construction cost of $691,862; and (3) provide for the interim lease to Sea-Land of 7.99 acres, pending the completion of the improvements provided for in (2) above. Additional rental for the expanded premises and improvements is as provided for in detail in the agreement.

Dated: July 25, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15743 Filed 7-30-73;8:45 am]

GULF PUERTO RICO LINES U.S.A., INC., ET AL.

Notice of Agreements Filed

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

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

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

Gulf Puerto Rico Lines U.S.A., Inc. and Sea-Land Service, Inc. Seatrain Lines, Inc. Transamerican Trailer Transport, Inc.

Notice of Agreements Filed by:

Paul J. McElligott, Esq.
Ragan & Mason
900 17th Street, N.W.
Washington, D.C. 20006

Agreements Nos. DC-38-3 and DC-38-4, between the members of the Puerto Rico Ocean Service Association (Gulf-Puerto Rico Lines-U.S.A., Inc., Sea-Land Service, Inc., Seatrain Lines, Inc., and Transamerican Trailer Transport, Inc.) modify the basic agreement between the parties, under which the parties agree to establish uniform practices, terminal and accessorial charges and regulations in connection with their carriage of cargo between U.S. Atlantic and Gulf ports and Puerto Rico.

Agreement No. DC-38-3 authorizes the parties to join together to establish, operate and maintain common inland container pools in Puerto Rico to service inland shippers and consignees in connection with the common carrier services of the parties to the Agreement. The container pools shall operate under the supervision and management of such common agent as the parties may select or appoint.

Agreement No. DC-38-4 provides that the Chairman of the Association, or his designated alternate, shall attend meetings of the Executive Committee in the capacity of secretary.

Dated: July 25, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15745 Filed 7-30-73;8:45 am]

GUAM FREIGHT FORWARDERS AND CONSOLIDATION, INC.

List of Applicants for Independent Ocean Freight Forwarder License

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications

for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Guam Freight Forwarders & Consolidators, Inc.
2425 Porter Street
Los Angeles, California

OFFICERS

Paul S. Beidleman, President
Michael P. Beidleman, Vice President
Harry S. Nakayama, Secretary/Treasurer

Helen F. Katon d/b/a
Tamiami Freight Forwarders & Shippers
2975 S. W. 8th Street
Miami, Florida 33135

Gary M. Miller d/b/a
G. M. Miller & Co., Int'l
833 Mahler Road
Burlingame, California 94010

Dated: July 26, 1973.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-15746 Filed 7-30-73;8:45 am]

FEDERAL POWER COMMISSION

ALASKA POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

JULY 25, 1973.

The Federal Power Commission, by order issued June 28, 1972, established the Alaska Power Survey Executive Advisory Committee.

2. *Membership.* An additional member of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. James V. House, Chairman, Acting Administrator, Alaska Power Administration.

Mr. House replaces Mr. Robert W. Ward who was formerly Chairman of the Committee and Administrator of the Alaska Power Administration. Mr. Ward has resigned from Federal Government service.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15726 Filed 7-30-73;8:45 am]

[Project 2146]

ALABAMA POWER CO.

Application for Change in Land Rights

JULY 20, 1973.

Public notice is hereby given that application was filed on December 15, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by the Alabama Power Co. (Correspondence to: Mr. S. R. Hart, Jr., Vice President-Engineering, Alabama Power Company, Birmingham, Alabama 35202) for a change in land rights for constructed Project No. 2146, known as the Coosa River Project, located on the Coosa River in Elmore, Chilton, Coosa, Shelby, Talladega, Saint Clair, Calhoun, Etowah and Cherokee Counties, Alabama and Floyd County, Georgia. The project land over which the proposed change in land rights would be granted is in Etowah County, Alabama.

The Alabama Power Company, Licensee for Coosa River Project No. 2146, requests Commission approval of a land exchange with Leasehold Mortgage Company (Leasehold) and Hugh W. Agricola to settle a dispute regarding interest and rights to title of lands located in sections 15 and 22, T. 15 S., R. 6 E in Etowah County about 1½ miles south of Gadsden, Alabama. The boundary of the lands acquired was described by a contour. Subsequent to acquisition, filling of low areas took place thereby changing the contour and preventing location of the original boundary.

In the proposed exchange, Leasehold and Agricola would transfer to Licensee 22.33 acres of land in two parcels, one isolated within the project boundary and the other lying adjacent to the boundary. Licensee would transfer to Leasehold and Agricola 14.83 acres of its land in two parcels, both adjacent to the project boundary. A metes and bounds survey would be established for the parcels to deter any further filling of the reservoir area.

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 the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearings 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.73-15727 Filed 7-30-73;8:45 am]

[Docket Nos. CI73-804 CI73-820 CI73-846]

APACHE EXPLORATION CORP. ET AL.

Order Consolidating Proceedings, Granting Intervention, Setting Hearing Date and Prescribing Procedures

JULY 23, 1973.

Apache Exploration Corp. (APEXCO) in Docket No. CI73-804, J. M. Huber Corp., et al. (Huber) in Docket No. CI73-820, and Exxon Corp. (Exxon) in Docket No. CI73-846 filed applications on May 24, May 23 and June 4, 1973, respectively, for limited term certificates of public convenience and necessity with pregranted abandonment authority, pursuant to Order No. 431 and § 157.23 of the Commission's Regulations under the Natural Gas Act for the sale of gas to Transwestern Pipeline Company (Transwestern) from the South Carlsbad Field, Eddy County, New Mexico (Permian Basin).

Specifically, all sellers propose to deliver gas to Transwestern at 53.0¢ per Mcf (14.65 psia) with a Btu adjustment from 1000 Btu/Mcf. The proposed sales are for a period of one year. Proposed daily delivery volumes are as follows: APEXCO-5000 Mcf; Huber-10,800 Mcf; and Exxon-3500 Mcf. Delivery is to be at or near the wellhead. All sellers have commenced 60-day emergency sales to Transwestern which terminate on July 22, 1973. The proposed rates all exceed the applicable area base rate of 27.0¢ per Mcf established by the Commission.

The applications in this proceeding represent a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rates to be paid serve the public convenience and necessity. It is therefore necessary that these applications be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present of future public convenience and necessity requires issuance of limited-term certificates on the terms proposed in the applications.

All the instant dockets contemplate limited term sales at the same price, from the same area, and to the same purchaser and thus contain common questions of law and fact. Accordingly, consolidating these dockets will aid in the expedition of the hearing process.

A petition to intervene in each of the above applications was filed by Transwestern on July 2, 1973, in the case of CI73-846 and June 19, 1973, in all other dockets. The Public Utilities Commission of the State of California filed a notice of intervention in Docket No. CI73-804 on June 27, 1973.

The Commission finds:

(1) Docket Nos. CI73-804, CI73-820 and CI73-846 should be consolidated for hearing and decision as they involve common questions of fact and law.

(2) The intervention of Transwestern in this proceeding may be in the public interest.

(3) 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 issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) The applications listed at the head of this order are hereby consolidated for hearing and decision.

(B) Transwestern is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on August 28, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issue of whether certificates of public convenience and necessity should be granted as requested by applicants.

(D) On or before August 21, 1973, applicants and any supporting parties shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(E) An 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 this proceeding 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] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15728 Filed 7-30-73;8:45 am]

[Project 2724]

CITY OF HAMILTON

Application for License for Constructed Project

JULY 23, 1973.

Public notice is hereby given that application for approval of minor license has been filed July 24, 1972, under the Federal Power Act (16 U.S.C. 791a–825r) by The City of Hamilton, (Correspondence to: Mr. John C. Engle, Director of Public Utilities, City of Hamilton, Utility Building, 20 High Street, Hamilton, Ohio 45011, copies of correspondence to Mr. Edward C. Smith, City Manager, City of Hamilton, Municipal Building, Hamilton, Ohio 45011), for its constructed Hamilton Hydroelectric Plant Project No. 2724, located in Butler County in The City of Hamilton, Ohio, on The Miami River. The project affects navigable waters of the United States.

The existing Hamilton Hydroelectric Plant Project has an installed generating capacity of 1500 kw, an installed turbine capacity of 2184 HP, and consists of: (1) a 1,000-foot long, 6 foot high, rock filled, timber crib overflow dam capped with concrete; (2) a 190-foot long, 8.5 foot high concrete dam; (3) an intake structure at the canal entrance containing five lift gates; (4) a three mile long power canal; (5) a powerhouse containing two 750 kw generating units; (6) a 50 foot by 1600 foot long concrete and earthen tailrace; (7) a 13.2 kv transmission line; and (8) appurtenant facilities.

The power generated is utilized by the City of Hamilton Municipal Electric System for residential and industrial use.

Any person desiring to be heard or to make protest with reference to said application should on or before September 24, 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.73-15729 Filed 7-30-73;8:45 am]

[Docket No. CI74-34]

DOUGLAS R. CUMMINGS (OPERATOR), ET AL.

Notice of Application

JULY 24, 1973.

Take notice that on July 13, 1973, Douglas R. Cummings (Applicant), 1300 North Broadway, Oklahoma City, Oklahoma 73101, filed in Docket No. CI74-34 an application pursuant to section 7(c) of the Natural Gas Act authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from the Hull Unit No. 1 Well, Woods County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 5,000 Mcf of gas per day for one year at 45.0 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).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15721 Filed 7-30-73;8:45 am]

[Docket No. CI73-763]

DYCO PETROLEUM CORP.

Order Granting Intervention Out of Time, Setting Hearing Date and Prescribing Procedure

JULY 23, 1973.

On May 7, 1973, Dyco Petroleum Corp. (Dyco) filed an application in Docket No. CI73-763 for a limited term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to Order No. 431 and § 157.23 of the Commission's Regulations under the Natural Gas Act for the sale of gas to Northern Natural Gas Company (Northern) from acreage in Harper County, Oklahoma (Anadarko Area).

Specifically, Dyco proposes to deliver 2,000 Mcf per day to Northern from its Harper County properties for two years pursuant to a contract dated March 27, 1973. The gas would be delivered at the wellhead. The proposed rate of 46.0 cents per Mcf (14.65 psia) with a Btu adjustment from 930 Btu's per Mcf and reimbursement of all existing and future taxes (currently 3.26¢/Mcf) exceeds the applicable area base rate of 21.315 cents established by the Commission's Opinion No. 586. The base price is to increase by ½¢ per Mcf after the first year. Dyco

commenced emergency deliveries to Northern on May 10, 1973, pursuant to § 157.29 of the Regulations. The sixty-day emergency sale will expire on July 9, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in the application.

A petition to intervene out of time in favor of the application was filed by Northern on June 29, 1973. Since hearings have not been held nor evidence filed, participation by Northern would not delay the proceedings.

The Commission finds:

(1) The intervention of Northern in this proceeding may be in the public interest.

(2) 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 issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) Northern is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on August 16, 1973, at 10:00 a.m. e.s.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted.

(B) On or before August 7, 1973, Dyco and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(C) An 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 this proceeding 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] KENNETH F. PLUMB, *Secretary.*

[FR Doc. 73-15730 Filed 7-30-73;8:45 am]

EXXON CORP., ET AL.

[Docket Nos. CI73-751, CI73-799, CI73-800, CI73-801]

Order Consolidating Proceedings, Granting Untimely Intervention, Setting Hearing Date and Prescribing Procedures

JULY 23, 1973.

Exxon Corp. (Exxon) in Docket No. CI73-751, Shenandoah Oil Corp. (Shenandoah) in Docket No. CI73-799 and CI73-800, and SOC Gas Systems, Incorporated (SOC) in Docket No. CI73-801 filed applications on May 3, May 17, May 17 and May 17, 1973, respectively, for limited term certificates of public convenience and necessity with pregranted abandonment authority, pursuant to Order No. 431 and § 157.23 of the Commission's Regulations under the Natural Gas Act for the sale of gas to Panhandle Eastern Pipe Line Company (Panhandle) from the Oklahoma Anadarko Area.

Specifically, all sellers propose to deliver gas to Panhandle at 50.0 cents per Mcf (14.65 psia) with a Btu adjustment from 1000 Btu per Mcf. Exxon's proposed sale is for a period of one year beginning with the first delivery day. All other proposed sales are to terminate on the first day of the month following the anniversary of the commencement of deliveries. Exxon is to deliver gas at the wellhead; all other sellers will deliver to some mutually agreeable points on Panhandle's pipeline. Exxon proposes that Panhandle be obligated to purchase all gas up to 5,000 Mcf per day from Vicci Field, Ellis County, Oklahoma. Shenandoah proposes that Panhandle purchase up to 10,000 Mcf per day from East Sampsell Prospect, Cimmarron County, Oklahoma, in Docket No. CI73-799 and purchase all available volumes from South Salem Prospect, Ellis County, Oklahoma in Docket No. CI73-800. SOC proposes that Panhandle purchase up to 2,000 Mcf per day from properties in Woodward County, Oklahoma. All sellers have commenced 60-day emergency sales to Panhandle which terminate as follows: Exxon—June 30, 1973; Shenandoah, Docket No. CI73-799—June 24, 1973; Shenandoah, Docket No. CI73-800—June 30, 1973; and SOC—July 18, 1973.

The proposed rates all exceed the applicable area base rate of 21.315 cents established by the Commission's Opinion No. 586. The applications in this proceeding represent a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rates to be paid serve the public convenience and necessity. It is therefore necessary that these applications be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of limited-term certificates on the terms proposed in the applications.

All the instant dockets contemplate limited-term sales at the same price, from the same area, and to the same purchaser, and thus contain common questions of law and fact. Accordingly, consolidating these dockets will aid in the expedition of the hearing process.

A late petition to intervene in each of the above applications was filed by Panhandle on June 1, 1973 in the case of Docket No. CI73-751 and June 29, 1973 in all other dockets. Since there have been neither hearings nor filing of evidence, Panhandle's late intervention would cause no delay or inconvenience.

The Commission finds:

(1) Docket Nos. CI73-751, CI73-799, CI73-800 and CI73-801 should be consolidated for hearing and decision as they involve common questions of fact and law.

(2) The intervention of Panhandle in this proceeding may be in the public interest.

(3) 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 issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) The applications listed at the head of this order are hereby consolidated for hearing and decision.

(B) Panhandle is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on August 22, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NW., Washington, D.C. 20426, concerning the issue of whether certificates of public convenience and necessity should be granted as requested by Applicants.

(D) On or before August 14, 1973, Applicants and any supporting parties shall

file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their positions.

(E) An 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 this proceeding 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] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15731 Filed 7-30-73;8:45 am]

GREAT LAKES TRANSMISSION CO.

Proposed Changes in Rates and Charges

JULY 19, 1973.

Take notice that on June 26, 1973, Great Lakes Transmission Co. (Great Lakes) tendered for filing Original Sheets Nos. 109–133 (constituting Rate Schedule S–1) and Second Revised Sheet No. 151 to its FPC Gas Tariff, Original Volume No. 2. The proposed filing would increase revenues from jurisdictional sales by $50,674 based on a volume of 93,004 Mcf for the 12 month period ending on July 31, 1974. The new rate is to be effective August 1, 1973.

Great Lakes states that the new rate schedule is necessary to effectuate a new service agreement approved by the Commission order of April 9, 1973, issued in Docket No. CP72–68. That service agreement provided for sale of natural gas by Great Lakes to the Michigan Power Company. Great Lakes asserts that the rate schedule was approved by both parties as part of the settlement agreement authorized by the Commission in its April 9, 1973, order.

All persons desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol St., NE., 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 31, 1973. Protests will be considered by the Commission in determining the appropriate action, but will not make protestants a party 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 available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15732 Filed 7-30-73;8:45 am]

[Docket No. CI74-36]

F. E. HARGRAVES & SONS DRILLING COMPANY, INC.

Notice of Application

JULY 24, 1973.

Take notice that on July 16, 1973, F. E. Hargraves & Sons Drilling Company, Inc. (Applicant), P.O. Box 700, Oil City, Louisiana 71061, filed in Docket No. CI74–36 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company from the Greenwood-Waskom Field, Caddo Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas on June 27, 1973, within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 30,000 Mcf of gas per month at 45.0 cents per Mcf at 15.025 psia.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-15722 Filed 7-30-73;8:45 am]

[Docket No. E-8309]

INTERSTATE POWER CO.

Notice of Application

JULY 24, 1973.

Take notice that on July 11, 1973, Interstate Power Co. (Applicant) filed an application with this Commission seeking authorization to enter into a Secured Guaranty Agreement with the Trustee of Pollution Control Revenue Bonds to be issued by the Town of Lansing, Iowa, in the amount of $4,175,000, which bonds, taking into account market conditions, will be sold by the Town as soon as possible after obtaining approval of this Guaranty.

Applicant is incorporated under the laws of the State of Delaware with its principal business office in Dubuque, Iowa, and is engaged principally in the electric utility business in northern and northeastern Iowa, in southern Minnesota and a few small communities in Illinois.

The bonds of the Town will be sold to finance the acquisition from the Applicant of a leasehold interest in and the construction of pollution abatement equipment at Applicant's Steam Electric Generating Lansing Power Station near Lansing, Iowa, installation of which is expected to be completed in 1974. Said equipment will be subleased by the Town to the Applicant and payments under said sublease will be sufficient to pay principal, premium if any, and interest due on said bonds. The bonds will not be issued by the Applicant. The rate of interest will be negotiated at a private sale of the bonds between the Town and the underwriters.

The authorization sought is for Applicant to issue an independent Secured Guaranty to the Trustee and holders of the bonds of payment of principal, premium, if any, and interest on said bonds. No payments will be required under the Secured Guaranty if all payments are made pursuant to the sublease.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 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 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.73-15733 Filed 7-30-73;8:45 am]

[Docket No. CI74–32]

MIDWEST OIL CORP.

Notice of Application

JULY 24, 1973.

Take notice that on July 13, 1973, Midwest Oil Corp. (Applicant), 1700 Broadway, Denver, Colorado 80202, filed in Docket No. CI74–32 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the South Carlsbad Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of gas within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for a period ending May 1, 1975, within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 5,000 Mcf per day of gas at 52.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Monthly deliveries are estimated to be approximately 150,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 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 protestant 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 section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–15723 Filed 7–30–73;8:45 am]

MISSISSIPPI RIVER TRANSMISSION CORP.

[Docket No. CP74–13]

Notice of Application

JULY 25, 1973.

Take notice that on July 16, 1973, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP74–13 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 certain pipeline, measuring, regulating, and compressor facilities and the modification and drilling of certain observation and injection/withdrawal wells, 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 and operate, at its East Unionville Storage Field in Lincoln Parish, Louisiana, approximately 4.75 miles of 14-inch O.D. pipeline paralleling its existing 10¾ inch pipeline connecting the East Unionville Field to Applicant's existing Unionville Compressor Station and approximately 21 miles of 4½ inch O.D. storage field line and appurtenant facilities. Applicant also proposes to connect three existing observation wells for use as observation and/or injection/withdrawal wells and to drill ten new injection/withdrawal wells in the same area. In addition, Applicant proposes to inject an additional 17.6 million Mcf of cushion gas into the East Unionville Storage Field and to facilitate that by increasing the maximum stabilized shut-in reservoir pressure from 2025 psia to 4350 psia.

Applicant further proposes to modify two 5,500 H.P. compressors and install a new 8,000 H.P. compressor unit at the Unionville Compressor Station to increase the total horsepower from 11,000 H.P. to 21,000 H.P. and to construct miscellaneous yard piping and related facilities.

In addition, Applicant proposes to construct and operate approximately 63 miles of 24-inch O.D. pipeline with appurtenant and related facilities, extending from its Unionville Compressor Station to its Fountain Hill Compressor Station in Arkansas, and certain modifications at its Fountain Hill Station including repiping, cylinder modifications, and installation of additional metering and regulating equipment.

The estimated cost of the proposed facilities and additional cushion gas is $27,494,000 which will be initially financed from available funds and short-term borrowings with ultimate financing through the sale of long-term debt and equity securities.

The purpose of the proposed construction and operation and purchase of cushion gas is to permit Applicant to offset partially expected winter curtailment of deliveries of gas to its customers through increased daily injection and withdrawal rates in the East Unionville Storage Field. Applicant estimates that if the proposals in the instant application are authorized it will be able to withdraw an additional 4.6 million Mcf of gas and 9.8 million Mcf of gas in the 1974–75 and the 1975–76 winter seasons, respectively. The proposed Unionville-Fountain Hill pipeline is expected to improve the operational efficiency of Applicant's system by providing a means of delivering storage and other gas into Applicant's Main Line system by bypassing the Perryville Compressor Station.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 15, 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.

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 Commisson on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–15737 Filed 7–30–73;8:45 am]

[Docket No. CI74-24]

MOBIL OIL CORP.

Notice of Application

JULY 24, 1973.

Take notice that on July 16, 1973, Mobil Oil Corp. (Applicant), Three Greenway Plaza East, Suite 800, Houston, Texas 77046, filed in Docket No. CI74-24 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation from the Cameron Field Area, Cameron Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of gas within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 4,000 Mcf of gas per day at 45.0 cents per Mcf at 15.025 psia. It is estimated that monthly deliveries will total 120,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15724 Filed 7-30-73;8:45 am]

[Projects 296, 1037, 1414—Nevada]

NEVADA

Order Vacating Land Withdrawals

JULY 24, 1973.

Pursuant to the filings of applications for license for transmission line Project Nos. 296, 1037, and 1414, the lands described below, and certain other lands for which notices of land withdrawal were never issued, were withdrawn under the provisions of section 24 of the Federal Water Power Act.

We found that the transmission lines which constituted Project Nos. 296, 1037, and 1414 were distribution lines, not primary lines or parts of a "project" as defined in section 3(11) of the Federal Power Act. The licenses issued for these projects are no longer in effect. Some of the lines which were under license have been dismantled. The lines that are still operating now occupy Federal lands under authority of right-of-way grants issued by the Department of the Interior.

The Commission finds:

The land withdrawals for Project Nos. 296, 1037 and 1414 serve no useful purpose and should be vacated in their entirety.

The Commission orders:

The withdrawals pursuant to the applications for Project Nos. 296, 1037 and 1414 are hereby vacated in their entirety.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

MOUNT DIABLO MERIDIAN, NEVADA

1. Portions (totaling approximately 859 acres) of the following described lands were withdrawn pursuant to the filing on April 10, 1922, of an application for license and on July 18, 1923, and June 17, 1930, of applications for amendment of license for Project No. 296 for which the Commission gave notices of land withdrawal to the General Land Office (now Bureau of Land Management) by letters dated May 11, 1922, August 24, 1922, August 11, 1923, and August 21, 1930.
T. 8 N., R. 30 E., secs. 25, 26.
T. 8 N., R. 31 E., secs. 19, 20, 21, 22, 23, 24, 30.
T. 8 N., R. 32 E., secs. 19, 20, 21, 22, 23, 24.
T. 8 N., R. 33 E., secs. 19, 20, 21, 22, 25, 26, 27.
T. 5 N., R. 34 E., secs. 1, 2, 3, 10.
T. 7 N., R. 34 E., secs. 2, 3, 10, 11, 13, 14, 24, 25, 36.
T. 8 N., R. 34 E., secs. 28, 29, 30, 33, 34.
T. 4 N., R. 35 E., unsurveyed, secs. 5, 8, 16, 17, 21, 28, 33.
T. 5 N., R. 35 E., secs. 4, 5, 6, 7, 8, 9, 16, 21, 28, 33.
T. 6 N., R. 35 E., secs. 4, 5, 6, 7, 8, 17, 20, 29, 32.
T. 7 N., R. 35 E., secs. 25, 26, 27, 31, 33.
T. 7 N., R. 36 E., secs. 1, 2, 10, 11, 15, 16, 19, 20, 21, 30.
T. 8 N., R. 36 E., unsurveyed.
T. 8 N., R. 37 E., unsurveyed.

2. Portions (totaling approximately 35 acres) of the following described sections were withdrawn pursuant to the filing on November 25, 1929, of an application for license for Project No. 1037 for which the Commission gave notice of land withdrawal to the General Land Office by letter dated December 6, 1929.
T. 12 N., R. 23 E., sec. 13.
T. 12 N., R. 24 E., secs. 4, 5, 7, 8, 18.
T. 13 N., R. 24 E., secs. 27, 33, 34.

3. Portions (totaling approximately 39.39 acres) of the following described sections were withdrawn pursuant to the filing on September 11, 1937, of an application for license for Project No. 1414 for which the Commission gave notice of land withdrawal to the General Land Office by letter dated February 2, 1938.
T. 14 N., R. 26 E., secs. 34, 35, 36.
T. 13 N., R. 27 E., sec. 1.
T. 14 N., R. 27 E., secs. 27, 28, 29, 31, 32, 34, 35, 36.
T. 13 N., R. 28 E., secs. 6, 7, 8, 16, 17, 21, 26, 27, 28, 35.

[FR Doc.73-15734 Filed 7-30-73;8:45 am]

[Docket No. CI74-33]

PRODUCER'S GAS CO.

Notice of Application

JULY 24, 1973.

Take notice that on July 16, 1973, Producer's Gas Co. (Applicant), 2000 Tower Petroleum Building, Dallas, Texas 75201, filed in Docket No. CI74-33 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company from Applicant's interest in the Chilcott No. 1 Well, Beaver County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of gas within the contemplation of § 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to 600 Mcf of gas per day at 54.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Upward Btu adjustment is limited to 1100 Btu. Deliveries are estimated to be 18,000 Mcf per month.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before August 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-15725 Filed 7-30-73;8:45 am]

[Docket No. E-8313]

UTAH POWER AND LIGHT CO.

Notice of Service Agreement

JULY 23, 1973.

Take notice that on July 11, 1973, Utah Power and Light Company (Utah) tendered for filing a letter agreement between Utah and Public Service Company of Colorado (PSCC) providing for the sale of power and energy by Utah to Colorado. The agreement is to be effective from June 1, 1973, to September 15, 1973. Revenues resulting from the agreement will amount to $1,279,660.

Utah states that the agreement calls for it to provide 75 megawatts of power and energy during the term of the contract. That amount may be increased to 100 megawatts by mutual agreement. For information purposes, Utah also submits a letter agreement with the Department of the Interior (DOI) for transmission from points on DOI's interconnection with Utah to points on DOI's interconnection with PSCC.

Utah requests waiver of the notice requirements of § 35.3 of the Commission's Regulations. Since service has been rendered by Utah under the agreement since June 1, 1973, that is the requested effective date.

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, NE., 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 on or before July 31, 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.73-15738 Filed 7-30-73;8:45 am]

[Docket No. E-8310]

UTAH POWER AND LIGHT CO.

Amendment to Interconnection Agreement

JULY 23, 1973.

Take notice that on July 11, 1973, Utah Power and Light Company (Utah) tendered for filing amendments to an interconnection agreement between Utah and Arizona Public Service Company (Arizona) which is currently designated Utah Rate Schedule FPC No. 89. The amendments consist of the following:

(1) Service Schedule A-Z entitled "Emergency Assistance" to be Supplement No. 4 to Rate Schedule FPC No. 89. Utah states that this amendment supplants Supplement No. 1 to the same rate schedule and that it is a negotiated agreement between the parties to the rate schedule and is designed to make emergency power available to either party from the other when needed. Since the extent to which emergency assistance may be needed is impossible to estimate, Utah claims that no revenues or costs can be produced in support of this supplement. Utah also asks waiver of the notice requirements of § 35.11 of the Commission's regulations so that the amendment will be effective as of June 2, 1973, the day service was instituted pursuant to it.

(2) Certificate of Concurrence pertaining to Service Schedule C-2 entitled "Short Term Sale of Winter Capacity." The actual service Schedule C-Z, Utah states, will be filed by Arizona and that filing should be designated Supplement No. 5 to Rate Schedule FPC No. 89.

(3) Service Schedule D-1 entitled "Surplus Energy Sale" to be Supplement No. 6 to Rate Schedule FPC No. 89. Utah asserts that this amendment provides for the sale of surplus energy between Utah and Arizona when the need is anticipated for such power and energy. Settlement is predicated upon "split savings," under which less costly generation on one system may be substituted for more expensive generation on another. As a result, Utah claims, there is no basis for estimating the possible volumes of energy to be transferred during the next twelve months, nor the costs to be generated by the agreement. Since service under the agreement was instituted on June 1, 1973, Utah requests waiver of the Commission's notice requirement so that this amendment may be effective as of that date.

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, NE, 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 August 7, 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.73-15739 Filed 7-30-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.; Temporary Reg. F-187]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Transportation to represent the consumer interests of the executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective June 12, 1973.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Transportation to represent the consumer interests of the executive agencies of the Federal Government before the Connecticut Public Utilities Commission in a proceeding involving the application of the Hartford Electric Light Company for abolition of Rate 31, for all-electric buildings.

b. The Secretary of Transportation may redelegate this authority to any officer, official, or employee of the Department of Transportation.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JULY 24, 1973.

[FR Doc.73-15741 Filed 7-30-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

JULY 24, 1973.

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Washington, D.C. on August 10, 1973.

The purpose of the meeting is to review Senior Fellowship applications in the field of English literature submitted to

the Endowment for individual fellowship grants.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73–15645 Filed 7–30–73;8:45 am]

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

JULY 24, 1973.

Pursuant to Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Washington, D.C. on August 8, 1973.

The purpose of the meeting is to review Senior Fellowship applications submitted to the Endowment for individual fellowship grants.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73–15646 Filed 7–30–73;8:45 am]

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

JULY 24, 1973.

Pursuant to Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Washington, D.C., on August 9, 1973.

The purpose of the meeting is to review Senior Fellowship applications in the field of foreign languages and literature submitted to the Endowment for individual fellowship grants.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73–15647 Filed 7–30–73;8:45 am]

SENIOR FELLOWSHIPS PANEL

Notice of Meeting

JULY 24, 1973.

Pursuant to Public Law 92–463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Senior Fellowships Panel will take place in Washington, D.C., on August 8, 1973.

The purpose of the meeting is to review Senior Fellowship applications in the field of history submitted to the Endowment for individual fellowship grants.

Based on section b(4) and (6) of 5 U.S.C. 552, the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73–15648 Filed 7–30–73;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

ADVISORY BOARD

Notice of Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation will be held at the Corporation's Administration Building, Seaway Circle, Massena, New York on August 10, 1973 from 3 p.m. to 5 p.m.

Agenda items are as follows:

1. Opening Remarks
2. Approval of Minutes
3. Administrator's Report
4. Program Review
5. Closing Remarks

Space is limited to twenty-five persons. Reservations and further information may be obtained from Mr. Robert Kraft, Special Assistant to the Administrator, Office of the Administrator, Saint Lawrence Seaway Development Corporation, Room 812, Building 10–A, 800 Independence Avenue, Washington, D. C. 20590 or by calling 202–426–3574.

Issued on: July 23, 1973.

[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.73–15666 Filed 7–30–73;8:45 am]

TARIFF COMMISSION

[337–L–66]

CHAIN DOOR LOCKS

Notice of Complaint Received

The United States Tariff Commission hereby gives notice of the receipt on June 21, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Ideal Security Hardware Corporation of St. Paul, Minnesota, alleging unfair methods of competition and unfair acts in the importation and sale of chain door locks which are embraced within claims of U.S. Patents No. 3,275,364, and No. 3,395,556, owned by the complainant. Parker Hardware Co., Inc., 27 Ludlow, New York, New York; Donner Mfg., Co., P. O. Box 4445, Sylar, California; and, Domestic Broom & Brush Co., Inc., 252 Java, Brooklyn, New York, have been named as importers of the subject locks.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 C.F.R. 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so, whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW, Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than Sept. 10, 1973. Such information should be sent to the Secretary, United States Tariff Commission, 8th and E Streets, NW, Washington, D. C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: July 26, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73–15767 Filed 7–30–73;8:45 am]

[AA1921–127]

ELEMENTAL SULPHUR FROM CANADA

Notice of Investigation and Hearing

Having received advice from the Treasury Department on July 20, 1973, that elemental sulphur from Canada is being, or is likely to be, sold at less than fair value, the United States Tariff Commission on July 26, 1973, instituted investigation No. AA1921–127 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commision's Hearing Room, Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Wednesday, September 5, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at is office in Washington, D.C.,

not later than noon, Thursday, August 30, 1973.

Issued July 26, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-15766 Filed 7-30-73;8:45 am]

[22-34]

NONFAT DRY MILK AND ANIMAL FEEDS CONTAINING MILK OR MILK DERIVATIVES

Notice of Investigation and Date of Hearing

At the request of the President (reproduced herein), the United States Tariff Commission, on July 25, 1973, instituted an investigation under subsection (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to review the quotas for dried milk and animal feeds provided for in the Appendix to the Tariff Schedules of the United States, items 950.02 and 950.17, respectively. Specifically, the Commission instituted the investigation under subsection (d) to determine whether the annual import quotas for either or both items, 950.02 or 950.17, may be increased or suspended without rendering or tending to render ineffective, or materially interfering with, the price support program conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk.

The pertinent part of the text of the President's letter of July 18, 1973, to the Commission follows:[1]

* * * * *

The Secretary has further advised me that a review of the annual import quota for nonfat dry milk for 1973 and future years is needed, and that also a review is needed of the quota for animal feeds containing milk or milk derivative. This latter article is presently subject to section 22 quantitative limitations under item 950.17 of the Tariff Schedules of the United States and is described as follows:

Animal feeds containing milk or milk derivatives, classified under item 184.75, subpart C, part 15, schedule 1.

The Commission is further directed to investigate and to make findings and recommendations as to whether the annual import quotas for the above-described articles may be increased or suspended without rendering or tending to render ineffective, or materially interfering with, the price support program conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk; and, in the case of a finding that such quotas should be increased, to make recommendations as to the amount of such quotas and their allocation among supplying countires.

The Commission is directed to report its findings and recommendations at the earliest practicable date.

Sincerely,

(*Signed*)
RICHARD NIXON.

* * * * *

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets, NW, Washington, D.C., beginning at 10 a.m., e.d.t., on August 28, 1973. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon Thursday, August 23, 1973. The notification should indicate the name, address, telephone number, and organization of the person filing the request, and the name and organization of the witnesses who will testify.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. Questioning of witnesses will be limited to members of the Commission and officials of the Department of Agriculture.

Written submissions. Interested parties may submit written statements of information and views, in lieu of their appearance at the public hearing, or they may supplement their oral testimony by written statements of any desired length. In order to be assured of consideration, all written statements should be submitted at the earliest practicable date, but not later than the close of business on September 7, 1973.

With respect to any of the aforementioned written submissions, interested parties should furnish a signed original and nineteen (19) true copies. Business data to be treated as business confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential," as provided for in § 201.6 of the Commission's rules of practice and procedure.

Issued: July 26, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-15769 Filed 7-30-73;8:45 am]

[337-L-63]

PRESET VARIABLE RESISTANCE CONTROLS

Extension of Time for Filing Written Views

On June 19, 1973, the United States Tariff Commission published notice of the receipt of a complaint under section 337 of the Tariff Act of 1930, filed by CTS Corporation of Elkhart, Indiana, alleging unfair methods of competition and unfair acts in the importation and sale of preset variable resistance controls (38 FR 16002). Interested parties were given until July 27, 1973, to file written views pertinent to the subject matter of a preliminary inquiry into the allegations of the complaint. The Commission has extended the time for filing written views until the close of business on August 27, 1973.

By order of the Commission:

Issued: July 26, 1973.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-15768 Filed 7-30-73;8:45 am]

TARIFF COMMISSION

[AA 1921-119]

STAINLESS STEEL WIRE RODS FROM FRANCE

Determination of Injury

July 24, 1973.

On April 24, 1973, the Tariff Commission received advice from the Treasury Department that stainless steel wire rods from France are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-119 to determine whether an industry in the United States is being, or is likely to be insured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on June 12, 1973. Notice of the investigation and hearing was published in the FEDERAL REGISTER of May 1, 1973 (38 FR 10775).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews and other sources.

On the basis of the investigation, the Commission has determined by a vote of 3 to 2[1] that an industry in the United States is being injured by reason of the importation of stainless steel wire rods from France that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF CHAIRMAN BEDELL, VICE CHAIRMAN PARKER, AND COMMISSIONER MOORE

The Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made.

[1] The remainder of the letter of the President was reproduced in the Commission's Notice of Investigation and Date of Hearing for Investigation No. 22-23, instituted on July 19, 1973 (38 FR 19939).

[1] Chairman Bedell, Vice Chairman Parker, and Commissioner Moore determined in the affirmative; Commissioners Leonard and Young determined in the negative. Commissioner Ablondi did not participate in the decision.

First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established. Second, such injury (or likelihood of injury or prevention of establishment of an industry) must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the Secretary of the Treasury determined is being, or is likely to be, sold at less than fair value (LTFV).

In our judgment both conditions are satisfied in the instant case.[1] Accordingly, we have made an affirmative determination—that an industry[2] in the United States is being injured by reason of imports of stainless steel wire rods from France sold at less than fair value. Our determination is based primarily on the considerations given in the following paragraphs.

MARKET PENETRATION

The Treasury Department's investigation covered imports entered by two French firms over a period of 7 months from August 1971 to February 1972. The investigation showed that one of the two firms investigated, Ugine-Aciers, made sales at LTFV; imports entered by this firm accounted for at least 80 percent of French stainless steel wire rod exports to the United States. Of the stainless steel wire rod imports from Ugine-Aciers examined by the Treasury, the major part was found to have been sold at LTFV.

The price advantage afforded by such sales in the United States at LTFV enabled importers of the French product to make substantial inroads into a generally declining market. In addition, occurring as they did during a period of rapidly rising domestic costs, and of start up problems for new U.S. mills, the impact of the LTFV imports were severe. Imports from France at LTFV supplied about 15 percent of total open market sales of stainless steel wire rods in the United States. Moreover, in specific markets in which sales of French stainless steel wire rods were concentrated, particularly the wire redrawer market which traditionally has accounted for about one-half of U.S. consumption of stainless steel wire rod, penetration by imports from France at LTFV reached an estimated 21 percent of open market consumption. The inroads into these markets are a direct result of leverage gained by sales at LTFV.

PRICE DEPRESSION

The price level for stainless steel wire rods in the U.S. market has been depressed in recent years, especially during 1970–71. Domestic prices for such rods were forced down in order to meet the competition of the French product in most large-volume, fast-moving grades; the differentials between the prices of the U.S. product and the LTFV French product were substantial, in some instances as high as 30 percent. From information supplied by U.S. purchasers, importer, and producers, the Commission was able to verify that numerous large sales were lost by domestic producers, and that many of the sales actually made by domestic producers were negotiated only at considerably reduced prices. Several puhchasers stated that the low prices offered by suppliers of LTFV French rods succeeded in bringing down domestic prices; U.S. wire redrawers disclosed that they exerted pressure on the domestic producers during the period of economic recession in 1971 to bring down prices of rod (the raw material of the redrawers) so that they could remain competitive in the U.S. market. The U.S. stainless rod manufacturers reduced their prices of most leading grades through substantial increases of the discounts and allowances offered to purchasers.

The Commission took into account the fact that sales were also lost by individual U.S. producers to other domestic competitors, and to imports from Japanese, Swedish, and other French manufacturers, as well as to LTFV French imports. Nevertheless, the Commission was able to verify that LTFV imports from France, generally sold at a substantial price differential, were the leading cause of price depression, lost sales and reduced profits for the domestic industry.

PROFITABILITY

During 1970–72, the domestic stainless steel wire rod industry incurred substantial net operating losses, especially in 1971. U.S. firms accounting for more than 90 percent of stainless steel wire rod production recorded substantial losses on their output of that product during the 1970–72 period.

The profitability of the firms during this period was adversely affected as a result of lost sales and of reduced profits on sales of high-volume, fast-moving grades of stainless steel wire rod. The reduced profitability of these companies was a direct result of the depression of the price levels for leading grades by substantial sales of French rod at LTFV prices in the domestic market.

CONCLUSION

On the basis of the foregoing, we conclude that an industry in the United States is being injured by reason of imports of stainless steel wire rods from France sold in the domestic market at less than fair value.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF COMMISSIONERS LEONARD AND YOUNG

As indicated above by our colleagues, the Antidumping Act, 1921, as amended, requires that the Tariff Commission find two conditions satisfied before an affirmative determination can be made. First, there must be injury, or likelihood of injury, to an industry in the United States, or an industry in the United States must be prevented from being established. Second, such injury (or likelihood of injury or prevention of establishment of an industry) must be "by reason of" the importation into the United States of the class or kind of foreign merchandise the Secretary of the Treasury determined is being, or is likely to be, sold at less than fair value (LTFV).[1]

It is clear that the domestic producers of stainless steel wire rods are being injured. For there to be an affirmative determination, however, causation between sales at less than fair value and injury must be identifiable, i.e., the injury must result from the less than fair value sales.[2] In this investigation we are unable to conclude that the LTFV sales have caused injury, and consequently the conditions set forth above for an affirmative determination are not met. The reasoning for our not being able to find the second or "causation" condition satisfied follows.

THE INDUSTRY

In our view the industry which would likely feel the impact of LTFV sales most immediately and directly consist of the facilities in the United States devoted to the production of stainless steel wire rods. Currently, eight firms are producing such rods in nine mills; the facilities at these mills on which stainless steel wire rods are produced constitute the domestic industry which most likely were susceptible to the impact of LTFV sales.

MARKET PENETRATION

Of the several French firms selling stainless steel wire rods in the United States, one firm, Ugine-Acier, was found by the Treasury Department to have sold that article at LTFV during the period August 1971 through February 1972. Ugine has been the predominant French supplier of stainless steel wire rods to the United States, accounting for over 80 percent of annual French exports of such rods to the United States from 1968–72. A substantial part of the firm's sales to the United States was found to have been made at LTFV.

In the past 3 years, the U.S. imports of stainless steel wire rods from France, and from Ugine in particular, have declined both absolutely and as a percent of U.S. consumption. While Ugine's penetration of the U.S. market has been significant, the share of the market supplied by the firm, and the penetration of its sales into the U.S. market, has steadily declined in recent years, including the period of LTFV sales found

[1] Since injury was found, it is unnecessary for an affirmative determination to make a finding as to the likelihood of injury or prevention of establishment of an industry.

[2] We have determined that a domestic industry injured by the LTFV imports herein considered consists of the facilities in the United States used in the production of stainless steel wire rods. In 1972, stainless steel rods were produced in the United States by eight firms operating nine mills. All of the domestic firms produced the grades of stainless steel wire rods imported from France and sold at less than fair value.

[1] Prevention of the establishment of an industry is not an issue in this investigation and as such need not be treated further.

[2] See U.S. Tariff Commission, *Elemental Sulfur From Mexico, . . . Investigation No. AA1921–92 . . .*, TC Publication 484, May 1972, p. 9.

by the Treasury. There is no evidence, moreover, that Ugine's sales at LTFV enabled them to obtain new customers. While the company may have increased its LTFV sales to a few accounts, such increases were more than offset by losses to other suppliers. In balance, then, Ugine had a net loss in sales over the last 3 years.

PRICING

During 1970 and 1971, i.e., before and during the period of Treasury's investigation, the domestic market for stainless steel wire rods was in a depressed state. Price competition was severe—between domestic producers, between domestic producers and importers, and among the importers representing the several major foreign suppliers, including the French. The price competition reflected largely declining demand in the United States growing out of a lagging economy; consumption of stainless steel wire rods in 1971, for example, was a fourth lower than in 1969.

The predominant grade of French (Ugine) wire rod imported into the United States has been a .217 inch diameter-grade 430 wire rod; such rod accounted for a considerable proportion of Ugine's business in the United States. Such French wire rod substantially undersold the comparable domestic wire rod in recent years and during the period of Treasury's investigation. However, the so-called dumping margin, i.e., the margin by which the French rod was sold at less than fair value, was equivalent to only a very small part of the amount by which the French rod undersold the domestic rod. Even without the LTFV margin, Ugine's stainless steel wire rod would have been priced substantially below the normal differential required to attract sales from domestic producers. Thus, the existence of the LTFV margin did not significantly influence the pricing, and consequently the sale, of French wire rod in the U.S. market.

In the record of this case, there is evidence of only isolated instances where Ugine's pricing practices might have been said to have contributed to price depression in the United States. In most of these instances, Ugine's bid price might have had a depressing effect on the prices of domestic producers, but Ugine was underbid by other foreign suppliers and did not succeed in obtaining the sale.

LOSS OF PROFIT

The production of stainless steel wire rod in the United States has not been profitable in recent years. The financial losses sustained by the domestic producers, however, have been strongly affected by economic down turns, the market impact of rising imports of the labor-intensive finished products produced from stainless steel wire rods, and the "shake-down" problems of several new rod mills which recently came into production. Meanwhile the LTFV sales of stainless steel wire rods from France were declining. We must conclude, therefore, that the financial losses of the industry resulted from causes other than from the LTFV sales of French wire rods. We cannot identify such LTFV sales as a contributor to the financial reverses of the industry.

LIKELIHOOD OF INJURY

Considerable information was presented in evidence of pending or potential injury to the domestic stainless steel wire rod industry because of the current development of the French steel complex at Fos-La-Mer. We cannot conclude, however, that the statutory requirements pertaining to likelihood of injury are met in this case. To find likelihood of injury, affirmative evidence must be available that (1) imports will be sold at LTFV, and (2) such imports will injure, or prevent the establishment of, an industry in the United States. In an earlier case where the Commission found likelihood of injury,[1] the facilities were complete and all was ready for the marketing of the products at the first opportunity in the U.S. market. In the instant case, the Fos-La-Mer complex is incomplete. It is reported to be designed primarily for the production of carbon-steel products, rather than stainless steel products. Its natural markets that it can most advantageously serve, moreover, are the market within the Economic Community and non-U.S. foreign markets, all of which are growing. The profitability of Ugine's future does not lie in LTFV sales to the United States.

CONCLUSION

In the final analysis, the LTFV imports have not enabled Ugine to expand its number of customers or increase its sales of stainless steel wire rods in the domestic market. Contrary to this, Ugine's sales to the United States have declined in absolute quantity and as a percent of U.S. consumption. The recent problems of the domestic industry have not resulted from LTFV sales of French stainless steel wire rods, and the future does not show the domestic industry threatened by French LTFV imports. Accordingly, we have determined that an industry in the United States is not being, and is not likely to be, injured by reason of such LTFV imports.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-15668 Filed 7-30-73;8:45 am]

[1] U.S. Tariff Commission, *Instant Potato Granules From Canada, . . . Investigation No. AA1921-97 . . .*, TC Publication 509, September 1972, p. 4.

DEPARTMENT OF LABOR

Office of the Secretary

FEDERAL SAFETY ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given of a meeting to be held by the Federal Safety Advisory Council established to advise the Secretary of Labor with regard to occupational safety and health programs applicable to federal employees. (Executive Order 11612; 3 CFR, 1971 Comp., p. 195).

The meeting will being at 9:00 a.m. on August 22, 1973 in Room 216 of the United States Department of Labor building, 14th Street and Constitution Avenue, NW, Washington, D.C.

During the course of the meeting the following subjects will be discussed seriatim:

(1) The United States Postal Service Training Program;

(2) Proposed regulations for Federal safety and health programs;

(3) Recommendations concerning the Federal accident reporting systems; and

(4) The 28th Annual Federal Safety Conference program.

Members of the public are invitied to attend the proceedings.

Any written data, views or arguments received by the Council concerning the subjects to be considered on or before August 17, 1973 together with 25 duplicate copies will be provided to the members and will be included in the minutes of the meeting.

Interested persons wishing to address the Council at the meeting should submit a request to be heard together with 25 copies thereof no later than August 15, 1973 stating the nature of their intended presentation and the amount of time they will need. At the commencement of the meeting the chairman will announce the extent to which time will permit the granting of such requests.

Communications to the Council should be addressed as follows:

Mr. Eugene L. Newman
Director
Office of Federal Agency Programs
Room 409
400 First Street, NW
Washington, D.C. 20210

Signed at Washington, D.C., this 23rd day of July, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-15752 Filed 7-30-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 308]

ASSIGNMENT OF HEARINGS

JULY 26, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 118468 Sub 33, Umthun Trucking Co., now assigned August 6, 1973, at Chicago, Ill., is postponed indefinitely.

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

[FR Doc.73-15747 Filed 7-30-73;8:45 am]

[Notice 101]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 24, 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 96324 (Sub-No. 22 TA) filed July 16, 1973 Applicant: GENERAL DELIVERY, INC. 1822 Morgantown Ave. P.O. Box 1816 Fairmont, W. Va. 26554 Applicant's representative: D. L. Bennett 129 Edgington Lane Wheeling, W. Va. 26003 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures for containers*, (1) from Martinsburg and Short Gap, W. Va., to New London, New Haven, and East Hartford, Conn.; Wilmington, Del.; Baltimore, Cheverly, Frederick, Hagerstown, Silver Spring, Westminster, Middle River, Cumberland, Oakland, and Rockville, Md.; Northampton, Mass.; Salem and Somersworth, N.H.; Providence, R.I.; Elmsford, Jericho, New York, Rochester, New Rochelle, and Brooklyn, N.Y.; Paterson, New Brunswick, Newark, N.J.; Millville, Atlantic City, Jersey City and Pensauken, N.J.; Mt. Vernon, Cleveland, Ashtabula, and Columbus, Ohio; Chattanooga, Tenn.; Charlotte, Greensboro, Raleigh, and Winston-Salem, N.C.; Palmerton, Johnstown, Bigglersville, Chambersburg, Aspers, Philadelphia, Concordville, Pittston, Reading, Indiana, Pittsburgh, Williamsport, Beaver, Sharon, and Meadville, Pa.; Norton, Charlottesville, Harrisonburg, Alexandria, Bristol, Front Royal, St. Paul, Lynchburg, and Staunton, Va.; and Washington, D.C.; (2) from Cumberland, Md., to those destination points named in (1) above (except Cumberland, Md.) and Beckley, Huntington, Morgantown, Williamson, Berkley Springs, Parkersburg, Charleston, Wheeling, and Logan, W. Va.; and (3) from Winchester, Va., to those destination points named in (1) above (except points in Virginia) and those additional points in West Virginia named in (2) above, for 90 days. SUPPORTING SHIPPER: Chattanooga Glass Company, 400 West 45th St., Chattanooga, Tenn. SEND PROTESTS TO: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 110525 (Sub-No. 1062 TA) (CORRECTION) filed June 27, 1973, published in the Federal Register issue of July 20, 1973, and, republished as corrected this issue. Applicant: CHEMICAL LEAMAN TANK LINES, INC. 520 E. Lancaster Avenue P.O. Box 200 Downingtown, Pa. 19335 Applicant's representative: Thomas J. O'Brien (same address as above) Note: The purpose of this partial republication is to correct the applicant name to CHEMICAL LEAMAN TANK LINES, INC., in lieu of CHEMICAL LEEMAN TANK LINES, INC., which was published in error. The rest of the application remains the same.

No. MC 123067 (Sub-No. 120 TA) filed July 16, 1973 Applicant: M & M TANK LINES, INC. P.O. Box 30006 Washington, D.C. 20014 Applicant's representative: Michael A. Grimm (same address as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, from Savannah, Ga., to Fernandina Beach, Fla., for 180 days. SUPPORTING SHIPPER: Texas Gulf, Inc., 811 Rusk Avenue, Suite 1704, Houston, Tex. 77002. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street & Constitution Avenue, N.W., Washington, D.C. 20423.

No. MC 136312 (Sub-No. 3 TA) filed July 10, 1973 Applicant: HASKELL FOODS COMPANY OF OKLAHOMA, INC. P.O. Box 396 Haskell, Okla. 74436 Applicant's representative: James B. Blair 111 Holcomb Street Springdale, Ark. 72764 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from RJR Foods, Inc. warehouse, Haskell, Okla., to points in Illinois and Tennessee and (2) from points in Arkansas, Kansas, Illinois, Mississippi, Missouri, New Mexico, Oklahoma, Texas, and Tennessee, to RJR Foods, Inc. warehouse, Haskell, Okla., for 180 days. SUPPORTING SHIPPER: C. Glen Anderson, GTM, RFR Foods, Inc., 4th and Main St., Winston-Salem, N.C. 27102. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Rm. 240-Old P.O. Bldg., 215 NW Third, Oklahoma City, Okla. 73102.

No. MC 138891 (Sub-No. 1 TA) filed July 16, 1973 Applicant: FRANK TRANSFER & STORAGE, INC. 324 East 8th Street Sioux Falls, S. Dak. 57102 Applicant's representative: Mead Bailey 809 National Bank of South Dakota Bldg. Sioux Falls, S. Dak. 57102 Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat 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), and *empty non-owned trailers* used in transporting said commodities, between the facilities of Iowa Beef Processors, Inc., at or near Luverne, Minn. and railroad ramp facilities for trailer-on-flatcar service at Sioux Falls, S. Dak., restricted (except as to empty non-owned trailers) to traffic having a prior or subsequent movement by rail, for 180 days. SUPPORTING SHIPPER: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731, Starr H. Lloyd, General Traffic Mgr. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Bldg., Pierre, S. Dak. 57501.

By the Commission.

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

[FR Doc.73-15748 Filed 7-30-73;8:45 am]

[Notice 322]

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 proceedings on or before August 20, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74434. By order of July 24, 1973, the Motor Carrier Board on reconsideration approved the transfer to R. G. Trucking, Inc., East Palestine, Ohio, of the operating rights in Certificate No. MC–6544 issued November 17, 1966 to Dutch Blum Trucking, Inc., Darlington, Pa., authorizing the transportation of coal, from points in Hancock County, W. Va., and that part of Beaver, Lawrence, and Washington Counties, Pa., on and west of Pennsylvania Highway 18, to points in Columbiana, Mahoning, Stark, and Trumbull Counties, Ohio, and road building materials, between points in the above-specified Pennsylvania territory, on the one hand, and, on the other, points in Columbiana, Mahoning, Stark, and Trumbull Counties, Pa. A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215 Attorney for applicants.

No. MC–FC–74454. By order of July 24, 1973, the Motor Carrier Board approved the transfer to A & R Transport, Inc., Kawkawlin, Mich., of a portion of Certificate No. MC–106603 Sub-No. 80, issued May 20, 1966, to Direct Transit Lines, Inc., Grand Rapids, Mich., authorizing the transportation of malt beverages, wine, soft drinks, beverage compounds and empty containers, from and to specified points in Indiana, Michigan, Illinois, Ohio and Wisconsin. Alan Ruegsegger, A & R Transport, Inc., 103 N. Erie, Bay City, Mich., for Applicants.

No. MC–FC–74552. By order of July 24, 1973, the Motor Carrier Board approved the transfer to H. and S. Express, Inc., Middletown, N.Y., of Certificate No. MC–22507 issued May 2, 1973, to Al's Auto Express, Corp., New York, N.Y., authorizing the transportation of general commodities, with exceptions, between New York, N.Y., on the one hand, and, on the other, points in Westchester County, N.Y., and those in that part of Connecticut within 25 miles of Columbus Circle, N.Y. Martin Werner, 2 W. 45th St., New York, N.Y., 10036, Attorney for Transferor, and Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, Attorney for Transferee.

No. MC–FC–74556. By order of July 24, 1973, the Motor Carrier Board approved the transfer to Merchants Delivery & Warehouse Corporation, St. Louis, Missouri, of Permit No. MC 133798, issued August 21, 1972, to Howard Morgan, doing business as Merchants Messenger Service, St. Louis, Missouri, authorizing the transportation of copier machines, and toner, paper, and ink used in copier machines, between St. Louis, Mo., on the one hand, and, on the other, Elk Grove, Ill. Austin C. Knetzger, 722 Chestnut Street, St. Louis, Missouri 63101, attorney for applicants.

No. MC–FC–74581. By order of July 23, 1973, the Motor Carrier Board approved the transfer to Hill Brothers Trucking Co., Inc., Pennsauken, N.J., of the operating rights in Certificates No. MC–29790, MC–29790 (Sub-No. 3), MC–29790 (Sub-No. 4) and MC–29790 (Sub-No. 7) issued June 21, 1949, November 10, 1947, February 28, 1950 and March 20, 1968 respectively to Charles F. Hill, Jr., doing business as Hill Brothers, Merchantville, N.J., authorizing the transportation of various commodities from, to and between specified points and areas in Delaware, Maryland, New Jersey, New York, and Pennsylvania. James A. Cassel, 512 Swede St., Norristown, Pa., 19401 Attorney for applicants

No. MC–FC–74584. By order of July 24, 1973, the Motor Carrier Board approved the transfer to Lumber Transfer, Inc., Emporium, Pa., of Certificates Nos. MC–125948 and MC–125948 (Sub-No. 1) issued July 1, 1969, and September 9, 1971, respectively, to Lee Clyde Cook, doing business as Lee C. Cook, Emporium, Pa., authorizing the transportation of: Lumber from points in Potter County, Pa., and points in other, specified parts of Pennsylvania to points in New York; lumber (except plywood and veneer), wood chips and sawdust between points in a specified part of Pennsylvania and points in Ohio, Michigan, Indiana, Maryland, New Jersey, and New York; between Hanover, Pa., and points in Ohio, Michigan, Indiana, Maryland, New Jersey, and New York; from Hanover, Pa., and points in a specified part of Pennsylvania to points in West Virginia. Mr. Willmer B. Hill, Attorney at Law, 666 Eleventh Street, N.W., Washington, D.C. 20001.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–15749 Filed 7–30–73;8:45 am]

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PART II

POSTAL SERVICE

■

ORGANIZATION AND ADMINISTRATION

Modification of Organization and Reporting Relationships

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER D—ORGANIZATION AND ADMINISTRATION

MODIFICATION OF ORGANIZATIONAL AND REPORTING RELATIONSHIPS

This document codifies and restates in Part 211 existing provisions relating to the status of the regulations of the Postal Service. It also amends those regulations which are presently codified in Subchapter D of title 39 so as to reflect certain changes of organization and reporting relationships within the Postal Service.

All changes, with the exception of those contained in § 225.1, became effective June 28, 1973. Section 225.1 is effective August 18, 1973.

Accordingly, in Subchapter D, Parts 212 and 213 are deleted, Parts 211, 222, 223, 224, and 235 are amended, and Parts 221, 225 and 226 are added as set forth below:

LOUIS A. COX,
General Counsel.

PART 211—APPLICATION OF REGULATIONS

Sec.

AUTHORITY: The provisions of this Part 211 issued under authority of 39 U.S.C. 201, 202, 401(2), 402, 403, 404, 410, 1001, 1005, 1209; Pub. L. 91-375, §§ 3-5, 84 Stat. 773-75.

§ 211.1 Disposition of former title 39, United States Code.

Except as otherwise continued in effect as postal regulations, all provisions of former title 39, United States Code, which were continued in effect as regulations of the Postal Service by section 5(f) of the Postal Reorganization Act, are revoked. This revocation does not apply to postal regulations which embody or are derived from provisions of former title 39.

§ 211.2 Regulations of the Postal Service.

(a) The regulations of the Postal Service consist of:

(1) The resolutions of the Governors and the Board of Governors of the United States Postal Service and the bylaws of the Board of Governors;

(2) The Postal Service Manual and those portions of the former Postal Manual retained in force on a temporary basis;

(3) The Headquarters Manual, Regional Instructions, handbooks, delegations of authority, and other regulatory issuances and directives of the Postal Service or the former Post Office Department. Any of the foregoing may be published in the Federal Register and the Code of Federal Regulations.

(b) Except as otherwise provided by law, the resolutions of the Governors and the Board of Governors of the United States Postal Service and the bylaws of the Board of Governors take precedence over all regulations issued by other authority.

(c) The adoption, by reference or otherwise, of any rule of law or regulation in this or any other regulation of the Postal Service shall not be interpreted as any expression on the issue of whether such rule of law or regulation would apply to the Postal Service if it were not adopted as a regulation, nor shall it restrict the authority of the Postal Service to amend or revoke the rule so adopted at a subsequent time.

(d) All regulations of the Post Office Department in effect at the time the United States Postal Service commenced operations, continue in effect, except as subsequently modified or repealed by the Postal Service. Except as otherwise continued in effect as postal regulations, all regulations of other agencies of the United States continued in effect as postal regulations by section 5(a) of the Postal Reorganization Act are repealed.

§ 211.3 Executive orders and other executive pronouncements; circulars, bulletins, and other issuances of the Office of Management and Budget.

(a) By virtue of the Postal Reorganization Act, certain executive orders, and other executive pronouncements and certain circulars, bulletins, and other issuances of the Office of Management and Budget or particular provisions thereof, or requirements therein, apply to the Postal Service and certain others do not apply.

(b) It is the policy of the Postal Service to continue to comply with issuances of the kind mentioned in paragraph (a) of this section with which it has previously complied, unless a management decision by an appropriate department head is made to terminate compliance, in whole or in part, following advice from the General Counsel that the issuance is not binding, in whole or in part, on the Postal Service. This policy is not enforceable by any party outside the Postal Service. No party outside the Postal Service is authorized to use the mere non-compliance with this policy against the Postal Service in any way.

§ 211.4 Interim personnel regulations.

(a) *Continuation of Personnel Regulations of the Post Office Department.* All regulations of the former Post Office Department dealing with officers and employees, in effect at the time the United States Postal Service commenced operations, continue in effect according to their terms until modified or repealed by the Postal Service or pursuant to a collective bargaining agreement under the Postal Reorganization Act.

(b) *Continuation of Personnel Provisions of Former Title 39, United States Code.* Except as they may be inconsistent with other regulations adopted by the Postal Service or with a collective bargaining agreement under the Postal Reorganization Act, all provisions of former Title 39, United States Code, dealing with and applicable to postal officers and employees immediately prior to the commencement of operations of the Postal Service continue in effect as regulations of the Postal Service.

(c) *Continuation of Other Laws and Regulations as Postal Regulations.* Except as they may be inconsistent with the provisions of the Postal Reorganization Act, with other regulations adopted by the Postal Service, or with a collective bargaining agreement under the Postal Reorganization Act, all regulations of Federal agencies other than the Postal Service or Post Office Department and all laws other than provisions of revised Title 39, United States Code, or provisions of other laws made applicable to the Postal Service by revised Title 39, United States Code, dealing with officers and employees applicable to postal officers and employees immediately prior to the commencement of operations of the Postal Service, continue in effect as regulations of the Postal Service. Any regulation or law the applicability of which is continued by paragraphs (a)-(c) of this section which requires any action by any agency other than the Postal Service or Post Office Department shall be deemed to require such action by the Postal Service, unless by agreement with the Postal Service the other agency involved consents to the continuation of its action.

(d) *Effect of Collective Bargaining on Certain Regulations.* All rules and regulations continued or established by paragraphs (a)-(c) of this section which establish fringe benefits as defined in 39 United States Code 1005(f) of employees for whom there is a collective bargaining representative continue to apply until modified by a collective bargaining agreement concluded pursuant to the Postal Reorganization Act. Those rules and regulations affecting other terms and conditions of employment encompassed by Section 8(d) of the National Labor Relations Act, as amended, shall continue to apply to such employees until such collective bargaining agreement has been concluded, and, unless specifically continued by such agreement, shall apply thereafter until modified or repealed by the Postal Service pursuant to its authority under 39 United States Code 1001(e) and other pertinent provisions of the Postal Reorganization Act. In the event a condition occurs which shall excuse the Postal Service from continuing negotiations prior to the parties thereto concluding an agreement in accordance with the Postal Reorganization Act, the Postal Service reserves the right in accordance with the reorganization measures mandated by the Congress and consistent with the provisions of the Act, and any collective bargaining agreements in existence at that time, insofar as they do not unduly impede such reorganization measures, to continue, discontinue, or revise all compensation, benefits, and terms and conditions of employment of such employees of the Postal Service.

PART 221—GENERAL PRINCIPLES OF ORGANIZATION

Sec.
221.1 The U.S. Postal Service.
221.2 Board of Governors of the Postal Service.
221.3 Postmaster General.
221.4 Deputy Postmaster General.
221.5 Postal Service Advisory Council.
221.6 Groups and departments.
221.7 Officers serve at pleasure of Postmaster General.
221.8 Postal Field Service.
221.9 Conversion of terms.

AUTHORITY: The provisions of this Part 211 issued under authority of 39 U.S.C. 201, 202, 203, 204, 206, 401(2), 402, 403, 404, as enacted by Public Law 91-375, 84 Stat. 719.

§ 221.1 The U.S. Postal Service.

(a) The U.S. Postal Service has been established as an independent establishment within the executive branch of the Government of the United States under the provisions of the Postal Reorganization Act of August 12, 1970, Public Law 91-375, 84 Stat. 719.

(b) As a complement to the information in the regulations in this part, a concise statement of the organization of the Postal Service can be found in the U.S. Government Organization Manual.

§ 221.2 Board of Governors of the Postal Service.

(a) The Board of Governors directs the exercise of the powers of the Postal Service. It reviews the practices and policies of the Postal Service and directs and controls its expenditures.

(b) For composition of the Board of Governors, see § 3.1 of this chapter.

§ 221.3 Postmaster General.

(a) The Postmaster General is the chief executive officer of the Postal Service and is responsible for its overall operation. He is named and can be removed by an absolute majority of the nine members of the Board of Governors, statutorily designated "Governors", who are appointed by the President with the advice and consent of the Senate. He is a voting member of the Board of Governors.

(b) The Postmaster General determines appeals from the actions of staff and department heads, except that in cases where he has delegated authority to make a decision to a subordinate, such subordinate may also determine appeals within the authority delegated.

(c) The Board of Governors has directed that the Postmaster General exercise the powers of the Postal Service to the extent that such exercise does not conflict with power reserved to the Board by law. The Postmaster General is authorized to direct any officer, employee, or agency of the Postal Service to exercise such of his powers as he deems appropriate. For the direction of the Board of Governors that the Postmaster General exercise the powers of the Postal Service, see §§ 3.9 and 5.3 of this chapter.

§ 221.4 Deputy Postmaster General.

(a) The Deputy Postmaster General is a voting member of the Board of Governors. He is appointed and can be removed by the Postmaster General and Governors.

(b) He directs all postal operations and delegates such of his authority as he considers appropriate. He is required to perform all tasks assigned him by the Postmaster General. He acts as Postmaster General in the Postmaster General's absence or whenever a vacancy exists in the Office of Postmaster General.

(c) For delineation of authority of the Deputy Postmaster General by the Board of Governors see § 5.4 of this chapter.

§ 221.5 Postal Service Advisory Council.

The Postal Service Advisory Council consults with and advises the Postal Service with regard to all aspects of postal operations. It consists of the Postmaster General who is Chairman, the Deputy Postmaster General who is Vice Chairman, and 11 additional members appointed by the President as follows: Four representatives of postal labor organizations, four representatives of major mail users, and three representatives of the public at large.

§ 221.6 Groups and Departments.

(a) Postal Service Headquarters is primarily divided into four groups—Administration, Employee and Labor Relations, Finance, and Operations. Each group is headed by a Senior Assistant Postmaster General. The Senior Assistant Postmasters General report directly to the Postmaster General. These Senior Assistant Postmasters General are responsible for the following activities within their assigned areas:

(1) Program planning, direction, and review;

(2) Establishment of policies, procedures, and standards; and

(3) Operational determinations not within the full jurisdiction of field officers.

(b) Each group is in turn divided into departments or offices headed by either Assistant Postmasters General or Directors who report to the Senior Assistant Postmaster General. The heads of these departments and offices are responsible for assisting the Senior Assistant Postmasters General in carrying out the activities assigned their groups.

(c) Certain other headquarters units report directly to the Postmaster General. These include the Law Department, headed by the General Counsel, and the Inspection Service, headed by the Chief Postal Inspector. Also reporting to the Postmaster General are the Senior Assistant Postmaster General for Policy Matters; the Executive Assistant for Postal Affairs; and the Assistant Postmasters General for Government Relations and Public and Employee Communications.

(d) The Postmaster General, the Deputy Postmaster General, the Senior Assistant Postmasters General, for Administration, Employee and Labor Relations, Finance, and Operations, and the General Counsel comprise the Executive Committee of which the Postmaster General is Chairman, and the Executive Assistant for Postal Affairs is Secretary.

(e) Statements of the functions of the various groups, departments, and offices can be found in Part 224 of this chapter.

§ 221.7 Officers serve at pleasure of Postmaster General.

The following officers of the Postal Service are appointed by the Postmaster General and serve at his pleasure: Senior Assistant Postmasters General, Regional Postmasters General, the General Counsel, Assistant Postmasters General, the Consumer Advocate, the Chief Inspector, the Judicial Officer, and the Executive Assistant for Postal Affairs, the Controller and the Treasurer (who report to the Assistant Postmaste General, Finance Department). The number of Senior Assistant Postmasters General and Assistant Postmasters General is set by resolution of the Board of Governors.

§ 221.8 Postal field service.

(a) *Postal Regions.* (1) There are five Postal Regions. Each region is headed by a Regional Postmaster General who reports to the Senior Assistant Postmaster General, Operations and has overall responsibility for operational activities (except those reserved to Headquarters) of the Postal Service within his region.

(2) Each Regional Postmaster General's office includes four departments—Support, Employee and Labor Relations, Mail Processing and Customer Services. Each regional department is headed by an Assistant Regional Postmaster General who reports to the Regional Postmaster General. While the Assistant Regional Postmasters General for Employee and Labor Relations report to the Regional Postmasters General for administrative purposes. Direction is provided them by the Senior Assistant Postmaster General, Employee and Labor Relations.

(3) In addition to the four departments, there are within each Regional Postmaster General's office, a Regional Counsel, and an Office of Communications which is headed by a Director. The Regional Counsel and the Director, Communications each report directly to the Regional Postmaster General.

(b)(1) Postal Regions are composed of Districts headed by Distrct Managers whose organizational units are in turn composed of Sectional Centers headed by Sectional Center Managers.

(2) Each District Manager reports to the Regional Postmaster General, and has line responsibility for postal operations (except those reserved to Headquarters) in the Sectional Centers within his area.

(3) Each sectional Center Manager reports to a District Manager, and has line responsibility for postal operations (except those reserved to Headquarters) at offices within his Sectional Center.

(c) *Postal Data Centers.* There are six Postal Data Centers, each under a Director who is responsble for:

(1) Accounting, disbursing, and data processing for assigned areas.

(2) Adjudication of claims pursuant to authority delegated to him by the senior Assistant Postmaster General, Finance.

(d) For a detailed statement of the organizaton of the Postal Regions see Part 225 of this subchapter.

§ 221.9 Conversion of terms.

(a) In any regulation of the Postal Service outside Parts 211, 221, 222, 223, 224, 225, 226, and 235 of this subchapter, unless the content otherwise requires, references to the: (1) Senior Assistant Postmaster General Customer Services with regard to matters concerning advertising, customer marketing, product development, international postal affairs, and the Consumer Advocate, shall be deemed to mean the Senior Assistant Postmaster General, Administration; (2) Senior Assistant Postmaster General, Customer Services with regard to matters concerning delivery services, shall be deemed to mean the Senior Assistant Postmaster General, Operations; (3) Senior Assistant Postmaster General, Executive Functions with regard to matters concerning consumer affairs, planning, philatelic affairs, and the Judicial Officer, shall be deemed to mean Senior Assistant Postmaster General, Administration; (4) Senior Assistant Postmaster General, Executive Functions, with regard to matters concerning public information and communications, shall be deemed to mean the Assistant Postmaster General, Public and Employee Communications; (5) Senior Assistant Postmaster General, Executive Functions, with regard to matters concerning Government relations, shall be deemed to mean Assistant Postmaster General, Government Relations; (6) Senior Assistant Postmaster General, Mail Processing with regard to matters concerning architect-engineer, construction, and real estate contracting shall be deemed to mean Senior Assistant Postmaster General, Administration; (7) Senior Assistant Postmaster General, Mail Processing, with regard to matters concerning engineering, shall be deemed to mean Senior Assistant Postmaster General, Administration; (8) Senior Assistant Postmaster General, Mail Processing, with regard to matters concerning bulk mail, delivery services, and logistics shall be deemed to mean the Senior Assistant Postmaster General, Operations; (9) Senior Assistant Postmaster General, Support, with regard to matters concerning procurement, shall be deemed to mean Senior Assistant Postmaster General, Administration; (10) Senior Assistant Postmaster General, Support, with regard to matters concerning finance, management information, and management services shall be deemed to mean Senior Assistant Postmaster General, Finance; (11) Senior Assistant Postmaster General, Support with regard to matters concerning employee or labor relations, shall be deemed to mean Senior Assistant Postmaster General, Employee and Labor Relations; (12) Deputy Postmaster General with regard to functions of that office concerning liaison with the Postal Regions shall be deemed to mean Senior Assistant Postmaster General, Operations.

PART 222—DELEGATIONS OF AUTHORITY

Sec.

AUTHORITY: The provisions of this Part 222 issued under 39 U.S.C. 203, 204, 401(2), 402, 403, 404, 409, as enacted by Public Law 91-375, 84 Stat. 719.

§ 222.1 Authority for delegation.

(a) The Postmaster General is empowered to authorize any employee or agency of the Service to exercise any function vested in the Postal Service, in him, or in any other Postal Service employee.

(b) The Deputy Postmaster General is the full alternate to the Postmaster General.

(c) When, by reason of absence, disability, or vacancy in office, neither the Postmaster General nor the Deputy Postmaster General can act as Postmaster General, the first available official on the following list will do so as acting Postmaster General:

(1) Senior Assistant Postmaster General, Administration;

(2) Senior Assistant Postmaster General, Operations.

(d) The Postmaster General has been authorized by the Board of Governors to exercise the powers of the Postal Service to the full extent that such exercise is lawful. See §§ 3.9 and 5.3 of this chapter.

(e) The Executive Assistant for Postal Affairs, the Senior Assistant Postmasters General, the General Counsel, the Chief Inspector, the Judicial Officer, the Assistant Postmaster General, Government Relations Department, and the Assistant Postmaster General, Public and Employee Communications Department, act for the Postmaster General on assigned matters. Each of these officers is authorized to exercise the powers and functions of the Postal Service under the Postal Reorganization Act, in respect to matters within the area of his responsibility, except as limited by law or by the specific terms of his assignment.

(f) Each head of a department or office who reports to a Senior Assistant Postmaster General is authorized to exercise the powers and functions of that Senior Assistant Postmaster General within the area of responsibility of his department or office, except as such authority may be reserved or rescinded by the Senior Assistant Postmaster General or is limited by law or the terms of his specific assignment.

§ 222.2 Media of delegation.

(a) All delegations of authority shall be issued through official directives.

(b) Headquarters or regional officials shall not orally authorize postmasters to deviate from published instructions, except in emergencies. An oral authorization shall be confirmed by a memorandum or order dated subsequent to the issuance date of the most recently published instructions on the subject. Postal inspectors shall charge as irregularities any improperly authorized deviations observed in the course of office inspections.

§ 222.3 Contents of delegations.

(a) Delegations of authority shall ordinarily be made by position title rather than by name of the individual involved. An officer or executive acting in the absence of a principal has his principal's full authority.

(b) When authority is delegated to an officer, the officers above him shall have the same authority. Delegated authority shall not extend to aides except when an aide serves on an acting basis (see paragraph (a) of this section) or unless the aide is specifically authorized by his superior to exercise such authority.

(c) A delegation must accord with the law and regulations under which it is made and contain such specific limiting conditions as may be appropriate.

§ 222.4 Redelegation.

(a) Except as otherwise prohibited by law, or by a regulation that expressly prohibits redelegation, or by the terms of the delegation:

(1) The head of a group, department, or office at Headquarters is authorized to redelegate any authority vested in him.

(2) A Regional Postmaster General or head of a regional department, division, or branch is authorized to redelegate any authority vested in him subject to the condition that redelegation to members of a regional staff must be consistent with the then current regional organizational structure.

(3) A District Manager, is authorized to redelegate, subject to or within guidelines issued by the Regional Postmaster General, any authority vested in him provided that the redelegation is consistent with the current organizational structure.

(4) A Director, Postal Data Center, is authorized to redelegate any authority vested in him.

(5) Heads of Sectional Center facilities and other field installations are authorized to redelegate to members of their respective staffs any authority vested in them.

§ 222.5 Authority to approve personnel actions and administer oaths of office for employment.

(a) *Delegation.* The following are authorized to effect appointments, administer oaths, and take other personnel actions:

(1) Senior Assistant Postmaster General, Employee and Labor Relations, Assistant Postmasters General, Employee and Labor Relations Departments;

(2) Chief Inspector;

(3) Regional Chief Inspectors;

(4) Inspectors-in-Charge;

(5) Regional Postmasters General;

(6) Heads of postal field installations including those reporting directly to specified departments in Headquarters or to Regional Postmasters General;

(7) Officials occupying personnel services postitions PMS–9 and above and PES positions when their positions include responsibility for functions such as recruitment, appointments, placement, position changes and separations, and related personnel processing.

(b) *Personnel actions for employees of "other installations."* As specifically authorized by either the Senior Assistant Postmaster General, Employee and Labor Relations or a Regional Postmaster General, officers and employees listed in paragraph (a) of this section may approve personnel actions for employees in offices or installations other than their own as a cross-service, as a central personnel office, or on a special need basis.

§ 222.6 Authority to administer oaths other than for employment.

The following are authorized to administer oaths concerning matters other than employment:

(a) Postal inspectors with regard to any matter coming before them in the performance of their official duties;

(b) Any member of a board who is assigned to conduct hearings or investigations in which sworn testimony, affidavits, or depositions are required and each officer or employee assigned to conduct such hearings or investigations;

(c) Postmasters. See § 244.2 of this chapter.

§ 222.7 Authority to designate certifying officers—Headquarters.

(a) *Delegation.* The following are authorized to designate certifying officers at Headquarters for the items specified:

(1) The Chief Inspector, for: (i) Payment from his special deposit account; (ii) disbursements for rewards based on Postmaster General Notices of Reward; (iii) payments from confidential funds; (iv) salary payments for Special Investigations Division; (v) advances of funds for confidential purposes; (vi) inspection service, travel advances, transportation of things; and (vii) payments for special analyses and services.

(2) The General Counsel certifies payments relating to tort claims and claims under 39 U.S.C. 2603.

(3) The Senior Assistant Postmaster General, Finance, certifies all payments not covered by subparagraphs (1) and (2) of this paragraph.

(b) *Redelegation.* The officials named in paragraph (a) of this section are authorized to redelegate their authority to designate certifying officers. The redelegation shall be made by letter to the appropriate Postal Data Center disbursing officer and must bear the specimen signature of the person to whom the authority is redelegated.

(c) *Designating certifying officers—*(1) *Inspection Service and Law Department.* Officials authorized to designate certifying officers (see paragraph (a) of this section) will complete SF 210, Signature Card for Certifying Officer, in duplicate for each Postal Data Center disbursing officer affected to show:

(i) Name of department for which vouchers will be certified.

(ii) Signature of certifying officer written exactly as he will sign vouchers.

(iii) Class of vouchers to be certified.

(iv) The official's signature and effective date.

(2) *Other departments and offices.* Other departments and offices requiring certifying officers will complete SF 210 in duplicate as prescribed in subparagraph (1) of this paragraph, except for signature and date. Both copies will be sent to the Senior Assistant Postmaster General, Finance.

(3) *Submitting SF 210 to Postal Data Center disbursing officers.* The Chief Inspector, the General Counsel, and the Senior Assistant Postmaster General, Finance, or their designees shall send signed originals of SF 210 to each of the disbursing officers affected and retain duplicates. These documents will be the official designations of the employees named on the SF 210 as certifying officers.

(d) *Maintaining designations.* Each group, department and office must keep current its designation of authorized certifying officers. When new or additional designations are made, the procedures for designating certifying officers contained in this § 212.7 shall be followed.

§ 222.8 Authority to designate certifying officers—Field.

(a) *Delegation.* The following are authorized to designate certifying officers in Postal Data Centers and Inspection Service regions and divisions:

(1) The Chief Inspector, for obligations of the Inspection Service.

(2) Postal Data Center Directors for obligations of all other regional functions.

(3) The New York Postal Data Center Director for obligations for Headquarters functions except those under § 222.7(a) (1) and (2) and those certified by the Senior Assistant Postmaster General, Finance, or his designee.

(b) *Redelegation.* The officials named in paragraph (a) of this section are authorized to redelegate their authority to designate certifying officers. Redelegations shall be by letter to each disbursing officer affected, with the specimen signature of the person to whom authority is redelegated.

(c) *Designating certifying officers—*(1) *Regional Chief Inspectors and Inspectors-in-Charge.* Regional Chief Inspectors and Inspectors-in-Charge are designated certifying officers, as limited by the Chief Inspector. They are authorized to designate certifying officers for obligations incurred by the Inspection Service. They will complete SF 210, Signature Card for Certifying Officer, in duplicate to show:

(i) Inspection Service region or division for which vouchers will be certified.

(ii) Signature of certifying officer written in the same manner that he will sign vouchers.

(iii) Class of vouchers to be certified.

(iv) Signature of the designating official and effective date. Regional Chief Inspectors and Inspectors-in-Charge are not authorized to redelegate their authority to designate authorized certifying officers.

(2) *Postal Data Center Directors.* Officers under direction of Postal Data Center Directors will complete SF 210 in duplicate as in paragraph (c)(1) of this section except for signature and date. Both copies will be sent to the appropriate Postal Data Center Director for completion.

(3) *Submitting SF 210 to disbursing officer.* The Regional Chief Inspector, Inspector-in-Charge, and Postal Data Center Director (or his designees) will send the originals of SF 210 to each disbursing officer affected and keep the duplicates. These will be the official designations of the employees named on the SF 210 as certifying officers.

(d) *Maintaining designations.* Each office under jurisdiction of the officials named in § 222.8 must keep current its designation of authorized certifying officers. When new additional designations are made, this § 222.8 shall be followed.

§ 222.9 Delegation of authority to the Senior Assistant Postmaster General, Finance.

(a) *Delegation.* The Senior Assistant Postmaster General, Finance, may take final action in his own name on:

(1) Claims for overpayment of pay.

(2) Relief of accountable officers of liability for loss.

(3) Relief of accountable officers of liability for illegal, improper, or incorrect payments.

(4) Certifying officers' accountability.

(5) Deposit to and withdrawal from Postal Service fund.

(6) Collection of debts due the Postal Service with the exception of those falling under the jurisdiction of the Chief Inspector.

(7) Adjustment of claims of postmasters and Armed Forces postal clerks, including the loss of funds or valuable papers from their official custody resulting from burglary, fire, or unavoidable casualty, with concurrence by the General Counsel is cases involving doubtful questions of law or fact.

(b) *Redelegation.* The Senior Assistant Postmaster General, Finance, is authorized to redelegate all or part of the authority vested in him by paragraph (a) of this section to such other officers or executives as he may deem appropriate.

PART 223—RELATIONSHIPS AND CHANNELS OF COMMUNICATION

Sec.
223.1 Relationships.
223.2 Channels of communication.

AUTHORITY: The provisions of this Part 223 issued under 39 U.S.C. 203, 204, 401(2), 402, 403, 404, as enacted by Public Law 91-375, 84 Stat. 719.

§ 223.1 Relationships.

(a) *Between Headquarters, Postal Regions, and Postal Data Centers.* Each Headquarters group, department, and office shall provide guidance and policy interpretation to regional officials in its area of responsibility, except that the Employee and Labor Relations Group provides policy direction to the Assistant Regional Postmasters General for Employee and Labor Relations. The Finance Group shall provide guidance and policy interpretation to Postal Data Centers.

(b) *Between Postal Region Offices and District Offices.* The Regional Postmaster General shall provide guidance and direction to the respective Metropolitan Center, Metropolitan Area and District Managers within his region with the assistance of Assistant Regional Postmasters General and their staffs in their areas of specialization.

(c) *Between District Offices and Sectional Centers.* The District Managers and staffs shall provide guidance and direction to their respective Sectional Center Managers for the guidance of Postmasters under their respective jurisdictions. The Sectional Center Managers will provide guidance and direction to their respective associate Postmasters.

§ 223.2 Channels of communication.

(a) *Headquarters and Postal Region Offices.* (1) The heads of groups, departments, and offices formulate the necessary directives to provide guidance to regional officials. Direction of regional officials is provided on employee and labor relations matters by the Senior Assistant Postmaster General, Employee and Labor Relations, and on other matters by the Senior Assistant Postmaster General, Operations.

(2) Policy directives shall be issued over the signatures of the heads of the groups, departments, and offices covering matters within their responsibility, except when the Postmaster General or Deputy Postmaster General may wish to issue such directives personally. Policy directives shall be coordinated with other appropriate groups, departments and offices before issuance and reviewed and disseminated by the Senior Assistant Postmaster General, Finance, and, if within the authority of the issuer, shall have the same effect as though sent by the Postmaster General or the Deputy Postmaster General.

(3) Guidelines and program implementation instructions and procedures not involving policy shall ordinarily be issued over the signature of the group, department, or office head having jurisdiction.

(4) Regional staff officials may communicate directly with the corresponding functional group, department, or fice in Headquarters on matters within their area of jurisdiction. In addition, where authorized, they may also directly contact supporting Headquarters departments such as Law Department, Inspection Service, and Public and Employee Communications Department on technical matters not requiring administrative judgment of the Regional Postmaster General.

(b) *Postal Region Offices and Postal Installations.* The regular channels of communication are:

(1) Associate Office Postmasters, to and from Sectional Center Postmasters;

(2) Sectional Center Postmasters, to District Managers;

(3) District Managers to and from their Regional Postmasters General;

(4) Heads of other Postal Installations, to and from their designated superiors as appropriate.

(c) *Headquarters, Postal Region Offices, and other Postal Installations with Postal Data Centers.* (1) The Finance Group provides the necessary directives to the Postal Data Centers. All other Headquarters communications to and from the Postal Data Centers shall be coordinated with the Finance Group. The Law Department and the Postal Data Centers shall maintain direct contact on matters relating to professional and policy guidance on claims.

(2) Postal Region Offices and Postal Data Centers may communicate directly with each other.

(3) Other Postal Intallations and Postal Data Centers may communicate directly on routine accounting matters. All other communications shall be coordinated with the regional staff.

PART 224—GROUPS AND DEPARTMENTS

Sec.
224.1 Administration Group.
224.2 Employee and Labor Relations Group.
224.3 Finance Group.
224.4 Operations Group.
224.5 Law Department.
224.6 Inspection Service.
224.7 Government Relations Department.
224.8 Public and Employee Communications Department.
224.9 Policy Matters.
224.10 Executive Assistant for Postal Affairs.

AUTHORITY: The provisions of this Part 224 issued under 30 U.S.C. 203, 204, 401(2), 402, 403, 404, and 409.

§ 224.1 Administration Group.

(a) The Administration Group supervises and has responsibility for the following functions: Procurement and supply, real estate and buildings, planning, research and engineering, customer services and the Judicial Officer.

(b) The Senior Assistant Postmaster General, Administration, participates in the planning and budget process and reviews and evaluates the budget requests of each region for the areas of his responsibility.

(c) In addition to the Judicial Officer, the Administration Group is divided into five departments. The head of each of these five departments and the Judicial Officer report to the Senior Assistant Postmaster General, Administration. The components of the Administration Group are:

(1) *Procurement and Supply Department.* The Procurement and Supply Department is headed by the Assistant Postmaster General, Procurement and Supply. It exercises policy authority over procurement activities in general, including those areas which are common to both mail transportation, the real estate and buildings functions, and other types of procurement, but excluding those issues which by reason of law or custom are unique to mail transportation contracting, or the real estate and buildings function. It is responsible for the direction and review of all procurement activities in the field and at Headquarters except mail transportation contracting and the real estate and buildings function. It publishes and maintains a Postal Contracting Manual containing procurement regulations covering all procurement activities of the Postal Service. It manages Headquarters operating services, including printing, library, telephone switchboard, and Headquarters building maintenance and repair. It controls and administers supplies and inventories for the entire Postal Service.

(2) *Real Estate and Buildings Department.* The Real Estate and Buildings Department is headed by the Assistant Postmaster General, Real Estate and Buildings. It has overall responsibility, including the issuance of policies and procedures, for the acquisition, construction, maintenance, modification, management, and disposition of postal facilities, and for all real estate transactions.

(3) *Research and Engineering Department.* The Research and Engineering Department is headed by the Assistant Postmaster General, Research and Engineering. It is responsible for providing engineering services to support postal operations. It also is concerned with development of new techniques and has overall responsibility for the research and advanced development work done by the Postal Service. It is responsible for keeping abreast of and evaluating state-of-the-art concepts for application to Postal Service requirements, and for maintaining contact with top level representatives of industry, education, appropriate Government agencies, and foreign postal services to obtain new concepts, ideas, and approaches related to postal research and development. It conducts original research to develop and evaluate state-of-the-art concepts and approaches to mechanization and methods for collection, processing, transportation, and delivery of mail. It is also

responsible for design and development of new equipment based on state-of-the-art technology. It operates the Postal Laboratory, conducting all phases of research up to and including simulated live-mail testing environment, and also conducts research with regard to preferential mail.

(4) *Planning Department.* The Planning Department is headed by the Assistant Postmaster General, Planning. It is responsible for business planning and strategic studies. It has the principal responsibility for insuring that comprehensive and effective plans are developed. This includes: Assisting top management in developing goals and objectives; assuring that supporting plans are developed to meet approved objectives; and measuring progress in the attainment of approved plans and objectives. It is also responsible for identifying alternative business and for conducting studies on which to base recommendations.

(5) *Customer Services Department.*

(i) The Customer Services Department is headed by the Assistant Postmaster General, Customer Services. It has overall responsibility for all of the retail, marketing, and customer contact activities of the Postal Service. It carries out all of the product management functions, including the development and implementation of marketing programs, market reseach, and product development. It has program planning and field support responsibilities for customer cooperation activities. This includes programs for both the general public and major customers. It also has management responsibilities for merchandising programs. Other responsibilities include advertising, philatelic affairs, the design of postal lobbies, developing new forms of lobby equipment and improving present work methods in these areas. The Department also evaluates service levels.

(ii) The Customer Services Department's responsibilities include activities in the following areas:

(A) *Consumer Advocate.* The Consumer Advocate is the spokesman for the individual mail user. He provides an independent evaluation of mail service to the individual customer. He also expedites action on customer inquiries and complaints and is responsible for seeing that the responsible office takes corrective action. He makes recommendations for policy changes to improve the individual user's mail service and acts as liaison with consumer groups.

(B) *Customer Marketing.* The Customer Services Department is responsible for developing customer cooperation programs for mail users, developing program objectives, and setting cost savings targets for programs directed at large postal customers, such as presort and mail early. It provides staff guidance for regional services and sales staffs and customers service representatives in the field through sales methods, presentation kits, prototype sales letters, computerized ZIP code lists, and other support materials directed at large mailers. In conjunction with the Employees and Labor Relations Group, it develops and carries out sales training programs for both the regional direct sales forces and the customer service representatives in the field. It directs the work of a small direct sales force in Washington which sells postal services to businesses and other Government agencies, coordinating this effort with the field sales force. In conjunction with the Public and Employee Communications Department, it develops and executes a comprehensive program of cooperation from the general public; develops cost savings objectives; establishes promotional budgets; and secures advertising for such programs as ZIP code and Christmas mail early. It develops educational and promotional support materials such as ZIP code manuals. It is responsible for the National Postal Forum and activities of the Postmaster General's Mailers Technical Advisory Committee. It maintains the principal marketing and sales contact with associations and industry officials at the national level necessary to support marketing and sales objectives. It has broad responsibility for all of the Postal Service's retail requirements, contract stations, self-service and automated postal units, and merchandising. It establishes policies relating to the use of the Postal Service retail network and has overall budget review and program planning responsibility. It determines what products and services, in addition to postal products, will be offered to the public through the system. It develops national retail merchandising and promotion programs, lobby exhibits and graphic design for lobbies, and directs the national program for customer counter services. It is responsible for customer support equipment, and in conjunction with the Research and Engineering Department, for developing such alternatives to traditional window service as self-service units, and all retail locations outside traditional post office lobbies. It develops and tests new and improved vending equipment. In conjunction with the Employee and Labor Relations Group, it develops training programs and designs uniforms for window service personnel and develops policies relating to stock supply and credits.

(C) *Product Development.* The Customer Services Department has responsibility for developing new postal products, modifying current ones, and executing marketing programs for all products. It defines customer service policies and other product characteristics, works with the Finance Department to develop pricing recommendations for each postal product, and directs the work of product managers who have broad responsibility for day-to-day business of each product. This includes: setting sales volume objectives and monitoring performance against these objectives in conjunction with the Headquarters and field sales forces; and monitoring product profit and loss and recommending areas for improvement. To assist in establishing marketing programs, it supervises a market research function which carries out (or obtains from contractors) market studies to measure customer reaction to present and proposed postal products and product concepts. It also maintains a product development staff responsible for revising current products and developing new ones, and directs the work of product promotion.

(D) *Advertising.* The Customer Services Department establishes, in conjunction with the Public and Employee Communications Department, product marketing plans, including the formulation of advertising and promotion strategies, programs and budgets; and develops advertising, in concert with the Public and Employee Communications Department.

(E) *Philatelic Affairs.* The Customer Services Department is responsible for the Postal Service's philatelic program. See Part 257 of this chapter for a description.

(F) *International Postal Affairs.* International Postal Affairs within the Customer Services Department represents the U.S. Postal Service in its relationships with other countries and with international postal organizations, such as the Universal Postal Union and the Postal Union of the Americas and Spain. Working with other functional areas, it develops and recommends U.S. policy and positions on proposals of foreign governments submitted to postal congresses, prepares and recommends U.S. proposals, and negotiates postal agreements with other countries. It maintains liaison with other Government agencies, such as the State Department, on non-operational international mail matters. It assigns international postal matters to functional areas for statements of policy or recommendations of policy, reports or correspondence, particularly in the areas of international rates and classification, international money orders, logistics, and parcel post. It directs the foreign visitor programs; develops training programs for visiting postal study groups; maintains liaison with the Agency for International Development on the training of participants from other countries; and directs the international personnel exchange program. It is responsible for protocol in dealing with foreign visitors and for translations of foreign materials.

(6) *Judicial Officer.* (i) The Judicial Officer is an independent officer, located within the Administration Group, who performs quasijudicial and other functions. He administratively supervises hearing examiners and hears appeals from their decisions. He serves with them on the Board of Contract Appeals, of which he is exofficio Chairman.

(ii) The Judicial Officer has authority to:

(A) Execute in his own name the final decision and order in proceedings authorized by section 1717 of title 18, and by sections 3001(a), 3003, 3004, 3005, and 3007 of title 39, United States Code, appeals from administrative denial, suspension or revocation of second-class

mail permits, administrative proposals to refuse to rent, to renew the rental of, or to close a post office box and other proceedings authorized by Postal Service regulations to be brought before the Administrative Law Judge or the Judicial Officer;

(B) Modify, suspend, or rescind any action heretofore taken (including any order issued) or which hereafter may be taken by the Judicial Officer pursuant to the powers, functions, authority, and duties vested in the Postmaster General and the Postal Service with respect to the matters covered by subparagraph A of this paragraph;

(C) Preside at the reception of evidence in proceedings where expedited hearings are requested by either party or are provided in rules of practice, and issue a tentative decision in such cases;

(D) Revise or amend the rules governing eligibility to practice before the Postal Service and to revise or amend the Postal Service rules of practice governing proceedings conducted under the Administrative Procedure Act (5 U.S.C. chapters 5 and 7) and in other proceedings in which the Judicial Officer is authorized to execute a final decision and order;

(E) Name and delegate authority to an Acting Judicial Officer;

(F) Exercise jurisdiction over the Administrative Law Judge for administrative purposes only, but not to direct or participate in the initial decision of Administrative Law Judges in any proceeding;

(G) Exercise such other authority as may be delegated to him.

(iii) Decisions and orders of the Judicial Officer made under the delegated authority shall be the final Postal Service decisions and orders except that the Judicial Officer may refer any proceeding to either the Postmaster General or the Deputy Postmaster General for final decision. The Judicial Officer does not determine the constitutionality of statutes nor the validity of Postal Service regulations. The Law Department and the Postal Inspection Service do not participate in or advise as to the decisions of the Judicial Officer in any proceeding.

(iv) Office of Administrative Law Judge: (A) Administrative Law Judges are appointed and qualified as prescribed by law. They preside at administrative hearings involving alleged violations of postal laws or conflicts arising over second-class mail permits and other proceedings as provided by Postal Service regulations.

(B) Initial decisions prepared by Administrative Law Judges become final Postal Service decisions unless an appeal is taken to the Judicial Officer. Administrative Law Judges do not determine the constitutionality of statutes nor the validity of Postal Service regulations.

(C) The Administrative Law Judges are under the jurisdiction of the Judicial Officer for administrative purposes only, in the same manner as are Administrative Law Judges assigned to independent regulatory commissions.

(v) Board of Contract Appeals: (A) The Board of Contract Appeals is the authorized representative of the Postmaster General to hear and decide appeals from decisions of contracting officers when and to the extent such appeals are expressly authorized by the terms of any contract to which the Postal Service of the United States is a party. The chairman of the Board of Contract Appeals is authorized to promulgate rules of procedure for the Board of Contract Appeals. These duties shall be performed by the members of the Board of Contract Appeals in addition to their regular duties in the Postal Service.

(B) The Board of Contract Appeals for the Postal Service is composed of the Judicial Officer, who is the permanent chairman; the Chief Administrative Law Judge, who shall be a permanent member; and one of the Administrative Law Judges of the Postal Service, appointed pursuant to law and designated by the Judicial Officer on an acting basis.

§ 224.2 Employee and Labor Relations Group.

(a) The Employee and Labor Relations Group is headed by the Senior Assistant Postmaster General, Employee and Labor Relations, who reports to the Postmaster General. It provides direction and authority for all matters pertaining to employee relations throughout the Postal Service. It directs the development, implementation, and auditing of employee relations plans, policies, standards, and procedures. It establishes broad employee relations policy for the Postal Service in the areas of labor relations, employee services, and manpower planning and development. It represents and takes final action for the Postmaster General in all employee relations matters including negotiating for the Postal Service in collective bargaining with the postal unions. It directs the administration of collective bargaining agreements and negotiated grievance procedures. It directs the implementation of the National Labor Relations Act and applicable executive orders and directives pertinent to employee relations matters. It directs the development and maintenance of a strong auditing system for assuring compliance with established employees relations policy throughout the Postal Service. It directs an organization and manpower planning program to serve each postal unit in establishing the proper "table of organization" and to improve the operating effectiveness of these units through management and career development, skills training, and professional development. In this connection, it organizes and manages field training and management development installations. It establishes and maintains a manpower information system to provide accurate data in manpower planning, staffing, and other employee relations matters. It directs the administration of all employee services throughout the Postal Service which includes wage and salary administration and benefits, recruiting and staffing, personnel services, accident prevention, and occupational health services. It directs an employee communications program in conjunction with the Public and Employee Communications Department to keep the employees informed of plans, programs, and newsworthy items of interest to a well-informed postal worker. It is responsible for the day-to-day implementation of equal employment opportunity affirmative action within the Postal Service. It supervises employee relations research activities to establish or change personnel programs or procedures or to evaluate their effectiveness. It provides direction and authority for all matters concerning job evaluation throughout the Postal Service. It is also responsible for all matters pertaining to headquarters personnel facilities.

(b) As head of the Employee and Labor Relations Group, the Senior Assistant Postmaster General, Employee and Labor Relations, is responsible for the initiation, development, implementation, direction, administration and execution of all matters pertaining to employee and labor relations throughout the U.S. Postal Service.

(c) The Employee and Labor Relations Group is divided into two departments whose heads report to and are responsible for compliance with the directives and assignments of the Senior Assistant Postmaster General, Employee and Labor Relations Group:

(1) *Employee Relations Department.* The Employee Relations Department is headed by the Assistant Postmaster General for Employee Relations. It provides, in accordance with the opening sentence of this paragraph, direction and authority for all matters pertaining to employee relations throughout the Postal Service. Generally it is concerned with matters and employees not covered by collective bargaining agreements.

(2) *Labor Relations Department.* The Labor Relations Department is headed by the Assistant Postmaster General for Labor Relations. It provides, in accordance with the opening sentence of this paragraph, direction and authority for all matters pertaining to labor relations throughout the Postal Service. Generally it is concerned with matters involved in the negotiation and implementation of collective bargaining agreements.

§ 224.3 Finance Group.

(a) Three functions that provide financial and management support for postal activities are included in the Finance Group headed by the Senior Assistant Postmaster General, Finance, who reports to the Postmaster General.

(b) The Finance Group is divided into two departments and one office, heads of which report to the Senior Assistant Postmaster General, Finance. The Finance Group departments and office are:

(1) *Finance Department.* The Finance Department is headed by the Assistant Postmaster General, Finance. It is divided into the offices of the Controller and Treasurer and the Office of Rates and Classification. It is responsible for

forecasting and meeting the Postal Service's requirements for long term capital and short term borrowing. It invests the funds of the Service and prescribes and monitors practices governing cash management. It works with other officials in developing credit management policies. The Finance Department designs and maintains the Postal Service rate structure, develops and administers standards and procedures relating to mail classification, cost analysis and attribution, and related functions, and makes and defends recommendations to the Postal Rate Commission in conjunction with the Law Department. The Finance Department develops the systems and specifies the standards and schedules for the Postal Service's budget process. It analyzes budget requests and makes recommendations to the Postmaster General on budget levels. It continually analyzes Postal Service performance against operating plans. The Finance Department develops accounting policy and procedures. It operates the financial reporting program and maintains accounting controls throughout the Service. It provides the basic processing services associated with the money order program and assists the Customer Services Department in developing money order program policy.

(2) *Management Information Systems Department.* The Management Information Systems Department is headed by the Assistant Postmaster General, Management Information Systems. It is concerned with automatic data processing, statistical programs, information requirements, and reports. It is responsible for the prompt delivery of information on field activities to postal management. It is also responsible for the management of records and correspondence. It provides automatic data processing and statistical support to management and assists other departments of the Postal Service in determining their information needs. It specifies controls on use, modification, or implementation of information systems, including manual and automated systems. It is responsible for providing the Automatic Data Processing facilities required for operating Postal Service Information Systems. The Postal Service Records Officer, located within the Management Information Systems Department, is responsible for the establishment of records retention schedules and has the authority to authorize the disposal of records by destruction or transfer.

(3) *Office of Management Services.* The Office of Management Services is headed by the Director of Management Services. It serves as the principal advisor and central analytical staff on organization matters and the evaluation and design of management systems and services. It plans and conducts servicewide studies of organization and management systems; it recommends changes to correct identified management deficiencies and designs and installs improved management systems and methods. It designs and administers a servicewide directives and publications distribution program and conducts special systems studies as directed. It is responsible for the development and operation of a servicewide management improvement program and maintains liaison with other Federal agencies and private industry with regard to advanced management techniques.

§ 224.4 Operations Group.

(a) The Operations Group is headed by the Senior Assistant Postmaster General, Operations, who reports to the Postmaster General. It has overall responsibility for all aspects of mail processing operations within the Postal Service. This responsibility includes the collection, distribution, processing, and delivery functions, and the transportation of mail throughout the Postal Service. It establishes and evaluates mail processing policies. It has responsibility for the operation of the bulk mail program and network and transportation between the bulk mail facilities. It is responsible for insuring the achievement of service standards on a consistent basis.

(b) The heads of the Postal Regions report to the Senior Assistant Postmaster General, Operations.

(c) The Operations Group is divided into three departments whose heads report to the Senior Assistant Postmaster General, Operations:

(1) *Bulk Mail Processing Department.* The Bulk Mail Processing Department is headed by the Assistant Postmaster General, Bulk Mail Processing. It is concerned with the processing of bulk mail. It has overall responsibility for the management of bulk mail processing operations throughout the Postal Service. It provides central staff support to Regional Postmasters General for bulk mail operations and has staff capability in the areas of systems, equipment and facility engineering; distribution procedures and mail handling; industrial engineering, plant and equipment maintenance and performance appraisal. It also has responsibility for monitoring the productivity performance of the bulk mail processing operations of the Regions. In addition, it has direct responsibility for bulk mail installations as assigned by the Senior Assistant Postmaster General, Operations. In this regard, it exercises direct supervision over and is responsible for review and evaluation of the individual bulk mail facility plans and budgets.

(2) *Delivery Services Department.* The Delivery Services Department is headed by the Director, Delivery Services. It has overall responsibility for the national postal collection and delivery program including fleet management and establishes national collection and delivery policy and standards as they relate to published product characteristics. It establishes policy and develops programs for using the postal delivery system. It has national program planning and budget responsibility, and conducts cost benefit analyses of the entire postal delivery program, recommending potential areas for cost reductions and improvement. It has overall staff responsibility for all employees engaged in the delivery of mail and associated operational functions. In conjunction with the Employee and Labor Relations Group, it develops training programs with respect to delivery employees and specifies uniform and equipment requirements. It works in cooperation with the Research and Engineering Department to develop safety equipment. It is responsible for the design of and experimentation with carrier vehicles and for specifying and compiling vehicle requirements. As part of its program management efforts, it is responsible for developing, testing, and implementing alternate means of delivery and for establishing improved work methods and designs relating to present delivery techniques. To accomplish these two functions, it directs developmental and industrial engineering staffs which develop and evaluate prototype equipment and originate improved delivery techniques or monitor contracts for these services. It has operational responsibility for the delivery of mail in post offices, stations, and branches, and those operational functions associated with this activity, such as lock-box, caller, and firm delivery services; delivery facility requirements; and delivery distribution mechanization.

(3) *Logistics Department.* The Logistics Department is headed by the Director, Logistics. It exercises policy authority over procurement issues which by reason of law or custom are unique to mail transportation contracting. It has overall responsibility for the direction of all mail transportation and distribution within the Postal Service to foreign countries, and to and between military installations outside the United States, and is responsible for all types of engineering necessary to support present mail processing operations. It plans and develops a national mail transportation and routing system and monitors performance of each region with respect to achievement of transportation and processing standards and productivity goals. It is also responsible for budget review and approval for all mail processing and transportation activities not designated as part of the preferential or the bulk mail networks.

§ 224.5 Law Department.

(a) The Law Department is headed by the General Counsel, who reports directly to the Postmaster General.

(b) The Law Department:

(1) Serves as legal advisor to the Postmaster General, the Deputy Postmaster General, and the entire Postal Service; this includes making rulings, giving advisory opinions, drafting or approving legal instruments, and representing the Service in administrative proceedings and in judicial proceedings as authorized;

(2) Interprets laws in relation to the Postal Service;

(3) Institutes and maintains administrative proceedings in the consumer protection area;

(4) Prepares the legislative program of the Postal Service, and prepares and submits reports and testimony on all legislation introduced in Congress that would affect the Postal Service;

(5) Is responsible for publication of regulations in the FEDERAL REGISTER;

(6) Manages the regional and field programs that are under the jurisdiction of the General Counsel and operates directly the field program in the area of labor relations law;

(7) Administers activities under the Tort Claims Act, and other personal injury and physical loss claims;

(8) Maintains liaison with other elements of the Government on legal matters and determines questions concerning legal relations between the Postal Service and Government agencies;

(9) Renders legal services concerning labor relations and standards, employment policy, and personal security;

(10) Furnishes legal support in connection with all procurement and contracting activities;

(11) Performs legal services in connection with proceedings before the Postal Rate Commission;

(12) Acts as agent for the receipt of legal process on behalf of the Postal Service and the Postmaster General and other Headquarters officials resulting from the performance of their official functions;

(13) Provides legal services in connection with denials and revocations of second-class mailing privileges in proceedings before hearing examiners and the Judicial Officer;

(14) Represents Postal Service Contracting Officers before the Board of Contract Appeals;

(15) Administers the Ethical Conduct Program; and

(16) Interprets postal treaties and conventions.

§ 224.6 Inspection Service.

The Inspection Service is headed by the Chief Inspector, who reports directly to the Postmaster General. The Inspection Service is responsible for protection of the mails, enforcement of postal laws, plant and personnel security, postal inspection, and internal audits. The Inspection Service, in accordance with applicable policies, regulations, and procedures, carries out investigations and presents evidence to the Department of Justice and U.S. attorneys in investigations of a criminal nature. It also undertakes operating inspections and audits for the Postal Service. The Chief Inspector acts as security officer and defense coordinator for the Postal Establishment, maintaining liaison with other investigative and law enforcement agencies of the Government.

§ 224.7 Government Relations Department.

The Government Relations Department is headed by the Assistant Postmaster General, Government Relations who reports directly to the Postmaster General. It is responsible for cooperation between the U.S. Postal Service and Members of Congress, other Federal agencies within the executive branch, the White House, and other officials at all levels of State and local government. It advises Postal Service officials on legislative and other policy matters in public areas involving congressional committees or individual Congressmen. It maintains liaison with Members of Congress and their staffs for the purpose of consulting and providing information as requested on specific legislation and on Postal Service policies and operations, and (except for the Law Department, as to matters within its responsibility) is the Postal Service's spokesman in this regard.

§ 224.8 Public and Employee Communications Department.

The Public and Employee Communications Department is headed by the Assistant Postmaster General, Public and Employee Communications, who reports directly to the Postmaster General. It is responsible for the interchange of information with employees and the public and for assuring that all information disseminated is consistent with management policies and practices.

§ 224.9 Policy matters.

The Senior Assistant Postmaster General for Policy Matters, who reports directly to the Postmaster General. He acts as a senior policy advisor to the Postmaster General on major matters of paramount concern. He performs such special functions as directed by the Postmaster General. He reports directly to the Postmaster General.

§ 224.10 Executive Assistant for Postal Affairs.

The Executive Assistant for Postal Affairs is a principal advisor to the Postmaster General on matters of the highest level involving organization, administration, and policy formulation and promulgation. He performs such special functions as directed by the Postmaster General. He reports directly to the Postmaster General. He also serves as secretary to the Executive Committee. See § 221.6(d) of this chapter.

PART 225—POSTAL REGIONS

Sec.

AUTHORITY: The provisions of this part 223 issued under authority of 39 U.S.C. 201, 401, 402, 403, 404 as enacted by Public Law 91-375, 84 Stat. 719, unless otherwise noted.

§ 225.1 Designation of Postal Regions.

The five Postal Regions are:

(a) The Northeast Region, encompassing the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, the ZIP code areas 070–079, 088–098, 100–119, and 120–129 in New Jersey, and New York, and also Puerto Rico and the Virgin Islands, with regional headquarters in New York City.

(b) The Eastern Region, encompassing the District of Columbia and the States of Delaware, Maryland, Pennsylvania, Virginia, and West Virginia and also the area of New York State included in ZIP code areas 130 through 149 and the area of New Jersey included in ZIP code areas 080 through 087, (excepting however, the ZIP code areas in the States of Connecticut, New Jersey, and New York that are included in the Northeast Region), with regional headquarters in Philadelphia, Pa.;

(c) The Southern Region, encompassing the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and ZIP code area 679 in Kansas, with regional headquarters in Memphis Tenn.;

(d) The Central Region, encompassing the States of Illinois, Indiana, Iowa, Kansas, Kentucky, Ohio, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, excepting, however, ZIP code area 679 in Kansas, with regional headquarters in Chicago, Ill.; and

(e) The Western Region, encompassing the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, and Guam and the Pacific Islands, including the trust territory, with regional headquarters in the San Francisco, Calif. area.

§ 225.2 Regional Postmasters General.

(a) Each Postal Region is headed by a Regional Postmaster General, who reports to the Senior Assistant Postmaster General, Operations, and is responsible for:

(1) The operation, within policy guidelines and directives issued by headquarters, of all postal installations (except those installations reserved to Headquarters) within his region, so as to accomplish high quality and efficient postal service;

(2) Efficient implementation of Headquarters policies and programs within his region; and

(3) Reporting information that is necessary for planning and action by Headquarters.

(b) Each Regional Postmaster General is authorized to exercise the functions and powers of the Postal Service within his region (except those functions and powers reserved to Headquarters) with respect to postal operations. This includes authority over:

(1) Appointment, promotion, transfer, discipline, and dismissal or other separation of Postal Service personnel within his region under guidelines and directives issued by Headquarters and consistent with the authority of the Senior Assistant Postmaster General, Employee and Labor Relations Group, as described elsewhere in these regulations;

(2) Formulation and submission of regional budgets to Headquarters; and

(3) Planning and implementation, under guidelines and directives issued by Headquarters, of regional capital improvement and maintenance programs.

(39 U.S.C. 201–204, 206, 401–404, 409)

§ 225.3 Regional Mail Processing Department.

(a) The Regional Mail Processing Department is headed by the Assistant Regional Postmaster General, Mail Processing, who reports to the Regional Postmaster General. The Regional Mail Processing Department, within guidelines and directives from headquarters is responsible for: Identifying current and future mail processing and transportation requirements and developing plans to meet those requirements; developing budgets, to support its activities; managing the procurement and utilization of transportation services within the region; providing functional and technical guidance on engineering problems; directing and monitoring the facilities and mechanization programs within the region, including preparation of the regional capital plan and provision of engineering and maintenance services; providing functional guidance to distribution activities, except bulk mail network facilities, within the region; measuring the performance of operating units and providing assistance to improve quality and productivity; and providing liaison between Headquarters operations personnel and mail processing personnel at postal facilities.

(b) Within the Regional Mail Processing Department there are two divisions whose heads report to the Assistant Regional Postmaster General, Mail Processing, as follows:

(1) *Engineering Division.* The Engineering Division is headed by the Director, Engineering. It provides a broad scope of services to operating management to assist them in meeting schedule, quality, productivity, and cost goals. It is responsible for providing, within the region, engineering services, and technical guidance, primarily in process, maintenance, and industrial engineering; planning, managing, and monitoring the regional facilities and mechanization programs, to include preparing the regional capital plan; managing and monitoring the regional productivity improvements programs; providing program analysis and evaluation; and providing regional coordination with Headquarters. It also has responsibility for liaison with the Public Building Service (P.B.S.), General Services Administration, consultants, and private engineering, contracting, and manufacturing firms, and for local real estate transactions. In carrying out its responsibilities it develops plans and prepares schematic drawings of the layout of mail processing systems and activities; provides mechanization design drawings and systems manuals for new or modernized facilities; provides in-house drafting capability; develops technical criteria with regard to space requirements for the layout of equipment, conducts space requirements determinations, provides functional design specifications for facilities projects, prepares project and budget authorizations for mechanization and facilities projects, except those included in national systems; conducts studies to improve quality productivity and reduce costs; conducts basic studies to improve techniques for development of performance expectancy; coordinates the development of basic planning data and approval of the data for regional requirements; directs the installation and phase-in of mechanization and postal equipment; monitors the productivity of mail processing, and develops comparative analyses of that activity, providing performance input to the budget review process; applies requirements and standards of training for field maintenance personnel; and participates in the identification of problems arising from maintenance of buildings, recommending solutions for these problems.

(2) *Logistics Division.* The Logistics Division is headed by the Director, Logistics. It is responsible for insuring efficient and expeditious transportation of mail within the region; administering the regional systems; procuring interregional transportation as required; planning the regional mail network; insuring effective use of the Postal Service transport capability; continually reviewing and evaluating the distribution procedures used in regional mail processing activities; insuring correct and effective procurement and administration of transportation services by regional, district, and postal installation personnel within their areas of authority; and maintaining liaison with large mailers, transportation companies, and contractors. In carrying out its responsibilities it develops, implements, and monitors regional logistics services; monitors and reviews transportation systems; procures contract vehicle services, as required to fulfill service demands; establishes regional transportation schemes; conducts on-site review of the distribution, routing, and dispatch procedures used in regional mail processing activities, developing recommendations for improvement and directing their implementation; provides regional coordination with Headquarters on transportation matters, directing the implementation of Headquarters policy guidelines and directives in this respect; provides required regional mail transportation and distribution services, including planning, administration, systems implementation, and performance evaluation; and controls mail equipment services.

§ 225.4 Regional Customer Services Department.

(a) The Regional Customer Services Department is headed by the Assistant Regional Postmaster General, Customer Services, who reports to the Regional Postmaster General. The Customer Services Department is, within guidelines and directives from Headquarters, responsible for: managing Postal Service programs relating to sales management, delivery management, and retail management in the region; establishing polices Department is, within guidelines and assistance to field customer service representatives and retail and delivery programs; developing studies and analyses in the area of sales, and retail and delivery management; developing budgets to support its activities; approving allocation of resources for delivery vehicle requirements in the region; and providing guidance in establishment and implementation of Postal Service sales, retail, and delivery programs in the region.

(b) Within the Customer Services Department there are three divisions whose heads report to the Assistant Regional Postmaster General, Customer Services, as follows:

(1) *Sales Division.* The Sales Division is headed by the Director, Sales. It is responsible for: advising the Assistant Regional Postmaster General, Customer Services, in the areas of customer programs, major account sales and market analysis; generating revenue through the sale of new and existing Postal Service products; promoting customer cooperation; responding to the service needs of major customers; providing a regional channel of communication with major mail users; establishing and evaluating postal products and levels of postal service; and providing staff support to local analysis of service. In carrying out its responsibilities it maintains regular contact with large mail users; establishes regional sales and revenue objectives; participates with Headquarters management in developing an annual sales plan and prepares progress reports to management on that plan; regularly audits effectiveness in meeting sales objectives; organizes sales meetings, training programs, and meetings with other Postal Service officials to exchange customer information; works with large postal users to implement programs of mutual benefit to the mailer and the Postal Service; assists Headquarters in setting regional and national program objectives; sets cost saving and revenue targets for subordinate units; utilizes Headquarters support to implement training and career development programs for customer service representatives; prepares progress reports to regional management on customer cooperation in relation to stated financial objectives; conducts effectiveness audits of customer cooperation; supports national customer service programs, seeking cooperation from the general public; responds to service needs of major customers in conjunction with Headquarters and customer service representatives; conducts regional customer service meetings and seminars with Headquarters support; provides program support for the Postal Customer Council in the region; serves as the principal regional channel of communication on technical postal matters with major mail users; works with Headquarters staff responsible for the National Postal Forum in securing customer participation and participates in special projects designed to foster cooperation by major customers; analyzes operating reports and reviews statistics for the region and subordinate units; assists in the design and implementation of criteria for market and service measurement as requested; provides diagnostic testing of specific customer mailing systems and situations on a demand basis; and analyzes cus-

tomer complaints, providing summary reports on these complaints.

(2) *Delivery Division.* The Delivery Division is headed by the Director, Delivery. It is responsible for advising the Assistant Regional Postmaster General, Customer Services, in the development and management of delivery and collection programs and vehicle services. It has functional and program responsibility for regional postal carriers. It is also responsible for: Implementing regional standards for postal delivery; creating budgets for delivery programs; establishing and directing, through local post offices, a region-wide program of mail collection; and providing for the control and utilization of Government owned, contract, and hired postal vehicles. It has overall responsibility for fleet maintenance management, including the use of modern technology to improve utilization and vehicle safety and environmental protection programs. In carrying out its responsibilities it maintains liaison with technical and advisory groups in the area of delivery systems and technology; works with the Sales Division to determine service performance, particularly as it relates to delivery functions; conducts studies and formulates plans relating to delivery requirements and methods of delivery; works with Headquarters Employee and Labor Relations to implement training and development programs to improve performance of collection and delivery personnel; responds to and follows through on customer complaints concerning collection and delivery; reviews collection schedules and procedures and initiates changes to improve service and efficiency; prepares financial and budget reports concerning fleet management; establishes vehicle safety requirements, payload capacity, and transportation performance standards; establishes, in conjunction with the Regional Mail Processing Department, other divisions in the Regional Customer Services Department, and local post offices, the number of vehicle units and works with the Administration Division to procure these units; works with Headquarters in long-range planning to predict vehicle obsolescence and long-range budgetary requirements; develops regional maintenance policies consistent with national programs; and works with Headquarters Delivery Department, Operations Group in studies and programs aimed at improving delivery service and work methods.

(3) *Retail Division.* The Retail Division is headed by the Director, Retail. It is responsible for advising the Assistant Regional Postmaster General, Customer Services, on the utilization of postal lobby facilities and employees, lobby program management and promotion, self-service postal facilities, and contract stations. It is also responsible for mechanization of retail postal services; the management and maintenance program of mechanized postal vending equipment; justification and site location surveys for establishment of contract stations, mobile retail outlets, and self-service postal units; and improvements and operating changes in the mechanized and self-service vending equipment programs. It is responsible for point-of-sale retail transactions and merchandising activities in postal facilities, contract stations, and automated facilities, and has functional and program responsibility for all window clerks within the region. In carrying out its responsibilities it conducts a program of retail point-of-sale merchandising and works with the Sales Division to develop, test, and implement new lobby services; in conjunction with the Assistant Regional Postmaster General, Customer Services, designs a retail services budget for lobby improvement, expansion, utilization, and promotion; with the assistance of the Employee Relations Division and employee organizations, implements training programs within the region to upgrade the level of window service; participates with Headquarters Customer Services in studies aimed at improving service and work methods; works with equipment contractors and Postal Service engineers to improve customer support and window equipment; directs an on-going program of lobby improvement; establishes a long-range plan and budget for the retail facilities programs; conducts studies in cooperation with Headquarters to identify effective improvements in lobby design and utilization; participates in the installation and testing of new lobby services and products; develops seasonal and special promotional programs in support of postal products; works with the Sales Division to identify postal and nonpostal uses of lobby facilities; assists in marketing, testing, and promotion of new postal services; supervises a program for the maintenance management of mechanized postal vending equipment and justification and site location service; sets up contract stations, mobile retail units, and self-service postal units and directs the maintenance management program for these facilities; and recommends and institutes improvements and operating changes for mechanized and self-service vending equipment.

§ 225.5 Regional Support Department.

(a) The Regional Support Department is headed by the Assistant Regional Postmaster General, Support. It is within guidelines and directives from Headquarters, responsible for managing and directing the financial and administrative functions at the regional level; and developing budgets to support its activities. It also provides liaison between Headquarters support personnel and support personnel at postal facilities.

(b) Within the Regional Support Department there are two divisions whose heads report to the Assistant Regional Postmaster General, Support, as follows:

(1) *Administration Division.* The Administration Division is headed by the Director, Administration. It has responsibility for providing central administrative support for procurement and distribution of supplies and equipment. In carrying out its responsibilities it organizes and plans procurement of supplies and equipment for regional office and regional field activities; budgets and negotiates contract for local procurements and arranges for storage and distribution as required; arranges local distribution of postal equipment and accountable paper which has been procured centrally by Headquarters; maintains inventory controls of supplies and equipment held in storage; maintains records of accountable property for regional headquarters offices; provides office services (supplies, printing, space) for the regional office; and provides personnel services for the regional office.

(2) *Controller.* The Controller is responsible for providing accounting services, budget services, and mail classification services to management and to field organizations; providing financial and nonfinancial analysis services to management and to field organizations, and developing and maintaining management information systems for the regional staff. In carrying out these activities the Controller and his staff provide regional accounting services including operation of the accounting systems and administration of the payroll; provide regional budget services, including preparation and issuance of budget calls, and development of regional budgets; coordinate approval of financial operating plans; administer and control approved financial plans by issuing budget and manpower authorization notices to district managers; monitor and interpret regulations regarding the admissibility and classification of mail, insuring that proper postage is collected and providing assistance and advice to the field in this respect; provide field services for the maintenance of ongoing and proposed information systems; assist regional staff and field organizations in identifying and obtaining information requirements; perform financial and nonfinancial analytical services; and provide regional staff with financial and performance evaluations.

(39 U.S.C. 201–204, 206, 401–404, 409)

§ 225.6 Regional Employee and Labor Relations Department.

(a) The Regional Employee and Labor Relations Department is headed by the Assistant Regional Postmaster General, Employee and Labor Relations. It is responsible for providing direction in matters pertaining to employee relations within the region in accordance with policies and goals established by the Senior Assistant Postmaster General, Employee and Labor Relations, and with legal and regulatory requirements; directing the implementation and auditing of employee relations plans, policies, standards, and procedures within the region, acting through district offices in carrying out these responsibilities. It provides policy direction in employee relations matters throughout the region within the framework of policies determined at the Headquarters level; provides direction, advice, counsel, and assistance through district offices to all post offices and installations within the region for labor relations, manpower development, and employee services, including wage and salary administration.

fringe benefits, personnel environment, personnel information, accident prevention, and health services; directs implementation of applicable executive orders pertaining to equal employment compliance within the region as prescribed by national policies; directs implementation of plans, policies, and procedures in district offices; maintains a system to assure compliance with the established Postal Service employee relations standards as applicable within the region; implements requirements for contract administration and grievance administration; and maintains effective communication with Postal Services employees in the region, through district offices, on all matters pertaining to employee relations.

(b) Within the Regional Employee and Labor Relations Department, there is an Office of Equal Employment Compliance which is headed by the Director of Equal Employment Compliance, who reports to the Assistant Regional Postmaster General, Employee and Labor Relations. In accordance with and subject to directives and assignments of the Assistant Regional Postmaster General, Employee and Labor Relations, it provides for and assures compliance with Executive Order 11478 as amended, relating to equal employment opportunity, and with the Federal program pursuant to Executive Order 11246, as amended, relating to contract compliance.

(39 USC 201–204, 206, 401–404, 409)

§ 225.7 Regional Office of Communications.

The Regional Office of Communications is headed by the Director, Communications, who reports directly to the Regional Postmaster General. It is responsible for preparing and disseminating news and information materials; providing guidance to communications personnel throughout the region; and maintaining liaison with media representatives and other information outlets. In carrying out these responsibilities it manages the distribution of news and information materials; develops and distributes guides and directives for the preparation of news and information material; organizes and conducts communications training meetings (seminars, discussions, functional sessions) for regional staff and facility personnel; arranges visual aids and exhibit materials of an informational nature: prepares and distributes regional newsletters for external media representatives; contributes to internal employee newsletters; visits subordinate postal facility organizations to review and comment on local communications programs; prepares speeches for regional officials; maintains liaison with information outlets; responds to inquiries from media and civic representatives; and prepares budgets for personnel, materials, and travel expenses, as well as other costs concerned with communications.

§ 225.8 Regional Counsel.

(a) The Regional Counsel, who reports directly to the Regional Postmaster General, directs, under the professional guidance and supervision of the General Counsel, a staff of attorneys engaged in providing legal advice, opinions, services, and support for the Regional Postmaster General, other regional officers and executives, and postmasters within the region, in all areas except labor relations matters, and such other areas as may be specifically reserved by the General Counsel.

(b) *The Regional Counsel.* (1) Furnishes legal advice, opinions, and support to regional officials and postmasters, the Inspection Service, and Postal Data Centers in the application of Federal and State statutes or local ordinances insofar as they affect the Postal Service;

(2) Reviews and interprets contracts, other legal documents and instruments, and other undertakings which affect the Postal Service;

(3) Serves as a member of a regional contract negotiation team whenever the Contracting Officer feels the size and complexity of the procurement action warrants its use;

(4) Represents postal contracting officers in cases before the Board of Contract Appeals as may be directed by the General Counsel;

(5) Acts for the General Counsel in the review of tort claims by and against the Postal Service, and adjudicates such claims within limits set by the Regional Postmaster General and the General Counsel;

(6) Has authority to concur with the head of a procuring activity in his Region in determining appropriate action on protests against award of contract in accordance with the provisions of Postal Contracting Manual § 2–407.8(c), as the same may be amended from time to time.

(7) As directed by the General Counsel, assists labor attorneys of the Postal Service in connection with labor disputes and related labor matters;

(8) Conducts administrative hearings pursuant to 39 CFR 916 and renders decisions following the conclusion of such hearings on alleged violations of the Anti-Pandering Law (39 U.S.C. 3008);

(9) Reviews requests for waiver of claims against postal employees based upon overcompensation;

(10) Reviews and recommends appropriate action to the Regional Postmaster General to sustain, modify, or reverse assessments against Postal Service employees for loss or damage of Government-owned or leased property as a result of gross carelessness or negligence of such employees in those cases where such action is within the authority of the Regional Postmaster General;

(11) Rules on delivery of disputed mail;

(12) Furnishes legal advice and opinions to the Regional Postmaster General relative to the Code of Ethical Conduct for Postal Employees (P.S. Publication 73) and assists in the administration of that code;

(13) Furnishes legal advice and opinions to regional officials in the application of statutes and regulations pertaining to the admissibility and classification of mail;

(14) Acts as agent for the receipt of legal process on behalf of the Regional Postmaster General and other regional headquarters officials resulting from the performance of their official functions;

(15) As directed by the General Counsel, provides legal services in connection with denials and revocations of second-class mailing privileges in proceedings in his region before administrative law judges and the Judicial Officer; and

(16) Acts as liaison with the U.S. Attorney in suits against the U.S. Postal Service, except in labor relations matters.

(c) The duties and responsibilities of Regional Counsel shall not be changed by the Regional Postmaster General without the prior approval of the General Counsel.

§ 225.9 District Managers.

(a) Each District Manager reports to the Regional Postmaster General, and is responsible for managing and directing the activities of a functional staff and the managers of sectional center facilities in the implementation of Postal Service programs and policies, in order to assure effective and efficient mail processing and delivery operations within the district.

(b) Each of these officials:

(1) Provides policy and program direction for all support activities and operating facilities;

(2) Evaluates the operations of postal installations and modifies operational procedures if required;

(3) Directs the preparation of and administers the budget;

(4) Provides guidance for the preparation of operating plans and approves and implements these plans;

(5) Provides management control for retail sales and delivery programs;

(6) Provides direction and control for distribution activities;

(7) Provides policy guidance for capital requirements;

(8) Establishes transportation network requirements and coordinates with regional logistics personnel on transportation networks going beyond district boundaries; and

(9) Implements management development programs established by headquarters.

§ 225.10 Conversion of terms.

(a) In any regulation of the Postal Service outside Parts 221, 222, 223, 224, 225, 226, and 235 of this subchapter, unless the context otherwise requires, references to the:

(1) Regional Director shall be deemed to mean the Regional Postmaster General;

(2) Director, Personnel Division, shall be deemed to mean the Assistant Regional Postmaster General, Employee and Labor Relations;

(3) Director, Post Office and Delivery Services Division, shall be deemed to mean the Assistant Regional Postmaster General, Customer Services;

(4) Director, Finance Division, shall be deemed to mean the Assistant Regional Postmaster General, Support;

(5) Director, Facilities Division, shall be deemed to mean the Assistant Regional Postmaster General, Support, with regard to matters concerning procurement and supply; and Director, Facilities Division, shall be deemed to mean the Assistant Regional Postmaster General, Mail Processing, with regard to matters concerning engineering and real estate.

(6) Director, Logistics Division, shall be deemed to mean the Assistant Regional Postmaster General, Mail Processing;

(7) Director, Industrial Engineering Division, shall be deemed to mean the Assistant Regional Postmaster General, Mail Processing;

(8) Director, Marketing Division, shall be deemed to mean the Assistant Regional Postmaster General, Customer Services.

(b) The same conversion of terms applied in paragraph (a) of this section to officers and executives enumerated there shall apply to the groups or divisions which they head.

(c) Where the conversion rules stated in paragraph (a) of this section do not explicitly cover a particular officer, employee, or organizational unit, references shall be deemed to refer to the officer, employee, or organizational unit in the new organization performing functions most similar to those performed by the corresponding officer, employee, or organization unit in the old organization.

(39 U.S.C. 201–204, 206, 401–404, 409) [36 F.R. 19480, Oct. 6, 1971, as redesignated and amended at 37 F.R. 10791, 10792, May 27, 1972]

PART 226—POSTAL DATA CENTERS

Sec.
226.1 Postal Data Center Director.
226.2 Disbursing Office.
226.3 Administrative Office.
226.4 Processing and Control Division.
226.5 Systems, and Planning Division.
226.6 Data Operations Division.

AUTHORITY: The provisions of this Part 224 issued under 39 U.S.C. 401.

§ 226.1 Postal Data Center Director.

(a) Administers the execution of policies, regulations, and procedures governing and takes action within his delegated authority on matters relating to management and operation of the postal data center.

(b) Is responsible for efficient management, use, and control of manpower, allotted funds, facilities, and equipment within the authority delegated to PDC.

(c) Directs activities and exercises overall supervision of employees of the postal data center to insure that effective performance of the activities of the postal data center is established and maintained.

(d) Maintains continuous surveillance over services provided regional offices, postal installations and other customers to insure that effective services are provided and customer relations maintained.

(e) Under technical guidance of the Finance Group and subject to policies and standards established by the General Counsel:

(1) Adjudicates and settles personal or property damage claims less than $250;

(2) Adjusts and settles postmasters claims for losses for such amounts and types as redelegated to him;

(3) Makes determinations on behalf of the Postmaster General pursuant to section 3a of the Government Losses in Shipment Act.

§ 226.2 Disbursing Office.

Responsible for the control, signing, and disbursement of U.S. Treasury checks for all payments made by the data center. Receives and accounts for fund remittances and collections. Verifies deposits and acts as special agent for the Director, PDC for payroll savings bonds. Serves as liaison with regional distributing post offices on matters pertaining to accountable paper. Controls all other negotiable paper.

§ 226.3 Administrative Office.

Provides staff assistance to the Director, Postal Data Center, relating to administrative and service functions for the postal data center.

(vii) Reviews and approves postal accounts branch reports produced by data operations division before they are released to the consumer.

(viii) Reviews the accounts receivable program to determine that instructions are being followed in collection attempts and recommends to the Director, Postal Data Center, that uncollectible debts be declared "uncollectible."

(2) *Accounts Payable Branch.* (i) Examines and settles claims for payment of items such as indemnity, unpaid compensation for deceased postmasters or other employees and adjudicates physical losses of small tort claims.

(ii) Examines and settles claims for payment to railroads, airlines, contractors of vehicles, star route contractors, mail messengers, and contractors at stations and branches.

(iii) Examines and settles accounts for rents, leases, utilities, communication, supplies and equipment, and travel vouchers for postal employees.

(iv) Serves as authorized certifying officer.

(v) Reviews and approves accounts payable branch reports produced by data operations division before they are released to the consumer.

(3) *Personnel and Performance Branch.* (i) Maintains personnel pay records.

(ii) Verifies payments for personal services and related expenses.

(iii) Maintains individual and consolidated personnel pay and accounting control records for travel costs, vehicle allowance, retirement, tax, bond deductions, service leave, and performance reports and records.

(iv) Certifies as proper for payment all payrolls for the regions served.

(v) Establishes and maintains retirement accounts for all personnel in the regions served and answers inquiries; processes applications for service credits; and certifies records in separation cases.

(vi) Processes input data related to work performance applications as well as personnel data applications.

(vii) Reviews and approves personnel and performance branch reports produced by data operations division before they are released to the consumer.

§ 226.4 Processing and Control Division.

(a) Reviews and certifies all input to the data operations division; processes payrolls and maintains controls over payroll deductions and receivables; prepares and certifies for payment all disbursements for which the postal data center is responsible, including but not limited to transportation claims, contract stations, torts and indemnity claims, uniform allowances, rents and leases, travel, etc. Audits financial accounts of all postmasters served by the postal data center to assure compliance with laws, regulations and Comptroller General decisions. Maintains technical liaison with postal installations being serviced by the postal data center. When technical liaison involves responsibilities of the regional finance division, new policy items of a controversial nature will be cleared through them.

(b) Maintains general ledger for the several geographical areas served and establishes controls for the data operations division, and reviews and approves all reports prior to release to consumers.

(c) Processes input data from new applications for data processing, such as transportation schemes and routing, inspection service workload data, procurement and supply transaction data, volume and performance data.

(d) Establishes and maintains accounting records for control of international money order services; provides information and reports to meet international money order service requirements (New York, Dallas, San Francisco).

(e) Branches and their functions under this Division are:

(1) *Postal Accounts Branch.* (i) Maintains general and subsidiary ledgers covering revenue, expenses, assets and liabilities.

(ii) Provides regional finance divisions with current statements of financial, operating, and statistical data.

(iii) Examines postmasters' statements of account to assure conformity with postal laws, policies, and regulations and Comptroller General decisions.

(iv) Establishes and maintains accounting records for property control; interprets and monitors application of property accounting instructions; provides information and reports to meet property management requirements.

(v) Designates and revokes post offices as U.S. savings bond issuing agents; establishes and discontinues international money order business at post offices, after coordinating with applicable post office and delivery services division.

(vi) Maintains a system of cost accounts and prepares cost and statistical reports on motor vehicle operations.

§ 226.5 Systems and Planning Division.

Under technical guidance received from the Finance Group directs the development, coordination and implementation of national integrated systems, plans and production schedules for the postal data center and participates in and performs data systems studies; keeps the Director, Postal Data Center informed of production against schedules and system activities of the division. Systems and planning division director acts for the Director, Postal Data Center in his absences. Branches and their functions under this division are:

(a) *Systems Branch.* (1) Develops and coordinates systems and procedures for internal operations of the postal data center.

(2) Participates in and performs data systems studies.

(3) Develops and provides detail specifications and analysis of problems and system components for preparation and programing data onto the computer.

(4) Prepares machines flow procedures and programs for processing data onto the computer.

(5) Maintains a system and programing surveillances over the effectiveness of the system processes of the PDC and recommends improvements.

(6) Provides consulting services to customers on source collection and preparation of data for movement to the postal data center.

(7) Maintains liaison with industry, educational institutions and other Government agencies to keep the postal data center abreast with advancing management sciences in the integration of systems, techniques and equipment for collecting, verifying and processing business data.

(8) Prepares replies to employee suggestions pertaining to the work of the postal data center where such suggestions have originated in regions or installations served by the postal data center. Refers suggestions worthy of adoption to Finance Group with detailed recommendations as to how suggestions may be implemented.

(b) *Production Scheduling Branch.* (1) Develops, coordinates and administers production schedules for the PDC.

(2) Develops and coordinates systems and production plans for new data activities to be performed by the postal data center.

(3) Develops and coordinates schedules for new system applications at PDC.

§ 226.6 Data Operations Division.

Operates the postal data center's automatic data processing facility and its associated equipment. Branches and their functions under this division are:

(a) *Data Preparation Branch.* (1) Maintain custody of magnetic tape reels, computer program documentation and input/output punch cards.

(2) Performs all key punch operations.

(b) *Computer Operations Branch.* (1) When authorized, operates punched paper tape and communications terminal equipment.

(2) Operates electronic and electromechanical data processing equipment.

PART 235—DEFENSE DEPARTMENT LIAISON

Sec.
235.1 Postal Service to the Armed Forces.
235.2 Civil Defense.

AUTHORITY: The provisions of this Part 235 issued under 39 U.S.C. 401(2), 402, 403, 404, as enacted by Public Law 91-375, 84 Stat. 719.

§ 235.1 Postal Service to the Armed Forces.

(a) Publication 38, Postal Agreement Between the Post Office Department and the Department of Defense, defines the Postal Service's responsibilities for providing postal service to the Armed Forces.

(b) The Chief Inspector is responsible for military liaison.

(c) Postal inspectors provide liaison between postmasters and military commanders, visit military installations as required, and make any necessary recommendations.

[36 F.R. 19484, Oct. 6, 1971]

§ 235.2 Civil Defense.

(a) Mission: The prime objective of postal civil defense planning is to maintain or restore essential postal service in a national emergency.

(b) Defense Coordinator: The Chief Inspector is designated Defense Coordinator for the Postal Service. As Defense Coordinator, he provides general direction and coordination of the national civil defense and defense mobilization programs.

(c) Postmaster General emergency line of succession: (1) Deputy Postmaster General; (2) Senior Assistant Postmaster General, Administration; (3) Senior Assistant Postmaster General, Operations.

(c) Headquarters and field lines of succession: Each headquarters organizational unit shall establish its own internal line of succession to provide for continuity under emergency conditions. Each Regional Postmaster General, Postal Data Center Director, Regional Chief Inspector, and postmaster at first-class post offices shall prepare a succession list of officials who will act in his stead in the event he is incapacitated or absent in any emergency. Orders of succession shall be shown by position titles, except that within Inspection Divisions orders of succession may be shown by names.

(e) Field responsibilities: Postmasters and heads of other installations shall:

(1) Carry out civil defense assignments, programs, etc., as directed by regional officials.

(2) Comply with, and cooperate in community civil defense plans (including exercise) for evacuation, take cover and other survival measures prescribed for local populations.

(3) Designate representatives for continuing liaison with local civil defense organizations where such activity will not interfere with normal duties.

(4) Endeavor to serve (at their own option) as members on the staff of the local civil defense director, provided such service will not interfere with their primary postal responsibility in an emergency.

(5) Authorize and encourage their employees to participate voluntarily in nonpostal preemergency training programs and exercises in cooperation with States and localities.

[FR Doc.73-15750 Filed 7-30-73;8:45 am]

AGENCIES WHICH PUBLISHED IN JULY

This is a listing of agencies which published documents in the Federal Register during July 1973. This listing appears in the final issue of each month.

THE PRESIDENT

EXECUTIVE AGENCIES

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.

1 CFR

Page

305 ... 19782
310 ... 19782

3 CFR

PROCLAMATIONS:

4228 ... 17825
4229 ... 19007
4230 ... 19343

EXECUTIVE ORDERS:

July 2, 1910 (see PLO 5355, 5358) ... 20081, 20082
5550 (amended by PLO 5356) ... 20081
11157 (amended by EO 11728) ... 18861
11641 (revoked by EO 11727) ... 18357
11647 (amended by EO 11731) ... 19903
11676 (revoked by EO 11727) ... 18357
11695 (see EO 11730) ... 19345
11708 (amended by EO 11727) ... 18357
11710 (amended by EO 11729) ... 18863
11712 (superseded by 11726) ... 17711
11723 (superseded in part by EO 11730) ... 19345
11726 ... 17711
11727 ... 18357
11728 ... 18861
11729 ... 18863
11730 ... 19345
11731 ... 19903

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:

Memorandum of June 13 ... 18231

4 CFR

303 ... 19831
304 ... 19831

PROPOSED RULES:

351 ... 20101

5 CFR

213 ... 17827, 18359, 18445, 18540, 18541, 19111, 19801, 19957, 20065
335 ... 18445
430 ... 18445
451 ... 18446
630 ... 18446
715 ... 18446
900 ... 17920

6 CFR

130 ... 19347, 19682, 19801, 19957
140 ... 17489–17491, 17720, 17721, 18359, 18441, 18551–18553, 19046, 19203, 19347, 19462, 19905, 19957

PROPOSED RULES:

130 ... 19464
150 ... 19464

7 CFR

15 ... 17925
52 ... 19957
210 ... 17722, 19661
215 ... 17722
220 ... 17723
225 ... 17723

7 CFR—Continued

Page

246 ... 18447
250 ... 17724
265 ... 17724
270 ... 17724
271 ... 17845
295 ... 17725
331 ... 20088
354 ... 20233
722 ... 18451, 18452
401 ... 17437, 18661, 19811
725 ... 18233
855 ... 19111
864 ... 18453
905 ... 18026, 18360
908 ... 17846, 18554, 19203, 19811, 19958, 20233
910 ... 18027, 18661, 19379, 20089
911 ... 18027, 18662, 19380, 19811, 20090
915 ... 17437
921 ... 18662, 19959, 20234
922 ... 17846, 18554, 20317
923 ... 18663
924 ... 19661
931 ... 20234
942 ... 19009
944 ... 17438, 18028
945 ... 18865, 19662
946 ... 19960
947 ... 19009
948 ... 20235
958 ... 18867
980 ... 19010
989 ... 20236
1030 ... 19905
1063 ... 19012
1076 ... 17439
1125 ... 18234
1139 ... 18234
1201 ... 17725
1421 ... 18663, 19662, 19665, 19668, 19669, 20237, 20243
1427 ... 19381, 20090, 20317
1446 ... 18453
1464 ... 18663
1823 ... 17725
1832 ... 20243, 20245, 20246
1872 ... 19204, 19384

PROPOSED RULES:

29 ... 19127
70 ... 18032
301 ... 17501
725 ... 18254
910 ... 20265
917 ... 18469, 19047
919 ... 19832, 20265
925 ... 18670, 19129
926 ... 19047, 19972
927 ... 20092
930 ... 19047
946 ... 18670
947 ... 17500, 18672
948 ... 18672, 18898, 19047
967 ... 19914
989 ... 19224, 19690
993 ... 20093, 20265
1002 ... 18033
1030 ... 18672
1046 ... 17733
1050 ... 20093

7 CFR—Continued

Page

PROPOSED RULES—Continued

1065 ... 18035, 19915
1140 ... 18681
1701 ... 18383
1832 ... 18040

8 CFR

100 ... 17713, 19907
103 ... 19812
212 ... 18868
214 ... 18359
223 ... 19812
238 ... 19812
245 ... 18359
299 ... 19812
499 ... 19813

9 CFR

71 ... 18011, 18456
72 ... 18011, 18541, 19012, 19211
73 ... 18011, 18234
74 ... 18011
76 ... 17713, 18542
77 ... 18012
78 ... 18012, 20247
80 ... 18012
82 ... 18362
83 ... 17439
92 ... 19671, 19813
94 ... 20065
314 ... 18665
322 ... 18868
331 ... 18869, 19671
381 ... 18869, 19671

PROPOSED RULES:

91 ... 19972
317 ... 19690
318 ... 18682, 19690
319 ... 18683
325 ... 18682
381 ... 18681, 19690, 20096

10 CFR

4 ... 17927
50 ... 19012, 19907
115 ... 19907
170 ... 18443

PROPOSED RULES:

20 ... 18908

12 CFR

201 ... 19016
204 ... 18869, 19908
217 ... 18641, 19908, 20065
221 ... 18363
226 ... 18457, 18458, 19814
329 ... 18543, 20247
500 ... 19017
501 ... 19017
526 ... 18459
529 ... 17929
545 ... 17827, 18460, 18461, 19112, 19814
563 ... 18461, 20318
584 ... 19112

PROPOSED RULES:

217 ... 20108
220 ... 18690
222 ... 18691
225 ... 18565

45 CFR — Page

80 — 17978
177 — 20071
185 — 18017
187 — 19825
188 — 19829
221 — 19911
233 — 18549
611 — 17984
703 — 19045
1010 — 17986
1110 — 17991

PROPOSED RULES:

102 — 18557
167 — 18518
185 — 18899
190 — 18778
205 — 18616
233 — 18254
249 — 18616
250 — 18618

46 CFR

146 — 18235, 18884, 20082
283 — 18022
549 — 20330
1350 — 19406

PROPOSED RULES:

Ch. 1 — 17848
35 — 19411
78 — 19411
97 — 19411
174 — 17501
196 — 19411
248 — 17508
249 — 17508
531 — 19237
536 — 19238

47 CFR — Page

0 — 18550
1 — 18886, 19911
73 — 18374, 18376, 18464, 18886, 18896, 19911
74 — 18376
81 — 19219
97 — 18250

PROPOSED RULES:

25 — 20275
61 — 18256
64 — 18908
73 — 18256, 18564, 18688, 18689, 18915, 19843, 19915, 20275, 20276
83 — 18256
91 — 20278

49 CFR

7 — 18659
21 — 17996
99 — 19378
171 — 19125, 20084
173 — 20084
174 — 20085
177 — 20085
179 — 20085
501 — 20086
551 — 20086
553 — 20086
571 — 17842, 20086
1002 — 18379
1033 — 17843, 17845, 18024–18026, 18151, 18465, 18659, 18660, 18876, 19126, 19223, 19831, 20086

49 CFR—Continued — Page

1048 — 19046
1056 — 18253
1322 — 18253

PROPOSED RULES:

71 — 17734
213 — 18905
221 — 18906
390 — 19692
391 — 18904, 19692
393 — 19692, 20100
394 — 19692
395 — 19692
396 — 19692
397 — 19692
571 — 17511, 18564, 19049, 20101
1005 — 17849, 18471
1106 — 18257
1107 — 18387
1307 — 18691

50 CFR

10 — 19379
20 — 17841
28 — 18550, 20331
32 — 17443, 18379, 19126, 19379, 19912, 19913, 19971, 20087, 20088, 20332
33 — 20088
258 — 18550

PROPOSED RULES:

20 — 18670
21 — 20264
240 — 19832
251 — 20338
255 — 20340

FEDERAL REGISTER PAGES AND DATES—JULY

Pages	*Date*
17705–17817	July 3
17819–18004	5
18005–18223	6
18323–18349	9
18351–18432	10
18433–18523	11
18525–18634	12
18635–18853	13
18855–19000	16
19001–19103	17
19105–19195	18
19197–19352	19
19353–19654	20
19655–19794	23
19795–19896	24
19897–19950	25
19951–20057	26
20059–20221	27
20223–20309	30
20311–20421	31