

# federal register

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## PART I

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### 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.

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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(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.

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- SEC—Destruction of records required to be kept. 18915; 7-16-73

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## Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

- H.R. 7528. Pub. Law 93-74  
National Aeronautics and Space Administration Authorization Act, 1974 (July 23, 1973; 87 Stat. 171)
- H.R. 8949. Pub. Law 93-75  
Veterans, loan guaranty program (July 26, 1973; 87 Stat. 176)

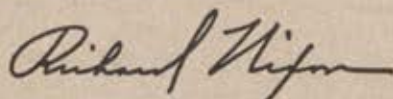
# Presidential Documents

## Title 3—The President

### EXECUTIVE ORDER 11732

#### Delegating Certain Authority of the President to the Secretary of Housing and Urban Development

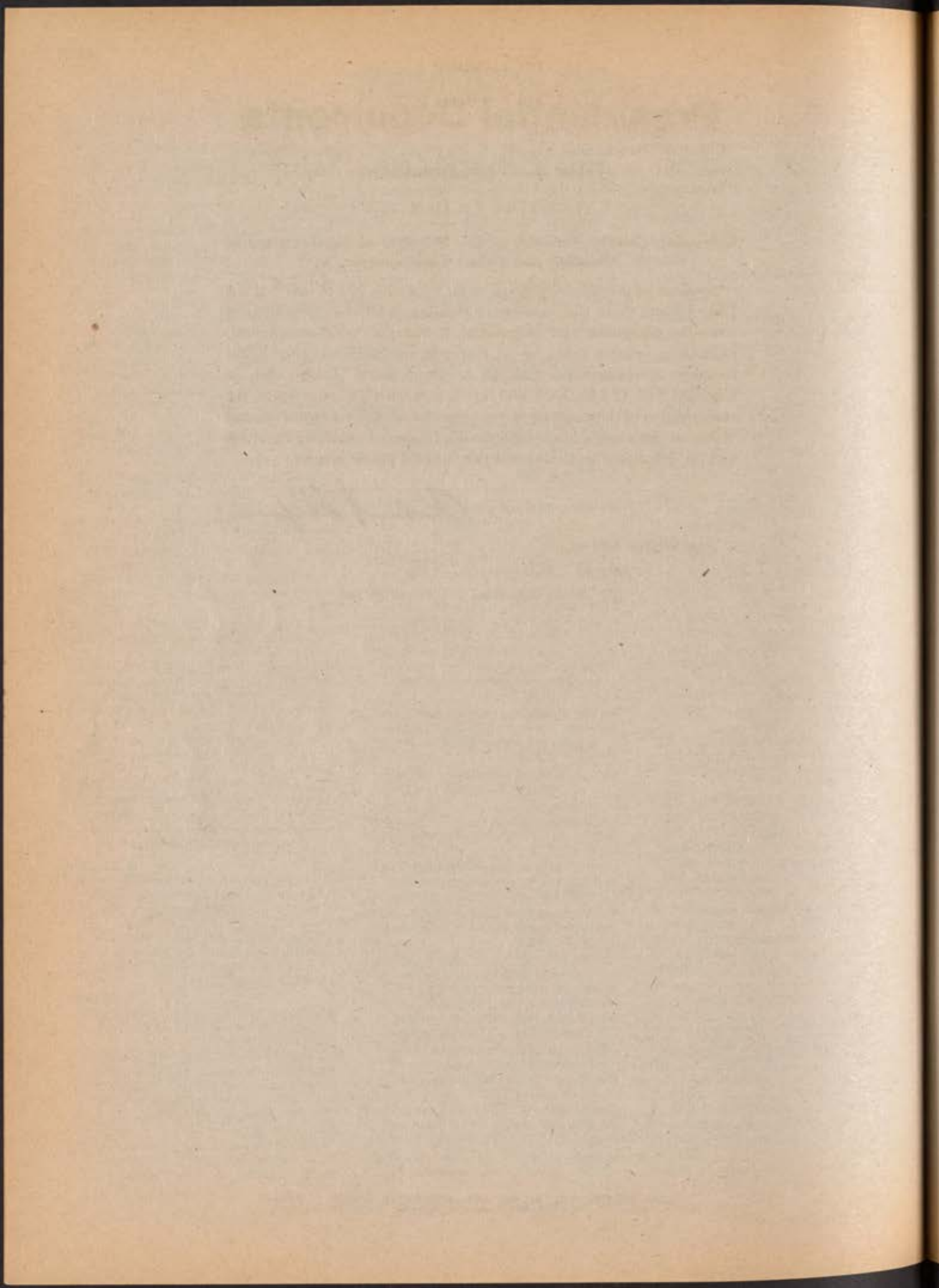
By virtue of the authority vested in me by section 301 of title 3 of the United States Code, the Secretary of Housing and Urban Development is hereby designated and empowered to exercise, without approval, ratification, or other action by the President, the functions vested in the President by sections 305 and 301 of the National Housing Act, as amended (12 U.S.C. 1720 and 1716, respectively), relating to the authorization of the purchase of mortgages by the Government National Mortgage Association in connection with its special assistance functions and the determination that such action is in the public interest.



THE WHITE HOUSE,

July 30, 1973.

[FR Doc.73-16004 Filed 7-31-73;10:50 am]





## EXECUTIVE ORDER 11733

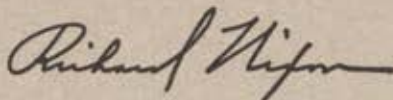
Further Amending Executive Order No. 10122 of April 14, 1950, Entitled "Regulations Governing Payment of Disability Retirement Pay, Hospitalization, and Re-examination of Members and Former Members of the Uniformed Services"

By virtue of the authority vested in me by section 1216(c) of title 10 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, Executive Order No. 10122<sup>1</sup> of April 14, 1950, as amended by Executive Order No. 10400 of September 27, 1952; is further amended as follows:

1. The first proviso of section 5 is deleted.
2. The second proviso of section 5 is amended to read as follows:

*"Provided, that all the duties, powers, and functions incident to hospitalization for such members or former members who elect to receive hospitalization in uniformed services facilities shall, subject to the availability of space and facilities and the capabilities of the medical and dental staff, be vested in the Secretary concerned:"*

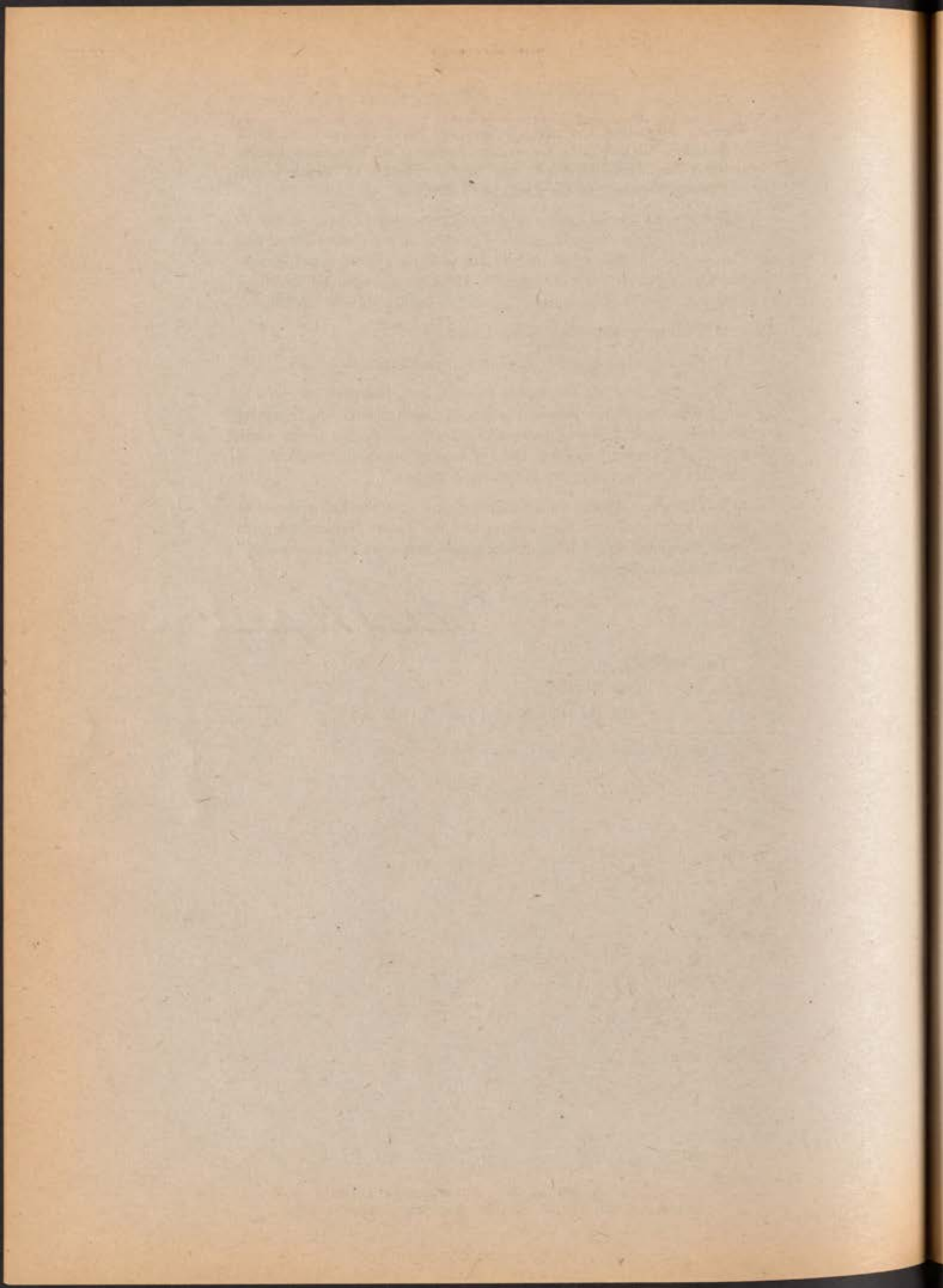
3. The words "Coast and Geodetic Survey" in the last sentence of section 5 and in section 6 are deleted and the words "National Oceanic and Atmospheric Administration (formerly Coast and Geodetic Survey)" are substituted therefor.



THE WHITE HOUSE,  
July 30, 1973.

[FR Doc.73-16005 Filed 7-31-73;10:50 am]

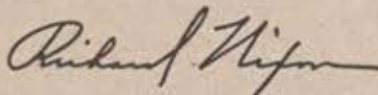
<sup>1</sup> 15 FR 2173; 3 CFR, 1949-1953 Comp., p. 313.



## EXECUTIVE ORDER 11734

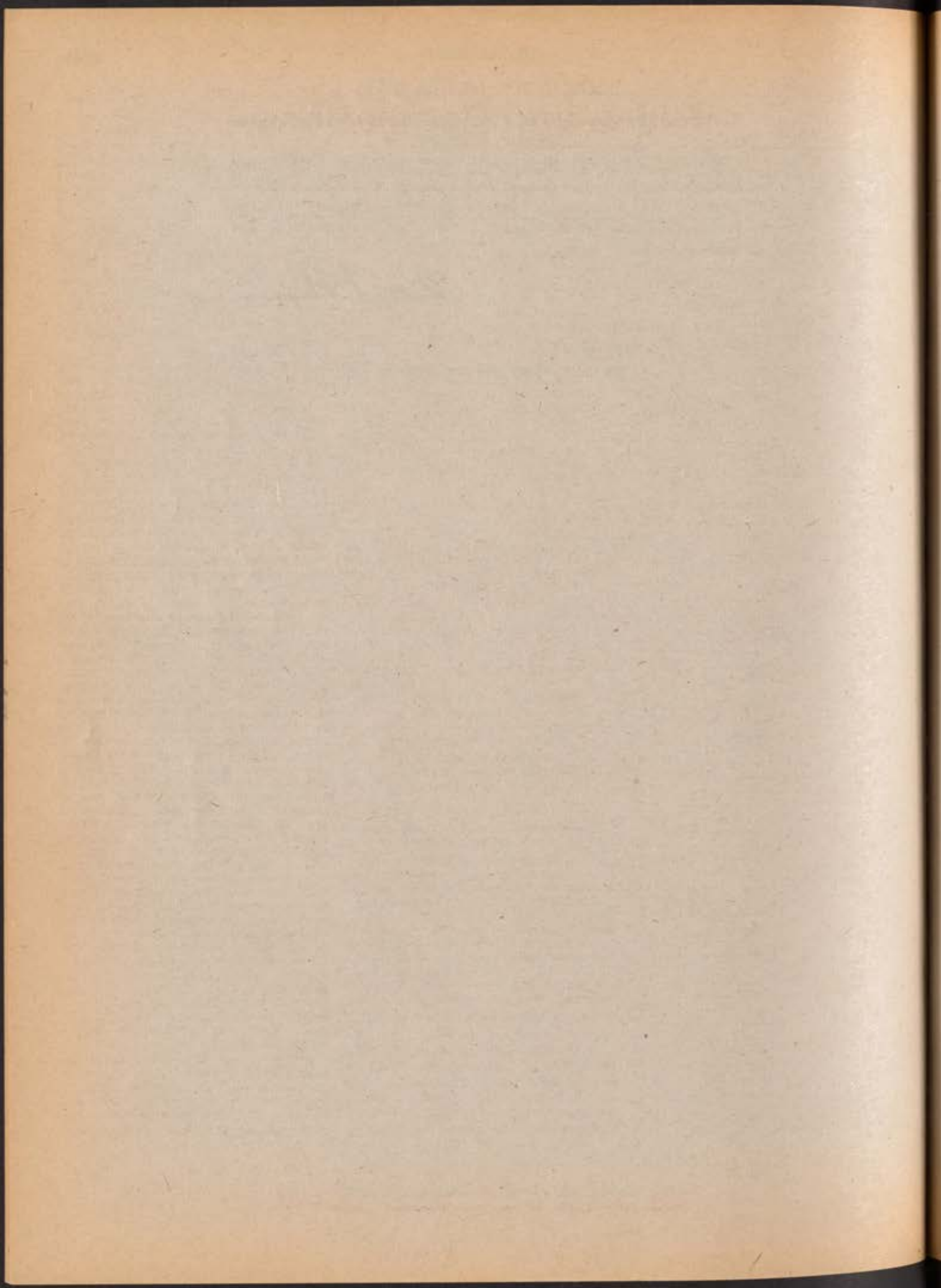
**Revising the Membership of the President's Committee on the National Medal of Science**

By virtue of the authority vested in me as President of the United States, subsection (c) of Section 2 of Executive Order No. 11287 of June 28, 1966, as amended, is hereby amended by deleting "(1) The President's Science Adviser," and by inserting in lieu thereof "(1) The Science Adviser."



THE WHITE HOUSE,  
July 30, 1973.

[FR Doc.73-16033 Filed 7-31-73;12:08 pm]



# Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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**Title 1—General Provisions**  
**CHAPTER I—ADMINISTRATIVE**  
**COMMITTEE OF THE FEDERAL REGISTER**  
**CFR CHECKLIST**  
**1973 Issuances**

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Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

**CFR Unit (Rev. as of Jan. 1, 1973):**

Title	Price
1	\$0.55
2 [Reserved]	
3	2.60
3A 1972 Compilation	2.50
4	1.75
5	3.75
6 (Rev. Feb. 1, 1973)	4.25
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0-45	6.50
46-51	2.60
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0-149	7.00
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**CFR Unit (Rev. as of April 1, 1973):**

Title	Price
17	\$5.50
18 Parts:	
1-149	4.00
150-end	4.00
19	5.00
20 Parts:	
01-399	2.25
400-end	7.00
21 Parts:	
1-9	2.25
10-129	5.50
130-140	3.00
141-169	5.50
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300-end	1.50
22	4.25
25	3.75
26 Parts:	
1 (§§ 1.301-1.400)	2.50
1 (§§ 1.401-1.500)	3.00
1 (§§ 1.501-1.640)	3.75
1 (§§ 1.641-1.850)	4.00
1 (§§ 1.851-1.1200)	4.50
1 (§ 1.1201-end)	6.50
2-29	2.75
30-39	3.00
40-169	4.75
170-299	6.75
300-499	3.00
500-599	3.50
600-end	1.50
27	1.25

**Title 47—Telecommunication**  
**CHAPTER I—FEDERAL**  
**COMMUNICATIONS COMMISSION**  
 [Docket No. 19451; FCC 73-757]

**RADIO SERVICES**

**Non-Government Fixed and Land Mobile Telemetering Operations**

1. On February 24, 1972, the Commission adopted a notice of proposed rule-making in the above entitled matter which was published in the FEDERAL REGISTER on March 3, 1972, (37 FR 4454; FCC 72-173, No. 74864). The Notice proposed to permit non-Government fixed and land mobile telemetering operation in the band 1427-1435 MHz on a secondary basis to existing services. Comments were to be filed on or before May 9, 1972, and reply comments on or before May 23, 1972.

2. Comments were filed by Central Committee on Communication Facilities of the American Petroleum Institute (API), National Association of Manufacturers (NAM), Special Industrial Radio Service Associations, Inc. (SIRSA)

Utilities Telecommunications Council (UTC), Associated Public-Safety Communications Officers, Inc. (APCO), and Aerospace and Flight Test Radio Coordinating Council (AFTRCC). AFTRCC also filed reply comments.

3. In the Notice the Commission proposed to limit non-Government use of the band to local area industrial, public safety and land transportation fixed and land mobile telemetering applications to be coordinated with Government users on a case-by-case basis. Extensive telemetering operations requiring wide area frequency clearance were not to be authorized. Nor were systems to be authorized which, because of safety or other factors, could not tolerate interference from the primary users of this band. Telecommand was also to be permitted in conjunction with the new telemetering operations in the band.

4. UTC supports the rule changes as proposed in the Notice. API generally supports adoption of the proposed Rule amendments. It believes, however, that the limitation to telecommand transmissions by base stations should be modified, although no specific proposed modifications are offered. It requests that the frequencies proposed for point-to-point systems also be made available for offshore environments. API also urges that the band be split into two segments and that systems be required to operate with a three megahertz channel separation in order to provide a basis for future channelizing. API does not envision a deluge of applications from those eligible in the Petroleum Service to use the frequencies. The Commission anticipates that new uses for this band may incorporate techniques not now employed within the various services. Therefore, to split the band at this time appears to be unwarranted. Moreover, to permit other than telecommand for transmission from base stations would open the band to broader non-Government applications than anticipated in this proceeding consistent with our agreement with the Office of Telecommunications Policy. Finally, eligible applicants in the Petroleum Service are in no way constrained from telemetering operations in an offshore environment as long as each area of use can be cleared in the coordination process.

5. NAM is not enthusiastic about the band offered for land mobile telemetering use. It estimates that the price of transmitters in the 1427-1435 MHz band at two to thirteen times as great as those in the 216-220 MHz band and the cost of

## RULES AND REGULATIONS

receivers at twice those for the lower band. NAM urges the Commission to continue its search for more suitable spectrum space for land mobile telemetering. We should point out that the band 1427-1435 MHz is not being proposed as a substitute for another band nor to serve as a basis for future denial of spectrum space for applications for which it would not be suitable. NAM does see the band as useful for fixed telemetry and suggests that the Part 91 amendments should be broad enough to encompass transmission regardless of source, including aircraft. Transmissions from aircraft, when in flight, are inherently wide area operations and would be very difficult or impossible to coordinate with primary Government users. Therefore, we are adhering to our original proposal to prohibit the use of airborne devices.

6. SIRSA also does not foresee at this time any large number of Special Industrial requests for assignments in the band, although it does mention some possible land mobile applications which may develop. SIRSA also suggests the splitting of the band in order to provide for an appropriate separation of assigned two-way frequencies. However, as indicated above, the Commission does not see now any pattern of use that would be benefited by dividing the band. A channelization plan might be needed in a very limited area with multiple users and can be developed in these cases during the coordination process.

7. AFTRCC agrees that the allocation is needed and foresees many different uses of this band. It specifically commented on the technical standards for equipment, the coordination of assignments and the use of fixed relay links. With regard to coordination, all applications for use of this band will be coordinated on a case-by-case basis with Government users through the usual FCC/IRAC procedures. Technical standards to apply to this band are discussed below. In so far as fixed relay links are concerned, such usage will be permissible only in conjunction with telemetry and telecommand operations authorized in the band. Use of this band for general point-to-point data communications of the type normally carried out in the fixed service will not be authorized.

8. Similar to the provision adopted for the band 216-220 MHz (see Report and Order, Docket No. 18924, 36 FR 9514) no technical standards are being adopted herein except for frequency tolerances which are taken from the international Radio Regulations and for those standards which are presently in the FCC Rules. Power and authorized bandwidth limitations will be specified in the station authorizations for telemetry in this band on a case-by-case basis. Transmitters will not be subject to the requirement for type acceptance.

9. In view of the foregoing it appears that the public interest can be served by

adopting the rules amendments set forth below. Accordingly, it is ordered, That pursuant to authority contained in Section 303 (c), (e) and (f) of the Communications Act of 1934, as amended, Part 2, Section 2.106 and Parts 89, 91 and 93 of the Commission's Rules and Regulations are amended effective August 31, 1973. It is further ordered, That this proceeding is hereby terminated.

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

Adopted: July 18, 1973.

Released: July 24, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>  
VINCENT J. MULLINS,  
Acting Secretary.

<sup>1</sup> Chairman Burch absent.

### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

I. Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

#### § 2.106 [Amended]

In § 2.106, the Table of Frequency Allocations is amended as follows and footnote US60 is deleted from the list of footnotes:

United States		Federal Communications Commission					Nature of Services of stations
Band (MHz)	Allocation	Band (MHz)	Service	Class of Station			
5	6	7	8	9	10	11	
***	***	***	***	***	***	***	
1427-1429	G, N.G.	1427-1429	SPACE OPERATION (Telecommand). Fixed (Telemetering). Land mobile (Telemetering and telecommand).	Base..... Earth. Fixed. Land mobile.		INDUSTRIAL. LAND TRANSPORTATION. PUBLIC SAFETY. Earth (telecommand). Base (telecommand). Fixed (telemetering). Land mobile (telemetering).	
1429-1435	G, N.G.	1429-1435	Fixed (Telemetering). Land mobile (telemetering and telecommand).	Base..... Fixed. Land mobile.		INDUSTRIAL. LAND TRANSPORTATION. PUBLIC SAFETY. Base (telecommand). Fixed (telemetering). Land mobile (telemetering).	
***	***	***	***	***	***	***	

### PART 89—PUBLIC SAFETY RADIO SERVICES

II. Part 89 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 89.101, the table of frequencies in paragraph (h) is amended by adding the frequency band 1427-1435 MHz in numerical order, and adding limitation (20) to paragraph (i) to read as follows:

#### § 89.101 Frequencies.

Frequency band-MHz	Class of Station(s)	Limitations
902-960	Operational fixed.....	5, 6
1427-1435	Base, mobile and operational fixed.....	20
1850-1900	Operational fixed.....	6
***	***	***

(i) \* \* \* \* \*

(20) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is

secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

2. In § 89.103, paragraph (a) is amended to include the band 1427-1435 MHz in numerical sequence in the table and add a new footnote 5 applicable to the band to read as follows:

#### § 89.103 Frequency stability.

(a) \* \* \* \* \*

Frequency range	All fixed and base stations		All mobile stations	
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less
MHz	Percent	Percent	Percent	Percent
670 to 512.....	.00025	.0005	.0005	.0005
960 to 1427.....	(2)	(2)	(2)	(2)
1427 to 1435.....	.03	.03	.03	.03
Above 1435.....	(2)	(2)	(2)	(2)

<sup>1</sup> For fixed stations with power above 200 watts, the frequency tolerance is .01 percent if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 200 watts or less and using time division multiplex, the frequency tolerance may be increased to .05 percent.

3. In § 89.117, paragraphs (a) and (b) are amended to read as follows:

**§ 89.117 Acceptability of transmitters for licensing.**

(a) Periodically, the Commission publishes a list of equipment entitled "Radio Equipment List, Equipment Acceptable for Licensing." Copies of this list are available for public reference at the Commission's offices in Washington, D.C., and at each of its field offices. This list includes type accepted and type approved equipment and, also until such time as it may be removed by Commission action, other equipment which appeared in this list on May 16, 1955.

(b) Except for transmitting equipment used in developmental stations, transmitting equipment authorized as of January 1, 1965, in police zone and inter-zone stations, transmitting equipment in radiolocation stations during the term of any license issued prior to January 1, 1973, and transmitting equipment used in the band 1427-1435 MHz, all radio transmitting equipment utilized by a station authorized for operation under this part must be types included in the Commission's current "Radio Equipment List" and designated for use under this part or be types which are type accepted by the Commission for use under this part.

**PART 91—INDUSTRIAL RADIO SERVICES**

III. Part 91 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. § 91.102, paragraph (a) is amended to include the band 1427-1435 MHz in numerical sequence in the table and add a new footnote 6 applicable to the band to read as follows:

**§ 91.102 Frequency stability.**

(a) \* \* \*

Frequency range	Transmitter (input) power			
	Fixed and base stations		Mobile stations	
	Over 300 watts	300 watts or less	Over 3 watts	3 watts or less
MHz	Percent	Percent	Percent	Percent
470 to 512.....	.00025	.00025	.0005	.0005
950 to 1427.....	(4)	(4)	(4)	(4)
1427 to 1435.....	.03	.03	.03	.03
Above 1435.....	(4)	(4)	(4)	(4)

<sup>4</sup> For fixed stations with power above 200 watts, the frequency tolerance is .01 percent if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 200 watts or less and using time division multiplex, the frequency tolerance may be increased to .05 percent.

2. In § 91.109, paragraph (b) is amended to read as follows:

**§ 91.109 Acceptability of transmitters for licensing.**

(b) Except for transmitting equipment used in developmental stations, transmitting equipment authorized in the Industrial Radio-location Service (see § 91.603) and transmitting equipment used in the band 1427-1435 MHz, all radio transmitting equipment (including signal boosters) utilized by stations authorized for operation under this part must be types included in the Commission's current "Radio Equipment List" and designated for use under this part or be types which are type accepted by the Commission for use under this part.

3. In § 91.254 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427-1435 MHz in numerical order and adding limitation (35) to paragraph (b), to read as follows:

**§ 91.254 Frequencies available.**

(a) \* \* \*

Frequency or band	Class of station(s)	Limitations
1427-1435	Base, mobile, & operational fixed.....	35
1850-1990	Operational fixed.....	

(b) \* \* \*

(35) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is

secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

4. In § 91.304 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427-1435 MHz in numerical order and adding limitation (37) to paragraph (b), to read as follows:

**§ 91.304 Frequencies available.**

(a) \* \* \*

**PETROLEUM RADIO SERVICE FREQUENCY TABLE**

Frequency or band	Class of station(s)	Limitations
MHz		
1427-1435	Base, mobile, & operational fixed.....	37
1850-1990	Operational fixed.....	

(b) \* \* \*

(37) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile, telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

5. In § 91.354 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427-1435 MHz in numerical order and adding limitation (35) to paragraph (b), to read as follows:

## § 91.354 Frequencies available.

(a) \* \* \*

FOREST PRODUCTS RADIO SERVICE  
FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
<i>MHz</i>	...	...
<i>Frequency band</i>		
1427-1435	Base, mobile, & operational fixed.....	35
1850-1900	Operational fixed.....	.....

(b) \* \* \*

(35) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

6. In § 91.404 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427-1435 MHz in numerical order and adding limitation (12) to paragraph (b) to read as follows:

## § 91.404 Frequencies available.

(a) \* \* \*

MOTION PICTURE RADIO SERVICE  
FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
<i>MHz</i>	...	...
<i>Frequency band</i>		
1427-1435	Base, mobile, & operational fixed.....	12
1850-1900	Operational fixed.....	.....

(b) \* \* \*

(12) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary

hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

7. In § 91.454 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427-1435 MHz in numerical order and adding limitation (13) to paragraph (b) to read as follows:

## § 91.454 Frequencies available.

(a) \* \* \*

RELAY PRESS RADIO SERVICE FREQUENCY  
TABLE

Frequency or band	Class of station(s)	Limitations
<i>MHz</i>	...	...
<i>Frequency band</i>		
1427-1435	Base, mobile & operational fixed.....	13
1850-1900	Operational fixed.....	.....

(b) \* \* \*

(13) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

8. In § 91.504 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427-1435 MHz in numerical order and adding limitation (35) to paragraph (b) to read as follows:

## § 91.504 Frequencies available.

(a) \* \* \*

SPECIAL INDUSTRIAL RADIO SERVICE  
FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
<i>MHz</i>	...	...
<i>Frequency band</i>		
1427-1435	Base, mobile, & operational fixed.....	35
1850-1900	Operational fixed.....	.....

(b) \* \* \*

(35) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this station shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

9. In § 91.554 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427-1435 MHz in numerical order and adding limitation (48) to paragraph (b) to read as follows:

## § 91.554 Frequencies available.

(a) \* \* \*

BUSINESS RADIO SERVICE FREQUENCY  
TABLE

Frequency or band	Class of station(s)	General reference	Limitations
<i>MHz</i>	...	...	...
<i>Frequency band</i>			
1427-1435	Base, mobile, & operational fixed.....	Telemetry..	48
2150-2160	Operational fixed.....	Radio Alarm.....	22
...	...	...	...

(b) \* \* \*

(48) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.



10. In § 91.730 the table of frequencies in paragraph (a) is amended by adding limitation (22) to paragraph (b) to read as follows:

§ 91.730 Frequencies available.

(a) \* \* \*

MANUFACTURERS RADIO SERVICE FREQUENCY TABLE		
Frequency or band	Class of station(s)	Limitations
MHz * * *	* * *	* * *
Frequency band		
1427-1435	Base, mobile, & operational fixed.	22
1850-1990	Operational fixed.....	.....
* * *	* * *	* * *

(b) \* \* \*

(22) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

11. In § 91.754 the table of frequencies in paragraph (a) is amended by adding the frequency band 1427-1435 MHz in numerical order and adding limitation (18) to paragraph (b) to read as follows:

§ 91.754 Frequencies available.

(a) \* \* \*

TELEPHONE MAINTENANCE RADIO SERVICE FREQUENCY TABLE		
Frequency or band	Class of station(s)	Limitations
MHz * * *	* * *	* * *
Frequency band		
1427-1435	Base, mobile & operational fixed.	18
1850-1990	Operational fixed.....	.....
* * *	* * *	* * *

(b) \* \* \*

(18) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be au-

thorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

PART 93—LAND TRANSPORTATION RADIO SERVICE

IV. Part 93 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. § 93.102, paragraph (a) is amended to include the band 1427-1435 MHz in numerical sequence in the table and add a new footnote 5 applicable to the band to read as follows:

§ 93.102 Frequency stability.

(a) \* \* \*

Frequency range	All mobile stations		
	All fixed and base stations	Over 3 watts	3 watts or less
MHz	Percent	Percent	Percent
470 to 512.....	.0025	.0005	.0005
850 to 1427.....	(3)	(3)	(3)
1427 to 1435.....	.03	.03	.03
Above 1435.....	(3)	(3)	(3)

\* For fixed stations with power above 200 watts, the frequency tolerance is .01 percent if the necessary bandwidth of the emission does not exceed 3 kHz. For fixed station transmitters with a power of 200 watts or less and using time division multiplex the frequency tolerance may be increased to .05 percent.

2. In § 93.109, paragraphs (a) and (b) are amended to read as follows:

§ 93.109 Acceptability of transmitters for licensing.

(a) Periodically, the Commission published a list of equipment entitled "Radio Equipment List, Equipment Acceptable for Licensing." Copies of this list are available for public reference at the Commission's offices in Washington, D.C. and at each of its field offices. This list includes type accepted and type approved equipment and, also, until such time as it may be removed by Commission action, other equipment which appeared in this list on May 16, 1955.

(b) Except for transmitting equipment used in developmental stations, transmitting equipment used in radiolocation stations during the term of any license issued prior to January 1, 1973, and transmitting equipment used in the band 1427-1435 MHz, all radio transmitting equipment utilized by stations authorized for operation under this part must be types included in the Commission's current "Radio Equipment List" and designated as acceptable for use under this

part or be types which are type accepted by the Commission for use under this part.

3. In § 93.112, the table of frequencies in paragraph (a) is amended by adding the frequency band 1427-1435 MHz in numerical order and adding limitation (21) to paragraph (b) to read as follows:

§ 93.112 Availability of microwave frequencies.

(a) \* \* \*

Frequency band MHz	Class of station(s)	Limitations
952-960	Operational fixed.....	5, 6
1427-1435	Base, mobile & operational fixed.	21
1850-1990	Operational fixed.....	.....
* * *	* * *	* * *

(21) Use of this band is for local area operational fixed and mobile station telemetering and associated base station telecommand purposes. All operation is secondary to Government radio services and the Space Operation (telecommand) service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

[FR Doc. 73-15612 Filed 7-31-73; 8:45 am]

[FCC 73-759]

PART 76—CABLE TELEVISION SERVICES

Equal Employment Opportunity; Report of Complaints

In the Matter of Amendment of Part 76, Subpart I, of the Commission's rules, regarding the cable television service, to add new § 76.411 listing, for reference purposes, equal employment opportunity annual "Report of Complaints Filed Against Operators of Systems" required by existing § 76.311(d) of the rules.

1. Section 76.311(d) of our Rules provides, inter alia, that "All operators of cable television systems shall submit an annual report to the Commission no later than May 31 of each year indicating whether any complaints regarding violations by the operator of equal employment provisions of Federal, State, territorial, or local law have been filed during the preceding calendar year before any body having competent jurisdiction."

2. However, reference to that required annual report was inadvertently not included in Part 76, Subpart I ("Forms and Reports"), of our Rules (since preparation and filing of the annual EEO Complaint Report does not involve the use of a special FCC form, but may be submitted on the cable operator's own stationery). To avoid any possible resultant confusion, we have decided to add to Subpart I, a new § 76.411 drawing further attention to the equal employment opportunity annual "Report of Complaints Filed Against Operators of Systems" required by existing § 76.311(d). In view of the fact that new § 76.411 effects no substantive or procedural change in the Commission's rules, but serves essentially only as a reference to an already-existing requirement, we find that, pursuant to sections 553(b)(3)(A) and (B) and (d)(2) and (3) of Title 5 of the United States Code, the usual Administrative Procedure Act requirements of a general notice of proposed rule making, and a 30-day waiting period between publication of the new rule and its effective date, do not apply to this rule change.

3. For the reasons set forth in the foregoing paragraph, it is ordered, Pursuant to the authority contained in Sections 2(a), 3(b) and (d), 4(i), 301, 303, and 403 of the Communications Act of 1934, as amended, and Sections 553(b)(3)(A) and (B) and (d)(2) and (3) of Title 5 of the United States Code, that effective August 1, 1973, Part 76 of the Commission's rules is amended as set forth in Appendix A of this Order.

Secs. 4, 301, 303, 403, 48 Stat., as amended, 1066, 1081, 1082, 1094; 47 U.S.C. 154, 301, 303, 403.

By the Commission.

Adopted: July 18, 1973.

Released: July 20, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

VINCENT J. MULLINS,  
Acting Secretary.

#### APPENDIX A

Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

In Subpart I, new § 76.411 is added to read as follows:

#### § 76.411 Annual report of complaints.

An "Annual Report of Complaints" shall be filed with the Commission for each cable television system, as defined in § 76.5, on or before May 31 of each year, in accordance with the provisions of § 76.311. This report indicates whether any complaints, alleging violations by the operator of equal employment provisions of Federal, State, territorial, or local law, have been filed during the previous calendar year before any body having competent jurisdiction.

[FR Doc.73-15780 Filed 7-31-73;8:45 am]

<sup>1</sup> Chairman Burch absent.

#### Title 7—Agriculture

### CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

#### PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

##### Definition of School; Correction

The amendment entitled, "Definition of School", published in the July 3, 1973, FEDERAL REGISTER (38 FR 17722) is re-numbered amendment 9.

(Catalog of Federal Domestic Assistance Program No. 10.556, National Archives Reference Services).

Dated: July 26, 1973.

CLAYTON YEUTTER,  
Assistant Secretary.

[FR Doc.73-15812 Filed 7-31-73;8:45 am]

### CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Loan and Purchase Regs., 1973 Crop Oats Supplement Amdt. 1]

#### PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

##### Subpart—1973 Crop Oats Loan and Purchase Program

###### ALASKA

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 38 FR 11441 containing provisions for loans and purchases applicable to the 1973 crop of oats are amended as follows:

In § 1421.274 which relates to county loan and purchase rates for oats the rate for marketing areas in the State of Alaska are increased by 38 cents per bushel.

##### § 1421.274 Loan and purchase rates.

(a) Basic loan and purchase rates. \* \* \*

###### ALASKA<sup>1</sup>

Delta	1.01
Fairbanks	1.00
Glenallen	1.07
Homer	1.04
Kenai-Soldotna	1.09
Palmer	1.13
Talkeetna	1.13

Because the increased rates will benefit farmers participating in the loan program, it is determined that compliance with the notice of proposed rule making procedure at this time is unnecessary. Therefore, this amendment is being issued without following such proposed rule making procedure and shall be effective on August 1, 1973.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: August 1, 1973.

<sup>1</sup> In Alaska loan rates are for marketing areas.

Signed at Washington, D.C., on July 25, 1973.

GLENN A. WEIR,  
Acting Executive Vice President,  
Commodity Credit Corporation.

[FR Doc.73-15810 Filed 7-31-73;8:45 am]

### CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FHA Instruction 444.5]

#### PART 1822—RURAL HOUSING LOANS AND GRANTS

##### Subpart D—Rural Housing Loans, Policies, Procedures, and Authorizations

On page 16077 of the FEDERAL REGISTER of June 20, 1973, there was published a notice of proposed rulemaking to amend § 1822.89(b). The purpose of this amendment is to authorize rural rental housing loans to be made to partnerships with personal liability required of its members unless waiver of the personal liability requirement is necessary in order to obtain needed rental housing in the community. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

Comments that were received were considered. No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date: August 1, 1973.

Date: July 27, 1973.

J. R. HANSON,  
Acting Administrator,  
Farmers Home Administration.

Section 1822.89(b) is amended to read as follows:

##### § 1822.89 Security.

(b) Personal liability will not be required for the members or stockholders of any corporation. Personal liability will be required of all members of a partnership, unless the State director determines that this personal liability must be waived in order to obtain needed rental housing in the community. For such cases, the State director will obtain the advice of the regional attorney as to any modifications needed in the promissory note and mortgage.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 38 FR 14944, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 38 FR 14944, 7 CFR 2.70.)

[FR Doc.73-15837 Filed 7-31-73;8:45 am]

## Title 9—Animals and Animal Products

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

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

## PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, PONIES, MULES, AND ZEBRAS

## Equine Infectious Anemia: Official Test and Interstate Movement of Reactors

On November 7, 1972, there was published in the FEDERAL REGISTER (37 FR 23651-23652), a notice of proposed rule-making concerning regulations to be added to Part 75, Title 9, Code of Federal Regulations, relating to equine infectious anemia (swamp fever). The purpose of the proposed amendments was to provide for an official test for equine infectious anemia and to more efficiently prevent the interstate spread of the disease by requiring reactors to an official test for equine infectious anemia to be permanently identified and to meet other specified conditions as a prerequisite for movement interstate. The public was invited to comment upon the proposed amendments.

After due consideration of all relevant material, including comments submitted in connection with such notice, and pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of July 2, 1962, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 134a, 134f), the amendments are adopted in substance as proposed, with the exception that lip tattoo has been added as an alternate means of identifying reactors. Therefore, Part 75, Title 9, Code of Federal Regulations, is amended in the following respects:

1. The heading of Part 75 is amended to read as set forth above.
2. The center heading "Equine Infectious Anemia (Swamp Fever)" is inserted just after § 75.3.
3. The following section is added to Part 75:

§ 75.4 Notice relating to existence of equine infectious anemia (swamp fever), official test and conditions of interstate movement of reactors.

(a) Notice is hereby given that equine infectious anemia (swamp fever), a communicable disease of horses, asses, mules, ponies, and zebras exists in all States.

(b) Definitions. For the purposes of this section, the following terms shall have the meanings set forth in this paragraph. See also definitions in § 71.1 of this chapter.

(1) *Official test.* The Agar gel immuno-diffusion test for equine infectious anemia conducted in a laboratory approved by the Deputy Administrator, Veterinary Services, for the purpose of conducting this test. Laboratories will be approved by the Deputy Administrator following the determination by him that the laboratory: (i) Has adequately

trained technical personnel assigned to conduct the test, (ii) uses USDA licensed antigen, (iii) follows standard test protocol, (iv) meets check test proficiency requirements, and (v) reports all test results to State and Federal animal health officials.<sup>1</sup>

(2) *Reactor.* Any horse, ass, mule, pony, or zebra which discloses a positive reaction to the official test.

(3) *Officially identified.* The permanent identification of a reactor using the National Uniform Tag code number assigned by the Department to the State in which the reactor was tested followed by the letter "A"<sup>2</sup> which markings shall be permanently applied to the animal by a Veterinary Services inspector, State inspector, or accredited veterinarian who shall employ for the purpose a hot iron or chemical brand, freezemarking or a lip tattoo. If hot iron or chemical branding or freezemarking is employed, the markings shall be not less than two inches high and shall be applied to the left shoulder or left side of the neck of the reactor. If a lip tattoo is employed, the tattoo shall be not less than one inch high and three-fourths of an inch wide and shall be applied to the inside surface of the upper lip of the reactor.

(4) *Certificate.* An official document issued by a State or Veterinary Services inspector or by an accredited veterinarian at the point of origin of the interstate shipment on which are listed: (i) The description, including age, breed, color, sex, and distinctive markings when present (such as brands, tattoos, scars, or blemishes) on each reactor to be moved; (ii) the number of animals covered by the document; (iii) the purpose for which the animals are to be moved; (iv) the points of origin and destination; (v) the consignor; and (vi) the consignee; and which states that the animal or animals identified on the certificate meet the requirements of § 75.4(c).

(5) *Veterinary Services inspector.* A veterinarian or livestock inspector employed by Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, in animal health activities, who is authorized to perform the function involved.

(6) *State inspector.* A veterinarian or livestock inspector regularly employed in animal health activities by a State or a political subdivision thereof, authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the U.S. Department of Agriculture.

<sup>1</sup> Information as to the names of laboratories approved for running the official test can be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782.

<sup>2</sup> Information as to the National Uniform Tag code number system can be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782.

(7) *Accredited veterinarian.* An accredited veterinarian as defined in Part 160 of this chapter.

(c) Any reactor to an official test shall be classified as affected with equine infectious anemia, and shall not be moved interstate unless:

(1) It is officially identified, and accompanied by a certificate as defined in § 75.4(b)(4); and

(2) It is moved interstate, for immediate slaughter, to a federally inspected slaughtering establishment operated under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a State-inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter, or to a diagnostic or research facility designated by the Deputy Administrator, as provided in § 71.3(e),<sup>3</sup> or

(3) The reactor is disclosed on an official test conducted in a State other than the State in which the home farm of the reactor is located, and such reactor is moved interstate to its home farm under a certificate issued by a State or Veterinary Services inspector or by an accredited veterinarian upon his determination, after consultation with the State officials concerned, that the reactor so moved will be maintained segregated from other equine animals and quarantined under State authority on the premises of its home farm until natural death, slaughter, or disposition by euthanasia.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 2 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 134a, 134f; 37 FR 28464, 28477)

*Effective date.* The foregoing amendments shall become effective August 1, 1973.

The provision for lip tattoo which did not appear in the notice of proposed rule-making was made pursuant to comments received from interested persons. It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department. The amendments must be made effective promptly to protect the livestock of the United States. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further public proceedings are impracticable, unnecessary and contrary to the public interest and good cause is found for making the foregoing regulations effective less than 30 days after publication in the FEDERAL REGISTER.

<sup>3</sup> Research facilities will be designated by the Deputy Administrator upon request and after a determination by the Deputy Administrator that the facility is secure and will prevent exposure to other equine animals. Information as to the names and locations of designated research facilities can be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782.

Done at Washington, D.C., this 27th day of July 1973.

G. H. WISE,  
Acting Administrator, Animal  
and Plant Health Inspection Service.

[FR Doc.73-15811 Filed 7-31-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Maximum Rates of Interest

The Board of Governors has amended its Regulation Q so as to impose certain interest rate limitations on the receipt by a member bank of time deposits of \$1,000 or more with maturities of 4 years or more. There will be no interest rate ceiling on such deposits so long as the total amount of such deposits in the member bank does not exceed 5 per cent of the bank's total time and savings deposits. With respect to any such deposit that is received during the period when the outstanding amount of such deposits is at or above the 5 per cent level, the member bank shall not pay interest on such deposit at a rate in excess of 6½ per cent. This action was taken pursuant to the Board's authority under section 19 of the Federal Reserve Act to prescribe rules governing the payment of interest on deposits.

There was no notice, public participation, and deferred effective date with respect to this amendment because such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. See § 262.2 (e) of the Board's rules of procedure, 12 CFR 262.2(e).

Effective immediately, § 217.7(a) of the Board's Regulation Q (12 CFR Part 217) is amended to read as follows:

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

(a) *Time deposits with no maximum rate of interest prescribed.* (1) There is no maximum rate of interest presently prescribed on any time deposit of \$100,000 or more.

(2) There is no maximum rate of interest presently prescribed on any time deposit of \$1,000 or more (but less than \$100,000) with a maturity of 4 years or more, so long as the total amount of such deposits does not exceed 5 per cent of the member bank's total time and savings deposits that are subject to this section. With respect to any such deposit that is received during the period when the outstanding amount of such deposits is at or above the 5 per cent level, the member bank shall not pay interest on such deposit at a rate in excess of 6½ per cent.

By order of Board of Governors,  
July 26, 1973.

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

[FR Doc.73-15804 Filed 7-31-73;8:45 am]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Percentage Limitation on Certain Time Deposits

1. The Board of Directors of the Federal Deposit Insurance Corporation has decided to further amend §§ 329.6 and 329.7 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 329.6 and 329.7) so as to limit the total amount of time deposits of \$1000 or more with maturities of 4 years or more in any one insured nonmember bank. This category of time deposits shall not exceed 5 percent of the bank's total domestic time and savings deposits. Any time deposit in this category received by a bank after the effective date of this amendment which would cause the outstanding amount of all such deposits in the bank to exceed the 5 percent level will be subject to the applicable maximum rate for deposits of 30 months or more, 6½ percent in the case of insured nonmember banks other than mutual savings banks, and 6¾ percent in the case of insured nonmember mutual savings banks. These amendments do not apply to any time deposit of \$100,000 or more.

2. Section 329.6(b)(2) is amended to read as follows:

§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks other than insured nonmember mutual savings banks.<sup>13</sup>

(b) *Deposits of less than \$100,000.* . . .

(2) *Deposits of \$1000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently prescribed on any time deposit of \$1000 or more with a maturity of 4 years or more. *Provided, however,* That the total amount of such deposits in an insured nonmember bank at the time the deposit is made does not exceed 5 percent of its total time and savings deposits subject to this Part 329. With respect to any such deposit that is received after the effective date of this amendment during any period when the outstanding amount of all such deposits is at or above the 5 percent level, the bank shall not pay interest thereon at a rate in excess of 6½ percent per annum.

3. Section 329.7(b)(4) is amended to read as follows:

§ 329.7 Maximum rate of interest or dividends payable on deposits by insured nonmember mutual savings banks.<sup>14</sup>

(b) *Maximum rates payable.* . . .

(4) *Time deposits of \$1000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently

13 . . . .

14 . . . .

prescribed on any time deposit of \$1000 or more with a maturity of 4 years or more. *Provided, however,* That the total amount of such deposits in an insured nonmember mutual savings bank at the time the deposit is made does not exceed 5 percent of its total time and savings deposits subject to this Part 329. With respect to any such deposit that is received after the effective date of this amendment during any period when the outstanding amount of all such deposits is at or above the 5 percent level, the bank shall not pay interest thereon at a rate in excess of 6¾ percent per annum.

(Section 9, 18(g), 64 Stat. 881-82, Pub. L. No. 93-63, 1 (July 6, 1973); 12 U.S.C. 1819, 1829(g).)

4. The requirements of sections 553(b) and (d) of Title 5 United States Code, and §§ 302.1, 302.2 and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to notice, public participation and deferred effective date were not followed in connection with these amendments because the Board found that the public interest compelled it to make the action immediately effective.

5. *Effective Date.* The effective date of this amendment is August 1, 1973.

By order of the Board of Directors,  
July 26, 1973.

FEDERAL DEPOSIT INSURANCE CORPORATION,  
[SEAL] ALAN R. MILLER,  
Executive Secretary.

[FR Doc.73-15854 Filed 7-31-73;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 12, Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business; Size Standards Differentials

On June 7, 1973, there was published in the FEDERAL REGISTER (38 FR 14971) a notice that the Small Business Administration proposed to amend the size standards regulation by removing the continuity requirement in the definition of an "Area of Substantial Unemployment" for the purpose of application of the 25 percent size standards differential, and by providing that the size standards differential for "Areas of Substantial Unemployment" is not applicable for the purpose of section 8(a) of the Small Business Act.

Interested parties were given 15 days in which to submit written statements of facts, opinion, and arguments concerning the proposal. On the basis of all information available, it has been decided to adopt the proposal.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by:

1. Revising § 121.3-2(d) to read as follows:

§ 121.3-2 Definition of terms used in this part.

(d) "Area of Substantial Unemployment," for the purpose of small business size determination, means a geographical area within the United States which is classified by the Department of Labor either as an "Area of Substantial Unemployment," or an "Area of Substantial and persistent Unemployment."

2. Revising § 121.3-7(b) to delete the reference to section 8(a) so that § 121.3-7(b) will read as follows:

§ 121.3-7 Differentials.

(b) Substantial or persistent unemployment areas; areas of concentrated unemployment or underemployment; certified eligible concerns; and redevelopment areas.

(1) Assistance under section 7(a) of the Small Business Act. Notwithstanding any other provision of this part, the applicable size standards for the purposes of assistance under section 7(a) of the Act are increased by 25 percent whenever the concern maintains or operates a plant, facility, or other business establishment within an area of substantial unemployment or underemployment or redevelopment area as defined in § 121.3-2 (d) and (v) or is designated as a "Certified Eligible" concern by the Department of Labor and agrees to use the assistance within such area or, if it does not maintain a plant, facility, or other business establishment within such area, agrees to utilize the assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) Small business investment companies and development companies. Notwithstanding any other provision of this part, the size standard for a small business concern receiving assistance from a small business investment company or receiving assistance from a development company in connection with section 501 or section 502 loan is increased by 25 percent whenever such concern qualifies for a similar differential under paragraph (b) (1) of this section.

(3) Government procurement assistance, sales of Government property and Government subcontracting. This paragraph is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property or Government subcontracting.

Effective date. This amendment shall become effective on August 1, 1973.

(Catalog of Federal Domestic Assistance Program No. 59.103, State and Local Development Company Loans)

Dated: July 20, 1973.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.73-15794 Filed 7-31-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-20-AD, Amdt. 39-1696]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-8 Series Airplanes

Amendment 39-1619 (38 FR 8643), AD 73-7-9, requires inspection of DC-8 control columns for cracks, and removal and replacement, or rework per an FAA approved procedure. Since the issuance of the A.D., control columns exhibiting cracks, or crack indications, have been tested by the manufacturer. Also, fatigue tests have been conducted on columns evidencing only minor casting porosity and surface cracks which have appeared as small specks rather than a linear crack. Crack growth rate data has established an extremely slow growth up to  $\frac{1}{2}$ ". The agency has determined that this data is sufficient to permit some relief from A.D. 73-7-9, to the extent that depending upon the amount of crack indications, rework may be deferred, conditioned upon more frequent inspections, and second, a procedure specifying limits of blend out can be incorporated into the A.D.

Since this amendment provides relief and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1619 (38 FR 8643), AD 73-7-9, is amended as follows. For the sake of clarity, the A.D., as amended herein, is set forth in its complete text.

McDONNELL DOUGLAS. Applies to all Model DC-8 Series Airplanes.

Compliance required within the next 2500 hours' time in service after the effective date of this A.D., unless already accomplished within the last 2500 hours time in service, and thereafter at intervals not to exceed 5000 hours' time in service, except as provided below.

To detect cracks and prevent failure of the control columns, accomplish the following.

Conduct a dye penetrant or eddy current inspection of the control columns in accordance with the instructions in McDonnell Douglas All Operators Letter 8-632 issued October 11, 1972, or later FAA-approved revisions, or equivalent inspection technique approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(1) If surface indications of cracking, consisting of small specks not yet joined to form a linear crack of at least  $\frac{1}{8}$ " in length, no rework is required, but the inspection interval is thereafter reduced to 2000 hours' time in service.

(2) If linear cracks of  $\frac{1}{8}$ " or more exist, blend out may be accomplished, in lieu of replacement, subject to the following qualifications: Blend out shall not exceed .030" in depth from the original surface and shall be blended over an area 10 times the depth.

The defect shall not exceed an initial length of  $\frac{1}{4}$ ". No more than two defects can occur in the same horizontal plane, and the defects shall be separated by at least 2" center-to-center spacing. Additional defects may be blended if the vertical distance between horizontal planes is at least  $\frac{1}{4}$ " and the 2" center-to-center spacing requirement in the same horizontal plane is observed. After this rework, the inspection interval of 5000 hours applies.

(3) If cracks which exceed the limitations described in (1) or (2) are discovered as a result of any inspection, remove and replace the part, or rework in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective August 3, 1973.

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

Issued in Los Angeles, Calif., on July 24, 1973.

ARVIN O. BASNIGHT,  
Director,  
FAA Western Region.

[FR Doc.73-15785 Filed 7-31-73;8:45 am]

[Docket No. 73-CE-10-AD, Amdt. 39-1697]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 188 Series Airplanes

There have been four reports of broken aileron cables and other cases of frayed and/or broken aileron cable strands in Cessna Model 188 series airplanes. These deficiencies if not corrected can result in loss of aileron control. Since these conditions are likely to exist or develop in other aircraft of the same type design, an Airworthiness Directive (AD) is being issued requiring on all Cessna Model 188 series airplanes, initial and repetitive inspections of the aileron cables and replacement thereof where necessary and establishing a retirement life for the cables of certain serial numbered aircraft. Cessna Service Letter SE 72-1 and Cessna Service Kit SK 188-25 provide means for partial relief from the inspections.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

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

CESSNA. Applies to (1): Paragraphs A and C of the AD are applicable to all Model 188 Series airplanes, except those that have already installed or later install a centerline pulley per Cessna Service Letter No. SE 72-1, dated January 14, 1972, and Cessna Service Kit SK 188-25 in lieu of fair-leads.

(2): Paragraphs B, C and D of the AD are applicable to Model 188 (Serial Numbers 188-0001 through 18800707) Series airplanes.

Compliance: Required as indicated, unless already accomplished.

To insure integrity of the aileron control cables, within the next 25 hours' time in service after the effective date of this AD and thereafter at 100 hour intervals time in service, accomplish Paragraphs A, B, and C and accomplish Paragraph D as indicated:

(A) Inspect those portions of the aileron control cables that move in the area of the fair-leads near B.L. 20 (aft of the rear spar) for frayed or broken cable strands.

(B) 1. To perform the inspections required by Paragraph (B) 2.(a), identify those portions of the aileron control cables that move around the pulleys and:

(a) disconnect either end of each aileron cable to provide sufficient slack to conduct the inspections, or

(b) remove the aileron cables per manufacturer's instructions to conduct the inspections.

2 Inspect those portions of the aileron cables that move around the pulleys as follows:

(a) Rotate the cable so that the cable tends to untwist and simultaneously simulate the curvature of the cable over the pulley and check for fraying and broken outer and inner cable strands.

(c) Prior to further flight replace aileron control cables showing fraying or broken strands that are discovered during any inspection required by this AD.

(D) Upon accumulation of 500 hours' time in service and at 500 hour intervals thereafter, replace all aileron control cables.

This amendment becomes effective August 7, 1973.

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

Issued in Kansas City, Mo., on July 24, 1973.

JOHN R. WALLS,  
Acting Director, Central Region.

[FR Doc. 73-15786 Filed 7-31-73; 8:45 am]

**Title 16—Commercial Practices**  
**CHAPTER I—FEDERAL TRADE COMMISSION**

[Docket No. 8832]

**PART 13—PROHIBITED TRADE PRACTICES**

**Hearst Corp. and Periodical Publishers' Service Bureau, Inc.**

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services*; § 13.105 *Individual's special selection or situation*; § 13.155 *Prices*: 13.155-40 *Exaggerated as regular and customary*; 13.155-70 *Percentage savings*; 13.155-95 *Terms and conditions*. Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers*. Subpart—Delaying or withholding corrections, adjustments or actions owed: § 13.675 *Delaying or withholding corrections, adjustments or actions owed*; § 13.677 *Delaying or failing to deliver goods*. Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully*. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities or misrepresentation or deception*. Subpart—Misrepresenting oneself and goods—Business status, ad-

vantages or connections: § 13.1390 *Concealed subsidiary, fictitious collection agency, etc.*;—Goods: § 13.1625 *Free goods or services*; § 13.1663 *Individual's special selection or situation*; § 13.1697 *Opportunities in product or service*; § 13.1757 *Surveys*; § 13.1760 *Terms and conditions*;—Prices: § 13.1805 *Exaggerated as regular and customary*; § 13.1823 *Terms and conditions*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature*; § 13.1882 *Prices*; § 13.1892 *Sales contract, right-to-cancel provision*; § 13.1905 *Terms and conditions*: 13.1905-50 *Sales contract*. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1955 *Free goods*; § 13.1985 *Individual's special selection or situation*; § 13.2015 *Opportunities in product or service*; § 13.2080 *Terms and conditions*. Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception*. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully*. Subpart—Threatening infringement suits, not in good faith: § 13.2264 *Delinquent debt collection*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Hearst Corporation, New York, New York, and Periodical Publishers' Service Bureau, Inc., Sandusky, Ohio, Docket No. 8832, June 19, 1973]

*In the Matter of The Hearst Corporation, a corporation, and Periodical Publishers' Service Bureau, Inc., a corporation.*

Consent order requiring a New York City magazine subscription firm and its wholly-owned subsidiary located in Sandusky, Ohio, among other things to cease misrepresenting the purpose of the call or solicitation; misrepresenting the consumers or class of consumers afforded the opportunity of purchasing respondent's products or services; representing that any merchandise or service is free or that any merchandise is available for a price less than customary or regular; misrepresenting the savings accorded purchasers; failing to cancel subscriptions when representations have been made that said subscriptions are cancellable; misrepresenting the terms and conditions of payments; misrepresenting the nature, kind or legal characteristics of any document; attempting to harass or intimidate customers allegedly delinquent in their payments; failing to inform customers of their right to cancel their contract within three business days; misrepresenting respondent's intention to institute legal proceedings; failing to disclose to customers certain information regarding credit transactions; and furnishing means and instrumentalities of misrepresentation or deception. Respondents are further ordered to cease making sales solicitations through third parties who do not agree to be bound by the order; dealing with any who continue on their own the prohibited practices; and must institute a program of continuing surveillance to determine dealer compliance.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. It is ordered, That The Hearst Corporation, a corporation, and Periodical Publishers' Service Bureau, Inc., a corporation, consenting parties herein, their successors or assigns, and said consenting parties' respective officers, representatives, employees, salesmen, agents or solicitors, licensees or franchisees, as each, directly or through any corporate device may from time to time be engaged in connection with the advertising, offering for sale or sale of magazine subscriptions, or a combination of magazine subscriptions and a book or books (hereinafter sometimes referred to as products or services) to consumers (as "consumer" is hereinafter defined) by subscriptions to purchase such products or services through a "paid-during-service" plan, or through a "cash sale" plan (as "paid-during-service" and "cash sale" are hereinafter defined), or in the collection of any delinquent paid-during-service or cash sale subscription account, obtained through door-to-door, mail or telephone solicitation, in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly, that a consenting party is primarily engaged in conducting a survey, quiz or contest, or any other activity other than the soliciting of a paid-during-service plan or a cash sale plan; or misrepresenting in any manner the purpose of the solicitation.

2. Representing, directly or indirectly, that any offering of either the paid-during-service or cash sale plan is being made only to specially selected consumers by a consenting party unless such is a fact; or misrepresenting, in any manner, the consumers or class of consumers being offered the opportunity to purchase said plans.

3. Representing, directly or indirectly, that any parts or components of either plan are free or without cost, or are provided as a gift(s) to either the consumer, or a person or persons designated by such consumer, or without cost or charge in connection with the purchase of either plan unless the stated price of the parts and/or components required to be purchased in order to obtain such free part(s) or gift(s) is the same or less than the customary and usual price at which such parts and/or components required to be purchased have been sold separately from such free part(s) or gift(s), and in the same combination if more than the said parts or components are required to be purchased for a substantial period of time, in the consenting parties' recent and regular course of business in the area in which the offering is made; provided that nothing herein shall prevent the offering of "split orders" as part of the offer of either plan, pursuant to which the consumer designates and/or selects one or more of the magazine subscriptions in either plan to be directed and sent to a third-party

consumer, without such third-party consumer paying any part of the price or cost of the plan.

4. Representing, directly or indirectly, that the price or cost of either plan covers only the cost of mailing, handling, editing, printing or any other element of the cost, or is at or below such element of cost; or that any price is a special or reduced price unless it constitutes a significant reduction from the consenting parties' established selling price at which such products or services have been sold in substantial quantities for the offering in the recent and regular course of their business; or misrepresenting, in any manner, the savings which will be accorded or made available to the consumer; however, nothing herein shall prohibit the making of truthful comparisons with newsstand or other prices.

5. Refusing or failing, upon request, to cancel or terminate a consumer's paid-during-service plan if it has been represented, directly or indirectly, that such plan is cancellable at any time.

6. Representing, directly or indirectly, that the paid-during-service plan cannot be cancelled on the ground that the subscriptions in the agreement have been forwarded to the publishers of the selected magazines and that there is a financial commitment to such publishers for the term of the subscriptions; or refusing to cancel a consumer's agreement for future payments for any other deceptive reasons.

7. Failing, clearly, at the time of initial consumer sales contact and at each subsequent consumer sales contact up to verification, either in person or by telephone, to disclose at the outset thereof, either orally or in writing, and after the initial greeting, the name of the individual representative, the applicable consenting party's name, its local town location, that the purpose of such sales contact is to offer for sale the paid-during-service and/or cash sale plan; or misrepresenting, directly or indirectly, the purpose of any contact with a prospective consumer.

8. Making any reference or statement concerning "50 cents a week," "60 months," or any other statement as to the sum of money or duration or period of time in connection with a solicitation for a paid-during-service plan which plan does not in fact provide, at the option of the consumer, for the payment of the stated sum at the stated duration or period of time; or misrepresenting, in any manner, the terms, conditions, methods, rate or time of payment actually made available to the consumer.

9. Representing, directly or indirectly, that the contract or agreement to purchase the plan is only a "preference list," "guarantee," or "route slip," or any kind of document other than a contract or agreement; or misrepresenting in any manner the nature, kind or import of any document purporting to bind the consumer; provided, however, that when such contract or agreement includes a guarantee of service to the consumer, nothing shall prohibit reference to such

guarantee in a form such as "agreement and guarantee" or "contract and guarantee."

10. Failing, clearly, to reveal orally and in writing to each consumer before the signing of any agreement for either the paid-during-service or cash sale plan, that the document to be signed by the consumer will become, after three (3) business days, binding on the consumer.

11. Harassing consumers who are allegedly delinquent in their payments due, pursuant to the sale of either a paid-during-service or cash sale plan, through repeated daily telephone contacts, or telephone contacts at unreasonable hours, or by use of abusive language, or by improperly contacting third parties and disseminating defamatory information about such consumers to such parties, or by any other similar means.

12. Representing, directly or indirectly, in the event of alleged nonpayment or alleged delinquency by a consumer arising out of his alleged purchase of either a paid-during-service or cash sale plan, that such consumer's general or public credit rating may be adversely affected, unless the information concerning the consumer's alleged delinquency or alleged nonpayment is referred to a bona fide credit agency.

13. Failing, clearly, in the event any reference is made to referral to a collection agency of the consumer's account, arising out of the sale of either a paid-during-service or cash sale plan, or of a contact from a collection agency, to disclose in each such contact that such collection agency is an operating division of the applicable consenting party, if such is the fact; or representing that such collection agency is an independent bona fide collection agency unless such is the fact.

14. Representing that legal action may be instituted, unless there is a good-faith intention to institute legal action against each alleged delinquent consumer to whom such representation is made; or misrepresenting, in any manner, the action or results of any action which may be taken to effect payment of such debt; provided that nothing herein contained shall preclude the right of the applicable consenting party to retain counsel and to utilize the services of counsel to protect its interest and such counsel shall not in any respect be prohibited from collecting amounts due from consumers.

15. Failing, in connection with the allowing of a consumer to sign an agreement for the purchase of the products and services described herein, to provide, both orally and in writing, as part of such agreement, a statement that the consumer may cancel such agreement within three (3) business days by directing and mailing postpaid a notice of intent to cancel, in any form, including the return of the agreement, to the consenting party's address set forth on such agreement.

16. Failing to furnish each consumer, at the time of his signing of the agree-

ment to purchase either a paid-during-service or cash sale plan of a consenting party, a duplicate of the original of the agreement setting forth the names of the magazines being subscribed to and the total cost to the consumer, and at the same time failing to furnish such consumer, either as a part of said agreement or separately, with a document setting forth the number of issues of each magazine per year and the respective price of each magazine subscription contained in the agreement.

17. Failing, in the event a coupon book is used, after the paid-during-service plan ordered has been orally verified with the consumer as to the months of service, selection of magazines and the payment program, to use a coupon book containing the number of coupons in the amounts called for in the duplicate original agreement provided to the consumer in accordance with paragraph 16 hereof, which coupon book shall contain:

(a) On an inside cover, or other conspicuous place, a statement setting forth the number of coupons, the amount of each coupon, and the total amount represented by coupons; and

(b) A legend asking the consumer to verify the number of coupons against said consumer's original agreement.

18. Failing, after verification (as defined in Paragraph 17 hereof), in the event any magazine subscription set forth in the original plan agreement (provided the consumer in accordance with Paragraph 16 hereof) is changed or altered for any reason, before any coupon book is sent to the consumer, to send the consumer a new agreement reflecting such change or alteration.

19. Failing or refusing to cancel all or any portion (at the consumer's option) of a consumer's agreement to purchase a paid-during-service or cash sale plan offered by a consenting party hereunder when said consenting party has, in good faith, determined that a misrepresentation prohibited by this Order has been made to such consumer, provided, however, that the sole fact of such good-faith determination shall not be admissible against a consenting party in any proceeding brought to recover penalties for the alleged violation of any paragraph of this Order.

20. Failing, clearly and conspicuously, to designate in writing and disclose orally at or before the signing by the consumer of an agreement to purchase the products or services described herein, on the same side of the page as, and above or adjacent to, the place for the consumer's signature:

(a) The total cash price;

(b) The down payment;

(c) The unpaid balance of the cash price;

(d) The number, amount, and due dates or period of payments scheduled to satisfy the payments of the agreement;

and, if all or any portion of the purchase price is being financed:

(e) The amount financed; and,

(f) The rate of the finance charge, if any, expressed as the annual percentage rate.

21. In the event of the discontinuance of publication, or other unavailability of any magazine subscribed for, at any time during the life of the agreement, failing to offer the subscriber the right to substitute one or more magazines or other publications, or any other arrangement which shall be satisfactory to the consumer.

22. Placing in the hands of consenting parties' employees, or other authorized representatives offering either the paid-during-service or cash sale plans to consumers, the means and instrumentalities, by and through which consumers may be misled or deceived in the manner or by the acts and practices prohibited by this order.

II. *It is further ordered*, That The Hearst Corporation, through Periodical Publishers' Service Bureau, Inc., and Periodical Publishers' Service Bureau, Inc., or any future subsidiary:

(a) (1) Deliver by hand or by registered mail a copy of this Decision and Order to the executive personnel of the operating divisions of a consenting party selling or promoting the products or services by and through the plans included in this order; (2) deliver by hand or registered mail a copy of this Decision and Order to each of the branch managers and their employees, salesmen, agents and solicitors, and present and future franchisees and licensees of a consenting party, who may from time to time be so engaged; and (3) require the applicable consenting party's present and future licensees and franchisees to deliver a copy of this Decision and Order to each of said licensees' and franchisees' employees, agents, salesmen, solicitors, independent contractors, and other representatives so engaged.

(b) Require persons described in (a) (1) and (2) heretofore to sign a form returnable to the applicable consenting party clearly stating such person's intention to conform his business practices to the requirements of this order.

(c) Inform each person so described in paragraph (a) (1) and (2) hereof that such consenting party shall not contract with any such persons for the solicitation of the magazine subscription selling plans described herein, unless such person agrees to and does file notice with the applicable consenting party that it will conform its business practices to the provisions contained in this order.

(d) Shall not use the services of such persons described in (a) (1) and (2) to solicit the subscription offerings described herein, if such person will not agree to so file such notice and conform his business practices to the provisions of this order.

(e) So inform such persons described in paragraph (a) (1) and (2) that such consenting party is obligated by this order to discontinue dealing with those persons who continue on their own the deceptive acts or practices prohibited by this Order.

(f) Initiate a program of continuing supervision of the activities of the applicable consenting party's branches, licensees and franchisees: *Provided*, That such consenting party shall not be required to initiate any program of supervision of franchisees or licensees which would contravene the antitrust or any other laws.

(g) Terminate the authority of any such persons, described in paragraph (a) (1) or (2) above, who are revealed by the aforesaid program of supervision or otherwise, to be continuing on their own to engage in the acts or practices prohibited by this order, to the extent that said Order applies to such persons, provided that such violations of any terms of this Order by any such present or future licensees, franchisees, representatives or employees will not be deemed a violation of this Order by the consenting parties, unless the applicable consenting party fails to terminate or cancel the authority of such persons within a reasonable time of determining, in good faith, a violation of this order.

III. *It is further ordered*, That the consenting parties herein shall notify the Commission at least thirty (30) days prior to any proposed change in the structure of either of the corporate consenting parties, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the respective corporations which may affect compliance obligations arising out of this order.

*It is further ordered*, That the consenting parties herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

As used in this order, the term "consumer" is defined as the party who is a natural person to whom the applicable consenting party offers to sell or sells magazine subscriptions, or a combination of magazine subscriptions and a book or books, the subject of the transaction and of the paid-during-service or cash sale plan, on its subscription agreement forms primarily for personal, family or household purposes.

As used in this order, the term "cash sale" shall mean the sale to a consumer by the applicable consenting party of magazine subscriptions, or a combination of magazine subscriptions and a book or books, by means of a consenting party's original subscription agreement, obtained by that category of sales personnel referred to in the trade as "field representatives" or "traveling crews," who sell such agreements during the course of door-to-door solicitations in consideration of one immediate full payment or two payments, as contrasted with the more numerous products or payments involved in paid-during-service plans.

As used in this order, the term "paid-during-service" shall mean the sale by

an applicable consenting party to a consumer of two or more magazine subscriptions, or a combination of magazine subscriptions and a book or books by its door-to-door, mail or telephone solicitation, and subsequent signing of a consenting party's original subscription plan agreement at the consumer's home, office or at an exhibit (i.e., a temporary booth in space leased by a consenting party at a fair, store exhibit or like facility, wherein and whereby the plans described herein are offered to consumers) or confirming any renewal thereof, the cost of which subscriptions is paid or payable in equal, successive payments over a period of two or more successive months, or sooner, at the option of the consumer.

As used in this order, the phrase "door-to-door, mail or telephone solicitation" of a consenting party's subscription agreements relates only to such solicitation of consumers used by the applicable consenting party to initiate or effect sales or collections pursuant to a paid-during-service plan or a cash sale plan.

Issued: June 19, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,  
Secretary.

[FR Doc. 73-15806 Filed 7-31-73; 8:45 am]

[Docket Nos. C-2421, C-2422]

#### PART 13—PROHIBITED TRADE PRACTICES

Volvo, Inc. and Scali, McCabe, Sloves, Inc.

Subpart—Advertising falsely or misleadingly: § 13.170 *Qualities or properties of product or service*; 13.170-34 *Economizing or saving*; § 13.205 *Scientific or other relevant facts*. Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records*; 13.1051-20 *Adequate*. Subpart—Misrepresenting oneself and goods—Goods: § 13.710 *Qualities or properties*; § 13.1740 *Scientific or other relevant facts*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist orders, Volvo, Inc., Rockleigh, New Jersey, Docket No. C-2421, June 26, 1973, and Scali, McCabe, Sloves, Inc., New York, N.Y., Docket No. C-2422, June 26, 1973]

*In the Matter of Volvo, Inc., a corporation; and Scali, McCabe, Sloves, Inc., a corporation.*

Consent order requiring a Rockleigh, New Jersey, seller and distributor of a Swedish-built automobile, among other things to cease representing certain quantitative data as to the economy of its product without substantive information to support its claims; and failing to maintain adequate records.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

<sup>1</sup> Applies only to Volvo, Inc., Docket C-2421.



*I. It is ordered.* That respondent Volvo of America Corporation, a Corporation, its officers, agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of motor vehicles in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through advertising, sales promotional material, or any other written or oral statement tending to promote the sale of motor vehicles, that any such motor vehicle is more economical, in any manner, to own, operate, or own and operate than any or all competing motor vehicles unless, at the time of such representation, said respondent has a reasonable basis for such representation which may consist of quantitative data based on a statistically valid sample, or competent scientific, engineering, cost or other similar objective data compiled by respondent or others;

2. Failing to keep adequate records which may be inspected by the Commission staff members upon reasonable notice:

a. Which contain documentation in support of any economy characteristics (as defined in paragraph I(1) hereof) so claimed by said respondent or its agents for motor vehicles, insofar as such material is prepared, or such statement is made, by or under the direction of, or is approved (expressly or by implication) by, an officer or employee of said respondent, or any of its divisions or subsidiaries; and

b. Which provided the basis upon which said respondent relied at the time such claims were made; and

c. Which shall be maintained by said respondent for so long as such material is disseminated or approved for dissemination, or such statement is made, by said respondent, and for a further period of three (3) years after said respondent's last dissemination of such material or termination of approval for dissemination of such material, or last such statement (whichever period is the longer).

*It is further ordered.* That respondent Volvo of America Corporation notify the Commission at least thirty (30) days prior to any proposed change in said corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in said corporation which may affect compliance obligations arising out of the order.

*It is further ordered.* That the respondent shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered.* That the respondent herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Consent order requiring a New York City advertising agency for a seller and

distributor of a Swedish-built automobile, among other things to cease representing certain quantitative data as to the economy of its client's product without substantive information to support its claims.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

*1. It is ordered.* That respondent Scall, McCabe, Sloves, Inc., ("SMS"), a corporation, its officers, agents, representatives, employees, successors, and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of motor vehicles in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

representing, directly or by implication, through advertising or sales promotional material that any motor vehicle is more economical, in any manner, to own, operate, or own and operate than any or all competing motor vehicles unless, at the time of such representation SMS or its client has a reasonable basis for such representation which may consist of quantitative data based on a statistically valid sample, or competent scientific, engineering, cost or other similar objective data compiled by respondent or others.

*II. It is further ordered.* That respondent Scall, McCabe, Sloves, Inc., notify the Commission at least thirty (30) days prior to any proposed change in said corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in said corporation which may affect compliance obligations arising out of the order.

*It is further ordered.* That the respondent shall forthwith distribute a copy of this order to each of its operating divisions.

*It is further ordered.* That the respondent herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: June 26, 1973.

By the Commission.

[SEAL] VIRGINIA M. HARDING,  
Acting Secretary.

[FR Doc. 73-15807 Filed 7-31-73; 8:45 am]

#### Title 42—Public Health

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

#### PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

##### Armed Forces Health Professions Scholarship Program

On April 13, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 9314) proposing addi-

tion of a new subpart Z to 42 CFR Part 57, setting forth criteria for use by the Secretary of Defense in determining whether an accredited civilian educational institution has increased its total enrollment for the sole purpose of accepting members of the Armed Forces Health Professions Scholarship Program (10 U.S.C. 2120 et seq.).

Interested persons were invited to submit, on or before May 14, 1973, written comments regarding the proposed regulations.

One response was received, suggesting that the definition of the term "institution" in proposed § 57.2502(a) be expanded to refer specifically to a course of study in "optometry." This suggestion was not adopted because § 57.2502(a), as proposed, was intended in pertinent part to comport with the definition of "course of study" in 10 U.S.C. 2120, which refers only to "medicine, dentistry, or other health profession." It is evident, however, that optometry would be encompassed by the reference to "other health profession."

The only substantive change in the proposed rule making is the addition to § 57.2502(a) of a clause requiring that accreditation be by an accrediting agency or association recognized by the United States Commissioner of Education. The purpose of this change is to clarify the meaning of the term "accredited," as used in the section.

In addition, the subpart has been redesignated subpart U; and §§ 57.2501, 57.2502, and 57.2503 have been renumbered §§ 57.2001, 57.2002, and 57.2003, respectively.

Effective date.—These regulations shall be effective Aug. 1, 1973.

Dated: June 29, 1973.

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

Approved: July 25, 1973.

FRANK CARLUCCI,  
Acting Secretary.

#### Subpart U—Armed Forces Health Professions Scholarship Program

Sec.	
57.2001	Applicability.
57.2002	Definitions.
57.2003	Determinations of increased enrollment solely for the program.

AUTHORITY: Sec. 2(a), Public Law 92-426, 86 Stat. 719 (10 U.S.C. 2127(d)).

#### § 57.2001 Applicability.

In the event the Secretary of Defense decides to enter into one or more contracts under 10 U.S.C. 2127(d), the regulations in this subpart outline considerations the Secretary of Defense will take into account in determining whether an accredited civilian educational institution has increased its total enrollment for the sole purpose of accepting members of the Armed Forces health professions scholarship program.

#### § 57.2002 Definitions.

As used in this subpart:  
(a) "Institution" means a college, university, or other institution or a department, division, or other administrative

unit within a college, university, or other institution, which provides primarily or exclusively a course of study in medicine, dentistry, or other health profession, as determined under regulations prescribed by the Secretary of Defense, leading to a degree in one of said health professions, and which is accredited by an accrediting agency or association recognized by the United States Commissioner of Education.

(b) "Enrollment" in any fiscal year means the number of full-time students enrolled in an institution on October 15 of said year and pursuing a course of study which constitutes a full-time academic workload, as determined by the institution, leading to a degree in medicine, dentistry, or other health profession, as determined under regulations prescribed by the Secretary of Defense: *Provided*, That if the Secretary of Defense finds that a date other than October 15 would more accurately reflect an institution's enrollment in any fiscal year, the Secretary of Defense may use such other date in place of October 15 in making his determination under this subpart.

(c) "Fiscal year" means the Federal fiscal year beginning July 1 and ending on the following June 30.

(d) "Program" means the Armed Forces health professions scholarship program established under section 2(a) of the Uniformed Services Health Professions Revitalization Act of 1972 (86 Stat. 713, Public Law 92-426), and codified in chapter 105 of 10 U.S.C.

**§ 57.2003 Determinations of increased enrollment solely for the program.**

In the event the Secretary of Defense decides to enter into one or more contracts under 10 U.S.C. 2127(d), his determination as to whether an institution has increased its total enrollment in any fiscal year for the sole purpose of accepting members of the program will take into account the following considerations:

(a) A comparison of the total enrollment in said fiscal year with the total enrollments in immediately preceding fiscal years;

(b) Any increases in enrollment to which the institution has directly or indirectly committed itself in said fiscal year under: (1) Other Federal programs, such as those set forth in title VII and VIII of the Public Health Service Act (42 U.S.C. 292 et seq.), the Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972 (Public Law 92-541, 86 Stat. 1100 (38 U.S.C. 5070 et seq.)) and section 225 of the Public Health Service Act (sec. 5, Public Law 92-585, 86 Stat. 1293 (42 U.S.C. 234)); (2) programs of State or local governments or other public or private agencies, or (3) any legally binding arrangement: *Provided*, That insofar as a single increase may be applied to satisfy the commitments under two or more programs and/or other arrangements, said increase shall be considered to meet all such commitments;

(c) Any unusual factors, such as: (1) An institution having been newly established or (2) an institution experiencing what is for it an abnormal rate of attrition and/or admission.

[FR Doc. 73-15834 Filed 7-31-73; 8:45 am]

**Title 46—Shipping**

**CHAPTER I—COAST GUARD,  
DEPARTMENT OF TRANSPORTATION**

[CGD 73-119R]

**SUBCHAPTER H—PASSENGER VESSELS**

**PART 72—CONSTRUCTION AND  
ARRANGEMENT**

**SUBCHAPTER I—CARGO AND MISCELLANEOUS  
VESSELS**

**PART 92—CONSTRUCTION AND  
ARRANGEMENT**

**SUBCHAPTER U—OCEANOGRAPHIC VESSELS**

**PART 190—CONSTRUCTION AND  
ARRANGEMENT**

**Washrooms and Toilets**

The purpose of these amendments to the shipping regulations is to allow female members of the crews of vessels to use washrooms and toilet rooms that are also used by male members of the crew.

This amendment is based on a notice of proposed ruling making published in the *FEDERAL REGISTER* on January 15, 1972 (CGFR 72-4; 37 FR 676). The time for comments on that notice was extended by a notice published in the *FEDERAL REGISTER* on March 2, 1972 (CGFR 72-38; 37 FR 4357).

As explained in the notice, current regulations for passenger, cargo, miscellaneous, and oceanographic vessels require that toilet and washing facilities for female members of the crews of these vessels must be located in spaces separate from the facilities for other crewmembers.

Under §§ 72.20-1, 92.20-1, and 190.20-1, this requirement applies only to passenger, cargo, and miscellaneous vessels of 100 gross tons and over contracted for on or after November 19, 1952, and to oceanographic vessels contracted for on or after March 1, 1968. The separate washroom and toilet requirement does not apply to vessels contracted for before these dates; their existing structures, arrangements, materials, and facilities previously approved are considered satisfactory so long as they are maintained in good condition, under §§ 72.20-90, 92.20-90, and 190.20-90.

The facts that create the need for the proposed revision are as follows:

The "semi-private" facility referred to in the present regulations is understood to mean a toilet and washing facility, between two rooms, with two doors that can be locked from either side. This arrangement has been interpreted by the Coast Guard as not being a toilet and washing facility located in a space separate from the facilities for other crewmembers. On vessels where semi-private but no private facilities were available

for women, women have been denied employment to avoid violation of the regulations; particularly where the employer has determined it to be unreasonable or impractical to modify the vessel at the time a woman sought employment as a crewmember.

As indicated in the notice, the Coast Guard has determined that to require that each women's toilet and washing facility be located in a space separate from men's toilet and washing facilities is unduly restrictive. The requirement was first adopted, for passenger, cargo, and miscellaneous vessels in 1952 when fewer ships had private and semi-private facilities for crewmembers and when women were employed mostly aboard passenger ships where arrangements were satisfactory.

In January of 1970, the Coast Guard responded to a request for an interpretation of present § 92.20-1 in a situation where a female crewmember on board a vessel would share a semi-private shower and wash facility with a male crewmember. The Coast Guard's interpretation concluded that the semi-private toilet and washroom facility available between each pair of single staterooms in the crew quarters of the vessels involved would not meet the requirements of § 92.20-1.

In January, 1971, the National Maritime Union of America requested reconsideration of that interpretation so that female seamen would be permitted to ship on cargo ships when the union and the company agree that the facilities provided on the vessel meet the intent of the regulations to provide privacy for the female.

The Union indicated that the employment of females on merchant vessels where the seamen have a private room and toilet facilities that can be made private by way of a lock when occupied was now acceptable to both management and labor.

In March 1971, after reconsideration, the Coast Guard reaffirmed the earlier interpretation, but noted that semi-private washroom and toilet facilities would now be considered acceptable to the industry, and pointed out that promulgation of a regulation change under the Administrative Procedure Act would be required to effect this position.

On May 10, 1971, the Coast Guard advised the United States shipping commissioners, who superintend the arrangement and discharge of seamen and inspect crew quarters, that the regulations were being amended to allow female members of the crew to share semi-private washroom and toilet facilities without restriction. Therefore, the restriction against employing female crewmembers has been relaxed since May 10, 1971, insofar as it applied to semi-private washroom and toilet facilities. The amendment proposed in the Coast Guard's notice CGFR 72-4 not only relaxes the restriction on the use of semi-private rooms by female crewmembers but also removes the restriction on the use of

washroom and toilet facilities that are not located between adjoining crewmembers quarters. Therefore, the proposed revision would remove the restriction and enable employment of female crewmembers on those vessels that are not arranged to have semi-private toilet and washroom facilities. For example, the proposal would enable employment of female crewmembers on a vessel arranged with one or more toilet and washroom facilities that are not between quarters but can be used privately.

Comments in response to the notice generally favored regulations that would permit females to be employed aboard vessels when private and semi-private washroom and toilet facilities are available. Comments pointed out that in the case of new construction such facilities are being provided and that female crewmembers could obtain employment on a substantial portion of the United States flag ocean-going vessels.

However, the Maritime Service Committee and others commented:

\*\*\* that the proposal would go further and permit the hiring of females even in those instances where a single washroom and toilet facility is shared by an entire department aboard the vessel and where a female would be required to use a washroom and toilet facility which is also being used by seven male crewmembers.

Thus, it would be impossible to insure that a female would have privacy at the time she is using the washroom and toilet facilities, and, of course, privacy for her would deprive other crewmembers of those facilities at the same time.

This kind of situation envisaged by the newest proposed regulations goes far beyond current accepted standards both at the sea and on shore. Not only would it create serious personal problems for the female and male crewmembers but it would also create serious disciplinary problems for the vessel and might, indeed, create circumstances which would endanger the safety of the vessel itself.

Another comment stated that adoption of the proposed rule would have the effect of depriving ship owners and operators of their present legal right to refuse to employ female crewmembers where females would have to share common toilet and washroom facilities with male members of the crew.

Although the proposal would enable the employment of female crewmembers on vessels that are arranged so that there are no toilet or washroom facilities that are intended for private use, it should be noted that Coast Guard regulations and the shipping laws do not require employment of female crewmembers or require females to serve as crewmembers aboard a vessel without facilities that could be used privately.

If the regulations continue to require that vessels be arranged so as to provide female crewmembers with facilities that they can use privately, the regulations would continue to enable discrimination in employment of female crewmembers on a vessel on which the shipowner refuses to provide private facilities.

The Coast Guard recognizes that problems arising from the use of toilet and washroom facilities by both sexes on

board merchant vessels during lengthy voyages are different from those aboard passenger vessels, aircraft, and trains or in factories, stores, homes, and other living quarters. However, problems of discipline, morale, sanitation, safety, and discrimination cannot be resolved solely by promulgating general toilet and washing facility requirements. These problems are of the concern not only to the Coast Guard but also to employees, employers, and their representatives and to other government agencies. These are problems that should be resolved by the persons involved, including the Coast Guard when the problem is within its jurisdiction, after considering the arrangement of the particular ship or class of ships and the specific kind of problem.

It should be noted further that the present regulations requiring separate facilities for females are inappropriate insofar as they apply at the time of initial inspection and certification of a vessel because it is not known at that time how many, if any, female crewmembers will regularly serve on the vessel. The regulations were originally promulgated for passenger vessels, where women regularly served in various capacities and the need for facilities could be anticipated. The regulations have been extended, as recently as 1968, to oceanographic vessels, without regard to the difficulty of anticipating crew complement at the time of approval of a vessel's design. The other regulations in the sections being revised apply regardless of sex.

In consideration of the foregoing, the amendments to Parts 72, 92, and 190 of Title 46 of the Code of Federal Regulations are adopted as proposed in the notice of proposed Rulemaking (CGFR 72-4; 37 FR 676).

T. R. SARGENT,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.

JULY 25, 1973.

Chapter I of Title 46, Code of Federal Regulations is amended as follows:

By revoking §§ 72.20-25(b)(3), 92.20-25(b)(3), and 190.20-25(b)(3).

[FR Doc. 73-15829 Filed 7-31-73; 8:45 am]

#### Title 49—Transportation

##### SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-74]

##### PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

##### Delegation of Functions With Respect to Marine Protection, Research, and Sanctuaries Act of 1972

The purpose of this amendment is to delegate to the Commandant of the Coast Guard functions vested in the Secretary by sections 104(a) and (g), 107(c), 108, 201, and 302(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (October 23, 1970, Public Law 92-532, 86 Stat. 1052; 33 U.S.C. 1414(a) and (g), 1417(c), 1418, 1441; 16 U.S.C. 1432(a)) relating to ocean dumping.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective on or before Aug. 31, 1973.

In consideration of the foregoing, effective Aug. 1, 1973, paragraph (o) of § 1.46 of Part 1 of Title 49 of the Code of Federal Regulations is amended, and a subparagraph (4) is added thereto, to read as follows:

##### § 1.46 Delegations to Commandant of the Coast Guard.

(o) Carry out the functions vested in the Secretary by the following statutes:

(4) Sections 104(a) and (g), 107(c), 108, 201, and 302(a) of the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92-532) relating to ocean dumping.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e)).

Issued in Washington, D.C., on July 26, 1973.

CLAUDE S. BRINEGAR,  
Secretary of Transportation.

[FR Doc. 73-15815 Filed 7-31-73; 8:45 am]

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

[Docket No. 73-8; Notice 2]

##### PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

##### PART 572—ANTHROPOMORPHIC TEST DUMMY

##### Occupant Crash Protection

The purposes of this notice are (1) to adopt a regulation that specifies a test dummy to measure the performance of vehicles in crashes, and (2) to incorporate the dummy into Motor Vehicle Safety Standard No. 208 (49 CFR 571.208), for the limited purpose of evaluating vehicles with passive restraint systems manufactured under the first and second restraint options between August 15, 1973, and August 15, 1975. The question of the restraint system requirements to be in effect after August 15, 1975, is not addressed by this notice and will be the subject of future rulemaking action.

The test dummy regulation (49 CFR Part 572) and the accompanying amendment to Standard No. 208 were proposed in a notice published April 2, 1973 (38 FR 8455). The dummy described in the regulation is to be used to evaluate vehicles manufactured under sections S4.1.2.1 and S4.1.2.2, (the first and second options in the period from August 15, 1973, to August 15, 1975), and the section incorporating the dummy is accordingly limited to those sections. The dummy has not been specified for use with any protection systems after August 15, 1975, nor with active belt systems under the third restraint option (S4.1.2.3). The recent decision in *Ford v. NHTSA*, 473 F.2d 1241 (6th Cir. 1973),

removed the injury criteria from such systems. To make the dummy applicable to belts under the third option, the agency would have to provide additional notice and opportunity for comment.

By invalidating the former test dummy specification, the decision in *Chrysler v. DOT*, 472 F.2d 659 (6th Cir. 1972), affected the restraint options in effect before August 15, 1975, as well as the mandatory passive restraint requirements that were to be effective after that date. A manufacturer who built cars with passive restraints under one of the options would therefore be unable to certify the cars as complying with the standard, as illustrated by the necessity for General Motors to obtain a limited exemption from the standard in order to complete the remainder of a run of 1,000 air-bag equipped cars.

The immediate purpose of this rule-making is to reconstitute those portions of the standard that will enable manufacturers to build passive restraint vehicles during the period when they are optional. The test dummy selected by the agency is the "GM Hybrid II", a composite developed by General Motors largely from commercially available components. GM had requested NHTSA to adopt the Hybrid II on the grounds that it had been successfully used in vehicle tests with passive restraint systems, and was as good as, or better than, any other immediately available dummy system. On consideration of all available evidence, the NHTSA concurs in this judgment. One fact weighing in favor of the decision is that General Motors has used this dummy to measure the conformity of its vehicles to the passive protection requirements of Standard 208, in preparation for the announced introduction of up to 100,000 air-bag-equipped vehicles during the 1974 model year.

No other vehicle manufacturer has announced plans for the production of passive restraint systems during the optional phase, nor has any other vehicle manufacturer come forward with suggestions for alternatives to Hybrid II. The NHTSA would have considered other dummies had some other manufacturer indicated that it was planning to produce passive restraint vehicles during the option period and that some other dummy had to be selected in order to allow them to proceed with their plans. If there had been any such plans, NHTSA would have made every effort to insure that a test device satisfactory to said manufacturer would have been selected.

This agency recognizes that since various types of dummy systems have been in use under the previous specification, any selection of one dummy, as is required by the Chrysler decision, will necessitate readjustments by some manufacturers. However, considering the quantity of GM's production, the scope and advanced state of its passive restraint development program, and the fact that the Hybrid II does not differ radically from other dummies currently

in use, in the NHTSA's judgment that dummy represents the best and least costly choice. That conclusion has not been contradicted by the comments to the docket.

The agency will not make any final decision regarding reinstatement of mandatory passive restraint requirements without further notice and opportunity for comment. Should the agency propose mandatory passive restraint requirements, the question of the conformity of the dummy that is chosen with the instructions of the court in *Chrysler* will again be open for comment. The NHTSA strongly encourages the continuance of the dummy test programs mentioned in the comments, in the hope that any problems that may arise can be identified and resolved before the dummy specifications for later periods are issued.

The Hybrid II dummy has been found by NHTSA to be a satisfactory and objective test instrument. In sled and barrier tests conducted by GM with the GM restraint systems and in sled tests conducted by Calspan Corp. on behalf of NHTSA, the Hybrid II has produced results that are consistent and repeatable. This is not to say that each test at the same nominal speed and deceleration has produced identical values.

In testing with impact sleds, and to an even greater extent with crash-tested vehicles, the test environment itself is complex and necessarily subject to variations that affect the results. The test data show, however, that the variance from dummy to dummy in these tests is sufficiently small that a manufacturer would have no difficulty in deciding whether his vehicle would be likely to fail if tested by NHTSA.

The provisions of the dummy regulation have been modified somewhat from those proposed in the notice of proposed rulemaking, largely as a result of comments from GM. Minor corrections have been made in the drawings and materials specifications as a result of comments by GM and the principal dummy suppliers. The dummy specification, as finally adopted, reproduces the Hybrid II in each detail of its design and provides, as a calibration check, a series of performance criteria based on the observed performance of normally functioning Hybrid II components. The performance criteria are wholly derivative and are intended to filter out dummy aberrations that escape detection in the manufacturing process or that occur as a result of impact damage. The revisions in the performance criteria, as discussed hereafter, are intended to eliminate potential variances in the test procedures and to hold the performance of the Hybrid II within the narrowest possible range.

General Motors suggested the abandonment of the definition of "upright position" in § 572.4(c), and the substitution of a set-up procedure in § 572.11 to serve both as a positioning method for the performance tests and as a measurement method for the dummy's dimen-

sions as shown in the drawings. The NHTSA does not object to the use of an expanded set-up procedure, but has decided to retain the term "upright position" with appropriate reference to the new § 572.11(d).

The structural properties test of § 572.5(c), which had proposed that the dummy keep its properties after being subjected to tests producing readings 25 percent above the injury criteria of Standard No. 208, has been revised to provide instead that the properties must be retained after vehicle tests in accordance with Standard No. 208.

The head performance criteria are adopted as proposed. The procedures have been amended to insure that the forehead will be oriented below the nose prior to the drop, to avoid interference from the nose. In response to comments by the Road Research Laboratory, American Motors, and GM, an interval of at least 2 hours between tests is specified to allow full restoration of compressed areas of the head skin.

The neck performance criteria are revised in several respects, in keeping with GM's recommendations. The pendulum impact surface, shown in Figure 4, has been modified in accordance with GM's design. The zero time point has been specified as the instant the pendulum contacts the honeycomb, the instructions for determining chordal displacement have been modified, and the pulse shape of the pendulum deceleration curve has been differently specified. The maximum allowable deceleration for the head has been increased slightly to 26g. In response to suggestions by the Road Research Laboratory and the Japan Automobile Manufacturers Association (JAMA), as well as GM, a tolerance has been specified for the pendulum's impact velocity to allow for minor variances in the honeycomb material.

With respect to the thorax test, each of the minor procedural changes requested by GM has been adopted. As with the head, a minimum recovery time is specified for the thorax. The seating surface is specified in greater detail, and the test probe orientation has been revised to refer to its height above the seating surface. The test probe itself is expressly stated to have a rigid face, by amendment to § 572.11, thereby reflecting the probes actually used by NHTSA and GM. A rigid face for the probe was also requested by Mercedes-Benz.

The test procedures for the spine and abdomen tests are specified in much greater detail than before, on the basis of suggestions by GM and others that the former procedures left too much room for variance. The test fixtures for the spinal test orientation proposed by GM, and its proposed method of load application have been adopted. The parts of the dummy to be assembled for these tests are specifically recited, and an initial 50° flexion of the dummy is also specified. The rates of load application and removal, and the method of taking force readings are each specified. The

direction of force application is clarified in response to a comment by Volvo.

The abdomen test is amended with respect to the initial point of force measurement, to resolve a particular source of disagreement between GM's data and NHTSA's. The boundaries of the abdominal force-deflection curve are modified to accord with the measurements taken by GM subsequent to the issuance of the notice. The rate of force application is specified as not more than 0.1 inch per second, in response to comments by Mercedes-Benz, JAMA, and GM.

The test procedures for the knee tests are revised to specify the type of seating surface used and to control the angle of the lower legs in accordance with suggestions by JAMA, the Road Research Laboratory, and GM. The instrumentation specifications of section 572.11 are amended to clarify the method of attachment and orientation of the thorax accelerometers and to specify the channel classes for the chest potentiometer, the pendulum accelerometer, and the test probe accelerometer, as requested by several comments.

The design and assembly drawings for the test dummy are too cumbersome to publish in the FEDERAL REGISTER. During the comment period on the April 2 notice, the agency maintained master copies of the drawings in the docket and placed the reproducible mylar masters from which the copies were made with a commercial blueprint facility from whom interested parties could obtain copies. The NHTSA has decided to continue this practice and is accordingly placing a master set of drawings in the docket and the reproducible masters for these drawings with a blueprint facility.

The drawings as adopted by this notice differ only in minor detail from those that accompanied the April 2 notice. The majority of the changes, incorporated into corrected drawings, have already been given to those persons who ordered copies. The letter of June 13, 1973, that accompanied the corrected drawings has been placed in the docket. The June corrections are incorporated into the final drawing package. Additional adjustments are made hereby to reflect better the weight distribution of separated segments of the dummy, to allow other materials to be used for head ballast, and to specify the instrument for measuring skin thickness. The details of these changes are recited in a memorandum incorporated into the drawing package.

Each of the final drawings is designated by the legend "NHTSA Release 8/1/73". Each drawing so designated is hereby incorporated as part of the test dummy specifications of 49 CFR Part 572. Subsequent changes in the drawings will not be made without notice and opportunity for comment.

The incorporation of the Part 572 test dummy into Standard No. 208 makes obsolete several test conditions of the standard that had been adopted to supplement the former test dummy specifications. The location, orientation, and sensitivity of test instrumentation formerly specified by sections S8.1.15

through S8.1.18 are now controlled by Part 572 and are no longer necessary within Standard No. 208. Similarly, the use of rubber components for the head, neck and torso joints as specified in Part 572, supplant the joint setting specifications for those joints in section S8.1.10 of the standard. The NHTSA has determined that the deletion of the above portions of the Standard No. 208 will have no effect on the substantive requirements of the standard and that notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Title 49, Code of Federal Regulations, is amended by the revision of Motor Vehicle Safety Standard No. 208 (49 CFR 571.208) as follows:

§ 571.208 [Amended]

1. Section S8.1.8 is adopted as follows:  
S8.1.8 Anthropomorphic test devices used for the evaluation of restraint systems manufactured pursuant to sections S4.1.2.1. and S4.1.2.2 conform to the requirements of Part 572 of this title.

2. Section S8.1.10 is amended as follows:

S8.1.10 Limb joints are set at lg, barely restraining the weight of the limb when extended horizontally. Leg joints are adjusted with the torso in the supine position.

3. Sections S8.1.15 through S8.1.18 are deleted.

4. Section S8.1.19 is renumbered as S8.1.15.

Title 49, Code of Federal Regulations, is further amended by the addition of Part 572, Test Dummy Specifications, as set forth below.

In view of the pressing need for a test dummy to permit the continued development of passive restraint systems, and the fact that it presently only relates to a new option for compliance, the NHTSA finds that there is good cause to adopt an immediate effective date. Accordingly, Part 572 is effective August 1, 1973, and the amendment to Standard 208 is effective August 15, 1973.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act, P.L. 89-563, 15 U.S.C. 1392, 1407, and the delegation of authority at 38 FR 12147)

Issued on July 26, 1973.

JAMES E. WILSON,  
Associate Administrator,  
Traffic Safety Programs.

1. A new Part 572 is adopted as follows:

Sec.	Scope.
572.1	Scope.
572.2	Purpose.
572.3	Application.
572.4	Terminology.
572.5	General description.
572.6	Head.
572.7	Neck.
572.8	Thorax.
572.9	Lumbar, spine, abdomen, and pelvis.
572.10	Limbs.
572.11	Test conditions and instrumentation.

AUTHORITY: Secs. 103, 119, National Traffic and Motor Vehicle Safety Act, P.L. 89-563, 15 U.S.C. 1392, 1407, and delegation of authority at 38 FR 12147.

§ 572.1 Scope.

This part describes the 50th percentile male anthropomorphic test dummy that is to be used for compliance testing of motor vehicles with motor vehicle safety standards.

§ 572.2 Purpose.

The design and performance criteria specified in this part are intended to describe a measuring tool with sufficient precision to give repetitive and correlative results under similar test conditions and to reflect adequately the protective performance of a vehicle with respect to human occupants.

§ 572.3 Application.

This section does not in itself impose duties or liabilities on any person. It is a description of a tool to measure the performance of occupant protection systems required by the safety standards that incorporate it. It is designed to be referenced by, and become a part of, the test procedures specified in motor vehicle safety standards such as Standard No. 208, Occupant Crash Protection.

§ 572.4 Terminology.

(a) The term "dummy" refers to the test device described by this part.

(b) Terms describing parts of the dummy, such as "head," are the same as names for corresponding parts of the human body.

(c) The term "upright position" means the position of the dummy when it is seated in accordance with the procedures of § 572.11(d).

§ 572.5 General description.

(a) The dummy consists of the component assemblies specified in Figure 1 and conforms to the drawings and specifications subreferenced by Figure 1.

(b) Adjacent segments are joined in a manner such that throughout the range of motion and also under crash-impact conditions there is no contact between metallic elements except for contacts that exist under static conditions.

(c) The structural properties of the dummy are such that the dummy conforms to this part in every respect both before and after being used in vehicle tests specified in Standard No. 208 (§ 571.208).

§ 572.6 Head.

(a) The head consists of the assembly shown as number SA 150 M010 in Figure 1 and conforms to each of the drawings subtended by number SA 150 M010.

(b) When the head is dropped from a height of 10 inches in accordance with paragraph (c) of this section, the peak resultant accelerations at the head's center of gravity shall be not less than 210g, and not more than 260g. The acceleration/time curve for the test shall be unimodal and shall lie at or above the 100g level for an interval not less than 0.9 milliseconds and not more than 1.5 milliseconds.

(c) Test procedure:

(1) Suspend the head as shown in Figure 2, so that the lowest point on the

forehead is 0.5 inches below the lowest point on the dummy's nose when the midsagittal plane is vertical.

(2) Drop the head from the specified height onto a rigidly supported flat horizontal steel plate, 2 inches thick and 2 feet square.

(3) Allow a time period of at least 2 hours between successive tests on the same head.

#### § 572.7 Neck.

(a) The neck consists of the assembly shown as number SA 150 M020 in Figure 1 and conforms to each of the drawings subtended by number SA 150 M020.

(b) When the neck is tested with the head in accordance with paragraph (c) of this section, the head shall rotate in reference to the pendulum's longitudinal centerline a total of  $68^{\circ} \pm 5^{\circ}$  about its center of gravity, rotating to the extent specified in the following table at each indicated point in time, measured from impact, with a chordal displacement measured at its center of gravity that is within the limits specified. The chordal displacement at time T is defined as the straight line distance between (1) the position relative to the pendulum arm of the head center of gravity at time zero, and (2) the position relative to the pendulum arm of the head center of gravity at time T, as illustrated by Figure 3. The peak resultant acceleration recorded at the center of gravity of the head shall not exceed 26g, measured relative to the acceleration at time zero.

Rotation (degrees)	Time (ms) <sup>a</sup> ( $2 \pm .06T$ )	Chordal Displacement (inches $\pm 0.5$ )
0	0	0.0
30	30	2.6
60	46	4.8
Maximum	60	5.5
60	75	4.8
30	95	2.6
0	112	0.0

#### (c) Test procedure:

(1) Mount the head and neck on a rigid pendulum as specified in Figure 4, so that the head's midsagittal plane is vertical and coincides with the plane of motion of the pendulum's longitudinal centerline. Mount the neck directly to the pendulum as shown in Figure 4.

(2) Release the pendulum and allow it to fall freely from a height such that the velocity at impact is  $23.5 \pm 2.0$  feet per second (fps), measured at the center of the accelerometer specified in Figure 4.

(3) Decelerate the pendulum to a stop with an acceleration-time pulse described as follows:

(i) Establish 5g and 20g levels on the a-t curve.

(ii) Establish  $t_1$  at the point where the rising a-t curve first crosses the 5g level,  $t_2$  at the point where the rising a-t curve first crosses the 20g level, t at the point where the decaying a-t curve last crosses the 20g level, and  $t_3$  at the point where the decaying a-t curve last crosses the 5g level.

(iii)  $t_2 - t_1$  shall be not more than 3 milliseconds.

(iv)  $t_3 - t_2$  shall be not less than 25 milliseconds and not more than 30 milliseconds.

(v)  $t_3 - t_1$  shall be not more than 10 milliseconds.

(vi) The average deceleration between  $t_2$  and  $t_3$  shall be not less than 20g and not more than 24g.

(4) Allow the neck to flex without impact of the head or neck with any object other than the pendulum arm.

(5) Measure the acceleration of the pendulum with instrumentation that has a frequency response of the channel class 60, SAE Recommended Practice J211a, December 1971.

#### § 572.8 Thorax.

(a) The thorax consists of the assembly shown as number SA 150 M030 in Figure 1, and conforms to each of the drawings subtended by number SA 150 M030.

(b) The thorax contains enough unobstructed interior space behind the rib cage to permit the midpoint of the sternum to be depressed 2 inches without contact between the rib cage and other parts of the dummy or its instrumentation, except for instruments specified in paragraph (d)(7) of this section.

(c) When impacted by a test probe conforming to § 572.11(a) at 14 fps and at 22 fps in accordance with paragraph (d) of this section, the thorax shall resist with forces measured by the test probe of not more than 1400 pounds and 2100 pounds, respectively, and shall deflect by amounts not greater than 1.0 inches and 1.6 inches, respectively. The internal hysteresis in each impact shall not be less than 50 percent.

#### (d) Test procedure:

(1) Seat the dummy in the upright position on a smooth, flat, rigid horizontal surface without back support and extend the arms and legs horizontally forward parallel to the midsagittal plane.

(2) Place the longitudinal center line of the test probe so that it is  $17.7 \pm 0.1$  inches above the seating surface at impact.

(3) Orient the test probe so that at impact its longitudinal centerline is horizontal and in the dummy's midsagittal plane.

(4) Adjust the dummy so that the surface area on the thorax immediately adjacent to the projected longitudinal center line of the test probe is vertical.

(5) Impact the thorax with the test probe moving horizontally at the specified velocity.

(6) Guide the probe during impact so that it moves with no significant lateral, vertical, or rotational movement.

(7) Measure the horizontal deflection of the sternum relative to the thoracic spine in line with the longitudinal center line of the probe using a potentiometer mounted inside the thorax.

(8) Measure hysteresis by determining the ratio of the area between the loading and unloading portions of the force deflection curve to the area under the loading portion of the curve.

(9) Allow a time period of at least 30 minutes between successive tests on the same thorax.

#### § 572.9 Lumbar spine, abdomen, and pelvis.

(a) The lumbar spine, abdomen, and pelvis consist of the assemblies designated as numbers SA 150 M050 and SA 150 M060 in Figure 1 and conform to the drawings subtended by these numbers.

(b) When subjected to a static force in accordance with paragraph (c) of this section, the lumbar spine assembly shall flex by an amount that permits the rigid thoracic spine to rotate from its nominal position by the number of degrees shown below at each specified force level, and shall straighten upon removal of the force so that the thoracic spine returns to within 10 degrees of its nominal position.

Flexion (degrees)	Force ( $\pm 6$ pounds)
0	0
20	26
30	33
40	41

#### (c) Test procedure:

(1) Assemble the thorax, lumbar spine, pelvic, and upper leg assemblies (above the femur force transducers), omitting other assemblies, place them on the rigid horizontal fixture shown in Figure 5 with the mounting brackets for the lumbar test fixture illustrated in Figures 6 to 9, and restrain the pelvis firmly in place.

(2) Attach the rear mounting of the pelvis to the pelvic instrument cavity rear face at the four  $\frac{1}{4}$ " cap screw holes and attach the front mounting at the femur axial rotation joint. Tighten the mountings so that the pelvic-lumbar adapter is horizontal and adjust the femur friction plungers to 120 inch-pounds torque.

(3) Flex the thorax forward  $50^{\circ}$  and return it to its upright position, with the rear face of the chest accelerometer mounting cavity  $3^{\circ}$  forward of vertical as shown in Figure 11.

(4) Apply a forward force perpendicular to the thorax instrument cavity rear face parallel to and symmetrical about the midsagittal plane 15 inches above the top surface of the pelvic-lumbar adapter. Apply the force at a rate of not more than  $2^{\circ}$  per second, stabilize the dummy at each flexion increment specified in paragraph (b) and record the force with an instrument mounted to the thorax with a ball joint as shown in Figure 5.

(d) When the abdomen is subjected to a static force in accordance with paragraph (e) of this section, the abdominal force-deflection curve shall be within the bounds shown in Figure 10.

#### (e) Test procedure:

(1) Place the assembled thorax, lumbar-spine and pelvic assemblies in a supine position on a rigid horizontal surface.

(2) Place a rigid cylinder 6 inches in diameter and 18 inches long transversely across the abdomen, so that the cylinder

is symmetrical about the midsagittal plane, with its longitudinal centerline horizontal and perpendicular to the midsagittal plane at a point 9.2 inches above the bottom line of the buttocks, measured with the dummy in the upright position.

(3) Establish the zero deflection point as the point at which the cylinder first contacts the dummy.

(4) Apply a vertical downward force through the cylinder at a rate of not more than 0.1 inch per second.

(5) Guide the cylinder so that it moves without significant lateral or rotational movement.

#### § 572.10 Limbs.

(a) The limbs consist of the assemblies shown as numbers SA 150 M070, SA 150 M071, SA 150 M080, and SA 150 M081 in Figure 1 and conform to the drawings subtended by these numbers.

(b) When each knee is impacted at 69 ft/sec. in accordance with paragraph (c) of this section, the maximum force on the femur shall be not more than 2500 pounds and not less than 1900 pounds, with a duration above 1000 pounds of not less than 1.7 milliseconds.

(c) Test procedure:

(1) Seat the dummy in the upright position without back support on a flat rigid steel seat that is  $17.3 \pm 0.2$  inches above a horizontal surface. Place the feet and knees 4 inches apart, measured at the respective pivot bolts, with the lower legs vertical  $\pm 2^\circ$ , measured by the lines from the midpoints of the knee pivots to the midpoints of the ankle pivots, and the feet resting on a horizontal surface.

(2) Position the dummy so that the rearmost surfaces of the lower legs are not less than 5 inches and not more than 6 inches forward of the forward edge of the seat.

(3) Align the test probe specified in § 572.11(a) so that at impact its longitudinal centerline coincides within  $\pm 2^\circ$  with the longitudinal centerline of the femur.

(4) Impact the knee with the test probe moving horizontally and parallel to the midsagittal plane at the specified velocity.

(5) Guide the probe during impact so that it moves with no significant lateral, vertical, or rotational movement.

#### § 572.11 Test conditions and instrumentation.

(a) The test probe used for thoracic and knee impact tests is a cylinder 6 inches in diameter that weighs 51.5 pounds including instrumentation. Its impacting end has a flat right face that is rigid and that has an edge radius of 0.5 inches.

(b) Accelerometers are mounted in the head on the horizontal transverse bulkhead shown in the drawings sub-referenced under assembly No. SA 150 M010 in Figure 1, so that their sensitive axes intersect at a point in the midsagittal plane 0.5 inches above the horizontal bulkhead and 1.9 inches forward of the vertical mating surface of the skull with

the skull cover, and so that their seismic mass centers are in a plane parallel to the upper surface of the bulkhead. One accelerometer is aligned with its sensitive axis perpendicular to the horizontal bulkhead in the midsagittal plane and with its seismic mass center not more than 0.3 inches from the axial intersection point. Another accelerometer is aligned with its sensitive axis parallel to the horizontal bulkhead and perpendicular to the midsagittal plane, and with its seismic mass center not more than 1.3 inches from the axial intersection point. A third accelerometer is aligned with its sensitive axis parallel to the horizontal bulkhead in the midsagittal plane, and with its seismic mass center not more than 1.3 inches from the axial intersection point.

(c) Accelerometers are mounted in the thorax by means of a bracket attached to the rear vertical surface (hereafter "attachment surface") of the thoracic spine so that their sensitive axes intersect at a point in the midsagittal plane 0.8 inches below the upper surface of the plate to which the neck mounting bracket is attached and 3.2 inches perpendicularly forward of the surface to which the accelerometer bracket is attached. One accelerometer has its sensitive axis oriented parallel to the attachment surface in the midsagittal plane, with its seismic mass center not more than 1.3 inches from the intersection of the sensitive axes specified above. Another accelerometer has its sensitive axis oriented parallel to the attachment surface and perpendicular to the midsagittal plane, with its seismic mass center not more than 0.2 inches from the intersection of the sensitive axes specified above. A third accelerometer has its sensitive axis oriented perpendicular to the attachment surface in the midsagittal plane, with its seismic mass center not more than 1.3 inches from the intersection of the sensitive axes specified above. Accelerometers are oriented with the dummy in the upright position.

(d) A force-sensing device is mounted axially in each femur shaft so that the transverse centerline of the sensing element is 4.25 inches from the knee's center of rotation.

(e) The outputs of acceleration and force-sensing devices installed in the dummy and in the test apparatus specified by this Part are recorded in individual data channels that conform to the requirements of SAE Recommended Practice J211a, December 1971, with channel classes as follows:

- (1) Head acceleration—Class 1000.
- (2) Pendulum acceleration—Class 60.
- (3) Thorax acceleration—Class 180.
- (4) Thorax compression—Class 180.
- (5) Femur force—Class 600.

(f) The mountings for sensing devices have no resonance frequency within a range of 3 times the frequency range of the applicable channel class.

(g) Limb joints are set at 1g, barely restraining the weight of the limb when it is extended horizontally. The force required to move a limb segment does not

exceed 2g throughout the range of limb motion.

(h) Performance tests are conducted at any temperature from 66°F to 78°F and at any relative humidity from 30 percent to 70 percent.

(i) For the performance tests specified in §§ 572.8 and 572.10, the test dummy is positioned in accordance with Figure 11 as follows:

(1) The dummy is placed on the test surface so that its midsagittal plane is vertical.

(2) The pelvis is adjusted so that the upper surface of the lumbar-pelvic adapter is horizontal.

(3) The shoulder yokes are adjusted so that they are at the midpoint of their anterior-posterior travel with their upper surfaces horizontal.

(4) The dummy is adjusted so that its shoulders and buttocks are tangent to a transverse horizontal plane.

(5) The upper legs are positioned symmetrically about the midsagittal plane so that the distance between the knee pivot bolt heads is 11.6 inches.

(j) The dummy's dimensions, as specified in drawing number SA 150 M002, are determined as follows:

(1) With the dummy seated as specified in paragraph (i) of this section, the head is adjusted and secured so that its occiput is 1.7 inches forward of the transverse vertical plane with the vertical mating surface of the skull with its cover parallel to the transverse vertical plane.

(2) The thorax is adjusted and secured so that the rear surface of the chest accelerometer mounting cavity is inclined  $3^\circ$  forward of vertical.

(3) Chest and waist circumference and chest depth measurements are taken with the dummy positioned in accordance with paragraph (j) (1) and (2) of this section.

(4) The chest skin and abdominal sac are removed and all following measurements are made without them.

(5) Seated height is measured from the seating surface to the uppermost point on the head-skin surface.

(6) Shoulder pivot height is measured from the seating surface to the center of the arm elevation pivot.

(7) H-point locations are measured from the seating surface to the center of the holes in the pelvis flesh covering in line with the hip motion ball.

(8) Knee pivot distance from the backline is measured to the center of the knee pivot bolt head.

(9) Knee pivot distance from floor is measured from the center of the knee pivot bolt head to the bottom of the heel when the foot is horizontal and pointing forward.

(10) Shoulder width measurement is taken at arm elevation pivot center height with the centerlines between the elbow pivots and the shoulder pivots vertical.

(11) Hip width measurement is taken at widest point of pelvic section.

(k) The dummy is clothed in form fitting cotton stretch garments with short sleeves and mid-calf length pants.



Figure 2

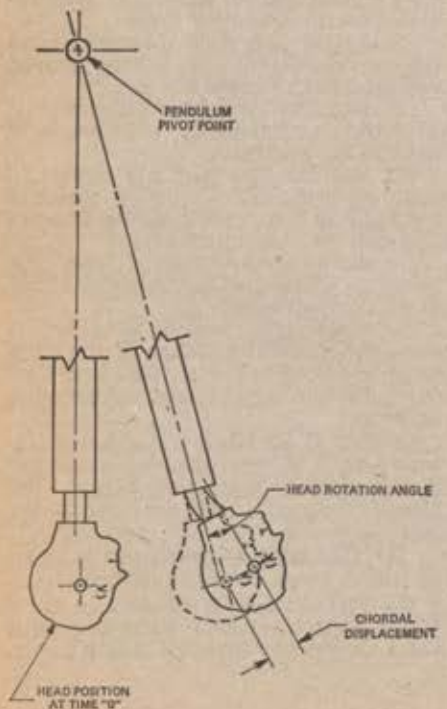
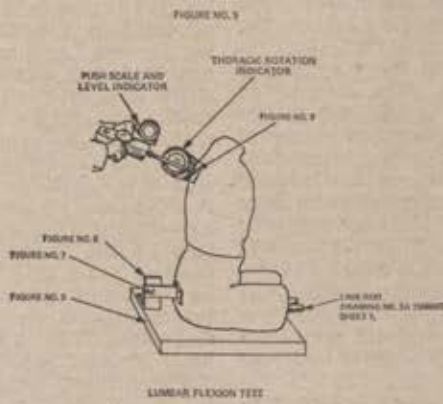
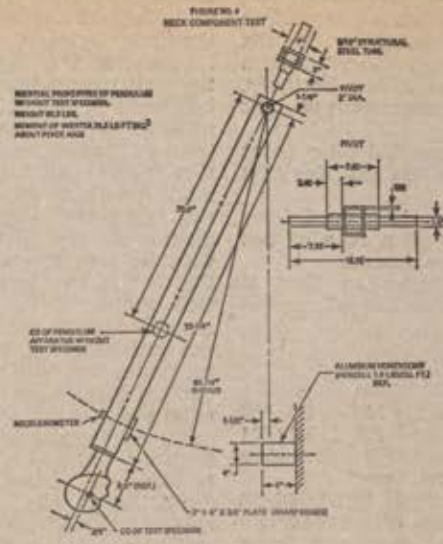
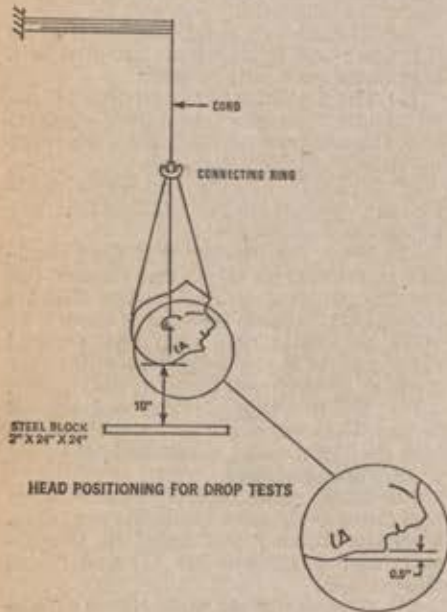
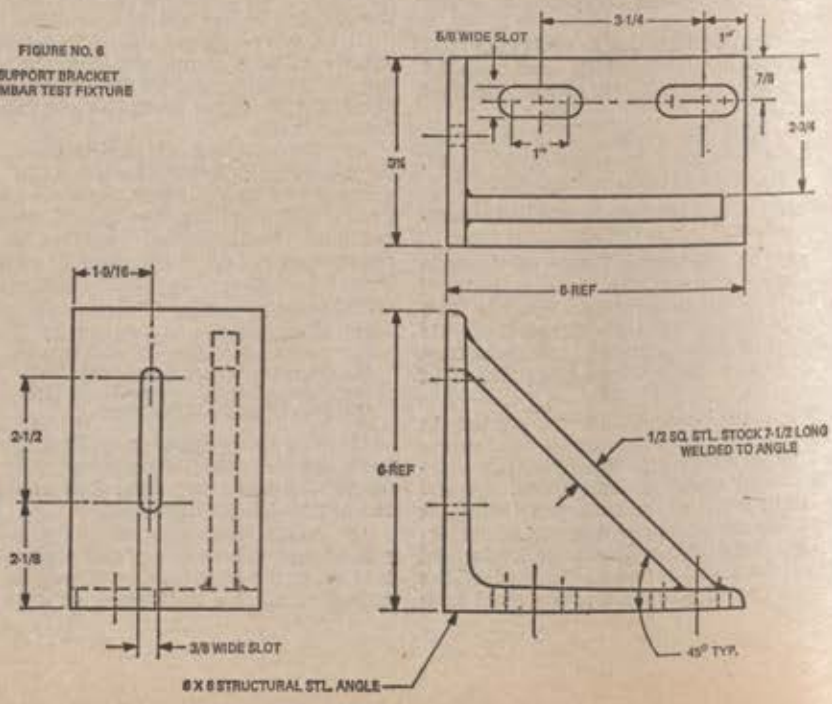


FIGURE NO. 3  
NECK COMPONENT TEST

FIGURE NO. 6  
SUPPORT BRACKET  
LUMBAR TEST FIXTURE

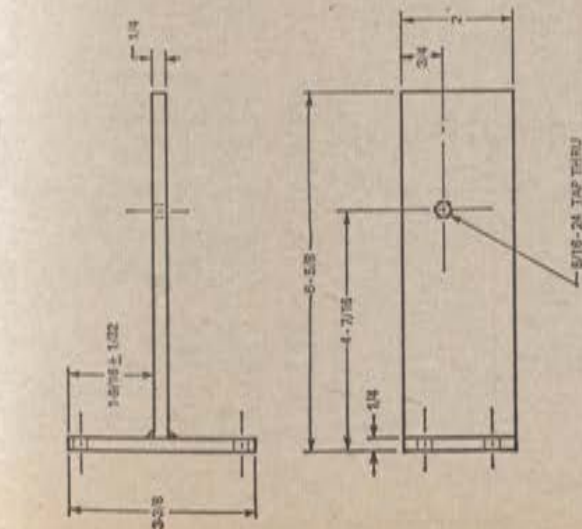


TOLERANCE ± 1/32"

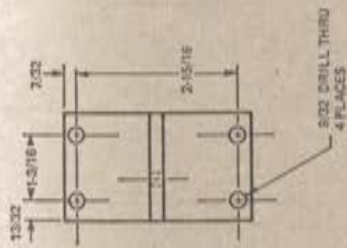


FIGURE NO. 7

MOUNTING BRACKET-LUMBAR TEST FIXTURE

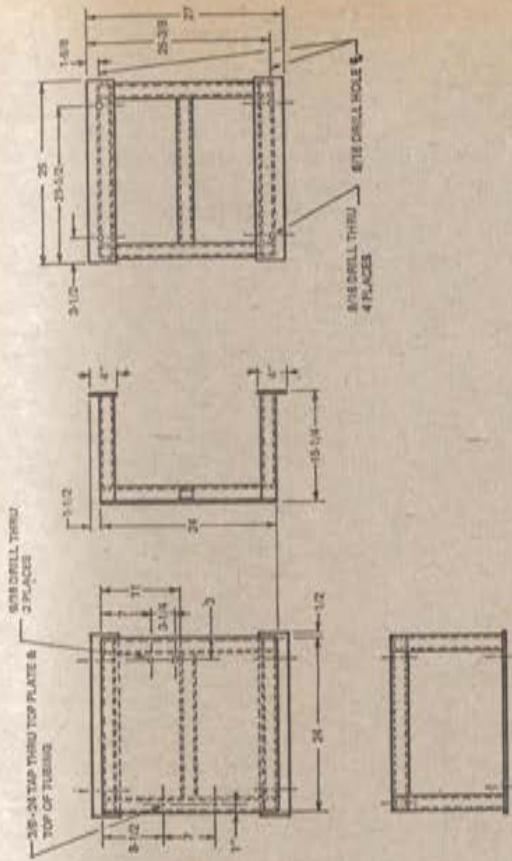


WELDED CONSTRUCTION



TOLERANCE ± 1/64"  
MATERIAL: STEEL

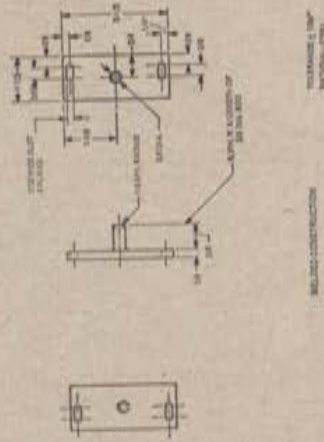
FIGURE NO. 8  
BEDPLATE - LUMBAR TEST FIXTURE



MATERIAL: STEEL - 3/16 THICK PLATE & 2 X 3/8 WALL SQ. TUBING  
WELDED CONSTRUCTION

TOLERANCE ± 1/32"

FIGURE NO. 9  
MOUNTING BRACKET-LUMBAR TEST FIXTURE



WELDED CONSTRUCTION

TOLERANCE ± 1/32"  
MATERIAL: STEEL

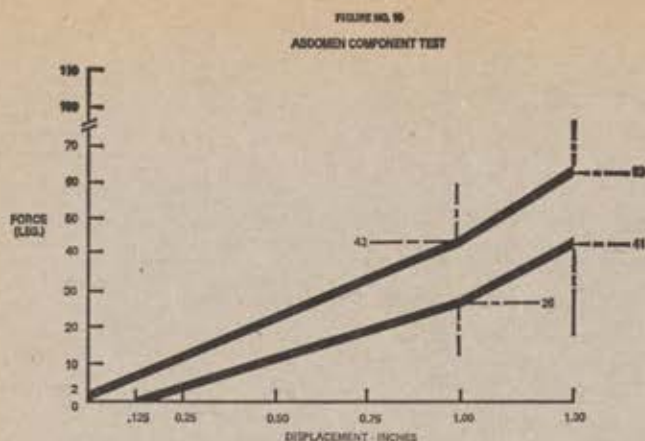
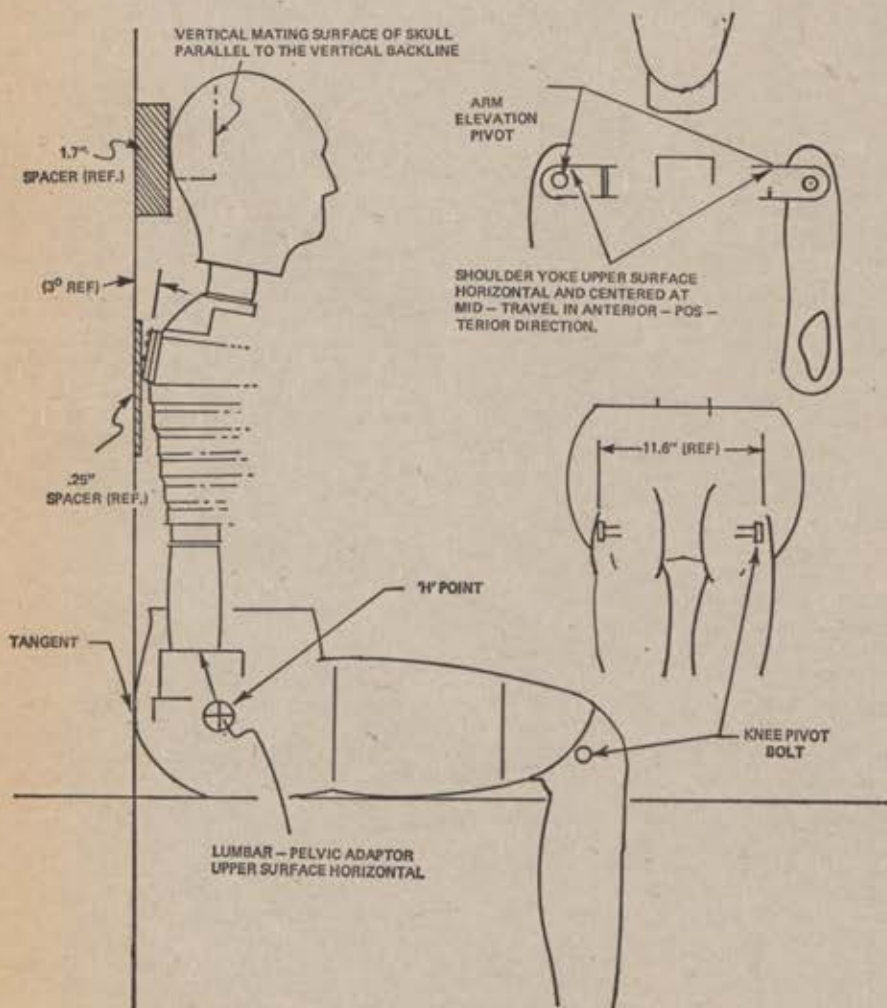


FIGURE No. 11  
UPRIGHT SEATED POSITION FOR LINEAR MEASUREMENTS



[FR Doc.73-15761 Filed 7-26-73;4:27 pm]

## Title 50—Wildlife and Fisheries

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

#### SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

#### PART 20—MIGRATORY BIRD HUNTING Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

JULY 26, 1973.

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By a notice of proposed rulemaking published in the FEDERAL REGISTER of May 17, 1973 (38 FR 12926), notification was given that the Secretary of the Interior proposed to amend Part 10 of Title 50 of the Code of Federal Regulations. These amendments would specify open seasons, shooting hours, and bag and possession limits for migratory game birds for the 1973-74 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, on or before June 17, 1973. After analysis of the migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife, by State game departments, and by other sources, the Director informed the State game departments of the outside dates, season lengths, shooting hours, and daily bag and possession limits for the 1973-74 seasons on doves, pigeons, rails (except coots), gallinules, woodcock, Wilson's snipe, and certain waterfowl; coots, cranes, and waterfowl in Alaska; and certain sea ducks in coastal waters of certain northeastern States. The State game departments were invited to submit recommendations for hunting seasons which complied with the shooting hours, daily bag and possession limits, and season lengths specified in the frameworks of opening and closing dates published by this Department.

The taking of the designated species of migratory birds is presently prohibited. The amendments will permit taking of the designated species within specified periods of time beginning as early as September 1, as has been the case in past years. Therefore, since these amendments benefit the public by relieving existing restrictions, they shall become effective on September 1, 1973.

By a notice of proposed rulemaking published in the FEDERAL REGISTER of

April 25, 1973, in 38 FR 10208, notice was given that current Part 10—Migratory Birds would be redesignated Part 20—Migratory Bird Hunting. In the FEDERAL REGISTER of July 5, 1973, in 38 FR 17841, Subchapter B of 50 CFR Ch. I, was retitled Subchapter B—Taking, Possession, Transportation, Sale, Purchase, Barter, Exportation, and Importation of Wildlife, and Part 10 was redesignated Part 20 and added to 50 CFR Ch. I.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Subpart K of Part 20 be amended as follows:

**Subpart K—Annual Season, Limit, and Shooting Hour Schedules**

- Sec. 20.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands
- 20.102 Seasons, limits, and shooting hours for Alaska
- 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons
- 20.104 Seasons, limits and shooting hours for ralls, woodcock, and common snipe (Wilson's)
- 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules

AUTHORITY: 40 Stat. 755; 16 U.S.C. 703 et seq.

**Subpart K—Annual Season, Limit, and Shooting Hour Schedules**

Section 20.101 is amended to read as follows:

**§ 20.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands.**

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting hours and the daily bag and possession limits on the species designated in this section are prescribed as follows:

**(a) Puerto Rico.**

	Doves	Pigeons
Daily bag limits...	10 singly or in the aggregate of all permitted species.	8 singly or in the aggregate of all permitted species.
Possession limit...	10 singly or in the aggregate of all permitted species.	8 singly or in the aggregate of all permitted species.
Open season dates.	July 21 to September 28, 1973.	
Shooting hours...	1/2 hour before sunrise to sunset daily.	
Restrictions.....	Only the following species of doves and pigeons may be hunted during the open season: Zenaida dove ( <i>Zenaida macroura</i> ); White-winged dove ( <i>Zenaida albicollis</i> ); Mourning dove ( <i>Zenaida macroura</i> ); Scaly-naped pigeon ( <i>Patagioenas macroura</i> ); White-crowned pigeon ( <i>Patagioenas leucocapilla</i> ).	

No open season is prescribed for doves and pigeons of any species on Culebra Island in the Municipality of Cidra which is composed of the following wards: Bayamon, Arenas, Monte Llano, Sud, Beatriz, Celba, Rio Abajo, Rincon, Toita, Honduras, Rabanal, and Salto. Check Commonwealth regulations for additional restrictions.

**(b) Puerto Rico.**

	Ducks	Coots	Gallinules	Common snipe (Wilson's)
Daily bag limits	4	6	6	6
Possession limit	8	12	12	12
Open season dates.	December 8, 1973, through January 28, 1974.			
Shooting hours.	12 o'clock noon until sunset daily.			
Restrictions.....	No open season for waterfowl is prescribed for Culebra Island. The season on Bahama pintail is closed by Commonwealth law. Check Commonwealth regulations for additional restrictions.			

**(c) Virgin Islands.**

**ZENAIDA DOVES**

Daily bag limit.....	10
Possession limit.....	10
Open season dates.....	July 29 to October 6, 1973.
Shooting hours.....	1/2 hour before sunrise until sunset daily.

Shooting hours. One-half hour before sunrise to sunset daily.

**CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS**

	Ducks	Coots	Brant	Geese	Common Snipe (Wilson's)	Little Brown Cranes
Daily bag limit.....	16	15	4	16	8	2
Possession limit.....	18	15	8	12	16	4
Season dates in:						
Pribilof and Aleutian Is. east of Unimak Pass except Unimak Islands.	Oct. 13-Jan. 27					
Kodiak Islands.....	Sept. 8-Sept. 30; Nov. 3-Jan. 25					
Aleutian Is. west of Unimak Pass.	Oct. 13-Jan. 27 (season closed on Canada geese)					
Remainder of Alaska and Unimak Islands.	Sept. 1-Dec. 16					
					Sept. 1-Nov. 4	Sept. 1-Oct. 15
					Sept. 1-Nov. 4	Sept. 1-Oct. 15
					Sept. 1-Nov. 4	Sept. 1-Oct. 15

<sup>1</sup> In addition to the basic daily bag and possession limits, a daily bag limit of 15 and a possession limit of 30 is permitted singly or in the aggregate of the following species: scoter, eider, oldsquaw, harlequin, and American and red-breasted mergansers.

<sup>2</sup> The daily bag and possession limits may not include more than 4 daily and 8 in possession of white-fronted and Canada geese, singly or in the aggregate. In addition to the daily bag and possession limits on other geese, the daily bag limit is 6 and the possession limit is 12 on Emperor geese.

Section 20.103 is amended to read as follows:

**§ 20.103 Seasons, limits, and shooting hours for mourning and white-winged doves and wild pigeons.**

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

**(a) Mourning doves—Eastern Management Unit.**

Daily bag limit.....	12
Possession limit.....	24
Shooting hours:	12 o'clock noon until sunset.

**CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS**

Alabama:	
Northern zone <sup>1</sup> .....	Sept. 22-Nov. 7 Dec. 24-Jan. 15
Southern zone <sup>1</sup> .....	Oct. 6-Nov. 30 Dec. 20-Jan. 2

<sup>1</sup> In Alabama, the Northern zone is defined as that area lying north of U.S. Highway 84 and the Southern zone is defined as that area lying south of U.S. Highway 84.

Restrictions ----- The season is closed on all species of game birds in the Virgin Islands except Zenaida doves. Check Territorial regulations for additional restrictions.

NOTE: Local names for game birds: Zenaida dove (*Zenaida aurita*)—mountain dove; Bridles quail dove (*Geotrygon mystacea*)—Perdiz, Barbary dove (protected); Ground dove (*Columbigallina passerina nigrirostris*)—stone dove, tobacco dove, rola, tortolita (protected).

Section 20.102 is amended to read as follows:

**§ 20.102 Seasons, limits, and shooting hours for Alaska.**

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

Connecticut.....	Closed.
Delaware.....	Sept. 15-Oct. 6 Nov. 26-Jan. 3 Jan. 7-Jan. 15 Oct. 6-Nov. 4 Nov. 10-Nov. 25 Dec. 15-Jan. 7
Florida.....	
Georgia:	
Northern zone <sup>2</sup> .....	Sept. 8-Oct. 27 Dec. 15-Jan. 3
Southern zone <sup>2</sup> .....	Sept. 29-Oct. 27 Dec. 6-Jan. 15
Illinois.....	Sept. 1-Nov. 9
Indiana.....	Closed.
Kentucky.....	Sept. 1-Oct. 31 Dec. 1-Dec. 9

<sup>2</sup> In Georgia, the Northern zone is defined as that area lying north of U.S. Highway 80 from Columbus to Macon; north of State Highway 49 from Macon to Milledgeville; north of State Highway 22 from Milledgeville to Sparta; north of State Highway 16 from Sparta to Warrenton; and north of U.S. Highway 278 from Warrenton to Augusta. The Southern zone is defined as that area lying south of U.S. Highway 80 from Columbus to Macon; south of State Highway 49 from Macon to Milledgeville; south of State Highway 22 from Milledgeville to Sparta; south of State Highway 16 from Sparta to Warrenton; and south of U.S. Highway 278 from Warrenton to Augusta.

## RULES AND REGULATIONS

Louisiana:	
Northern zone <sup>2</sup> .....	Sept. 1-Sept. 16 Oct. 13-Nov. 11 Dec. 22-Jan. 14
Southern zone <sup>2</sup> .....	Oct. 13-Nov. 13 Dec. 8-Jan. 14 Closed.
Maine.....	Closed.
Maryland.....	Sept. 1-Nov. 1 Dec. 22-Dec. 29
Massachusetts.....	Closed.
Michigan.....	Closed.
Mississippi:	
Northern zone <sup>4</sup> .....	Sept. 8-Sept. 30 Nov. 3-Nov. 25 Dec. 22-Jan. 14
Southern zone <sup>4</sup> .....	Sept. 22-Oct. 14 Nov. 3-Nov. 25 Dec. 22-Jan. 14
New Hampshire.....	Closed.
New Jersey.....	Closed.
New York.....	Closed.
North Carolina.....	Sept. 1-Oct. 6 Dec. 11-Jan. 12
Ohio.....	Closed.
Pennsylvania.....	Sept. 1-Nov. 9
Rhode Island.....	Sept. 10-Nov. 18
South Carolina.....	Sept. 8-Oct. 6 Nov. 17-Dec. 1 Dec. 18-Jan. 12
Tennessee.....	Sept. 1-Sept. 30 Oct. 13-Oct. 28 Dec. 22-Jan. 14
Vermont.....	Closed.
Virginia.....	Sept. 15-Nov. 10 Dec. 22-Jan. 3
West Virginia.....	Sept. 1-Oct. 5 Oct. 13-Nov. 16
Wisconsin.....	Closed.

<sup>2</sup> In Louisiana, the Northern zone is defined as that area lying north of U.S. Highway 190 and the Southern zone is defined as that area lying south of U.S. Highway 190.

<sup>4</sup> In Mississippi, the Northern zone is defined as that area lying north of State Highway 12 to Kosciusko, and north of State Highway 14 from Kosciusko to the Alabama line. The Southern zone is defined as that area lying south of State Highway 12 to Kosciusko, and south of State Highway 14 from Kosciusko to the Alabama line.

(b) *Mourning doves—Central Management Unit.*

Daily bag limit.....	10
Possession limit.....	20
Shooting hours:	

All States except Texas—One-half hour before sunrise until sunset.

Texas only—12 o'clock noon until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Arkansas.....	Sept. 1-Oct. 5 Dec. 15-Jan. 8
Colorado.....	Sept. 1-Oct. 30
Iowa.....	Closed.
Kansas.....	Sept. 1-Oct. 30
Minnesota.....	Closed.
Missouri.....	Sept. 1-Oct. 30
Montana.....	Closed.
Nebraska.....	Closed.
New Mexico <sup>1</sup> .....	Sept. 1-Sept. 30 Nov. 24-Dec. 23
North Dakota.....	Closed.
Oklahoma.....	Sept. 1-Oct. 30
South Dakota.....	Closed.
Texas:	
Northern zone <sup>2</sup> .....	Sept. 1-Oct. 14 Jan. 5-Jan. 20

Southern zone:<sup>2</sup>

Counties of Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy.....	Sept. 1-Sept. 2 Sept. 8-Sept. 9 Sept. 22-Oct. 31 Jan. 5-Jan. 20
Remainder of Southern zone.....	Sept. 22-Nov. 4 Jan. 5-Jan. 20
Wyoming.....	Sept. 1-Sept. 16

<sup>1</sup> In New Mexico, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of these species.

<sup>2</sup> In Texas, the Northern zone consists of the counties of Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby and all counties north and west thereof. The Southern zone consists of all counties south and east of the Northern zone.

(c) *Mourning doves—Western Management Unit.*

Daily bag limit.....	10
Possession limit.....	20
Shooting hours: One-half hour before sunrise until sunset.	

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Arizona.....	Sept. 1-Sept. 23 Dec. 1-Dec. 27
California <sup>1</sup> .....	Sept. 1-Sept. 30 Nov. 24-Dec. 9
Idaho.....	Sept. 1-Sept. 16
Nevada <sup>1</sup> .....	Sept. 1-Oct. 20
Oregon.....	Sept. 1-Sept. 30
Utah.....	Sept. 1-Sept. 30
Washington.....	Sept. 1-Sept. 30

<sup>1</sup> In those counties of California and Nevada having an open season on white-winged doves, the daily bag limit is 10 and the possession limit is 20 mourning and white-winged doves, singly or in the aggregate of these species.

Note: Hawaii—Subject to the applicable provisions of the preceding sections of this part, mourning doves may be taken in accordance with the State regulations.

(d) *White-winged doves.*

Shooting hours:

All States except Texas—One-half hour before sunrise until sunset.

Texas only—12 o'clock noon until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:		Season Dates		Limits	
				Bag	Poss.
Arizona.....		Sept. 1-Sept. 23.....		10	10
California <sup>1</sup> .....		Sept. 1-Sept. 30, Nov. 24-Dec. 9.....	See footnote 1.		
Counties of Imperial, Riverside and San Bernardino.....		Closed.....			
Remainder of State.....					
Nevada <sup>1</sup> .....		Sept. 1-Oct. 20.....	See footnote 1.		
Counties of Clark & Nye.....		Closed.....			
Remainder of State.....					
New Mexico <sup>1</sup> .....		Sept. 1-Sept. 30, Nov. 24-Dec. 23.....	See footnote 1.		
Texas:					
Counties of Brewster, Brooks, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata.....		Sept. 1-2, Sept. 8-9.....		10	20
Remainder of State.....		Closed.....			

<sup>1</sup> In California, Nevada, and New Mexico, the daily bag limit is 10 and the possession limit is 20 white-winged and mourning doves, singly or in the aggregate of both species.

(e) *Band-tailed pigeons.*

Shooting hours: One-half hour before sunrise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:		Season Dates		Limits	
				Bag	Poss.
Arizona <sup>1</sup> .....		Oct. 12-Oct. 31.....		5	10
California.....		Sept. 20-Oct. 28.....		8	8
Counties of Butte, Del Norte, Glen, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity.....		Dec. 15-Jan. 15.....		8	8
Remainder of State.....				5	10
Colorado <sup>1</sup> .....		Sept. 8-Oct. 7.....		5	10
New Mexico <sup>1</sup> .....		Sept. 1-Sept. 30.....		5	10
Oregon.....		Sept. 1-Sept. 30.....		8	8
Utah <sup>1</sup> .....		Sept. 15-Sept. 30.....		5	10
Washington.....		Sept. 1-Sept. 30.....		8	8

<sup>1</sup> Every hunter must have been issued and carry on his person while hunting band-tailed pigeons a properly validated special band-tailed pigeon hunting permit issued by the game department of each respective State for the open season in that State. Such a special band-tailed pigeon hunting permit will be issued upon application to the State game department of the State in which hunting is to be done. Permits issued by any State will be valid in that State only. This season shall be open only in the areas described, delineated, and designated as such by the States of Arizona, Colorado, New Mexico, and Utah in their respective hunting regulations. The head or one fully feathered wing remains.

Section 20.104 is amended to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe (Wilson's).

Subject to the applicable provisions of the preceding sections of this part,

the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows.

	Rails (Sora & Virginia)	Rails (King & Clapper)	Woodcock	Common Snipe (Wilson's)
Daily bag limit	25 <sup>1</sup>	See footnote 2	5	8
Possession limit	25 <sup>1</sup>	See footnote 2	10	16

Shooting hours: One-half hour before sunrise until sunset daily on all species.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS.

Seasons in the Atlantic Flyway:

Connecticut	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 20-Dec. 22	Oct. 20-Dec. 22
Delaware	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 17-Nov. 7 Nov. 19-Dec. 31	Oct. 17-Nov. 7 Nov. 19-Dec. 31
Florida	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Nov. 10-Jan. 13	Nov. 10-Feb. 24
Georgia	Sept. 10-Nov. 18	Sept. 10-Nov. 18	Nov. 20-Jan. 23	Dec. 21-Feb. 23
Maine:				
Northern zone	Sept. 1-Nov. 9	Closed	Sept. 24-Nov. 15	Sept. 24-Nov. 15
Southern zone	Sept. 1-Nov. 9	Closed	Oct. 1-Nov. 15	Oct. 1-Nov. 15
Maryland	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 5-Dec. 8	Oct. 6-Nov. 23 Dec. 3-Dec. 15
Massachusetts	Sept. 8-Nov. 16	Closed	Oct. 10-Nov. 30	Sept. 8-Nov. 11
New Hampshire	Closed	Closed	Oct. 1-Dec. 1	Oct. 1-Dec. 1
New Jersey	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 13-Dec. 8 Dec. 20-Dec. 27	Deferred
New York: <sup>4</sup>				
Long Island area	Closed	Closed	Oct. 1-Nov. 23	Closed
Southern zone	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Oct. 1-Nov. 23	Oct. 1-Nov. 23
Remainder of State	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Sept. 20-Nov. 23	Sept. 20-Nov. 23
North Carolina	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Dec. 8-Feb. 9	Nov. 17-Jan. 19
Pennsylvania	Sept. 1-Nov. 9	Closed	Oct. 13-Dec. 15	Oct. 13-Dec. 15
Rhode Island	Sept. 10-Nov. 18	Sept. 10-Nov. 18	Oct. 20-Dec. 7 Dec. 17-Jan. 1	Oct. 20-Dec. 7 Dec. 17-Jan. 1
South Carolina	Sept. 14-Nov. 22	Sept. 14-Nov. 22	Dec. 20-Feb. 28	Dec. 16-Jan. 19 Feb. 5-Feb. 28
Vermont	Sept. 29-Dec. 7	Closed	Sept. 29-Dec. 2	Sept. 29-Dec. 2
Virginia	Sept. 8-Nov. 16	Sept. 8-Nov. 16	Oct. 15-Dec. 18	Deferred
West Virginia	Oct. 13-Dec. 21	Closed	Oct. 13-Dec. 16	Oct. 13-Dec. 16

Seasons in the Mississippi Flyway:

Alabama	Nov. 12-Jan. 20	Nov. 12-Jan. 20	Dec. 26-Feb. 28	Dec. 26-Feb. 28
Arkansas	Sept. 1-Nov. 9	Closed	Dec. 1-Feb. 3	Dec. 1-Feb. 3
Illinois	Sept. 1-Nov. 9	Closed	Oct. 15-Dec. 15	Oct. 15-Dec. 15
Indiana	Sept. 1-Nov. 9	Closed	Sept. 22-Nov. 25	Sept. 22-Nov. 25
Iowa	Sept. 1-Nov. 9	Closed	Sept. 22-Nov. 25	Sept. 1-Nov. 4
Kentucky	Nov. 15-Jan. 20	Closed	Oct. 15-Dec. 18	Oct. 15-Dec. 18
Louisiana	Nov. 3-Jan. 11	Nov. 3-Jan. 11	Dec. 8-Feb. 10	Dec. 15-Feb. 17
Michigan:				
Zones 1 & 2	Sept. 15-Nov. 14	Closed	Sept. 15-Nov. 14	Sept. 15-Nov. 14
Zone 3	Sept. 15-Nov. 14	Closed	Oct. 30-Nov. 14	Sept. 15-Nov. 14
Minnesota	Sept. 1-Nov. 9	Closed	Oct. 1-Nov. 23	Sept. 1-Nov. 4
Mississippi	Oct. 27-Jan. 4	Oct. 27-Jan. 4	Dec. 15-Feb. 17	Dec. 15-Feb. 17
Missouri	Sept. 1-Nov. 9	Closed	Oct. 1-Dec. 4	Oct. 1-Dec. 4
Ohio	Sept. 1-Nov. 9	Closed	Sept. 17-Nov. 20	Sept. 17-Nov. 20
Tennessee	Deferred	Closed	Nov. 22-Jan. 25	Dec. 21-Feb. 23
Wisconsin	Deferred	Closed	Sept. 15-Nov. 18	Deferred

Seasons in the Central Flyway:

Colorado <sup>1</sup>	Sept. 1-Nov. 9	Closed	Closed	Sept. 1-Nov. 4
Kansas	Sept. 8-Nov. 16	Closed	Oct. 13-Dec. 16	Sept. 7-Nov. 11
Montana <sup>2</sup>	Closed	Closed	Closed	Closed
Nebraska	Sept. 1-Nov. 9	Closed	Closed	Sept. 15-Nov. 18
New Mexico <sup>3</sup>	Closed	Closed	Closed	Closed
North Dakota	Closed	Closed	Closed	Sept. 14-Nov. 16
Oklahoma	Sept. 1-Nov. 9	Closed	Nov. 20-Jan. 23	Oct. 20-Dec. 23
South Dakota	Closed	Closed	Closed	Sept. 1-Oct. 31
Texas	Sept. 1-Nov. 9	Sept. 1-Nov. 9	Nov. 17-Jan. 20	Dec. 26-Feb. 28
Wyoming <sup>4</sup>	Oct. 6-Dec. 14	Closed	Closed	Oct. 6-Nov. 4 Nov. 26-Dec. 31

Seasons in the Pacific Flyway:

No season is prescribed for rails and woodcock. Snipe season to run concurrently with regular duck season. Consult waterfowl regulations to be published later for information concerning these seasons.

Section 20.105 is amended to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea Ducks.* (1) An open season for taking scoter, elder, and oldsquaw ducks is prescribed according to the following table during the period between September 1, 1973, and January 20, 1974, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition in any tidal waters of any bay which are separated by a least one mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, North Carolina, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Delaware, Maryland, and Virginia: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit is 14, singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set in addition to the limits prescribed for such seasons a daily bag limit of 7 and possession limit of 14 scoter, elder, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

<sup>1</sup> The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.  
<sup>2</sup> In addition to the limits on sora and Virginia rails, in the States of Connecticut, Delaware, Maryland, New Jersey, New York, and Rhode Island, there is a daily bag limit of 7 and possession limit of 14 king and clapper rails, singly or in the aggregate of these two species, and in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 king and clapper rails, singly or in the aggregate of these two species.  
<sup>3</sup> In New Jersey the season for woodcock is closed on November 9 and reopens on November 10 at 9 a.m.  
<sup>4</sup> In the State of New York, shooting hours for woodcock are sunrise to sunset daily.  
<sup>5</sup> Seasons apply to Central Flyway portion of State only.  
 Note: Some States may select rail and snipe seasons at the time they select their duck seasons in August. Consult waterfowl regulations to be published later for information concerning these seasons.

## RULES AND REGULATIONS

## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

Seasons in:	
Connecticut.....	Sept. 21-Jan. 5
Delaware.....	Oct. 1-Jan. 15
Georgia.....	Closed.
Maine.....	Sept. 29-Jan. 12
Maryland.....	Sept. 29-Jan. 13
Massachusetts.....	Sept. 15-Dec. 30
New Hampshire.....	Sept. 22-Jan. 6
New Jersey.....	Sept. 21-Jan. 5
New York.....	Sept. 22-Jan. 6
North Carolina.....	Oct. 1-Jan. 15
Rhode Island.....	Sept. 22-Jan. 6
South Carolina.....	Oct. 5-Jan. 19
Virginia.....	Sept. 1-Dec. 16

(4) Notwithstanding the provisions of this Part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in the States of Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

(b) *Teal*. September season: An open season for teal ducks (blue-winged, green-winged, and cinnamon) is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the following States:

Daily bag limit.....	4
Possession limit.....	8
Shooting hours: Sunrise to sunset.	

## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

## Seasons in the Mississippi Flyway.

Alabama.....	Sept. 22-Sept. 30
Arkansas.....	Sept. 14-Sept. 22
Illinois.....	Sept. 15-Sept. 23
Indiana <sup>1</sup> .....	Sept. 8-Sept. 16
Louisiana.....	Sept. 22-Sept. 30
Mississippi.....	Sept. 15-Sept. 23
Missouri.....	Sept. 8-Sept. 16
Ohio.....	Sept. 14-Sept. 22
Tennessee.....	Sept. 22-Sept. 30

## Seasons in the Central Flyway.

Colorado <sup>2</sup> .....	Sept. 8-Sept. 16
Kansas <sup>2</sup> .....	Sept. 8-Sept. 16
New Mexico.....	Sept. 22-Sept. 30
Oklahoma.....	Sept. 15-Sept. 23
Texas.....	Sept. 15-Sept. 23

<sup>1</sup> Shooting hours are 7 a.m. to 6 p.m. E.S.T. The Kankakee, LaSalle, and Jasper-Pulaski Fish and Wildlife Areas and the refuge area on the Pigeon River Fish and Wildlife Area are closed to teal hunting by State regulations.

<sup>2</sup> Only in Lake and Chaffee Counties and that portion of the State lying east of State Highway 71, U.S. Highway 350, and Interstate Highway 25.

<sup>3</sup> The entire State is open except the Marais des Cygnes Waterfowl Management Area in Linn County and the Neosho Waterfowl Management Areas in Neosho County.

(c) *Gallinules*.

Daily bag limit.....	15
Possession limit.....	30
Shooting hours: One-half hour before sunrise to sunset.	

## CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS

## Seasons in the Atlantic Flyway.

Connecticut.....	Sept. 1-Nov. 9
Delaware.....	Sept. 1-Nov. 9

Florida <sup>1</sup> .....	Sept. 1-Nov. 9
Georgia.....	Deferred season.*
Maine.....	Sept. 1-Nov. 9
Maryland.....	Sept. 1-Nov. 9
Massachusetts.....	Sept. 8-Nov. 16
New Hampshire.....	Closed.
New Jersey.....	Sept. 1-Nov. 9
New York:	
Long Island Area.....	Closed.
Remainder of State.....	Sept. 1-Nov. 9
North Carolina.....	Sept. 1-Nov. 9
Pennsylvania.....	Sept. 10-Nov. 16
Rhode Island.....	Sept. 14-Nov. 22
South Carolina.....	Sept. 1-Nov. 9
Vermont.....	Sept. 29-Dec. 7
Virginia.....	Deferred season.*
West Virginia.....	Oct. 13-Dec. 21.

## Seasons in the Mississippi Flyway.

Alabama.....	Nov. 12-Jan. 20.
Arkansas.....	Nov. 7-Jan. 15.
Illinois.....	Closed.
Indiana.....	Sept. 1-Nov. 9.
Iowa.....	Closed.
Kentucky.....	Nov. 15-Jan. 20.
Louisiana.....	Sept. 1-Sept. 30.
Nov. 3-Dec. 12.	
Michigan.....	Deferred season.*
Minnesota.....	Deferred season.*
Mississippi.....	Oct. 27-Jan. 4.
Missouri.....	Sept. 1-Nov. 9.
Ohio.....	Sept. 1-Nov. 9.
Tennessee.....	Deferred season.*
Wisconsin.....	Deferred season.*

## Seasons in the Central Flyway.

Colorado <sup>2</sup> .....	Closed.
Kansas.....	Closed.
Montana <sup>2</sup> .....	Closed.
Nebraska.....	Closed.
New Mexico <sup>2</sup> .....	Deferred season.
North Dakota.....	Closed.
Oklahoma.....	Sept. 1-Nov. 9
South Dakota.....	Closed.
Texas.....	Sept. 1-Nov. 9
Wyoming <sup>2</sup> .....	Closed.

## Seasons in the Pacific Flyway.

All States.....	Deferred seasons.
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<sup>1</sup> The gallinule season in Florida applies to the Florida gallinule only. No open season on purple gallinules in Florida.

<sup>2</sup> Seasons apply to Central Flyway portion of State only.

\*NOTE: States with deferred seasons may select gallinule seasons at the time they select their waterfowl seasons in August. Consult waterfowl regulations to be published later for information concerning these seasons.

(d) *Canada geese in the Horicon Zone.*

(1) In Wisconsin during the 1973-74 waterfowl season, the kill of Canada geese will be limited to 28,000 birds; 16,000 of which may be taken in the area designated as the Horicon Zone.

(2) The Horicon Zone includes portions of Columbia, Dodge, Fond du Lac, Green Lake, Washington, and Winnebago Counties. It is bounded on the east by U.S. Highway 45 from Oshkosh to Fond du Lac, and then State Highway 175 to Addison; on the south by State Highway 33 from Addison to Beaver Dam, and then U.S. Highway 151 to Columbus; on the west by State Highway 73 from Columbus to its intersection with State Highway 23, east of Princeton; and on the north by State Highway 23 from the intersection with State Highway 73 to Ripon, then State Highway 44 to Oshkosh.

(3) Seasons, limits, and shooting hours for Canada geese:

## HORICON ZONE

Daily bag limit.....	1
Possession limit.....	1
Season dates.....	Oct. 11-Oct. 28, inclusive.
Shooting hours: one-half hour before sunrise until sunset.	

(4) Each person hunting Canada geese in the Horicon Zone must have been issued in his name and carry on his person a valid State hunting license, a valid Migratory Bird Hunting Stamp (duck stamp), and a valid Horicon Zone Canada goose hunting permit with correspondingly numbered report card and metal Canada goose tag. Hunters less than 16 years of age are not required to have a Migratory Bird Hunting Stamp. To be valid, the permit must remain attached to the report card until a Canada goose is reduced to possession. The required permits and tags are non-transferable.

(5) Immediately after a Canada goose is killed and reduced to possession in the Horicon Zone, the tag must be affixed and securely locked through the nostrils of the Canada goose. The goose may not be carried by hand or transported in any manner without the tag being attached. The tag must remain on the goose until it reaches the abode of the permit holder. The tag is not valid for reuse.

(6) It is mandatory that each person hunting in the Horicon Zone report on tag use or nonuse, using the report card provided, within 12 hours after the close of the Canada goose season in the Horicon Zone.

(7) No special permit is required to hunt blue or snow geese anywhere in Wisconsin, including the Horicon Zone.

## (3) Application procedure:

(i) Applications will be made available to the public about the middle of August and must be returned no later than September 11, 1973. All applications postmarked after September 11, 1973, will be disqualified, except applications from persons in the military service on duty outside the State during the regular application period. Applications from military personnel postmarked after September 11, 1973, will be accepted if they are accompanied by a notarized statement attesting to such duty outside the State. All incomplete, illegible, tardy, or duplicate applications will be disqualified. A duplicate application will disqualify all applications by an individual.

(ii) Application forms will be available from county clerks, State hunting and fishing license depots, and from Wisconsin Conservation Department offices in Spooner, Woodruff, Black River Falls, Oshkosh, and Madison.

(iii) Each successful applicant will receive one permit, tag, and report card. In the event that the number of applicants exceeds the number of permits and tags authorized, successful applicants will be randomly selected. Nonresident applicants will not be discriminated against. If two or more persons wish to hunt together in the Horicon Zone, each

must fill out an application form and submit them together in an envelope marked "Group Application." Group applications will be considered in the selection as one application.

(9) Those persons not issued a Horicon Zone permit and tag will not be so notified, but they may hunt Canada geese outside the Horicon Zone during the regular Wisconsin goose season where no special permit is required.

The open hunting season dates and limits for Canada geese in the remainder of Wisconsin will be published at the time the regular waterfowl seasons are published in the late August or early September.

Effective: September 1, 1973.

(40 Stat. 755; 16 U.S.C. 703 et seq.)

F. V. SCHMIDT,

Acting Director, Bureau of  
Sport Fisheries and Wildlife.

[FR Doc. 73-15764 Filed 7-31-73; 8:45 am]

## PART 32—HUNTING

### Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on August 1, 1973.

#### § 32.32 Special regulations; big game; for individual wildlife refuge areas.

Public hunting of deer is permitted on the Ouray National Wildlife Refuge, Utah, for the 1973 archery and rifle seasons except in those areas designated by signs as closed to hunting. This open area, comprising 9,500 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Avenue, Denver, Colorado 20240. Archery deer season is August 18 through September 3, 1973, inclusive. Rifle deer season is October 20 through October 30, 1973, inclusive.

Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

- (1) Hunting on Indian lands east of Green River, as posted, requires the possession of a Ute Tribal Permit.
- (2) Every deer killed must be checked out at refuge headquarters before hunters leave the area.

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 October 30, 1973.

H. J. JOHNSON,

Refuge Manager, Ouray National  
Wildlife Refuge, Vernal, Utah.

JULY 16, 1973.

[FR Doc. 73-15764 Filed 7-31-73; 8:45 am]

## Title 6—Economic Stabilization

### CHAPTER I—COST OF LIVING COUNCIL

#### PART 130—COST OF LIVING COUNCIL

##### Low Wage Employees

Part 130 is amended by the addition of a new § 130.36 which provides an exemption for wages or salaries below a level of \$3.50 per hour. This new regulation implements the exemption set forth in section 207(d) of the Economic Stabilization Act of 1970, as amended. The exemption applies to work performed by employees in all sectors of the economy, whether subject to self-administration or to mandatory controls under the Economic Stabilization Program.

In addition, the regulation contains provisions relating to employees who are paid straight-time hourly rates in excess of \$3.50, and who are members of an appropriate employee unit in which other employees are paid wage or salary increases below the \$3.50 level.

The new regulation is effective May 1, 1973, with respect to work performed on and after that date.

Because the purpose of this amendment is to provide immediate guidance as to Cost of Living Council policy, I find that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making this regulation effective in less than 30 days. Interested persons may submit comments regarding this amendment. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Public Law 93-26, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11723, 38 FR 15765, Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, 6 CFR Part 130 is amended as set forth herein, effective May 1, 1973.

Issued in Washington, D.C. on July 30, 1973.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

6 CFR Part 130 is amended in Subpart D by the addition of a new § 130.36 to read as follows:

#### § 130.36 Low wage employees.

(a) *Coverage.* Unless otherwise limited in this section, the provisions of this section are applicable to employers and employees in all sectors of the economy, whether subject to self-administration or to mandatory controls under this chapter.

(b) *Exemption.* In accordance with the provisions of section 207(d) of the Act, wages or salaries paid to an employee earning a straight-time hourly rate that is equal to or less than \$3.50 are exempt from the limitations imposed under the provisions of this chapter.

(c) *Prior provision inoperative.* The rules governing payments to low wage employees provided by the Pay Board during Phase II of the Economic Stabilization Program, which are set forth in § 201.19 of this title, are inoperative on and after May 1, 1973.

(d) *Employees earning more than \$3.50.* The provisions of this paragraph are appli-

cable to employees who are paid straight-time hourly rates in excess of \$3.50, and who are members of an appropriate employee unit in which low wage employees are paid wage or salary increases which are exempt under the provisions of paragraph (b) of this section.

(1) *Industries subject to self-administration—(i) Application of customary practice.* The Council recognizes that where wages or salaries of lower wage employees within a unit have been increased, employers and employees have customarily adjusted wage or salary rates for higher rated employees in the same unit pursuant to a variety of procedures. Such procedures have included, but have not been limited to—

(a) Increasing wages or salaries for the employees by an amount (expressed in dollars and cents) equal to the amount of increase (expressed in dollars and cents) paid to the lower-paid employees.

(b) Increasing wages or salaries for the employees by a percentage equal to the percentage increase paid to the lower-paid employees.

(c) Increasing wages or salaries for the employees by amounts or percentages which decrease as base wages or salaries increase, in a tapering process.

(d) Other procedures which reflect methods of aligning the occupational structure of the unit and differentials among job classifications.

(ii) *Wage adjustments.* Employers and employees subject to self-administration under this chapter may adjust wages or salaries paid to employees subject to the provisions of this paragraph in a manner that recognizes the impact of such factors as the occupational structure of the unit and differentials among job classifications, and that is consistent with their past practice in such situations (as described in Paragraph (d)(1)(i) of this section) and with the standards and goals of the Economic Stabilization Program as set forth in § 130.12 and elsewhere in this chapter.

(iii) *Reporting.* When, pursuant to any regulation in this part or pursuant to an order or request of the Council, an employer submits to the Council a prenotification or report of pay adjustments, and wages or salaries in the subject appropriate employee unit have been adjusted or are proposed to be adjusted as described in paragraph (d)(1)(ii) of this section, such employer shall include in such prenotification or report a description of such adjustments for the entire appropriate employee unit and the manner in which the adjustments were calculated. Such prenotification or report should include a Form PB-3 or PB-3A that covers separately those employees whose straight-time hourly rates on the base date (determined individually) are equal to or in excess of \$3.50.

(2) *Industries subject to mandatory controls.* The Tripartite Food Industry Wage and Salary Committee and the Tripartite Health Industry Wage and Salary Committee shall develop one or more methods for reporting and evaluating wage or salary increases paid to employees who are paid straight-time hourly rates in excess of \$3.50 and who are members of an appropriate employee unit in which low wage employees are paid wage or salary increases which are exempt under the provisions of paragraph (b) of this section.

(e) *Outstanding decisions and orders.* Decisions and orders issued by the Council which limit wage or salary increases that are below a straight-time hourly rate of \$3.50 are rendered inoperative with respect to payment of any such increases for work performed on or after May 1, 1973, without further action by the Council. Such decisions

and orders remain in effect for the periods specified with respect to wages or salaries paid to employees earning \$3.50 per hour or more.

(f) *Conflict.* To the extent that the provisions of this section may conflict with any other provisions of this chapter, the provisions of this section shall control.

*Effective date.* The provisions of this section shall be effective May 1, 1973, with respect to work performed on and after such date.

[FR Doc.73-15883 Filed 7-30-73; 11:29 am]

## PART 150—COST OF LIVING COUNCIL PHASE IV REGULATIONS

### Phase IV Questions and Answers No. 1

These "Questions and Answers", which are issued by the Cost of Living Council, are designed to provide immediate guidance in understanding and applying the new regulations governing Stage A of Phase IV for food. To achieve the broadest publication, these are hereby added to Appendix B of Part 150. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C., on July 26, 1973.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

Appendix B of Part 150 is amended by adding the following:

#### PHASE IV

#### QUESTIONS & ANSWERS

##### NO. 1

1. Q. For the purposes of the Phase IV Stage A food regulations, how is veal classified?

A. Veal is considered beef and therefore is subject to both the meat price ceilings and gross margin requirements of the Phase III Economic Stabilization Regulations. As a result cost increases in veal may not be passed through if the resulting price is higher than the appropriate ceiling price.

2. Q. What is the base period that a firm may use in determining its base period gross margin when using the special pricing rule for swine and sheep (§ 130.57d(e))?

A. "Base period" means, at the firm's option, any four consecutive fiscal quarters of the firm which began after May 25, 1970, and which ended prior to May 11, 1973.

3. Q. A firm purchases a food item, whether processed or not, from a seller who is not a producer. Due to normal business practices, the firm sells the food item before receiving a certified invoice from the seller. May this firm raise its price on this food item to pass-through, on a dollar-for-dollar basis, any increases in allowable costs which have been passed on to him before it receives the certified invoice?

A. A firm may charge a price in excess of the freeze price for a food item to reflect, on a dollar-for-dollar basis, an "allowable cost increase" with respect to that food item

based on a certified invoice from the seller. A firm that raises its price on a food item prior to receiving a certified invoice may do so if normal business practices require this. However, the firm must have oral or written information from its seller as to the amount of allowable cost pass-through before it resells the item.

The firm must also have the certified invoice from the seller in its possession within one week from the date that it purchases the item. A firm that follows this business practice is subject to being cited for a violation if the allowable cost pass-through which it certifies on the invoice to its buyer is more than the certified invoice which it receives allows.

4. Q. A firm sells a food item that is produced in equal proportions from two inputs, A and B. The allowable cost increase certified on the invoice for input A is 3 cents per unit. The required cost decrease certified on the invoice for input B is 2 cents per unit. What is the firm's allowable cost increase on the food item it sells?

A. A firm may pass through allowable cost increases; a firm must pass through cost decreases. Therefore, the firm's allowable cost increase is 1 cent per unit, e.g., 3 cents per unit—2 cents per unit=1 cent per unit.

5. Q. A retail firm obtains its private label goods, e.g. bacon, from two or more sources which have different certified price increases, e.g., packer A has a 3 cents/lb. increase while B had a 8 cents/lb. increase. The firm buys 20 lbs. from packer A and 5 lbs. from packer B. What is the firm's allowable cost pass through?

A. The retail firm will determine its allowable cost pass-through by means of a weighted average. In this case, the firm's allowable cost pass through would be:

Packer A supplies 20 lbs. at 3¢	
certified price increase=	\$ .60
Packer B supplies 5 lbs. at 8¢	
certified price increase=	.40
	25 lbs. \$1.00
Total allowable cost pass through	

The price per pound of bacon could then be increased by 4 cents a pound (\$1.00/25 lbs.=\$.04).

6. Q. A firm buys 100 cases of a perishable food item from the producer. Due to spoilage or other factors the firm can only sell 90 cases. May the firm include in its allowable cost increase pass-through an increase to recover the loss due to spoilage or other factors?

A. No. A firm may only charge a price in excess of the freeze price for a food item to reflect, on a dollar-for-dollar basis, increases in raw agricultural product costs on a per item basis.

7. Q. Is there a small business exemption for food firms in Phase IV, Stage A?

A. No. All firms that sell food products regardless of their size are covered by the Stage A food regulations which are in effect until September 12, 1973.

[FR Doc.73-15778 Filed 7-27-73; 10:30 am]

## PART 150—COST OF LIVING COUNCIL PHASE IV REGULATIONS

### Phase IV Questions and Answers No. 2

These "Questions and Answers", which are issued by the Cost of Living Council, are designed to provide immediate guidance in understanding and applying the new regulations governing Stage A of Phase IV for food. To achieve the broadest publication, these are hereby added

to Appendix B of Part 150. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C., on July 26, 1973.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

Appendix B of Part 150 is amended by adding the following:

#### PHASE IV QUESTIONS AND ANSWERS

##### NO. 2

1. Q. A miller had a raw agricultural product, wheat, in inventory on July 16, 1973. Its average cost is \$7.15/cwt. of flour. Its freeze price is \$7.20/cwt. of flour. At what price may the miller sell the flour he processes from this wheat?

A. The average cost of his raw agricultural product does not exceed his freeze price. Therefore, he may not adjust the price he sells his inventory above his freeze price. The miller's price on his flour processed from wheat is \$7.20/cwt. of flour.

2. Q. May food manufacturers and processors who purchase processed or semi-processed items for further processing charge a price in excess of the freeze price?

A. Yes, so long as the price reflects only a certified "allowable cost increase."

3. Q. A firm processes a raw agricultural product into food and nonfood items. How does he price his products in light of allowable pass-through of increases in raw agricultural product costs?

A. The processor may pass through increases for food products, but prices of non-food items remain subject to the freeze. In the case where a product is sold and not clearly identifiable as primarily intended for human or animal ingestion, the cost increase is allowed in the distribution chain until the point where it is identified as not intended for human or animal ingestion. For example: Processor buys soybeans and presses them into oil; processor then sells that oil to distributor who does not identify ultimate user; distributor then sells half of that oil to a food manufacturer and half to an industrial user. "Allowable cost increases" can be passed through from processor to distributor and distributor to food manufacturer, but not from distributor to industrial user.

4. Q. A firm processes a raw agricultural product into numerous food items. How may this firm increase its prices of its individual end items under the new rules to reflect increases in raw agricultural product costs?

A. In general the firm must pass-through the "allowable cost increases" on a basis proportional to the amount of raw agricultural product in the individual end item. However, if such a proportional process is not feasible in light of customary business practices for cost allocation and repricing, the firm may revert to a process of increasing prices in their customary fashion so long as the total price increase does not exceed the total allowable cost increase.

5. Q. A food firm incurs losses or gains in its hedging operations. Should these losses or gains be considered in determining allowable cost increases or decreases in Phase IV, Stage A?

A. Yes. Hedging losses or gains are considered part of raw agricultural product costs



and thus should be considered in determining allowable cost increases or decreases. In other words, the net of hedging operations (loss or gain) should be reflected in raw agricultural product costs. Comprehensive records must be kept to show evidence of an actual cash position and the records must be made available upon request to Economic Stabilization personnel of the Internal Revenue Service.

6. Q. How has Phase IV, Stage A changed the rules as regards promotional sales?

A. Phase IV, Stage A does not permit firms to adjust their freeze prices solely on the basis of promotional sales in effect during the freeze base period. The rules promulgated during the freeze still apply except Phase IV, Stage A allows passthrough of certified increases in the costs of raw agricultural products.

7. Q. What is the status of volatile pricing orders for food items during Phase IV, Stage A regulations?

A. Since Phase IV, Stage A is itself a system that incorporates volatile prices, the volatile pricing orders in effect in Phase III are no longer in effect for Phase IV, Stage A.

8. Q. A retailer is currently selling a food item at a freeze price below the average cost of the food item purchased during the freeze base period. How may this retailer adjust his price on the item?

A. If he can obtain certification as to raw agricultural product cost increases in the period January 10 to June 1-8, he may adjust his freeze base price to reflect those raw agricultural product cost increases not otherwise reflected in the freeze price up to the average cost incurred in purchasing the item. Upon the freeze base price (or an adjusted freeze base price) he may add on new "allowable cost increases" as defined in the rules of Phase IV, Stage A.

[FR Doc.73-15779 Filed 7-27-73; 10:30 am]

**PART 150—COST OF LIVING COUNCIL  
PHASE IV REGULATIONS**

**PHASE IV QUESTIONS AND ANSWERS No. 3**

These "Questions and Answers", which are issued by the Cost of Living Council, are designed to provide immediate guidance in understanding and applying the new regulations governing Stage A of Phase IV for food. To achieve the broadest publication, these are hereby added to Appendix B of Part 150. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C., on July 30, 1973.

**JAMES W. McLANE,**  
*Deputy Director,*  
*Cost of Living Council.*

Appendix B of Part 150 is amended by adding the following:

**PHASE IV**

**QUESTIONS & ANSWERS**

**No. 3**

1. Q: What is the status of restaurants in Phase IV, Stage A?

A: Restaurants and other food service organizations are fully subject to the regu-

lations of Phase IV, Stage A as resellers of food items. They are subject to Section 140.93(f) as resellers of meat and Section 140.93(c) of Subpart I for all other food items.

2. Q: May restaurants increase their menu prices for beef products?

A: No. Restaurants and other food service organizations are exempt from the meat price ceilings but are subject to the freeze and thus must maintain their freeze prices on beef products.

3. Q: May the price of cattle hides be increased during Stage A of Phase IV?

A: No. Cattle hides are not food and therefore their prices are still "frozen", pursuant to the June 13, 1973, Freeze Order. On August 12, 1973, cattle hides will be subject to the applicable non-food regulations of Phase IV.

4. Q: Can the price of an item placed in inventory be increased to reflect an increase in raw agricultural product costs incurred after June 8 and before July 19?

A: Yes, but only if its average cost exceeds its freeze price. Section 140.93(e)(2) of the regulations has been changed to permit an increase in this situation.

5. Q: An item was placed in inventory prior to July 18; its average cost exceeds its freeze price. How may it be repriced in light of the rules for Phase IV, Stage A?

A: If the average cost of an item in inventory prior to July 18 exceeds its freeze price, Phase IV, Stage A, allows the firm to adjust its freeze price on those inventoried items to allow a dollar-for-dollar passthrough of increases in the costs of raw agricultural products during the period January 10, 1973, to July 18, 1973, up to the average cost of the food item. Accordingly, inventory items selling at a loss may be repriced to include those raw agricultural cost increases incurred during this period not already reflected in the freeze price of the item, but in no case may a price higher than the average cost of the food item be charged under this rule. All inventory price adjustments pursuant to this rule also must be fully documented.

Examples to illustrate the foregoing:

Average cost:..... \$5.50/case  
Freeze Price:..... \$5.00/case

The average cost incurred prior to July 18, at which the item is carried in inventory is made up of the following:

Raw agricultural cost..... \$4.00  
Other costs..... \$1.50

Average cost..... \$5.50

1. The freeze price is based on a pre-freeze cost of \$4.50, made up of the following:

Raw agricultural cost..... \$3.50  
Other costs..... \$1.00

Total pre-freeze..... \$4.50

What is the inventory price adjustment? \$50. This reflects the increase in the raw agricultural cost from \$3.50 to \$4.00.

\$4.00 minus \$3.50=\$.50, i.e., price may be raised to \$5.50.

2. The freeze price is based on a pre-freeze cost of \$4.50, made up of the following:

Raw agricultural cost..... \$3.75  
Other costs..... \$ .75

Total pre-freeze cost..... \$4.50

What is the inventory price adjustment? \$25. This reflects the increase in the raw agricultural cost from \$3.75 to \$4.00.

\$4.00 minus \$3.75=\$.25, i.e., price may be raised to \$5.25.

3. The freeze price is based on a pre-freeze cost of \$4.50, made up of the following:

Raw agricultural cost..... \$3.25  
Other costs..... \$1.25

Total pre-freeze cost..... \$4.50

What is the inventory price adjustment? \$50. This reflects the increase in the raw agricultural cost from \$3.25 to \$4.00.

\$4.00 minus \$3.25=\$.75, but since inventory prices may only be raised to the level of the average cost, the price can only be raised to \$5.50.

4. The freeze price is based on a pre-freeze cost of \$4.50, made up of the following:

Raw agricultural cost..... \$4.00  
Other costs..... \$ .50

Total pre-freeze costs..... \$4.50

What is the inventory price adjustment? \$00.

\$4.00 minus \$4.00=\$.00, i.e., there has been no increase in raw agricultural costs and thus there is no justification for a price increase.

6. Q: A firm has an item in inventory as of July 18 whose average cost exceeds its freeze price. It thinks that some (or all) of the cost of that inventory is due to increases in raw agricultural product costs since January 10, 1973, not already reflected in its price. To raise its price on that inventory the firm knows it must document those increases in raw agricultural costs. What kind of certification for those raw agricultural cost increases is required?

A: The firm must obtain from its supplier documentation for that portion of raw agricultural cost increases not already reflected in its freeze price. The documentation must indicate a specific item ("20,000 cases, Green Peas") and a specific shipping time ("shipped during the period May 25 through June 17") and be in accordance with the requirements of invoice certification as per Section 140.97 of the regulations.

7. Q: Milk dealers regulated under state and Federal milk marketing orders do not know the cost of milk used to produce manufactured dairy products until the fifth day of the following month. For example, the cost of milk used in manufactured dairy products this June was not known until July 5. Resale prices for manufactured dairy products are based on last known cost of raw milk during the June 1-8 period. May milk firms use last known costs to establish a "freeze cost"?

A: Yes. Milk dealers can establish a "freeze cost" based on the last known cost of raw milk for manufacturing during the June 1-8 period. However, allowable cost increases calculated from a freeze cost based on the last known cost of raw milk may not be used to justify a price increase which exceeds its minimum prices set under state or Federal milk marketing orders.

8. Q: The price for milk utilized in the production of cheese, butter and other non-fluid products is usually not established until early in the month following the month in which such milk is used. May a milk processor adjust the prices of his non-fluid finished products during the current month to reflect anticipated increases in his current raw milk costs, which will be calculated in the following month?

A: No. Firms may only increase their prices on food items to reflect "allowable cost increases" that have actually been incurred and can be documented.

[FR Doc.73-15946 Filed 7-30-73; 3:16 pm]

**PART 150—COST OF LIVING COUNCIL  
PHASE IV REGULATIONS**

**Phase IV Questions and Answers No. 4.**

These "Questions and Answers", which are issued by the Cost of Living Council, are designed to provide immediate

guidance in understanding and applying the new regulations governing Stage A of Phase IV for food. To achieve the broadest publication, these are hereby added to Appendix B of Part 150. Since they provide guidance of general applicability and are subject to clarification, revision or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

Issued in Washington, D.C., on July 30, 1973.

JAMES W. McLANE,  
Deputy Director,  
Cost of Living Council.

Appendix B of Part 150 is amended by adding the following:

PHASE IV  
QUESTIONS & ANSWERS  
NO. 4

1. Q: Items in inventory as of July 18 and items put into inventory after July 18 might have different new prices under the rules of

the Phase IV, Stage A food regulations due to the timing or severity of new agricultural price increases. It is thus important for a firm in repricing items to know just what was in inventory as of July 18. What methods may be used in that determination?

A: In determining what was in inventory as of July 18 the general rule should be that those goods to which the firm had title are considered inventory. Some firms will have a physical count or accounting tally of inventory as of July 18. However, forecasts based on historical inventory depletion rates may also be used in determining inventory levels as of July 18.

2. Q: What are the restrictions on passing through "allowable cost increases" and the requirements for reflecting cost decreases?

A: While a food firm may take an "allowable cost increase" at any time after it is incurred, it must make a required cost decrease upon the expiration of the repricing period during which the cost decrease occurs.

All decreases must be passed through, but they may be balanced by any "allowable cost increases" which have not been taken. If the current cost goes below the freeze cost or the certified invoice indicates a decrease in cost, a seller must decrease his price to reflect these lower costs, even though this price may be lower than his freeze price.

3. Q: Must a retailer or food service organization provide certification of raw agri-

cultural cost increases to the ultimate consumer?

A: No. However, that retailer or food service organization must maintain certified invoices documenting those increases and they must be made available on request to Internal Revenue Service Economic Stabilization Program personnel.

4. Q: Will a firm be in compliance with the invoice certification requirements of Phase IV, Stage A food regulations if it attaches a preprinted (e.g., mimeographed, computer printed or stamped) certification form to the invoice it gives the buyer?

A: Yes. The firm must still state either on the invoice or the preprinted certification form that part of the price for each item in the shipment that is due to "allowable cost increases" and that part of the price for each item that is due to required cost decreases. Further, it must use the language stipulated in Sections 130.129(a) and 140.197 of the Phase IV, Stage A regulations.

The signature on such a certification may be preprinted or rubber stamped, but it must be initialed by the named individual or his duly authorized agent. Whenever a firm authorizes an individual such as the shipping clerk to initial a preprinted signature on an invoice, the individual whose signature is printed on the preprinted certification will be held responsible for the veracity of the certification.

[FR Doc.73-15947 Filed 7-30-73;3:16 pm]

# 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 HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[ 45 CFR Part 67 ]

### STUDENT LOAN MARKETING ASSOCIATION; ISSUANCE AND TRANSFER OF COMMON STOCK

#### Notice of Proposed Rule Making

Pursuant to the authority contained in section 439 of the Higher Education Act of 1965 (20 U.S.C. 1087-2) notice is hereby given that the Secretary of Health, Education, and Welfare proposes to amend Title 45 of the Code of Federal Regulations by adding a new Part 67. The new part would be included in Subtitle A of Title 45. Regulations issued from time to time under the new part would relate only to functions of the Secretary of Health, Education, and Welfare with respect to the conduct of the Student Loan Marketing Association.

The Student Loan Marketing Association (hereinafter referred to as the "Association"), a Government sponsored private corporation, was created by the Congress for the purpose of serving as a secondary market and warehousing facility for student loans insured by the U.S. Commissioner of Education or by a State or non-profit private agency or organization under programs conducted pursuant to Part 177 of Title 45 of the Code of Federal Regulations.

Currently, the affairs of the Association are governed by a 21-member interim Board of Directors appointed by the President of the United States. However, the authorizing statute provides that when sufficient common stock of the Association has been purchased by educational institutions and banks or other financial institutions, a permanent Board of Directors shall be established. The holders of common stock which are educational institutions shall elect seven members and the holders of such stock which are banks or other financial institutions shall also elect seven members of the permanent Board of Directors. The President shall appoint the remaining seven directors who shall be representative of the general public.

The regulations hereby proposed set out the class of institutions and organizations through which and to which the common stock of the Association may be offered for sale or otherwise transferred. The proposed regulations are not exhaustive of the Secretary's authority and are issued at this time in order to facilitate the initial sale of common stock by the Association.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed regulations to the Office of the Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare, Room 5032, 330 Independence Avenue, SW., Washington, D.C. 20201. Responses to this notice will be available for public inspection at the above office Monday through Friday between 9 and 5 p.m. All comments received on or before August 16, 1973 shall be considered.

Dated: July 27, 1973.

FRANK CARLUCCI,  
Acting Secretary of Health,  
Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by adding a new Part 67 to Subtitle A to read as follows:

#### PART 67—STUDENT LOAN MARKETING ASSOCIATION—ISSUANCE AND TRANSFER OF COMMON STOCK

##### Sec.

- 67.1 Purpose and scope.
- 67.2 Definitions.
- 67.3 Initial issuance of common stock.
- 67.4 Subsequent transfer of common stock.
- 67.5 Registration of common stock.

**AUTHORITY:** Sec. 439(f), Higher Education Act of 1965 as added by sec. 133, Public Law 92-318, 86 Stat. 265, 20 U.S.C. 1087-2.

##### § 67.1 Purpose and scope.

The purpose of the regulations published under this part is to prescribe the class of institutions and organizations that may acquire the common stock of the Association. The regulations deal with both the initial issuance of such stock and its subsequent transfer but are not to be deemed as exhaustive of the Secretary's authority to issue regulations pursuant to section 439 of the Higher Education Act of 1965. The sections that follow are intended to facilitate the broadest possible distribution of the common stock of the Association among lenders and educational institutions participating in or eligible to participate in programs of guaranteed student loans authorized by part B of title IV of the Higher Education Act of 1965.

##### § 67.2 Definitions.

As used in this part—  
"Act" means title IV, part B of the Higher Education Act of 1965, as amended (20 U.S.C. 1071-1087-2).  
"Commissioner of Education" means the U.S. Commissioner of Education.  
"Eligible holder" means (a) an eligible lender and (b) an eligible institution as defined in this part.

"Eligible institution" means an institution of higher education or vocational school which meets the applicable requirements of sections 435(b)-(f) of the Act. A current list of such institutions shall from time to time be published by the Commissioner of Education.

"Eligible lender" means a financial or credit institution or other organization which (a) is party to a contract of insurance pursuant to the Act with the Commissioner of Education, (b) is otherwise found by the Commissioner of Education to be an "eligible lender" under the Act, or (c) is a party to a contract of insurance with a State or a nonprofit private agency under a student loan insurance program covered by an agreement with the Commissioner of Education under section 428(b) of the Act. A current list of such institutions and organizations shall from time to time be published by the Commissioner of Education.

"Secretary" means the Secretary of Health, Education, and Welfare.

"Student Loan Marketing Association" or "Association" means the Government sponsored nonprofit private corporation established by section 439 of the Act (20 U.S.C. 1087-2) for the purpose of serving as a secondary marketing and warehousing facility for loans to vocational students and students in institutions of higher education which have been insured pursuant to Part 177 of Chapter I, Office of Education, of this title.

##### § 67.3 Initial issuance of common stock.

In order to effect any initial issuance of shares of common stock to eligible holders, the Association may enter into a contract or contracts with security underwriters, including banks ("underwriters"), under which the underwriters will purchase and take title to such shares for the purpose of distributing them directly or through selected security dealers, including banks, to eligible holders.

##### § 67.4 Subsequent transfer of common stock.

Any shares of common stock that have been acquired by an eligible holder may thereafter be sold and transferred only to other eligible holders or to security brokers and dealers who will acquire the shares of common stock for the purpose of making a secondary market in such shares to facilitate the sale and purchase of such shares by eligible holders.

##### § 67.5 Registration of common stock.

Any institution or organization entitled to own shares of common stock under

the provisions of this part may cause such shares of common stock as it owns to be registered on the books of the Association in its own name or, provided that the request for such registration is accompanied by evidence satisfactory to the Association that the owner is an eligible lender or an eligible institution, in the name of a nominee or in the name of a security broker or dealer, including a bank.

[FR Doc.73-15958 Filed 7-31-73;8:45 am]

Social Security Administration  
[ 20 CFR Part 405 ]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE  
AGED

Right to Hearing Under Supplementary  
Medical Insurance Program

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to regulations set forth in tentative form below are proposed by the Acting Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments, which reflect and implement the provisions of section 262 of Public Law 92-603, impose a qualification amount of \$100 or more in controversy in order for an individual dissatisfied with a determination of the carrier to be granted an opportunity for a fair hearing under the Supplementary Medical Insurance program.

The proposed amendments also set out principles and guidelines for determining the amount in controversy for the purpose of ascertaining an individual's right to a hearing. These principles and guidelines are similar to those currently in effect under the Hospital Insurance program (20 CFR 405.740-405.741) and have been formulated primarily with the intent of ensuring that the amount in controversy is commensurate with the expense of conducting a hearing and not with the intent of limiting the number of hearings. In this regard, any series of claims by the same party or parties to the determinations for which requests for hearing have been timely filed, but on which no decisions by a hearing officer have previously been made, shall be considered collectively in determining whether the amount in controversy is \$100 or more. The principle, currently in effect under the Hospital Insurance program, that the amount in controversy is the actual amount charged the individual for items and services in question, less any applicable deductible and coinsurance amounts, has been incorporated in the proposed amendments for application under the Supplementary Medical Insurance program. Finally, the proposed regulations provide that the hearing officer shall determine whether the amount in controversy is \$100 or more for the purpose of ascertaining an individual's right to a hearing. This provision is similar to the one applicable under the Hospital Insurance program (20 CFR § 405.741).

Prior to the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, by August 31, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1842, 1871, 49 Stat. 647, as amended, 79 Stat. 309; 79 Stat. 331, 42 U.S.C. 1302, 1395 et seq.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: June 22, 1973.

ARTHUR E. HESS,  
Acting Commissioner of  
Social Security.

Approved: July 25, 1973.

FRANK CARLUCCI,  
Acting Secretary of  
Health, Education, and Welfare.

Part 405 of Title 20 of the Code of Federal Regulations is amended as follows:

1. Paragraph (a) of § 405.801 is revised to read as follows:

§ 405.801 Title XVIII, Part B—General.

(a) Section 1842(b)(3)(C) of the Act provides that a carrier shall establish and maintain procedures under which an individual enrolled in the supplementary medical insurance plan (see Subpart B of this Part) is provided with the opportunity for a hearing by the carrier when the amount in controversy is \$100 or more as determined in accordance with § 405.820(b) and he is dissatisfied with the carrier's determination denying a request for payment, or with the amount of payment under the supplementary medical insurance plan or when he believes that the request for payment is not being acted upon with reasonable promptness. A physician or other person who furnishes items or services to a person enrolled under the supplementary medical insurance plan and who accepts an assignment from the enrollee has the same right as the enrollee to appeal the carrier's determination.

2. Section 405.811 is revised to read as follows:

§ 405.811 Notice of informal review determination.

Written notice of the determination after informal review shall be mailed to the parties thereto at their last known addresses. The review determination

shall state the basis therefor and advise the parties of their right to a hearing when the amount in controversy is \$100 or more as determined in accordance with § 405.820(b). The notice will state the place and manner of requesting a hearing as well as the time limit during which a hearing must be requested (see §§ 405.820 and 405.821).

3. In § 405.820 paragraph (a) is revised, paragraphs (b) and (c) are redesignated as (c) and (d) respectively, and a new paragraph (b) is added to read as follows:

§ 405.820 Right to hearing.

(a) *General.* Any party designated in § 405.822 shall be entitled to a hearing after an informal review determination has been made by the carrier if the amount in controversy is \$100 or more as determined in accordance with paragraph (b) of this section when such party files a written request for a hearing.

(b) *Amount in controversy.* For the purpose of determining an individual's right to a hearing under paragraph (a) of this section:

(1) The amount in controversy shall be computed as the actual amount charged the individual for the items and services in question, less any amount for which payment has been made by the carrier and less any deductible and coinsurance amounts applicable in the particular case.

(2) Any series of claims by the same party or parties to the determinations for which the requests for hearing have been timely filed but on which no decisions by a hearing officer have previously been made shall be considered collectively in determining the amount in controversy.

(3) The determination as to whether the amount in controversy is \$100 or more shall be made by the hearing officer.

4. In § 405.832 paragraph (d) is redesignated as (e) and a new paragraph (d) is added to read as follows:

§ 405.832 Dismissal of request for hearing.

(d) *Dismissal without prejudice.* The hearing officer may on his own motion dismiss without prejudice a hearing request where the amount in controversy is less than \$100.

5. Paragraph (b) of § 405.842 is revised to read as follows:

§ 405.842 Notice of reopening and revision.

(b) *Effect of revised determination.* The revision of a determination (see § 405.841) shall be final and binding upon all parties thereto unless a party files a written request for a hearing with respect to a revised determination when the amount in controversy is \$100 or more.

[FR Doc.73-15833 Filed 7-31-73;8:45 am]

DEPARTMENT OF  
TRANSPORTATION

Coast Guard

[33 CFR Part 90]

[CGD 73-100P]

## GREAT LAKES PILOT RULES

## Notice of Proposed Rulemaking

The Coast Guard is considering an amendment to Part 90 of Title 33 of its regulations.

The purpose of the proposal is to unify the regulations which are now divided between the Coast Guard and the Army Corps of Engineers. The regulations on lights and day signals applicable to the "Great Lakes" and "Western Rivers" in Part 201 of Title 33 were revoked by the Corps of Engineers in the FEDERAL REGISTER dated May 16, 1973 (38 FR 12804), "effective upon promulgation in the FEDERAL REGISTER in Title 33 of identical regulations by the U.S. Coast Guard as §§ 90.31 through 90.46."

While Part 201 applied to both "Great Lakes" and "Western Rivers," the proposed regulations apply only to Great Lakes, inasmuch as similar Coast Guard regulations are already contained in Subchapter F, Part 95, Pilot Rules for Western Rivers, §§ 95.52 through 95.66.

**Written comments.** Interested persons are invited to participate in this rule making by submitting written data, views or arguments to the Executive Secretary, Marine Safety Council (GCMC/82), Room 8234, 400 Seventh St. SW, Washington, D.C. 20590 (Phone 202-426-1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed. [A separate page for each section commented upon and two or more copies are encouraged].

**Public hearing.** No public hearing is contemplated, but will be held if requested by anyone who raises a genuine issue.

**Closing date for comments.** All relevant communications received on or before September 3, 1973, will be fully considered before final action is taken on this proposal. This proposal may be changed in the light of the comments received; however, acknowledgment of individual comments will not be made. Copies of comments received [and a tape recording of the public hearing] will be available for examination in Room 8234. Copies of comments will be furnished interested persons upon request to the Coast Guard (GCMC/82) and payment of the fees prescribed in 49 CFR 7.81.

In consideration of the foregoing, it is proposed to adopt §§ 201.2 through 201.20 of Title 33 of the Code of Regulations as an amendment to Part 90 of

the same title by adding them as new §§ 90.31 through 90.46, as set forth below. (33 U.S.C. 243, 49 CFR 1.46(B))

Dated: July 25, 1973.

W. F. REA, III,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Merchant  
Marine Safety.

§ 90.31 Signals to be displayed by a towing vessel when towing a submerged or partly submerged object upon a hawser when no signals can be displayed upon the object which is towed.

(a) The vessel having the submerged object in tow shall display by day, where they can best be seen, two shapes, one above the other, not less than six feet apart, the lower shape to be carried not less than 10 feet above the deck house. The shapes shall be in the form of a double frustrum of a cone, base to base, not less than two feet in diameter at the center nor less than eight inches at the ends of the cones, and to be not less than four feet lengthwise from end to end, the upper shape to be painted in alternate horizontal stripes of black and white, eight inches in width, and the lower shape to be painted a solid bright red.

(b) By night the towing vessel shall display the regular side lights, but in lieu of the regular white towing lights shall display four lights in a vertical position not less than three feet nor more than six feet apart, the upper and lower of such lights to be white, and the two middle lights to be red, all of such lights to be of the same character as the regular towing lights.

§ 90.32 Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting.

(a) Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting, shall display by day two shapes of the same character and dimensions and displayed in the same manner as required by § 90.31(a), except that both shapes shall be painted a solid bright red, but where more than one vessel is working under the above conditions, the shapes need be displayed only from one vessel on each side of the wreck from which they can best be seen from all directions.

(b) By night this situation shall be indicated by the display of a white light from the bow and stern of each outside vessel or lighter not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all di-

rections two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck.

§ 90.33 Dredges held in stationary position by moorings or spuds.

(a) Dredges which are held in stationary position by moorings or spuds shall display by day two red balls not less than two feet in diameter and carried in a vertical line not less than three feet nor more than six feet apart, and at least 15 feet above the deck house and in a position where they can best be seen from all directions.

(b) By night they shall display a white light at each corner, not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all directions two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck. When scows are moored alongside a dredge in the foregoing situation they shall display a white light on each outboard corner, not less than six feet above the deck.

§ 90.34 Self-propelling suction dredges under way and engaged in dredging operations.

(a) Self-propelling suction dredges under way and engaged in dredging operations shall display by day two black balls not less than two feet in diameter and carried in a vertical line not less than 15 feet above the deck house, and where they can best be seen from all directions. The term "dredging operations" shall include maneuvering into or out of position at the dredging site, but shall not include proceeding to and from the site.

(b) By night they shall carry, in addition to the regular running lights, two red lights of the same character as the white masthead light and in a vertical line beneath that light, the red lights to be not less than three feet nor more than six feet apart and the upper red light to be not less than four feet nor more than six feet below the masthead light, and on or near the stern two red lights in a vertical line not less than four feet nor more than six feet apart, to show through four points of the compass; that is, from right astern to two points on each quarter.

§ 90.35 Vessels moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations.

(a) Vessels which are moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations, shall display by

day, not less than 15 feet above the deck, where they can best be seen from all directions, two balls not less than two feet in diameter, in a vertical line not less than three feet nor more than six feet apart, the upper ball to be painted in alternate black and white vertical stripes six inches wide, and the lower ball to be painted a solid bright red.

(b) By night they shall display three red lights, carried in a vertical line not less than three feet nor more than six feet apart, in a position where they can best be seen from all directions, with the lowermost light not less than 15 feet above the deck.

(c) Where a stringout of moored vessels or barges is engaged in the operations, three red lights carried as prescribed in paragraph (b) of this section shall be displayed at the channelward end of the stringout. Where the stringout crosses the navigable channel and is to be opened for the passage of vessels, the three red lights shall be displayed at each side of the opening instead of at the outer end of the stringout. There shall also be displayed upon such stringout one horizontal row of amber lights not less than six feet above the deck, or above the deck house where the craft carries a deck house, in a position where they can best be seen from all directions, spaced not more than 50 feet apart so as to mark distinctly the entire length and course of the stringout.

#### § 90.36 Lights to be displayed on pipe lines.

Pipe lines attached to dredges, and either floating or supported on trestles, shall display by night one row of amber lights not less than eight feet nor more than 12 feet above the water, about equally spaced and in such number as to mark distinctly the entire length and course of the line, the intervals between lights where the line crosses navigable channels to be not more than 30 feet. There shall also be displayed on the shore or discharge end of the line two red lights, three feet apart, in a vertical line with the lower light at least eight feet above the water, and if the line is to be opened at night for the passage of vessels, a similar arrangement of lights shall be displayed on each side of the opening.

#### § 90.37 Lights generally.

(a) All the lights required by §§ 90.31 to 90.36, except as provided in §§ 90.31 (b) and 90.34(b), shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least two miles.

(b) The lights required by § 90.31(b) to be of the same character as the regular towing lights, and the lights required by § 90.34(b) to be of the same character as the masthead light, shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least five miles.

(c) All floodlights or headlights which may interfere with the proper navigation of an approaching vessel shall be so

shielded that the lights will not blind the pilot of such vessel.

#### § 90.38 Vessels moored or at anchor.

Vessels of more than 65 feet in length when moored or anchored in a fairway or channel shall display between sunrise and sunset on the forward part of the vessel where it can best be seen from other vessels one black ball not less than two feet in diameter.

#### PASSING FLOATING PLANT WORKING IN NAVIGABLE CHANNELS

#### § 90.39 Passing signals.

(a) Vessels intending to pass dredges or other types of floating plant working in navigable channels, when within a reasonable distance therefrom and not in any case over a mile, shall indicate such intention by one long blast of the whistle, and shall be directed to the proper side for passage by the sounding, by the dredge or other floating plant, of the signal prescribed in the local pilot rules for vessels under way and approaching each other from opposite directions, which shall be answered in the usual manner by the approaching vessel. If the channel is not clear, the floating plant shall sound the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge.

(b) When the pipe line from a dredge crosses the channel in such a way that an approaching vessel cannot pass safely around the pipe line or dredge, there shall be sounded immediately from the dredge the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge. The pipe line shall then be opened and the channel cleared as soon as practicable; when the channel is clear for passage the dredge shall so indicate by sounding the usual passing signal as prescribed in paragraph (a) of this section. The approaching vessel shall answer with a corresponding signal and pass promptly.

(c) When any pipe line or swinging dredge shall have given an approaching vessel or tow the signal that the channel is clear, the dredge shall straighten out within the cut for the passage of the vessel or tow.

NOTE: The term "floating plant" as used in §§ 90.39 to 70.45, includes dredges, derrick boats, snag boats, drill boats, pile drivers, maneuver boats, hydraulic graders, survey boats, working barges, and mat sinking plant.

#### § 90.40 Speed of vessels passing floating plant working in channels.

Vessels, with or without tows, passing floating plant working in channels, shall reduce their speed sufficiently to insure the safety of both the plant and themselves, and when passing within 200 feet of the plant their speed shall not exceed five miles per hour. While passing over lines of the plant, propelling machinery shall be stopped.

#### § 90.41 Light-draft vessels passing floating plant.

Vessels whose draft permits shall keep outside the buoys marking the ends of

mooring lines of floating plant working in channels.

#### § 90.42 Aids to navigation marking floating-plant moorings.

Breast, stern, and bow anchors of floating plant working in navigable channels shall be marked by barrel or other suitable buoys. By night approaching vessels shall be shown the location of adjacent buoys by throwing a suitable beam of light from the plant on the buoys until the approaching vessel has passed, or the buoys may be lighted by red lights, visible in all directions, of the same character as specified in § 90.37(a).

#### § 90.43 Obstruction of channel by floating plant.

Channels shall not be obstructed unnecessarily by any dredging or other floating plant. While vessels are passing such plant all lines running therefrom across the channel on the passing side which may interfere with or obstruct navigation shall be slacked to the bottom of the channel.

#### § 90.44 Clearing of channels.

When special or temporary regulations have not been prescribed and action under the regulations contained in §§ 90.39 to 90.43 will not afford clear passage, floating plant in narrow channels shall, upon notice, move out of the way of vessels a sufficient distance to allow them a clear passage. Vessels desiring passage shall, however, give the master of the floating plant ample notice in advance of the time they expect to pass.

NOTE: If it is necessary to prohibit or limit the anchorage or movement of vessels within certain areas in order to facilitate the work of improvement, application should be made through official channels for establishment by the Secretary of the Army of special or temporary regulations for this purpose.

#### § 90.45 Protection of marks placed for the guidance of floating plant.

Vessels shall not run over anchor buoys, or buoys, stakes, or other marks placed for the guidance of floating plant working in channels; and shall not anchor on the ranges of buoys, stakes, or other marks placed for the guidance of such plant.

#### § 90.46 Lights for Great Lakes pilot vessels.

(a) A power driven pilot vessel when engaged on pilotage duty and under way:

(1) Shall carry a white light at the masthead at a height of not less than 20 feet above the hull, visible all round the horizon at a distance of at least 3 miles and at a distance of 8 feet below it a red light similar in construction and character. If such a vessel is of less than 65 feet in length the vessel may carry the white light at a height of not less than 9 feet above the gunwale and the red light at a distance of 4 feet below the white light.

(2) Shall carry the sidelights prescribed by Great Lakes Rule 3 (33 U.S.C. 252) or by the Act of April 25, 1940 (46

U.S.C. 526b), as appropriate, and a white light at the stern showing an unbroken light over an arc of the horizon of 135°, so fixed as to show the light 67½° from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles.

(3) Shall show one or more flareup lights at intervals not exceeding 10 minutes. An intermittent white light visible all round the horizon may be used in lieu of flareup lights.

(b) A sailing pilot vessel when engaged on pilotage duty and underway:

(1) Shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles.

(2) Shall be provided with the sidelights prescribed in paragraph (a) (2) of this section or the portable lanterns prescribed by Great Lakes Rule 8 (33 U.S.C. 257), as appropriate, and shall, on the near approach of or to other vessels, have such lights ready for use, and shall show them at short intervals to indicate the direction in which the pilot vessel is heading, but the green light shall not be shown on the port side nor the red light on the starboard side. The vessel shall also carry the stern light prescribed in paragraph (a) (2) of this section.

(3) Shall show one or more flareup lights at intervals not exceeding 10 minutes.

(c) A pilot vessel when engaged on pilotage duty and not under way shall carry the lights and show the flares prescribed in paragraph (a) (1) and (3) or (b) (1) and (3) of this section, as appropriate, and if at anchor shall also carry the anchor lights prescribed in Great Lakes Rule 9 (33 U.S.C. 253).

(d) A pilot vessel when not engaged on pilotage duty shall show the lights or shapes for a similar vessel of the same length.

[FR Doc.73-15830 Filed 7-31-73;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

### LOS ANGELES AREA TRANSPORTATION CONTROL PLAN

#### Bus/Carpool Lanes

On June 15, 1973, the Administrator announced a revised transportation control proposal for the Los Angeles Intra-state Air Quality Control Region to reduce concentrations of photochemical oxidants and nitrogen dioxide. 38 FR 17685 (July 2, 1973).

This proposal included a proposed regulation requiring that major streets and highways with three lanes in one direction have at least one exclusive bus/carpool lane during rush hours, and that those with four lanes in one direction have two lanes for buses and carpools. Similar proposals have been made for several other regions in the nation. The U.S. Department of Transportation (DOT) has commented upon this revised proposal in a letter dated July 9, 1973. DOT recommends, as it did in its com-

ments on the original proposal for Los Angeles, that substantially more road space on certain routes be dedicated exclusively to buses and carpools than the EPA proposal, although less may be dedicated on other routes.

Because of the importance of public discussion on alternative ways of reducing vehicle miles traveled (VMT) and stimulating mass transit, the portions of the DOT letter dealing with buses and carpools are quoted below. Public comment is invited on this proposal along with other proposals, and testimony is solicited at the public hearing to be held on August 9, 1973, at the Los Angeles Convention Center, 1201 South Figueroa, Los Angeles, California.

Mr. Paul DeFalco, Jr.  
Regional Administrator  
Environmental Protection Agency  
100 California Street  
San Francisco, California 94111

Dear Mr. DeFalco:

In general, we strongly support the concept of a bus/carpool strategy as a basic element of transportation control strategies, particularly for the Los Angeles region. As you know, in our comments on the original plan for the Los Angeles region proposed by EPA in January 1973, we recommended setting aside all freeways and arterials for the exclusive use of buses and carpools during the peak hours, with administrative flexibility to make appropriate exceptions.

However, while we strongly support the concept of utilizing a bus/carpool strategy, the particular method now proposed by EPA would, we believe, not be effective and would have severe safety and enforcement problems. The reasons for this situation are set forth below, together with an alternative which we now recommend.

The EPA proposal would require that, on all streets and highways having three moving lanes in one direction, one of these lanes be set aside for exclusive bus/carpool use during the peak hours. On streets and highways having four moving lanes in one direction, one of these lanes would be set aside for exclusive bus/carpool use 24 hours a day and a second lane would be similarly set aside during the peak hours.

Such an arrangement would result, during the peak hours, in two lanes of heavy automobile traffic (moving at high speeds in the case of freeways) crossing through one or two lanes of high speed combined bus/carpool traffic at access and egress points and intersections, assuming that the bus/carpool lanes are the right-hand lanes. If the bus/carpool lanes are the left-hand lanes, then the bus/carpool traffic would be required to cross through two lanes of heavy automobile traffic at access and egress points and intersections. Either situation would be unsafe, and would result in slowing down traffic and causing backups in both the bus/carpool lanes and the general automobile lanes as the cross-throughs were attempted. In order to prevent such a logjam, it would require permitting weaving of the left-hand lanes into the right-hand lanes over a long distance, rather than just at access and egress points and intersections—the effect of which would be to substantially eliminate the exclusive nature (and speed advantage) of the bus/carpool lanes. Moreover, it would be extremely difficult to enforce the proposed bus/carpool arrangement, because of the opportunity for general automobile traffic to slip into the carpool lanes without detection.

The difficulties noted above are so substantial, in our view, that we believe the proposed strategy would be unlikely to result in any significant reduction in vehicle miles of travel (VMT) and even less in automobile emissions. We might add that we are not aware of any place in the United States where a combined bus/carpool lane of moving traffic has yet been attempted (the plans for the bus/carpool lanes on Shirley Highway in Virginia involve physical separation and separate ramps for access and egress for the bus/carpool traffic). It would be most undesirable, in our view, to attempt such an approach on all major streets and highways in the urban area, as proposed by EPA.

We note that in the Preamble to the proposed plan, EPA states that the bus/carpool strategy recommended by DOT in our comments on the January plan (as mentioned above) 'would not provide sufficient transportation for the area.' We understand that EPA's view was that not all trips during the peak hours could be served by buses or carpools, and that precluding such trips from freeways and arterials would therefore be unreasonable. It was for this very reason, however, that our proposal explicitly provided for administrative flexibility to make appropriate exceptions.

Although we believe our earlier recommendation would be an effective and viable approach, there follows a less stringent approach which would, nevertheless, avoid the difficulties inherent in the EPA proposal. Specifically, we recommend that:

a. All lanes on all limited access roads be set aside for the exclusive use of buses and carpools during the peak hours.

b. All lanes on selected non-limited access arterials, in corridors not served by limited access roads, also be set aside for exclusive bus/carpool use during peak hours.

c. On selected additional arterials and Central Business District (CBD) streets, one lane be set aside during the peak hours for the exclusive use of buses only. On such streets, curb parking should be prohibited during the peak hours.

The EPA regulation could require the State, in cooperation with local officials, to submit for EPA approval the roads selected under b. and c. above, together with any exceptions needed to the above requirements.

This bus/carpool approach would give substantial preference to buses and carpools, but would do so safely and effectively. At the same time, it would permit general auto use on some arterials, to provide some flexibility for those users who prefer, or need, to continue to use automobiles during the peak hours in a non-carpool mode.

BENJAMIN O. DAVIS, Jr.  
Assistant Secretary for Environment,  
Safety, and Consumer Affairs

Dated: July 27, 1973.

ROBERT W. FRI,  
Acting Administrator.

[FR Doc.73-15913 Filed 7-31-73;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR—Part 73]

### FM BROADCAST STATIONS

#### Table of Assignments; Extension of Time for Comments and Reply Comments

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Ripley, Miss.; Berryville, Ark.; Caro, Mich.; Mitchell, S.D.;

Bolivar, Tenn.; Honea Path, S.C.; Pawhuska, Okla.; Oak Creek, Colo.; Springhill, La.; Quitman, Miss.; and Huntington, Ind.) Docket No. 19763 RM-2066 RM-2141 RM-2103 RM-2171 RM-2110 RM-2173 RM-2112 RM-2174 RM-2123 RM-2178 RM-2138

1. On June 5, 1973, the Commission adopted a notice of proposed rule making in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on June 19, 1973, 38 F.R. 15971. The date for comments has expired and the reply comment date is presently July 31, 1973.

2. A. L. Stein, Counsel for Paul Knies, proponent in this proceeding, filed a request for an extension of time to and including August 8, 1973, to file reply comments. Mr. Stein states that he intends to leave on a short vacation without a definite return date and therefore requires the additional time.

3. We are of the view that the requested extension of time is warranted and would serve the public interest. Accordingly, *it is ordered*, That the time for filing reply comments is extended to and including August 8, 1973, in RM-2178 only.

4. This action is taken pursuant to authority found in sections 4(d), 5(d) (1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d) (8) of the Commission's rules.

Adopted: July 24, 1973.

Released: July 25, 1973.

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.  
[FR Doc.73-15864 Filed 7-31-73;8:45 am]

## FEDERAL RESERVE SYSTEM

[ 12 CFR Part 217 ]

### INTEREST ON DEPOSITS

#### Protection of Depositors

The Board of Governors proposes to amend its Regulation Q to provide that (1) any advertisement, announcement, or solicitation relating to interest paid on time deposits by member banks include clear and conspicuous notice that Federal law and regulation prohibit the bank from paying a time deposit before maturity unless certain interest is forfeited, and (2) the bank customer shall be given, at the time that a time deposit is made, a disclosure statement which makes it clear that the customer has contracted to leave his funds on deposit for the stated maturity and which describes how the early withdrawal penalty applies to time deposits in the bank, in the event the bank, notwithstanding the contract provisions, permits payment before maturity. This amendment to Regulation Q would be made pursuant to the Board's authority under section 19 of the Federal Reserve Act to prescribe rules governing the payment and advertisement of interest on deposits in member banks.

To aid in the consideration of the matter by the Board, interested persons are invited to submit relevant views, arguments, or data. Any such submission

should be addressed in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than August 27, 1973. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

To implement its proposal, the Board proposes to amend its Regulation Q (12 CFR Part 217) in the following respects:

1. Section 217.4 would be amended by redesignating paragraph (e) as paragraph (f) and by adding a new paragraph (e) to read as follows:

#### § 217.4 Payment of time deposits before maturity.

(e) *Disclosure of early withdrawal penalty.* At the time a customer makes a time deposit in a member bank, the bank shall provide a written statement of the effect of the penalty prescribed in paragraph (d) of this section, which shall (1) state clearly that the customer has contracted to keep his funds on deposit for the stated maturity, and (2) describe fully and clearly how such penalty provisions apply to time deposits in such bank, in the event the bank, notwithstanding the contract provisions, permits payment before maturity. Such statements shall be expressly called to the attention of the customer and shall contain arithmetic examples illustrating how the penalty provisions apply to specific time deposit contracts.

2. Section 217.6 would be amended by redesignating paragraphs (e), (f), and (g) as (f), (g), and (h) and by adding a new paragraph (e) to read as follows:

#### § 217.6 Advertising of interest on deposits.

(e) *Penalty for early withdrawals.* Any advertisement, announcement, or solicitation relating to interest paid by a member bank on time deposits shall include clear and conspicuous notice that Federal law and regulation prohibit the bank from paying a time deposit before maturity unless substantial interest is forfeited.

By order of the Board of Governors,  
July 26, 1973.

[SEAL] CHESTER B. FELDBERG,  
Secretary of the Board.  
[FR Doc.73-15865 Filed 7-31-73;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Parts 210, 239, 249, 259 ]

Release Nos. 33-5405, 34-10272, 35-18025

### FORMS AND REPORTS

#### Financial Statements, Summaries of Operations, and Exhibits

Notice is hereby given that the Securities and Exchange Commission has under

consideration certain amendments of the instructions pertaining to financial statements, summaries of operations and exhibits in the above forms and an amendment of a related definition in Regulation S-X [17 CFR Part 210]. Forms S-1 [17 CFR 239.11], S-7 [17 CFR 239.26], S-8 [17 CFR 239.16b], S-9 [17 CFR 239.22], S-11 [17 CFR 239.18] are used for registration of securities under the Securities Act of 1933; Forms 10 [17 CFR 249.210] and 12 [17 CFR 249.212] are used for registration of securities under the Securities Exchange Act of 1934; Forms 8-K [17 CFR 249.308], 10-K [17 CFR 249.310], 11-K [17 CFR 249.311] and 12-K [17 CFR 249.312] are used for special or annual reports pursuant to the 1934 Act; and Form U5S [17 CFR 259.5e] is used for annual reports by holding companies registered under the Public Utility Holding Company Act of 1935. Regulation S-X states the requirements applicable to the form and content of financial statements filed under the forms.

The instructions in the forms are proposed to be amended generally to conform the terminology to that recently adopted in Regulation S-X (see Accounting Series Release No. 125 [37 FR 14591]), to correct references to changed rule numbers in Regulation S-X, to achieve consistency among similar requirements in various forms, and to provide clarifications and modifications of the instructions in some respects. Some of the more significant or extensive changes are described below in relation to the forms affected.

In the requirements for summaries of operations (or statements of income) in Forms S-1, S-7, S-8, S-9, S-11, 10 and 10-K the format and the order of the instructions were made consistent; the instructions regarding the furnishing of the separate summaries or income statements of the registrant were clarified; and the instructions regarding the items of revenue and expense to be included in the summary and regarding the computations of ratios of earnings to fixed charges were updated to reflect current requirements. The requirements for a summary of earnings in Form S-8 have been changed to requirements for statements of income, consistent with the requirements in Form S-9.

One of the instructions to the summary in Form 10-K (Instruction 5 to Item 2) which requires a statement by the registrant and a letter by the independent accountant regarding changes in accounting principles or practices, as proposed to be amended in this release, has been included in Form 12-K (Instruction 7 as to Exhibits). This requirement which was recently adopted in Form 10-K (Release No. 34-9344 [36 FR 19363]) is considered to be applicable to utility company registrants who utilize Form 12-K in filing their annual reports in lieu of Form 10-K.

Certain of the instructions regarding financial statements (e.g., Instructions 4, 6, 7 and 8 as to Financial Statements of Form S-1 and similar instructions in Forms S-1, S-7, S-9, 10 and 10-K) were



modified or clarified and made consistent among forms with respect to the requirements for financial statements of the registrant to be filed and for the filing or omission of financial statements of subsidiaries not consolidated and of 50 percent or less owned persons. Similar instructions regarding these latter requirements were also included for consistency under Exhibits in Forms 12 (Instructions 7 and 8) and 12-K (Instructions 4 and 5).

In addition, this release contains a proposal to amend the definition of the term "significant subsidiary" in Rule 1-02 [17 CFR 210.1-02] of Regulations S-X [Part 210] to achieve consistency with the bases and tests of significance of subsidiaries and other affiliates proposed in these instructions, e.g., Instruction 8 of Form S-1. A test relating to income, which is considered an important test of significance of affiliates, is proposed for both the definition and the instructions as an addition to the existing tests relating to assets and revenues. In Form S-K the tests in Instruction 4 of Item 2 for determining the significance of acquisitions and dispositions of assets or businesses were also conformed to the tests in the definition.

The instructions pertaining to succession to and acquisition of other businesses (e.g., Instructions 11 and 12 as to Financial Statements of Form S-1 and similar instructions in Forms S-7 and 10) have been updated to reflect current requirements and practices and clarified as between past and future successions. Comparable instructions have been included in Form S-9 to achieve consistency with Form S-7.

In Form S-11 corrections of several references and requirements relating to Regulation S-X are necessary because of the revisions of the regulation. Item 26 and special provision C-3 of the Instructions as to Financial Statements are revised and special provisions C-5, 6 and 7 are omitted to reflect the adoption in Regulation S-X of new schedules as Rules 12-42 and 12-43 [17 CFR 210.12-42 and 17 CFR 210.12-43] in substitution for the schedules specified in Rules 12-37 and 12-38 [17 CFR 210.12-37 and 17 CFR 210.12-38] and new instructions in Rule 5-04 [17 CFR 210.5-04] for Schedules XVII, XVIII and XIX which were previously designated as Schedules XVIII, XIX and XX in Form S-11.

In Form U5S corrections of references to Regulation S-X are also necessary. Paragraphs 1(c)(i) and (ii) of the Instructions as to Financial Statements, which provide for the omission of certain schedules specified in Rule 5-04 of Regulation S-X, are revised to provide for the omission also of new Schedule XVIII which was recently adopted under Rule 5-04, Schedule XVII, which is presently specified for omission in paragraphs (c)(i) and (ii), formerly required compliance with Rule 12-17 [17 CFR 210.12-17] of Regulation S-X [Part 210], the requirements of which rule were combined with Rule 12-04 [17 CFR 210.12-04] and Schedule III under Rule 5-04.

Schedule XVII in Rule 5-04 now requires compliance with new Rule 12-42 and it is considered appropriate to continue to permit the omission in Form U5S of Schedule XVII with regard to the new requirements as well as the old by the continued omission of Schedule III. New Schedule XIX, which requires information regarding certain other investments, would be required if applicable. Also in Form U5S, the Instructions as to Financial Statements are updated to make them consistent with those of Form 10-K with respect to requiring statements of source and application of funds and the examination by the independent accountant of the schedules filed in support of the financial statements.

These amendments are proposed to be made pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19(a) [15 U.S.C. 77f, 77g, 77h, 77j and 77s] thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d) and 23(a) [15 U.S.C. 78l, 78m, 78o(d) and 78w] thereof; and the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14 and 20(a) [15 U.S.C. 79e, 79n and 79t] thereof.

**Commission action.** The Commission hereby proposes to amend a definition in § 210.1-02 and various items and instructions in §§ 239.11, 239.26, 239.16b, 239.22, 239.18, 249.210, 249.212, 249.308, 249.310, 249.311, 249.312 and 259.5s of Chapter II of Title 17 of the Code of Federal Regulations and as so amended they would read as shown in the attached text of the proposed amendments.

All interested persons are invited to submit comments on the proposals in writing to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before September 14, 1973. Such communications should refer to File S7-486. All such comments will be considered available for public inspection.

By the Commission.

RONALD F. HUNT,  
Secretary.

JULY 9, 1973.

**PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940**

I. Part 210 of this chapter (Regulation S-X). The definition of the term "significant subsidiary" in § 210.1-02 (Rule 1-02) would be amended to read as follows:

**§ 210.1-02 Definition of terms used in Regulation S-X (17 CFR Part 210).**

(t) *Significant subsidiary.*—The term "significant subsidiary" means (1) a subsidiary or (2) a subsidiary and its subsidiaries, which meets any of the conditions described below based on (i) the most recent annual financial statements, including consolidated financial state-

ments, of such subsidiary which would be required to be filed if such subsidiary were a registrant and (ii) the most recent annual consolidated financial statements of the registrant being filed:

(a) The parent's and the parent's other subsidiaries' investments in and advances to, or their proportionate share of the total assets (after intercompany eliminations) of, the subsidiary exceed 10 percent of the total assets of the parent and consolidated subsidiaries, exclusive of such investments and advances.

(b) The total sales and revenues (after intercompany eliminations) of the subsidiary, reduced to the percentages of equity interests held by the parent and its subsidiaries in the subsidiary, exceed 10 percent of the total sales and revenues of the parent and its consolidated subsidiaries.

(c) The parent's and the parent's other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiary exceeds 10 percent of such income of the parent and consolidated subsidiaries, exclusive of such equity in the subsidiary, provided that if such income of the parent and its consolidated subsidiaries is at least 10 percent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

**PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933**

**§ 239.11 [Amended]**

II. Section 239.11 (Form S-1). General Instruction E, Items 6 and 21, the INSTRUCTIONS AS TO FINANCIAL STATEMENTS, and the INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows:

**GENERAL INSTRUCTIONS**

E. *Omission of information regarding foreign subsidiaries.* Information required by any item or other requirement of this form with respect to any foreign subsidiary may be omitted to the extent that the required disclosure would be detrimental to the registrant. However, the financial statements, otherwise required, shall not be omitted pursuant to this instruction. Where information is omitted pursuant to this instruction, a statement shall be made that such information has been omitted and the names of the subsidiaries involved shall be separately furnished to the Commission. The Commission may, in its discretion, call for justification that the required disclosure would be detrimental.

Item 6. *Summary of operations.* Furnish in comparative columnar form a summary of operations for the registrant and its subsidiaries consolidated and for the registrant, if separate financial statements of the registrant are required by the Instructions as to Financial Statements, for—

(a) each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(b) any interim period between the end of the latest of such fiscal years and the date of the latest balance sheet furnished and for the corresponding interim period of the preceding fiscal year, and

(c) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus.

**Instructions.** 1. Subject to appropriate variation to conform to the nature of the business or the purpose of the offering, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expenses; income or loss before extraordinary items; extraordinary items; cumulative effects of changes in accounting principles; and net income or loss. See Item 21(b).

2. If the registrant is engaged primarily (i) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribution of water, or the furnishing of telephone or telegraph services; or (ii) in holding securities of companies engaged in such business, it may at its option include a summary for the twelve-month period prior to the date of the latest balance sheet furnished, in lieu of the summaries for the interim periods specified.

3. If a period or periods reported on include operations of a business prior to the date of acquisition or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary, or in a note thereto, with the amounts previously reported.

4. The summary shall be prepared to present earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be shown and the basis of the computation stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is clearly set forth in the answer to this item.

5. (a) If debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be presented on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). A pro forma ratio of earnings to fixed charges, adjusted to give effect to the issuance of the securities being registered, any issuance or retirement of securities during or after such period, or any issuance, retirement or redemption of securities presently proposed for a period of one year after the date of the latest balance sheet being filed shall also be shown for the latest fiscal year or latest twelve months.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income or unconsolidated persons. In the case of utilities, interest credits charged to construction shall be added to gross income and not deducted from interest.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) one-third of all rentals reported in the schedule prepared in accordance with Rule 12-16 [17 CFR 210.12-16] of Regulation S-X [17 CFR Part 210], or such portion as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated

figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

(d) The registrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required above, an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

6. If preferred stock is being registered, there shall be shown the annual dividend requirements on such preferred stock. To the extent that an issue represents refinancing, only the additional dividend requirements shall be stated. There shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. (No change)

8. Any unaudited summary for an interim period shall be prepared on a basis consistent with the summary for annual periods. In connection with any unaudited summary for an interim period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished, as supplemental information but not as a part of the registration statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

**Item 21. Financial statements.** Include in the prospectus all financial statements called for by the Instructions as to Financial Statements in this form, except as provided in paragraphs (a) and (b) below:

(a) All schedules to balance sheets and income statements may be omitted from the prospectus except (1) those prepared in accordance with Rule 12-16 [17 CFR 210.12-16] of Regulation S-X [Part 210] which are applicable to income statements included in the prospectus and (2) those prepared in accordance with Rules 12-27, 12-42 and 12-43 [17 CFR 210.12-17, 210.12-42 and 210.12-43] in Regulation S-X [Part 210] which are applicable to a company's latest balance sheet included in the prospectus. All historical information required by Part E of the Instructions as to Financial Statements may also be omitted from the prospectus.

(b) If either the income or retained earnings statements required are included in their entirety in the summary of operations required by Item 6, the statements so included need not be otherwise included in the prospectus or elsewhere in the registration statement.

#### INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets, income and source and application of funds statements required to be filed as a part of the registration statement. Regulation S-X [17 CFR Part 210] governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. Item 21 above specifies the statements which are to be included in the prospectus. Attention is directed to Rule 411(b) [17 CFR 230.411(b)] regarding incorporation by reference of

financial statements and to Section 10(a)(3) of the Act and Release No. 4936 [33 FR 18617] regarding updating the financial statements in specified circumstances.

#### A. STATEMENTS OF THE REGISTRANT

1. **Balance sheets of the registrant.** (a) The registrant shall file a balance sheet as of a date within 90 days prior to the date of filing the registration statement. This balance sheet need not be audited. If all of the following conditions exist, this balance sheet may, however, be as of a date within six months prior to the date of filing.

(1) The registrant files annual and other reports pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934;

(2) The total assets of the registrant and its subsidiaries, as shown by the latest consolidated balance sheet filed, less any valuation or qualifying accounts, amount to \$5,000,000 or more, exclusive of intangibles; and

(3) No long-term debt of the registrant is in default as to principal, interest or sinking fund provisions.

(b) If the balance sheet required by paragraph (a) is not audited, there shall be filed in addition an audited balance sheet as of a date within one year unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheet may be as of the end of the preceding fiscal year.

2. **Income and source and application of funds statements of the registrant.** The registrant shall file income and source and application of funds statements for each of the three fiscal years preceding the date of the latest balance sheet filed and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These statements shall be audited up to the date of the latest audited balance sheet filed.

3. **Omission of registrant's statements in certain cases.** Notwithstanding Instructions 1 and 2, the individual financial statements of the registrant may be omitted if (i) consolidated statements of the registrant and one or more of its subsidiaries are filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for such omission is stated in a note to the financial statements.

(a) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the parent or the consolidated subsidiaries, in amounts which together exceed 5 percent of the total consolidated assets as of the date of the most recent annual financial statements being filed. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is secured by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

(b) The registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, as would be shown by the most recent annual balance sheet if it were filed constitute 75 percent or more of the total assets shown by the most recent annual consolidated balance sheet being filed; and the registrant's total gross revenue, exclusive of interest and dividends received or equity in income from the consolidated subsidiaries, for the most recent fiscal year for which its income statement would be filed constitute 75 percent or more of the

total gross revenues shown by the most recent consolidated annual income statement being filed.

#### B. CONSOLIDATED STATEMENTS

4. *Consolidated balance sheets.* There shall be filed a consolidated balance sheet of the registrant and its subsidiaries as of the same date as each balance sheet of the registrant filed pursuant to Instruction 1. The consolidated balance sheet shall be audited if the registrant's balance sheet as of the same date is audited. If the registrant's balance sheets are omitted pursuant to Instruction 3, the consolidated balance sheets filed shall be as of the same dates as the balance sheets of the registrant which would be required and shall be audited if the corresponding balance sheet of the registrant would be required to be audited.

5. *Consolidated income and source and application of funds statements.* There shall be filed consolidated income and source and application of funds statements of the registrant and its subsidiaries for each of the three fiscal years preceding the date of the latest consolidated balance sheet filed, and for the period, if any, between the close of the latest of such fiscal years and the date of the latest consolidated balance sheet filed. These statements shall be audited up to the date of the latest related audited consolidated balance sheet filed.

#### C. UNCONSOLIDATED SUBSIDIARIES AND OTHER PERSONS

6. *Financial statements of subsidiaries not consolidated and 50 percent or less owned persons.* (a) Subject to Rule 4-03 [17 CFR 210.4-03] of Regulation S-X [17 CFR Part 210] regarding group statements and Instructions 7 and 8 below, there shall be filed for each majority-owned subsidiary of the registrant not consolidated and each other person for which the investment is accounted for by the equity method by the registrant or a consolidated subsidiary of the registrant, the financial statements which would be required if each such subsidiary or other person were a registrant. Insofar as practicable, these financial statements shall be as of the same dates or for the same periods as those of the registrant.

(b) If it is impracticable to file financial statements of any unconsolidated subsidiary or other person as of a date within 90 days, or within six months if registrant so filed, prior to the date of filing, there may be filed in lieu thereof audited financial statements of the subsidiary or other person as of the end of its latest annual or semiannual fiscal period preceding the date of filing the registration statement for which it is practicable to do so.

7. *Summarized financial information.* Notwithstanding Instruction 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all 50 percent or less owned persons accounted for by the equity method, except such persons which are individually significant under the tests specified in Instruction 8.

8. *Omission of statements required by instruction 6.* Notwithstanding Instructions 6 and 7, there may be omitted from the registration statement all financial statements of any one or more unconsolidated subsidiaries or other persons, if in the aggregate (i) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and

advances, at the date of the most recent annual financial statements being filed; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues for the most recent fiscal year for which income statements are being filed; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year for which income statements are being filed, provided that if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

9. *Affiliates whose securities secure an issue being registered.* (a) For each affiliate, securities of which constitute or are to constitute a substantial portion of the collateral securing any class of securities being registered, there shall be filed the financial statements that would be required if the affiliate were a registrant. However, statements need not be filed pursuant to this instruction for any person whose statements are otherwise filed with the registration statement on an individual, consolidated or combined basis.

(b) (No change.)

#### D. SPECIAL PROVISIONS

10. *Reorganization of registrant.* (a) If during the period for which its income statements are required, the registrant has emerged from a reorganization in which substantial changes occurred in its asset, liability, capital stock, other stockholders' equity or reserve accounts, a brief explanation of such changes shall be set forth in a note or supporting schedule to the balance sheets filed.

(b) (No change.)

11. *Past successions to other businesses and significant interests in other businesses.* (a) If during the period for which its income statements are required, the registrant has by acquisition or by a pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets filed. In addition, if an acquisition of a business had major significance in relation to the registrant, audited income statements for such business shall be filed for such period prior to the acquisition as may be necessary when added to the time, if any, for which income statements after the acquisition are filed to cover the equivalent of the period specified in Instructions 2 and 5 above. The test of major significance shall be based on the term "significant subsidiary" with adjusted percentage rates being utilized in relation to the period the businesses have been merged prior to the date of the registrant's latest audited balance sheet as follows: (i) for less than one full year, no adjustment; (ii) more than one but less than two full years, 25 percent; and (iii) more than two full years, 45 percent.

(b) (Omitted)

(c) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate,

would not meet the test of a significant subsidiary.

12. *Future successions to other businesses and significant interests in other businesses.* (a) If, after the date of the latest balance sheet filed pursuant to Part A or B above, the registrant by acquisition or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(b) (No change)

(c) No financial statements need be filed, however, for any business acquired or to be acquired from a totally held subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary, provided that the statements of any business may not be omitted where any of the securities being registered are to be offered in exchange for securities representing such business.

13. *Filing of other statements in certain cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

#### E. HISTORICAL FINANCIAL INFORMATION

14. *Scope of Part E.* The information required by Part E shall be furnished for the seven-year period preceding the period for which income statements are filed, as to the accounts of each person whose balance sheet is filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not call for an audit but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor. Information may be omitted, however, as to any person for whom equivalent information for the period has been filed with the Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934.

15. *Revaluation of property.* (No change)

16. *Capital shares.* (a) If there were any material restatements of capital shares which resulted in transfers from capital share liability to other stockholders' equity or reserve, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) (No change)

17. *Debt discount and expense written off.* (No change)

18. *Premiums and discount and expense on securities retired.* (No change)

19. *Other changes in other stockholders' equity.* If there were any material increases or decreases in other stockholders' equity, other than those resulting from transactions specified above, the closing of the income account or the declaration or payment of dividends, state (1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof; and (3) the accounts affected, including all material related entries. Instruction 15(c) above shall also apply here.

20. *Predecessors.* (No change)

21. *Omission of Certain Information.* (No change)

#### INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 13. (No change)

14. Copies of the exhibits called for by Instructions 4 and 5(d) to Item 6.

#### § 239.26 [Amended]

III. Section 239.26 (Form S-7). Items 6 and 10 and the INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows.

Item 6. *Statements of income.* Furnish in comparative columnar form statements of income for the registrant and its subsidiaries consolidated and for the registrant, if a separate balance sheet of the registrant is required by Item 10(a), for—

(a) each of the last five fiscal years of the registrant, and

(b) any interim period between the end of the latest of such fiscal years and the date of the latest balance sheet furnished pursuant to Item 10(a) and for the corresponding interim period of the preceding fiscal year, and

(c) any additional fiscal years necessary to keep the statements from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. A source and application of funds statement shall be furnished for each fiscal year or other period for which a statement of income is required to be furnished.

*Instructions.* 1. The statements required shall be prepared in compliance with the applicable requirements of Regulation S-X [17 CFR Part 210] and shall be audited to the date of the respective audited balance sheet(s) included in the prospectus. Regulation S-X [17 CFR Part 210] governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed.

2. If the registrant is engaged primarily (i) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribution of water, or the furnishing of telephone or telegraph service; or (ii) in holding securities of companies engaged in such business, it may at its option include a statement of income for the twelve-month period prior to the date of the latest balance sheet furnished, in lieu of the income statements for the interim periods specified.

3. If a period or periods reported on include operations of a business prior to the date of acquisition or for other causes differ from reports previously issued for any period, the statement shall be reconciled as to sales or revenues and net income in the statement, or in a note thereto, with the amounts previously reported.

4. The statements shall be prepared to present earnings applicable to common stock. Per share earnings and dividends declared for each period of the statement shall also be shown and the basis of the computation stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is clearly set forth in the answer to this item.

5. (a) If debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be presented on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). A pro forma ratio of earnings to fixed charges, adjusted to give effect to the issuance of the securities being registered, any issuance or retirement of securities during or after such period, or any issuance, retirement or redemption of securities presently proposed for a period of one year after the date of the latest balance sheet being filed shall also be shown for the latest fiscal year or latest twelve months.

(b) (No change)

(c) (No change)

(d) The registrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required above, an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

6. If preferred stock is being registered, there shall be shown the annual dividend requirements on such preferred stock. To the extent that an issue represents refinancing, only the additional dividend requirements shall be stated. There shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. Any unaudited statement for an interim period shall be prepared on a basis consistent with the statements for annual periods. In connection with any unaudited statement for an interim period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished as supplemental information but not as a part of the registration statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

8. (No change)

9. Statements of income, source and application of funds, retained earnings and other stockholders' equity conforming with the foregoing shall be furnished, here or elsewhere in the prospectus, for each subsidiary or group of subsidiaries or 50 percent or less owned persons for which a balance sheet is furnished in response to Item 10(b).

Item 10. *Other financial statements and schedules.* (a) There shall be furnished a balance sheet of the registrant and a consolidated balance sheet of the registrant and its subsidiaries as of a date within six months prior to the date of filing the registration statement. These balance sheets need not be audited but if they are not audited, there shall be furnished in addition audited balance sheets as of a date within one year,

unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheets may be as of the end of the preceding fiscal year. These balance sheets shall be prepared in compliance with the applicable requirements of Regulation S-X [17 CFR Part 210]. (See Instruction 1 to Item 6.)

*Instructions.* The individual balance sheets of the registrant may be omitted if (i) consolidated balance sheets of the registrant and one or more of its subsidiaries are furnished, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for such omission is stated in a note to the financial statements.

1. The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the parent or the consolidated subsidiaries, in amounts which together exceed 5 percent of the total consolidated assets at the date of the most recent annual financial statements being filed. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is secured by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

2. The registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, as would be shown by the most recent annual balance sheet if it were filed constitute 75 percent or more of the total assets shown by the most recent annual consolidated balance sheet being filed; and the registrant's total gross revenues, exclusive of interest and dividends received or equity in income from the consolidated subsidiaries, for the most recent fiscal year for which its income statement would be filed constitute 75 percent or more of the total gross revenues shown by the most recent consolidated annual income statement being filed.

(b) [(1)] Subject to Rule 4-03 [17 CFR 210.4-03] of Regulation S-X [Part 210] regarding group statements and the instructions below, there shall be filed for each majority-owned subsidiary of the registrant not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant, the balance sheets which would be required if each such subsidiary or other person were a registrant.

[(2)] (Paragraph omitted)

*Instructions.* 1. Insofar as practicable, these balance sheets shall be as of the same dates as those of the registrant.

2. Notwithstanding paragraph (b) and Instruction 8 of Item 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all 50 percent or less owned persons accounted for by the equity method, except such persons which are individually significant under the tests specified in Instruction 3.

[2] 3. Notwithstanding paragraph (b) and Instruction 2 above and Instruction 8 of Item 6, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or other persons, if in the aggregate (i) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and advances, at the date of the most recent annual financial statements being filed; (ii) the

total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues for the most recent fiscal year for which income statements are being filed; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year for which income statements are being filed, provided that if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

(d) Past successions to other businesses and significant interests in other businesses. (1) If during the period for which its income statements are required, the registrant has by acquisition or by a pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets filed. In addition, if an acquisition of a business had major significance in relation to the registrant, audited income statements for such business shall be filed for such period prior to the acquisition as may be necessary when added to the time, if any, for which income statements after the acquisition are filed to cover the equivalent of the period specified in Item 6. The test of major significance shall be based on the term "significant subsidiary" with adjusted percentage rates being utilized in relation to the period the businesses have been merged prior to the date of the registrant's latest audited balance sheet as follows: (i) for less than one full year, no adjustment; (ii) more than one but less than two full years, 25 percent; and (iii) more than two full years, 45 percent.

(2) (Omitted)

(3) (2) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one of more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

(c) Future successions to other businesses and significant interests in other businesses. (1) If, after the date of the latest balance sheet filed pursuant to (a) above, the registrant by acquisition or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(2) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control.

(3) No financial statements need be filed, however, for any business acquired or to be acquired from a totally held subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

(e) Notwithstanding the provisions of Regulation S-X [17 CFR Part 210], no schedules other than those prepared in accordance with Rules 12-16 and 12-27 [17 CFR 210.12-16 and 210.12-27] of that regulation need be furnished.

#### INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 5. (No change)

6. Copies of the exhibits called for by Instructions 4 and 5(d) to Item 6.

#### § 239.16b [Amended]

IV. Section 239.16b (Form S-8). Items 11, 19 and 25 and the INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows.

Item 11. *Financial statements of the plan.* (a) The following financial statements shall be furnished for any plan the interests in which are being registered hereunder.

(1) An audited statement of financial condition as of the end of the latest fiscal year of the plan.

(2) An audited statement of income and changes in plan equity for the latest fiscal year of the plan.

(b) If audited financial statements substantially meeting the above requirements have been furnished to all employees who receive a copy of the prospectus, such statements may be incorporated by reference in the prospectus.

(c) (No change)

*Instruction.* The statements required by this item shall be prepared and audited in accordance with the applicable provisions of Regulation S-X [17 CFR Part 210] and shall be accompanied by the schedules specified in Rule 6-34 [17 CFR 210.6-34] of that regulation.

Item 19. *Statements of income.* Furnish in comparative columnar form statements of income for the issuer for—

(a) each of the last five fiscal years of the issuer (or for the life of the issuer and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the statements from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. A source and application of funds statements shall be furnished for each fiscal year for which an income statement is required to be furnished.

*Instructions.* 1. The statements required shall be prepared in compliance with the applicable requirements of Regulation S-X [17 CFR Part 210], and shall be audited for at least the last three fiscal years. Regulation S-X governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity to be filed. If the issuer includes in its annual report filed pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 financial statements of the issuer and its subsidiaries consolidated, the financial statements required by this item shall be prepared on a consolidated basis.

2. If a period or periods reported on include operations of a business prior to the date of acquisition or for other causes differ from reports previously issued for any period, the statements shall be reconciled as to sales or revenues and net income in the statements, or in a note thereto, with the amounts previously reported.

3. The statements shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the statements shall also be shown and the basis of the computation stated, together with the number of shares used in the computation. The issuer shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is clearly set forth in answer to this item.

4. (No change)

5. If the annual report of the issuer which accompanies the prospectus includes statements of income substantially meeting the above requirements, such statements may be incorporated by reference in the prospectus.

Item 25. *Financial statements.* (a) Include the audited financial statements of the issuer required to be included in the annual report which the issuer has filed or is required to file for its last fiscal year pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934. If the issuer includes in its annual report audited financial statements of the issuer and its subsidiaries consolidated, the latter shall be furnished in lieu of the financial statements of the issuer. No schedules need be included.

(b) If the annual report of the issuer to its security holders for its last fiscal year includes audited financial statements for the last two fiscal years and otherwise substantially meeting the above requirements, such statements may be incorporated by reference in the prospectus.

(c) The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

#### INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 7. (No change)

8. A copy of the exhibit called for by Instruction 3 of Item 19.

#### § 239.22 [Amended]

V. Section 239.22 (Form S-9). Items 3 and 5 and the INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows.

Item 3. *Statements of income.* (a) Furnish in comparative columnar form statements of income for the registrant and its subsidiaries consolidated and for the registrant, if separate financial statements of the registrant are required by Item 5(a), for—

(1) Each of the last five fiscal years of the registrant, and

(2) Any interim period between the end of the latest of such fiscal years and the date

of the latest balance sheet furnished pursuant to Item 5(a) and for the corresponding interim period of the preceding fiscal year, and

(3) Any additional fiscal years necessary to keep the statements from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus. A source and application of funds statement shall be furnished for each fiscal year or other period for which a statement of income is required to be furnished.

**Instructions.** 1. The statements required shall be prepared in compliance with the applicable requirements of Regulation S-X [17 CFR Part 210], and shall be audited to the date of the respective audited balance sheet(s) included in the prospectus. Regulation S-X [17 CFR Part 210] governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed.

2. If the registrant is engaged primarily (1) in the generation, transmission or distribution of electricity, the manufacture, mixing, transmission or distribution of gas, the supplying or distribution of water or the furnishing of telephone or telegraph service; or (2) in holding securities of companies engaged in such business, it may at its option include a statement of income for the twelve-month period prior to the date of the latest balance sheet furnished, in lieu of the income statements for the interim periods specified.

3. (No change)

4. (a) The registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be presented on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). A pro forma ratio of earnings to fixed charges, adjusted to give effect to the issuance of the securities being registered, any issuance or retirement of securities during or after such period, or any issuance, retirement or redemption of securities presently proposed for a period of one year after the date of the latest balance sheet being filed shall also be shown for the latest fiscal year or latest twelve months.

(b), (c) and (d) (No change)

5. Any unaudited statement for an interim period shall be prepared on a basis consistent with the statements for annual periods. In connection with any unaudited statement for an interim period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period have been included. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished as supplemental information but not as a part of the registration statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

6. (No change)

7. Statements of income, source and application of funds, retained earnings and other stockholders' equity conforming with the foregoing shall be furnished, here or elsewhere in the prospectus, for each subsidiary or group of subsidiaries or 50 percent or less owned persons for which a balance sheet is furnished in response to Item 5(b).

(b) (No change)

**Item 5. Balance sheets and schedules.** (a) There shall be furnished a balance sheet of the registrant and a consolidated balance sheet of the registrant and its subsidiaries as of a date within six months prior to the date of filing the registration statement. These balance sheets need not be audited but if they are not audited, there shall be furnished in addition audited balance sheets as of a date within one year, unless the fiscal year of the registrant has ended within 90 days prior to the date of filing, in which case the audited balance sheets may be as of the end of the preceding fiscal year. These balance sheets shall be prepared in compliance with the applicable requirements of Regulation S-X [17 CFR Part 210]. (See Instruction 1 to Item 3.)

**Instructions.** The individual balance sheets of the registrant may be omitted if (i) consolidated balance sheets of the registrant and one or more of its subsidiaries are furnished, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for such omission is stated in a note to the financial statements.

1. The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the parent or the consolidated subsidiaries, in amounts which together exceed 5 percent of the total consolidated assets at the date of the most recent annual financial statements being filed. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is secured by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

2. The registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, as would be shown by the most recent annual balance sheet if it were filed constitute 75 percent or more of the total assets shown by the most recent annual consolidated financial statements being filed; and the registrant's total gross revenues, exclusive of interest and dividends received or equity in income from the consolidated subsidiaries, for the most recent fiscal year for which its income statement would be filed constitute 75 percent or more of the total gross revenues shown by the most recent consolidated annual income statement being filed.

(b) Subject to Rule 4-03 [17 CFR 210.4-03] of Regulation S-X [17 CFR Part 210] regarding group statements and the instructions below, there shall be filed for each majority-owned subsidiary of the registrant not consolidated and each 50 percent or less owned person for which the investment is accounted for by the equity method by the registrant, the balance sheets which would be required if each such subsidiary or other person were a registrant.

**Instructions.** 1. Insofar as practicable, these balance sheets shall be as of the same dates as those of the registrant.

2. Notwithstanding paragraph (b) and Instruction 6 of Item 3, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all 50 percent or less owned persons accounted for by the equity method, except such persons which are individually significant under the tests specified in Instruction 3.

[2] 3. Notwithstanding paragraph (b) and Instruction 2 above and Instruction 6 of Item 3, there may be omitted all financial statements of any one or more unconsolidated subsidiaries or other persons, if in

the aggregate (i) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and advances, at the date of the most recent annual financial statements being filed; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues of the most recent fiscal year for which income statements are being filed; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year for which income statements are being filed, provided that if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years such average income may be substituted in the determination.

[New sections (c) and (d) added]

(c) *Past successions to other businesses and significant interests in other businesses.*

(1) If during the period for which its income statements are required, the registrant has by acquisition or by a pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets filed. In addition, if an acquisition of business had major significance in relation to the registrant, audited income statements for such business shall be filed for such period prior to the acquisition as may be necessary when added to the time, if any, for which income statements after the acquisition are filed to cover the equivalent of the period specified in Item 3. The test of major significance shall be based on the term "significant subsidiary" with adjusted percentage rates being utilized in relation to the period the businesses have been merged prior to the date of the registrant's latest audited balance sheet as follows: (i) for less than one full year, no adjustment; (ii) more than one but less than two full years, 25 percent; and (iii) more than two full years, 45 percent.

(2) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

(d) *Future successions to other businesses and significant interests in other businesses.*

(1) If, after the date of the latest balance sheet filed pursuant to (a) the registrant by acquisition or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required, if they were registering securities under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (i) a balance sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro

forma balance sheet of the registrant giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(2) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control.

(3) No financial statements need be filed, however, for any business acquired or to be acquired from a totally held subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary, provided that the statements of any business may not be omitted where any of the securities being registered are to be offered in exchange for securities representing such business.

[(c)] (e) (No change)

#### INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 5. (No change)

6. A copy of the exhibit called for by Instruction 4(d) to Item 3.

#### § 239.18 [Amended]

VI. Section 239.18 (Form S-11). Items 6 and 26, the INSTRUCTIONS AS TO FINANCIAL STATEMENTS and the INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows.

Item 6. *Summary of operations.* (a) Furnish in comparative columnar form a summary of operations for the registrant and its subsidiaries consolidated and for the registrant, if separate financial statements of the registrant are required by the Instructions as to Financial Statements, for—

(1) each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less); and

(2) any interim period between the end of the latest of such fiscal years and the date of the latest balance sheet furnished and for the corresponding interim period of the preceding fiscal year, and

(3) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the prospectus.

*Instructions.* 1. Subject to appropriate variation to conform to the nature of the business or the purpose of the offering, the following items shall be included: rental income; mortgage interest income; management fees; operating expenses; real estate taxes; depreciation; interest expense; other income; income tax expense; income or loss before extraordinary items and realized gain or loss on sales of properties and investments; realized gain or loss on sales of properties and investments; income before extraordinary items; extraordinary items; cumulative effect of changes in accounting principles; and net income or loss. See Item 25(b).

2. Any unaudited summary for an interim period shall be prepared on a basis consistent with the summary for annual periods. In connection with any unaudited summary for an interim period, a statement shall be made that all adjustments necessary to a fair presentation of the results for such interim period have been made. If all such adjustments are of a normal recurring nature, a statement to that effect shall be made; otherwise, there shall be furnished, as supplemental information but not as a part of the registration statement, a letter describ-

ing in detail the nature and amount of any adjustments, other than normal recurring adjustments, entering into the determination of the results shown.

3. If a period or periods reported on include operations of a business prior to the date of acquisition, or for other causes differ from reports previously issued for any period, the statement shall be reconciled as to sales or revenues and net income in the statement, or in a note thereto, with the amounts previously reported.

4. The summary shall be prepared to present earnings applicable to common stock. Per share earnings and distributions for each period of the summary shall also be shown and the basis of computation and the status for Federal income tax purposes stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is clearly set forth in the answer to this item.

5. (a) If debt securities are being registered, the registrant shall show in tabular form for each fiscal year or other period the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be presented on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]). A pro forma ratio of earnings to fixed charges, adjusted to give effect to the issuance of the securities to be registered, any issuance or retirement of securities during or after such period, or any issuance, retirement or redemption of securities presently proposed for a period of one year after the date of the latest balance sheet being filed shall also be shown for the latest fiscal year or latest twelve months.

(b) Earnings shall be computed after all operating and income deductions except fixed charges and taxes based on income or profits and after eliminating undistributed income of unconsolidated persons.

(c) The term "fixed charges" shall mean (i) interest and amortization of debt discount and expense and premium on all indebtedness; (ii) one-third of all rentals reported in the schedule prepared in accordance with Rule 12-16 [17 CFR 210.12-16] of Regulation S-X [17 CFR Part 210], or such portion as can be demonstrated to be representative of the interest factor in the particular case; and (iii) in case consolidated figures are used, preferred stock dividend requirements of consolidated subsidiaries, excluding in all cases items eliminated in consolidation.

(d) The registrant shall file as an exhibit a statement setting forth in reasonable detail the computations of the ratios required in paragraphs 5(a) and 6. For the purpose of this exhibit and the pro forma ratio required above, an assumed maximum interest rate may be used on securities as to which the interest rate has not yet been fixed, which assumed rate shall be shown.

6. If preferred stock is being registered, there shall be shown the annual dividend requirements on such preferred stock. To the extent that an issue represents refinancing, only the additional dividend requirements shall be stated. There shall also be shown in tabular form for each fiscal year or other period the ratio of earnings to combined fixed charges and preferred dividend requirements.

7. (No change)

(b) If the registrant, (i) was organized to acquire and hold primarily for investment, one specific property or group of properties; or, (ii) has during the period for which income statements are required, acquired one

or more properties which in the aggregate are significant; or, (iii) has since the date of the latest balance sheet required, acquired one or more properties which in the aggregate are significant; the following shall be furnished with respect to such properties in lieu of the summary of operations required by paragraph (a):

(1) An historical summary of operations, for the period specified in paragraph (a), which shall exclude items not comparable to the proposed future operation of the property, such as mortgage interest, leasehold rental, depreciation, corporate expenses and Federal and state income taxes. Earnings per unit shall not be given in this summary. The three most recent fiscal years of this summary shall be audited.

(2) (No change)

(3) If appropriate under the circumstances, there shall be given in tabular form for a limited number of years the estimated cash distribution per unit showing the portion thereof reportable as taxable income and the portion representing a return of capital together with an explanation of annual variations, if any. If taxable net income per unit will become greater than the cash available for distribution per unit, that fact and the approximate year of occurrence shall be stated, if significant.

Item 26. *Financial statements.* Include in the prospectus all financial statements called for by the Instructions as to Financial Statements for this form; except as provided in paragraphs (a) and (b) below.

(a) All schedules to balance sheets and income statements may be omitted from the prospectus, except those prepared in accordance with Instruction 4 of the Instructions as to Financial Statements herein and the requirements under Rule 5-04 [17 CFR 210.5-04] of Regulation S-X [17 CFR Part 210] for schedules designated XVI, XVII, XVIII and XIX which are applicable to the balance sheets and income statements included in the prospectus. All historical information required by Part E of the Instructions as to Financial Statements in Form S-1 [17 CFR 239.11] may also be omitted from the prospectus.

(b) If the statements of income and expenses and realized gain or loss on investments or the related statements of other stockholders' equity are included in their entirety in lieu of the summary of operations required by Item 6, the statements so included need not be otherwise included in the prospectus or elsewhere in the registration statement.

#### INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets, income and source and application of funds statements required to be filed as a part of the registration statement. Regulation S-X [17 CFR Part 210] governs the examination and the form and content of such statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. The balance sheets, income statements and the schedules shall be prepared in accordance with the applicable requirements of Article 5 [17 CFR 210.5-01—210.5-04] of Regulation S-X [17 CFR Part 210] except as otherwise provided in the special provisions hereunder. Item 26 above specifies the statements which are to be included in the prospectus. Attention is directed to Rule 411(b) [17 CFR 230.411(b)] regarding incorporation by reference of financial statements.

## A. GENERAL PROVISIONS

1. The financial statements filed as a part of a registration statement on this form shall be in accordance with the requirements of Form S-1 [17 CFR 210.5-03].

## B. SPECIAL PROVISION AS TO REAL ESTATE INVESTMENT TRUSTS

2. In lieu of the income statements required by Rule 5-03 [17 CFR 210.5-03] of Regulation S-X [17 CFR Part 210] there shall be filed statements of income and expense and statements of realized gain or loss on investments which shall generally conform with the requirements of Rules 6-04 and 6-05 [17 CFR 210.6-04 and 210.6-05] of Regulation S-X [17 CFR Part 210]. In place of the balance sheet caption prescribed by Rule 5-02-39(a) (3) [17 CFR 210.5-02-39(a) (3)] of Regulation S-X [17 CFR Part 210] there shall be shown separately (a) the balance of undistributed net income and (b) accumulated net realized gain or loss on investments, and the statements of other stockholders' equity shall generally conform to the requirements of Rule 6-07 [17 CFR 210.6-07] of Regulation S-X [17 CFR Part 210]. The trust's status as a "real estate investment trust" under applicable provisions of the Internal Revenue Code as amended shall be stated in a note referred to in the appropriate statements. Such note shall also indicate briefly the principal present assumptions on which the trust has relied in making or not making provisions for Federal income taxes.

## C. SPECIAL PROVISIONS AS TO SCHEDULES

3. Schedules required to be filed. Except as provided in Instruction 4 below, the schedules specified by Rule 5-04 [17 CFR 210.5-04] of Regulation S-X [Part 210] shall be filed.

4. Marketable securities—other security investments (Schedule I). In lieu of the Schedule of Marketable Securities—Other Security Investments as prescribed by Rule 12-02 [17 CFR 210.12-02] required under Schedule I there shall be filed a schedule in accordance with that prescribed by Rule 12-19 [17 CFR 210.12-19].

5, 6 and 7. (Omitted).

[8] 5. Filing of other statements in certain cases. The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required or whose statements are otherwise necessary for the protection of investors.

## INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 12. (No change)

13. Copies of the exhibits called for by Instructions 4 and 5(d) to Item 6.

## PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

## § 249.10 [Amended]

VII. Section 249.210 (Form 10). Item 2, the INSTRUCTIONS AS TO FINANCIAL STATEMENTS and the INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows:

Item 2. Summary of operations. Furnish in comparative columnar form a summary

of operations for the registrant and its subsidiaries consolidated, and for the registrant if separate financial statements of the registrant are required by the Instructions as to Financial Statements, for—

(a) each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the registration statement. [Omission]

Instructions. 1. Subject to appropriate variation to conform to the nature of the business, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income or loss before extraordinary items; extraordinary items; cumulative effects of changes in accounting principles; and net income or loss. If either the income or retained earnings statements required by the Instructions as to Financial Statements are included in their entirety in the summary of operations, the statements so included need not be included elsewhere in the registration statement.

2. If a period or periods reported on include operations of a business prior to the date of acquisition or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary, or in a note thereto, with the amounts previously reported.

3. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall be also shown and the basis of the computation stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is clearly set forth in answer to this item.

4. (a) If debt securities are being registered, the registrant may, at its option, show in tabular form for each fiscal year the ratio of earnings to fixed charges. If appropriate, the ratio of earnings to fixed charges for such periods shall also be presented on a total enterprise basis in a position of equal prominence with the ratio for the registrant or the registrant and consolidated subsidiaries (see Accounting Series Release No. 122 [36 FR 15527]).

(b), (c) and (d). (No change)

5. (No change)

## INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets, income statements and source and application of funds statements required to be filed as a part of the registration statement. Regulation S-X [17 CFR Part 210] governs the examination and the form and content of such financial statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and schedules to be filed. Attention is directed to Rules 12b-23 and 12b-36 [17 CFR 240.12b-23 and 240.12b-36].

If either the income or retained earnings statements required are included in their entirety in the summary of operations required by Item 2, the statements so included need not be included elsewhere in the registration statement.

## A. STATEMENTS OF THE REGISTRANT

1. Balance sheets of the registrant. (a) The registrant shall file an audited balance sheet

as of the close of its latest fiscal year unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case the balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the registrant has ended within 90 days prior to the date of filing the registration statement and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 90 days after the date of the latest fiscal year, an audited balance sheet of the registrant as of the end of the latest fiscal year.

2. Income and source and application of funds statements of the registrant. (a) The registrant shall file audited income and source and application of funds statements for each of the three fiscal years preceding the date of balance sheet required by Instruction 1(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 1(b) audited income and source and application of funds statements of the registrant for the fiscal year immediately preceding the date of the balance sheet.

3. Omission of registrant's statements in certain cases. Notwithstanding Instructions 1 and 2, the individual financial statements of the registrant may be omitted if (i) consolidated statements of the registrant and one or more of its subsidiaries are filed, (ii) the conditions specified in either of the following paragraphs are met, and (iii) the basis for such omission is stated in a note to the financial statements.

(a) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interest and/or indebtedness to any person other than the parent or the consolidated subsidiaries, in amounts which together exceed 5 percent of the total consolidated assets at the date of the most recent annual financial statements being filed. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is secured by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

(b) The registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, as would be shown by the most recent annual balance sheet if it were filed constitute 75 percent or more of the total assets shown by the most recent annual consolidated financial statements being filed; and the registrant's total gross revenues, exclusive of interest and dividends received or equity in income from the consolidated subsidiaries, for the most recent fiscal year for which its income statement would be filed constitute 75 percent or more of the total gross revenues shown by the most recent consolidated annual income statement being filed.

## B. CONSOLIDATED STATEMENTS

4. Consolidated balance sheets. (a) There shall be filed an audited consolidated balance sheet of the registrant and its subsidiaries as of the close of the latest fiscal year of the registrant, unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case this balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the registrant has ended within 90 days prior to the date of filing the registration statement, and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal



year, there shall be filed as an amendment to the registration statement, within 90 days after the close of registrant's fiscal year, an audited consolidated balance sheet of the registrant and its subsidiaries as of the end of the latest fiscal year.

5. *Consolidated income and source and application of funds statements.* (a) There shall be filed audited consolidated income and source and application of funds statements of the registrant and its subsidiaries for each of the three fiscal years preceding the date of the consolidated balance sheet required by Instructions 4(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 4(b), audited consolidated income and source and application of funds statements of the registrant and its subsidiaries for the fiscal year immediately preceding the date of the balance sheet.

#### C. UNCONSOLIDATED SUBSIDIARIES AND 50 PERCENT OR LESS OWNED PERSONS

6. *Financial statements of subsidiaries not consolidated and 50 percent or less owned persons.* (a) Subject to Rule 4-03 [17 CFR 210.4-03] of Regulation S-X [17 CFR Part 210] regarding group statements and Instructions 7 and 8 below, there shall be filed for each majority-owned subsidiary of the registrant not consolidated and each other person for which the investment is accounted for by the equity method by the registrant, the financial statements which would be required if each such subsidiary or other person were a registrant.

(b) If the fiscal year of any unconsolidated subsidiary or other person ends within 90 days before the date of filing the registration statement, or after the date of filing, the statements required by paragraph (a) may be filed as an amendment to the registration statement within 90 days after the end of the subsidiary's or other person's fiscal year.

7. *Summarized financial information.* Notwithstanding Instruction 6, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for all 50 percent or less owned persons accounted for by the equity method, except such persons which are individually insignificant under the tests specified in Instruction 8.

8. *Omission of statements required by instruction 6.* Notwithstanding Instructions 6 and 7, there may be omitted from the registration statement all financial statements of any one or more unconsolidated subsidiaries or other persons, if in the aggregate (a) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and advances, at the date of the most recent annual financial statements being filed; (b) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues for the most recent fiscal year for which income statements are being filed; and (c) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year

for which income statements are being filed, provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

9. *Affiliates whose securities secure an issue being registered.* (a) For each affiliate of the registrant whose securities constitute or are to constitute a substantial portion of the collateral securing any class of securities being registered, there shall be filed the financial statements that would be required if the affiliate were a registrant. However, statements need not be filed pursuant to this instruction for any person whose statements are otherwise filed with the registration statement on an individual, consolidated or combined basis.

(b) (No change)

#### D. SPECIAL PROVISIONS

10. *Reorganization of registrant.* (a) If during the period for which its income statements are required the registrant has emerged from a reorganization in which substantial changes occurred in its asset, liability, capital stock, other stockholders' equity or reserve accounts, a brief explanation of such changes shall be set forth in a note or supporting schedule to the balance sheets filed.

(b) (No change)

11. *Past successions to other businesses and significant interests in other businesses.* (a) If during the period for which its income statements are required, the registrant has by acquisition or by a pooling of interests succeeded to one or more businesses, the additions, eliminations and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets filed. In addition, if an acquisition of a business had major significance in relation to the registrant, audited income statements for such business shall be filed for such period prior to the acquisition as may be necessary when added to the time, if any, for which income statements after the acquisition are filed to cover the equivalent of the period specified in Instructions 2 and 5 above. The test of major significance shall be based on the term "significant subsidiary" with adjusted percentage rates being utilized in relation to the period the businesses have been merged prior to the date of the registrant's latest audited balance sheet as follows: (i) for less than one full year, no adjustment; (ii) more than one but less than two full years, 25 percent; and (iii) more than two full years, 45 percent.

(b) (Omitted)

[(c)] (b) This instruction shall not apply with respect to the registrant's succession to the business of any totally held subsidiary or to the succession of one or more businesses if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary.

12. *Future successions to other businesses and significant interests in other businesses.* (a) If, after the date of the latest balance sheet filed pursuant to Part A or B above, the registrant by acquisition or by pooling of interests succeeded or is about to succeed to one or more businesses or acquired or is about to acquire an investment in a business the investment in which is required to be accounted for by the equity method, there shall be filed for such businesses financial statements, combined if appropriate, which would be required if they were registering securities under the Act. In addition, to reflect the succession to any businesses, there shall be filed in columnar form (1) a balance

sheet of the registrant, (ii) the balance sheets of the constituent businesses, (iii) the changes to be effected in the succession and (iv) the pro forma balance sheet of the registrant giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(b) (No change)

(c) No financial statements need be filed, however, for any business acquired or to be acquired from a totally held subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate, would not meet the test of a significant subsidiary, provided that the statements of any business may not be omitted where any of the securities being registered are to be offered in exchange for securities representing such business.

13. *Statements of banks and life insurance companies.* (No change)

14. *Registrant not in the production stage.* Notwithstanding the foregoing instructions, if the registrant falls within the terms of paragraph (b) or (c) of Rule 5A-01 [17 CFR 210.5A-01] of Regulation S-X [Part 210], following statements, all of which shall be audited, shall be filed for the registrant and each of its significant subsidiaries, if any:

(a), (b) and (c) (No change)

15. *Filing of other statements in certain cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution thereof of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

#### E. HISTORICAL FINANCIAL INFORMATION

16. *Scope of Part E.* The information required by Part E shall be furnished for the seven-year period preceding the period for which income statements are filed, as to the accounts of each person whose balance sheet is filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not call for an audit but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor. Information may be omitted, however, as to any person for whom equivalent information for the period has been filed with the Commission pursuant to the Securities Act of 1933 or the Securities Exchange Act of 1934.

17. *Revaluation of property.* (No change)

18. *Capital shares.* (a) If there were any material restatements of capital shares which resulted in transfers from capital share liability to other stockholders' equity or reserve, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) (No change)

19. *Debt discount and expense written off.* (No change)

20. *Premiums and discount and expense on securities retired.* (No change)

21. *Other changes in other stockholders' equity.*

If there were any material increases or decreases in other stockholders' equity, other than those resulting from transactions specified above, the closing of the income account

or the declaration or payment of dividends, state (1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof; and (3) the accounts affected, including all material related entries. Instruction 17(c) above shall also apply here.

22. *Predecessors.* (No change)

23. *Omission of certain information.* (No change)

#### INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 10. (No change)

11. Copies of the exhibits called for by Instructions 3 and 4(d) of Item 2.

#### § 249.212 [Amended]

VIII. Section 249.212 (Form 12). The INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows.

#### INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 6. (No change)

7. If the registrant files annual reports with the Federal Power Commission, furnish copies of the following reports and statements:

(a) (No change)

(b) the registrant's annual report to stockholders for each of its last three fiscal years (copies of such reports filed with manually signed copies of the registration statement shall contain manually signed reports of the auditing accountant or accountants);

(c) (No change)

(d) for each other majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant whose financial statements were not included, on either an individual or a consolidated basis, in the registrant's annual report to stockholders, the financial statements required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for registration of securities of the registrant in lieu of Form 12 [17 CFR 249.212].

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons may be omitted, if in the aggregate (i) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and advances, at the date of the most recent annual financial statements being filed; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues for the most recent fiscal year for which income statements are being filed; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year for which income statements are being filed, provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

8. If the registrant files annual reports with the Interstate Commerce Commission

or the Federal Communications Commission, furnish copies of the following reports and statements:

(a), (b) and (c) (No change)

(d) for each majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant which does not file reports with the Federal Communications Commission or the Interstate Commerce Commission and whose financial statements are not included on either an individual or consolidated basis in the annual reports filed pursuant to clause (a), (b) or (c) above, the financial statements (which need not be audited) required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for registration of securities of the registrant in lieu of Form 12 [17 CFR 249.212].

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons may be omitted pursuant to the criteria for omission specified in Instruction 7.

9. (No change)

#### § 249.308 [Amended]

IX. Section 249.308 (Form 8-K). Item 2 and FINANCIAL STATEMENTS OF BUSINESSES ACQUIRED would be amended to read as follows:

Item 2. *Acquisition or disposition of assets.* If the registrant or any of its subsidiaries has acquired or disposed of a significant amount of assets, otherwise than in the ordinary course of business, furnish the following information:

(a) (No change)

(b) (No change)

*Instructions.* 1. No information need be given as to (i) any transaction between any person and any wholly owned subsidiary of such person; i.e., a subsidiary substantially all of whose outstanding voting securities are owned by such person and/or its other wholly owned subsidiaries; (ii) any transaction between two or more wholly owned subsidiaries of any person; or (iii) if the redemption or other acquisition of securities from the public, or the sale or other disposition of securities to the public, by the issuer of such securities.

2. (No change)

3. (No change)

4. An acquisition or disposition shall be deemed to involve a significant amount of assets (i) if the net book value of such assets or the amount paid or received therefor upon such acquisition or disposition exceeded 10 percent of the total assets of the registrant and its consolidated subsidiaries, (ii) if it involved the succession to or disposition of a business which would meet the test of a significant subsidiary, or (iii) if it involved the acquisition of a significant interest in a business, which would meet the test of a significant subsidiary and would be required to be accounted for by the equity method.

5. (No change)

6. (No change)

#### FINANCIAL STATEMENTS OF BUSINESSES ACQUIRED

1. *Businesses for which statements are required.* The financial statements specified below shall be filed for any business the succession to which or the acquisition of an interest in which is required to be described in answer to Item 2 above.

2. *Statements required.* (a) There shall be filed a balance sheet of the business as of a date reasonably close to the date of acquisition. This balance sheet need not be audited, but if it is not audited, there shall also be

filed an audited balance sheet as of the close of the preceding fiscal year.

(b) Income and source and application of funds statements of the business shall be filed for each of the last three full fiscal years and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These income and source and application of funds statements shall be audited up to the date of the audited balance sheet.

(c) If the business was in insolvency proceedings immediately prior to its acquisition, the balance sheets required above need not be audited. In such case, the income and source and application of funds statements required shall be audited to the close of the latest full fiscal year.

(d) (No change)

3. *Application of regulation S-X* [17 CFR Part 210]. Regulation S-X [17 CFR Part 210] governs the examination and the form and content of the statements required by the preceding instruction, including the basis of consolidation, and prescribes the statements of other stockholders' equity to be filed. No supporting schedules need be filed.

4. *Filing of other statements in certain cases.* (No change)

#### § 249.310 [Amended]

X. Section 249.310 (Form 10-K). Item 2 and the INSTRUCTIONS AS TO FINANCIAL STATEMENTS would be amended to read as follows.

Item 2. *Summary of operations.* Furnish in comparative columnar form a summary of operations for the registrant and its subsidiaries consolidated, and for the registrant if separate financial statements of the registrant are required by the Instructions as to Financial Statements, for—

(a) each of the last five fiscal years of the registrant (or for the life of the registrant and its predecessors, if less), and

(b) any additional fiscal years necessary to keep the summary from being misleading.

Where necessary, include information or explanation of material significance to investors in appraising the results shown, or refer to such information or explanation set forth elsewhere in the report. [Omission]

*Instructions.* 1. Subject to appropriate variations to conform to the nature of the business, the following items shall be included: net sales or operating or other revenues; cost of goods sold or operating or other expenses (or gross profit); interest expense; income tax expense; income or loss before extraordinary items; extraordinary items; cumulative effects of changes in accounting changes; and net income or loss. If either the income or retained earnings statements required by the Instructions as to Financial Statements are included in their entirety in the summary of operations, the statements so included need not be included elsewhere in the report.

2. If a period or periods reported on include operations of a business prior to the date of acquisition or for other causes differ from reports previously issued for any period, the summary shall be reconciled as to sales or revenues and net income in the summary, or in a note thereto, with the amounts previously reported.

3. The summary shall be prepared to show earnings applicable to common stock. Per share earnings and dividends declared for each period of the summary shall also be shown and the basis of the computation stated, together with the number of shares used in the computation. The registrant shall file as an exhibit a statement setting forth in reasonable detail the computation of per share earnings, unless the computation is clearly set forth in answer to this item.

## 4. (a), (b), (c) and (d) (No change)

5. Describe any change in accounting principles or practices followed by the registrant, or any change in the method of applying any such accounting principles or practices, which materially affected the financial statements being filed with the Commission for the fiscal year covered by the report or will materially affect the financial statements of future fiscal years, and which had not been previously reported. State the date of the change and the reasons therefor. A letter from the registrant's independent accountants, approving or otherwise commenting on the change, shall be filed as an exhibit.

## 6. (No change)

## INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets, income statements and source and application of funds statements required to be filed as a part of the annual report, Regulation S-X [17 CFR Part 210] governs the examination and the form and content of such financial statements, including the basis of consolidation, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. Attention is directed to Rules 12b-23 and 12b-36 [17 CFR 240.12b-23 and 240.12b-36].

If either the income or retained earnings statements required are included in their entirety in the summary of operations required by Item 3, the statements so included need not be otherwise included in the annual report.

1. *Statements of the registrant.* (a) There shall be filed for the registrant, in comparative columnar form, audited balance sheets as of the close of the last two fiscal years and audited income and source and application of funds statements for such fiscal years.

(b) Notwithstanding paragraph (a), the individual financial statements of the registrant may be omitted if (1) consolidated statements of the registrant and one or more of its subsidiaries are filed, (2) the conditions specified in either of the following paragraphs are met, and (3) the basis for such omission is stated in a note to the financial statements.

(i) The registrant is primarily an operating company and all subsidiaries included in the consolidated financial statements being filed, in the aggregate, do not have minority equity interests and/or indebtedness to any person other than the parent or the consolidated subsidiaries, in amounts which together exceed 5 percent of the total consolidated assets at the date of the most recent annual financial statements being filed. Indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not, and indebtedness of subsidiaries which is secured by the registrant by guarantee, pledge, assignment or otherwise are to be excluded for the purpose of this determination.

(ii) The registrant's total assets, exclusive of investments in and advances to the consolidated subsidiaries, as would be shown by the most recent annual balance sheet if it were filed constitute 75 percent or more of the total assets shown by the most recent annual consolidated financial statements being filed; and the registrant's total gross revenues, exclusive of interest and dividends received or equity in income from the consolidated subsidiaries, for the most recent fiscal year for which its income statement would be filed constitute 75 percent or more of the total gross revenues shown by the most recent consolidated annual income statements being filed.

2. *Consolidated statements.* There shall be filed for the registrant and its subsidiaries, in comparative columnar form, audited consolidated balance sheets as of the close of the last two fiscal years of the registrant and audited consolidated income and source and application of funds statements for such fiscal years.

3. *Statements of subsidiaries not consolidated and 50 percent or less owned persons.* (a) Subject to Rule 4-03 [17 CFR 210.4-03] of Regulation S-X [17 CFR Part 210] regarding group statements and Instructions 4 and 5 below, there shall be filed for each majority-owned subsidiary of the registrant not consolidated and each other person for which the investment is accounted for by the equity method by the registrant, the financial statements which would be required if each such subsidiary or other person were a registrant.

(b) If the fiscal year of any unconsolidated subsidiary or other person ends within 90 days before the date of filing the annual report, or after the date of filing, the statements required by paragraph (a) may be filed as an amendment to the report within 90 days after the end of the subsidiary's or other person's fiscal year.

4. *Summarized financial information.* Notwithstanding Instruction 3, summarized information as to assets, liabilities and results of operations may be presented on an individual or group basis in notes to the financial statements for 50 percent or less owned persons accounted for by the equity method, except such persons which are individually significant under the tests specified in Instruction 5.

5. *Omission of statements required by instruction 3.* Notwithstanding Instructions 3 and 4, there may be omitted from the annual report all financial statements of any one or more unconsolidated subsidiaries or other persons, if in the aggregate (a) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany eliminations) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and advances, at the date of the most recent annual financial statements being filed; (b) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues for the most recent fiscal year for which income statements are being filed; and (c) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year for which income statements are being filed, provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

6. *Affiliates whose securities are pledged as collateral.* (No change)

7. *Statements of banks and insurance companies.* (No change)

8. *Registrants not in the production stage.*

(a) Notwithstanding the foregoing instructions, if the registrant falls within the terms of paragraph (b) or (c) of Rule 5A-01 [17 CFR 210.5A-01] of Regulation S-X [17 CFR Part 210], the following statements, all of which shall be audited except as pro-

vided in (b) below, shall be filed for the registrant and each of its significant subsidiaries, if any:

(1) The statements specified in Rules 5A-02, 5A-03, 5A-04, 5A-05 and 5A-07 [17 CFR 210.5A-02, 210.5A-03, 210.5A-04, 210.5A-05 and 210.5A-07] shall be filed in comparative columnar form, as of the close of the last two fiscal years; and

(ii) The statements of cash receipts and disbursements specified in Rule 5A-06 [17 CFR 210.5A-06] shall be filed, in comparative columnar form, for such fiscal years.

(b) The financial statements prescribed in (a) above need not be audited if all of the following conditions are met by the registrant and each of its significant subsidiaries, if any:

(1), (ii), (iii) and (iv) (No change)

(v) No exchange upon which the shares are listed, or governmental authority having jurisdiction, requires the furnishing to it, or the publication of, audited financial statements.

9. *Filing of other statements in certain cases.* The Commission may, upon the informal written request of the registrant and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution thereof of appropriate statements of comparable character. The Commission may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

## § 249.311 [Amended]

XI. Section 249.311 (Form 11-K). The INSTRUCTIONS AS TO FINANCIAL STATEMENTS would be amended to read as follows.

## INSTRUCTIONS AS TO FINANCIAL STATEMENTS

Furnish an audited statement of financial condition of the plan as of the end of the last fiscal year of the plan and an audited statement of income and changes in plan equity of the plan for the fiscal year. These statements shall be prepared and audited in accordance with the applicable provisions of Regulation S-X and shall be accompanied by the schedules specified in Rule 6-34 [17 CFR 210.6-34] of that regulation [17 CFR Part 210].

## § 249.312 [Amended]

XII. Section 249.312 (Form 12-K). The INSTRUCTIONS AS TO EXHIBITS would be amended to read as follows.

## INSTRUCTIONS AS TO EXHIBITS

Introductory sentences and Instructions 1 to 3. (No change)

4. If the registrant files annual reports with the Federal Power Commission, the following reports and statements shall be filed:

(a) (No change)

(b) The registrant's annual report to stockholders for its last fiscal year (copies of such report filed with manually signed copies of the report on this form shall contain manually signed reports of the auditing accountant or accountants);

(c) (No change)

(d) For each other majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant whose financial statements were not included, on either an individual or a

consolidated basis, in the registrant's annual report to stockholders, the financial statements required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for an annual report by the registrant to the Securities and Exchange Commission in lieu of Form 12-K [17 CFR 249.312].

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons may be omitted, if in the aggregate (i) neither the registrant's and its subsidiaries' investments in and advances to, nor their proportionate share of the total assets (after intercompany elimination) of, such subsidiaries and other persons do not exceed 10 percent of the total consolidated assets, exclusive of such investments and advances, at the date of the most recent annual financial statements being filed; (ii) the total sales and revenues (after intercompany eliminations) of such subsidiaries or other persons, reduced to the percentages of equity interests held by the registrant and its subsidiaries in such subsidiaries and other persons, do not exceed 10 percent of the consolidated sales and revenues for the most recent fiscal year for which income statements are being filed; and (iii) the registrant's and its other subsidiaries' equity in the income before income taxes and extraordinary items of the subsidiaries and other persons does not exceed 10 percent of such income of the registrant and consolidated subsidiaries, exclusive of such equity in the subsidiaries and other persons, for the most recent fiscal year for which income statements are being filed, provided that, if such income of the registrant and its consolidated subsidiaries for the last fiscal year is at least 10 percent lower than the average of such income for the last five fiscal years, such average income may be substituted in the determination.

5. If the registrant files annual reports with the Interstate Commerce Commission or the Federal Communications Commission, the following reports and statements shall be filed:

(a), (b) and (c) (No change)  
 (d) For each majority-owned subsidiary and 50 percent or less owned person accounted for by the equity method of the registrant which does not file reports with the Federal Communications Commission or the Interstate Commerce Commission and whose financial statements are not included on either an individual or consolidated basis in the annual reports filed pursuant to clause (a), (b) or (c) above, the financial statements (which need not be audited) required for such subsidiaries and 50 percent or less owned persons by the form otherwise appropriate for an annual report by the registrant to the Securities and Exchange Commission in lieu of Form 12-K. [17 CFR 249.312]

Notwithstanding the foregoing, annual reports and financial statements of subsidiaries and 50 percent or less owned persons may be omitted pursuant to the criteria for omission specified in Instruction 4.

6. (No change)

7. A statement shall be filed describing any change in accounting principles or practices followed by the registrant, or any change in the method of applying any such accounting principles or practices which materially affected the financial statements being filed with the Commission pursuant to Instruction 4 or 5 for the fiscal year covered by the report or will materially affect the financial statement of future fiscal years, and which had not been previously reported. State the date of the change and the reasons therefor. A letter from the registrant's independent accountants, approving or otherwise commenting on the change, shall be filed as a part of the exhibit.

## PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING ACT OF 1935

### § 259.5s [Amended]

XIII. Section 259.5s (Form U5S). The INSTRUCTIONS AS TO FINANCIAL STATEMENTS would be amended to read as follows.

#### INSTRUCTIONS AS TO FINANCIAL STATEMENTS

1. *Consolidating statements.* (a) There shall be filed for each registered holding company in the system a consolidating balance sheet as of the end of the calendar year and consolidating statements of income, source and applications of funds, and retained earnings and other stockholders' equity for the calendar year. These consolidating statements shall set forth the individual statements of the parent company and each subsidiary included in the consolidation as well as the elimination adjustments and the consolidated statements. Where any holding company system includes more than one registered holding company, separate consolidating statements shall be filed for each subsidiary registered holding company and its subsidiaries; and, if such subsidiary holding company is included in consolidation with its parent, the consolidated statements of such subsidiary holding company shall be shown in the consolidating statements of the top registered holding company.

(b) Consolidating statements shall be prepared in accordance with the requirements of Regulation S-X [17 CFR Part 210] which governs the examination and the form and content and the basis of consolidation of the financial statements, and prescribes the statements of retained earnings and other stockholders' equity and the schedules to be filed. The individual corporate and consolidated statements, included in the consolidating statements, of the top registered holding company and of each other system company filing this report pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 shall be audited in accordance with Regulation S-X [17 CFR Part 210]. Separate notes supporting individual statements of a system company may be omitted if the required information is separately set forth in the notes supporting the consolidated statements of its parents. Such notes may also be omitted, except in the case of a system company filing this report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934, if all companies for which notes are omitted pursuant to this sentence, considered in the aggregate as a single company, would not constitute a significant subsidiary (as defined in Regulation S-X [17 CFR Part 210]) of the top registered holding company. If any financial statement required to be audited or supported by notes herein has been filed with the Commission in audited form pursuant to any act administered by it, the requirements of this form as to such audit or as to such supporting notes may be satisfied by incorporating such statement by reference, provided the written consent of the independent accountant to such incorporation is filed as a part of this report.

(c) For the purposes of this form, however, only the following schedules specified in Rule 5-04 [17 CFR 210.5-04] of Regulation S-X [17 CFR Part 210] need be filed, to the extent required by that regulation:

(i) In support of the corporate and consolidated financial statements (included in such consolidating statements) of the top registered holding company, all required schedules except Schedules II, III, IV, X, XVII and XVIII; and

(ii) In support of the financial statements (included in such consolidating statements) of each subsidiary company, which files this

report pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934, all required schedules, except Schedules II, III, IV, X, XVII and XVIII; provided that any schedule of a subsidiary company may be omitted if the information required is set forth separately in the consolidated schedules of its parent or elsewhere in the financial statements or in the answers to any of the items of the form.

The schedules shall be examined by the independent accountant. Any required schedule may be incorporated by reference to any prior filing under any act administered by the Commission; provided that at least one copy of such prior filing has been filed with, or is simultaneously filed with, each securities exchange on which any security of the particular system company is listed and registered; and provided further that the written consent of the accountant to such incorporation is filed as part of this report. If the information required in any schedule of any system company is contained in any schedule or schedules of such company's report to the Federal Power Commission, duplicates of such schedules with appropriate references to this form.

may be used to satisfy the requirements of (d) (No change)

(e) The elimination adjustments supporting each consolidating statement shall be in detail (not net) showing the adjustments pertaining to each company included in the consolidation and shall be accompanied by an explanation in sufficient detail to reveal clearly the nature of each such adjustment.

2. *Other statements.* Comparable corporate statements shall be filed for any subsidiary company in the holding company system not included in the consolidating statements required above. Such corporate statements need not be prepared and audited in accordance with the requirements of Regulation S-X [17 CFR Part 210] except where the company is a significant subsidiary and a majority-owned subsidiary as defined in Regulation S-X [17 CFR Part 210].

[FR Doc. 73-15800 Filed 7-31-73; 8:45 am]

## ATOMIC ENERGY COMMISSION [ 10 CFR Part 71 ] PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL Form for Shipping Plutonium

The Atomic Energy Commission is considering the amendment of its regulations in 10 CFR Part 71, "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material under Certain Conditions" to require that all plutonium in quantities greater than 20 curies shall be packaged for shipment as a solid in capsules which meet the requirements for special form and shall be shipped inside packaging that meets the requirements of Part 71 for radioactive material in normal form. The proposed requirements would become effective three years after the effective date of the amendment.

In light of anticipated significant changes in the characteristics and quantity of plutonium to be transported in the future, the Commission has considered the matter of form for shipping plutonium from the standpoint of public health and safety. Existing regulations permit the shipment of plutonium in any chemical or physical form, including liquid plutonium nitrate. Using the present criteria and requirements of Part 71,

hundreds of plutonium nitrate shipments have been made with no reported instances of plutonium leakage from the containment vessel.

However, the present situation with respect to plutonium transportation in the private sector is expected to change drastically over the next several years. Increasingly larger quantities of plutonium will be recovered from power reactor fuel. Consequently, increases in quantities of plutonium shipped and number of shipments made are expected. For example, the amount of plutonium available for recovery is estimated to be 500 kg in 1973 as compared to 21,000 kg in 1980. In addition, the specific activity of the plutonium will increase with higher reactor fuel burnup, resulting in higher gamma and neutron radiation levels, greater heat generation, and greater pressure generation potential from plutonium nitrate solutions in shipping containers.

Because of these expected changes in plutonium transport and the inherent susceptibility of liquids to leakage, the Commission believes that safety would be significantly enhanced if the basic form for shipments of plutonium were changed from liquid to solid and if the solid form of plutonium were required to be shipped in a package providing at least double containment of the contents. Such a change is considered to be feasible from an economic and technological standpoint.

The Commission's assessment indicates that there will not be a significant increase in the quantities of plutonium available for recovery in the next few years. However, the Commission believes that any change in the requirements regarding the form of plutonium for shipment should be announced promptly so that firms that design and build fuel reprocessing and fuel fabrication plants can make timely plans to accommodate this change. It is anticipated that if a solid form for shipment is required, plutonium recovered at fuel reprocessing plants would be converted to the oxide form for shipment to fuel fabricators. Based on the Commission's assessment of process and equipment changes necessary to permit shipment of plutonium as oxide, and the time when increased plutonium shipments will occur, about three years appears to be a sufficient time period. Accordingly, if the proposed amendments are adopted, the effective date would be specified as three years from the effective date of such adoption.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Part 71 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceed-

ings Staff, by October 1, 1973. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

1. A new § 71.42 would be added to read as follows:

**§ 71.42 Special requirements for plutonium shipments.**

(a) Notwithstanding the exemptions in § 71.9, plutonium in excess of 20 curies per package shall be shipped as a solid encapsulated to meet the requirements of special form as defined in § 71.4(o)(2) of this part, and shall be shipped inside an outer packaging which meets the requirements of this part for packaging of material in normal form.

(b) Authority provided in AEC licenses issued pursuant to this part for the delivery to a carrier for transport of plutonium in a liquid form in quantities exceeding 20 curies per package, shall expire on (three years from the date of adoption of this amendment).

(Secs. 53, 161, 68 Stat. 930, 948; 42 U.S.C. 2073, 2201)

Dated at Germantown, Maryland, July 30, 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,  
Acting Secretary  
of the Commission.

[FR Doc. 73-15986 Filed 7-31-73; 10:47 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 AGRICULTURE

### Forest Service

#### RANGELAND ENHANCEMENT, CALIF.

##### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft Environmental Statement for Rangeland Enhancement on National Forest Lands in California, USDA-FS-FES (Adm). 73-89.

The environmental statement applies to national forest land in California administered by the California and Intermountain Regions, Forest Service, USDA. The statement concerns a proposal to conduct cultural range improvement practices, where the potential exists for obtaining increased benefits, on selected sites within the sagebrush, perennial bunchgrass, and mountain meadow vegetation types.

This draft Environmental Statement was filed with CEQ on July 24, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service  
South Agricultural Bldg., Room 3230  
14th St. and Independence Ave., SW  
Washington, D.C. 20250  
USDA, Forest Service  
California Region  
630 Sansome Street  
San Francisco, California 94111  
USDA, Forest Service  
Intermountain Region  
Federal Building  
324 25th Street  
Ogden, Utah 84401  
All National Forests in California  
Forest Supervisors' Offices and  
Forest Supervisor, Toiyabe N.F.  
Reno, Nevada 89503

A limited number of single copies are available upon request to Douglas R. Leisz, Regional Forester, U.S. Forest Service, 630 Sansome Street, San Francisco, California 94111.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Fed-

eral agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Douglas R. Leisz, Regional Forester, 630 Sansome Street, San Francisco, Calif. 94111, or Vern Hamre, Regional Forester, Federal Building, 324 25th St. Ogden, Utah 84401.

Comments must be received by September 24, 1973 in order to be considered in the preparation of the final Environmental Statement.

PHILIP L. THORNTON,  
Deputy Chief, Forest Service.

JULY 25, 1973.

[FR Doc.73-15813 Filed 7-31-73; 8:45 am]

#### SAN ISABEL NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

##### Notice of Meeting

The San Isabel National Forest Multiple Use Advisory Committee will meet at 10 a.m. on August 25, 1973, at the Conquistador Ski Area.

The purpose of this meeting and field trip is to review on-the-ground the technical data for the draft Environmental Statement on the proposal for development of ski facilities involving National Forest land.

The meeting will be open to the public. Persons who wish to attend should notify the Pike-San Isabel Supervisor's Office, P.O. Box 5808, Pueblo, Colorado 81002, 544-5277. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation:

1. To the extent that time permits, interested persons may be permitted by the committee chairman to present oral statements.

R. N. RIDINGS,  
Forest Supervisor.

Dated: July 23, 1973.

[FR Doc.73-15822 Filed 7-31-73; 8:45 am]

#### Soil Conservation Service HIGHWAY 112 CRITICAL EROSION CONTROL PROJECT MEASURE, WIS.

##### Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the

Highway 112 Critical Erosion Control Project Measure, Ashland County, Wisconsin, USDA-SCS-ES-RC&D-(ADM)-73-21-(D).

The environmental statement concerns a plan to control erosion in a gully located near the White River. The planned works of improvement include 1200 feet of sod waterway, 4640 feet of vegetated waterway, 855 feet of diversion, 15 acres of critical area planting, plus necessary grading and mulching.

This draft environmental statement was transmitted to CEQ on July 18, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, 4601 Hammersley Road, P.O. Box 4248, Madison, Wisconsin 53711  
Soil Conservation Service, USDA, 206 Vine Street, Spooner, Wisconsin 54801

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia, 22151. Please use name and number of statement above when ordering. The estimated cost is \$3.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Richard W. Akeley, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, P.O. Box 4248, Madison, Wisconsin 53711.

Comments must be received within sixty days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services.)

Dated: July 18, 1973.

NORMAN A. BERG,  
Acting Administrator,  
Soil Conservation Service.

[FR Doc.73-15856 Filed 7-31-73; 8:45 am]

## DEPARTMENT OF COMMERCE

### Domestic and International Business Administration

#### FOREIGN EXCESS PROPERTY

##### General Determination I

On June 8, 1973 there was published in the FEDERAL REGISTER (38 FR 10586

et seq.) a notice in which the Deputy Assistant Secretary for Resources and Trade Assistance indicated his intention to revise General Determination No. 1 (Revised) (33 FR 11023). The principal proposed changes involved the deletion of the classes of foreign excess property listed below from such property subject to the provisions of General Determination No. 1 (Revised):

1. Military motor vehicles and parts enumerated on the controlled U.S. Munitions Import List;
2. All sizes of pneumatic passenger car tires and inner tubes;
3. Compressed gas cylinders; and
4. Front and rear driving axle assemblies in capacities more than 6000 pounds.

Interested persons were invited to submit in writing data, views or statements relative to the proposed revision of General Determination No. 1 (Revised). Timely written comments so submitted were carefully considered in the final formulation of this notice which reflects minor clarification and modification of the proposed notice.

The practical effect of the deletion of the classes of foreign excess property enumerated above from General Determination No. 1 (Revised) is that applications for Import Determinations relating to such property will be evaluated by the Department on a case-by-case basis. Positive or negative determinations will be based upon individual market analyses on the question of whether importation would or would not relieve domestic shortages or otherwise be beneficial to the economy of this country.

General Determination No. 1 (Revised) (33 FR 11023) is hereby revised to read as follows:

#### GENERAL DETERMINATION NO. 1

Importation of foreign excess property consisting of the following listed items would relieve domestic shortages or would otherwise be beneficial to the economy of this country. Consequently, and in accordance with § 302.4, General Determinations of shortage or benefit, of the Foreign Excess Property Regulations (15 CFR 302 et seq.) foreign excess property specified in (a), (b), and (c) below may be imported into the United States, unless otherwise prohibited by law, subject to the conditions of this General Determination.

(a) Pneumatic tires and inner tubes, except passenger car tires and inner tubes. Including all used pneumatic tires and inner tubes, except used passenger car tires and inner tubes, and all unused pneumatic tires and inner tubes, except unused passenger car tires and inner tubes, which at the time of disposal by a Federal Agency are deteriorated or damaged so that their utility is impaired. (Description of property and conditions listed by Federal Agency in the Invitation for Bid as "Unused-Fair" or "Unused-Poor"). Unused tires subject to this General Determination shall prior to entry into the Customs territory of the United States (i) be branded with the letters "N.P.C." (Not First Class) in one inch type on each sidewall of each tire so as to be clearly visible above the bead area, or (ii) be buffed so as to remove from each sidewall thereof the name of the manufacturer and trade name(s). Inner tubes must be stamped with indelible ink in one inch block type with the letters "N.P.C."

(b) Used Noncombat Military Motor Vehicles. All used noncombat military motor vehicles over ½-ton rated capacity including: general purpose types such as cargo, carryall, chassis, dump, panel, pickup platform, prime mover and stake; and special purpose types such as shop van, medical van, laboratory, fluid tank, wrecker and ambulance. [Not included under this General Determination are combat military vehicles such as tanks, self-propelled guns, armored personnel carriers and all other military motor vehicles enumerated in the U.S. Munitions Import List (26 CFR 180).]

(c) Used Parts for Noncombat Military Motor Vehicles. All used parts for noncombat military motor vehicles included in paragraph (b) above, except front and rear driving axle assemblies in capacities more than 6,000 pounds.

Any of the property described above may be entered into the economy of the United States on presentation of the original FEP Import Authorization to the District Director of Customs for his endorsement at the time of entry: Provided, (i) the requirements in paragraph (a) above relating to unused pneumatic tires and inner tubes are complied with to the satisfaction of the District Director of Customs at the port of entry, and (ii) the entry document (Customs Form 7501) carries the statement, "The foreign excess property described hereon is being entered into the United States under the provisions of General Determination No. 1 issued pursuant to § 302.4 of the Foreign Excess Property Regulations (15 CFR Part 302 et seq.) of the United States Department of Commerce."

Nothing in General Determination No. 1 shall be construed to exempt the importer from presentation of such other entry documents, or conforming with any procedures, required by the Bureau of Customs.

General Determination No. 1 may be amended or withdrawn by the Deputy Assistant Secretary and notice of such amendment or withdrawal shall be published in the Federal Register (15 CFR 302.4.)

This notice shall be effective on August 1, 1973.

Dated: July 27, 1973.

SETH M. BODNER,  
Deputy Assistant Secretary for  
Resources and Trade Assistance.

[FR Doc. 73-15867 Filed 7-31-73; 8:45 am]

#### DUKE UNIVERSITY MEDICAL CENTER

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of

the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00510-33-02700. Applicant: Duke University Medical Center, Department of Orthopedic Surgery, Durham, N.C. 27710. Article: Ultrathin fiberoptic endoscope, type 25. Manufacturer: Shinko Optical Co. Ltd., Japan. Intended use of article: The article is intended to be used in study of arthritis and painful joints distortion intrareticular structures.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant's use of the article in the study of arthritis and painful joints, including arthroscopy of children and small joints, will require a very thin endoscope. The Department of Health, Education, and Welfare (HEW) in its memorandum dated July 13, 1973, advised that the small (2 millimeter) size of the article is pertinent to the purposes for which the article is intended to be used. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,  
Director,

Special Import Programs Division.

[FR Doc. 73-15793 Filed 7-31-73; 8:45 am]

#### NEWARK COLLEGE OF ENGINEERING

##### Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00300-65-46040. Applicant: Newark College of Engineering, 323 High Street, Newark, NJ 07102. Article: Electron Microscope, Model JEM 120. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used by both graduate students and faculty for investigations of crack initiation and propagation, order-disorder, transformations, nature of whisker, nucleation and growth, fatigue and creep, and alloy strengthening.

In addition the article will be used in the following courses: Engineering Materials, Microscopy and Diffraction in Materials, Materials Science II, and Advanced Materials Science Lab.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a maximum accelerating voltage of 120 kilovolts which the applicant requires for adequate penetration of thick polymer samples with the induction or minimum damage to the samples. The most closely comparable domestic instrument, the Model EMU-4C electron microscope manufactured by Forggio Corporation, provides a maximum accelerating voltage of 100 kilovolts. The National Bureau of Standards advised in its memorandum dated July 19, 1973 that the higher accelerating voltage of the article is pertinent to the purposes for which the foreign article is intended to be used.

For this reason, we find the EMU-4C is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,  
Director,  
Special Import Programs Division.

[FR Doc.73-15789 Filed 7-31-73; 8:45 am]

[File 23(73)-4]

**OMNITRONIC ELEKTRONISCHE AND  
WALTER BASTA**

**Order Extending Temporary Denial of  
Export Privileges**

In the matter of Omnitronic Elektronische Gerate Ges. M.B.H. and Walter Basta, Mariahilferstrasse 177, 1060 Vienna, Austria.

An order temporarily denying export privileges for 60 days was issued against the above parties on May 31, 1973, 38 FR 14686. Said order was issued in connection with an investigation in progress by the Compliance Division, Office of Export Control, Bureau of East West Trade. On the evidence presented there was reasonable basis to believe the following: The respondents caused a strategic neutron generator to be shipped to a fictitious consignee in Ankara, Turkey; thereafter respondents caused said generator to be shipped to Vienna, Austria; in Vienna, respondent Basta through improper means, obtained possession of the generator; respondents had the generator shipped to U.S.S.R., a destination that was not authorized.

The Director, Compliance Division, has applied under § 388.11 of the Export Con-

rol Regulations for an extension of the temporary denial order until completion of the administrative compliance proceedings. It is expected that a charging letter, which will contain allegations of violations of the Export Administrative Act of 1969, will be issued against the respondents in the near future.

The application for extension of the temporary denial order has been considered by the Hearing Commissioner. He has found that such extension is reasonably necessary for the protection of the public interest. I confirm this finding. The Hearing Commissioner has recommended that the petition for extension be granted and that the temporary denial order be extended until completion of administrative compliance proceedings. I accept his recommendation.

Accordingly, it is hereby

**ORDERED**

I. The prohibitions and restrictions of the temporary denial order issued against the above respondents on May 31, 1973, 38 FR 14686, are hereby continued in full force and effect.

II. The respondents, their successors, assigns, representatives, agents, and employees are denied all privileges of participating, directly or indirectly in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) as a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order, unless hereafter amended, modified, or vacated, in accordance with the provisions of the U.S. Export Control Regulations, shall remain in effect until the completion of the administrative compliance proceedings

which will result from the charging letter to be issued against the respondents.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion, of any commodity or technical data exported or to be exported from the United States, by, to, or for any respondent, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.11(c) of the Export Control Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, Bureau of East-West Trade, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested, shall be held before the Hearing Commissioner, Washington, D.C. at the earliest convenient date.

Dated: July 25, 1973.

RAUER H. MEYER,  
Director, Office of Export Control,  
Bureau of East-West Trade.

[FR Doc.73-15826 Filed 7-31-73; 8:45 am]

**PROVIDENCE HOSPITAL—RCR CENTER  
Notice of Applications for Duty Free Entry  
of Scientific Articles; Correction**

In the Notice of Applications for Duty-Free Entry of Scientific Articles appearing at page 18699 in the FEDERAL REGISTER of Friday, July 13, 1973, the following correction should be made.

Docket Number 3-005 6-33-46070 should be corrected to read:

Docket number: 73-00576-33-46070.  
Applicant: Veterans Administration Hospital (673), 13000 North 30th Street, Tampa, Florida, 33612. Article: Electron Microscope, Model EM 201. . . .

A. H. STUART,  
Director

Special Import Programs Division.

[FR Doc.73-15787 Filed 7-31-73; 8:45 am]



## UNIVERSITY OF CHICAGO

Notice of Decision on Application for  
Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00498-33-46040. Applicant: University of Chicago, department of pathology, 950 East 59th Street, Chicago, Ill. 60637. Article: Electron microscope, model EM 201. Manufacturer: Philips Electronic Instrument NVD, The Netherlands. Intended use of article: The article is intended to be used for the study of the appearance of the various cancerous tissues as removed by surgery, radioautography of cancer cells (removed during surgery and exposed in vitro to radiolabels), immunoelectron microscopy for the study of oncogenic viral antigens and electron microscopic cytochemistry. The article will also be used in the Haematopathology Training Course for medical doctors who have already completed their training in pathology and teaching of residents and interns in the Division of Surgical Pathology in the use of the electron microscope, including the diagnosis of light microscopically difficult cases.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instruments or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forjflo Corporation. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated July 13, 1973, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,  
Director,

Special Import Programs Division.

[FR Doc.73-15792 Filed 7-31-73; 8:45 am]

## UNIVERSITY OF MARYLAND HOSPITAL

Notice of Decision on Application for  
Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00491-99-75200. Applicant: University of Maryland Hospital, Redwood and Greene Streets, Baltimore, Md. 21201. Article: Engstrom respirator system ER 300. Manufacturer: LKB Medical AB, Sweden. Intended use of article: The article is intended to be used in training anesthesiology and surgical residents, nurses, and inhalation therapists in the functional characteristics and clinical application of mechanical ventilators.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a pressure wave form automatically adapted to changing compliance and airway resistance resulting in improved distribution of air and ventilation of the patient. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 13, 1973 that the characteristics described above are pertinent to the purposes for which the article is intended to be used. HEW further advises that it knows of no domestic instrument which provides the pertinent characteristic of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,  
Director,

Special Import Programs Division.

[FR Doc.73-15791 Filed 7-31-73; 8:45 am]

## UNIVERSITY OF OREGON

Notice of Decision on Application for  
Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00490-33-01710. Applicant: University of Oregon, Department of Chemistry, Eugene, Ore. 97403. Article: Feedback Amplifier and Accessories. Manufacturer: I. Physiology Institute of the University of Saarland Medical School, West Germany. Intended use of article: The article is intended to be used for the investigation of the action of chemical agents on the functioning nerve membrane under voltage clamp conditions. In addition the article will be used for graduate research leading to a Ph. D. in Chemistry.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article was designed and built by scientists specifically for work similar to the applicant's. The applicant requires the article for advanced teaching and research involving action potentials at single nodes of Ranvier where nerve constrictions occur and where the myelin sheath is absent. The Department of Health, Education, and Welfare (HEW) in its memorandum dated July 13, 1973 advises that the specific design of the article is pertinent to the purposes described above. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,  
Director,

Special Import Programs Division.

[FR Doc.73-15790 Filed 7-31-73; 8:45 am]

National Oceanic and Atmospheric  
Administration

JOHN H. HAMLET, ET AL.

## Exemption Application

Notice is hereby given that the following named individuals have filed applications for exemptions from the provisions

of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on grounds of undue economic hardship as authorized by section 101(c) of the Act, and § 216.13 of the Interim Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, 28182, December 21, 1972) for the taking of the marine mammals hereinafter described and for the purposes stated.

1. Mr. John N. Hamlet, Consultant Naturalist, Homosassa Springs, Inc., P.O. Box 8, Homosassa Springs, Florida 32647, to take two male and eight female California sea lions (*Zalophus californianus*) for public display.

The Applicant states:

(1) The sea lions would be taken off the coast of California between July and October 21, 1973, by professional sea lion capturers, acclimated by the capturers and shipped by air to the Applicant's facility;

(2) At the Applicant's facility the animals would be kept in a special pool at the mouth of a natural spring, where they would be fed by, and perform for, visitors;

(3) The animals would be a part of a nature exhibit featuring other animals such as fish and alligators, providing entertainment and information on nature to as many as 255,000 persons annually;

(4) If the economic hardship exemption is not granted the Applicant would suffer undue economic hardship in that he would lose as much as one-third of his ticket sales or as much as \$297,500 annually.

2. Gerald L. Kooyman, Ph.D., Physiological Research Laboratory, P.O. Box 1529, Scripps Institution of Oceanography, La Jolla, California 92037, telephone 714-453-1194, to take as many as five ice-breeding harbor seals (*Phoca vitulina largha*) for scientific research.

The Applicant states:

(1) The seals, weaned pups of approximately 40 pounds each, of either sex, would be taken near Cold Bay, Alaska, during August 1973 by members of the *Alpha Helix* team now collecting seals in the area under a Letter of Exemption issued on June 1, 1973, to Dr. Robert Elsner of the Institute of Marine Science, University of Alaska;

(2) Soon after capture the seals would be air shipped to the Applicant's laboratory at the Scripps Institution of Oceanography, with arrangements made so that the journey would require no more than 24 hours;

(3) The seals would be used in various experiments involving comparative studies of lung function, with no mortality expected, and afterward they would be donated to zoos or aquaria;

(4) The animals must be young animals which can be collected only in summer, and if the animals cannot be taken this August the Applicant would have to postpone his experiments until next summer;

(5) If the Applicant were not issued an exemption he would suffer undue economic hardship in that a planned three-

year program would have to be extended for an extra year and additional costs would be incurred in delay and replanning, and he would be unable to take advantage of having the *Alpha Helix* take the animals for him, thus losing considerable funds which would have to be spent otherwise for collectors fees.

3. Mr. P. F. McKenney, President, Theater of the Sea, Inc., P.O. Box 407, Islamadora, Florida 33036, to take three Atlantic bottle-nose dolphins (*Tursiops truncatus*) for public display.

The Applicant states:

(1) The animals would be taken by an experienced dolphin capturer in Florida Bay and transported to the Applicant's facility several miles away;

(2) The animals would be trained as performing animals, and shown for profit to paying visitors and free to groups of school children;

(3) If the exemption were not granted the Applicant would suffer undue economic hardship in that he would have only two dolphins, which are not sufficient dolphins with which to compete with other dolphin shows in the same area as the Applicant (one such nearby show having as many as 15 dolphins), and would be forced to close a business providing as much as \$210,739 annually.

4. Ralph C. Ring, Frontier Tanning Company, P.O. Box 122, Star Route A, Anchorage, Alaska, telephone 907-344-1453, to take 6,000 seal pups, species unspecified, and 6,000 Steller sea lion pups (*Eumetopias jubata*) for the commercial sale of hides.

The Applicant states:

(1) The sea lion pups would be taken from the following areas along the coast of Alaska, in the specified numbers: Marmot Island, 1,000; Akutan, 2,000; Bogoslof, 500; Ugamak, 1,000; and the Barren Islands, 1,500;

(2) The seal pups would be taken as available in the areas of Tugidak, Port Heiden, Port Mohler, Shumigan Islands, Ugat, Prince William Sound, Icy Bay, and the Kenai Peninsula;

(3) Some of the skins would be fleshed and brined and sold for further processing, while some would be completely processed for sale as commercially tanned skins;

(4) If the exemption were not granted, the Applicant would suffer undue economic hardship in that the business which he has worked 18 years to build would be forced to close.

Documents submitted in connection with these applications, other than confidential information, are available for inspection in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Offices of the Regional Directors, National Marine Fisheries Service as follows: For Ralph Ring, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907-586-7221. For Gerald L. Kooyman, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-831-9575. For John N. Hamlet and P. F. McKenney, Southeast

Region, William C. Cramer Federal Office Building, 144 First Avenue South, St. Petersburg, Florida 33701, telephone 813-893-3141. Any person wishing to comment on these applications may write to the Director or the appropriate Regional Director.

All statements and opinions contained in this notice in support of the applications are those of the Applicants and do not reflect the views of the National Marine Fisheries Service.

Dated July 27, 1973.

ROBERT W. SCHONING,  
Director, National Marine  
Fisheries Service.

[FR Doc.73-15817 Filed 7-31-73;8:45 am]

#### National Bureau of Standards CASTERS, WHEELS, AND GLIDES FOR HOSPITAL EQUIPMENT

##### Withdrawal of Commercial Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standard CS 223-59, "Casters, Wheels, and Glides for Hospital Equipment."

This action is taken in furtherance of the Department's announced intention, as set forth in the public notice appearing in the FEDERAL REGISTER of June 11, 1973 (38 FR 15378), to withdraw this standard.

The effective date for the withdrawal of this standard will be October 1, 1973. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: July 27, 1973.

RICHARD W. ROBERTS,  
Director.

[FR Doc.73-15865 Filed 7-31-73;8:45 am]

#### National Technical Information Service GOVERNMENT-OWNED INVENTIONS

##### Notice of Availability for Licensing

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

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

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at \$0.50 each. Requests

for licensing information should be directed to the address cited below for each agency.

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

U.S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014

Patent Application 348 673 Ammonium Ion Specific Electrode; filed Apr. 6, 1973; PC\$3.25/MP\$0.95.

Patent Application 354 673 Respirator; filed Apr. 26, 1973; PC\$3.75/MP\$0.95.

Patent Application 347 702 Electrode Insertion Device for Neuroelectrical Recordings; filed Apr. 4, 1973; PC\$3.00/MP\$0.95.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, N.W., Washington, D.C. 20240.

Patent Application 350 421 Process for Recovering Elemental Sulfur from Aqueous Suspensions; filed Apr. 12, 1973; PC\$3.00/MP\$1.45.

Patent Application 350 444 Determination of Sulfate Using Ferric Ion-Selective Electrode; filed Apr. 12, 1973; PC\$3.00/MP\$1.45.

Patent 3,733,255 Conversion of Municipal Refuse, Sewage Sludge and Other Wastes to Heavy Oil or Bitumen; filed Oct. 30, 1970, patented May 15, 1973; not available NTIS.

Patent 3,733,187 Process for Converting Solid Wastes to Pipeline Gas; filed Jun. 7, 1971; not available NTIS.

Patent 3,726,689 Animal Food from Raw Whole Fish; filed Nov. 18, 1970, patented Apr. 10, 1973; not available NTIS.

Patent 3,730,728 Animal Food from Raw Whole Fish; filed Nov. 18, 1970, patented May 1, 1973; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546

Patent Application 242 662 Optical Instruments; filed Apr. 10, 1972; PC\$3.00/MP\$1.45.

Patent Application 359 957 Noise Suppressor; filed May 14, 1973; PC\$3.00/MP\$1.45.

Patent Application 198 885 Ophthalmic Method and Apparatus; filed Nov. 15, 1971; PC\$3.00/MP\$1.45.

Patent Application 345 372 High Isolation RF Signal Selection Switches; filed Mar. 27, 1973; PC\$3.00/MP\$1.45.

Patent Application 359 039 Coherent Receiver Employing Nonlinear Coherence Detection for Carrier Tracking; filed May 10, 1973; PC\$4.00/MP\$1.45.

Patent Application 348 787 Voltage Monitoring System; filed Apr. 6, 1973; PC\$3.00/MP\$1.45.

Patent Application 353 162 Correlation Type Phase Detector; filed Apr. 20, 1973; PC\$3.25/MP\$0.95.

Patent Application 359 157 An Inverter Ratio Failure Detector; filed May 10, 1973; PC\$3.75/MP\$1.45.

Patent Application 359 156 A Device for Use in Loading Tension Members; filed May 10, 1973; PC\$3.00/MP\$1.45.

Patent Application 346 372 Signal Conditioner Test Set; filed Mar. 30, 1973; PC\$3.00/MP\$1.45.

Patent Application 347 952 Variable Resistance Constant Tension and Lubrication Device; filed Apr. 4, 1973; PC\$3.00/MP\$1.45.

Patent Application 348 422 Cermet Composition and Method of Fabrication; filed Apr. 5, 1973; PC\$3.75/MP\$1.45.

Patent Application 356 064 System for Depositing Thin Films; filed May 2, 1973; PC\$3.00/MP\$1.45.

[FR Doc.73-15675 Filed 7-31-73;8:45 am]

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD 119]

### WISCONSIN

#### Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Wisconsin, dated April 30, 1973, and published May 4, 1973 (38 FR 11139); amended May 9, 1973, and published May 14, 1973 (38 FR 12636); and amended June 1, 1973, and published June 6, 1973 (38 FR 14888), is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 27, 1973:

The County of:

Adams

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated: July 25, 1973.

THOMAS P. DUNNE,  
Administrator, Federal  
Disaster Assistance Administration.

[FR Doc.73-15788 Filed 7-31-73;8:45 am]

#### Office of Interstate Land Sales Registration

[Docket No. N-73-186; Administrative Division Docket No. 73-45]

### MINE MOUNTAIN, ET AL.

#### Notice of Hearing

Notice is hereby given that:

1. Mine Mountain Corporation, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing dated June 11, 1973, which was sent to the Developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45 (b)(1) informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the Developer's Statement of Record for Mine Mountain, and the failure of the Developer to amend the pertinent sections of the Statement of Record and Property Report.

2. The Respondent filed an answer received July 2, 1973, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for a hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Administrative Law Judge Joseph L. Fitzmaurice, in room 7233, Department of HUD Build-

ing, 451 7th Street, S.W., Washington, D.C. on August 9, 1973 at 10:00 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before August 2, 1973.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 26, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,  
Interstate Land Sales  
Administrator.

[FR Doc.73-15809 Filed 7-31-73;8:45 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 73-157N]

### EQUIPMENT, CONSTRUCTION, AND MATERIALS

#### Approval Notice

(1) Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from May 7, 1973 to May 16, 1973 (List No. 13-73). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

(2) The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

(3) The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless

sooner cancelled or suspended by proper authority.

**LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5**

Approval No. 160.002/2/1, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, and COMDT (GMMT-3/83) letter dated March 29, 1973, Type I PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.002/2/1 dated March 29, 1973 to show change of name of manufacturer.)

Approval No. 160.002/3/1, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, and COMDT (GMMT-3/83) letter dated March 29, 1973, Type I PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.002/3/1 dated March 29, 1973 to show change of name of manufacturer.)

Approval No. 160.002/118/0, Model 2, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.002/118/0 dated February 2, 1973 to show change of name of manufacturer.)

Approval No. 160.002/119/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.002/119/0 dated February 2, 1973 to show change of name of manufacturer.)

**LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE), FOR MERCHANT VESSELS**

Approval No. 160.017/40/0, Model 12 PL-S, Type II embarkation-debarkation ladder, chain suspension, (8-0 lock link chain), steel ears, dwg. dated January 16, 1970, approval limited to ladders 90 feet or less in length, manufactured by H. K. Metalcraft Manufacturing Corporation, 35 Industrial Road, P.O. Box 275, Lodi, New Jersey 07644, effective May 7, 1973. (It supersedes Approval No. 160.017/40/0 dated November 30, 1970 to show increase in allowable length.)

**SIGNALS, DISTRESS, HAND, ORANGE SMOKE, FOR MERCHANT VESSELS**

Approval No. 160.037/4/0, Bristol Marine hand orange smoke distress signal, dwg. No. 600 revised June 2, 1958, manufactured by Bristol Flare Corporation, State Road, P.O. Box 540, Bristol, Pennsylvania 19007, effective May 9, 1973. (It is an extension of Approval No. 160.037/4/0 dated August 27, 1968.)

**BUOYANT VESTS, KAPOK, OR FIBROUS GLASS**

Approval No. 160.047/300/0, adult, Model AK-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 154, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.047/300/0 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.047/301/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 154, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.047/301/0 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.047/302/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 154, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.047/302/0 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.047/601/0, adult, Model AK-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 144, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.047/601/0 dated November 2, 1972 to show change of name of manufacturer and change of address of distributor.)

Approval No. 160.047/602/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 144, Type II PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.047/602/0 dated November 2, 1972 to show change of name of manufacturer and change of address of distributor.)

Approval No. 160.047/603/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.047 and UL/MD report file No. MQ 144, Type II PFD, manufactured by

Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.047/603/0 dated November 2, 1972 to show change of name of manufacturer and change of address of distributor.)

**BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS**

Approval No. 160.048/3/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i), Type IV PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.048/3/0 dated February 1, 1972 to show change of name of manufacturer.)

Approval No. 160.048/5/1, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. No. C-31 dated September 15, 1965, and Bill of Materials dated December 29, 1965, Type IV PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.048/5/1 dated February 2, 1973 to show change of name of manufacturer.)

Approval No. 160.048/244/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i), Type IV PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.048/244/0 dated February 2, 1973 to show change of name of manufacturer.)

Approval No. 160.048/245/0, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushions, 21-oz. kapok, dwg. No. C-31 dated September 15, 1965, and Bill of Materials dated December 29, 1965, Type IV PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.048/245/0 dated February 2, 1973 to show change of name of manufacturer.)

**BUOYS, LIFE, RING, UNICELLULAR PLASTIC**

Approval No. 160.050/12/3, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, Type

IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.050/12/3 dated February 1, 1972 to show change of name of manufacturer.)

Approval No. 160.050/13/3, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.050/13/3 dated February 1, 1972 to show change of name of manufacturer.)

Approval No. 160.050/14/3, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.050/14/3 dated February 1, 1972 to show change of name of manufacturer.)

Approval No. 160.050/53/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.050/53/0 dated February 2, 1973 to show change of name of manufacturer.)

Approval No. 160.050/54/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 15, 1973. (It supersedes Approval No. 160.050/54/0 dated February 2, 1973 to show change of name of manufacturer.)

Approval No. 160.050/55/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwgs. No. 175-LA-3 revised December 26, 1963, or No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 15, 1973. (It supersedes Approval No. 160.050/55/0 dated February 2, 1973 to show change of name of manufacturer.)

Approval No. 160.050/65/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwg. No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.050/65/0 dated September 12, 1969 to show change of address of manufacturer.)

Approval No. 160.050/66/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwg. No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.050/66/0 dated September 12, 1969 to show change of address of manufacturer.)

Approval No. 160.050/67/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwg. No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.050/67/0 dated September 12, 1969 to show change of address of manufacturer.)

Approval No. 160.050/68/0, 20-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwg. No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 068952, manufactured by Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, for Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.050/68/0 dated September 12, 1969 to show change of

name of distributor and change of address of manufacturer.)

Approval No. 160.050/69/0, 24-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwg. No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, for Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.050/69/0 dated September 12, 1969 to show change of name of distributor and change of address of manufacturer.)

Approval No. 160.050/70/0, 30-inch unicellular plastic ring life buoy, U.S.C.G. Specification Subpart 160.050 and American Pad & Textile Company dwg. No. 175-LA-4 revised June 15, 1964, Type IV PFD, buoy bodies made by B. F. Goodrich Company, Sponge Products Division, Shelton, Connecticut 06852, manufactured by Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, for Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.050/70/0 dated September 12, 1969 to show change of name of distributor and change of address of manufacturer.)

#### BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.052/119/1, adult, Model 245, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 154, Type II PFD, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.052/119/1 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.052/120/1, child medium, Model 246M, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 154, Type II PFD, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.052/120/1 dated November 2, 1972 to show change of name of manufacturer.)

Approval No. 160.052/121/1, child small, Model 246S, non-standard unicellular plastic foam buoyant vest, manufactured in accordance with U.S.C.G. Specification Subpart 160.052 and UL/MD report file No. MQ 154, Type II PFD, manufactured by Campco Ventures, Inc., P. O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco,

Inc., effective May 16, 1973. (It supersedes Approval No. 160.052/121/1 dated November 2, 1972 to show change of name of manufacturer.)

#### WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/4/1, style Nos. 228 and 229, unicellular plastic foam, cloth-covered work vest, dwg. Nos. 282-1, 282-2, and 282-3 dated February 11, 1965, bill of materials (sheets 1 to 4) dated February 11, 1965, and COMDT (GMMT-3/83) letter dated March 29, 1973, Type IV PFD, approved for use on merchant vessels when engaged in work activities, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.053/4/1 dated March 29, 1973 to show change of name of manufacturer.)

#### LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/60/0, Type IB, Model 67, child cloth covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, U.S.C.G. Dwg. No. 160.055-IB(Sheets 3 & 4), Tapatco Dwg. Nos. C-277-1-1, C-277-2-2, and C-277-3-3, COMDT(MMT-3) letter dated December 27, 1966, and COMDT (GMMT-3/83) letter dated March 29, 1973, Type I PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.055/60/0 dated March 29, 1973 to show change of name of manufacturer.)

Approval No. 160.055/61/0, Type IB, Model 63, adult cloth covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, U.S.C.G. Dwg. No. 160.055-IB(Sheets 1 & 2), Tapatco Dwg. Nos. C-276-1-1, C-276-2-2, and C-276-3-3, COMDT(MMT-3) letter dated December 27, 1966, and COMDT(GMMT-3/83) letter dated March 29, 1973, Type I PFD, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533; formerly Tapatco, Inc., effective May 16, 1973. (It supersedes Approval No. 160.055/61/0 dated March 29, 1973 to show change of name of manufacturer.)

Approval No. 160.055/83/0, Type IB, Model 67, child cloth covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, U.S.C.G. Dwg. No. 160.055-IB(Sheets 3 & 4), Tapatco Dwg. Nos. C-277-1-1, C-277-2-2, and C-277-3-3 and COMDT (MMT-3) letter dated December 27, 1966, Type I PFD, approved for use on all vessels and motorboats, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.055/83/0 dated February 2, 1973 to show change of name of manufacturer.)

Approval No. 160.055/84/0, Type IB, Model 63, adult cloth covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, U.S.C.G. Dwg. No. 160.055-IB (Sheets 1 & 2), Tapatco Dwg. Nos. C-276-1-1, C-276-2-2, and C-276-3-3 and COMDT (MMT-3) letter dated December 27, 1966, Type I PFD, approved for use on all vessels and motorboats, manufactured by Campco Ventures, Inc., P.O. Box 49, 1891 Woolner Avenue, Fairfield, California 94533, formerly Tapatco, Inc., for Outdoor Supply Company, Inc., 8 Industry Drive, Oxford, North Carolina 27565, effective May 15, 1973. (It supersedes Approval No. 160.055/84/0 dated February 2, 1973 to show change of name of manufacturer.)

#### EMERGENCY LOUDSPEAKER SYSTEM

Approval No. 161.004/1/1, Galbraith marine emergency loudspeaker system, Type E-27500, amplifier panel assembly dwg. No. E-27506, manufactured by Galbraith-Pilot Marine Corporation, Division of Marine Electric Corporation, 600 Fourth Avenue, Brooklyn, New York 11215, effective May 15, 1973. (It supersedes Approval No. 161.004/1/0 dated October 17, 1968 to show additional drawings.)

#### INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/155/0, "Birma Incombustible CG Fine Insulation" fibrous glass insulation material identical to that described in National Bureau of Standards Test Report FR3841 dated May 1, 1973 and Birma Products Corporation letter dated June 29, 1972, approved in 1" thickness and 4.5 pounds per cubic foot density, manufactured by Birma Products Corporation, Jernee Mill Road, Sayreville, New Jersey 08872, Plants located in Sayreville, New Jersey and Greenfield, Indiana, effective May 16, 1973.

Dated: July 26, 1973.

W. F. REA, III,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Merchant  
Marine Safety.

[FR Doc.73-15831 Filed 7-31-73; 8:45 am]

[CGD 73-156N]

#### EQUIPMENT, CONSTRUCTION, AND MATERIALS

##### Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) requires that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described

during the period from April 18, 1973 to May 3, 1973 (List No. 12-73). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

#### LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

Approval No. 160.002/6/1, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective April 25, 1973. (It supersedes Approval No. 160.002/6/1 dated August 21, 1968.)

Approval No. 160.002/7/1, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective April 25, 1973. (It supersedes Approval No. 160.002/7/1 dated August 26, 1968.)

Approval No. 160.002/65/1, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Crawford Manufacturing Company, Inc., 3rd & Decatur Streets, Richmond, Virginia 23212, effective April 25, 1973. (It supersedes Approval No. 160.002/65/1 dated August 26, 1968.)

Approval No. 160.002/70/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by The Safeguard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio 45214, effective April 25, 1973. (It supersedes Approval No. 160.002/70/0 dated August 26, 1968.)

Approval No. 160.002/71/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by The Safeguard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio 45214, effective April 25, 1973. (It supersedes Approval No. 160.002/71/0 dated August 26, 1968.)

Approval No. 160.002/74/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Billy Boy Products, Inc., Quincy, Michigan 49082, effective April 25, 1973. (It supersedes Approval

No. 160.002/74/0 dated August 26, 1968.)

Approval No. 160.002/75/0, Model 5, child kapok life preserver, U.S.C.G. Specification subpart 160.002, Type I PFD, manufactured by Billy Boy Products, Inc., Quincy, Michigan 49082, effective April 25, 1973. (It supersedes Approval No. 160.002/75/0 dated August 26, 1968.)

Approval No. 160.002/98/0, Model 3, adult kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Elvin Salow Company, 273-285 Congress Street, Boston, Massachusetts 02210, for West Products Company, P. O. Box 707, Newark, New Jersey 07101, effective April 25, 1973. (It supersedes Approval No. 160.002/98/0 dated August 28, 1968.)

Approval No. 160.002/99/0, Model 5, child kapok life preserver, U.S.C.G. Specification Subpart 160.002, Type I PFD, manufactured by Elvin Salow Company, 273-285 Congress Street, Boston, Massachusetts 02210, for West Products Company, P. O. Box 707, Newark, New Jersey 07101, effective April 25, 1973. (It supersedes Approval No. 160.002/99/0 dated August 28, 1968.)

#### LIFEBOATS

Approval No. 160.035/396/4, 24.0' x 8.0' x 3.5' fibrous glass reinforced plastic (FRP) hand-propelled lifeboat, 40-person capacity, identified by construction and arrangement drawing No. P-24-1C Rev. L dated September 15, 1972, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"—3,077 pounds; Condition "B"—10,183 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective April 18, 1973. (It supersedes Approval No. 160.035/396/3 dated April 24, 1969 to show change in construction.)

#### BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/18/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i), Type IV PFD, manufactured by The Safeguard Corporation, Box 14037, P.O. Annex, Cincinnati, Ohio 45214, effective April 25, 1973. (It supersedes Approval No. 160.048/18/0 dated August 26, 1968.)

#### INFLATABLE LIFE RAFTS

Approval No. 160.051/1/1, inflatable life raft, 4-person capacity, identified by general arrangement dwg. No. SEC/MN/4001, alt. 6 dated May 19, 1966, and Drawing List dated March 29, 1973, 4-person capacity size not permitted on a cargo, passenger, or tank vessel engaged in an international voyage: see 46 CFR 75.10-5(b) (4), 94.10-5(b) (3), or 33.01-30(f), manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/1/0 dated August 20, 1970 to show change in design.)

Approval No. 160.051/2/3, inflatable life raft, 6-person capacity, identified by general arrangement dwg. No. SEC/MN/6001, alt. 6 dated May 19, 1966, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/2/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/3/3, inflatable life raft, 8-person capacity, identified by general arrangement dwg. No. SEC/MN/8001, alt. 7 dated May 19, 1966, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/3/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/4/3, inflatable life raft, 10-person capacity, identified by general arrangement dwg. No. SEC/MN/10001, alt. 7 dated May 19, 1966, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/4/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/5/3, inflatable life raft, 15-person capacity, identified by general arrangement dwg. No. SEC/MN/15001, alt. 5 dated November 30, 1965, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/5/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/6/3, inflatable life raft, 25-person capacity, identified by general arrangement dwg. No. SEC/MN/25001, alt. 4 dated November 30, 1965, or SEC/MN/25001 A, alt. 2 dated November 30, 1965, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/6/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/10/3, inflatable life raft, 12-person capacity, identified by general arrangement dwg. No. SEC/MN/12001, alt. 3 dated November 30, 1965, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/10/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/11/3, inflatable life raft, 20-person capacity, identified by general arrangement dwg. No. SEC/MN/20001, alt. 3 dated November 30, 1965, or SEC/MN/20001 A, alt. 2 dated November 30, 1965, and Drawing List dated March 29, 1973, satisfies requirements for inflatable life raft of 1960 International Convention for Safety of Life at Sea, manufactured by the Patten Company, Inc., Lake Worth, Florida 33460, for C. J. Hendry Company, 139 Townsend Street, San Francisco, California 94107, effective April 20, 1973. (It supersedes Approval No. 160.051/11/2 dated August 20, 1970 to show change in design.)

Approval No. 160.051/13/3, 4-person inflatable life raft; identified by general arrangement drawing SPC-MM-4002 (Rev. 7) dated April 6, 1973, and drawing list SPC-MM-4, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/13/2 dated January 8, 1973 to show change in design.)

Approval No. 160.051/14/2, 6-person inflatable life raft; identified by general arrangement drawing SPC-MM-6002 (Rev. 6) dated April 6, 1973, and drawing list SPC-MM-6, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/14/1 dated January 8, 1973 to show change in design.)

Approval No. 160.051/15/4, 8-person inflatable life raft; identified by general arrangement drawing SPC-MM-8002 (Rev. 9) dated April 6, 1973, and drawing list SPC-MM-8, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/15/3 dated January 8, 1973 to show change in design.)

Approval No. 160.051/16/4, 10-person inflatable life raft; identified by general arrangement drawing SPC-LRC-10002 (Rev. 9) dated April 6, 1973, and drawing list SPC-MM-10, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/16/3 dated January 8, 1973 to show change in design.)

Approval No. 160.051/18/4, 15-person inflatable life raft; identified by general

arrangement drawing SPC-LRC-15002 (Rev. 8) dated April 6, 1973, and drawing list SPC-MM-15, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/18/3 dated January 8, 1973 to show change in design.)

Approval No. 160.051/19/4, 20-person inflatable life raft; identified by general arrangement drawing SPC-MM-20002 (Rev. 8) dated April 6, 1973, and drawing list SPC-MM-20, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/19/3 dated January 8, 1973 to show change in design.)

Approval No. 160.051/20/4, 25-person inflatable life raft; identified by general arrangement dwg. SPC-MM-25002 (Rev. 9) dated April 6, 1973, and drawing list SPC-MM-25, revised October 6, 1972, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective April 24, 1973. (It supersedes Approval No. 160.051/20/3 dated January 8, 1973 to show change in design.)

#### WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/23/1, Model 8225, vinyl coated unicellular plastic foam work vest, dwg. No. 8225/9/66, revision 2 dated June 10, 1968, Type V PFD, approved for use on Merchant Vessels when engaged in work activities, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective April 25, 1973. (It supersedes Approval No. 160.053/23/1 dated August 29, 1968.)

Approval No. 160.053/26/0, Model 8230, vinyl coated unicellular plastic foam work vest, dwg. No. 8230/7/68 dated July 25, 1968, Type V PFD, approved for use on Merchant Vessels when engaged in work activities, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective April 25, 1973. (It supersedes Approval No. 160.053/26/0 dated August 29, 1968.)

#### SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/158/1, child small, Model BJS, cloth covered unicellular plastic foam "Boating Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76300, formerly Texas Water Crafters, effective April 18, 1973. (It supersedes Approval No. 160.064/158/0 dated June 22, 1972 to show revision of model and change of name of manufacturer.)

Approval No. 160.064/159/1, child medium, Model BJM, cloth covered uni-

cellular plastic foam "Boating Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76300, formerly Texas Water Crafters, effective April 18, 1973. (It supersedes Approval No. 160.064/159/0 dated June 22, 1972 to show revision of model and change of name of manufacturer.)

Approval No. 160.064/160/1, adult large, Model BJL, cloth covered unicellular plastic foam "Boating Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76300, formerly Texas Water Crafters, effective April 18, 1973. (It supersedes Approval No. 160.064/160/0 dated June 22, 1972 to show revision of model and change of name of manufacturer.)

Approval No. 160.064/161/1, adult X-large, Model BJXL, cloth covered unicellular plastic foam "Boating Jacket", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 3, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76300, formerly Texas Water Crafters, effective April 18, 1973. (It supersedes Approval No. 160.064/161/0 dated June 22, 1972 to show revision of model and change of name of manufacturer.)

#### APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/123/1, Model No. C-293H range for liquefied petroleum gas service approved by the American Gas Association, Inc., approval also covers Model No. C-293-1E which is the same as Model No. C-293H except for a "Hot Top" Plate which covers 2 burners, manufactured by Welbilt Corporation, Garland Division, Welbilt Square, Maspeth, New York 11352, effective April 30, 1973. (It supersedes Approval No. 162.020/123/0 dated March 16, 1970.)

#### INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/164/0, Marine Veneer, Colored Marine Veneer, Dekeran, and Textured Dekeran, plain or perforated, inorganic heavy density sheets as described in Johns-Manville letter of April 25, 1973, manufactured by Johns-Manville Sales Corporation, 270 Madison Avenue, New York, New York 10016, effective May 3, 1973.

Dated: July 26, 1973.

W. F. REA, III,  
Rear Admiral, U.S. Coast Guard,  
Chief, Office of Merchant  
Marine Safety.

[FR Doc.73-15832 Filed 7-31-73;8:45 am]

## ATOMIC ENERGY COMMISSION

### CAROLINA POWER & LIGHT CO.

#### Order Postponing Hearing

In the Matter of Carolina Power & Light Co., Docket Nos. 50-400, 50-401, 50-402, 50-403 (Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4).

Please take notice that the public hearing in this proceeding, which had been scheduled to start on August 6, 1973 in Courtroom 2, New Federal Building, 310 New Bern Avenue, Raleigh, North Carolina, has been postponed sine die.

The evidentiary hearing is to be held before an Atomic Safety and Licensing Board to consider the application of the Carolina Power and Light Company (the Applicant) for construction permits for four pressurized water nuclear reactors proposed to be located on the Applicant's site 20 miles southwest of Raleigh, North Carolina. The hearing will be rescheduled for a later date to be determined later and will be the subject of prior advance notice to the parties and the public.

It is so ordered.

For the Atomic Safety and Licensing Board.

Issued at Washington, D.C. this 26th day of July, 1973.

THOMAS W. REILLY, Esq.,  
Chairman.

[FR Doc.73-15781 Filed 7-31-73;8:45 am]

[Docket Nos. 50-445, 50-446]

## TEXAS UTILITIES GENERATING CO. ET AL.

### Notice of Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report, etc.

The Texas Utilities Generating Company, Dallas Power and Light Company, Texas Electric Service Company, and Texas Power and Light Company (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed an application, which was docketed July 20, 1973, for authorization to construct and operate two generating units utilizing pressurized water reactors. The application was tendered on June 5, 1973. Following a preliminary review for completeness, it was accepted on July 18, 1973, for docketing.

The proposed nuclear facilities, designated by the applicants as the Comanche Peak Steam Electric Station, Units 1 and 2, are located on the applicants' site in Somervell County, Texas, approximately 4½ miles north of Glen Rose, Texas, and approximately 40 miles southwest of Fort Worth in North Central Texas. Each reactor is designed for initial operation at approximately 3411 megawatts (thermal), with a net electrical output of approximately 1159 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such





be permitted to discuss the practices involved in C.O.D. services during the course of the discussions authorized by Order 73-6-8.

In support of its request, the petition alleges:

1. The Board, by EDR-244, Notice of Proposed Rule Making, dated April 26, 1973, proposed to require air freight forwarders and international air freight forwarders to remit all C.O.D. collections to the consignor or his designee within ten days after delivery of the shipment and to provide surety bond protection to consignors for C.O.D. collections. Rather than impose the requirements proposed in EDR-244 on forwarders, the Board should permit all carriers to attempt to jointly resolve any difficulties in the aforementioned discussions.

2. Since practices relating to C.O.D. shipments involve the extension of credit to shippers and collection of charges from consignees, they appear to fall within the scope of the discussions authorized by Order 73-6-8.

3. Since the discussions authorized by Order 73-6-8 clearly encompass potential clearing house arrangements and credit procedures, agreements as to tariffs and practices resulting from these discussions may well provide appropriate mechanisms to deal with the remittance of C.O.D. amounts.

4. Both direct and indirect carriers will be involved in the authorized discussions, and the inclusion of this issue would allow a complete discussion of all related topics.

The airlines filed an answer<sup>1</sup> to the petition for reconsideration stating that the inclusion of C.O.D. remittance practices would impede the orderly movement of the authorized discussions toward resolution of credit problems within the current time limitations, and that the appropriate forum for consideration of C.O.D. problems is the Board's current rulemaking proceeding (EDR-244).

The Board has considered the petition for reconsideration, the answer thereto, and other relevant factors, and has concluded to deny the petition.

While petitioner asserts that the practices relating to C.O.D. shipments involve extension of credit to shippers, this is not the case. C.O.D. monies must be collected before a shipment may be released to the consignee, and they are funds held by the carrier in trust for prompt transmission to consignor or his designee. Thus C.O.D.'s do not involve the extension of credit on the C.O.D. amount. Except as noted below, the mat-

ter of remittances of C.O.D. amounts does not involve a problem which can be feasibly resolved only through discussions, nor do carrier discussions on C.O.D. rules, fees, and practices generally appear to be in the public interest. Accordingly, the Board denies the request to embrace generally the matter of C.O.D.'s within the authorized discussions.

Order 73-6-8 does, however, authorize the discussions to include possible clearing house arrangements and procedures among carriers with respect to collection of freight transportation charges. In order to enable the carriers to consider the possibility of utilizing such procedures to handle C.O.D. remittances, we have determined to authorize discussion of clearing house arrangements and procedures for the remittance of C.O.D. collections.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. The discussions authorized by Order 73-6-8 may include discussion of clearing house arrangements and procedures for the remittance of C.O.D. collections.

2. Except to the extent granted herein, the petition of Emery Air Freight Corporation in Docket 25398 for reconsideration of Order 73-6-8 is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,  
Secretary.  
[FR Doc.73-15851 Filed 7-31-73;8:45 am]

[Docket No. 25489]

#### ZANTOP INTERNATIONAL AIRLINES INC., AND HAWAIIAN AIRLINES

##### Notice of Proposed Approval

Joint application of Zantop International Airlines, Inc. and Hawaiian Airlines, Inc. for approval of an agreement or, in the alternative, a disclaimer of jurisdiction, Docket 25489.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until August 14, 1973, within which to file comments or request a hearing with respect to the action proposed in the order.

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

[SEAL] WILLIAM B. CALDWELL, JR.,  
Director, Bureau of  
Operating Rights.

By application filed on May 1, 1973<sup>1</sup> Zantop International Airlines, Inc. (Zantop International) and Hawaiian Airlines, Inc. (Hawaiian) request disclaimer of jurisdiction.

<sup>1</sup>The application was supplemented by two letters, each dated July 12, 1973.

tion or, alternatively, approval pursuant to the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended (the Act) with respect to a transaction involving the lease by Hawaiian to Zantop International of seven Convair 640 aircraft with options to purchase at the current market price.<sup>2</sup>

Zantop International is a commercial operator of large aircraft subject to Part 121 of the Federal Aviation Regulations and operates its aircraft in contract carriage of cargo. Hawaiian is a certificated air carrier.

With respect to the seven aircraft, five aircraft leases run for periods of nine years each, and two others extend over periods of ten years each. Two of the aircraft were delivered to Zantop International on or about July 31, 1972. The monthly rental payments over the period of the respective leases are neither regular nor uniform.<sup>3</sup>

In support of the request for disclaimer, the applicants state that five Convair aircraft are excess to Hawaiian's needs and have been grounded for the last few months, and that, apart from such aircraft, the air carrier's fleet is composed of nine DC-9's and two Convair aircraft. On the assumption that the five recently grounded Convair aircraft do not constitute part of Hawaiian's fleet, the applicants also state that the blanket exemption afforded by Part 299 of the Board's Economic Regulations would be available—but for the fact that Zantop is not an "air carrier."<sup>4</sup> In these circumstances, applicants contend that the transaction which involves the lease of seven Convair aircraft to Zantop International, although exceeding the Board's 10 percent rule of thumb,<sup>5</sup> does not involve a substantial portion of the properties of Hawaiian under section 408(a)(2) of the Act.

In support of the request for approval of the lease transactions, applicants state that the Convair aircraft are excess to Hawaiian's needs and their disposal will permit the air carrier to become an all-jet carrier with attendant benefits of fleet standardization.

No objections to the application or requests for a hearing have been received.

<sup>2</sup>In addition to the aircraft, each lease transaction includes three spare propellers and other spare parts.

<sup>3</sup>For example, the monthly payments under the respective leases generally range between \$1,000 and \$7,000, and in two of the leases there are no payments due for six or seven designated months. The variations in rental payments arise by reason of additional payments which are required to be made simultaneously to Hawaiian by Zantop on an independent \$600,000 obligation, arising from the purchase of six spare engines and evidenced by quarterly notes of \$20,000 plus interest. Zantop's payment schedule for combined lease and debt obligations is designed to reflect a total fixed monthly liability of \$45,000.

<sup>4</sup>Part 299 provides that an exemption is available if the transaction involves less than \$30 million in market value, less than 10 aircraft, and less than 20 percent of the total number, the market value, or total lift capacity of the aircraft of the owner/lessor air carrier.

<sup>5</sup>Frontier Airlines, Inc., Order 70-11-13, November 4, 1970; Allegheny Airlines, Inc., Order 70-11-14, November 4, 1970. By these orders the Board disclaimed jurisdiction over lease transactions wherein the leased aircraft constituted less than 10 percent of the number, less than 10 percent of the market value, and less than 10 percent of the air carrier's total lift capacity.

<sup>1</sup>The consolidated answer is in behalf of Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hughes Airwest\*, National Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Airlines\*, Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

\*I.e., Air West (Hughes Air Corp. d/b/a Air West) and Piedmont Aviation, Inc.

Notice of intent to dispose of the application without a hearing has been published in the Federal Register, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration\* it is concluded that the lease transaction may involve a substantial part of the properties of Hawaiian, and therefore, may be subject to section 408 of the Act. Applicants concede that the aircraft to be leased exceeds the 10 percent rule of thumb used by the Board in disclaiming jurisdiction in *Frontier Airlines, Inc.* and *Allegheny Airlines, Inc.*, supra. Also, because Zantop International claims to be a contract carrier and not an "air carrier," within the meaning of the Act, the blanket exemption afforded by Part 299 of the Board's Economic Regulations is not available to it.<sup>2</sup>

However, it is further concluded that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not restrain competition. Further, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing. It appears that the Convair aircraft are surplus to Hawaiian's needs and that the disposal of the aircraft would permit Hawaiian not only to standardize its fleet as an all-jet carrier, but also to maintain its ability to consummate its obligations under the transaction without depriving itself of aircraft necessary to meet its own commitments. In addition, the transaction is similar to others approved by the Board.<sup>3</sup> Under all the circumstances, it is not found that the lease transaction will be inconsistent with the public interest or that the conditions of section 408 otherwise will be unfulfilled.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing transaction should be approved under section 408 of the Act, to the extent applicable, without a hearing.

Accordingly, It is ordered; That:

\*Notwithstanding Zantop's acceptance of delivery of two Convair 640 aircraft from Hawaiian prior to the filing of the application herein, it has been concluded that, to the extent applicable, exceptional circumstances exist within the meaning of the Sherman Doctrine, 15 CAB 875 (1952), and that there is no impediment to the processing of the application on its merits.

<sup>2</sup>Applicants' contention that five 640 Convair aircraft are grounded and in excess of Hawaiian's needs is relevant to the issue of Board approval of the transaction rather than to the question of the Board's assertion of jurisdiction over the transaction. See *Flying Tiger Line Inc.*, Order 73-4-109, April 26, 1973.

<sup>3</sup>While nothing herein should be construed as indicating that the activities of Zantop International do or do not constitute "air transportation" for the purposes of the Act, it also is noted that the seven Convair aircraft to be leased from Hawaiian exceed the percentage limitation contained in § 299.2 (b) (3).

<sup>4</sup>Cf. *Aries Air Cargo International, Inc.* and *Overseas National Airways, Inc.*, Order 73-4-104, April 25, 1973.

1. The subject leases by Zantop International Airlines, Inc. of seven Convair 640 aircraft from Hawaiian Airlines, Inc., as described in the application in Docket 25489, be and they hereby are approved pursuant to section 408 to the extent applicable; and

2. To the extent not granted herein, all other requests be and they hereby are dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

BY WILLIAM B. CALDWELL, Jr.,  
Director, Bureau of  
Operating Rights.

[SEAL]

EDWIN Z. HOLLAND,  
Secretary.

[FR Doc.73-15852 Filed 7-31-73; 8:45 am]

[DOCKETS NO. 25583, 25603]

**RONSON CORP. AND RONSON  
HELICOPTERS, INC.**

**Acquisition of Control by Liquigas, S.p.A.  
Et Al.; Notice of Prehearing Conference**

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 5, 1973, at 10:00 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Joseph L. Fitzmaurice.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before August 17, 1973, and the other parties on or before August 28, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., July 27, 1973.

[SEAL]

RALPH L. WISER,  
Chief Administrative Law Judge.

[FR Doc.73-15853 Filed 7-31-73; 8:45 am]

**ENVIRONMENTAL PROTECTION  
AGENCY**  
**ENVIRONMENTAL IMPACT STATEMENTS**  
Availability of EPA Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309

of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of June 16, 1973, and June 30, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Order 1640.1, setting forth the policies and procedures for EPA's review of agency actions, may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: July 19, 1973.

REBECCA W. HANMER,  
Acting Director,  
Office of Federal Activities.

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

**Environmental Impact of The Action**  
 LO—Lack of Objection  
 EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

**ER—Environmental Reservations**  
 EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

**EU—Environmentally Unsatisfactory**  
 EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

APPENDIX I

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE LISTED BETWEEN JUNE 16, 1973 AND JUNE 30, 1973

Identifying number	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission D-AEC-6605-NJ	Newbold Island nuclear generating station, units 1 and 2, New Jersey	ER-2 A	
Department of Agriculture D-AFS-6114-OB	Anthony Lakes recreation area, Oregon	LO-2 K	
D-AFS-6266-AZ	Vegetation control with herbicides in State of Arizona	ER-2 J	
D-SCS-36159-IN	Fall Creek Watershed, Warren County, North Carolina	LO-2 F	
Chrysler Corporation D-COE-3062-VA	Beach erosion control project, Virginia Beach, Virginia	ER-2 D	
D-COE-33016-NY	Maintenance of New Rochelle Harbor, navigation, New York	LO-2 C	
D-COE-3429-NY	City Island, Navigation Project, New York	ER-2 C	
D-COE-3467-MO	James P. Clark Memorial River Basin, Missouri	ER-2 H	
D-COE-3673-FL	C-33 and River Hillsborough River Basin, Tampa, Florida	ER-2 E	
D-COE-3675-NY	Flood control project Saw Mill River, Yonkers, New York	LO-2 C	
D-COE-3675-MN	Minnesota River at Chaska, Carver County, Minnesota	ER-2 F	
D-COE-3682-CA	Moriches Creek Stream Group, Sacramento, California	LO-1 J	
D-COE-3692-AR	Bayou Bartholomew and tributaries, Arkansas and Louisiana	ER-2 G	
Federal Power Commission D-FPC-6542-CA	Rehobothing Canal project No. 382, Kern River, California	LO-1 J	
Department of Housing and Urban Development D-HUD-8017-MO	Urban renewal project, center I, MO R-92, Missouri	LO-2 H	
D-BLM-8509-AZ	Proposed plant townsite, Phoenix, Arizona	ER-2 J	
Department of Transportation D-FAA-6174-NB	Superior Municipal Airport, Superior, Nebraska	LO-1 H	
D-FHW-4178-WI	Waldo Boulevard, City of Manitowish, Wisconsin	LO-2 F	
D-FHW-4178-TX	Cobb County, project S-288(2) 4 lane urban road, Georgia	LO-2 E	
D-FHW-4178-MD	Maryland Route 43, Baltimore County, Maryland	F D	
D-FHW-4178-TX	Loop 9, Denton Tap Road and Safford Lake Road, E. TX	F G	
D-FHW-4178-CT	I-84 East Hartford and Meriden, Connecticut	ER-2 B	
D-FHW-4180-MN	Mississippi Street between East River Road, University, Minnesota	LO-1 F	
D-FHW-4180-AK	Eden Creek to Ekinuta, Alaska	LO-1 K	
D-FHW-4180-WA	R. 9, West Shore Mercer Island to Mercer Slough, Washington	LO-1 K	
D-FHW-4180-MO	Routes 60, 24 and 24 Spur, Carrollton, Carroll, Missouri	LO-2 H	
D-FHW-4182-WA	26th Avenue to 14th Avenue, City of Spokane, Washington	LO-1 K	
D-FHW-4182-OR	S.E. 80th Avenue to S.E. 106th Avenue, Foster/Woodstock Complex, Portland, Oregon	LO-1 K	
D-FHW-4184-FL	Proposed Shoreline Parkway Barrancas Avenue, Escambia, Florida	LO-2 E	
D-FHW-4185-SC	Laurens County, extension of Church Street, Laurens, South Carolina	LO-2 E	
D-FHW-4185-NC	I-65, Fayetteville Bypass, Cumberland County, North Carolina	LO-2 E	
D-FHW-4181-TX	Loop 500, S.H. 7 SW Center E., N. and NW to SH 7N, Texas	LO-2 G	
D-FHW-4184-FL	Walton and Okaloosa County, (S.E. 80, US-98) Florida	ER-2 E	
D-FHW-4186-CO	Project S 6014(2) Cameron Pass, Colorado	ER-2 I	
D-FHW-4187-NB	U.S. Highway 6, West Dodge Road, Omaha, Nebraska	LO-2 H	
D-UMT-5600-OR	Mt. Hood Park and Ride, Oregon	LO-1 K	

APPENDIX III

FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE RECEIVED BETWEEN JUNE 16, 1973 AND JUNE 30, 1973

**Category 1—Adequate**  
 The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

**Category 2—Insufficient Information**  
 EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

**Category 3—Inadequate**  
 EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

**General nature of comments**  
 FPC cited impact need to remove dam because of the danger of failure. Therefore, EPA generally agreed with the proposed action but recommended it be taken in a manner to minimize any adverse environmental effects to the river.

Identifying number	Title	General nature of comments	Source for copies of comments
Federal Power Commission F-FPC-36018-NY	Hudson River, Project No. 382—General Fort Edward Development, New York		C

## APPENDIX IV

REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN JUNE 16, 1973 AND JUNE 30, 1973

Agency	Title	General nature of comments	Source for copies of comments
Department of Transportation L-UMT-54030-00	Federal-Aid Highway and Mass Transportation Act of 1970	EPA supports the very important provisions of this proposed legislation to authorize the use of the trust fund monies for public transportation facilities.	A
Council on Environmental Quality E-CEQ-90029-00	Preparation of Environmental Impact Statements CEQ's proposed guidelines (40 CFR Ch. V)	EPA made numerous comments on the proposed guidelines, the most important of which related to the effect on EPA's environmental protective regulatory activities.	A
Department of the Interior E-DOI-90022-00	U.S. Geological Survey's proposed revision to the coal mining operating regulations (30 CFR parts 211 and 216)	EPA generally agreed with the substance of the proposed regulations. However, a number of specific comments were made suggesting changes in the proposed revision to tighten control and strengthen environmental protection in certain areas.	A

## APPENDIX V

## SOURCES FOR COPIES OF EPA COMMENTS

- A. Director, Office of Public Affairs  
Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460
- B. Director of Public Affairs  
Region I  
Environmental Protection Agency  
Room 2303  
John F. Kennedy Federal Building  
Boston, Massachusetts 02203
- C. Director of Public Affairs  
Region II  
Environmental Protection Agency  
Room 847  
26 Federal Plaza  
New York, New York 10007
- D. Director of Public Affairs  
Region III  
Environmental Protection Agency  
Curtis Bldg., 6th and Walnut Streets  
Philadelphia, Pennsylvania 19106
- E. Director of Public Affairs  
Region IV  
Environmental Protection Agency  
Suite 300  
1421 Peachtree Street, N.E.  
Atlanta, Georgia 30309
- F. Director of Public Affairs  
Region V  
Environmental Protection Agency  
1 N. Wacker Drive  
Chicago, Illinois 60606
- G. Director of Public Affairs  
Region VI  
Environmental Protection Agency  
1600 Patterson Street  
Dallas, Texas 75201
- H. Director of Public Affairs  
Region VII  
Environmental Protection Agency  
1735 Baltimore Street  
Kansas City, Missouri 64108
- I. Director of Public Affairs  
Region VIII  
Environmental Protection Agency  
Lincoln Tower, Room 916  
1800 Lincoln Street  
Denver, Colorado 80203
- J. Director of Public Affairs  
Region IX  
Environmental Protection Agency  
100 California Street  
San Francisco, California 94102
- K. Director of Public Affairs  
Region X  
Environmental Protection Agency  
1200 6th Avenue  
Seattle, Washington 98101

[FR Doc.73-15770 Filed 7-31-73;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 658]

COMMON CARRIER SERVICES INFORMATION<sup>1</sup>Domestic Public Radio Services Applications Accepted for Filing<sup>2</sup>

JULY 23, 1973.

Pursuant to §§ 1.227(b) (3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to

<sup>1</sup> All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

<sup>2</sup> The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,  
[SEAL] VINCENT J. MULLINS,  
Acting Secretary.

## APPENDIX

## APPLICATIONS ACCEPTED FOR FILING:

## DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

- 20069-C2-P-74 Advanced TelCom (New) C. P. for new 2-way station to operate on 152.12 MHz at 0.8 Mile South of Watson Blvd. and 0.2 Mile West of South Pleasant Hill Road, Warner Robins, Georgia.
- 20029-C2-P-(2)-74 Williamsport Mobile Telephone Company (New) C. P. for a new 2-way station to operate on 152.03 and 152.06 MHz at 2.0 Miles S. E. of South Williamsport, Pennsylvania.
- 20030-C2-P-74 Answer Iowa, Inc. (KLF586) C. P. to add frequency: 152.03 MHz at Loc. #2: RFD #2, 3 Miles East of Sioux City, Iowa.
- 20031-C2-P-74 Telepage Corporation (New) C. P. for a new 2-way station to operate on 152.09 MHz at Lindale & Clermontville-Laurel Roads, Laurel, Ohio.
- 20032-C2-P-(3)-74 AAA Answerphone, Inc.-Jackson (New) C. P. for a new 2-way station to operate on 454.025, 454.250 and 454.300 MHz at One mile South of State Line, 0.2 Mile East of Hwy. 51, Southaven Mississippi.
- 20033-C2-P-74 AAA Answerphone, Inc.-Jackson (New) C. P. for a new 2-way station to operate on 454.100 MHz at 1 Mile South of State Line, 0.2 Mile East of Hwy. 51, Southaven, Mississippi.
- 20034-C2-P-74 Pierre Radio Paging (New) C. P. for a new 2-way station to operate on 152.15 MHz at Snake Butte, 2.8 Miles North of Butte, Pierre, South Dakota.
- 20035-C2-P-74 Cincinnati Radio Telephone Systems, Inc. (New) C. P. for a new 1-way station to operate on 152.09 MHz at 4164 Halfacre Road, Afton, Ohio.
- 20036-C2-P-74 Central Mobile Radio Phone Service (New) C. P. for a new 1-way signaling station to operate on 43.22 MHz at 3165 Orlentangy River Road, Columbus, Ohio.
- 20037-C2-P-(2)-74 Cactus Communications (New) C. P. for a new 2-way station to operate on 454.050 and 454.100 MHz at Hwy. #173, 1.3 Miles NW of Devine, Texas.
- 20038-C2-P-74 Radio Telephone Service, Inc. (New) C. P. for a new 2-way station to operate on 152.12 MHz at East Peak of Jephtha Knob, 0.75 mile S. Clay Village, Ky.
- 20039-C2-P-74. The Tri-County Telephone Association, Inc. (New) C. P. for a new 2-way station to operate on 152.69 MHz at South of Hwy. 56 & immediately South of RR tracks & Immed. east of local road running N & S to airport, Delavan, Kansas.
- 20040-C2-AL-74 South Jersey Communications Company (KSW209) Consent to Assignment of License from South Jersey Communications Company, Assignor to Jersey Information Center, Inc., Assignee. Station: KSW209 Greenwich Township, New Jersey.
- 20041-C2-TC-74 Sweeny-Old Ocean Telephone Company (KLB574) Consent to Transfer of Control from T. C. Inc., Transferor to Sugarland Telephone Company, Transferee. Station: KLB574 Sugarland, Texas.

20044-C2-P-74 Telephone Answering & Radio Communications (KGH870) C. P. for additional facilities to operate on 152.18 MHz at 0.5 mile East of Intersection of Route 68 & Allendale Road, near Rochester, Pennsylvania.

20045-C2-P-74 Southwestern Bell Telephone Company (KAA895) C. P. to change antenna system and additional facilities to operate on 152.78 MHz at 5212 East 21st Street, Wichita, Kansas.

20046-C2-P-74 The Ohio Bell Telephone Company (KQA768) C. P. to replace antenna operating on 35.42 152.1 152.69 and 152.75 Base and 43.42 157.77 157.95 and 158.01 Test, at 750 Huron Road, Cleveland, Ohio. (Loc. #1)

20048-C2-P-74 United Telephone Company (KSJ625) C. P. to change antenna system, and additional facilities, operating on 454.500 MHz at 827, 16 Avenue, Monroe, Wisconsin.

20049-C2-TC-74 United Telephone Company Consent to Transfer of Control from Margaret K. Burgl, Transferor to Margaret K. Burgl, et al. (controlling stockholders) Transferees. Station: KSJ625, Monroe, Wisconsin.

20050-C2-P-74 Tri County Telephone Company (KFJ883) C. P. for a new 2-way station to operate on 152.69 MHz at On Cheaha Mountain, 8 miles south of Anniston, Alabama.

20025-C2-P-74 Radio Call Company of Long Island, Inc. (KED367) C. P. to change antenna location to: 500' North of Highland Adirondack Dr., Farmingville, N.Y., operating on 454.20 MHz.

#### MAJOR AMENDMENT:

2122-C2-P-72 (New) Phenix Communications Co. of Georgia, Inc. Phenix City, Alabama. Amend to change base frequency to 152.24 MHz. All other particulars to remain as reported on PN #567 dated October 26, 1971.

#### CORRECTIONS:

9280-C2-P-73 The Bell Telephone Company of Pennsylvania (KGA475) Correct to add frequencies: 152.5F 152.54 152.63 152.69 152.75 & 152.81 MHz. All other particulars are to remain as reported On Public Notice #654 dated June 25, 1973.

Bell Telephone Company of Pennsylvania. Correct call to read KGH867 instead of KGH871 in the renewal list of June 11, 1973, Public Notice No. 652.

Pacific NW Bell Telephone Company. Correct to add omitted call sign: KOA732 from the renewal list of June 11, 1973, Public Notice No. 652.

#### RURAL RADIO SERVICE:

60002-C6-P-74 The Mountain States Telephone and Telegraph Company (New) C. P. for a new rural subscriber station to operate on 158.04 MHz at 4.5 Miles West of Powell, Wyoming.

60003-C6-P-74 Sweeny-Old Ocean Telephone Company (KKK52) Consent to Transfer of Control from T. C., Inc., Transferor to Sugarland Telephone Company, Transferee. Station: KKK52 Temporary-Fixed.

60004-C6-TC-73 United Telephone Company (KSP22) Consent to Transfer of Control from Margaret K. Burgl, Transferor to Margaret K. Burgl, et al (controlling stockholders) Transferees. Station: KSP22 Temporary-fixed.

60005-C6-ML-74 RCA Alaska Communications, Inc. (WHB52) Modification of License to add frequencies: 157.80 157.86 157.89 157.95 157.98 and 158.04 MHz, at a temporary-fixed location.

60006-C6-ML-74 RCA Alaska Communications, Inc. (WHB53) Modification of License to add frequencies: 152.54 152.60 152.63 152.69 152.72 and 152.78 MHz, at a central office, temporary-fixed location.

#### Correction:

20005-C6-P/ML-74 Mountain States Telephone and Telegraph Company. Correct file number to read: 60001-C6-P/ML-74. All other particulars to remain as reported on Public Notice #657 dated July 16, 1973.

9589-C6-P-73 Pacific NW Bell Telephone Company. Correct file number to read: 9589-C6-MP-73. All other particulars are to remain as reported on Public Notice #655 dated July 2, 1973.

#### POINT-TO-POINT MICROWAVE RADIO SERVICE:

9943-C1-MP-73 Data Transmission Company (WKR32) 7 Miles SSE of Weatherford, Texas. Mod. of C.P. (9327-C1-P-72) to correct coordinates to Lat. 32 40 20 N.—Long. 97 44 12 W. Change frequency polarization to horizontal and change point of communication from Skeen Peak to Agnes on azimuth 352°45'.

9944-C1-MP-73 Same (WQP21) 0.7 Mile North of Agnes, Texas. Mod. of C.P. (2996-C1-P-70) to change antenna location to Lat. 32 59 20 N.—Long. 97 47 4 W. Change frequency on azimuth 11°38' toward Jim Ned Lookout to 6197.2V MHz.

9945-C1-MP-73 Same (WQP21) 1 Mile SW of Dye, Texas. Mod. of C.P. (2997-C1-P-70) to correct coordinates to Lat. 33 36 45 N.—Long. 97 37 52 W. Change frequency toward Agnes to 5945.2V MHz.

9946-C1-MP-73 Same (WQP22) 1.1 Mile NW of Oscar, Oklahoma. Mod. of C.P. (2998-C1-P-70) to correct coordinates to Lat. 33 59 40 N.—Long. 97 46 15 W. Change frequency on azimuth 9°1' toward Velma to 6404.8V MHz.

9947-C1-MP-73 Same (WQP23) 1.7 Miles SW of Velma, Oklahoma. Mod. of C.P. (2999-C1-P-70) to correct coordinates to Lat. 34 26 12 N.—Long. 97 41 15 W. Change frequency on azimuth 189°4' toward Oscar to 6152.8H MHz.

9948-C1-MP-73 Same (WQP24) 2.1 Miles NE of Rush Springs, Oklahoma. Mod. of C.P. (3000-C1-P-70) to correct coordinates to Lat. 34 49 1 N.—Long. 97 56 13 W. Change frequency on azimuth 151°20' toward Velma to 6197.2V MHz.

9950-C1-MP-73 Same (WQP26) 4.5 Miles NE of El Reno, Oklahoma. Mod. of C.P. (3002-C1-P-70) to correct coordinates to Lat. 35 24 7 N.—Long. 97 52 4 W. Change frequency on azimuth 105°30' toward Oklahoma City to 6197.2H MHz.

9951-C1-MP-73 Same (WQP27) Mod. of C.P. (3003-C1-P-70) to change antenna location to Citizens Tower Building, 2200 Classen Street, Oklahoma City, Okla. Lat. 35 29 30 N.—Long. 97 31 50 W. Change frequency on azimuth 285°42' toward El Reno to 5945.2H MHz.

9956-C1-MP-73 Same (WQP32) 3.0 Miles NE of Owasso, Oklahoma. Lat. 36 17 55 N.—Long. 95 48 28 W. Mod. of C.P. (3008-C1-P-70) to add new freq. 5945.2H MHz on azimuth 228°22' toward new point of communication at Tulsa, Oklahoma.

9957-C1-P-73 Same (New) Tulsa, Oklahoma. Lat. 36 10 01 N.—Long. 95 59 25 W. New station located at 901 N. Egin Street, Tulsa, Oklahoma. Freq. 6197.2H MHz on azimuth 48°16' toward Owasso, Okla.

9960-C1-MP-73 Data Transmission Company (WJM71) Cherryvale, 4.5 Miles SE of Sycamore, Kansas. Lat. 37 18 36 N.—Long. 95 38 3 W. Mod. of C.P. (9324-C1-72) to change polarization of freq. 6375.2 MHz toward Coffeyville to Horizontal.

9961-C1-MP-73 Same (WQP33) Galesburg, 2 Miles SE of Thayer, Kansas. Mod. of C.P. (3012-C1-P-70) to correct coordinates to Lat. 37 28 2 N.—Long. 95 27 9 W. Change freq. polarization of 6123.1 MHz toward Savonburg to Vertical.

9962-C1-MP-73 Same (WQP34) Savonburg, 3 Miles NW of Porterville, Kansas. Mod. of C.P. (3013-C1-P-70) to correct coordinates to Lat. 37 44 12 N.—Long. 95 5 18 W. Change freq. polarization to 6375.2 MHz toward Galesburg to vertical.

9963-C1-MP-73 Same (WQP35) 3.8 Miles N. of Kincaid, Kansas. Lat. 38 8 10 N.—Long. 95 8 32 W. Mod. of C.P. (3014-C1-P-70) to add point of communication on 8004.5V MHz to Merwin on azimuth 57° 53'.

9967-C1-P-73 Same (New) 1.8 Miles SW of Merwin, Texas. Lat. 38 23 32 N.—Long. 94 37 18 W. C.P. for a new station on freq. 6256.5V MHz toward Kincaid on azimuth 238° 12'; freq. 6375.2H MHz toward Garden City on azimuth 66° 16'.

9968-C1-P-73 Same (New) 1.6 Miles East of Garden City, Missouri. Lat. 38 33 6 N.—Long. 94 9 26 W. C.P. for a new station on freq. 6123.1V MHz toward Merwin on azimuth 246°33'; freq. 6152.8V MHz toward Warrensburg on azimuth 67°9'.

9965-C1-MP-73 Same (WQP37) .5 Miles NW of Olathe, Kansas. Mod. of C.P. (3016-C1-P-70) to correct coordinates to Lat. 38 56 54—Long. 94 45 48. Change point of communication from Lees Summit to new point of communication at Kansas City on azimuth 42° 59', on frequency 11,065.0 MHz(V).

9966-C1-MP-73 Same (WQP39) Mod. of C.P. (3019-C1-P-70) to change antenna location to Power and Light Building, 106 West 14th Street, Kansas City, Missouri. Lat. 39 5 51.—Long. 94 35 5. Change frequency toward new point of communication at Olathe on azimuth 223° 6' to 11,265.0 MHz (V).

9969-C1-MP-73 Same (WQP41) .6 Miles SE of Warrensburg, Missouri. Mod. of C.P. (3021-C1-P-70) to correct coordinates to Lat. 38 43 25.—Long. 93 37 58. Change point of communication from Odessa to Garden City on 6404.8 MHz(V) on azimuth 247° 29'.

9971-C1-MP-73 Same (WQP43) .3.4 Miles N of Tipton, Missouri. Mod. of C.P. (3023-C1-P-70) to change antenna location to Lat. 38 42 19.—Long. 92 46 5. Change frequency polarization on 6315.9 MHz toward Ashland to vertical.

17-C1-P-73 The Chesapeake and Potomac Telephone Company of West Virginia. (WAX81). 214 Monroe Street, Marion, West Virginia. Lat. 39 29 01 N.—Long. 80 08 35 W. C.P. to change power and replace transmitters. Frequencies: 6360.3V and 10775.0V MHz.

18-C1-P-73 Same. (KQN94) .5 Miles North of Terra Alta, West Virginia. Lat. 39 30 35 N.—Long. 79 32 03 W. C.P. to change frequency, replace transmitters, increase output power and change antenna system. Frequencies: 6330.7V, 10955.0V, 6308.4H, 6189.8H, 6390.0H, and 10855.0H MHz.

20-C1-P-73 Northwestern Bell Telephone Company. (KAR90). Approx. 3 Miles SSW of Baudette, Minnesota. Correct station coordinates to read Lat. 48 40 14 N.—Long. 94 36 58 W. Change antenna system and replace transmitters. Frequencies: 6286.2V, 6404.8V, 6256.5H and 6375.2H MHz.

21-C1-P-73 Same. (KAR91). Approx. 25 mile W of Birchdale, Minnesota. Correct station coordinates to read Lat. 48 37 45 —Long. 94 06 10 W. Change antenna system, replace transmitters and increase output power. Frequencies: 6034.2V, 6152.8V, 6004.5V and 6123.1V MHz.

22-C1-P-73 Same. (KAR92). Approx. 3 miles NNW of Loman, Minnesota. Correct station coordinates to read Lat. 48 33 03 N.—Long. 93 49 09 W. Change antenna system, replace transmitters and increase output power. Frequencies: 6286.2H, 6404.8H, 6256.5V and 6375.2V MHz.

- 23-C1-P-73 Same. (KAS32). Approx. 1 mile East of International Falls, Minnesota. Lat. 48 35 55 N.—Long. 93 22 33 W. Change antenna system, replace transmitters and increase output power on frequencies 6004.5H and 6123.1H MHz toward Loman, Minnesota on azimuth 260° 56'.
- 24-C1-P-73 Same. (KAV57). 3 Miles ESE of Roosevelt, Minnesota. Correct station coordinates to read Lat. 48 47 08 —Long. 95 10 26 W. Change antenna system, replace transmitters and increase output power. Frequencies: 6152.8H, 6034.2H, 6004.5V and 6123.1V MHz.
- 25-C1-P-73 Same. (KAV58). 4 Miles West of Warroad, Minnesota. Correct station coordinates to read Lat. 48 54 06 N.—Long. 95 23 49 W. Change antenna system, replace transmitters and increase output power. Frequencies: 6286.2V and 6404.8V MHz.
- 26-C1-P-73 Illinois Bell Telephone Company. (WAD89). 211 North Oak Street, Marion, Illinois. Lat. 38 31 48 N.—Long. 89 08 04 W. C.P. to replace transmitters and to change frequencies 59600V, 6019.3V, 6137.9V to 5974.8V and 6093.5V toward St. Rose, Illinois on azimuth 295° 31'.
- 27-C1-P-73 Illinois Bell Telephone Company (KVV30) 0.5 mile NNW of St. Rose, Illinois. Lat. 38 31 48 N.—Long. 89 08 04 W. C.P. to change antenna location, change frequency 6177.5H to 6345.5V toward Centralia, Ill., toward Collinsville, Ill. change frequency 6137.9V to 6360.3V, 10955V change to 11405V, 11115V change to 11865V, frequency 6019.3H toward Collinsville change to 6241.7V and replace transmitter operating on frequency 6226.9V.
- 28-C1-P-73 Same. (KVV31). 423 West Clay Street, Collinsville, Illinois. Lat. 38 40 10 N.—Long. 89 59 29 W. C. P. to change antenna system, antenna structure and replace transmitters. Frequencies: 6019.3V, 6137.9V, 10955V, 11115V, 5060.0V, 8078.6V, 10755V and 10915V MHz.
- 29-C1-P-73 Same. (WVU32). 213 East 3rd Street, Madison, Illinois. Lat. 38 53 25 N.—Long. 90 10 56 W. C.P. to change frequencies 5974.8H, 6093.5H, 10755V, 10915V, 6137.9H and 11135H to 6212.0V, 6330.7V, 11865V and 11865V toward Collinsville, Illinois on azimuth 145° 52'.
- 30-C1-P-73 New England Telephone and Telegraph Company. (WJK74). 0.5 Mile NE of Goshen, Vermont. Lat. 44 03 13 N.—Long. 72 08 29 W. C.P. to add antenna and frequency 6375.2H MHz toward Barnet, Vermont.
- 31-C1-P-73 Same. (New) on Waterford Hill 4.2 Miles NNE of Barnet, Vermont. Lat. 44 21 15 N.—Long. 72 01 17 W. C.P. for a new station on frequency 6123.1H toward Newbury, Vermont on azimuth 196° 04' and Frequencies 11565.0 11365.0 toward St. Johnsbury, Vermont on azimuth 0° 33'.
- 32-C1-P-73 Same (New). 19 Main Street, Caledonia, Vermont. Lat. 44 25 02 N.—Long. 72 01 14 W. C.P. for a new station on frequencies 10955.0H and 11155.0V toward Barnet, Vermont on azimuth 180° 33'.
- 33-C1-P-73 General Telephone Company of California. (KMU46) 8 Miles SE of Santa Ynez, California. Lat. 34 31 36 N.—Long. 119 58 39 W. C.P. to change antenna system and to add points of communication, a transmitter and frequency 6152.8V toward Vandenberg, California on azimuth 293° 12'.
- 39-C1-P-73 General Telephone Company of the Northwest, Inc. (KTF53). 3.8 Miles SE of Moscow, Idaho. Lat. 46 40 42 N.—Long. 116 58 29 W. C.P. to change antenna system, and to add points of communication, a transmitter and frequencies 10,955V, 11,115V toward Kamlak Butte, Washington on azimuth 322° 15'.
- 40-C1-MP-73 Southern Pacific Communications Co. (WQO32) Southern Pacific Building, Telegraph Pass, Arizona. Mod. of C.P. to correct radio path azimuth toward Yuma to 282 degrees 34 minutes.
- 41-C1-MP-73 Same (WQO33) Mod. of C.P. to change station location to Southern Pacific Yard Office, Yuma, Arizona. Lat. 32 43 22 N.—Long. 114 36 54 W. and correct radio path azimuth toward Telegraph Pass to 102 degrees 25 minutes.
- 43-C1-P-73 Southern Bell Telephone and Telegraph Company. (KIU56). 45 North Magnolia Street, Orlando, Florida. Lat. 28 32 34 N.—Long. 81 22 38 W. C.P. to change antenna system, add a transmitter and frequency 6286.2H toward Winter Garden, Florida on azimuth 277° 37'.
- 44-C1-P-73 Same (KIY61). 208 Broad Street, Clinton, South Carolina. Lat. 34 28 13 N.—Long. 81 52 55 W. C.P. to replace transmitter and increase power output. Frequencies: 6034.2H and 5074.8H toward Paris Mountain, South Carolina on azimuth 317° 18'.
- 45-C1-P-73 Same (KIY62). On Paris Mountain 6 Miles North of Greenville, South Carolina. Lat. 34 56 29 N.—Long. 82 24 40 W. C.P. to replace transmitter and increase power output. Frequencies: 11,485H, 11,845H, 6286.2V and 6226.9V MHz.
- 46-C1-P-73 Same (KIY63). 425 North Academy Street, Greenville, South Carolina. Lat. 34 51 25 N.—Long. 82 24 01 W. C.P. to change antenna system and location, replace transmitter. Frequencies: 10955V, 11115V, 10715V, 3710V, 3770H, 3850H, 3930H, 4110H, 4090H, 6004.5V, 6123.1V.

## MIDWESTERN RELAY COMPANY

- 9992-C1-P-73 Same (WLJ43) Chicago, Illinois (Merchandise Mart), Latitude 41 53 18 N.—Longitude 87 38 07 W. Construction Permit to add frequencies 5945.2V, 6004.5V, 6063.8V and 6123.1V MHz and to delete frequencies 10735H, 10855V, and 11095V MHz toward Glendale Heights, Illinois, on azimuth 273 degrees 14 minutes.
- 9993-C1-P-73 Same (WLJ44) Glendale Heights, Illinois, Latitude 41 54 25 N.—Longitude 88 05 48 W. Construction Permit to add frequencies 6315.9H and 6375.2H MHz and to delete frequencies 11425H and 11665H MHz toward Chicago, Illinois, on azimuth 92 degrees 56 minutes; also to add frequencies 6226.9V, 6256.5H, 6286.2V, 6315.9H, 6345.5V, and 6404.8V MHz and to delete frequencies 11265V, 11305H, 11345V, 11505V, and 11545H MHz toward Crystal Lake, Illinois, on azimuth 338 degrees 10 minutes.
- 9994-C1-P-73 Same (WLJ45) 1.9 miles E of Crystal Lake, Illinois, Latitude 42 15 14 N.—Longitude 88 17 02 W. Construction Permit to add frequencies 5945.2H and 6004.5H MHz and to delete frequencies 10815V and 11135V MHz toward Glendale Heights, Illinois, on azimuth 158 degrees 02 minutes; also to add frequency 6093.5H MHz toward Lake Geneva, Wisconsin, on azimuth 350 degrees 53 minutes.
- 9995-C1-P-73 Same (WLJ46) 3 miles E of Lake Geneva, Wisconsin, Latitude 42 35 49 N.—Longitude 88 21 30 W. Construction Permit to add frequency 6345.5V MHz toward North Prairie, Wisconsin, on azimuth 00 degrees 53 minutes.
- 9996-C1-P-73 Same (WLJ47) 2.5 miles E of North Prairie, Wisconsin, Latitude 42 55 52 N.—Longitude 88 21 05 W. Construction Permit to add frequency 6152.8V MHz toward Rubicon, Wisconsin, on azimuth 348 degrees 12 minutes.
- 9997-C1-P-73 Same (WLJ48) 1 mile NW of Rubicon, Wisconsin, Latitude 43 20 53 N.—Longitude 88 28 15 W. Construction Permit to add frequency 6256.5V MHz and to delete frequency 6197.2V MHz toward Jefferson, Wisconsin, on azimuth 221 degrees 31 minutes.
- 9998-C1-P-73 Same (WLJ68) Jefferson, 5 miles NW of Fort Atkinson, Wisconsin, Latitude 42 59 38 N.—Longitude 88 53 49 W. Construction Permit to add frequency 6197.2V MHz and to delete frequency 6152.8V MHz toward North Prairie, Wisconsin, on azimuth 98 degrees 43 minutes; also to delete frequency 6152.8H MHz toward Rubicon, Wisconsin, on azimuth 41 degrees 13 minutes.
- 9982-C1-P-73 Eastern Microwave, Inc. (New) Attica, 4.0 Miles ESE of Attica, New York (Lat. 42 50 15 N.—Long. 78 12 20 W.): C.P. for a new station—frequency 10935V MHz toward Springwater, New York, on azimuth 116 degrees/02 minutes.
- 9983-C1-P-73 Same (KEA27) 3.0 Miles West of Springwater, New York (Lat. 42 38 21 N.—Long. 77 39 34 W.): C.P. to add frequency 11625V MHz toward new point of communication at Italy Hill, New York, on azimuth 93 degrees/30 minutes.
- 9984-C1-P-73 Same (KTF96) 1.5 Miles NNW of Italy Hill, New York (Lat. 42 37 13 N.—Long. 77 15 17 W.): C.P. to add frequency 10775H MHz toward new point of communication at Scipio, New York, on azimuth 69 degrees/33 minutes.
- 9985-C1-P-73 Same (New) Scipio, 1.7 Miles North of Scipio Center, New York (Lat. 42 48 35 N.—Long. 76 33 25 W.): C.P. for a new station—frequency 11545V MHz toward Sentinel Heights (KEM59), New York, on azimuth 67 degrees/10 minutes.
- 9986-C1-P-73 Eastern Microwave, Inc. (KEM59) Sentinel Heights, New York (Lat. 42 56 40 N.—Long. 76 07 08 W.): C.P. to add frequency 10815H MHz toward Manlius, New York, on azimuth 38 degrees/56 minutes.
- 9987-C1-P-73 Eastern Microwave, Inc. (KEM59) Sentinel Heights, New York (Lat. 42 56 40 N.—Long. 76 07 08 W.): C.P. to add frequency 10815H MHz toward Liverpool, New York, on azimuth 339 degrees/07 minutes.
- 9988-C1-P-73 Eastern Microwave, Inc. (KEM59) Sentinel Heights, New York (Lat. 42 56 40 N.—Long. 76 07 08 W.): C.P. to add frequency 10815H MHz toward North Syracuse, New York, on azimuth 359 degrees/04 minutes.
- 9989-C1-P-73 Eastern Microwave, Inc. (KEM59) Sentinel Heights, New York (Lat. 42 56 40 N.—Long. 76 07 08 W.): C.P. to add frequency 10815V MHz toward Camillus, New York, on azimuth 306 degrees/46 minutes.
- 9990-C1-P-73 American Microwave & Communications, Inc. (KQN52) 3.5 Miles ESE of Talbot, Michigan (Lat. 45 29 40 N.—Long. 87 31 50 W.): C.P. (a) to change transmitters; (b) to add existing frequency 6100.9H MHz, via power split, toward Menominee, Michigan, on azimuth 185 degrees/13 minutes; and (c) to add existing frequency 6037.5V MHz, via power split, toward Iron Mountain, Michigan, on azimuth 312 degrees/30 minutes.
- 9991-C1-P-73 Tower Communications Systems Corp. (New) Morse and Steizer Road, Columbus, Ohio (Lat. 40 03 28 N.—Long. 82 54 37 W.): C.P. for new station—frequencies 11305V MHz, 11545V MHz, and 11625V MHz toward Columbus, Ohio, on azimuth 188 degrees/18 minutes.
- 47-C1-P-74 United States Transmission Systems, Inc. (new): 1 World Trade Center, New York, N.Y. Latitude 40°42'40" N., longitude 74°00'49" W. C.P. for a new station on frequency 11505V MHz toward Linden, N.J. on azimuth 238°24'.
- 48-C1-P-74 same (new): 3200 South Wood Avenue, Linden, N.J. Latitude 40°36'42" N., longitude 74°13'31" W. C.P. for a new station on frequency 6197.2V MHz toward Neshanic, N.J. on azimuth 249°56'; frequency 11095V MHz toward New York, N.Y. on azimuth 58°15'.

- 49-C1-P-74 same (new): Zion Road 2 miles south of Neshanic, N.J. Latitude 40°28'14" N., longitude 74°43'37" W. C.P. for a new station on frequency 6063.8V MHz toward Baptistown, N.J. on azimuth 283°53'; frequency 6034.2V MHz toward Linden, N.J. on azimuth 89°36'.
- 50-C1-P-74 same (new): Highway 519 North, Baptistown, N.J. Latitude 40°31'22" N., longitude 75°00'20" W. C.P. for a new station on frequency 6197.2V MHz toward Tylersport, Pa. on azimuth 240°47'; frequency 6315.9V MHz toward Neshanic, N.J. on azimuth 103°42'.
- 51-C1-P-74 same (new): Hill Road 2 miles west of Tylersport, Pa. Latitude 40°20'43" N., longitude 75°25'07" W. C.P. for a new station on frequency 6034.2V MHz toward Westchester, Pa. on azimuth 203°24'; frequency 6093.5V MHz toward Baptistown, N.J. on azimuth 60°31'.
- 52-C1-P-74 same (new): Bacton Hill Road—5 miles north of Westchester, Pa. Latitude 40°02'50" N., longitude 75°35'11" W. C.P. for a new station on frequency 6197.2V MHz toward Oxford, Pa. on azimuth 230°17'; frequency 6256.5V MHz toward Tylersport, Pa. on azimuth 23°17'.
- 53-C1-P-74 same (new): Highway 10—1 mile north of Oxford, Pa. Latitude 39°48'06" N., longitude 75°58'07" W. C.P. for a new station on frequency 6152.8H MHz toward Delta, Pa. on azimuth 259°40'; frequency 6093.5V MHz toward Westchester, Pa. on azimuth 50°02'.
- UNITED STATES TRANSMISSION SYSTEMS, INC.
- 54-C1-P-74 same (new): Highway 851—2½ miles northwest of Delta, Pa. Latitude 39°44'42" N., longitude 76°22'00" W. C.P. for a new station on frequency 6197.2H MHz toward Jacksonville, Md. on azimuth 213°04'; frequency 6345.5V MHz toward Oxford, Pa. on azimuth 79°25'.
- 55-C1-P-74 same (new): Jarrettsville Pike South, Jacksonville, Md. Latitude 39°30'56" N., longitude 76°33'34" W. C.P. for a new station on frequency 6152.8H MHz toward Ellicott City, Md. on azimuth 229°25'; frequency 6093.5H MHz toward Delta, Pa. on azimuth 32°57'.
- 56-C1-P-74 same (new): 11910 Carrol Mill Rd.—7 miles west of Ellicott City, Md. Latitude 39°18'01" N., longitude 76°55'55" W. C.P. for a new station on frequency 6034.2V MHz toward Middleburg, Va. on azimuth 238°32'; frequency 6345.5V MHz toward Jacksonville, Md. on azimuth 49°11'.
- 57-C1-P-74 same (new): Bull Run Mountain—5 miles southeast of Middleburg, Va. Latitude 38°54'44" N., longitude 77°40'08" W. C.P. for a new station on frequency 6315.9H toward Unionville, Va. on azimuth 202°26'; frequency 6123.1V MHz toward Ellicott City, Md. on azimuth 58°04'.
- 58-C1-P-74 same (new): Off Highway 636—3½ miles northwest of Unionville, Va. Latitude 38°18'59" N., longitude 77°58'51" W. C.P. for a new station on frequency 5974.8H MHz toward Coveseville, Va. on azimuth 237°27'; frequency 6004.5H MHz toward Middleburg, Va. on azimuth 22°14'.
- 59-C1-P-74 same (new): Heard Mountain—3 miles northwest of Coveseville, Va. Latitude 37°55'49" N., longitude 78°44'23" W. C.P. for a new station on frequency 6375.2V MHz toward Appomattox, Va. on azimuth 190°24'; frequency 6226.9H MHz toward Unionville, Va. on azimuth 56°59'.
- 60-C1-P-74 same (new): Highway 691—2 miles west of Appomattox, Va. Latitude 37°20'30" N., longitude 78°52'30" W. C.P. for a new station on frequency 6093.5H MHz toward Gretna, Va. on azimuth 239°28'; frequency 6063.8H MHz toward Coveseville, Va. on azimuth 10°19'.
- 61-C1-P-74 same (new): Smith Mountain, Gretna, Va. Latitude 37°00'37" N., longitude 79°34'17" W. C.P. for a new station on frequency 6286.2 H MHz toward Reidsville, N.C. on azimuth 196°41'; frequency 6226.9H MHz toward Appomattox, Va. on azimuth 59°03'.
- 62-C1-P-74 same (new): Highway 65—8 miles west of Reidsville, N.C. Latitude 36°20'39" N., longitude 79°49'05" W. C.P. for a new station on frequency 6152.8V MHz toward Winston-Salem, N.C. on azimuth 230°29'; frequency 6034.2V MHz toward Gretna, Va. on azimuth 16°32'.
- 63-C1-P-74 same (new): Highway 421—8 miles east of Winston-Salem, N.C. Latitude 36°08'04" N., longitude 80°07'51" W. C.P. for a new station on frequency 6345.5H MHz toward Lexington, N.C. on azimuth 211°17'; frequency 6226.9V MHz toward Reidsville, N.C. on azimuth 50°18'.
- 64-C1-P-74 same (new): Highway 150—5 miles northwest of Lexington, N.C. Latitude 35°52'51" N., longitude 80°19'12" W. C.P. for a new station on frequency 5945.2H MHz toward Cleveland, N.C. on azimuth 241°47'; frequency 5974.8H MHz toward Winston-Salem, N.C. on azimuth 31°10'.
- 65-C1-P-74 same (new): Off Highway 70—2 miles east of Cleveland, N.C. Latitude 35°44'15" N., longitude 80°38'48" W. C.P. for a new station on frequency 6345.5H MHz toward Davidson, N.C. on azimuth 218°22'; frequency 6197.2H MHz toward Lexington, N.C. on azimuth 61°36'.
- 66-C1-P-74 same (new): Gas Plant Road—2 miles north of Davidson, N.C. Latitude 35°31'29" N., longitude 80°51'09" W. C.P. for a new station on frequency 6004.5V MHz toward Kings Mountain, N.C. on azimuth 230°10'; frequency 6093.5H MHz toward Cleveland, N.C. on azimuth 38°15'.
- 67-C1-P-74 same (new): Crowders Mountain—4 miles east of Kings Mountain, N.C. Latitude 35°14'01" N., longitude 81°16'36" W. C.P. for a new station on frequency 6197.2H MHz toward Gaffney, S.C. on azimuth 237°26'; frequency 6256.5V MHz toward Davidson, N.C. on azimuth 49°55'.
- 68-C1-P-74 same (new): 2 miles southeast of Gaffney, S.C. Latitude 35°03'02" N., longitude 81°37'27" W. C.P. for a new station on frequency 6063.8H MHz toward Moore, S.C. on azimuth 237°08'; frequency 5945.2H MHz toward Kings Mountain, N.C. on azimuth 57°14'.
- 69-C1-P-74 same (new): Highway 290—1½ miles northwest of Moore, S.C. Latitude 34°50'40" N., longitude 82°00'36" W. C.P. for a new station on frequency 6345.5H MHz toward Honea Path, S.C. on azimuth 215°37'; frequency 6315.9H MHz toward Gaffney, S.C. on azimuth 56°55'.
- 70-C1-P-74 same (new): Off Highway 25—7 miles northeast of Honea Path, S.C. Latitude 34°30'43" N., longitude 82°17'51" W. C.P. for a new station on frequency 6152.8V MHz toward Iva, S.C. on azimuth 241°52'; frequency 6093.5V MHz toward Moore, S.C. on azimuth 35°27'.
- 71-C1-P-74 same (new): Off Highway 81—2½ miles north of Iva, S.C. Latitude 34°19'59" N., longitude 82°42'00" W. C.P. for a new station on frequency 6345.5H MHz toward Danielsville, Ga. on azimuth 243°37'; frequency 6404.8V MHz toward Honea Path, S.C. on azimuth 61°39'.
- 72-C1-P-74 same (new): 5 miles northeast of Danielsville, Ga. Latitude 34°09'00" N., longitude 83°08'28" W. C.P. for a new station on frequency 6123.1V MHz toward Good Hope, Ga. on azimuth 231°21'; frequency 6093.5H MHz toward Iva, S.C. on azimuth 63°22'.
- 73-C1-P-74 same (new): Jacks Creek Mountain—2 miles northwest of Good Hope, Ga. Latitude 33°49'22" N., longitude 83°37'48" W. C.P. for a new station on frequency 6345.5H MHz toward Milledgeville, Ga. on azimuth 244°09'; frequency 6315.9V MHz toward Danielsville, Ga. on azimuth 51°05'.
- 74-C1-P-74 same (new): Mt. Zion Road—5 miles northeast of Milledgeville, Ga. Latitude 33°42'40" N., longitude 83°54'18" W. C.P. for a new station on frequency 6003.5V MHz toward Stockbridge, Ga. on azimuth 244°17'; frequency 6063.8V MHz toward Good Hope, Ga. on azimuth 64°00'.
- 75-C1-P-74 same (new): Highway 42 North, Stockbridge, Ga. Latitude 33°34'10" N., longitude 84°15'18" W. C.P. for a new station on frequency 6226.9H MHz toward Madras, Ga. on azimuth 252°13'; frequency 6197.2V MHz toward Milledgeville, Ga. on azimuth 64°05'.
- 76-C1-P-74 same (new): Highway 29, Madras, Ga. Latitude 33°26'12" N., longitude 84°44'42" W. C.P. for a new station on frequency 5974.8V MHz toward Franklin, Ga. on azimuth 233°21'; frequency 6004.5H MHz toward Stockbridge, Ga. on azimuth 71°56'.
- 77-C1-P-74 same (new): Off Highway 219—7 miles southwest of Franklin, Ga. Latitude 33°11'09" N., longitude 85°08'42" W. C.P. for a new station on frequency 6404.8V MHz toward Roanoke, Ala. on azimuth 264°02'; frequency 6345.5V MHz toward Madras, Ga. on azimuth 53°08'.
- 78-C1-P-74 same (new): 8½ miles west of Roanoke, Ala. Latitude 33°09'10" N., longitude 85°30'54" W. C.P. for a new station on frequency 6063.8H MHz toward Jackson Gap, Ala. on azimuth 225°47'; frequency 6093.5V MHz toward Franklin, Ga. on azimuth 83°50'.
- 79-C1-P-74 same (new): 2 miles north of Jackson Gap, Ala. Latitude 32°54'46" N., longitude 85°48'23" W. C.P. for a new station on frequency 6375.2H MHz toward Rockford, Ala. on azimuth 266°59'; frequency 6315.9H MHz toward Roanoke, Ala. on azimuth 45°38'.
- 80-C1-P-74 same (new): Highway 22—3 miles east of Rockford, Ala. Latitude 32°53'48" N., longitude 86°10'10" W. C.P. for a new station on frequency 6093.5V MHz toward Marbury, Ala. on azimuth 226°52'; frequency 6152.8H toward Jackson Gap, Ala. on azimuth 86°47'.
- 81-C1-P-74 same (new): 1 mile north of Oak Grove on road between Poseys Crossroad and New Prospect Church, Marbury, Ala. Latitude 32°38'00" N., longitude 86°30'04" W. C.P. for a new station on frequency 6256.5V MHz toward Billingsley, Ala. on azimuth 281°41'; frequency 6345.5V MHz toward Rockford, Ala. on azimuth 46°42'.
- 82-C1-P-74 same (new): 1 mile north of Billingsley, Ala. Latitude 32°40'17" N., longitude 86°43'11" W. C.P. for a new station on frequency 6063.8V MHz toward Summerfield, Ala. on azimuth 249°16'; frequency 6004.5V MHz toward Marbury, Ala. on azimuth 101°34'.
- 83-C1-P-74 same (new): Highway 37—3½ miles north of Summerfield, Ala. Latitude 32°32'14" N., longitude 87°01'59" W. C.P. for a new station on frequency 6404.8V MHz toward Uniontown, Ala. on azimuth 251°08'; frequency 6315.9V MHz toward Billingsley, Ala. on azimuth 69°06'.
- 84-C1-P-74 same (new): Highway 53 South, Uniontown, Ala. Latitude 32°25'48" N., longitude 87°30'53" W. C.P. for a new station on frequency 6093.5V MHz toward Myrtlewood, Ala. on azimuth 239°15'; frequency 6152.8V MHz toward Summerfield, Ala. on azimuth 70°52'.



- 85-C1-P-74 same (new): Highway 69—4 miles south of Myrtlewood, Ala. Latitude 32°12'35" N., longitude 87°50'55" W. C.P. for a new station on frequency 6315.9V MHz toward Snell, Miss. on azimuth 262°36'; frequency 6345.5V MHz toward Uniontown, Ala. on azimuth 59°01'.
- 86-C1-P-74 same (new): 3 miles southeast of Snell, Miss. Latitude 32°09'00" N., longitude 88°28'45" W. C.P. for a new station on frequency 5945.2V MHz toward Vossburg, Miss. on azimuth 242°06'; frequency 6063.8V MHz toward Myrtlewood, Ala. on azimuth 82°19'.
- 87-C1-P-74 same (new): 1 mile northwest of Vossburg, Miss. Latitude 31°56'05" N., longitude 88°57'14" W. C.P. for a new station on frequency 6063.8H MHz toward Sandersville, Miss. on azimuth 214°34'; frequency 6093.5H MHz toward Snell, Miss. on azimuth 61°52'.
- 88-C1-P-74 same (new): Gas Plant Road, Sandersville, Miss. Latitude 31°48'51" N., longitude 89°03'04" W. C.P. for a new station on frequency 6345.5V MHz toward Seminary, Miss. on azimuth 235°23'; frequency 6315.9H MHz toward Vossburg, Miss. on azimuth 34°31'.
- 89-C1-P-74 same (new): 5 miles northeast of Seminary, Miss. Latitude 31°13'46" N., longitude 89°25'10" W. C.P. for a new station on frequency 6093.5V MHz toward Carson, Miss. on azimuth 261°03'; frequency 6152.8V MHz toward Sandersville, Miss. on azimuth 55°12'.
- 90-C1-P-74 same (new): Highway 42—1 mile northwest of Carson, Miss. Latitude 31°32'35" N., longitude 89°48'31" W. C.P. for a new station on frequency 6256.5V MHz toward Tylertown, Miss. on azimuth 227°34'; frequency 6315.9V MHz toward Seminary, Miss. on azimuth 80°51'.
- 91-C1-P-74 same (new): Highway 583—9 miles north of Tylertown, Miss. Latitude 31°14'30" N., longitude 90°11'30" W. C.P. for a new station on frequency 5974.8V MHz toward Magnolia, Miss. on azimuth 241°40'; frequency 6004.5V MHz toward Carson, Miss. on azimuth 47°22'.
- 92-C1-P-74 same (new): Highway 48—2 miles southeast of Magnolia, Miss. Latitude 31°07'47" N., longitude 90°25'57" W. C.P. for a new station on frequency 6256.5V MHz toward Chipola, La. on azimuth 239°53'; frequency 6286.2V MHz toward Tylertown, Miss. on azimuth 61°32'.
- 93-C1-P-74 same (new): Highway 43—7½ miles northeast of Chipola, La. Latitude 30°59'33" N., longitude 90°42'23" W. C.P. for a new station on frequency 6063.8H MHz toward Clinton, La. on azimuth 235°08'; frequency 6004.5V MHz toward Magnolia, Miss. on azimuth 59°44'.
- 94-C1-P-74 same (new): Highway 35—6 miles east of Clinton, La. Latitude 30°52'21" N., longitude 90°54'21" W. C.P. for a new station on frequency 6197.2V MHz toward St. Francisville, La. on azimuth 247°42'; frequency 6345.2H MHz toward Chipola, La. on azimuth 55°02'.
- 95-C1-P-74 same (new): Highway 964—8 miles southeast of St. Francisville, La. Latitude 30°44'38" N., longitude 91°16'03" W. C.P. for a new station on frequency 5945.2H MHz toward Clinton, La. on azimuth 67°31'.

#### Major Amendments

- 767-C1-P-73 MCI Telecommunications Corporation. (WPF80) Relocate station to 2.6 Miles NW of Crown King, Arizona. Lat. 34 14 06 N.—Long. 112 22 04 W. Change frequency from 5974.8V to 6093.5H toward Wittman, Arizona, on azimuth 186°09'.

6355-C1-P-72 Same (New) Relocate station to 6 Miles ESE of Wittman, Arizona. Lat. 34 44 38 N.—Long. 112 25 52 W. Change frequency 6197.2V toward Tolleson, Arizona to 6256.5V toward Glendale, Arizona on azimuth 135°02'.

6356-C1-P-72 Same (New) Relocate station to 1.5 Miles NW of Glendale, Arizona. Lat. 33 33 31 N.—Long. 112 12 37 W. Change azimuth of frequency 5945.2V toward Wittman, Arizona, to 315°09'. Change frequencies 11225V and 11625V to 11265H and 11665H toward Phoenix, Arizona on azimuth 133°00'.

6387-C1-P-70 Same (New) Relocate station to Central Avenue and Van Buren Street, Phoenix, Arizona. Lat. 33 27 03 N.—Long. 112 04 21 W. Change point of communication for frequencies 10735V and 11136V to Glendale, Arizona, on azimuth 313°05'. Delete frequency 3770V toward Miami, Arizona.

5561-C1-P-73 United Video, Inc. Station proposed to be located at Greensboro, North Carolina, amended to correct coordinates to Lat. 36 07 10 N.—Long. 79 47 34 W. (All other particulars same as reported in Public Notice No. 634 dated February 5, 1973).

8246-C1-P-73 RCA Alaska Communications, Inc. Change coordinates from Lat. 64 10 22 N.—Long. 149 17 49 W. to Lat. 64 10 14 N.—Long. 149 17 43 W. All other particulars the same as reported in Public Notice Report No. 649, dated May 21, 1973.

8247-C1-P-73 Same as above. (New). Change coordinates from Lat. 64 35 19 N.—Long. 149 04 26 W. to Lat. 64 34 48 N.—Long. 149 04 39 W. All other particulars the same as reported in Public Notice Report No. 649, dated May 21, 1973.

6114-C1-P-73 United Video, Inc. (New) 0.2 Mile East of Highway 1, racepond, Georgia. Lat. 30 59 53 N.—Long. 82 07 33 W. Change polarization from vertical to horizontal on frequency 6197.2 toward Owen, Georgia and Toledo, Georgia. Other particulars same as reported in Public Notice Report No. 648 dated May 14, 1973.

[FR Doc. 73-15619 Filed 7-31-73; 8:45 am]

[Docket No. 19787; FCC 73-748]

### CHESAPEAKE-PORTSMOUTH BROADCASTING CO.

#### Notice of Apparent Liability

In re Application of Chesapeake-Portsmouth Broadcasting Corporation, Docket No. 19787, Filed No. BL-13,137, Portsmouth, Virginia.

For Broadcast License for WPMH (AM)

1. The Commission has before it for consideration (a) the captioned application and (b) its inquiry into the operation of Station WPMH, Portsmouth, Virginia.

2. Information coming to the knowledge of the Commission since the grant of the construction permit raises serious questions as to whether the applicant possesses the qualifications to be a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the license application would serve the public interest, convenience, and necessity, and must, therefore, designate the application for hearing.

3. Accordingly, *It is ordered*, that the application is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether the applicant has exercised adequate control and supervision over the policies, practices and other operation of Station WPMH consistent with degree of responsibility expected of a permittee.

(b) To determine whether the applicant has violated § 73.125 of the Commission's rules by discriminating in its employment practices, or by failing to have or to implement an equal employment opportunity program;

(c) To determine whether the applicant violated § 73.932(a) of the Commission's Rules by failing to have either a human listening watch or automatic alarm device in connection with its Emergency Broadcast System;

(d) To determine whether the applicant failed to maintain a public file as required by § 1.526 of the Commission rules;

(e) To determine, in light of the evidence adduced under the preceding issues, whether the applicant has the requisite qualifications to be a Commission licensee and whether a grant of the application would serve the public interest, convenience and necessity.

4. *It is further ordered*, that if it is determined that the hearing record does not warrant an order denying the captioned application for broadcast license for Station WPMH, it shall also be determined whether the applicant has violated Commission Rules and Regulations § 73.125, Equal Employment Opportunity, or § 73.932(a) Emergency Broadcast System requirements, and, if so, whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of \$10,000 or some lesser amount should be issued for violations which occurred within one year of the issuance of the Bill of Particulars in this matter.

5. *It is further ordered*, that this document constitutes a Notice of Apparent Liability for forfeiture for violations of those sections of the Commission's Rules set out in the preceding paragraph. The Commission has determined that, in every case designated for hearing involving revocation or denial of license for alleged violations which also come within the purview of Section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. *It is further ordered*, that the Chief of the Broadcast Bureau is directed to

serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (d) inclusive.

7. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (d) inclusive, and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its applications would serve the public interest, convenience and necessity.

8. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicant herein, pursuant to section 311 (a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission thereof as required by § 1.594(g) of the Rules.

10. *It is further ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to the Chesapeake-Portsmouth Broadcasting Corporation.

By the Commission.

Adopted: July 11, 1973.

Released: July 25, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] VINCENT J. MULLINS,  
Acting Secretary.

[FR Doc.73-15860 Filed 7-31-73;8:45 am]

[Docket No. 16070; FCC 73-782]

#### COMMUNICATIONS SATELLITE CORP.

##### Order Enlarging Investigation

1. The Commission has before it for consideration Tariff F.C.C. No. 8 filed pursuant to Special Permission No. 6939 by the Communications Satellite Corporation (Comsat) [38 FR 18267] under Transmittal 216 on June 29, 1973, scheduled to become effective on July 1, 1973 and to expire on September 28, 1973, which offers to authorized common carriers (1) leased voice-grade and television service channels for use in establishing communications paths between the Comsat earth stations at Brewster, Washington or Jamesburg, California and an earth terminal at Juneau, Alaska (Lena Point) and (2) television service channels between the Comsat Talkeetna,

Alaska earth terminal and the Lena Point terminal at Juneau.<sup>1</sup>

2. Under the instant tariff, Comsat proposes a monthly rate of \$4,000 per circuit. Since both ends of the service are points within the jurisdiction of the Commission, the rate may be broken down into two components: (1) A rate of \$1,500 for the "uplink" (between the mainland and a Pacific basin satellite) and (2) a rate of \$2,500 for the "downlink" (from the satellite to, but not including, the Juneau terminal).<sup>2</sup> The rate component applicable to the uplink is the same as that for Comsat's existing service to Alaska.<sup>3</sup> The component covering the downlink, however, differs from that in the existing tariff because under the subject tariff Comsat will provide only the space segment portion of the service. Because RCA Alaska Communications, Inc. will provide its own earth station at Lena Point, Comsat alleges that it is necessary to adjust the regular Comsat \$1,500 rate for Alaska service. Comsat's standard procedure allocates .6667 of a rate to the space segment and .3333 of it to the earth station. Furthermore, Comsat contends that because the Lena Point station is of less than standard size (a diameter of 32 feet vs. 97 feet for a standard station) and because it will exhibit lower performance characteristics, an "adjustment factor" of 2.5 must be applied to the space segment component to compensate for greater portion of available satellite capacity needed to achieve adequate service quality.<sup>4</sup>

3. The rate-making principles and assumptions which Comsat used in developing the rates set forth in Tariff F.C.C. No. 8 are, to a large extent, the same as those it used to develop rates contained in Tariffs F.C.C. No. 1, No. 3, No. 5 and No. 7. Indeed, Comsat makes no attempt to justify the rates herein on any basis other than by reference to its established rate-making procedures. The reasonableness of those procedures is one of the issues currently under investigation in Docket No. 16070. We therefore believe that the investigation in that docket should be expanded to include consideration of the charges, practices, classifications, rates and regulations contained in Comsat Tariff F.C.C. No. 8. Without in any way limiting its scope, the investigation ordered herein should include consideration of the following issue: whether Comsat,

<sup>1</sup> On June 21, 1973, Comsat filed Application No. 155 seeking special permission to establish, on less than statutory notice, rates applicable to the instant service.

<sup>2</sup> See Comsat Application No. 155, at p. 2.  
<sup>3</sup> Comsat Tariff F.C.C. No. 1, 13th Revised Page 11AAA.

<sup>4</sup> The downlink rate component was calculated in the following manner:  
guideline rate (a satellite to Alaska earth station): \$1,500  
space segment portion (\$1,500 x .6667): \$1,000  
multiplied by the adjustment factor (2.5 x \$1,000): \$2,500

which will furnish the space segment capacity between the satellite and the RCA Alascom earth station at Lena Point (Juneau), should separately tariff such charges, and if so, at what rate (in this connection, see Establishment of Regulatory Policies Relating to Authorizations under Section 214 of the Communications Act of 1934, 23 F.C.C. 2d 9 (1970), as clarified by Memorandum Opinion and Order, 30 F.C.C. 2d 513 (1971)).<sup>5</sup>

Accordingly, *It is ordered*, That the investigation in Docket No. 16070 is enlarged, pursuant to sections 203, 204, 205 and 403 of the Communications Act of 1934, to include consideration of the lawfulness under sections 201 and 202 of the Communications Act of 1934 and Sections 201(c) (2) and 201(c) (5) of the Communications Satellite Act of 1962, of Tariff F.C.C. No. 8 of the Communications Satellite Corporation, and any amendments thereof as well as any successive issues of such tariff as may hereafter be made until the close of the record herein.

By the Commission.

Adopted: July 18, 1973.

Released: July 23, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>6</sup>

[SEAL] VINCENT J. MULLINS,  
Acting Secretary.

[FR Doc.73-15859 Filed 7-31-73;8:45 am]

[FCC 73R-272]

#### RADIO GENEVA, INC., AND BUCCANEER BROADCASTING LTD.

##### Memorandum Opinion and Order Enlarging Issues

In re Applications of RADIO GENEVA, INC., Geneva, New York, Docket No. 19709, File No. BPH-7645, BUCCANEER BROADCASTING LTD., Geneva, New York, Docket No. 19710, File No. BPH-7821.

1. This proceeding involves the mutually exclusive applications of Radio Geneva, Inc. (Radio Geneva), and Buccaneer Broadcasting Ltd (Buccaneer) [38 FR 7842], each requesting a construction permit for a new FM broadcast station to operate on channel 269A at Geneva, New York. The applications were designated for consolidated hearing by Commission Order, FCC 73-295, 38 FR 7842, published March 26, 1973. Presently before the Review Board is a petition to enlarge issues, filed April 10,

<sup>5</sup> Although the present tariff proposal has not been challenged by any carrier or customer, we nevertheless believe it appropriate to indicate that a determination of its lawfulness, *ab initio* is appropriate, so that any remedies subsequently found appropriate such as, e.g. refunds, could be entertained as in the case of other Comsat tariffs. See particularly Communications Satellite Corporation, FCC 73-648 released June 27, 1973.

<sup>6</sup> Chairman Burch absent.

<sup>1</sup> Chairman Burch absent.

1973, by Radio Geneva,<sup>1</sup> seeking addition of a staff adequacy issue and requesting modification of an existing financial qualifications issue against Buccaneer.<sup>2</sup>

#### STAFF ADEQUACY ISSUE

2. Supported by the affidavit of Robert R. Michael, General Manager of Radio Station WGVA, Geneva, New York, Radio Geneva alleges that Buccaneer's proposed staff of five persons is inadequate to effectuate its proposed programming format. Noting that Buccaneer proposes to broadcast ten hours and forty minutes of news,<sup>3</sup> five hours of public affairs programming and two and one-half hours of all other programming (exclusive of entertainment and sports) per week, Michael concludes that a staff of six and one-half persons would be required in order to minimally effectuate the proposal. In opposition, both Buccaneer and the Broadcast Bureau argue that the requested staffing issue must be denied because Radio Geneva has not pleaded with the sufficiency and specificity required to support the addition of the issue. In reply, Radio Geneva contends that an issue is nevertheless required inasmuch as Buccaneer aside from indicating the number of hours each proposed employee would work, has failed to adequately specify the duties and responsibilities which would be attributed to each of the proposed employees. Petitioner cites WHCN, Inc., 25 FCC 2d 673, 19 RR 2d 1017 (1970), to support its request.

3. In the Board's view, petitioner's allegations are insufficient to warrant the imposition of the requested staffing issue. Radio Geneva predicates its request on little more than a recitation of Buccaneer's proposed programming, coupled with the bald assertion that the proposed staff is inadequate. While Buccaneer proposes to devote some eighteen hours a week to news, public affairs and "other" programming, there is nothing inherently improbable in Buccaneer's plan to operate an FM facility with a staff of five full-time employees. The Board has long held that where effectuation of a proposal is not inherently improbable, it will not specify an adequacy of staff issue absent specific allegations demonstrating that the proposal cannot

be effectuated. Cf. Martin Lake Broadcasting Co., 23 FCC 2d 721, 19 RR 2d 277 (1970); Jay Sadow (WRIP), 27 FCC 2d 248, 20 RR 2d 1171 (1971); and Fred Kaysbler, 19 FCC 2d 636, 17 RR 2d 389 (1969). This holding is clearly applicable in this case. Moreover, although Buccaneer did not specify all of the precise duties of each of its proposed employees, the applicant has indicated that it proposes to devote a considerable and, on its face, not unreasonable amount of employee hours (168) solely to the programming concerns of its 126 hour broadcast week. Accordingly, no issue is warranted.

#### FINANCIAL QUALIFICATIONS

4. In support of its request to enlarge the existing financial qualifications issue to encompass an inquiry into the reasonableness of Buccaneer's cost estimates, Radio Geneva alleges that Buccaneer either has made no provision for, or has underestimated, certain pre-operation and first year operating costs.<sup>4</sup> The inclusion and accuracy of estimating these expenses is particularly crucial to assuring the continuing operation of the applicant, petitioner asserts, since Buccaneer is proposing to rely on substantial advertising revenues during the first year of operation, citing Ultravision Broadcasting Company, 1 FCC 2d 544, 5 RR 2d 343 (1965). Further, Radio Geneva recommends that Buccaneer be called upon to specify with particularity what equipment it proposes to purchase and what equipment it has on hand. In this connection petitioner alleges that there is considerable confusion as to Buccaneer's precise proposal because of unexplained variances between the applicant's several financial amendments and original proposal.<sup>5</sup>

5. The existing financial issue will be enlarged to encompass inquiry into Buccaneer's cost estimates with respect to equipment payments, legal expenses, and certain pre-operating expenses (specifically engineering and installation costs). The applicant's assertion that its equipment payment schedule is based upon an oral understanding with its equipment supplier that a thirty to sixty day deferral can be obtained does not adequately substantiate its claim that it need only estimate twelve monthly pay-

ments in its application. Absent a more definitive arrangement whereby Buccaneer is reasonably assured of a sixty day deferral, it must be assumed that more than twelve monthly payments will be due prior to the expiration of the first year of operation.<sup>6</sup> Further, Buccaneer's amendment filed October 20, 1973, fails to clearly establish the apportionment of funds for the additional legal expenses incurred as a result of this hearing, or for engineering and installation costs. These matters raise questions which warrant further inquiry during the hearing. Radio Geneva's allegations concerning other cost estimates have been satisfactorily answered by Buccaneer. As adequately explained by the applicant, its loan repayments will not commence during the first year of operation; its initial loan from the Bogart Plumbing and Heating Company will not become due and payable for some eighteen months after it receives a construction permit and it does not intend to draw on its bank loan until the third month of operation, thereby suspending repayment of either loan well into the second year of operation. Radio Geneva's remaining allegations are either speculative in nature<sup>7</sup> or are based upon an unwarranted comparison with expenses incurred by an existing station, in this case its own AM facility which is located in the same market. The Commission requires more than a showing that a proposed station is advancing cost estimates which are lower than other on-going and established stations in the same or similar markets;<sup>8</sup> on the contrary, a petitioner must raise a substantial question as to whether or not an applicant's cost estimates are unrealistic. This, Radio Geneva has failed to do. Cf. Dowric Broadcasting Company, Inc., 37 FCC 2d 40, 25 RR 2d 92 (1972); Salem Broadcasting Co., Inc., 37 FCC 2d 115, 25 RR 2d 68 (1972).<sup>9</sup>

<sup>1</sup>As indicated in the application form (Form 301, section III, p. 2, Item Ic), the Commission requires an applicant to include 14 monthly payments in its cost estimate if its first equipment payment is due upon delivery, 13 monthly installments if payment is due in 30 days, and 12 monthly payments if payment is due in 60 days.

<sup>2</sup>E.g. Buccaneer has explained that it will rent rather than construct appropriate studio space; accordingly, there is no basis for concluding that the \$1,000 estimate for remodeling a studio would be required, let alone inadequate.

<sup>3</sup>In contrast to the costs incurred by petitioner's AM station, Buccaneer avers that its first year operating expenses were not underestimated since the principals of Buccaneer will use their personal automobiles, take reduced draws as payment, utilize existing office equipment and furniture and spend minimal monies on entertainment and promotion. With regard to miscellaneous expenses, Buccaneer also explains that the social security payments were included in the salary budget and that the postage and printing allocations were included in the office supplies and equipment category. Moreover, Mr. Shoupe will contribute his music album collection to the station for use as a music library.

<sup>4</sup>Also see Viking Television, Inc., 17 FCC 2d 823, 16 RR 2d 123 (1969); California Stereo, Inc., 39 FCC 2d 401, 28 RR 2d 887 (1973).

<sup>1</sup>Also before the Review Board are the following related pleadings: (a) Broadcast Bureau's comments, filed April 25, 1973; (b) opposition, filed April 30, 1973, by Buccaneer; and (c) reply, filed May 4, 1973, by Geneva.

<sup>2</sup>The financial issue specified by the Commission in its designation Order, *supra*, reads as follows:

1. To determine, with respect to the application of Buccaneer Broadcasting Ltd.:

(a) Whether the applicant can demonstrate the availability of advertising revenues in the amount of \$25,000, and if not, whether the applicant has available other sources of funds to meet its requirements;

(b) Whether, in light of the evidence adduced under the preceding issue, the applicant is financially qualified.

<sup>3</sup>Additionally, petitioner notes that the applicant's announcers will be responsible for gathering regional and local news, which will constitute 30% of the time devoted to news.

<sup>4</sup>Specifically, petitioner alleges that Buccaneer has made no provision for the following costs: construction of mobile equipment for remote broadcasts, legal services, installation of equipment and engineering, social security payments, gasoline and transportation, entertainment and promotion, postage and printing, music and record library, technical supplies and equipment, and loan repayments to the Bank of Geneva and the Bogart Plumbing and Heating Company. Furthermore, Radio Geneva contends that Buccaneer has underestimated the following expenses: remodeling of studio and transmitter site, salaries, utilities, equipment payments, office supplies and equipment and insurance. The Bureau also alleges that Buccaneer has underestimated its equipment payments by two installments.

<sup>5</sup>In two separate amendments, Buccaneer has scaled down both its equipment and financial proposals.

6. Accordingly, *It is ordered*, That the petition to enlarge issues, filed April 10, 1973, by Radio Geneva, Inc. is granted to the extent indicated herein and IS DENIED in all other respects; and

7. *It is further ordered*, That Issue 1, as specified in the designation Order, is amended to read as follows:

To determine, with respect to the application of Buccaneer Broadcasting Ltd.:

(a) The estimated costs for legal fees, equipment payments, and pre-operation equipment and installation costs during the first year of operation, and whether such estimates are reasonable;

(b) Whether the applicant can demonstrate the availability of advertising revenues in the amount of \$25,000, and if not, whether the applicant has available other sources of funds to meet its requirements, including any additional funds necessary in light of evidence adduced pursuant to issue (a);

(c) Whether, in light of the evidence adduced under the preceding issue, the applicant is financially qualified.

By the Review Board.

Adopted: July 20, 1973.

Released: July 25, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
*Acting Secretary.*

[FR Doc.73-15861 Filed 7-31-73;8:45 am]

[Dockets Nos. 19791, 19792]

#### MONTROSE COUNTY AIRPORT

##### Order Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Montrose County, Colorado, Montrose, Colorado, Docket No. 19791, (FCC FILE NO. 92-A-L-53), and Leonard E. Orme, d/b/a Orme Flying Service, Montrose, Colorado, Docket No. 19792, (FCC FILE NO. 119-A-L-53), For Aeronautical Advisory Station to serve Montrose County Airport, Montrose, Colorado.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at Montrose County Airport, Montrose, Colorado, and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein, each applicant is otherwise qualified.

2. In view of the foregoing, *It is ordered*, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b) (21) of the Commission rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in Section 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard Montrose County, Colorado and Leonard E. Orme, d/b/a Orme Flying Service, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this Order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

By the Chief, Safety and Special Radio Services Bureau.

Adopted: July 24, 1973.

Released: July 26, 1973.

[SEAL] CHARLES A. HIGGINBOTHAM,  
*Acting Chief, Safety and Special  
Radio Services Bureau.*

[FR Doc.73-15863 Filed 7-31-73;8:45 am]

#### CABLE TV TECHNICAL ADVISORY COMMITTEE PANEL 3

##### Agenda and Notice of Meeting

JULY 25, 1973.

Panel 3 of the Cable Television Technical Advisory Committee will hold an open meeting on Friday, August 10, 1973, at 10:00 a.m. The meeting will be held at the CPB Building, 888 16th Street, NW., Washington, D.C., in the lower level conference room. The agenda of the meeting will include:

1. Draft statement on compatibility
2. Requests to Panel 2 re subjective measurements
3. Approval of draft, local oscillator voltage measurement
4. Report of EIA-R4.2 work on direct pick-up
5. Adjacent sound and adjacent chroma measurements

6. Review of Panel's present objective and direction

7. Other business.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] VINCENT J. MULLINS,  
*Acting Secretary.*

[FR Doc.73-15862 Filed 7-31-73;8:45 am]

#### FEDERAL RESERVE SYSTEM

##### SOUTHERN BANCORPORATION, INC.

##### Proposed Acquisition of World Acceptance Corp.

Southern Bancorporation, Inc., Greenville, South Carolina, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company (38 Federal Register 16111). At the same time, Southern Bancorporation, Inc., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of World Acceptance Corporation, Greenville, South Carolina. Notice of the application was published in newspapers of general circulation in each of the 44 communities in Georgia, South Carolina, and Texas in which the consumer finance and insurance activities of World Acceptance Corporation are conducted.

Applicant states that the proposed subsidiary engages in the activities of making consumer finance loans and, in the States of Georgia and South Carolina, also acting as agent for the sale of credit related life, accident and disability insurance, and credit related property and casualty insurance issued in connection with extensions of credit by World Acceptance Corporation's consumer finance offices. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 12, 1973.

Board of Governors of the Federal Reserve System, July 30, 1973.

[SEAL] THEODORE E. ALLISON,  
Assistant Secretary of the Board.

[FR Doc.73-15993 Filed 7-31-73; 10:28 am]

## INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

### CLINCHFIELD COAL CO.

#### Applications for Renewal Permits; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m<sup>3</sup>) have been received as follows:

- (1) ICP Docket No. 20219, CLINCHFIELD COAL COMPANY, Birchfield No. 1 Mine, USBM ID No. 44 01894 0, Dante, Virginia, Section ID No. 003 (Unit #1), Section ID No. 002 (Unit #2).
- (2) ICP Docket No. 20223, CLINCHFIELD COAL COMPANY, Birchfield No. 2 Mine, USBM ID No. 44 02236 0, Dante, Virginia, Section ID No. 001 (Unit #1), Section ID No. 003 (Unit #2).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

JULY 25, 1973.

[FR Doc.73-15777 Filed 7-31-73; 8:45 am]

## PEABODY COAL CO. AND SOUTHERN APPALACHIAN COAL CO.

#### Applications for Renewal Permits; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m<sup>3</sup>) have been received as follows:

- (1) ICP Docket No. 20249, PEABODY COAL COMPANY, River King U.G. No. 1 Mine, USBM ID No. 11 00725 0, Freeburg, Illinois, Section ID No. 001 (Unit 1—Main West Entries), Section ID No. 012 (Unit 2—Sub-main West Entries), Section ID No. 009 (Unit 3—Main East Entries), Section ID No. 010 (Unit 4—35th North Panel), Section ID No. 004 (Unit 5—Main South Entries), Section ID No. 014 (Unit 6—40th North Panel), Section ID No. 016 (Unit 7—45th North Panel), Section ID No. 015 (Unit 8—3rd East Panel), Section ID No. 018 (Unit 9—Main North Entries—Left Side), Section ID No. 013 (Unit 10—1st North Panel), Section ID No. 017 (Unit 11—Main North Entries—Right Side).
- (2) ICP Docket No. 20720, SOUTHERN APPALACHIAN COAL COMPANY, Lens Creek No. 1 Mine, USBM ID No. 46 02784 0, Marmet, West Virginia, Section ID No. 001-0 (South West Mains), Section ID No. 001-1.

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

JULY 25, 1973.

[FR Doc.73-15776 Filed 7-31-73; 8:45 am]

## NORTH AMERICAN COAL CORP.

#### Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m<sup>3</sup>) have been received as follows:

- (1) ICP Docket No. 20543, THE NORTH AMERICAN COAL CORPORATION, Aulds Run No. 2 Mine, USBM ID No. 36 02602 0, Seward, Pennsylvania, Section ID No. 001 (Mains), Section ID No. 005 (4th Left), Section ID No. 006 (2nd Right).
- (2) ICP Docket No. 20545, THE NORTH AMERICAN COAL CORPORATION, Cone-maugh No. 1 Mine, USBM ID No. 38 00928 0, Seward, Pennsylvania, Section ID No. 003 (New Mains), Section ID No. 012 (3rd Right

off New Mains), Section ID No. 010 (2nd Left off New Mains), Section ID No. 013 (3rd Left off New Mains), Section ID No. 014 (4th Left off New Mains).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before Aug. 16, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

JULY 26, 1973.

[FR Doc.73-15818 Filed 7-31-73; 8:45 am]

## POSTAL SERVICE

### INTERNATIONAL MAIL

#### Notice of Parcel Post—People's Republic of China

On July 1, 1973, the U.S. Postal Service began exchanging air and surface parcels with the People's Republic of China. The following instructions govern mailing of the parcels.

*Weight Limit:* 44 pounds.

*Dimension:* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

*Sealing:* Compulsory.

*Postal Forms Required:* One Form 2966-A, 2 Forms 2966, 1 Form 2972.

*Surface Parcel Rates:* Two pounds or less, \$1.30; each additional pound or fraction, 40 cents.

*Air Parcel Rates:* Four ounces or less, \$2.15; each additional 4 ounces or fraction, 95 cents.

*Special Handling:* Available to port of dispatch only.

*Registration:* No provision.

*Insurance:* No provision.

*Full Name of Country:* Parcels must be addressed to the People's Republic of China. The country name may not be abbreviated.

*Limitations:* If the following limits applicable to the addressee for the below listed items are exceeded, authorities of the People's Republic of China may return the parcel to the sender or dispose of the parcel in accordance with their internal laws.

Description of articles	Parcel limitation	Yearly limitation
1. Hearing aid.....	1 (ounce only).....	
2. Medicine.....	Reasonable quantity for personal use (certificate required).	
3. Flint.....	100 pieces.....	300 pieces
4. Razor blades.....	20 pieces.....	50 pieces
5. Saccharin.....	1 1/2 ounces.....	7 ounces
6. Woolen and silk fabrics (double width).....	3 3/4 yards.....	9 3/4 yards
7. Woolen yarn.....	2 pounds.....	6 pounds
8. Cotton, flax, and man-made fiber fabrics (single width).....	10 1/2 yards.....	42 1/2 yards
9. Pepper.....	1 pound 1 1/2 ounces.....	4 pounds 6 ounces
10. Gourmet powder.....	7 ounces.....	26 ounces

**Prohibitions:** (1) Arms, ammunition, and explosives of all kinds; radio telegraphic receivers and transmitters; Chinese currency, bills (including checks) and securities; (2) printed matter, manuscripts, notes, and memoranda, paper matrices, negatives, photographs, phonograph records, cinematographic films, loaded sound-receiving tapes (wire), if the contents are deemed harmful politically, economically, culturally and morally to China, (3) narcotics, opium, morphine, heroin, cocaine, and implements for smoking them; poisonous drugs; undeveloped exposed photographic plates and films; medicine without packing and trade marks. Also see section 312, U.S. Postal Service Publication 42, *International Mail* for a list of items which may not be sent by parcel post to any country.

**Import Restrictions:** Gift parcels are admitted without the addressee having to obtain an import permit, if the value of a parcel does not exceed 50 Yuans (approximately \$25) and the total value of all parcels sent to one addressee in a year does not exceed 300 Yuans (approximately \$155).

(39 U.S.C. 401, 407)

LOUIS A. COX,  
General Counsel.

JULY 27, 1973.

[FR Doc.73-15858 Filed 7-31-73;8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AADAN CORP.

Order Suspending Trading

JULY 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$.10 par value, and all other securities of Aadan Corporation, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 27, 1973 through August 5, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-15824 Filed 7-31-73;8:45 am]

[File No. 24SF-3943]

## CONSOLIDATED MOGUL MINING CO., INC.

Order Permanently Suspending Exemption

JULY 26, 1973.

I

On September 7, 1972, Consolidated Mogul Mining Co., Inc. ("Consolidated Mogul"), 322 Newhouse Building, 10 Exchange Place, Salt Lake City, Utah 84111, filed with the Commission a Notification covering an offering of 3,000,000 shares of common stock at \$.10 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and Regulation A thereunder. The company was incorporated on May 6, 1970, for the purpose of conducting exploratory mining operations.

V. E. Anderson & Co., a broker-dealer having its principal place of business in Salt Lake City, Utah, was named as underwriter.

II

The Commission, on November 8, 1972, temporarily suspended the Regulation A exemption of Consolidated Mogul Mining, Inc., stating it had reason to believe that:

1. The Regulation A exemption was not available to Consolidated Mogul pursuant to the prohibitions of Rule 252(d) (2) of Regulation A, in that the underwriter, V. E. Anderson & Co., was the subject of a permanent injunction for violations of section 17(a) of the Securities Exchange Act of 1934 entered on April 18, 1969 in the United States District Court for Utah.

2. The Notification and Offering Circular of Consolidated Mogul omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading and contained untrue statements of material facts, particularly with respect to:

(a) The disposition of shares by Gregory Chachas and Charles Foote and the purchase of shares by J. William Pace and Thad B. Emery;

(b) The relationship between Gregory Chachas and Statton Zebra, Inc. and transfers of mining claims between themselves and Consolidated Mogul; and

(c) The prior affiliation of Gregory Chachas with Consolidated Mogul as officer, director, promoter, and principal security holder.

3. The terms and conditions of Regulation A had not been complied with in that:

(a) Items 2 and 3 of the Notification did not list Gregory Chachas as a predecessor and a promoter;

(b) Item 6 of the Notification failed to describe the injunction against the underwriter, V. E. Anderson & Co.; and

(c) Item 9 of the Notification failed to reflect certain transfers of its shares between former and present officers.

4. The offering, if made, would have been in violation of Section 17 of the Securities Act of 1933.

III

No hearing having been requested by Consolidated Mogul Mining Co., Inc. within thirty days after the entry of an order temporarily suspending the exemption of the Issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be permanently suspended:

*It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of Consolidated Mogul Mining Co., Inc. under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-15825 Filed 7-31-73;8:45 am]

[File No. 500-1]

## FEDERATED FRANCHISES, INC.

Order Suspending Trading

JULY 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$.01 par value, and all other securities of Federated Franchises, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered,* Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:30 a.m. (e.d.t.) July 26, 1973 through midnight (e.d.t.) August 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.

[FR Doc.73-15823 Filed 7-31-73;8:45 am]

[811-1192]

## TRANSATLANTIC FUND LTD.

Proposal To Terminate Registration

Notice is hereby given that the Commission proposes, pursuant to section

8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Transatlantic Fund Limited ("Fund"), Room 215, 20 Exchange Place, New York, New York 10005 a corporation chartered under the Companies Act of Canada, and registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Fund was organized in Canada on April 7, 1959, and pursuant to an order of the Commission permitting registration under the Act, Fund filed a Notification of Registration on Form N-8A and a Registration Statement on Form N-8B-1 with the Commission on December 31, 1962.

Pursuant to shareholder approval, on October 31, 1963 Fund transferred substantially all of its assets to its successor corporation, Transatlantic Fund, Inc. ("Transatlantic"), a Maryland corporation also registered under the Act, in exchange for shares of Transatlantic's common stock, which stock was thereupon distributed to Fund's shareholders and the Fund was subsequently dissolved.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 21, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.  
[FR Doc.73-15801 Filed 7-31-73;8:45 am]

[811-1910]

#### FIRST DIVERSIFIED MUTUAL FUNDS, INC.

##### Proposed Termination of Registration

JULY 26, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that First Diversified Mutual Funds, Inc. ("Fund"), 475 Fifth Avenue, New York, N.Y. 10017, a corporation organized under the laws of the State of New York, and registered under the Act as a closed-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Fund was organized in New York on February 5, 1969 and filed a Notification of Registration on Form N-8A and a Registration Statement on Form N-8B-1 under the Act with the Commission on August 4, 1969. Fund also filed a Registration Statement on Form S-5 under the Securities Act of 1933 ("1933 Act") on November 4, 1969. However, that Registration Statement has never been declared effective, and Counsel for the Fund has informed the Commission that the Fund has no intention of offering its securities to the public or of otherwise engaging in the business of an investment company.

Section 3(c)(1) of the Act excepts from the definition of "investment company" any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than August 21, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission,

Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,  
Secretary.  
[FR Doc.73-15802 Filed 7-31-73;8:45 am]

#### SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 974; Amdt. 6]

##### ILLINOIS

#### Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Illinois as a major disaster area following flooding, high winds and lake storms beginning on or about March 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional county: DeKalb. (See 38 FR 12179, 38 FR 13586, 38 FR 14897, 38 FR 16812, 38 FR 18064 and 38 FR 19294)

Applications may be filed at the:

Small Business Administration  
Branch Office  
Ridgely Building, Room 816  
902 East Monroe Street  
Springfield, Illinois 62701

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than September 18, 1973.

Dated: July 24, 1973.

THOMAS S. KLEPPE,  
Administrator.

[FR Doc.73-15799 Filed 7-31-73;8:45 am]

[Notice of Disaster Loan Area 973; Amdt. 4]

##### MISSOURI

#### Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Missouri as a major

disaster area following heavy rains and flooding beginning on or about March 6, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following counties: Howell and Oregon. (See 38 FR 10339, 38 FR 12179, 38 FR 14897 and 38 FR 16812)

Applications may be filed at the:

Small Business Administration  
District Office  
210 North 12th Street, Room 520  
St. Louis, Missouri 63101

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than September 17, 1973.

Dated: July 20, 1973.

THOMAS S. KLEPPE,  
*Administrator.*

[FR Doc.73-15795 Filed 7-31-73; 8:45 am]

[Notice of Disaster Loan Area 1006]

#### NEW YORK

##### Disaster Relief Loan Availability

As a result of the President's declaration of the State of New York as a major disaster area following severe storms and flooding beginning on or about June 28, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Columbia, Delaware, Dutchess, Rensselaer, Sullivan and Ulster.

Applications may be filed at the:

Small Business Administration  
Regional Office  
26 Federal Plaza—Room 3930  
New York, New York 10007

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under the announcement must be filed not later than September 18, 1973.

Dated: July 24, 1973.

THOMAS S. KLEPPE,  
*Administrator.*

[FR Doc.73-15798 Filed 7-31-73; 8:45 am]

[Notice of Disaster Loan Area 1005]

#### PENNSYLVANIA

##### Disaster Relief Loan Availability

As a result of the President's declaration of the State of Pennsylvania as a major disaster area following severe storms and flooding beginning on or about June 27, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Berks, Bucks, Chester, Delaware, Lancaster, Monroe, Montgomery and Wayne.

Applications may be filed at the:

Small Business Administration  
Regional Office  
1 Decker Square—East Lobby Suite 400  
Bala Cynwyd, Pennsylvania 19004

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than September 17, 1973.

Dated: July 23, 1973.

THOMAS S. KLEPPE,  
*Administrator.*

[FR Doc.73-15797 Filed 7-31-73; 8:45 am]

[Notice of Disaster Loan Area 998; Amdt. 1]

#### TENNESSEE

##### Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Tennessee as a major disaster area following severe storms and flooding beginning on or about May 26, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties; Overton and White. (See 38 FR 18596).

Applications may be filed at the:

Small Business Administration  
District Office  
500 Union Street  
Nashville, Tennessee 37219

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of P. L. 93-24.

Applications for disaster loans under this announcement must be filed not later than September 17, 1973.

Dated: July 23, 1973.

THOMAS S. KLEPPE,  
*Administrator.*

[FR Doc.73-15796 Filed 7-31-73; 8:45 am]

#### TARIFF COMMISSION

Washington

[337-L-46]

##### CLOSED TOE CIRCULAR HOSIERY KNITTING MACHINES AND DEVICES

##### Notice of Dismissal of Preliminary Inquiry

On the basis of the submissions made to the Commission by interested parties, the Tariff Commission on July 24, 1973, dismissed preliminary inquiry 337-L-46 (December 2, 1971, 36 FR 23018) without a determination on its merits.

By order of the Commission.

Issued: July 27, 1973.

KENNETH R. MASON,  
*Secretary.*

[FR Doc.73-15816 Filed 7-31-73; 8:45 am]

#### DEPARTMENT OF LABOR

Occupational Safety and Health  
Administration

#### STANDARDS ADVISORY COMMITTEE ON CARCINOGENS

##### Notice of Meetings

Notice is hereby given that the Standards Advisory Committee on Carcinogens, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on the following dates: Thursday, August 2, 1973, at 9:30 a.m. and Friday, August 3, 1973, at 8:30 a.m. in Conference Room B of the Departmental Auditorium, located on Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C.; Tuesday, August 7, 1973 at 9:30 a.m. and Wednesday, August 8, 1973, at 8:30 a.m. in Conference Room B of the Departmental Auditorium (same address as above); and Wednesday, August 15, 1973 at 9:30 a.m. and Thursday, August 16, 1973 at 8:30 a.m. in Conference Room 102 A, B, C, and D of the Main Labor Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The agenda provides for further discussion by the committee of the development of recommendations for a standard on carcinogens.

The meetings shall be open to the public. Written data, views, or arguments concerning the subject to be considered may be filed, together with 25 copies thereof, with the Committee's Executive Secretary up to the close of business on August 15, 1973. Submissions timely received will be provided to the members of the Committee and will be included in the record of the meetings.

Oral comments may be made to the extent that the committee permits. Persons wishing to make oral comments at any of the meetings, should submit a written request to be heard, together with 25 copies thereof, to the Executive Secretary as soon as is practical before the beginning of the meeting. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. At the meeting the chairman will announce whether oral presentation will be allowed, and, if so, under what conditions.

All written communications should be addressed as follows:

Milton W. Umbenhouer, Acting Executive  
Secretary  
Standards Advisory Committees, OSHA-OSMC  
Railway Labor Building, Room 509  
U.S. Department of Labor  
Washington, D.C. 20210

Signed at Washington, D.C. this 30th day of July 1973.

JOHN STENDER,  
*Assistant Secretary of Labor.*

[FR Doc.73-15995 Filed 7-31-73; 10:29 am]



## INTERSTATE COMMERCE COMMISSION

[Notice 309]

### ASSIGNMENT OF HEARINGS

JULY 27, 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.

FD-20812, Railway Express Agency, Inc., Notes, Pre-Hearing Conference is continued to August 7, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-P 11804, Dallas & Mavis, Inc.—Control and Merger—Dallas & Mavis Forwarding Co., Inc., now being assigned hearing October 1, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MOO 8075, Abco, Inc., The Collins Packing Company, The Selected Meat Company, The Waldoock Company, and Thomas Industries, Inc.—Investigation of Operations and Practices and Revocation of Permit, now being assigned hearing September 24, 1973 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

MC 116763 Sub 233, Carl Subler Trucking, Inc., now being assigned hearing September 25, 1973, (2 days), at Columbus, Ohio, in a hearing room to be later designated.

MCC 8083, Point Express, Inc.—Investigation and Revocation of Certificates—now being assigned hearing September 27, 1973, at Columbus, Ohio, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-15838 Filed 7-31-73; 8:45 am]

[Under Rev. SO No. 1002; Car Distribution Direction No. 93; Amdt. 2]

### ATLANTA AND WEST POINT RAIL ROAD CO.

In the matter of Atlanta and West Point Rail Road Co. Carolina, Clinchfield and Ohio Railway, Georgia Rail Road & Banking Co., Louisville and Nashville Railroad Co., Seaboard Coast Line Railroad Co., the Western Railway of Alabama.

Upon further consideration of Car Distribution Direction No. 93 and good cause appearing therefor:

It is ordered, That:

Car Distribution Direction No. 93 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) Expiration date. This direction shall expire at 11:59 p.m., August 31,

1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1973, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 24, 1973.

INTERSTATE COMMERCE,  
COMMISSION,  
[SEAL] R. D. PFAHLER,  
Agent.

[FR Doc.73-15843 Filed 7-31-73; 8:45 am]

[Ex Parte No. 241; Exemption No. 46]

### ERIE LACKAWANNA RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

#### Exemption Under Mandatory Car Service Rules

It appearing, that the Erie Lackawanna Railway Company, (EL), Thomas F. Patton and Ralph S. Tyler, Jr., Trustees, and the Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC), have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 388, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GB", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the EL and the PC without regard to the requirements of Car Service Rules 1 and 2.

EL	Reporting Marks				TOC
	BAA	NH	PCB	PC	
ERIE.....	BWC	NYC	P&E		
DL&W.....	CASO	PCA	PRR		

Effective July 23, 1973.

Expires August 31, 1973.

Issued at Washington, D.C., July 23, 1973.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[FR Doc.73-15844 Filed 7-31-73; 8:45 am]

### FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 27, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before August 16, 1973.

FSA No. 42720—Class and Commodity Rates Between Points in Texas. Filed by Texas-Louisiana Freight Bureau, Agent, (No. 671), for interested rail carriers. Rates on various commodities, in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff—Supplement 27 to Texas-Louisiana Freight Bureau, Agent, tariff 87-J, I.C.C. No. 1159. Rates are published to become effective on August 25, 1973.

#### AGGREGATE-OF-INTERMEDIATES

FSA No. 42721—Class and Commodity Rates Between Points in Texas. Filed by Texas-Louisiana Freight Bureau, Agent, (No. 670), for interested rail carriers. Rates on various commodities, in carloads, as described in the application, from, to and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 27 to Texas-Louisiana Freight Bureau, Agent, tariff 87-J, I.C.C. No. 1159. Rates are published to become effective on August 25, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-15839 Filed 7-31-73; 8:45 am]

### PENN CENTRAL TRANSPORTATION CO.

#### Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 74 (Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr. Trustees) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 74 be, and it is hereby, amended by substituting the following

paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1973, unless otherwise modified, changed, or suspended.

*It is further ordered.* That this amendment shall become effective at 11:59 p.m., July 31, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 24, 1973.

INTERSTATE COMMERCE  
COMMISSION,  
R. D. PFAHLER,  
Agent.

[FR Doc.73-15841 Filed 7-31-73;8:45 am]

[No. MC-C-8130]

**ANDERSON PEAT CO. AND MICHIGAN  
PEAT CO.**

**Petition for Issuance of Declaratory Order**

(NOTICE OF FILING OF PETITION FOR ISSUANCE OF A DECLARATORY ORDER), filed July 20, 1973. Joint petitioners: ANDERSON PEAT COMPANY Waterford, Mich. MICHIGAN PEAT COMPANY, Valley Forge, Pa. Petitioners' representative: William L. Slover 1224 Seventeenth Street, N.W. Washington, D.C. 20036 By joint petition filed July 20, 1973, the above-named petitioners request that the Commission issue a declaratory order, pursuant to 5 U.S.C. 554(e), determining affirmatively that the for-hire transportation by motor vehicle, in interstate or foreign commerce, of "peat and peat humus," is exempt from economic regulation by this Commission under the provisions of Section 203(b) (6) of the Interstate Commerce Act. Petitioners submit that the issue arises because of an inappropriate distinction made by the Bureau of Operations in *Administrative Ruling No. 119*, exempting from economic regulation "peat moss, dried, shredded, [or] baled," but not exempting "peat, for use as an organic fertilizer, wet with water and other solutions, decomposed in a pressure vessel and dried." Petitioners contend that the latter category of peat does not exist and should properly be classified as "processed sewage and sludge." Petitioners further aver that they have recently encountered difficulties with State and local officials because of confusion and ambiguity resulting from the erroneous distinction made in *Administrative Ruling No. 119*, and they ask that this Ruling be revoked and rescinded summarily and immediately, or that the erroneous "peat" listing be deleted therefrom.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against, the relief sought in the petition may do so by the

submission of written data, views, or arguments. An original and fifteen copies of such data, views, or arguments shall be filed with the Commission on or before October 1, 1973. A copy of each representation should be served upon petitioners' representative. Written material or suggestions submitted will be available for public inspection at the Offices of The Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-15846 Filed 7-31-73;8:45 am]

**FILING OF PLEADING COPIES**

JULY 27, 1973.

In filing with the Commission the number of pleading copies required by the General Rules of Practice, practitioners occasionally transmit additional copies of pleadings directly to each Commissioner. Every effort has been made to reduce the number of copies filed with the Commission in order to minimize the burden placed upon the parties and the Commission's staff. Accordingly, the practice of transmitting additional copies of pleadings directly to Commissioners is not favored and hereafter such copies will be returned to the sender by the Secretary.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-15845 Filed 7-31-73;8:45 am]

**SCHNEIDER TRANSPORT, INC. AND B&L  
MOTOR FREIGHT, INC.**

At a session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 17th day of July, 1973. No. MC-51146; Sub-No. 242 SCHNEIDER TRANSPORT, INC., EXTENSION—PAPER (Green Bay, Wis.), No. MC-123255 (Sub-No. 16), B & L MOTOR FREIGHT, INC., EXTENSION—PAPER (Newark, Ohio).

Upon consideration of the record in the above-entitled proceedings, and of:

(1) Petition of Nelson Freightways, Inc., filed May 7, 1973, for intervention embracing a tendered petition for publication and further hearing;

(2) Joint reply by applicants, filed May 31, 1973; and good cause appearing therefor:

It appearing, That while the language employed in the territorial descriptions in the applications as originally filed and published connotes a non-radial operation, the reference therein to a named shipper's facilities at Litchfield, Ill.,

viewed in the context of applicants' ultimate proposals herein, may well have caused otherwise interested persons to fail to protest the applications and protect their interests; that, accordingly, under the special circumstances here present, a notice of the authority actually granted in these proceedings will be published in the Federal Register; and that within 30 days from the date of such publication any person with a proper interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which he has been prejudiced by a lack of notice of the operations authorized in this proceeding;

*It is ordered.* That Nelson Freightways, Inc., be, and it is hereby, permitted to intervene in these proceedings, and to appear and participate in all further proceedings therein.

*It is further ordered.* That the tendered petition embraced in (1) above, be, and it is hereby, accepted for filing.

*It is further ordered.* That the proceedings be, and they are hereby, reopened for further processing under modified procedure.

*It is further ordered.* That notice of the authority sought as granted in the findings and order entered in these proceedings on February 1, 1973, be published in the FEDERAL REGISTER.

*It is further ordered.* That September 19, 1973, be, and it is hereby, fixed as the date on or before which applicants may file verified statements in support of the application; that October 18, 1973, be, and it is hereby, fixed as the date on or before which Nelson Freightways and interveners, if any there be, may file verified statements in opposition; and that October 29, 1973, be, and it is hereby, fixed as the date on or before which applicants may file verified statements in rebuttal.

*It is further ordered.* That after expiration of the time period fixed by this order for the filing of verified statements, this proceeding be, and it is hereby, referred to an appropriate board for further consideration and disposition.

By the Commission, Division 1, Acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-15837 Filed 7-31-73;8:45 am]

[No. 35863]

**MONTANA INTRASTATE RAIL FREIGHT  
RATES AND CHARGES, 1973**

*Order.* At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 16th day of July, 1973.

By joint petition filed on June 29, 1973, Burlington Northern Inc.; Chicago, Milwaukee, St. Paul and Pacific Railroad Company; and Union Pacific Railroad Company, common carriers by railroad operating within the State of Montana, aver that the Public Service Commission of Montana has refused to authorize or

to permit certain increases in rates or charges on particular commodities or services in intrastate commerce within Montana corresponding to the increases which have been permitted on the same commodities or services by this Commission as pertains to interstate commerce. The increases at issue and the corresponding interstate proceedings are listed below.

(1) grain, grain products, and feeds; switching charges; lead and zinc ores and concentrates; and sugar: Ex Parte No. 256, *Increased Freight Rates and Charges, 1967*, 329 I.C.C. 854, 332, I.C.C. 280;

(2) grain, grain products, and feeds; and coal: Ex Parte No. 259, *Increased Freight Rates, 1968*, 332 I.C.C. 590, 332 I.C.C. 714;

(3) sugar or sugar beets: Ex Parte No. 262, *Increased Freight Rates, 1969*, 337 I.C.C. 436;

(4) sugar beets; and prepared animal and poultry feed: Ex Parte No. 265, *Increased Freight Rates, 1970 and 1971*, 339 I.C.C. 125 [Ex Parte No. 267, which is reported in the same decision is not in issue as pertains to these commodities];

(5) rates and charges generally: Ex Parte No. 281, *Increased Freight Rates and Charges, 1972*, 341 I.C.C. 288; and

(6) rates and charges on the movement of pulpwood chips generally, the sought level of which was denied by the Montana Public Service Commission in its Docket No. 6102 by Order No. 4082 entered on December 15, 1972; this level would incorporate general increases through the level authorized on interstate commerce in Ex Parte No. 281.

Wherefore, and for good cause:

It is ordered, That pursuant to section 13 of the Interstate Commerce Act, an investigation be, and it is hereby, instituted into the matters and things presented in the petition to determine whether the present intrastate rates and charges as set forth above and more particularly in the petition are in any manner unlawful under section 13(4) of the act and, if warranted, to enter an appropriate order thereunder.

It is further ordered, That all common carriers by railroad operating within the State of Montana be, and they are hereby, made respondents to this proceeding.

It is further ordered, That any person intending to participate in this proceeding shall notify this Commission by filing with the Commission's Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, NW., Washington, D.C., 20423, on or before September 4, 1973, an original and one copy of a statement of his intention to participate; and that a service list shall be prepared and made available to persons responding to this order, containing the names and addresses of all parties to this proceeding, upon whom copies of all pleadings must be served; thereafter, the nature of further proceedings will be designated.

And it is further ordered, That a copy of this order be served upon the respondents; that the State of Montana be notified of this proceeding by sending a copy

of this order by certified mail to the Governor of Montana, Helena, Mont., and a copy to the Public Service Commission of Montana, Helena, Mont.; and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Commission's Secretary and by filing a copy with the Director, Office of the Federal Register for publication in the Federal Register.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-15836 Filed 7-31-73;8:45 am]

[Rev. S. O. 994; I.C.C. ORDER 75; Amdt. 3]

WESTERN MARYLAND RAILWAY CO.

Rerouting or Division of Traffic

Upon further consideration of I.C.C. Order No. 75 (Western Maryland Railway Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 75 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 24, 1973.

INTERSTATE COMMERCE  
COMMISSION,

[SEAL] R. D. PFAHLER,  
Agent.

[FR Doc.73-15842 Filed 7-31-73;8:45 am]

[Notice 333]

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 C.F.R. 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 applica-

tion. 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 21, 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-74578. By order entered July 17, 1973, the Motor Carrier Board approved the transfer to Shoemaker Trucking Company, a corporation, Boise, Idaho, of the operating rights set forth in Certificates Nos. MC-114265, MC-114265 (Sub-No. 4), MC-114265 (Sub-No. 5), MC-114265 (Sub-No. 6), MC-114265 (Sub-No. 8), MC-114265 (Sub-No. 9), MC-114265 (Sub-No. 11), and MC-114265 (Sub-No. 13), issued by the Commission October 27, 1964, August 21, 1967, November 27, 1967, October 30, 1968, November 13, 1970, August 6, 1971, December 7, 1972, and February 27, 1973, to Ralph Shoemaker, doing business as Shoemaker Trucking Company, Boise, Idaho, authorizing the transportation of lumber, fertilizer, wood and steel trusses, laminated wooden beams, construction supplies and materials, and commodities which because of size or weight require the use of special equipment, scrap metal, building materials and supplies, pipe, construction equipment, and glue, from, to, or between points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Raymond D. Givens, 500 Washington St., P.O. Box 964, Boise, Idaho 83701, attorney for applicants.

No. MC-FC-74611. By order of July 24, 1973, the Motor Carrier Board approved the transfer to Tape-Films, Inc., New York, N.Y., of Permit No. MC-135973 Sub-No. 1, issued October 31, 1972, to Expedited Transportation Corporation, Secaucus, N.Y., authorizing the transportation of film, video tape, and sound tracks between points in New York County, N.Y., on the one hand, and, on the other, Wilmington, Del. Gerald Morreale, Sheib, Shatzkin & Cooper, 235 East 42nd St., New York, N.Y. 10017, Attorney for Applicants.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-15840 Filed 7-31-73;8:45 am]

MOTOR CARRIER INTRASTATE  
APPLICATIONS

JULY 25, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought,

pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the Federal Register, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54168 filed July 17, 1973. Applicant: BUSY BEE FREIGHT LINES, INC. P.O. Box 460 Modesto, Calif. 95353 Applicant's representative: Handler, Baker & Greene 100 Pine Street, Suite 2550 San Francisco, Calif. 94111 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except as hereinafter provided: Part I: (1) Between all points and places in the San Francisco Territory as described in Part II. (2) Between all points and places on or within 20 lateral miles of the following routes: (a) Interstate Highway 80 between San Francisco and Sacramento, inclusive; (b) State Highway 4 between its junction with Interstate Highway 80 near Pinole, and Stockton, inclusive; (c) Interstate Highway 580 between its intersection with State Highway 17 and its intersection with Interstate Highway 5, inclusive; (d) Interstate Highway 5 between its intersection with Interstate Highway 580 and its intersection with State Highway 120, inclusive; (e) State Highway 120 between its intersection with Interstate Highway 5 and its intersection with State Highway 99, inclusive; (f) Interstate Highway 5 between its junction with Interstate Highway 580 and its intersection with State Highway 198, inclusive; (g) State Highway 198 between its intersection with Interstate Highway 5 and its intersection with State Highway 99 near Visalia, inclusive; (h) State Highway 99 between Sacramento and Tulare, inclusive; (i) Interstate Highway 5 between its intersection with State Highway 4 at Stockton and its intersection with State Highway 120. (j) State Highway 152 between its intersection with Interstate Highway 5 and its intersection with State Highway 99. (k) State Highway 33 between its intersection with State Highway 152 at Dos Palos and its intersection with Interstate Highway 5. (1) State Highway 180 between its intersection with State Highway 33 and its intersection with State Highway 99. (m) State Highway 140 between its intersection with Interstate Highway 5 and State Highway 99. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service. Part II: SAN FRANCISCO TER-

RITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastro Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simia to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwestwardly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Spring; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwestwardly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. EXCEPT THAT applicant shall not transport any ship-

ments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A. (2) Automobiles, trucks and buses, viz: new and used, finished and unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks trailers combined, buses and bus chassis. (3) Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine. (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles. (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (7) Cement. (8) Logs. (9) Commodities of unusual or extraordinary value. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 54156 filed July 6, 1973. Applicant: KERN VALLEY TRUCKING, a Corporation 3901 Medford Street Los Angeles, Calif. 90063 Applicant's representative: Carl H. Fritze 1545 Wilshire Boulevard Los Angeles, Calif. 90017 Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, EXCEPT used household goods and personal effects, motor vehicles in truckaway service, livestock, commodities requiring refrigeration or temperature control, commodities in bulk, in tank, dump or hopper-type vehicles, commodities requiring mixing in transit and logs, as follows: Section I. (1) BETWEEN the portion of the Los Angeles Basin Territory, as described in Section II below, and Wheeler Ridge, inclusive; via Interstate Highway 5 including points within 10 miles laterally therefrom. (SEE EXCEPTIONS 1 and 2). (2) BETWEEN Wheeler Ridge and Fresno, inclusive; via State Highway 99 including points within 25 miles laterally therefrom. INCLUDING points within a 10 mile radius of the following: (a) The junction of State Highways 99 and 180 within the City of Fresno. (b) The junction of State Highways 198 and 41 near Lemoore. (c) The junction of State Highway 180 and County Road J-19, Fresno County (also known as Valley Road) near Squaw Valley. (3) BETWEEN Fresno and Dunnigan, inclusive, via State Highway 99 and Interstate Highway 5 including points and places

within a twenty mile radius of the corporate limits of the City of Sacramento (SEE EXCEPTION 2), and including the off-route points of Escalon, Riverbank and Oakdale. (4) BETWEEN Fresno and Lincoln, inclusive, via State Highway 99, Interstate Highway 80 and State Highway 65 including points and places within a twenty mile radius of the corporate limits of the City of Sacramento (SEE EXCEPTION 2), and including the off-route points of Escalon, Riverbank and Oakdale. (5) Interstate Highways 5 and 205 between Stockton and Tracy, inclusive. (6) State Highway 33 between junction with Interstate Highway 205 near Tracy and Maricopa, including the off-route points of Huron, Kettleman City and Ford City. (7) State Highway 14, including points within ten miles laterally therefrom, between its junction with Interstate Highway 5 near San Fernando, and a point five miles north of Lancaster, inclusive including the off-route points of Quartz Hill, Pearlblossom and Rosamond (SEE EXCEPTION 1). (8) BETWEEN points in the San Francisco Territory, as described in Section III below, and Sacramento via Interstate Highway 80 and via State Highways 24, 4 and 160 including points within ten miles laterally therefrom. (9) BETWEEN points in the San Francisco Territory and Modesto via Interstate Highway 580 and State Highway 132 including points within ten miles laterally therefrom. (10) BETWEEN Wheeler Ridge and junction Interstate Highways 5 and 205 via Interstate Highway 5 including points within ten miles laterally therefrom. (11) BETWEEN Tracy and junction Interstate Highways 205 and 580 via Interstate Highways 205 and 205 Bypass. (12) Through routes and rates may be established between any and all points specified in subparagraphs 1 through 11 above. (13) For operating convenience only, applicant is authorized to traverse State Highway 14 between a point thereon five miles north of Lancaster and Mojave, and State Highway 58 between Mojave and a point thereon twenty-five miles east of State Highway 99, serving no points or places on or laterally from State Highways 14 and 58. EXCEPTIONS: (1) Applicant is not authorized to serve Newhall, Saugus and Castaic or the off-route point of Rosamond except in conjunction with split delivery shipments. (2) Applicant is not authorized to provide local service between points: (a) Within the described portion of the Los Angeles Basin Territory (See Section II). (b) Within a twenty mile radius of the corporate limits of the City of Sacramento. Section II: The portion of Los Angeles Basin Territory for which authority is granted herein includes that area embraced by the following boundaries: Beginning at the intersection of Sunset Boulevard and State Highway 1; thence northeasterly on Sunset Boulevard to Interstate Highway 405; thence northerly along Interstate Highway 405 to Chatsworth Street; northeasterly along Chatsworth Street to the corporate boundary of the City of San Fernando;

westerly and northerly along said corporate boundary to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundaries to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to and including the City of Redlands; westerly along Interstate Highway 10 to Interstate Highway 15 (U.S. Highway 395); southerly along Interstate Highway 15 to State Highway 91; southwestly along State Highway 91 to State Highway 55; southerly along State Highway 55 to the Pacific Ocean; westerly and northerly along the shoreline of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and State Highway 1, thence northerly along an imaginary line to point of beginning. Section III: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwestly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain

Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif., 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 73-15847 Filed 7-31-73; 8:45 am]

[Notice No. 18]

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 25, 1973.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2 (c) (9) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2 (c) (9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2 (c) (9) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of

property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PASSENGERS

No. MC-2890 (Deviation No. 93), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, Calif. 90021, filed June 27, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Brenda Junction, Ariz., over Interstate Highway 10 to Tonopah, Ariz., thence via unnumbered Maricopa County road to junction U.S. Highway 80 south and east of Buckeye, Ariz., thence over U.S. Highway 80 to Phoenix, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Los Angeles, California, over U.S. Highway 99 to Beaumont, Calif., thence over U.S. Highway 60 to Mesa, Ariz., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-15848 Filed 7-31-73;8:45 am]

[Notice No. 27]

#### MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JULY 25, 1973.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation routes herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

#### MOTOR CARRIERS OF PROPERTY

No. MC-29910 (Deviation No. 24), ARKANSAS-BEST FREIGHT, SYS-

TEM, INC., 301 S. 11th Street, Fort Smith, Arkansas 72901, filed July 11, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Sikeston, Mo., over U.S. Highway 60-62 to junction Interstate Highway 57 at or near Cairo, Ill., thence over Interstate Highway 57 to junction Illinois Highway 146, thence over Illinois Highway 146 to junction U.S. Highway 45 at or near Vienna, Ill., thence over U.S. Highway 45 to junction Illinois Highway 141, approximately two miles north of Texas City, Ill., thence over Illinois Highway 141 to junction Indiana Highway 62 at the Illinois-Indiana State Line, thence over Indiana Highway 62 to Evansville, Ind., thence over Indiana Highway 57 to junction U.S. Highways 50-150 at or near Washington, Ind., thence over U.S. Highway 50-150 to junction U.S. Highways 50-150 at or near Shoals, Ind., thence over U.S. Highway 50 to Cincinnati, Ohio, and (2) from Sikeston, Mo., over those routes described in (1) above to Cincinnati, Ohio, thence over Interstate Highway 75 to Dayton, Ohio, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Akron, Ohio, over Ohio Highway 5 to Wooster, Ohio, thence over Ohio Highway 3 to Mount Vernon, Ohio, thence over Ohio Highway 13 to Newark, Ohio, thence over Ohio Highway 16 to Columbus, Ohio, thence over Ohio Highway 440 (formerly portion U.S. Highway 40) to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo. (also from Brandt, Ohio, over Ohio Highway 201 to Dayton, Ohio, thence over Ohio Highway 49 to junction U.S. Highway 40, thence over U.S. Highway 40 to St. Louis, Mo.) thence over U.S. Highway 66 via Carthage, Mo., to Afton, Okla. (also from Carthage over U.S. Highway 71 to junction Interstate Highway 44 (formerly U.S. Highway 166), thence over Interstate Highway 44 to Joplin, Mo., thence over Missouri Highway 43 to junction U.S. Highway 60, thence over U.S. Highway 60 to Afton), thence over U.S. Highway 66 to Tulsa, Okla., serving the intermediate points of Barberton, Newark, Columbus, Springfield and Dayton, Ohio; Richmond, Indianapolis and Terre Haute, Indiana; East St. Louis, Illinois, and St. Louis and Springfield, Missouri, *restricted* to preclude the handling of traffic originating at or destined to St. Louis, Mo., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, and which moves to or from Cincinnati, Ohio, and points in the Cincinnati, Ohio Commercial Zone, (2) from St. Louis, Mo., over U.S. Highway 67 to junction U.S. Highway 61, thence over U.S. Highway 61 via Crystal City, Perryville and Jackson, Mo., to junction Missouri Highway 34, thence over Missouri Highway 34 to Cape Girardeau, Mo., thence over Missouri Highway 74 to

junction U.S. Highway 61, thence over U.S. Highway 61 to junction unnumbered highway to Sikeston, Mo., thence over unnumbered highway via Sikeston to junction U.S. Highway 61, thence over U.S. Highway 61 to Blytheville, Ark., thence over U.S. Highway 61 to junction Arkansas Highway 77, thence over Arkansas Highway 77 via Turrell, Clarke-dale, Jericho, and Marion, Ark., to West Memphis, Ark., thence over U.S. Highway 70 to junction U.S. Highway 61, thence over U.S. Highway 61 to Memphis, Tenn., thence over U.S. Highway 70 to Little Rock, Ark., serving the intermediate points of Cape Girardeau and Sikeston, Mo., Memphis, Tenn., and Blytheville, West Memphis, Forrester City, Brinkley, Carlisle, Hazen, Lonoke and North Little Rock, Ark., and the off-route points of Caruthersville, Ferguson and Robertson, Mo., points within two miles of Robertson, Mo., Stuttgart and Camp Joseph T. Robertson, Ark., Alton, East Alton and Belleville, Ill., and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, and (3) from Cincinnati, Ohio, over U.S. Highway 52 via Brookville and Rushville, Ind., to Indianapolis, Ind. (also from Cincinnati over U.S. Highway 52 to Brookville, Ind., thence over Indiana Highway 1 to Connersville, Ind., thence over Indiana Highway 44 to Rushville, Ind., thence over U.S. Highway 52 to Indianapolis) serving all intermediate points and serving points in Marion County, Ind., except Juleta and Indianapolis, Ind., as intermediate and off-route points, and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-15849 Filed 7-31-73;8:45 am]

[Notice 59]

#### MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JULY 25, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

## MOTOR CARRIERS OF PROPERTY

No. MC 16513 (Sub-No. 5) (NOTICE OF FILING OF PETITION TO MODIFY A VEHICLE RESTRICTION) filed July 13, 1973. Petitioner: REISCH TRUCKING & TRANSPORTATION CO., INC. 819 Union Avenue Pennsauken, N.J. 80110 Petitioner's representative: L. C. Major, Jr. Suite 30, Tavern Square 421 King Street Alexandria, Va. 22314 Petitioner presently hold a motor common carrier certificate in No. MC 16513 (Sub-No. 5) issued February 23, 1973, authorizing transportation, by motor vehicle, over irregular routes of food and food-stuffs (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Kraftco Corporation at or near Fogelsville, Pa., to points in Delaware, Maryland, New York, New Jersey and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, restricted to traffic originating at the named origin points and destined to the named destination points. By the instant petition, petitioner seeks to modify its vehicle restriction to read either: (a) "in vehicles equipped to protect such products from heat or cold, except in bulk, in tank vehicles"; (b) "in vehicles equipped with insulation"; or (c) deletion of the restriction "in vehicles equipped with mechanical refrigeration. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 113635 (Sub-No. 3) (NOTICE OF FILING OF PETITION TO MODIFY PERMIT) Petitioner: S & S TRUCKING, INC. Alzada Star Route Belle Fourche, S. Dak. 57717 Petitioner's representative: Gene R. Bushnell P.O. Box 190 Rapid City, S. Dak. 57701 Petitioner presently holds a motor contract carrier permit in No. MC 113635 (Sub-No. 3), issued December 22, 1972, authorizing, as pertinent, transportation, by motor vehicle, over irregular routes of: (1) bentonite, in bulk, in tank and hopper type vehicles, between points in Wyoming, Montana, South Dakota, North Dakota and Minnesota, restricted to a transportation service to be performed under a continuing contract or contracts with Federal Bentonite Company of Colony, Wyo.; and (2) soda ash, from the FMC Plant near West Avco, Wyo., to Colony, Wyo., with no transportation for compensation on return except as otherwise authorized, restricted to a transportation service to be performed under a continuing contract or contracts with Baroid Division, N. L. Industries, Inc. and Federal Bentonite Company, of Colony, Wyo. By the instant petition, petitioner seeks: (a) to add International Minerals & Chemical Corporation and Baroid Division, N. L. Industries, Inc. as additional contracting shippers in (1) above; and (b) to expand its present authority in (2) above to include: "Soda ash, from

points in Sweetwater County, Wyo., restricted to traffic moving in interstate commerce, and further restricted to a transportation service to be performed under a continuing contract or contracts with International Minerals & Chemical Corporation". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 129663 (Sub-Nos. 2 and 5) (CORRECTION—OF A NOTICE OF FILING OF PETITION TO MODIFY PERMITS BY ADDING AN ADDITIONAL ORIGIN AND SHIPPER) filed April 9, 1973. Petitioner: BORIGHT TRUCKING CO., INC. Boright Avenue Kenilworth, N.J. 07033 Petitioner's representative: George A. Olsen 69 Tonnele Avenue Jersey City, N.J. 07036 Note: The purpose of this correction is to reflect that petitioner seeks to modify its Sub-No. 2 and 5 permit issued March 24, 1969 and June 1, 1972 respectively, in lieu of the base permit MC 129663 which was previously published in error.

## APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

## MOTOR CARRIERS OF PROPERTY

No. MC-F-11936. (PINTO TRUCKING SERVICE, INC.—PURCHASE (PORTION)—S. S. BERTZ & SONS, INC.), published in the July 19, 1973, issue of the Federal Register on page 19302. Application filed July 18, 1973, for temporary authority under section 210a(b).

No. MC-F-11938. Authority sought for purchase by SCHANNO TRANSPORTATION, INC., P.O. Box 3496, St. Paul, MN 55165, of a portion of the operating rights of OVERLAND EXPRESS, INC., 651 First St., S.W., New Brighton, MN 55112, and for acquisition by PAUL R. SCHANNO, P.O. Box 3496, St. Paul, MN 55165, of control of such rights through the purchase. Applicants' attorney: Daniel C. Sullivan, 327 South LaSalle, Chicago, IL 60604. Operating rights sought to be transferred: Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides), as a common carrier over irregular routes, from La Crosse and Middleton, Wis., and Clinton, Iowa, and the site of the Swift & Co. plant near West Bend, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont,

Virginia, and West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common and contract carrier in Connecticut, Delaware, Indiana, Iowa, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Virginia, West Virginia, Vermont, Wisconsin, and District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-11940. Authority sought for control and lease by SYSTEM 99, 8001 Capwell Drive, Oakland, CA 94621, of TRANS WESTERN EXPRESS, INC., 222 Southwest Harrison St., Portland, OR 97201, and for acquisition by M. D. GILARDY, TRUSTEE, E. R. PRESTON, AND L. A. DORE, JR., all of 8001 Capwell Drive, Oakland, CA 94621, of control of TRANS WESTERN EXPRESS, INC., through the acquisition by SYSTEM 99. Applicants' attorney: Bertram S. Silver, 140 Montgomery St., San Francisco, CA 94104. Operating rights to be controlled and leased: Trans Western Express, Inc., operates as a common carrier of general commodities, with the usual exceptions, primarily over regular routes, extending between Seattle, Wash., on the north, to Enterprise, Calif., on the south, via Tacoma, Wash., and Portland and Eugene, Oreg.; Class A and B Explosives, over regular routes, between Portland, Oreg., on the north, and Enterprise, Calif., on the south; Agricultural commodities, wool, livestock, and ranch supplies, over irregular routes, in Oregon; general commodities, with exceptions, over irregular routes, in Oregon; Livestock and emigrant movables, over irregular routes, between designated points in Oregon, on the one hand, and, on the other, points in California, Idaho, Nevada, and Washington; Fire fighting equipment and supplies, over irregular routes, between certain points in Oregon, on the one hand, and, on the other, points in Washington, Oregon, Idaho and a designated part of California;

Construction, drainage, mining and logging equipment, which because of their size or weight requires the use of special equipment, in Oregon and California; and Iron and Steel articles, in Oregon and Washington. SYSTEM 99 is authorized to operate as a common carrier in California. Application has not been filed for temporary authority under Section 210a(b).

Note: MC-98327 (Sub-No. 7), is a directly related matter.

No. MC-F-11941. Authority sought for purchase by RINGLE EXPRESS, INC., 450 East Ninth St., Fowler, IN 47944, of a portion of the operating rights of JOHN F. COYNE, D/B/A COYNE TRUCKING CO., P.O. Box 549, New Castle, PA 16103, and for acquisition by ROBERT L. McGRUFF, Route 1, Box 335, Moline, IL 61265, of control of such

rights through the purchase. Applicants' attorneys: Robert C. Smith, P.O. Box 2278, Colee Station, Ft. Lauderdale, FL 33303, and Jack H. Blanshan, 29 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: *Strip steel*, as a *common carrier* over irregular routes, from New Castle, Pa., to Chicago, Ill., and points in Indiana, with no transportation for compensation on return except as otherwise authorized; and from the plant site of Elliott Bros. Steel Co. at New Castle, Pa., to the plant site of Associated Spring Corporation, located on Illinois Highway 16, at or near Mattoon (Coles County), Ill., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a *common carrier* in all states in the United States. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-11942. Authority sought for control by UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit, MI 48209, of HARPER TRUCK SERVICE, INC., 1234 N. 8th St., Paducah, KY 42001, and for acquisition by JOHN J. DOOLEY, SR., also of Detroit, MI 48209, of control of HARPER TRUCK SERVICE, INC., through the acquisition by UNITED TRUCKING SERVICE, INCORPORATED. Applicants' attorney: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40601. Operating rights sought to be controlled: *General commodities*, with certain specified exceptions, and other specified commodities, as a *common carrier*, primarily over regular routes, extending between St. Louis, Mo., on the west, Louisville, Ky., and Evansville, Ind., on the east, and Memphis, Tenn., on the south via Paducah, Ky.; *general commodities*, with the usual exceptions, over irregular routes, between Paducah, Ky., on the one hand, and, on the other, certain specified points in Kentucky, with restriction; *livestock* and *agricultural commodities*,

from Bardwell, Ky., and points within 25 miles of Bardwell, to East St. Louis, Ill., and St. Louis, Mo.; feed, fertilizer machinery, hardware, building materials, and used furniture, from East St. Louis, Ill., and St. Louis, Mo., to the immediately above-specified Kentucky territory; *concrete and cinder bricks and blocks*, from Paducah, Ky., to points in Arkansas, Illinois, Indiana, Missouri, and Tennessee within 150 miles of Paducah; *fertilizer*, from Humboldt, Tenn., to points in Kentucky west of the Tennessee River; *livestock*, from points in Graves, Calloway and Marshall Counties, Ky., to East St. Louis and National Stock Yards, Ill.; *malt beverages*, from St. Joseph, Mo., to Paducah, Ky. UNITED TRUCKING SERVICE, INCORPORATED, is authorized to operate as a *common carrier* in Indiana, Michigan and Ohio. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11943. Authority sought for purchase by FRED OLSON CO., INC., 6022 W. State St., Milwaukee, WI 53213, of a portion of the operating rights of FRED OLSON MOTOR SERVICE COMPANY, also of Milwaukee, WI 53213, and for acquisition by THE JACOBUS COMPANY, 7700 W. State St., Milwaukee, WI 53213, of control of such rights through the purchase. Applicants' attorney: Eugene L. Cohn, One North LaSalle St., Chicago, IL 60602. Operating rights sought to be transferred: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and iron and steel articles which, because of size or weight, require special equipment, as a *common carrier* over irregular routes, between the plantsite of the Bethlehem Steel Corporation, in Burns Harbor, Porter County, Ind., on the one hand, and, on the other, certain specified points in Wisconsin, with restriction; *iron and steel articles*, as described in Appendix V of the report in *Descriptions of Motor Carrier Certifi-*

*cates*, 61 M.C.C. 209, from Portage, Ind., to the points in Illinois and Wisconsin hereinabove authorized; *iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corporation, located in Putnam County, Ill., to points in Wisconsin; *materials, equipment and supplies*, used in the manufacture and processing of iron and steel articles, from points in Wisconsin to the plantsite of Jones & Laughlin Steel Corporation located in Putnam County, Ill., with restriction. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11944. Authority sought for purchase by MISTLETOE EXPRESS SERVICE, doing business as MISTLETOE EXPRESS, 111 N. Harrison St., Oklahoma City, OK 73125, of GOLDEN BELT EXPRESS, INC, doing business as GOLDEN BELT EXPRESS, 2014 Forrest Ave., Great Bend, KS, and for acquisition by THE OKLAHOMA PUBLISHING CO., 500 N. Broadway, Oklahoma City, OK 73102, of control of such rights through the purchase. Applicant's attorneys: Max G. Morgan, 601 Leininger Bldg., Oklahoma City, OK 73132, and F. T. Davis, Jr., 3300 First National Bank Tower, Atlanta, GA 30303. Operating rights sought to be transferred; Under certificates of registration in Docket No. MC-120549 (Sub-Nos. 1 and 2), covering the transportation of property, as a *common carrier*, in interstate commerce, within the State of Kansas. Vendee is authorized to operate as a *common carrier* in Oklahoma, Texas, Arkansas, Kansas and Missouri. Application has been filed for temporary authority under section 210a(b). NOTE: MC-42405 (Sub-No. 32), is a matter directly related.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.  
[FR Doc.73-15850 Filed 7-31-73; 8:45 am]

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PART II



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## COUNCIL ON ENVIRONMENTAL QUALITY

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### PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Guidelines

## Title 40—Protection of the Environment

## CHAPTER V—COUNCIL ON ENVIRONMENTAL QUALITY

## PART 1500—PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS: GUIDELINES

On May 2, 1973, the Council on Environmental Quality published in the FEDERAL REGISTER, for public comment, a proposed revision of its guidelines for the preparation of environmental impact statements. Pursuant to the National Environmental Policy Act (P.L. 91-190, 42 U.S.C. 4321 et seq.) and Executive Order 11514 (35 FR 4247) all Federal departments, agencies, and establishments are required to prepare such statements in connection with their proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The authority for the Council's guidelines is set forth below in § 1500.1. The specific policies to be implemented by the guidelines is set forth below in § 1500.2.

The Council received numerous comments on its proposed guidelines from environmental groups, Federal, State, and local agencies, industry, and private individuals. Two general themes were presented in the majority of the comments. First, the Council should increase the opportunity for public involvement in the impact statement process. Second, the Council should provide more detailed guidance on the responsibilities of Federal agencies in light of recent court decisions interpreting the Act. The proposed guidelines have been revised in light of the specific comments relating to these general themes, as well as other comments received, and are now being issued in final form.

The guidelines will appear in the Code of Federal Regulations in Title 40, Chapter V, at Part 1500. They are being codified, in part, because they affect State and local governmental agencies, environmental groups, industry, and private individuals, in addition to Federal agencies, to which they are specifically directed, and the resultant need to make them widely and readily available.

## Sec.

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- 1500.14 Supplementary guidelines; evaluation of procedures.

## Sec.

Appendix I Summary to accompany draft and final statements.

Appendix II Areas of environmental impact and Federal agencies and Federal State agencies with jurisdiction by law or special expertise to comment thereon.

Appendix III Offices within Federal agencies and Federal-State agencies for information regarding the agencies' NEPA activities and for receiving other agencies' impact statements for which comments are requested.

Appendix IV State and local agency review of impact statements.

AUTHORITY: National Environmental Policy Act (P.L. 91-190, 42 U.S.C. 4321 et seq.) and Executive Order 11514.

## § 1500.1 Purpose and authority.

(a) This directive provides guidelines to Federal departments, agencies, and establishments for preparing detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment as required by section 102(2)(C) of the National Environmental Policy Act (P.L. 91-190, 42 U.S.C. 4321 et seq.) (hereafter "the Act"). Underlying the preparation of such environmental statements is the mandate of both the Act and Executive Order 11514 (35 FR 4247) of March 5, 1970, that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs to protect and enhance environmental quality. Agencies are required to view their actions in a manner calculated to encourage productive and enjoyable harmony between man and his environment, to promote efforts preventing or eliminating damage to the environment and biosphere and stimulating the health and welfare of man, and to enrich the understanding of the ecological systems and natural resources important to the Nation. The objective of section 102(2)(C) of the Act and of these guidelines is to assist agencies in implementing these policies. This requires agencies to build into their decisionmaking process, beginning at the earliest possible point, an appropriate and careful consideration of the environmental aspects of proposed action in order that adverse environmental effects may be avoided or minimized and environmental quality previously lost may be restored. This directive also provides guidance to Federal, State, and local agencies and the public in commenting on statements prepared under these guidelines.

(b) Pursuant to section 204(3) of the Act the Council on Environmental Quality (hereafter "the Council") is assigned the duty and function of reviewing and appraising the programs and activities of the Federal Government, in the light of the Act's policy, for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto. Section 102(2)(B) of the Act directs all Federal agencies to identify and develop methods and procedures, in consultation with the Council, to insure that unquantified environmental values be given appropriate con-

sideration in decisionmaking along with economic and technical considerations; section 102(2)(C) of the Act directs that copies of all environmental impact statements be filed with the Council; and section 102(2)(H) directs all Federal agencies to assist the Council in the performance of its functions. These provisions have been supplemented in sections 3(h) and (i) of Executive Order 11514 by directions that the Council issue guidelines to Federal agencies for preparation of environmental impact statements and such other instructions to agencies and requests for reports and information as may be required to carry out the Council's responsibilities under the Act.

## § 1500.2 Policy.

(a) As early as possible and in all cases prior to agency decision concerning recommendations or favorable reports on proposals for (1) legislation significantly affecting the quality of the human environment (see §§ 1500.5(1) and 1500.12) (hereafter "legislative actions") and (2) all other major Federal actions significantly affecting the quality of the human environment (hereafter "administrative actions"), Federal agencies will, in consultation with other appropriate Federal, State and local agencies and the public assess in detail the potential environmental impact.

(b) Initial assessments of the environmental impacts of proposed action should be undertaken concurrently with initial technical and economic studies and, where required, a draft environmental impact statement prepared and circulated for comment in time to accompany the proposal through the existing agency review processes for such action. In this process, Federal agencies shall: (1) Provide for circulation of draft environmental statements to other Federal, State, and local agencies and for their availability to the public in accordance with the provisions of these guidelines; (2) consider the comments of the agencies and the public; and (3) issue final environmental impact statements responsive to the comments received. The purpose of this assessment and consultation process is to provide agencies and other decisionmakers as well as members of the public with an understanding of the potential environmental effects of proposed actions, to avoid or minimize adverse effects wherever possible, and to restore or enhance environmental quality to the fullest extent practicable. In particular, agencies should use the environmental impact statement process to explore alternative actions that will avoid or minimize adverse impacts and to evaluate both the long- and short-range implications of proposed actions to man, his physical and social surroundings, and to nature. Agencies should consider the results of their environmental assessments along with their assessments of the net economic, technical and other benefits of proposed actions and use all practicable means, consistent with other essential considerations of national policy, to restore environmental quality as well as to avoid or minimize undesirable consequences for the environment.

### § 1500.3 Agency and OMB procedures.

(a) Pursuant to section 2(f) of Executive Order 11514, the heads of Federal agencies have been directed to proceed with measures required by section 102 (2) (C) of the Act. Previous guidelines of the Council directed each agency to establish its own formal procedures for (1) identifying those agency actions requiring environmental statements, the appropriate time prior to decision for the consultations required by section 102 (2) (C) and the agency review process for which environmental statements are to be available, (2) obtaining information required in their preparation, (3) designating the officials who are to be responsible for the statements, (4) consulting with and taking account of the comments of appropriate Federal, State and local agencies and the public, including obtaining the comment of the Administrator of the Environmental Protection Agency when required under section 309 of the Clean Air Act, as amended, and (5) meeting the requirements of section 2(b) of Executive Order 11514 for providing timely public information on Federal plans and programs with environmental impact. Each agency, including both departmental and sub-departmental components having such procedures, shall review its procedures and shall revise them, in consultation with the Council, as may be necessary in order to respond to requirements imposed by these revised guidelines as well as by such previous directives. After such consultation, proposed revisions of such agency procedures shall be published in the FEDERAL REGISTER no later than October 30, 1973. A minimum 45-day period for public comment shall be provided, followed by publication of final procedures no later than forty-five (45) days after the conclusion of the comment period. Each agency shall submit seven (7) copies of all such procedures to the Council. Any future revision of such agency procedures shall similarly be proposed and adopted only after prior consultation with the Council and, in the case of substantial revision, opportunity for public comment. All revisions shall be published in the FEDERAL REGISTER.

(b) Each Federal agency should consult, with the assistance of the Council and the Office of Management and Budget if desired, with other appropriate Federal agencies in the development and revision of the above procedures so as to achieve consistency in dealing with similar activities and to assure effective coordination among agencies in their review of proposed activities. Where applicable, State and local review of such agency procedures should be conducted pursuant to procedures established by Office of Management and Budget Circular No. A-85.

(c) Existing mechanisms for obtaining the views of Federal, State, and local agencies on proposed Federal actions should be utilized to the maximum extent practicable in dealing with environmental matters. The Office of Management and Budget will issue instructions,

as necessary, to take full advantage of such existing mechanisms.

### § 1500.4 Federal agencies included; effect of the Act on existing agency mandates.

(a) Section 102(2)(C) of the Act applies to all agencies of the Federal Government. Section 102 of the Act provides that "to the fullest extent possible: (1) The policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act," and section 105 of the Act provides that "the policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies." This means that each agency shall interpret the provisions of the Act as a supplement to its existing authority and as a mandate to view traditional policies and missions in the light of the Act's national environmental objectives. In accordance with this purpose, agencies should continue to review their policies, procedures, and regulations and to revise them as necessary to ensure full compliance with the purposes and provisions of the Act. The phrase "to the fullest extent possible" in section 102 is meant to make clear that each agency of the Federal Government shall comply with that section unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible.

### § 1500.5 Types of actions covered by the Act.

(a) "Actions" include but are not limited to:

(1) Recommendations or favorable reports relating to legislation including requests for appropriations. The requirement for following the section 102 (2) (C) procedure as elaborated in these guidelines applies to both (i) agency recommendations on their own proposals for legislation (see § 1500.12); and (ii) agency reports on legislation initiated elsewhere. In the latter case only the agency which has primary responsibility for the subject matter involved will prepare an environmental statement.

(2) New and continuing projects and program activities: directly undertaken by Federal agencies; or supported in whole or in part through Federal contracts, grants, subsidies, loans, or other forms of funding assistance (except where such assistance is solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 et. seq. with no Federal agency control over the subsequent use of such funds); or involving a Federal lease, permit, license certificate or other entitlement for use.

(3) The making, modification, or establishment of regulations, rules, procedures, and policy.

### § 1500.6 Identifying major actions significantly affecting the environment.

(a) The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to

be construed by agencies with a view to the overall, cumulative impact of the action proposed, related Federal actions and projects in the area, and further actions contemplated. Such actions may be localized in their impact, but if there is potential that the environment may be significantly affected, the statement is to be prepared. Proposed major actions, the environmental impact of which is likely to be highly controversial, should be covered in all cases. In considering what constitutes major action significantly affecting the environment, agencies should bear in mind that the effect of many Federal decisions about a project or complex of projects can be individually limited but cumulatively considerable. This can occur when one or more agencies over a period of years puts into a project individually minor but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action, or when several Government agencies individually make decisions about partial aspects of a major action. In all such cases, an environmental statement should be prepared if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. The Council, on the basis of a written assessment of the impacts involved, is available to assist agencies in determining whether specific actions require impact statements.

(b) Section 101(b) of the Act indicates the broad range of aspects of the environment to be surveyed in any assessment of significant effect. The Act also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment, and serve short-term, to the disadvantage of long-term, environmental goals. Significant effects can also include actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial. Significant effects also include secondary effects, as described more fully, for example, in § 1500.8(a) (iii) (B). The significance of a proposed action may also vary with the setting, with the result that an action that would have little impact in an urban area may be significant in a rural setting or vice versa. While a precise definition of environmental "significance," valid in all contexts, is not possible, effects to be considered in assessing significance include, but are not limited to, those outlined in Appendix II of these guidelines.

(c) Each of the provisions of the Act, except section 102(2)(C), applies to all Federal agency actions. Section 102(2)(C) requires the preparation of a detailed environmental impact statement in the case of "major Federal actions significantly affecting the quality of the human environment." The identification of major actions significantly affecting the environment is the responsibility of each Federal agency, to be carried out against the background of its own particular operations. The action must be a (1)

"major" action, (2) which is a "Federal action," (3) which has a "significant" effect, and (4) which involves the "quality of the human environment." The words "major" and "significantly" are intended to imply thresholds of importance and impact that must be met before a statement is required. The action causing the impact must also be one where there is sufficient Federal control and responsibility to constitute "Federal action" in contrast to cases where such Federal control and responsibility are not present as, for example, when Federal funds are distributed in the form of general revenue sharing to be used by State and local governments (see § 1500.5(ii)). Finally, the action must be one that significantly affects the quality of the human environment either by directly affecting human beings or by indirectly affecting human beings through adverse effects on the environment. Each agency should review the typical classes of actions that it undertakes and, in consultation with the Council, should develop specific criteria and methods for identifying those actions likely to require environmental statements and those actions likely not to require environmental statements. Normally this will involve:

(i) Making an initial assessment of the environmental impacts typically associated with principal types of agency action.

(ii) Identifying on the basis of this assessment, types of actions which normally do, and types of actions which normally do not, require statements.

(iii) With respect to remaining actions that may require statements depending on the circumstances, and those actions determined under the preceding paragraph (C) (4) (ii) of this section as likely to require statements, identifying: (a) what basic information needs to be gathered; (b) how and when such information is to be assembled and analyzed; and (c) on what bases environmental assessments and decisions to prepare impact statements will be made. Agencies may either include this substantive guidance in the procedures issued pursuant to § 1500.3(a) of these guidelines, or issue such guidance as supplemental instructions to aid relevant agency personnel in implementing the impact statement process. Pursuant to § 1500.14 of these guidelines, agencies shall report to the Council by June 30, 1974, on the progress made in developing such substantive guidance.

(d) (1) Agencies should give careful attention to identifying and defining the purpose and scope of the action which would most appropriately serve as the subject of the statement. In many cases, broad program statements will be required in order to assess the environmental effects of a number of individual actions on a given geographical area (e.g., coal leases), or environmental impacts that are generic or common to a series of agency actions (e.g., maintenance or waste handling practices), or the overall impact of a large-scale program or chain of contemplated projects (e.g., major lengths of highway as opposed to

small segments). Subsequent statements on major individual actions will be necessary where such actions have significant environmental impacts not adequately evaluated in the program statement.

(2) Agencies engaging in major technology research and development programs should develop procedures for periodic evaluation to determine when a program statement is required for such programs. Factors to be considered in making this determination include the magnitude of Federal investment in the program, the likelihood of widespread application of the technology, the degree of environmental impact which would occur if the technology were widely applied, and the extent to which continued investment in the new technology is likely to restrict future alternatives. Statements must be written late enough in the development process to contain meaningful information, but early enough so that this information can practically serve as an input in the decision-making process. Where it is anticipated that a statement may ultimately be required but that its preparation is still premature, the agency should prepare an evaluation briefly setting forth the reasons for its determination that a statement is not yet necessary. This evaluation should be periodically updated, particularly when significant new information becomes available concerning the potential environmental impact of the program. In any case, a statement must be prepared before research activities have reached a stage of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives. Statements on technology research and development programs should include an analysis not only of alternative forms of the same technology that might reduce any adverse environmental impacts but also of alternative technologies that would serve the same function as the technology under consideration. Efforts should be made to involve other Federal agencies and interested groups with relevant expertise in the preparation of such statements because the impacts and alternatives to be considered are likely to be less well defined than in other types of statements.

(e) In accordance with the policy of the Act and Executive Order 11514 agencies have a responsibility to develop procedures to insure the fullest practicable provision of timely public information and understanding of Federal plans and programs with environmental impact in order to obtain the views of interested parties. In furtherance of this policy, agency procedures should include an appropriate early notice system for informing the public of the decision to prepare a draft environmental statement on proposed administrative actions (and for soliciting comments that may be helpful in preparing the statement) as soon as is practicable after the decision to prepare the statement is made. In this connection, agencies should: (1) maintain a list of administrative actions for which en-

vironmental statements are being prepared; (2) revise the list at regular intervals specified in the agency's procedures developed pursuant to § 1500.3(a) of these guidelines (but not less than quarterly) and transmit each such revision to the Council; and (3) make the list available for public inspection on request. The Council will periodically publish such lists in the FEDERAL REGISTER. If an agency decides that an environmental statement is not necessary for a proposed action (i) which the agency has identified pursuant to § 1500.6(c) (4) (ii) as normally requiring preparation of a statement, (ii) which is similar to actions for which the agency has prepared a significant number of statements, (iii) which the agency has previously announced would be the subject of a statement, or (iv) for which the agency has made a negative determination in response to a request from the Council pursuant to § 1500.11(f), the agency shall prepare a publicly available record briefly setting forth the agency's decision and the reasons for that determination. Lists of such negative determinations, and any evaluations made pursuant to § 1500.6 which conclude that preparation of a statement is not yet timely, shall be prepared and made available in the same manner as provided in this subsection for lists of statements under preparation.

#### § 1500.7 Preparing draft environmental statements; public hearings.

(a) Each environmental impact statement shall be prepared and circulated in draft form for comment in accordance with the provisions of these guidelines. The draft statement must fulfill and satisfy to the fullest extent possible at the time the draft is prepared the requirements established for final statements by section 102(2)(C). (Where an agency has an established practice of declining to favor an alternative until public comments on a proposed action have been received, the draft environmental statement may indicate that two or more alternatives are under consideration.) Comments received shall be carefully evaluated and considered in the decision process. A final statement with substantive comments attached shall then be issued and circulated in accordance with applicable provisions of §§ 1500.10, 1500.11, or 1500.12. It is important that draft environmental statements be prepared and circulated for comment and furnished to the Council as early as possible in the agency review process in order to permit agency decisionmakers and outside reviewers to give meaningful consideration to the environmental issues involved. In particular, agencies should keep in mind that such statements are to serve as the means of assessing the environmental impact of proposed agency actions, rather than as a justification for decisions already made. This means that draft statements on administrative actions should be prepared and circulated for comment prior to the first significant point of decision in the agency review process. For major categories of agency action, this point should be identified in the procedures is-

sued pursuant to § 1500.3(a). For major categories of projects involving an applicant and identified pursuant to § 1500.6 (c)(1) as normally requiring the preparation of a statement, agencies should include in their procedures provisions limiting actions which an applicant is permitted to take prior to completion and review of the final statement with respect to his application.

(b) Where more than one agency (1) directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or (2) is involved in a group of actions directly related to each other because of their functional interdependence and geographical proximity, consideration should be given to preparing one statement for all the Federal actions involved (see § 1500.6(d)(1)). Agencies in such cases should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single "lead agency" to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council will assist in resolving questions of responsibility for statement preparation in the case of multi-agency actions. Federal Regional Councils, agencies and the public are encouraged to bring to the attention of the Council and other relevant agencies appropriate situations where a geographic or regionally focused statement would be desirable because of the cumulative environmental effects likely to result from multi-agency actions in the area.

(c) Where an agency relies on an applicant to submit initial environmental information, the agency should assist the applicant by outlining the types of information required. In all cases, the agency should make its own evaluation of the environmental issues and take responsibility for the scope and content of draft and final environmental statements.

(d) Agency procedures developed pursuant to § 1500.3(a) of these guidelines should indicate as explicitly as possible those types of agency decisions or actions which utilize hearings as part of the normal agency review process, either as a result of statutory requirement or agency practice. To the fullest extent possible, all such hearings shall include consideration of the environmental aspects of the proposed action. Agency procedures shall also specifically include provision for public hearings on major actions with

environmental impact, whenever appropriate, and for providing the public with relevant information, including information on alternative courses of action. In deciding whether a public hearing is appropriate, an agency should consider: (1) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved; (2) the degree of interest in the proposal, as evidenced by requests from the public and from Federal, State and local authorities that a hearing be held; (3) the complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under the Act; and (4) the extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action. Agencies should make any draft environmental statements to be issued available to the public at least fifteen (15) days prior to the time of such hearings.

#### § 1500.8 Content of environmental statements.

(a) The following points are to be covered:

(1) A description of the proposed action, a statement of its purposes, and a description of the environment affected, including information, summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact by commenting agencies and the public. Highly technical and specialized analyses and data should be avoided in the body of the draft impact statement. Such materials should be attached as appendices or footnoted with adequate bibliographic references. The statement should also succinctly describe the environment of the area affected as it exists prior to a proposed action, including other Federal activities in the area affected by the proposed action which are related to the proposed action. The interrelationships and cumulative environmental impacts of the proposed action and other related Federal projects shall be presented in the statement. The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decisionmaking (planning, feasibility, design, etc.). In order to ensure accurate descriptions and environmental assessments, site visits should be made where feasible. Agencies should also take care to identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives (see paragraph (a)(1)(3)(ii), of this section). In discussing these population aspects, agencies should give consideration to using the rates of growth in the

region of the project contained in the projection compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture (the "OBERS" projection). In any event it is essential that the sources of data used to identify, quantify or evaluate any and all environmental consequences be expressly noted.

(2) The relationship of the proposed action to land use plans, policies, and controls for the affected area. This requires a discussion of how the proposed action may conform or conflict with the objectives and specific terms of approved or proposed Federal, State, and local land use plans, policies, and controls, if any, for the area affected including those developed in response to the Clean Air Act or the Federal Water Pollution Control Act Amendments of 1972. Where a conflict or inconsistency exists, the statement should describe the extent to which the agency has reconciled its proposed action with the plan, policy or control, and the reasons why the agency has decided to proceed notwithstanding the absence of full reconciliation.

(3) The probable impact of the proposed action on the environment.

(i) This requires agencies to assess the positive and negative effects of the proposed action as it affects both the national and international environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Among factors to consider should be the potential effect of the action on such aspects of the environment as those listed in Appendix II of these guidelines. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

(ii) Secondary or indirect, as well as primary or direct, consequences for the environment should be included in the analysis. Many major Federal actions, in particular those that involve the construction or licensing of infrastructure investments (e.g., highways, airports, sewer systems, water resource projects, etc.), stimulate or induce secondary effects in the form of associated investments and changed patterns of social and economic activities. Such secondary effects, through their impacts on existing community facilities and activities, through inducing new facilities and activities, or through changes in natural conditions, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth may be among the more significant secondary effects. Such population and growth impacts should be estimated if expected to be significant (using data identified as indicated in § 1500.8(a)(1)) and an assessment made of the effect of any possible change in population patterns or growth upon the resource base, including land use, water, and public services, of the area in question.

(4) Alternatives to the proposed action, including, where relevant, those not within the existing authority of the responsible agency. (Section 102(2)(D) of the Act requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources"). A rigorous exploration and objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, is essential. Sufficient analysis of such alternatives and their environmental benefits, costs and risks should accompany the proposed action through the agency review process in order not to foreclose prematurely options which might enhance environmental quality or have less detrimental effects. Examples of such alternatives include: the alternative of taking no action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts (e.g., nonstructural alternatives to flood control programs, or mass transit alternatives to highway construction); alternatives related to different designs or details of the proposed action which would present different environmental impacts (e.g., cooling ponds vs. cooling towers for a power plant or alternatives that will significantly conserve energy); alternative measures to provide for compensation of fish and wildlife losses, including the acquisition of land, waters, and interests therein. In each case, the analysis should be sufficiently detailed to reveal the agency's comparative evaluation of the environmental benefits, costs and risks of the proposed action and each reasonable alternative. Where an existing impact statement already contains such an analysis, its treatment of alternatives may be incorporated provided that such treatment is current and relevant to the precise purpose of the proposed action.

(5.) Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of the Act). This should be a brief section summarizing in one place those effects discussed in paragraph (a) (3) of this section that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how other avoidable adverse effects discussed in paragraph (a) (2) of this section will be mitigated.

(6) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves tradeoffs between short-term en-

vironmental gains at the expense of long-term losses, or vice versa, and a discussion of the extent to which the proposed action forecloses future options. In this context short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

(7) Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. This requires the agency to identify from its survey of unavoidable impacts in paragraph (a) (5) of this section the extent to which the action irreversibly curtails the range of potential uses of the environment. Agencies should avoid construing the term "resources" to mean only the labor and materials devoted to an action. "Resources" also means the natural and cultural resources committed to loss or destruction by the action.

(8) An indication of what other interests and considerations of Federal policy are thought to offset the adverse environmental effects of the proposed action identified pursuant to paragraphs (a) (3) and (5) of this section. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action (as identified in paragraph (a) (4) of this section) that would avoid some or all of the adverse environmental effects. In this connection, agencies that prepare cost-benefit analyses of proposed actions should attach such analyses, or summaries thereof, to the environmental impact statement, and should clearly indicate the extent to which environmental costs have not been reflected in such analyses.

(b) In developing the above points agencies should make every effort to convey the required information succinctly in a form easily understood, both by members of the public and by public decisionmakers, giving attention to the substance of the information conveyed rather than to the particular form, or length, or detail of the statement. Each of the above points, for example, need not always occupy a distinct section of the statement if it is otherwise adequately covered in discussing the impact of the proposed action and its alternatives—which items should normally be the focus of the statement. Draft statements should indicate at appropriate points in the text any underlying studies, reports, and other information obtained and considered by the agency in preparing the statement including any cost-benefit analyses prepared by the agency, and reports of consulting agencies under the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., and the National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq., where such consultation has taken place. In the case of documents not likely to be easily accessible (such as internal studies or reports), the agency should indicate how such information may be obtained. If such information is attached to the

statement, care should be taken to ensure that the statement remains an essentially self-contained instrument, capable of being understood by the reader without the need for undue cross reference.

(c) Each environmental statement should be prepared in accordance with the precept in section 102(2)(A) of the Act that all agencies of the Federal Government "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment." Agencies should attempt to have relevant disciplines represented on their own staffs; where this is not feasible they should make appropriate use of relevant Federal, State, and local agencies or the professional services of universities and outside consultants. The interdisciplinary approach should not be limited to the preparation of the environmental impact statement, but should also be used in the early planning stages of the proposed action. Early application of such an approach should help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences.

(d) Appendix I prescribes the form of the summary sheet which should accompany each draft and final environmental statement.

#### § 1500.9 Review of draft environmental statements by Federal, Federal-State, State, and local agencies and by the public.

(a) *Federal agency review.* (1) *In general.* A Federal agency considering an action requiring an environmental statement should consult with, and (on the basis of a draft environmental statement for which the agency takes responsibility) obtain the comment on the environmental impact of the action of Federal and Federal-State agencies with jurisdiction by law or special expertise with respect to any environmental impact involved. These Federal and Federal-State agencies and their relevant areas of expertise include those identified in Appendices II and III to these guidelines. It is recommended that the listed departments and agencies establish contact points, which may be regional offices, for providing comments on the environmental statements. The requirement in section 102(2)(C) to obtain comment from Federal agencies having jurisdiction or special expertise is in addition to any specific statutory obligation of any Federal agency to coordinate or consult with any other Federal or State agency. Agencies should, for example, be alert to consultation requirements of the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq., and the National Historic Preservation Act of 1966, 16 U.S.C. 470 et seq. To the extent possible, statements or findings concerning environmental impact required by other statutes, such as section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 1653(f), or

section 106 of the National Historic Preservation Act of 1966, should be combined with compliance with the environmental impact statement requirements of section 102(2)(C) of the Act to yield a single document which meets all applicable requirements. The Advisory Council on Historic Preservation, the Department of Transportation, and the Department of the Interior, in consultation with the Council, will issue any necessary supplementing instructions for furnishing information or findings not forthcoming under the environmental impact statement process.

(b) *EPA review.* Section 309 of the Clean Air Act, as amended (42 U.S.C. § 1857h-7), provides that the Administrator of the Environmental Protection Agency shall comment in writing on the environmental impact of any matter relating to his duties and responsibilities, and shall refer to the Council any matter that the Administrator determines is unsatisfactory from the standpoint of public health or welfare or environmental quality. Accordingly, wherever an agency action related to air or water quality, noise abatement and control, pesticide regulation, solid waste disposal, generally applicable environmental radiation criteria and standards, or other provision of the authority of the Administrator is involved, Federal agencies are required to submit such proposed actions and their environmental impact statements, if such have been prepared, to the Administrator for review and comment in writing. In all cases where EPA determines that proposed agency action is environmentally unsatisfactory, or where EPA determines that an environmental statement is so inadequate that such a determination cannot be made, EPA shall publish its determination and notify the Council as soon as practicable. The Administrator's comments shall constitute his comments for the purposes of both section 309 of the Clean Air Act and section 102(2)(C) of the National Environmental Policy Act.

(c) *State and local review.* Office of Management and Budget Circular No. A-95 (Revised) through its system of State and areawide clearinghouses provides a means for securing the views of State and local environmental agencies, which can assist in the preparation and review of environmental impact statements. Current instructions for obtaining the views of such agencies are contained in the joint OMB-CEQ memorandum attached to these guidelines as Appendix IV. A current listing of clearinghouses is issued periodically by the Office of Management and Budget.

(d) *Public review.* The procedures established by these guidelines are designed to encourage public participation in the impact statement process at the earliest possible time. Agency procedures should make provision for facilitating the comment of public and private organizations and individuals by announcing the availability of draft environmental statements and by making copies available to organizations and individuals that request an opportunity to comment.

Agencies should devise methods for publicizing the existence of draft statements, for example, by publication of notices in local newspapers or by maintaining a list of groups, including relevant conservation commissions, known to be interested in the agency's activities and directly notifying such groups of the existence of a draft statement, or sending them a copy, as soon as it has been prepared. A copy of the draft statement should in all cases be sent to any applicant whose project is the subject of the statement. Materials to be made available to the public shall be provided without charge to the extent practicable, or at a fee which is not more than the actual cost of reproducing copies required to be sent to other Federal agencies, including the Council.

(e) *Responsibilities of commenting entities.* (1) Agencies and members of the public submitting comments on proposed actions on the basis of draft environmental statements should endeavor to make their comments as specific, substantive, and factual as possible without undue attention to matters of form in the impact statement. Although the comments need not conform to any particular format, it would assist agencies reviewing comments if the comments were organized in a manner consistent with the structure of the draft statement. Emphasis should be placed on the assessment of the environmental impacts of the proposed action, and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the action. Commenting entities may recommend modifications to the proposed action and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts.

(2) Commenting agencies should indicate whether any of their projects not identified in the draft statement are sufficiently advanced in planning and related environmentally to the proposed action so that a discussion of the environmental interrelationships should be included in the final statement (see § 1500.8(a)(1)). The Council is available to assist agencies in making such determinations.

(3) Agencies and members of the public should indicate in their comments the nature of any monitoring of the environmental effects of the proposed project that appears particularly appropriate. Such monitoring may be necessary during the construction, startup, or operation phases of the project. Agencies with special expertise with respect to the environmental impacts involved are encouraged to assist the sponsoring agency in the establishment and operation of appropriate environmental monitoring.

(f) Agencies seeking comment shall establish time limits of not less than forty-five (45) days for reply, after which it may be presumed, unless the agency or party consulted requests a specified extension of time, that the agency or party consulted has no comment to make. Agencies seeking comment should en-

deavor to comply with requests for extensions of time of up to fifteen (15) days. In determining an appropriate period for comment, agencies should consider the magnitude and complexity of the statement and the extent of citizen interest in the proposed action.

#### § 1500.10 Preparation and circulation of final environmental statements.

(a) Agencies should make every effort to discover and discuss all major points of view on the environmental effects of the proposed action and its alternatives in the draft statement itself. However, where opposing professional views and responsible opinion have been overlooked in the draft statement and are brought to the agency's attention through the commenting process, the agency should review the environmental effects of the action in light of those views and should make a meaningful reference in the final statement to the existence of any responsible opposing view not adequately discussed in the draft statement, indicating the agency's response to the issues raised. All substantive comments received on the draft (or summaries thereof where response has been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion by the agency in the text of the statement.

(b) Copies of final statements, with comments attached, shall be sent to all Federal, State, and local agencies and private organizations that made substantive comments on the draft statement and to individuals who requested a copy of the final statement, as well as any applicant whose project is the subject of the statement. Copies of final statements shall in all cases be sent to the Environmental Protection Agency to assist it in carrying out its responsibilities under section 309 of the Clean Air Act. Where the number of comments on a draft statement is such that distribution of the final statement to all commenting entities appears impracticable, the agency shall consult with the Council concerning alternative arrangements for distribution of the statement.

#### § 1500.11 Transmittal of statements to the Council; minimum periods for review; requests by the Council.

(a) As soon as they have been prepared, ten (10) copies of draft environmental statements, five (5) copies of all comments made thereon (to be forwarded to the Council by the entity making comment at the time comment is forwarded to the responsible agency), and ten (10) copies of the final text of environmental statements (together with the substance of all comments received by the responsible agency from Federal, State, and local agencies and from private organizations and individuals) shall be supplied to the Council. This will serve to meet the statutory requirement to make environmental statements available to the President. At the same time that copies of draft and final statements are sent to the Council, copies should also be sent to relevant commenting en-

titles as set forth in §§ 1500.9 and 1500.10(b) of these guidelines.

(b) To the maximum extent practicable no administrative action subject to section 102(2)(C) is to be taken sooner than ninety (90) days after a draft environmental statement has been circulated for comment, furnished to the Council and, except where advance public disclosure will result in significantly increased costs of procurement to the Government, made available to the public pursuant to these guidelines; neither should such administrative action be taken sooner than thirty (30) days after the final text of an environmental statement (together with comments) has been made available to the Council, commenting agencies, and the public. In all cases, agencies should allot a sufficient review period for the final statement so as to comply with the statutory requirement that the "statement and the comments and views of appropriate Federal, State, and local agencies \* \* \* accompany the proposal through the existing agency review processes." If the final text of an environmental statement is filed within ninety (90) days after a draft statement has been circulated for comment, furnished to the Council and made public pursuant to this section of these guidelines, the minimum thirty (30) day period and the ninety (90) day period may run concurrently to the extent that they overlap. An agency may at any time supplement or amend a draft or final environmental statement, particularly when substantial changes are made in the proposed action, or significant new information becomes available concerning its environmental aspects. In such cases the agency should consult with the Council with respect to the possible need for or desirability of recirculation of the statement for the appropriate period.

(c) The Council will publish weekly in the FEDERAL REGISTER lists of environmental statements received during the preceding week that are available for public comment. The date of publication of such lists shall be the date from which the minimum periods for review and advance availability of statements shall be calculated.

(d) The Council's publication of notice of the availability of statements is in addition to the agency's responsibility, as described in § 1500.9(d) of these guidelines, to insure the fullest practicable provision of timely public information concerning the existence and availability of environmental statements. The agency responsible for the environmental statement is also responsible for making the statement, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C., 552), without regard to the exclusion of intra- or interagency memoranda when such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action pursuant to § 1500.9 of these guidelines. Agency procedures prepared

pursuant to § 1500.3(a) of these guidelines shall implement these public information requirements and shall include arrangements for availability of environmental statements and comments at the head and appropriate regional offices of the responsible agency and at appropriate State and areawide clearinghouses unless the Governor of the State involved designates to the Council some other point for receipt of this information. Notice of such designation of an alternate point for receipt of this information will be included in the Office of Management and Budget listing of clearinghouses referred to in § 1500.9(c).

(e) Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these guidelines concerning minimum periods for agency review and advance availability of environmental statements, the Federal agency proposing to take the action should consult with the Council about alternative arrangements. Similarly where there are overriding considerations of expense to the Government or impaired program effectiveness, the responsible agency should consult with the Council concerning appropriate modifications of the minimum periods.

(f) In order to assist the Council in fulfilling its responsibilities under the Act and under Executive Order 11514, all agencies shall (as required by section 102(2)(H) of the Act and section 3(1) of Executive Order 11514) be responsive to requests by the Council for reports and other information dealing with issues arising in connection with the implementation of the Act. In particular, agencies shall be responsive to a request by the Council for the preparation and circulation of an environmental statement, unless the agency determines that such a statement is not required, in which case the agency shall prepare an environmental assessment and a publicly available record briefly setting forth the reasons for its determination. In no case, however, shall the Council's silence or failure to comment or request preparation, modification, or recirculation of an environmental statement or to take other action with respect to an environmental statement be construed as bearing in any way on the question of the legal requirement for or the adequacy of such statement under the Act.

#### § 1500.12 Legislative actions.

(a) The Council and the Office of Management and Budget will cooperate in giving guidance as needed to assist agencies in identifying legislative items believed to have environmental significance. Agencies should prepare impact statements prior to submission of their legislative proposals to the Office of Management and Budget. In this regard, agencies should identify types of repetitive legislation requiring environmental impact statements (such as certain types of bills affecting transportation policy or annual construction authorizations).

(b) With respect to recommendations or reports on proposals for legislation to which section 102(2)(C) applies, the final text of the environmental statement and comments thereon should be available to the Congress and to the public for consideration in connection with the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which the Federal agency has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

#### § 1500.13 Application of section 102(2)(C) procedure to existing projects and programs.

Agencies have an obligation to reassess ongoing projects and programs in order to avoid or minimize adverse environmental effects. The section 102(2)(C) procedure shall be applied to further major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of the Act on January 1, 1970. While the status of the work and degree of completion may be considered in determining whether to proceed with the project, it is essential that the environmental impacts of proceeding are reassessed pursuant to the Act's policies and procedures and, if the project or program is continued, that further incremental major actions be shaped so as to enhance and restore environmental quality as well as to avoid or minimize adverse environmental consequences. It is also important in further action that account be taken of environmental consequences not fully evaluated at the outset of the project or program.

#### § 1500.14 Supplementary guidelines: evaluation of procedures.

(a) The Council after examining environmental statements and agency procedures with respect to such statements will issue such supplements to these guidelines as are necessary.

(b) Agencies will continue to assess their experience in the implementation of the section 102(2)(C) provisions of the Act and in conforming with these guidelines and report thereon to the Council by June 30, 1974. Such reports should include an identification of the problem areas and suggestions for revision or clarification of these guidelines to achieve effective coordination of views on environmental aspects (and alternatives, where appropriate) of proposed actions without imposing unproductive administrative procedures. Such reports shall also indicate what progress the agency has made in developing substantive criteria and guidance for making environmental assessments as required by § 1500.6(c) of this directive and by section 102(2)(B) of the Act.



*Effective date.* The revisions of these guidelines shall apply to all draft and final impact statements filed with the Council after January 28, 1973.

RUSSELL E. TRAIN,  
*Chairman.*

APPENDIX I—SUMMARY TO ACCOMPANY DRAFT AND FINAL STATEMENTS

(Check one) ( ) Draft. ( ) Final Environmental Statement.

Name of responsible Federal agency (with name of operating division where appropriate). Name, address, and telephone number of individual at the agency who can be contacted for additional information about the proposed action or the statement.

1. Name of action (Check one) ( ) Administrative Action. ( ) Legislative Action.

2. Brief description of action and its purpose. Indicate what States (and counties) particularly affected, and what other proposed Federal actions in the area, if any, are discussed in the statement.

3. Summary of environmental impacts and adverse environmental effects.

4. Summary of major alternatives considered.

5. (For draft statements) List all Federal, State, and local agencies and other parties from which comments have been requested.

(For final statements) List all Federal, State, and local agencies and other parties from which written comments have been received.

6. Date draft statement (and final environmental statement, if one has been issued) made available to the Council and the public.

APPENDIX II—AREAS OF ENVIRONMENTAL IMPACT AND FEDERAL AGENCIES AND FEDERAL STATE AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT THEREON<sup>2</sup>

AIR

*Air Quality*

- Department of Agriculture—  
Forest Service (effects on vegetation)
- Atomic Energy Commission (radioactive substances)
- Department of Health, Education, and Welfare
- Environmental Protection Agency
- Department of the Interior—  
Bureau of Mines (fossil and gaseous fuel combustion)
- Bureau of Sport Fisheries and Wildlife (effect on wildlife)
- Bureau of Outdoor Recreation (effects on recreation)
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)
- National Aeronautics and Space Administration (remote sensing, aircraft emissions)
- Department of Transportation—  
Assistant Secretary for Systems Development and Technology (auto emissions)
- Coast Guard (vessel emissions)
- Federal Aviation Administration (aircraft emissions)

<sup>1</sup>River Basin Commissions (Delaware, Great Lakes, Missouri, New England, Ohio, Pacific Northwest, Sours-Red-Rainy, Susquehanna, Upper Mississippi) and similar Federal-State agencies should be consulted on actions affecting the environment of their specific geographic jurisdictions.

<sup>2</sup>In all cases where a proposed action will have significant international environmental effects, the Department of State should be consulted, and should be sent a copy of any draft and final impact statement which covers such action.

*Weather Modification*

- Department of Agriculture—  
Forest Service
- Department of Commerce—  
National Oceanic and Atmospheric Administration
- Department of Defense—  
Department of the Air Force
- Department of the Interior  
Bureau of Reclamation

WATER RESOURCES COUNCIL

WATER

*Water Quality*

- Department of Agriculture—  
Soil Conservation Service  
Forest Service
- Atomic Energy Commission (radioactive substances)
- Department of the Interior—  
Bureau of Reclamation  
Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)
- Bureau of Sport Fisheries and Wildlife
- Bureau of Outdoor Recreation
- Geological Survey
- Office of Saline Water
- Environmental Protection Agency
- Department of Health, Education, and Welfare
- Department of Defense—  
Army Corps of Engineers
- Department of the Navy (ship pollution control)
- National Aeronautics and Space Administration (remote sensing)
- Department of Transportation—  
Coast Guard (oil spills, ship sanitation)
- Department of Commerce—  
National Oceanic and Atmospheric Administration
- Water Resources Council
- River Basin Commissions (as geographically appropriate)

*Marine Pollution, Commercial Fishery Conservation, and Shellfish Sanitation*

- Department of Commerce—  
National Oceanic and Atmospheric Administration
- Department of Defense—  
Army Corps of Engineers
- Office of the Oceanographer of the Navy
- Department of Health, Education, and Welfare
- Department of the Interior—  
Bureau of Sport Fisheries and Wildlife
- Bureau of Outdoor Recreation
- Bureau of Land Management (outer continental shelf)
- Geological Survey (outer continental shelf)
- Department of Transportation—  
Coast Guard
- Environmental Protection Agency
- National Aeronautics and Space Administration (remote sensing)
- Water Resources Council
- River Basin Commissions (as geographically appropriate)

*Waterway Regulation and Stream Modification*

- Department of Agriculture—  
Soil Conservation Service
- Department of Defense—  
Army Corps of Engineers
- Department of the Interior—  
Bureau of Reclamation
- Bureau of Sport Fisheries and Wildlife
- Bureau of Outdoor Recreation
- Geological Survey
- Department of Transportation—  
Coast Guard
- Environmental Protection Agency

- National Aeronautics and Space Administration (remote sensing)
- Water Resources Council
- River Basin Commissions (as geographically appropriate)

FISH AND WILDLIFE

- Department of Agriculture—  
Forest Service
- Soil Conservation Service
- Department of Commerce—  
National Oceanic and Atmospheric Administration (marine species)
- Department of the Interior—  
Bureau of Sport Fisheries and Wildlife
- Bureau of Land Management
- Bureau of Outdoor Recreation
- Environmental Protection Agency

SOLID WASTE

- Atomic Energy Commission (radioactive waste)
- Department of Defense—  
Army Corps of Engineers
- Department of Health, Education, and Welfare
- Department of the Interior—  
Bureau of Mines (mineral waste, mine acid waste, municipal solid waste, recycling)
- Bureau of Land Management (public lands)
- Bureau of Indian Affairs (Indian lands)
- Geological Survey (geologic and hydrologic effects)
- Office of Saline Water (demineralization)
- Department of Transportation—  
Coast Guard (ship sanitation)
- Environmental Protection Agency
- River Basin Commissions (as geographically appropriate)
- Water Resources Council

NOISE

- Department of Commerce—  
National Bureau of Standards
- Department of Health, Education, and Welfare
- Department of Housing and Urban Development (land use and building materials aspects)
- Department of Labor—  
Occupational Safety and Health Administration
- Department of Transportation—  
Assistant Secretary for Systems Development and Technology
- Federal Aviation Administration, Office of Noise Abatement
- Environmental Protection Agency
- National Aeronautics and Space Administration

RADIATION

- Atomic Energy Commission
- Department of Commerce—  
National Bureau of Standards
- Department of Health, Education, and Welfare
- Department of the Interior—  
Bureau of Mines (uranium mines)
- Mining Enforcement and Safety Administration (uranium mines)
- Environmental Protection Agency

HAZARDOUS SUBSTANCES

*Toxic Materials*

- Atomic Energy Commission (radioactive substances)
- Department of Agriculture—  
Agricultural Research Service
- Consumer and Marketing Service
- Department of Commerce—  
National Oceanic and Atmospheric Administration
- Department of Defense
- Department of Health, Education, and Welfare
- Environmental Protection Agency

*Food Additives and Contamination of Foodstuffs*

Department of Agriculture—  
Consumer and Marketing Service (meat and poultry products)  
Department of Health, Education, and Welfare  
Environmental Protection Agency

*Pesticides*

Department of Agriculture—  
Agricultural Research Service (biological controls, food and fiber production)  
Consumer and Marketing Service  
Forest Service

Department of Commerce—  
National Oceanic and Atmospheric Administration

Department of Health, Education, and Welfare

Department of the Interior—  
Bureau of Sport Fisheries and Wildlife (fish and wildlife effects)

Bureau of Land Management (public lands)  
Bureau of Indian Affairs (Indian lands)  
Bureau of Reclamation (irrigated lands)  
Environmental Protection Agency

*Transportation and Handling of Hazardous Materials*

Atomic Energy Commission (radioactive substances)

Department of Commerce—  
Maritime Administration  
National Oceanic and Atmospheric Administration (effects on marine life and the coastal zone)

Department of Defense—  
Armed Services Explosive Safety Board  
Army Corps of Engineers (navigable waterways)

Department of Transportation—  
Federal Highway Administration, Bureau of Motor Carrier Safety  
Coast Guard  
Federal Railroad Administration  
Federal Aviation Administration  
Assistant Secretary for Systems Development and Technology  
Office of Hazardous Materials  
Office of Pipeline Safety  
Environmental Protection Agency

## ENERGY SUPPLY AND NATURAL RESOURCES DEVELOPMENT

*Electric Energy Development, Generation, and Transmission, and Use*

Atomic Energy Commission (nuclear)  
Department of Agriculture—  
Rural Electrification Administration (rural areas)

Department of Defense—  
Army Corps of Engineers (hydro)  
Department of Health, Education, and Welfare (radiation effects)

Department of Housing and Urban Development (urban areas)

Department of the Interior—  
Bureau of Indian Affairs (Indian lands)  
Bureau of Land Management (public lands)  
Bureau of Reclamation  
Power Marketing Administrations  
Geological Survey  
Bureau of Sport Fisheries and Wildlife  
Bureau of Outdoor Recreation  
National Park Service

Environmental Protection Agency  
Federal Power Commission (hydro, transmission, and supply)

River Basin Commissions (as geographically appropriate)

Tennessee Valley Authority  
Water Resources Council

*Petroleum Development, Extraction, Refining, Transport, and Use*

Department of the Interior—  
Office of Oil and Gas  
Bureau of Mines  
Geological Survey  
Bureau of Land Management (public lands and outer continental shelf)  
Bureau of Indian Affairs (Indian lands)  
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife)  
Bureau of Outdoor Recreation  
National Park Service

Department of Transportation (Transport and Pipeline Safety)  
Environmental Protection Agency  
Interstate Commerce Commission

*Natural Gas Development, Production, Transmission, and Use*

Department of Housing and Urban Development (urban areas)

Department of the Interior—  
Office of Oil and Gas  
Geological Survey  
Bureau of Mines  
Bureau of Land Management (public lands)  
Bureau of Indian Affairs (Indian lands)  
Bureau of Sport Fisheries and Wildlife  
Bureau of Outdoor Recreation  
National Park Service

Department of Transportation (transport and safety)

Environmental Protection Agency  
Federal Power Commission (production, transmission, and supply)  
Interstate Commerce Commission

*Coal and Minerals Development, Mining, Conversion, Processing, Transport, and Use*

Appalachian Regional Commission  
Department of Agriculture—  
Forest Service  
Department of Commerce  
Department of the Interior—  
Office of Coal Research  
Mining Enforcement and Safety Administration  
Bureau of Mines  
Geological Survey  
Bureau of Indian Affairs (Indian lands)  
Bureau of Land Management (public lands)  
Bureau of Sport Fisheries and Wildlife  
Bureau of Outdoor Recreation  
National Park Service

Department of Labor—  
Occupational Safety and Health Administration

Department of Transportation  
Environmental Protection Agency  
Interstate Commerce Commission  
Tennessee Valley Authority

*Renewable Resource Development, Production, Management, Harvest, Transport, and Use*

Department of Agriculture—  
Forest Service  
Soil Conservation Service

Department of Commerce  
Department of Housing and Urban Development (building materials)

Department of the Interior—  
Geological Survey  
Bureau of Land Management (public lands)  
Bureau of Indian Affairs (Indian lands)  
Bureau of Sport Fisheries and Wildlife  
Bureau of Outdoor Recreation  
National Park Service

Department of Transportation  
Environmental Protection Agency  
Interstate Commerce Commission (freight rates)

*Energy and Natural Resources Conservation*

Department of Agriculture—  
Forest Service  
Soil Conservation Service  
Department of Commerce—  
National Bureau of Standards (energy efficiency)  
Department of Housing and Urban Development—  
Federal Housing Administration (housing standards)

Department of the Interior—  
Office of Energy Conservation  
Bureau of Mines  
Bureau of Reclamation  
Geological Survey  
Power Marketing Administration  
Department of Transportation  
Environmental Protection Agency  
Federal Power Commission  
General Services Administration (design and operation of buildings)  
Tennessee Valley Authority

## LAND USE AND MANAGEMENT

*Land Use Changes, Planning and Regulation of Land Development*

Department of Agriculture—  
Forest Service (forest lands)  
Agricultural Research Service (agricultural lands)

Department of Housing and Urban Development

Department of the Interior—  
Office of Land Use and Water Planning  
Bureau of Land Management (public lands)  
Bureau of Land Management (public lands)

Bureau of Indian Affairs (Indian lands)  
Bureau of Sport Fisheries and Wildlife (wildlife refuges)  
Bureau of Outdoor Recreation (recreation lands)

National Park Service (NPS units)  
Department of Transportation  
Environmental Protection Agency (pollution effects)

National Aeronautics and Space Administration (remote sensing)  
River Basins Commissions (as geographically appropriate).

*Public Land Management*

Department of Agriculture—  
Forest Service (forests)  
Department of Defense

Department of the Interior—  
Bureau of Land Management  
Bureau of Indian Affairs (Indian lands)  
Bureau of Sport Fisheries and Wildlife (wildlife refuges)

Bureau of Outdoor Recreation (recreation lands)

National Park Service (NPS units)  
Federal Power Commission (project lands)  
General Services Administration  
National Aeronautics and Space Administration (remote sensing)  
Tennessee Valley Authority (project lands)

PROTECTION OF ENVIRONMENTALLY CRITICAL AREAS—FLOODPLAINS, WETLANDS, BEACHES AND DUNES, UNSTABLE SOILS, STEEP SLOPES, AQUIFER RECHARGE AREAS, ETC.

Department of Agriculture—  
Agricultural Stabilization and Conservation Service  
Soil Conservation Service  
Forest Service

Department of Commerce—  
National Oceanic and Atmospheric Administration (coastal areas)

Department of Defense—  
Army Corps of Engineers  
Department of Housing and Urban Development (urban and floodplain areas)

Department of the Interior—  
 Office of Land Use and Water Planning  
 Bureau of Outdoor Recreation  
 Bureau of Reclamation  
 Bureau of Sport Fisheries and Wildlife  
 Bureau of Land Management  
 Geological Survey  
 Environmental Protection Agency (pollution effects)  
 National Aeronautics and Space Administration (remote sensing)  
 River Basins Commissions (as geographically appropriate)  
 Water Resources Council

LAND USE IN COASTAL AREAS

Department of Agriculture—  
 Forest Service  
 Soil Conservation Service (soil stability, hydrology)  
 Department of Commerce—  
 National Oceanic and Atmospheric Administration (Impact on marine life and coastal zone management)  
 Department of Defense—  
 Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits)  
 Department of Housing and Urban Development (urban areas)  
 Department of the Interior—  
 Office of Land Use and Water Planning  
 Bureau of Sport Fisheries and Wildlife  
 National Park Service  
 Geological Survey  
 Bureau of Outdoor Recreation  
 Bureau of Land Management (public lands)  
 Department of Transportation—  
 Coast Guard (bridges, navigation)  
 Environmental Protection Agency (pollution effects)  
 National Aeronautics and Space Administration (remote sensing)

REDEVELOPMENT AND CONSTRUCTION IN BUILT-UP AREAS

Department of Commerce—  
 Economic Development Administration (designated areas)  
 Department of Housing and Urban Development  
 Department of the Interior—  
 Office of Land Use and Water Planning  
 Department of Transportation  
 Environmental Protection Agency  
 General Services Administration  
 Office of Economic Opportunity

DENSITY AND CONGESTION MITIGATION

Department of Health, Education, and Welfare  
 Department of Housing and Urban Development  
 Department of the Interior—  
 Office of Land Use and Water Planning  
 Bureau of Outdoor Recreation  
 Department of Transportation  
 Environmental Protection Agency

NEIGHBORHOOD CHARACTER AND CONTINUITY

Department of Health, Education, and Welfare  
 Department of Housing and Urban Development  
 National Endowment for the Arts  
 Office of Economic Opportunity

IMPACTS ON LOW-INCOME POPULATIONS

Department of Commerce—  
 Economic Development Administration (designated areas)  
 Department of Health, Education, and Welfare  
 Department of Housing and Urban Development  
 Office of Economic Opportunity

HISTORIC, ARCHITECTURAL, AND ARCHEOLOGICAL PRESERVATION

Advisory Council on Historic Preservation  
 Department of Housing and Urban Development  
 Department of the Interior—  
 National Park Service  
 Bureau of Land Management (public lands)  
 Bureau of Indian Affairs (Indian lands)  
 General Services Administration  
 National Endowment for the Arts

SOIL AND PLANT CONSERVATION AND HYDROLOGY

Department of Agriculture—  
 Soil Conservation Service  
 Agricultural Service  
 Forest Service  
 Department of Commerce—  
 National Oceanic and Atmospheric Administration  
 Department of Defense—  
 Army Corps of Engineers (dredging, aquatic plants)  
 Department of Health, Education, and Welfare  
 Department of the Interior—  
 Bureau of Land Management  
 Bureau of Sport Fisheries and Wildlife  
 Geological Survey  
 Bureau of Reclamation  
 Environmental Protection Agency  
 National Aeronautics and Space Administration (remote sensing)  
 River Basin Commissions (as geographically appropriate)  
 Water Resources Council

OUTDOOR RECREATION

Department of Agriculture—  
 Forest Service  
 Soil Conservation Service  
 Department of Defense—  
 Army Corps of Engineers  
 Department of Housing and Urban Development (urban areas)  
 Department of the Interior—  
 Bureau of Land Management  
 National Park Service  
 Bureau of Outdoor Recreation  
 Bureau of Sport Fisheries and Wildlife  
 Bureau of Indian Affairs  
 Environmental Protection Agency  
 National Aeronautics and Space Administration (remote sensing)  
 River Basin Commissions (as geographically appropriate)  
 Water Resources Council

APPENDIX III—OFFICES WITHIN FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES FOR INFORMATION REGARDING THE AGENCIES' NEPA ACTIVITIES AND FOR RECEIVING OTHER AGENCIES' IMPACT STATEMENTS FOR WHICH COMMENTS ARE REQUESTED

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Office of Architectural and Environmental Preservation, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, N.W., Washington, D.C. 20005 254-3974

Regional Administrator, I,  
 U.S. Environmental Protection Agency  
 Room 2303, John F. Kennedy  
 Federal Bldg., Boston, Mass. 02203,  
 (617) 223-7210

Regional Administrator, II,  
 U.S. Environmental Protection Agency  
 Room 908, 26 Federal Plaza  
 New York, New York 10007  
 (212) 264-2525

DEPARTMENT OF AGRICULTURE<sup>1</sup>

Office of the Secretary, Attn: Coordinator  
 Environmental Quality Activities, U.S. Department of Agriculture, Washington, D.C. 20250 447-3965

APPALACHIAN REGIONAL COMMISSION

Office of the Alternate Federal Co-Chairman,  
 Appalachian Regional Commission, 1666  
 Connecticut Avenue, N.W., Washington,  
 D.C. 20235 967-4103

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)

Executive Director of Civil Works, Office of  
 the Chief of Engineers, U.S. Army Corps of  
 Engineers, Washington, D.C. 20314 693-  
 7168

ATOMIC ENERGY COMMISSION

For nonregulatory matters: Office of Assistant  
 General Manager for Biomedical and En-  
 vironmental Research and Safety Pro-  
 grams, Atomic Energy Commission, Wash-  
 ington, D.C. 20545 973-3208

For regulatory matters: Office of the As-  
 sistant Director for Environmental Projects,  
 Atomic Energy Commission, Washington,  
 D.C. 20545 973-7531

DEPARTMENT OF COMMERCE

Office of the Deputy Assistant Secretary for  
 Environmental Affairs, U.S. Department of  
 Commerce, Washington, D.C. 20230 967-  
 4335

DEPARTMENT OF DEFENSE

Office of the Assistant Secretary for Defense  
 (Health and Environment), U.S. Depart-  
 ment of Defense, Room 3E172, The Penta-  
 gon, Washington, D.C. 20301 697-2111

DELAWARE RIVER BASIN COMMISSION

Office of the Secretary, Delaware River  
 Basin Commission, Post Office Box 360,  
 Trenton, N.J. 08603 (609) 883-9500

ENVIRONMENTAL PROTECTION AGENCY<sup>2</sup>

Director, Office of Federal Activities, Environ-  
 mental Protection Agency, 401 M Street,  
 S.W., Washington, D.C. 20460 755-0777

<sup>1</sup> Requests for comments or information from individual units of the Department of Agriculture, e.g., Soil Conservation Service, Forest Service, etc. should be sent to the Office of the Secretary, Department of Agriculture, at the address given above.

<sup>2</sup> Contact the Office of Federal Activities for environmental statements concerning legislation, regulations, national program proposals or other major policy issues.

For all other EPA consultation, contact the Regional Administrator in whose area the proposed action (e.g., highway or water resource construction projects) will take place. The Regional Administrators will coordinate the EPA review. Addresses of the Regional Administrators, and the areas covered by their regions are as follows:

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

New Jersey, New York, Puerto Rico, Virgin Islands

Regional Administrator, III,  
U.S. Environmental Protection Agency  
Curtis Bldg., 6th & Walnut Sta.  
Philadelphia, Pa. 19106  
(215) 597-9801

Regional Administrator, IV,  
U.S. Environmental Protection Agency  
1421 Peachtree Street  
N.E., Atlanta, Ga. 30309  
(404) 526-5727

Regional Administrator V,  
U.S. Environmental Protection Agency  
1 N. Wacker Drive  
Chicago, Illinois 60606  
(312) 353-5250

Regional Administrator VI,  
U.S. Environmental Protection Agency  
1600 Patterson Street  
Suite 1100  
Dallas, Texas 75201  
(214) 749-1962

Regional Administrator VII,  
U.S. Environmental Protection Agency  
1735 Baltimore Avenue  
Kansas City, Missouri 64108  
(816) 374-5493

Regional Administrator VIII,  
U.S. Environmental Protection Agency  
Suite 900, Lincoln Tower  
1860 Lincoln Street  
Denver, Colorado 80203  
(303) 837-3895

Regional Administrator IX,  
U.S. Environmental Protection Agency  
100 California Street  
San Francisco, California 94111  
(415) 556-2320

Regional Administrator X,  
U.S. Environmental Protection Agency  
1200 Sixth Avenue  
Seattle, Washington 98101  
(206) 442-1220

Delaware, Maryland, Pennsylvania, Virginia,  
West Virginia, District of Columbia

Alabama, Florida, Georgia, Kentucky, Mississippi,  
North Carolina, South Carolina, Tennessee

Illinois, Indiana, Michigan, Minnesota, Ohio,  
Wisconsin

Arkansas, Louisiana, New Mexico, Texas,  
Oklahoma

Iowa, Kansas, Missouri, Nebraska

Colorado, Montana, North Dakota, South  
Dakota, Utah, Wyoming

Arizona, California, Hawaii, Nevada, American  
Samos, Guam, Trust Territories of  
Pacific Islands, Wake Island

Alaska, Idaho, Oregon, Washington

DEPARTMENT OF HOUSING AND URBAN  
DEVELOPMENT<sup>4</sup>

Director, Office of Community and Environmental  
Standards, Department of Housing  
and Urban Development, Room 7206,  
Washington, D.C. 20410  
755-5980

Region VI:  
Regional Environmental Officer  
U.S. Department of Health, Education  
and Welfare  
1114 Commerce Street  
Dallas, Texas 75202 (214) 749-2236

Region VII:  
Regional Environmental Officer  
U.S. Department of Health, Education  
and Welfare  
601 East 12th Street  
Kansas City, Missouri 64106 (816) 374-  
3584

Region VIII:  
Regional Environmental Officer  
U.S. Department of Health, Education  
and Welfare  
9017 Federal Building  
19th and Stout Streets  
Denver, Colorado 80202 (303) 837-4178

Region IX:  
Regional Environmental Officer  
U.S. Department of Health, Education  
and Welfare  
50 Fulton Street  
San Francisco, California 94102 (415)  
556-1970

Region X:  
Regional Environmental Officer  
U.S. Department of Health, Education  
and Welfare  
Arcade Plaza Building  
1321 Second Street  
Seattle, Washington 98101 (206) 442-  
0490

<sup>4</sup>Contact the Director with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

Regional Administrator I,  
Environmental Clearance Officer  
U.S. Department of Housing and Urban  
Development  
Room 405, John F. Kennedy Federal  
Building  
Boston, Mass. 02203 (617) 223-4066

Regional Administrator II,  
Environmental Clearance Officer  
U.S. Department of Housing and Urban  
Development  
26 Federal Plaza  
New York, New York 10007 (212) 264-  
8068

Regional Administrator III,  
Environmental Clearance Officer  
U.S. Department of Housing and Urban  
Development  
Curtis Building, Sixth and Walnut  
Street  
Philadelphia, Pennsylvania 19106 (215)  
597-2560

Regional Administrator IV,  
Environmental Clearance Officer  
U.S. Department of Housing and Urban  
Development  
Peachtree-Seventh Building  
Atlanta, Georgia 30323 (404) 526-5585

Regional Administrator V,  
Environmental Clearance Officer  
U.S. Department of Housing and Urban  
Development  
360 North Michigan Avenue  
Chicago, Illinois 60601 (312) 353-5690

FEDERAL POWER COMMISSION

Commission's Advisor on Environmental  
Quality, Federal Power Commission, 625 N.  
Capitol Street, N.E., Washington, D.C. 20426  
385-6084

GENERAL SERVICES ADMINISTRATION

Office of Environmental Affairs, Office of the  
Deputy Administrator for Special Projects,  
General Services Administration, Wash-  
ington, D.C. 20405 343-4161

GREAT LAKES BASIN COMMISSION

Office of the Chairman, Great Lakes Basin  
Commission, 3475 Plymouth Road, P.O. Box  
999, Ann Arbor, Michigan 48105 (313) 769-  
7431

DEPARTMENT OF HEALTH, EDUCATION  
AND WELFARE<sup>5</sup>

Office of Environmental Affairs, Office of the  
Assistant Secretary for Administration and  
Management, Department of Health, Edu-  
cation and Welfare, Washington, D.C. 20202  
963-4456

<sup>5</sup>Contact the Office of Environmental Affairs for information on HEW's environmental statements concerning legislation, regulations, national program proposals or other major policy issues, and for all requests for HEW comment on impact statements of other agencies.

For information with respect to HEW actions occurring within the jurisdiction of the Departments' Regional Directors, contact the appropriate Regional Environmental Officer:

Region I:

Regional Environmental Officer  
U.S. Department of Health, Education  
and Welfare  
Room 2007B  
John F. Kennedy Center  
Boston, Massachusetts 02203 (617) 223-  
6837

Region II:

Regional Environmental Officer  
U.S. Department of Health, Education  
and Welfare  
Federal Building  
26 Federal Plaza  
New York, New York 10007 (212) 264-  
1308

Region III:

Regional Environmental Officer  
U.S. Department of Health, Education  
and Welfare  
P.O. Box 13716  
Philadelphia, Pennsylvania 19101 (215)  
597-6498

Region IV:

Regional Environmental Officer  
U.S. Department of Health, Education  
and Welfare  
Room 404  
50 Seventh Street, N.E.  
Atlanta, Georgia 30323 (404) 526-5817

Region V:

Regional Environmental Officer  
U.S. Department of Health, Education  
and Welfare  
Room 712, New Post Office Building  
433 West Van Buren Street  
Chicago, Illinois 60607 (312) 353-1644

DEPARTMENT OF THE INTERIOR<sup>5</sup>

Director, Office of Environmental Project Review, Department of the Interior, Interior Building, Washington, D.C. 20240 343-3891

INTERSTATE COMMERCE COMMISSION

Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423 343-8167

DEPARTMENT OF LABOR

Assistant Secretary for Occupational Safety and Health, Department of Labor, Washington, D.C. 20210 961-3405

MISSOURI RIVER BASINS COMMISSION

Office of the Chairman, Missouri River Basins Commission, 10050 Regency Circle, Omaha, Nebraska 68114 (402) 397-5714

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Office of the Comptroller, National Aeronautics and Space Administration, Washington, D.C. 20546 755-8440

NATIONAL CAPITAL PLANNING COMMISSION

Office of Environmental Affairs, Office of the Executive Director, National Capital Planning Commission, Washington, D.C. 20578 382-7200

NATIONAL ENDOWMENT FOR THE ARTS

Office of Architecture and Environmental Arts Program, National Endowment for the Arts, Washington, D.C. 20506 382-5765

NEW ENGLAND RIVER BASINS COMMISSION

Office of the Chairman, New England River Basins Commission, 55 Court Street, Boston, Mass. 02108 (617) 223-6244

Regional Administrator VI, Environmental Clearance Officer U.S. Department of Housing and Urban Development Federal Office Building, 819 Taylor Street Fort Worth, Texas 76102 (817) 334-2867

Regional Administrator VII, Environmental Clearance Officer U.S. Department of Housing and Urban Development 911 Walnut Street Kansas City, Missouri 64106 (816) 374-2661

Regional Administrator VIII, Environmental Clearance Officer U.S. Department of Housing and Urban Development Samsonite Building, 1051 South Broadway Denver, Colorado 80209 (303) 837-4061

Regional Administrator IX, Environmental Clearance Officer U.S. Department of Housing and Urban Development 450 Golden Gate Avenue, Post Office Box 38003 San Francisco, California 94102 (415) 556-4752

Regional Administrator X, Environmental Clearance Officer U.S. Department of Housing and Urban Development Room 226, Arcade Plaza Building Seattle, Washington 98101 (206) 583-5415

<sup>5</sup> Requests for comments or information from individual units of the Department of the Interior should be sent to the Office of Environmental Project Review at the address given above.

OFFICE OF ECONOMIC OPPORTUNITY

Office of the Director, Office of Economic Opportunity, 1200 19th Street, N.W., Washington, D.C. 20506 254-6000

OHIO RIVER BASIN COMMISSION

Office of the Chairman, Ohio River Basin Commission, 36 East 4th Street, Suite 208-20, Cincinnati, Ohio 45202 (513) 684-3831

PACIFIC NORTHWEST RIVER BASINS COMMISSION

Office of the Chairman, Pacific Northwest River Basins Commission, 1 Columbia River, Vancouver, Washington 98660 (206) 695-3605

SOURIS-RED-RAINY RIVER BASINS COMMISSION

Office of the Chairman, Souris-Red-Rainy River Basins Commission, Suite 6, Professional Building, Holiday Mall, Moorhead, Minnesota 56560 (701) 237-5227

DEPARTMENT OF STATE

Office of the Special Assistant to the Secretary for Environmental Affairs, Department of State, Washington, D.C. 20520 632-7964

SUSQUEHANNA RIVER BASIN COMMISSION

Office of the Executive Director, Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pa. 17055 (717) 737-0501

TENNESSEE VALLEY AUTHORITY

Office of the Director of Environmental Research and Development, Tennessee Valley Authority, 720 Edney Building, Chattanooga, Tennessee 37401 (615) 755-2002

DEPARTMENT OF TRANSPORTATION<sup>6</sup>

Director, Office of Environmental Quality, Office of the Assistant Secretary for Environment, Safety, and Consumer Affairs, Department of Transportation, Washington, D.C. 20590 426-4357

<sup>6</sup> Contact the Office of Environmental Quality, Department of Transportation, for information on DOT's environmental statements concerning legislation, regulations, national program proposals, or other major policy issues.

For information regarding the Department of Transportation's other environmental statements, contact the national office for the appropriate administration:

U.S. Coast Guard

Office of Marine Environment and Systems, U.S. Coast Guard, 400 7th Street, S.W., Washington, D.C. 20590, 426-2007

Federal Aviation Administration

Office of Environmental Quality, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, 426-8406

Federal Highway Administration

Office of Environmental Policy, Federal Highway Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426-0351

Federal Railroad Administration

Office of Policy and Plans, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426-1567

Urban Mass Transportation Administration

Office of Program Operations, Urban Mass Transportation Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426-4020

For other administration's not listed above, contact the Office of Environmental Quality, Department of Transportation, at the address given above.

For comments on other agencies' environmental statements, contact the appropriate administration's regional office. If more than one administration within the Department of Transportation is to be requested to comment, contact the Secretarial Representative in the appropriate Regional Office for coordination of the Department's comments:

SECRETARIAL REPRESENTATIVE

Region I Secretarial Representative, U.S. Department of Transportation, Transportation Systems Center, 55 Broadway, Cambridge, Massachusetts 02142 (617) 494-2709

Region II Secretarial Representative, U.S. Department of Transportation, 26 Federal Plaza, Room 1811, New York, New York 10007 (212) 264-2672

Region III Secretarial Representative, U.S. Department of Transportation, Mall Building, Suite 1214, 325 Chestnut Street, Philadelphia, Pennsylvania 19106 (215) 597-0407

Region IV Secretarial Representative, U.S. Department of Transportation, Suite 515, 1720 Peachtree Rd., N.W. Atlanta, Georgia 30309 (404) 526-3738

Region V Secretarial Representative, U.S. Department of Transportation, 17th Floor, 300 S. Wacker Drive, Chicago, Illinois 60606 (312) 353-4000

Region V Secretarial Representative, U.S. Department of Transportation, 9-C-18 Federal Center, 1100 Commerce Street, Dallas, Texas 75202 (214) 749-1851

Region VII Secretarial Representative, U.S. Department of Transportation, 601 E. 12th Street, Room 634, Kansas City, Missouri 64106 (816) 374-2761

Region VIII Secretarial Representative, U.S. Department of Transportation, Prudential Plaza, Suite 1822, 1050 17th Street, Denver, Colorado 80225 (303) 837-3242

Region IX Secretarial Representative, U.S. Department of Transportation, 450 Golden Gate Avenue, Box 36133, San Francisco, California 94102 (415) 556-5961

Region X Secretarial Representative, U.S. Department of Transportation, 1321 Second Avenue, Room 507, Seattle, Washington 98101 (206) 442-0590

FEDERAL AVIATION ADMINISTRATION

New England Region, Office of the Regional Director, Federal Aviation Administration, 154 Middlesex Street, Burlington, Massachusetts 01803 (617) 272-2350

Eastern Region, Office of the Regional Director, Federal Aviation Administration, Federal Building, JFK International Airport, Jamaica, New York 11430 (212) 995-3333

Southern Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320 (404) 526-7222

Great Lakes Region, Office of the Regional Director, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018 (312) 694-4500

Southwest Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101 (817) 624-4911

Central Region, Office of the Regional Director, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Missouri 64106 (816) 374-5626

Rocky Mountain Region, Office of the Regional Director, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207 (303) 837-3646

Western Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 92007, WorldWay Postal Center, Los Angeles, California 90009 (213) 536-6427

Northwest Region, Office of the Regional Director, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108 (206) 767-2780

#### FEDERAL HIGHWAY ADMINISTRATION

Region 1, Regional Administrator, Federal Highway Administration, 4 Normanskill Boulevard, Delmar, New York 12054 (518) 472-6476

Region 3, Regional Administrator, Federal Highway Administration, Room 1621, George H. Fallon Federal Office Building, 31 Hopkins Plaza, Baltimore, Maryland 21201 (301) 962-2361

Region 4, Regional Administrator, Federal Highway Administration, Suite 200, 1720 Peachtree Road, N.W., Atlanta, Georgia 30309 (404) 526-5078

Region 5, Regional Administrator, Federal Highway Administration, Dixie Highway, Homewood, Illinois 60430 (312) 799-6300

Region 6, Regional Administrator, Federal Highway Administration, 819 Taylor Street, Fort Worth, Texas 76102 (817) 334-3232

Region 7, Regional Administrator, Federal Highway Administration, P.O. Box 7186, Country Club Station, Kansas City, Missouri 64113 (816) 361-7663

Region 8, Regional Administrator, Federal Highway Administration, Room 242, Building 40, Denver Federal Center, Denver, Colorado 80225

Region 9, Regional Administrator, Federal Highway Administration, 450 Golden Gate Avenue, Box 36095, San Francisco, California 94102 (415) 556-3895

Region 10, Regional Administrator, Federal Highway Administration, Room 412, Mohawk Building, 222 S.W. Morrison Street, Portland, Oregon 97204 (503) 221-2065

#### URBAN MASS TRANSPORTATION ADMINISTRATION

Region I, Office of the UMTA Representative, Urban Mass Transportation Administration, Transportation Systems Center, Technology Building, Room 277, 55 Broadway, Boston, Massachusetts 02142 (617) 494-2055

Region II, Office of the UMTA Representative, Urban Mass Transportation Administration, 26 Federal Plaza, Suite 1809, New York, New York 10007 (212) 264-8162

Region III, Office of the UMTA Representative, Urban Mass Transportation Administration, Mall Building, Suite 1214, 325 Chestnut Street, Philadelphia, Pennsylvania 19106 (215) 597-0407

Region IV, Office of UMTA Representative, Urban Mass Transportation Administration, 1720 Peachtree Road, Northwest, Suite 501, Atlanta, Georgia 30309 (404) 526-3948

Region V, Office of the UMTA Representative, Urban Mass Transportation Administration, 300 South Wacker Drive, Suite 700, Chicago, Illinois 60606 (312) 353-6006

Region VI, Office of the UMTA Representative, Urban Mass Transportation Administration, Federal Center, Suite 9E24, 1100 Commerce Street, Dallas, Texas 75202 (214) 749-7322

Region VII, Office of the UMTA Representative, Urban Mass Transportation Administration, c/o FAA Management Systems Division, Room 1564D, 601 East 12th Street, Kansas City, Missouri 64106 (816) 374-5567

Region VIII, Office of the UMTA Representative, Urban Mass Transportation Administration, Prudential Plaza, Suite 1822, 1050 17th Street, Denver, Colorado 80202 (303) 837-3242

Region IX, Office of the UMTA Representative, Urban Mass Transportation Administration, 450 Golden Gate Avenue, Box 36125, San Francisco, California 94102 (415) 556-2884

Region X, Office of the UMTA Representative, Urban Mass Transportation Administration, 1321 Second Avenue, Suite 5079, Seattle, Washington (206) 442-0590

#### DEPARTMENT OF THE TREASURY

Office of Assistant Secretary for Administration, Department of the Treasury, Washington, D.C. 20220 964-5391

#### UPPER MISSISSIPPI RIVER BASIN COMMISSION

Office of the Chairman, Upper Mississippi River Basin Commission, Federal Office Building, Fort Snelling, Twin Cities, Minnesota 55111 (612) 725-4690

#### WATER RESOURCES COUNCIL

Office of the Associate Director, Water Resources Council, 2120 L Street, N.W., Suite 800, Washington, D.C. 20037 254-6442

#### APPENDIX IV—STATE AND LOCAL AGENCY

##### REVIEW OF IMPACT STATEMENTS

1. OMB Circular No. A-95 through its system of clearinghouses provides a means for securing the views of State and local environmental agencies, which can assist in the preparation of impact statements. Under A-95,

review of the proposed project in the case of federally assisted projects (Part I of A-95) generally takes place prior to the preparation of the impact statement. Therefore, comments on the environmental effects of the proposed project that are secured during this stage of the A-95 process represent inputs to the environmental impact statement.

2. In the case of direct Federal development (Part II of A-95), Federal agencies are required to consult with clearinghouses at the earliest practicable time in the planning of the project or activity. Where such consultation occurs prior to completion of the draft impact statement, comments relating to the environmental effects of the proposed action would also represent inputs to the environmental impact statement.

3. In either case, whatever comments are made on environmental effects of proposed Federal or federally assisted projects by clearinghouses, or by State and local environmental agencies through clearinghouses, in the course of the A-95 review should be attached to the draft impact statement when it is circulated for review. Copies of the statement should be sent to the agencies making such comments. Whether those agencies then elect to comment again on the basis of the draft impact statement is a matter to be left to the discretion of the commenting agency depending on its resources, the significance of the project, and the extent to which its earlier comments were considered in preparing the draft statement.

4. The clearinghouses may also be used, by mutual agreement, for securing reviews of the draft environmental impact statement. However, the Federal agency may wish to deal directly with appropriate State or local agencies in the review of impact statements because the clearinghouses may be unwilling or unable to handle this phase of the process. In some cases, the Governor may have designated a specific agency, other than the clearinghouse, for securing reviews of impact statements. In any case, the clearinghouses should be sent copies of the impact statement.

5. To aid clearinghouses in coordinating State and local comments, draft statements should include copies of State and local agency comments made earlier under the A-95 process and should indicate on the summary sheet those other agencies from which comments have been requested, as specified in Appendix I of the CEQ Guidelines.

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PART III



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## DEPARTMENT OF COMMERCE

National Oceanic and  
Atmospheric Administration



### MARINE MAMMAL PROTECTION ACT

Report of Secretary of Commerce

## DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric  
Administration

## MARINE MAMMAL PROTECTION ACT

Report of the Secretary of Commerce

Section 103(f) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) states that "Within six months after the effective date of this Act (December 21, 1972) and every twelve months thereafter, the Secretary shall report to the public through publication in the FEDERAL REGISTER and to the Congress on the current status of all marine mammal species and population stocks subject to the provisions of this Act. His report shall describe those actions taken and those measures believed necessary, including where appropriate, the issuance of permits pursuant to this title to assure the well-being of such marine mammals."

Section 3(12)(A) of the Act limits the responsibility of the Department of Commerce to those mammals which are members of the order Cetacea (whales and porpoises) and members, other than walruses, of the order Pinnipedia (seals and sea lions). Accordingly, there is published herewith the report of the Secretary of Commerce for the period December 21, 1972, to June 21, 1973, on the administration of the Act with regard to those mammals.

Issued at Washington, D.C., and dated July 27, 1973.

FREDERICK B. DENT,  
Secretary of Commerce.

ADMINISTRATION OF THE MARINE MAMMAL  
PROTECTION ACT OF 1972, DECEMBER 21,  
1972, TO JUNE 21, 1973

## REPORT OF THE SECRETARY OF COMMERCE

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Prepared by The National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, July, 1973.

**Introduction.** This report is pursuant to requirements of section 103(f) of the Marine Mammal Protection Act of 1972 (Public Law 92-522). It covers the six-

month period following the effective date of the Act, December 21, 1972, and is prepared in three parts: The first deals with actions taken to assure the well-being of marine mammals; the second sets out the current status of the stocks of marine mammals for which the Department of Commerce has responsibility; and the third part contains four appendices.

The Act, with certain exceptions, places an immediate moratorium on the taking and importation of all marine mammals and marine mammal products. It makes the Secretary of Commerce responsible for protecting whales, porpoises, seals, and sea lions, and the Secretary of the Interior responsible for all other marine mammals, specifically sea otters, walruses, polar bears, and manatees. On November 30, 1972, the Secretary of Commerce delegated authority for the functions prescribed by the Act to the Administrator of the National Oceanic and Atmospheric Administration (NOAA). On February 9, 1973, the Administrator delegated this authority to the Director, National Marine Fisheries Service (NMFS).

Three major actions were taken to facilitate implementation of the Act. The first was to create a working group comprised of representatives of the Departments of Commerce and the Interior to develop, so far as possible, joint regulations to implement the Act, and to consider, among other things, joint use of enforcement personnel and other ways of cooperating in the interest of economy and efficiency.

The second action was the publication of separate interim regulations by each Department on December 21, 1972, the effective date of the Act.

The third action taken to facilitate immediate implementation of the Act was to reprogram \$700,000 and 15 personnel positions from other NMFS/NOAA programs during the balance of fiscal year 1973. Accordingly, \$300,000 and four positions were allocated to a porpoise-tuna research program, and \$400,000 and 11 positions were allocated to administration and enforcement in NMFS headquarters and in the five regional offices. Prior to passage of the Act, NOAA had already recognized a need for studies on the problem of porpoise mortalities in the Eastern Tropical Pacific Ocean tuna purse seine fishery and had made \$250,000 and personnel available to commence work during late summer, 1972.

Significant occurrences between December 21, 1972, and June 21, 1973, are summarized below.

Fifty applications for undue economic hardship exemptions were received and acted upon. Of these, 13 were approved, three denied, four withdrawn, and 30 are pending.

Meetings were held with States, the fishing industry, and environmental and conservation groups to explain the Act, its regulations, and progress on implementation.

Fourteen formal public hearings on applications for undue economic hardship exemptions were held in nine areas, namely, Washington, D.C.; Anchorage and Kodiak,

Alaska; Terminal Island and San Diego, California; Mystic, Connecticut; Galveston, Texas; Pensacola, Florida; and Seattle, Washington. Four hearings involved scientific research; seven involved public display; and three involved taking of marine mammals for other purposes. In addition, five other applicants were heard informally at related hearings.

A hearing was held in Washington, D.C., to obtain public reaction regarding disposition of beached, stranded, injured, sick, forfeited, confiscated, and dead animals.

Public hearings are scheduled to receive comments concerning measures to reduce to the extent practicable the incidental taking of marine mammals, particularly porpoises, in commercial fishing operations.

New measures for conserving all whales were proposed to the International Whaling Commission, and additional management considerations for harp and hooded seals were recommended to the International Commission for the Northwest Atlantic Fisheries.

Studies of large whales to include development of an independent United States capability for analysis of world catch statistics and stock assessments are in the planning stage.

Tuna-porpoise studies involving fishing gear dynamics and development, life histories and surveys, and stock assessment were initiated on the Eastern Tropical Pacific Ocean tuna seine fishery.

An expanded research program on the northern fur seal was initiated, including the setting aside of St. George Island, Alaska, as a research area in order to develop additional information on the factors that govern population size.

A high-priority study was begun to acquire information on population size and distribution of the six species of pinnipeds that occur on major hauling or breeding grounds along the west coast.

Discussions were initiated with the State Department regarding its responsibility under the Act for seeking negotiation with other nations on bilateral and multilateral agreements on marine mammals.

Cooperative arrangements for enforcing provisions of the Act were discussed with the Departments of Agriculture, the Interior, Treasury, and Transportation.

Contracts were executed with ten coastal States which provide funds for enforcement of the moratorium on taking marine mammals, including investigations and appearing as witnesses in subsequent judicial actions.

Although much progress has been made in implementing the Marine Mammal Act nationally, the NMFS is aware that prompt consideration must be given to future measures necessary for conserving the world's marine mammal resources. In this regard, one of the most important needs to ensure their well-being is a much greater emphasis on collection of information on marine mammal stocks and the ecosystem in which they live. Furthermore, sufficient international protection must be sought for those species or stocks while adequate knowledge is being obtained.

**Marine Mammal Commission.** On May 14, 1973, President Nixon announced the formation of the three-man Marine Mammal Commission provided for under the Act. The Commissioners appointed are:

Victor B. Scheffer, of Bellevue, Washington, a marine mammal biologist retired from the United States Fish and Wildlife Service. He will serve as Chairman.



A. Starker Leopold, Professor of Zoology, University of California at Berkeley.  
John Ryther, Chairman, Department of Biology, Woods Hole Oceanographic Institution, Falmouth, Massachusetts.

While the Commission has not yet fully assumed its role, the Commissioners have been considering their responsibilities and discussing with NMFS and others the most pressing problems facing the Commission in the next year.

When the Commission and the Committee of Scientific Advisors are functioning, the Secretary of Commerce through the Director, National Marine Fisheries Service, will consult with them regarding applications to take marine mammals for scientific research or public display as required by the Act.

The foregoing summarizes highlights of actions taken by the NMFS between December 21, 1972, and June 21, 1973, to carry out provisions of the Marine Mammal Protection Act of 1972. Details of specific activities related to implementation of the Act are discussed in the report that follows.

#### PART I. ACTIONS TAKEN TO ASSURE THE WELL-BEING OF MARINE MAMMALS

**Interim regulations.** On December 2, 1972, a notice of proposed rule making was published by NMFS/NOAA in the FEDERAL REGISTER (37 FR 25731) to implement the Marine Mammal Protection Act of 1972. It was the intention of NMFS/NOAA to have interim regulations in force on December 21, 1972, the effective date of the Act. The notice proposed interim regulations relating to the taking and importing of marine mammals and marine mammal products and requested comments by December 15, 1972. Interim regulations (Appendix A) were published in the FEDERAL REGISTER on December 21, 1972 (37 FR 28177) which (1) reflected comments received on or before December 15, 1972; (2) corrected certain technical errors and omissions; and (3) set forth, in full, Subpart D—Penalties and Procedures for Assessment, previously reserved. The Department of the Interior published its interim regulations in the FEDERAL REGISTER on December 21, 1972 (37 FR 28173).

The NMFS and the Bureau of Sport Fisheries and Wildlife (Department of the Interior) are working on final regulations. These will be published in the FEDERAL REGISTER as proposed regulation revisions. Following receipt of comments from the public and others, final regulations are scheduled to become effective by early fall, 1973.

**Economic hardship exemptions.** Section 101(c) of the Act and § 216.13 of the interim regulations permits the Secretary of Commerce to grant relief to those persons who can demonstrate undue economic hardship by exempting them from the moratorium until midnight October 20, 1973. The criteria for evaluating undue economic hardship, as prescribed in § 216.13(b) of the interim regulations, are: (1) the effect of granting the exemption on the species or population stock in question and the marine ecosystem; (2) the degree of economic hard-

ship to be anticipated should the exemption not be granted; (3) the economic and legal alternatives available to the applicant; (4) the likelihood of the anticipated economic hardship; and (5) such of the criteria relative to the issuance of scientific research permits and/or public display permits as may be applicable to the application.

Application of section 101(c) has been conservative. To date, only 13 of the 50 applications for an economic hardship permit have been approved and none of these approvals involves the killing of any marine mammals for commercial purposes.

Although the Act declares a moratorium on the taking of marine mammals, the Act clearly intended that research on marine mammals be continued and that public displays (which maintain the health and well being of the species involved) be allowed. Such permits, however, may be granted only after a review by the Marine Mammal Commission and its Committee of Scientific Advisors. The Commission was appointed on May 14, 1973, and its Committee of Scientific Advisors was not appointed during the period covered in this report. It was therefore not possible to issue scientific or display permits, except through the application of the economic hardship exemption.

Consequently, NMFS has accepted applications for undue economic hardship exemptions from persons wishing to take mammals for scientific research or display. These exemptions were considered under the criteria set forth in §§ 216.12 and 216.13 of the interim regulations regarding undue economic hardship exemptions. While undue economic hardship must be shown in all cases to qualify for an exemption, a lesser degree of economic hardship is considered "undue" in cases involving sound scientific research which does not involve the killing of any marine mammals, than for those cases involving the kill of animals for commercial purposes.

Following a public hearing concerning an application for economic hardship exemption to allow the taking of a large number of sea lions for sale to zoos, aquaria, and others by the applicant, it was decided that applications for economic hardship exemptions involving the taking of marine mammals for the purposes of scientific research or public display would not be granted to persons or organizations engaged solely in the taking and not in the ultimate retention of marine mammals. Such exemptions would be issued only to persons or institutions such as zoos, oceanaria, or scientists ultimately responsible for care of the animals away from their natural habitat. This decision was based on the need for proper care and maintenance of marine mammals taken, and the need for control of all facilities where mammals would be maintained during taking, transport, and display or research. This policy was published April 23, 1973, in the FEDERAL REGISTER (Appendix B).

When an economic hardship exemption is granted, especially for display purposes, the exemption holder is sub-

ject to stringent requirements for the care and welfare of the animals. Requirements for care and maintenance, specified in letters of exemption issued for public display of mammals, are set forth in Appendix C.

**Additional policy determinations.** Additional policy determinations to assure the well-being of marine mammals have been made. As an example, it was learned that some tuna fishermen were experimenting with a method for catching fish which involved the attachment of a radio transmitting device to a porpoise. Upon its release, the mammal was then tracked to locate schools of tuna usually associated with porpoises. The effect of the new practice on porpoise stocks is unknown, but a decision was made that it should not be allowed to continue until more is known. Accordingly, a revision was made in § 216.2(e) of the interim regulations making this activity an illegal taking (Appendix B).

The NMFS is analyzing data gathered as a result of a public hearing in Washington, D.C., on May 22, 1973, and soon will issue a policy statement covering situations in which marine mammals are abandoned, stranded, or beached, with primary concern directed to the welfare of the animals. Further discussion of this matter is included in the section on State-Federal cooperation.

The NMFS received applications for economic hardship exemptions from 11 hunters in Alaska to harvest 11,100 seals and 13,200 sea lions for commercial sale of hides, meat, and fat. On April 11, 1973, a public hearing in Kodiak, Alaska, considered formally the requests from two of the applicants (and informally five others), during which a representative of the Alaska Department of Fish and Game estimated that NMFS could conceivably expect to receive as many as 15 additional applications for exemption from Alaskans who have commercially hunted seals and sea lions in the past. Consequently, it was estimated that requests involving approximately 51,000 animals could be forthcoming.

In view of the possible impact of the projected amount of hunting on the marine ecosystem, NMFS determined that an Environmental Impact Statement would be required, as prescribed in section 102(2)(C) of the National Environmental Policy Act of 1969, prior to action on any of the 11 exemptions requested for the taking of seals and sea lions in Alaska (Appendix B). The draft Environmental Impact Statement is being prepared by NMFS in cooperation with the State of Alaska.

**Status of exemption applications.** Although the Act does not require public hearings as a condition to the granting of exemptions under conditions of undue economic hardship, it provides for such hearings, at the discretion of the Secretary, on scientific research and display permits issued after review by the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals. It was obvious that there was deep public concern regarding marine mammals. Therefore, NMFS considered public hearings an important

element of policy formulation. Provision for discretionary hearings regarding economic hardship exemption requests was included in the interim regulations.

In addition to public hearings, meetings were held periodically with many interested national conservation groups, including a consortium of environmentalists and others, to explain the problems involved in implementation of the Act as well as proposed solutions.

Public hearings were held on 14 of the 50 applications received for undue economic hardship exemptions. This included four hearings on applications

dealing with scientific research; seven for display; two in Alaska for commercial taking and sale of skins, meat, and fat; and one hearing on an application involving capture of live animals for sale. Of the 50 applications received (18 scientific research, 16 display, 16 other), 13 were approved (9 research, 4 display), 3 were denied (other), 4 were withdrawn (2 research, 1 display, 1 other), and 30 are pending (7 research, 11 display, 12 other). It is expected that additional hearings will be held on several of the pending applications. Table 1 summarizes actions taken on undue economic hardship applications.

Table 1. Summary of Actions Taken on Undue Economic Hardship Applications  
December 21, 1972, to June 21, 1973

<u>Scientific Research</u>	<u>Approved</u>	<u>Denied</u>	<u>Withdrawn</u>	<u>Pending</u>	<u>Hearing</u>
University of California	X				No
University of Rhode Island	X				No
Paul A. Paulbitaki, San Francisco, California	X				No
Smithsonian Institution	X				No
University of Texas				X	Yes
University of California	X				No
California State University	X				No
University of Washington				X	No
Scripps Institution of Oceanography	X				Yes
Naval Biomedical Research Laboratory	X				No
Maine Department of Sea and Shore Fisheries	X				No
Oregon State University				X	Yes
Alaska Department of Fish and Game				X	Yes
University of Alaska			X		No
University of Alaska			X		No
State University of New York				X	No
Naval Arctic Research Laboratory				X	No
University of Missouri and the University of Southern California				X	No
Total Research - 18 applications - 4 hearings held; others may be held.	9	0	2	7	4

Table 1 (continued). Summary of Actions Taken on Undue Economic Hardship Applications  
December 21, 1972, to June 21, 1973

<u>Display</u>	<u>Approved</u>	<u>Denied</u>	<u>Withdrawn</u>	<u>Pending</u>	<u>Hearing</u>
Sea World, Inc., San Diego, California	X				No
Seattle Marine Aquarium, Seattle, Washington			X		Yes
Oulafarum, Fort Walton Beach, Florida				X	Yes
Sea-Arena Marineworld, Galveston, Texas	X				Yes
Black Hills Marineland, Inc., South Dakota				X	Yes
San Diego Zoological Gardens, San Diego, California				X	No
Mystic Aquarium, Mystic, Connecticut	X				Yes
Henry Doorly Zoo, Omaha, Nebraska	X				No
Japanese Village, Buena Park, California				X	Yes
Detroit Zoological Park, Detroit, Michigan				X	No
Children's Zoo, Fort Wayne, Indiana				X	No
Quailan Marine Attractions, North Carolina				X	Yes
The Aquarium, Depoe Bay, Oregon				X	No
Bob's Seafood, Morro Bay, California				X	No
Cianfuretto Salvadori, Dover, Pennsylvania				X	No
Delaware Gardens, Marina del Rey, California				X	No
Total Display - 16 applications 7 hearings held; others may be held.	4	0	1	11	7

Table 2. Marine Mammals Authorized to Be Taken for Public Display and Scientific Research Under Economic Hardship Exemption December 21, 1972, to June 21, 1973

Common Name	Marine Mammals Scientific Name	Public Display	Scientific Research
Beaked whale	<u>Mesoplodon sp.</u>	4	1 (Skalston)
Beluga whale	<u>Delphinapterus leucas</u>		3
Gray whale	<u>Eschrichtius robustus</u>		
Killer whale	<u>Orcinus orca</u>	4	
Pilot whale	<u>Globicephala melasma</u>	11	
Bottle-nose dolphin	<u>Tursiops truncatus</u>	24	
White-sided dolphin	<u>Lagenorhynchus obliquidens</u>	6	6
Bearded seal	<u>Erignathus barbatus</u>	6	10 (10)*
Gray seal	<u>Halichoerus grypus</u>		3
Harbor seal	<u>Phoca vitulina richardii</u>	21	70
Northern elephant seal	<u>Mirovanga annectirostris</u>	5	
Ribbon seal	<u>Histriophoca fasciata</u>		5 (5)*
Ringed seal	<u>Pusa hispida</u>		10 (10)*
Spotted seal	<u>Phoca vitulina laraha</u>		20 (20)*
California sea lion	<u>Zalophus californianus</u>	18	77 (75)**
Stellar sea lion	<u>Eumetopias jubatus</u>	4	10 (10)*
<b>TOTAL</b>		<b>103</b>	<b>215</b>

(\*) Animals to be sacrificed in the course of scientific research.

(\*\*) Excludes 75 aborted, stillborn or dead fetuses collected on San Miguel Island, California.

Federal enforcement. There have been bottlenose dolphins that had been left a variety of enforcement cases handled unattended at the facilities of a marine by NMFS enforcement agents. The most mammal supplier in Biloxi, Mississippi. The dolphins were subsequently transported via truck to Fort Walton Beach, Florida, where they have since been cared for and held. Action by the Secretary against the owners of the dolphins resulted in forfeiture of the five mammals to the Federal Government. This

Table 1. (continued). Summary of Actions Taken on Public Economic Hardship Applications December 21, 1972, to June 21, 1973

Other unusual exhibit sale of skins, meat and fat; live capture for sale; subsistence	Approved	Denied	Withdrawn	Pending	Hearings
Barrett International, New York City			X		Cancelled
F. J. Woollers, Seward, Alaska		X			Yes/No/
Frontier Tanning Company, Anchorage, Alaska		X			Yes/No/
Ray C. Zschidil, Fort Williams, Alaska				X	Yes/No/
William Hutwagner, Kodiak, Alaska				X	Yes/No/
Andrew Kault, Kodiak, Alaska				X	Yes/No/
Jerry Richmond, Kodiak, Alaska				X	Yes/No/
Kenneth Salliers, Anchorage, Alaska				X	Yes/No/
Joe Nuchter, Fort Bidwell, Alaska				X	Yes/No/
Jeff Graham, Fort Bidwell, Alaska				X	Yes/No/
Fred A. Kings, Anchorage, Alaska				X	Yes/No/
Keith C. Kooner, St. Lawrence Island, Alaska				X	Yes/No/
Epicon Barrall, Whittier, Alaska				X	Yes/No/
David Anderson, Kodiak, Alaska				X	Yes/No/

Table 1. (continued). Summary of Actions Taken on Public Economic Hardship Applications December 21, 1972, to June 21, 1973

Other	Approved	Denied	Withdrawn	Pending	Hearings
Sea Lions International, Santa Barbara, California		X			Yes
Globicephala, Inc., Santa Barbara, California		X			No
Total other - 16 applications	0	3	1	11	3
3 hearings held; others may be held.					
<b>GRAND TOTAL</b>	<b>13</b>	<b>3</b>	<b>4</b>	<b>30</b>	<b>14</b>
50 applications					
14 hearings held; others may be held.					

(1) Environmental Impact Statement will be prepared prior to final action.  
(2) Heard informally in course of Northern-hemisphere hearing.

Notices of all policy determinations on economic hardship exemptions (Appendix B) and final actions taken thereon were published in the Federal Register. Records of the 14 hearings on economic hardship exemption applications are available for inspection at NMFS headquarters in Washington, D.C. Hearings are usually held in the geographic area in which the applicant does business, or the location of prominent public interest, and a transcript of the hearing is made for the official record. Publication in the Federal Register of

Table 2 shows the number, by species, of the 318 marine mammals authorized to be taken for public display and scientific research, as of June 21, 1973.

incident demonstrated the need for NMFS to develop a policy which would provide forfeited, stranded, or beached mammals with the best opportunity for survival. A decision on the disposition of the five dolphins will be made in the near future.

Other cases have involved investigations of reports concerning the sale of whale meat, the sale of ambergris, the alleged shooting of a whale, the taking of porpoises, and inquiries concerning the importation of marine mammal products. NMFS enforcement agents have accompanied and monitored authorized captures of marine mammals by scientific researchers and oceanaria authorized pursuant to Letters of Exemption. Inspections of applicants' facilities have also been conducted to determine adequacy for the care and maintenance of marine mammals.

**State-Federal cooperation.** Section 109 (c) of the Act authorizes the Secretary of Commerce to enter into cooperative enforcement arrangements with States. Since NMFS's enforcement capability is limited, agreements have been negotiated with ten States along the Pacific and the southeastern coasts of the United States. The purpose of these agreements is to achieve cooperative arrangements with the States for prompt enforcement of Federal law and regulations, where needed, through utilization of available State personnel and equipment. Under short term contracts requiring a total monthly amount of about \$37,000, the States of Alabama, Alaska, California, Florida, Georgia, Louisiana, Mississippi, Oregon, South Carolina, and Washington have agreed to enforce the moratorium on the taking of marine mammals, including making investigations and appearing as witnesses in any subsequent judicial actions. The services provided by each State vary in scope and are related to the traditional incidence of marine mammals and the need for enforcement activities. In Alaska, the enforcement efforts provided by the State are quite extensive and involves the part-time services of 82 fish and wildlife officers and State troopers, and several patrol boats and aircraft. With each State, the fixed monthly contract cost is established by determining the relative effort required, based on known considerations and potential problems. These contracts identify State officers who will be involved in enforcement activities, including estimates of time and equipment to be used. In addition, periodic reports are required by NMFS from each State under contract which summarize work performed and related information so that future contracts can be directed toward the most effective utilization of Federal funds and State resources.

Sections 109 and 112 of the Act authorize Federal cooperation with the States in the handling and disposition of marine mammals in distress, abandoned, or confiscated. Throughout the coastal areas of the United States, the problem of beached marine mammals is of great concern. The frequency with which animals are stranded varies greatly from

area to area; in Florida, California, and Alaska the number of occurrences is significant. Records show that between 150-175 false killer whales (*Pseudorca crassidens*) beached themselves in the vicinity of Fort Pierce, Florida, on January 11, 1970; about 50 pilot whales (*Globicephala macrorhyncha*) came ashore near Sarasota, Florida, on August 21, 1971; and in June 1973, ten pilot whales beached themselves near Key Largo, Florida. These are only a few of the records of beached mammals during recent years. Section 109(a)(4) of the Act authorizes a State or local government employee to assist distressed mammals. Section 216.8 of the interim regulations prescribes the authority and procedures by which State or local government employees may handle such situations. Depending on the condition of the animal, local authorities may either return the animal to its natural habitat or place it in an aquarium for care until final disposition can be determined.

In many cases, beached or stranded animals are very sick or injured and can be expected to die after a short time. States are, of course, authorized to dispose of the carcasses. In some instances carcasses have been given to scientific institutions for study. In every situation, a report is required from the State by NMFS of the circumstances concerning the taking and final disposition of an animal.

**Federal interagency cooperation.** Subsections 112 (b) and (c) of the Act authorize and direct each Federal agency to cooperate with the Secretary (Commerce and the Interior) in such a manner as may be mutually agreeable, and the Secretary (Commerce and the Interior) may enter into such contracts, leases, cooperative agreements, or other transactions, as may be necessary to carry out the purposes of the Act.

The NMFS has discussed cooperative arrangements with the Departments of Agriculture, Interior, Transportation, and Treasury. The Department of Agriculture, acting under the Animal Welfare Act of 1970 (Public Law 91-579), would enforce regulations concerning the care and maintenance of marine mammals in captivity prior to the effective date of the Act, specifying the manner in which the animals could be handled, transported, and displayed. The regulations would also specify the minimum standards for such facilities.

A memorandum of understanding between the Department of Commerce and the Department of the Interior is presently being developed which would provide for the Department of the Interior to assist the Department of Commerce in its implementation responsibilities under the Act in the inland States and at designated ports of entry where the Department of the Interior presently has agents stationed. The agreement would also provide that the Department of Commerce assist the Department of the Interior through enforcement of the Act on the high seas.

The Customs Service in the Treasury Department will assist in carrying out

responsibilities related to importation of marine mammals and marine mammal products into the United States. The Coast Guard in the Department of Transportation has been asked to report violations encountered on routine sea patrols. Cooperation with other Government agencies will be explored.

**International program.** The requirements for international action prescribed in Section 108 of the Act aim to conserve and protect marine mammals throughout the world by international arrangements. The National Oceanic and Atmospheric Administration, Department of Commerce, has initiated several pertinent actions.

A proposed new Protocol to the International Whaling Convention, coordinated by all appropriate United States Government agencies, including the Departments of State and the Interior, the Council on Environmental Quality, and the Smithsonian Institution, was prepared for presentation at the International Whaling Commission meeting in London, England, on June 25-29, 1973. Comments from conservation groups and others have been included in the proposed Protocol. Negotiations relative to its adoption will take place at a future date.

The proposed Protocol incorporates into the Convention the basic provisions of the Marine Mammal Protection Act. The major changes to the Convention involve including all cetaceans; elimination of all references to consideration of commercial interests except to recognize that cetaceans have nutritional and economic values; and stipulation that cetaceans may be taken only when the populations are at optimum levels.

At the November 1972 meeting of the Inter-American Tropical Tuna Commission, the United States Delegation informed other member nations of the requirements under the Marine Mammal Protection Act. Agreements with foreign nations having tuna fishing operations similar to those of the United States fishing industry cannot be finalized until the United States has adopted regulatory provisions for its own fishermen. The foreign catch of yellowfin tuna in the Eastern Tropical Pacific amounts to about 15 percent of the total annual yellowfin catch for that area.

At the June 1973 session of the International Commission for the Northwest Atlantic Fisheries (ICNAF), the United States indicated that conservation of harp and hooded seals should include consideration of their esthetic, recreational, and ecological significance.

Section 108(b)(1)(B) requires, in consultation with the Secretary of State, a comprehensive study of the provisions of the Act as they relate to the Interim Convention on the Conservation of North Pacific Fur Seals. This is to determine what modifications may be required in the provisions of the Convention, or the Act, or both, to make them consistent with each other. This study is in progress and a report of findings is scheduled to be submitted to Congress by October 21, 1973.

South African fur seals are considered a national resource and are under regulation by the Government of the Union of South Africa. Uruguay has a similar interest in South American fur seals and South American sea lions which haul out on its territory. A request by the United States for determination of the desirability of bilateral agreements for protection of these mammals has been sent to both Governments pursuant to Section 108(a) of the Act.

A Government-wide decision has been made, with the concurrence of several prominent conservation organizations, to seek the convening of an international ministerial meeting on marine mammals to be held late in 1974. Because of the large number of nations necessarily involved, time will be required for meeting arrangements and for preparations of positions on the new and complex issues involved in negotiating a meaningful convention for protection and conservation of all marine mammals. It was, therefore, considered unrealistic by the Departments of State, Commerce, and the Interior to seek the convening of an international ministerial meeting before July 1, 1973, as called for in Section 108(a)(5) of the Act.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, negotiated in February 1973, and signed by the United States on March 3, 1973, considers "introduction from the sea" to be a form of trade. Marine mammal species or their products which are covered by the Convention may not be brought in from the sea, imported into, or exported from any other nation party to the Convention except as provided for under the Convention. This provision may give some added protection to five species of whales and affords some needed international protection to all monk seals, two species of elephant seals, four species of fur seals, and the Ganges River dolphin.

In accordance with an agreement between the United States and the Union of Soviet Socialist Republics for cooperation in environmental conservation, a meeting of a joint working group on the problems of nature and preserves was held in Moscow January 23-31, 1973. The working group discussed problems pertaining to the conservation and regulation of marine mammal populations. The group agreed to the conduct of cooperative research on inventory methods, population dynamics and ecology of walrus and ice seals; marking of sei, fin and sperm whales for distribution and assessment information; biological investigations of gray and bowhead whales; and basic biology of other northern marine mammals.

*Coordinated Pribilof Islands-Bering Sea research.* Fur seals of the Pribilof Islands have been under study by scientists since 1867 when the Islands became a possession of the United States. Since 1956, the seal population has been studied intensively in an effort to satisfy the requirements of the Interim Convention on the Conservation of North Pacific Fur Seals.

Ongoing research has centered on development of information on causes of death among the young; determination of the number of pups born each year; determination of numbers of living adult males and all dead fur seals found on the breeding and hauling grounds; and determination of age composition of the commercial kill.

Because factors that control the population size of fur seals are not fully understood, NMFS proposed new research efforts designed to provide additional information for more effective management of the Pribilof fur seal herd. The research program, which entailed a cessation of commercial sealing on St. George Island, was presented by the United States to the North Pacific Fur Seal Commission Meeting in Tokyo, Japan, on March 19-23, 1973, and adopted by that body. Major parts of the program began this year. Other aspects will be phased in during subsequent years.

The program is designed to determine changes in population size and age and sex composition and how these relate to survival, mortality, and reproduction rates and behavior patterns. The program will describe changes in the unharvested population and rookery areas; and monitor abundance and distribution of Bering Sea fish and invertebrate stocks utilized by fur seals and other marine mammals.

*Tuna-Porpoise research and development.* A research program was developed to reduce incidental killing of porpoise taken in Eastern Tropical Pacific Ocean tuna purse seine fishing. The first priority is to respond to the requirements of section 101(a)(2) of the Marine Mammal Protection Act by reducing this mortality to a level approaching zero as quickly as possible; and secondly, to back this up with efforts to establish definitive information on the status of porpoise populations in the Eastern Tropical Pacific.

In response to this problem, an expanded porpoise program was developed at the NMFS Southwest Fisheries Center, La Jolla, California. It is presently underway and has three principal elements: (1) gear dynamics and development, (2) life histories and survey, and (3) stock assessment. Most of the effort and research funds are being channeled into gear dynamics and development, since these appear to offer the greatest promise of speedy and practical short-range reduction of mortality. The objective is to reduce incidental porpoise deaths in the tuna fishery to zero, or as near it as possible, by providing realistic solutions which are applicable for use by foreign fishing fleets as well as those of the United States. The approach is to isolate all separate causes of mortalities and to provide both preventive and remedial measures.

The life history and survey element is divided into (1) research on porpoise life studies, (2) an observer program, and (3) aerial assessment surveys. The life studies phase is essentially a continuation of ongoing studies of taxonomy, geographic distribution, life histories,

growth, reproductive rates and major causes of natural mortality of Eastern Tropical Pacific porpoises. The National Marine Fisheries Service observer program provides information on porpoises killed incidentally in fishing operations, statistics on size and makeup of the catch, specimens to be used in life history studies and stock assessment, detailed observations of rescue operations during each tuna set, and other observations on porpoises and birds. Aerial observations with cameras and remote sensors, if they prove feasible, will enable rapid census of cetacean populations over vast oceanic areas. The practicality of this technique is still under study.

The porpoise stock assessment studies will incorporate observer data and results of ongoing life history studies and will lead to assessment of status of spotted porpoise (*Stenella attenuata*) stocks first, and later to spinner porpoise (*S. longirostris*) and whitebelly porpoise (*Delphinus delphis*) stocks.

Public hearings for the purpose of obtaining the views of interested parties on ways of improving commercial fishing methods and gear so as to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations are scheduled on July 31, 1973, in Washington, D.C., and on August 3, 1973, in San Diego, California. The NMFS will receive views of the public concerning a variety of proposals, including (a) requiring the use of a smaller mesh "Medina" panel; and (b) requiring the training of skippers of tuna vessels in the handling of this type gear, including so-called "backing down" procedures.

## PART II. CURRENT STATUS OF THE STOCKS OF MARINE MAMMALS

*Introduction.* The following "Report on the Current Status of Stocks of Marine Mammals" was written and reviewed by scientists from universities, State agencies, and the National Marine Fisheries Service. A list of the scientists, who have assisted either by providing information or reviewing the status reports is included in the report.

Of the approximately 104 species of marine mammals throughout the world, status reports have been prepared for 66 species which are of primary concern to the United States and are the responsibility of the Secretary of Commerce under the terms of the Marine Mammal Protection Act. The Act requires a report not only on the status of each marine mammal species, but also on the population stocks. The population stocks of only a few marine mammals have been delineated and the effort needed to obtain information on exotic population stocks is beyond the scope of research being carried out at the present time.

Information about each species is summarized under six major headings. They are distribution and migration, abundance and trends, general biology, ecological problems, allocation problems, and current research. Selected references are listed at the end of each species discussion. Summary information on exist-

ing protective regulations for marine mammals is also included.

References are not cited in the report except for the paragraph on abundance and trends. Because of the importance of data on abundance and trends, information in this section is cited and citations are given in the list of references. Data on the abundance of marine mammals are difficult and costly to obtain. With the exception of a few species which have been commercially exploited, such as large whales and fur seals in the North Pacific Ocean, abundance data are usually inadequate for management purposes.

## SPECIES LIST

## Pinnipedia

- Zalophus californianus* (California sea lion)  
*Eumetopias jubatus* (northern sea lion)  
*Arctocephalus australis* (South American fur seal)  
*Arctocephalus pusillus* (South African fur seal)  
*Arctocephalus townsendi* (Guadalupe fur seal)  
*Callorhinus ursinus* (northern fur seal)  
*Phoca vitulina* (harbor seal)  
*Pusa hispida* (ringed seal)  
*Halichoerus grypus* (gray seal)  
*Histriophoca fasciata* (ribbon seal)  
*Pagophilus groenlandicus* (harp seal)  
*Erignathus barbatus* (bearded seal)  
*Monachus tropicalis* (Caribbean monk seal)  
*Monachus schauinslandi* (Hawaiian monk seal)  
*Lobodon carcinophagus* (crabeater seal)  
*Ommatophoca rossi* (Ross seal)  
*Hydrurga leptonyx* (leopard seal)  
*Leptonychotes weddellii* (Weddell seal)  
*Cystophora cristata* (hooded seal)  
*Mirovingia leonina* (southern elephant seal)  
*Mirovingia angustirostris* (northern elephant seal)

## Mysticeti

- Balaena glacialis* (black right whale)  
*Balaena mysticetus* (bowhead whale)  
*Eschrichtius robustus* (gray whale)  
*Balaenoptera acutorostrata* (minke whale)  
*Balaenoptera edeni* (Bryde's whale)  
*Balaenoptera borealis* (sei whale)  
*Balaenoptera physalus* (fin whale)  
*Balaenoptera musculus* (blue whale)  
*Megaptera novaeangliae* (humpback whale)

## Odontoceti

- Steno bredanensis* (rough-toothed dolphin)  
*Tursiops truncatus* (bottlenosed dolphin)  
*Grampus griseus* (Risso's dolphin)  
*Lagenorhynchus albirostris* (white-beaked dolphin)  
*Lagenorhynchus acutus* (Atlantic white-sided dolphin)  
*Lagenorhynchus obliquidens* (Pacific white-sided dolphin)  
*Lagenodelphis hosei* (Sarawak dolphin)  
*Stenella attenuata*, *frontalis*, *graffmani*, and *dubia* (spotted dolphin)  
*Stenella plagiodon* (Atlantic spotted dolphin)  
*Stenella longirostris* (spinner dolphin)  
*Stenella coeruleoalba* (striped dolphin)  
*Delphinus delphis* (common dolphin)  
*Lissodelphis borealis* (northern light whale dolphin)  
*Peponocephala electra* (broad-beaked dolphin)

- Feresa attenuata* (pygmy killer whale)  
*Pseudorca crassidens* (false killer whale)  
*Globicephala melaena* (common pilot whale)  
*Globicephala macrorhyncha* (short-finned pilot whale)  
*Orcinus orca* (killer whale)  
*Phocoena simus* and *Phocoena phocoena* (harbor porpoise)  
*Phocoenoides dalli* (Dall porpoise)  
*Delphinapterus leucas* (beluga)  
*Monodon monoceros* (narwhal)  
*Physeter catodon* (sperm whale)  
*Kogia breviceps* (pygmy sperm whale)  
*Kogia simus* (dwarf sperm whale)  
*Mesoplodon bidens* (North sea beaked whale)  
*Mesoplodon europaeus* (Antillean beaked whale)  
*Mesoplodon mirus* (True's beaked whale)  
*Mesoplodon stejnegeri* (Bering Sea beaked whale)  
*Mesoplodon carlhubbsi* (Arch-beaked whale)  
*Mesoplodon ginkgodens* (Ginko-toothed whale)  
*Mesoplodon densirostris* (dense-beaked whale)  
*Ziphius cavirostris* (goose-beaked whale)  
*Berardius bairdi* (giant bottlenose whale)  
*Hyperoodon ampullatus* (North Atlantic bottle-nose whale)

## CALIFORNIA SEA LION

*(Zalophus californianus californianus)*

**Distribution and migration.** This subspecies of the California sea lion ranges along the west coast of Mexico from about lat. 21° N to southern British Columbia, Canada. The California sea lion breeds on some Gulf of California islands northward to San Miguel Island, Calif., in lat. 34° N. Many adult and subadult males move northward along the California, Oregon, Washington, and British Columbia coasts after the breeding season.

Another subspecies occurs on the Galapagos Islands, and still another, formerly found in Japanese waters, is now extinct.

**Abundance and trends.** The California Department of Fish and Game censuses indicate that the California sea lion population reached a low level in the early 1930's in California waters, then made a steady recovery and apparently leveled off about 1961 with little variation in the counts since then (Ripley, Cox, and Baxter, 1962; Carlisle and Ap- lin, 1971). Rice, Kenyon, and Luch (1965) counted 16,150 California sea lions on Guadalupe, San Benito, and Cedros Islands, Mexico, in January and February 1965. Orr, Schonewald, and Kenyon, (1970) counted this species in the Gulf of California between 1960 and 1968, and in April of 1966 made what is the most accurate total count (5,411) obtained on six islands in these waters. In United States waters, Peterson and Le- Boeuf (1969) estimated that 40,000 animals were ashore on San Nicholas and San Miguel Islands during the 1967 and

1968 breeding seasons. Odell (1971) obtained minimum counts of 34,382 California sea lions on all Channel Islands in June 1964. The preceding figures indicate a total population of about 60,000, with about 20,000 animals in Mexico and 40,000 in the United States.

Mate (pers. comm.) states that the California sea lion population in Oregon numbered about 2,500 in 1968, 1969, and 1970. As many as 1,000 animals migrated through Oregon to the north during these years.

In 1972, Bigg (1973) counted 430 California sea lions in Barkley Sound off Vancouver Island on February 25. At the same time, 35 on Race Rocks off Victoria, B.C., and 10 in Dodds Narrows (lat. 49°07' N) near Nanaimo, B.C., were counted.

Before passage of the Marine Mammal Protection Act by the U.S. Congress, California sea lions were taken by permit each year for sale to zoos, oceanaria and circuses. Daugherty (1972) states that 400 of these animals were taken in 1969 and 580 in 1970.

**General Biology.** The adult male grows to 2.1 m and 273 kg; the adult female to 1.8 m and 91 kg. Most of the pups are born in June and are about 0.8 m long and 5.4 to 6.4 kg in weight. The females usually breed 15 to 30 days after parturition and the mother and pup may remain together the first year. The males establish and defend breeding territories on land; the females move about freely. On San Nicholas Island, the pupping season begins about 15 May and last about 5 weeks, with peak during the first week in June.

During the past two or three years an increase in premature births and in the mortality rate of subadults and young adults apparently has occurred. Three potential causes have been isolated: (1) Chemical residues (polychlorinated biphenyls, DDT and metabolites); (2) a bacterium (*Leptospira*); and (3) a virus.

The greatest single cause of death in wild and captive animals is lungworm. Animals in captivity have also died from pleuropneumonia, pneumonia, and enteric infections, diseases which may also occur in wild populations.

**Ecological problems.** California sea lions associated with certain hauling grounds and rookeries have practically abandoned these areas because of harassment. Major populations are now located only on sites not easily reached by the public.

**Allocation problems.** A history of conflict exists between people for and against complete protection of this species. Some fishermen want the number of California sea lions to be controlled. A demand exists for taking these animals for display. Some conservation groups would like complete protection for the California sea lion.

**Current research.** The following organizations are conducting research on the California sea lion: Biological Sonar Laboratory, Fremont, Calif.; University of California, Santa Cruz, Calif.; University of California, Berkeley, Calif.; California Academy of Science, San Francisco, Calif.; Humboldt State College,

Arcata, Calif.; and Fisheries Research Board of Canada, Nanaimo. The National Marine Fisheries Service conducts research on this species incidental to a fur seal project on San Miguel Island off California.

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- NORTHERN (STELLER) SEA LION  
(*Eumetopias jubatus*)
- Distribution and migration.** The northern sea lion is found in continental shelf water from the Sea of Japan and northern Honshu, Japan, northward around the North Pacific Ocean rim to the Okhotsk and Bering Seas and southward to the California Channel Islands. Some seasonal movements occur in parts of its range. Examples of such movements are differences in the winter and summer distribution of these animals in the Bering Sea, and the post-breeding movements of males in central California.
- Abundance and Trends.** Kenyon and Rice (1961) estimated the world population at between 240,000 and 300,000 in 1961. No published estimates of the total population have been made since that time. Alaska has 202 known rookeries and hauling grounds. The Alaskan population has increased considerably since the early 1900's and now exceeds 200,000 and may be near maximum levels in many areas (Alaska Department of Fish and Game, 1973). Since 1964, several thousand pups have been harvested annually in Alaska until 1973 when the Marine Mammal Protection Act became effective; 6,546 were taken in 1972.
- Kenyon and Scheffer (1962) made six aerial and one surface survey along the Washington coast between 1949 and 1959 and stated that the population did not exceed 500. Pearson and Vets (1970) estimated the Oregon population at 1,078. The California Department of Fish and Game makes periodic aerial censuses of sea lions in California. Carlisle and Aplin (1971) have given the following figures for sea lions in California north of Pt. Conception: (1958) 7,053; (1961) 6,875; (1965) 4,998; (1969) 7,156; and (1970) 5,189. They consider these to be northern sea lions, although small numbers of California sea lions are known to occur north of Pt. Conception at the time the census is made.
- The northern sea lion ranges to the Channel Islands group south of Pt. Conception. In the Channel Islands, the population peaked at about 2,000 in the late 1930's and has declined since (Bartholomew, 1967). In 1972, the San Miguel Island population was estimated by DeLong (pers. comm.) at 30 to 35 plus a few pups.
- General biology.** The adult males grow to 3.0 m in length and over 900 kg in weight. Adult females reach 2.0 m and almost 300 kg. Males may mature sexually by age 5 years, but hold breeding territories first at age 7 or 8. Females can produce young at age 5 or 6. Pupping takes place in June and early July and newborn pups weigh 16 to 23 kg. Females breed 10-14 days after parturition. Some pups remain with their mothers the first year. The pup sheds its dark chocolate birthcoat for tan adult pelage in the autumn of birth. The adult male maintains a territory 40 to 60 days, and the female may be territorial for several days after her pup is born. Northern sea lions
- favor isolated locations with some shelter, free access to the sea, and freedom from human harassment. Colonies may become established on rock outcrops, boulder, cobblestone, and coarse sand beaches. The northern sea lion feeds on a variety of fish and cephalopods.
- Ecological problems.** Northern sea lions in some areas compete with other pinnipeds for rookery and hauling ground space. Excessive disturbance by humans of sea lions on their rookeries and hauling grounds has caused the animals to abandon these areas.
- Allocation problems.** Northern sea lions have damaged gear and destroyed fish in the halibut longline, salmon purse seine, gillnet, and troll fisheries. The species has also destroyed herring in herring pots and has been accused of biting and sinking inflated plastic buoys used to mark crab pots. This species has considerable esthetic and recreational value.
- Current research.** This species has its center of abundance in Alaska where the Alaska Department of Fish and Game's management and research investigations have been directed primarily at determining abundance and distribution, and the effects of harvesting operations on rookery populations.

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#### SOUTH AMERICAN FUR SEAL

##### (*Arctocephalus australis*)

**Distribution and migration.** Two major populations of the South American fur seal, identifiable only by size, are found, one on the Falkland Islands (Islas Malvinas) and the other on coastal Uruguayan Islands. Minor populations of this species occur in Argentina, Chile, and Peru. The adults are on the Uruguayan breeding grounds in November and December, and offshore up to 200 miles east on the edge of the continental platform during the austral winter. An extreme northern record for the South American fur seal was of one identified at Rio de Janeiro, Brazil.

**Abundance and trends.** In 1972, the Uruguayan population was estimated at 252,000. This population grew from an estimated 129,000 in 1960 to an estimated 174,000 in 1965. Other populations are also increasing. Information on abundance and trends was furnished by Isaiás Ximénez, Uruguayan Government biologist.

**General biology.** Adult males on the Falkland Islands grow to 159 kg, whereas those in Uruguay reach only 136 kg; the females weigh 33-48 kg. Males are polygamous and establish territories in early November. Most of the pregnant females arrive on the rookeries in mid-November, and form small harems of about six animals. Within 6-7 days, each female bears a single pup and breeds 2-3 days later. The pup is usually weaned by July, although some may nurse for nearly a year. Most males first breed at age 7 and the females at age 3. Uterine implantation of the blastocyst probably occurs in March. Gestation, including the period of delayed implantation, lasts nearly one year. Most of the animals leave the rookeries during the austral winter. On the

rookeries, the fur seals are in close contact with South American sea lions, *Otaria flavescens*. Main causes of death in order of importance are from sporadic storms, which wash large numbers of pups out to sea; the seven-gilled shark; and probably the killer whale, which is common around the larger rookeries. The South American fur seal has 10 species of endoparasites, but no heart or lung worms. Nasal mites infest this species.

**Ecological problems.** Offshore oil wells are planned in the near future which may result in an ecological hazard.

**Allocation problems.** The species has esthetic, educational, and economic values. The Government of Uruguay annually harvests male fur seals on the islands. The harvest in 1972 and 11,000 and in 1973 will be 12,500.

**Current Research.** Long-term research on this species is carried out by the Governments of Uruguay and Argentina. In addition, short-term projects are carried out by the Natural History Museum of Montevideo and the Smithsonian Institution.

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#### SOUTH AFRICAN (CAPE) FUR SEAL

##### (*Arctocephalus pusillus*)

**Distribution and migration.** The South African fur seal breeds on the mainland and coastal islands of southern Africa from Cape Cross (South West Africa) to Algoa Bay (South Africa). This species shows no definite seasonal migration, but disperses widely while feeding. A marked adult was seen in deep-sea trawling grounds 450 miles from its

birthplace. Young seals in their first year (November to October) frequent protected bays and areas near their places of birth.

**Abundance and trends.** No current data are available on the total South African fur seal population, however, Rand (1972) estimates about 19,500 mature territorial males and about 273,000 mature females on mainland and island rookeries. Commercial sealing now appears to be keeping the population fairly stable (op. cit.). First year pups (about 9 months) and a small (unknown) number of second year animals of either sex are harvested in the winter (June-September), although all cow seals are protected (op. cit.). In 1950, the winter harvest totaled 27,289 pups and has increased to 76,694 in 1971 (Laws, in press). The summer kill of surplus adult males (October-December) has declined from 3,000 in the early 1950's to 812 in 1969 (Rand, 1972).

**General biology.** The adult males weigh 204.2-317.6 kg and grow to 2.3 m long; females weigh 90.7-113.4 kg and are 1.5-1.8 m long. In late October, when most of the older pups are weaned, the first adult males come ashore to establish territories and harems; pregnant females arrive about a week later. In November and early December, the female bears a single pup (twins are rare), mates 5-6 days later, then leaves its pup for the first time and feeds for 1-2 days at sea. Subsequent nursing-feeding cycles extend to 4-5 days on land and 7-10 days at sea. Implantation of the blastocyst in the uterus is delayed until April or May. Thus, gestation is 7-8 months, but may be longer for some females that mate for the first time in their second year. At birth the pup is about 0.76 m long and averages 6.4 kg. Food consists of fish, cephalopods, and various small crustaceans.

The South African fur seal has stomach nematodes, a cestode and an acanthocephalan in the intestine, mites in the nasal cavity and pulmonary tubes, and an ectoparasitic louse.

**Ecological problems.** Sharks and killer whales are natural predators.

**Allocation problems.** Local fishermen engage in scattered and illegal killing of seals, contending that the animals interfere with their expanding purse-seine fishery. Seals occasionally feed on fish protruding through the meshes of otter trawl nets or taken by line fisheries.

**Current research.** A marking program on some rookeries is carried out by the South and South West African governments to measure herd size, annual recruitment, natural and harvest mortality, and movements.

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#### GUADALUPE FUR SEAL

##### (*Arctocephalus townsendi*)

**Distribution and migration.** The distribution of *A. townsendi* in the 18th and 19th centuries is unknown. The Guadalupe fur seal was believed extinct during two periods (1895-1926; 1928-49). One adult male was observed on San Nicolas Island in 1949, and breeding animals were rediscovered at Guadalupe Island in 1954. Subsequently individual animals have been reported at Cedros Island, Baja California, and others have been sighted on San Miguel Island each year since 1968.

**Abundance and trends.** The last Guadalupe fur seal was commercially harvested from the islands of southern California and Baja California in 1894. The populations of Guadalupe fur seals on the Guadalupe and San Benito Islands apparently once numbered in the thousands. Rice et al. (1965) counted 285 of these mammals on Guadalupe Island and suggested that the population was growing rapidly and may contain as many as 600 animals, including those in the water.

**General biology.** Biological information on this species is scarce. No specimens have been collected since their recent rediscovery. The males are almost 1.8 m long. Males appear somewhat smaller and females considerably larger than *Callorhinus ursinus*. *A. townsendi* can be separated from *C. ursinus* by its narrow, pointed muzzle and the extension of pelage beyond the wrist onto the dorsum of the foreflipper. It is separated from *Zalophus californianus* by its distinctive underfur.

The pups are born in June and July. Although breeding has not been observed, a post partum estrus probably occurs, which would extend the breeding period into August. The adult males establish territories in isolated caves that have access to the sea or among large boulders close to the splash zone. Single or small groups of breeding territories are distributed along 20 km of

the eastern shoreline of Guadalupe Island. The harems contain 1-10 females.

The feeding habits of *A. townsendi* are unknown. The adult males apparently spend considerable time at sea; all sightings at other islands have occurred during the nonbreeding season. The females may not migrate long distances from Guadalupe Island.

**Ecological problems.** Increasing numbers of human visitors to Guadalupe Island are subjecting the animals to more disturbance. Plans exist to develop the island for the tourist trade. Such development would increase disturbance and could reduce the amount of available breeding habitat for fur seals. Because they breed only on Guadalupe Island, the seals need complete protection from undue disturbance and habitat modification.

**Allocation problems.** None known.

**Current research.** The University of California makes periodic censuses of this species.

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#### NORTHERN FUR SEAL

##### (*Callorhinus ursinus*)

**Distribution and migration.** Most of the animals are on their breeding grounds from May through November to bear young and to breed. They otherwise are found at sea along the continental shelf from the Bering Sea south along both sides of the North Pacific Ocean to latitude 32° N. Some intermingling of eastern and western Pacific populations occurs at sea and on land, primarily among males younger than age 6 years.

**Abundance and trends.** Beginning in 1956, a program of reducing the population of Pribilof Islands fur seals was begun with the expectation that the rate of survival would improve (Roppel et al., 1963) and result in an increased yield

of pelts. By 1968, it had become evident that the herd had been reduced to a level somewhat below that of maximum sustainable yield, and that an increase in the number of pups born was desirable. Thus, no female fur seals have been harvested in the Pribilof Islands since 1968 with the expectation that the population would increase. However, less than average survival of several year classes, the cause of which is not understood, has prevented the expected increase. In 1969 and 1970 the number of pups born was estimated to be 304,000 and 306,000, respectively, and in the past the maximum yield of furs was produced when about 400,000 pups were born. In the 1969-72 period when no females were commercially harvested on the Pribilof Islands, an average of about 37,500 males were taken.

Apparently the Commander Islands fur seals have not become reestablished on a considerable portion of their original rookery area. Consequently, this population should increase to a higher level. It is likely that the Robben Island population is near the maximum. Johnson (1972) estimates the abundance of northern fur seals by breeding islands, as follows:

Location of fur seal rookeries	Estimated number of northern fur seals (in thousands)
Pribilof Islands.....	1,200
San Miguel Island.....	<1
Commander Islands.....	265
Robben Island.....	165
Kuril Islands.....	15
Total .....	1,645

**General biology.** The adult male weighs 227-318 kg, and the female 36-59 kg. Newborn pups average 4.5 (female) to 5.4 kg (male). The male is polygamous and establishes his territory in late May and early June. Most of the pregnant females arrive on the rookeries in late June and early July, when they form harems of 1-100 animals. Within 3 days of her arrival, the female bears a single pup (twins are rare), breeds 2 days later, then begins nursing-feeding cycles of 2 days on land and about 8 days at sea within a 200-mile radius. Implementation of the blastocyst is delayed until November. Most of the males first breed at age 10, and few live longer than 15 years. Immature fur seals arrive in descending order of age, the males beginning in mid-June and the females in late July. Some 1-year-olds haul out in September and October, but most fur seals return first at age 2. Most of the animals have left the rookeries by December. The adult males winter in northern waters, pregnant females usually migrate as far south as southern California, and young animals of both sexes are found throughout that range.

The main causes of death among pups on the rookeries are, in order of importance: emaciation-malnutrition syndrome, hookworm disease, bacterial infections, injuries, and perinatal hemorrhagic syndrome. Pathogenic bacteria thus far isolated include: *Clostridium perfringens*, *Proteus mirabilis*, *Salmonella enteritidis*, and *Leptospira* sp. A

psittacosis group virus has been reported, but the clinical syndrome caused by the agent has not been described. Three other virus isolates from diseased fur seal pups are presently being characterized.

The fur seal has filariid worms, stomach ascarids, intestinal flukes, cestodes, hookworms, and acanthocephalans, and nasal mites, but no heart or lung worms. Hookworms and sucking lice parasitize the newborn.

**Ecological problems.** Northern fur seals concentrate within their body tissues contaminants such as pesticides and heavy metals. For example, mercury compounds have been found in fur seal liver, large quantities of which have been eaten by residents of the Pribilof Islands. No evidence exists that consumption of fur seal liver has been a health hazard, but following the discovery of mercury in this organ, little liver has been eaten by the people. The effect of contaminants on the health of fur seals is unknown.

**Allocation problems.** In the North Pacific Ocean and Bering Sea, fur seal and commercial fisheries may be in competition for the same species of fish. Harvesting of fur seals on the Pribilof Islands has been criticized in recent years by animal protection organizations that would prefer esthetic and educational rather than economic use of the resource.

**Current research.** Long-term research is financed and carried out by the Governments of Japan, Canada, the U.S.S.R., and the United States. Short-term projects are frequently carried out on the Pribilof Islands by university professors or graduate students.

In 1973 St. George Island was designated by the North Pacific Fur Seal Commission as an area of intensive research where no commercial harvest would take place for some period of years.

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## HARBOR SEAL

*(Phoca vitulina)*

**Distribution and migration.** The harbor seal is found in the North Atlantic Ocean from the ice pack south to France and Georgia and in North Pacific Ocean waters from the Arctic Ocean south to Baja California and southern Japan and Korea. Populations that breed on the ice in the Bering and Okhotsk Seas are distinct from those that breed on land. *P. v. largha*, the ice-inhabiting form, lives in the seasonal pack ice in winter and spring, bearing and nurturing its pup there, and moves toward the coasts when the ice retreats. The coastal forms (*P. v. richardi* and *P. v. kurilensis* in the North Pacific; *P. v. vitulina* and *P. v. concolor* in the North Atlantic) are more sedentary. The harbor seal is the predominant near-shore seal in ice free waters north of 35° N. latitude.

**Abundance and trends.** Overall, the world population of harbor seals appears to be high and stable. About 750,000 are present in the North Pacific area (Alaska Department of Fish and Game, 1973; Bigg, 1969; Chapskii, 1966) and about 150,000 in the European North Atlantic region (Chapskii, 1966).

**General biology.** Harbor seals of all subspecies are of medium size; large adults of both sexes are from 160 to 180 cm long and weigh from 130 to 150 kg. Pups weigh from 9 to 12 kg and are about 80 to 90 cm long at birth. Adults of the ice-inhabiting form pair in March for the duration of the breeding season, and a white-coated pup is born to each pair, on the ice, usually in March or April. Adults of the coastal form congregate on islets and bear dark-coated pups, usually in May to July. The pups of each form nurse 4 to 6 weeks, in which time the weight is more than doubled: Males of both forms become sexually mature at 4 to 5 years of age; females at 3 or 4 years. Breeding is annual, and the period of pregnancy (including delayed implantation) is about 10.5 months. Maximum longevity is at least 35 years. Adults of both forms are gregarious outside the breeding season. The diet of the harbor seal, which varies according to season and location of specific populations, includes primarily pelagic, demersal, and anadromous fishes, cephalopods, and crustaceans. Almost all of the adult seals have anisakid round worms and corynosomid acanthocephalans, and, occasionally, high infestations of anopluran lice. The latter seem associated with filarial heart worms and may be vectors. *Toxoplasma* has been reported in captive animals, but its presence in wild seals is not verified.

**Ecological problems.** In some parts of its range, the harbor seal contributes to high worm infections in fish, notably codfish. This animal is extremely sensitive to disturbance, and may leave an area temporarily or even permanently after continual harassment by people, equipment,

or aircraft. Contamination of the environment with pesticides, heavy metals, and other contaminants may be a problem for the land-breeding harbor seal because it frequently inhabits the relatively closed waters of bays and estuaries where these contaminants are likely to concentrate.

**Allocation problems.** These seals damage commercial fishing gear and compete with man for such fish as herring, smelt, whitefish, and salmon.

**Current research.** Ongoing research in California, Washington, British Columbia, Alaska, the U.S.S.R., and Japan is aimed toward the identification of North Pacific populations and describing their distribution and movements, reproductive biology, feeding habits, growth, physiology, and ecology.

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RINGED SEAL  
(*Pusa hispida*)

**Distribution and migration.** The ringed seal is circumpolar in distribution in the ice pack. In the North Pacific Ocean it is found in the Bering, Chukchi, and Okhotsk Seas and in the permanent ice pack of the Polar Basin. In winter, most ringed seals occupy areas of land-fast ice, but nonbreeding adults and juveniles may be found wherever ice occurs. Apparently, animals wintering in the Bering and Chukchi Seas move northward in spring as the ice recedes and southward in autumn as it advances again, whereas those in the Canadian Arctic may reside year-round in the same locality. In western Alaska, the ringed seal is the dominant near-shore seal during months when sea ice is present and is replaced by the harbor seal during ice-free months. A small proportion of the population, mainly juveniles, remains in ice-free areas of the Bering Sea during summer.

**Abundance and trends.** Counts of ringed seals on land-fast ice along the northern coast of Alaska made in 1970 (Burns and Harbo, 1972) indicated that the density of resident animals varies from 5.36 per square mile in the Chukchi Sea between Point Lay and Wainwright, to 1.06 per square mile in the Beaufort Sea between Oliktok and Flaxman Island. Overall, the population in the Bering and Chukchi Seas appears high and is probably stable. Estimates of population size made by the Soviets are difficult to evaluate because they recognize three subspecies with overlapping ranges. The Soviets estimate that the total population of *P. hispida* is 5 to 6 million (Chap-skiil, 1966); *P. h. hispida* (North Atlantic and Arctic Oceans) at 2,500,000; *P. h. krascheninikovi* (western Bering Sea) at 12,000 (Shustov, 1969); and *P. h. ochotensis* (Okhotsk Sea) at 800,000 to 1,000,000 animals (Fedoseev, 1969, from Bychkov, 1971). The Alaska Department of Fish and Game (1973) estimates the Bering-Chukchi Seas population at about 250,000 ringed seals. The total U.S.-U.S.S.R. harvest is estimated at 12,000 to 16,000 seals annually in the Bering and Chukchi Seas. Almost all of these seals are taken by shore-based hunters because the animals are not numerous in areas where Soviet sealing vessels operate.

**General biology.** The ringed seal is the smallest of the northern seals. The adults of both sexes grow to about 125 cm and 66 kg. A few individuals, usually females, become much larger. The animals undergo marked seasonal changes in weight, being heaviest in mid- to late winter. The pups are born with white coats from March to early April in a birth lair within an ice pressure ridge or under drifted snow. Newborn animals are 55 to 65 cm long and weigh about 4.0 kg. The weight of the pup is tripled during a 4- to 6-week nursing period. Males become sexually mature at 6 to 8 years of age, females at 5 to 7 years. The ringed seal breeds annually, has a 10.5-month period of pregnancy (including delayed implantation), and is probably monogram-

ous. Maximum longevity exceeds 35 years. Ringed seals tend to be solitary but congregate in areas favorable for feeding, along extensive tide cracks in land-fast ice, and during seasonal migrations. The diet of these seals varies considerably, depending on their location and water depth. In western Alaska, this mammal feeds mainly on mysids, amphipods, euphausiids, shrimps, saffron cod, polar cod, and sculpin.

These animals commonly have internal parasites, including round worms, acanthocephalans, and anopluran lice.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** The State of Alaska monitors the Eskimo harvest and conducts some biological research in conjunction with other programs. Canada conducts research on the ringed seal.

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## GRAY SEAL

## (Halichoerus grypus)

**Distribution and migration.** The gray seal inhabits the North Atlantic Ocean, with major populations in eastern Canada, Iceland, and northwestern Europe. Dispersion, particularly by pups, from the Canadian breeding colonies in late spring and summer presumably accounts

## RIBBON SEAL

*(Histriophoca fasciata)*

**Distribution and migration.** Geographically, the ribbon seal is separable into the Okhotsk and Bering-Chukchi Seas populations, and interchanges between these two groups are not known to occur. In the latter group, the center of abundance is in the central Bering Sea. The ribbon seal bears and nurtures its pup on the sea ice. During winter and spring, the entire population is concentrated along the southern edge of the seasonal ice pack. Only a few ribbon seals remain with the ice edge as it retreats northward through Bering Strait. In summer and autumn, ribbon seals are believed to be pelagic, mainly in the ice-free Bering Sea.

**Abundance and trends.** The population of ribbon seals is relatively low and has been markedly reduced by commercial sealers of the Soviet Union during the last 10 years (Alaska Department of Fish and Game, 1973). U.S. citizens harvest very few ribbon seals. The Alaska Department of Fish and Game (1973) estimates that the population probably does not exceed 100,000 animals, and Soviet estimates indicate a population of 80,000 to 90,000. Commercial hunting by the USSR has reduced the population of these seals, but measures have been taken to limit the annual harvest. In Alaska, the harvest is usually less than 250 per year.

**General biology.** Adults of both sexes average 155 cm in length and 80 kg in weight. A very large 23-year-old female obtained in March was carrying a near-term fetus. This seal was 179.7 cm long with a girth of 114.3 cm, a blubber thickness of 6.1 cm, and a weight of 148.2 kg. Pups are born as whitecoats from late March to mid-April and average about 10.0 kg and 80 cm. The pup nurses for about 4 weeks, in which time its weight is tripled. Males become sexually mature between 3 and 5 years of age; females between 2 and 4. The species breeds annually, and pregnancy (including delayed implantation) probably lasts 10.5 months. Maximum longevity is estimated at 26 years. The diet of these seals during late winter and early spring (in the ice edge zone) includes mainly pelagic and demersal fishes, cephalopods, and small crustaceans.

Ribbon seals host anisakid round worms in the stomach and corynosomid acanthocephalans in the intestine.

**Ecological problems.** None known.

**Allocation problems.** None known.

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## HARP SEAL

*(Pagophilus groenlandicus)*

**Distribution and migration.** The harp seal occurs in pack ice in the North Atlantic Ocean from Europe to eastern Canada. In the spring, it migrates south for breeding to the White Sea, to the Greenland Sea north of 73° N, and to southern Labrador, northeastern Newfoundland, and the Gulf of St. Lawrence.

**Abundance and trends.** Three breeding stocks of harp seals are known, the eastern (White Sea), central (Norwegian Sea around Jan Mayen Island), and western (Newfoundland). The latter is divided into two substocks, one east of Belle Isle on winter pack ice drifting southward—the "Front," and the other in the southern Gulf of St. Lawrence on winter ice formed *in situ*—the "Gulf." Sergeant (1973) estimates the total eastern Canadian population at 1.3 million. The number of pups born decreased from about 400,000 in 1960 to 300,000 in 1970. The population size in 1970 was less than that giving maximum production, and estimates indicated the 1970 catch was well in excess of the sustainable yield (International Commission for the Northwest Atlantic Fisheries, 1971. Redbook, Part I, Standing Committee on Research and Statistics Proceedings, annual meeting). According to Bychkov (1971), harp seal stocks of the northeastern Atlantic and Arctic Oceans (White Sea, Jan Mayen Island, and Newfoundland populations) numbered 3.0-3.5 million in the mid-20th century. Bychkov (1971) also stated that the White Sea population totaled 3.0-3.5 million animals in 1926-28 and only 400,000 in the 1960's.

**General biology.** The adults grow to about 1.8 m and 180 kg; newborn pups are about 0.6 m long and weigh 4.5 kg. The pups are born from late January to early April, and are nursed for 10-12 days. Molting is complete at 4 weeks. The females mature at age 4-6 years and bear a single pup annually after a gestation of about 7½ months. Maximum life span is about 30 years. Pups feed primarily on small pelagic crustaceans and small fish, and in addition as adults on capelin, herring, and haddock.

**Ecological problems.** One species of helminth affecting the harp seal also is found in the muscles of ground fish, par-

ticularly cod, necessitating expensive removal by hand.

**Allocation problems.** The harp seal may eventually conflict with man over capelin stocks as this fishery expands.

**Current research.** Canadian, Danish, Norwegian, and Soviet Government scientists are studying the population of harp seals. At the University of Guelph, scientists are studying the biology of this mammal.

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## BEARDED SEAL

*(Erignathus barbatus)*

**Distribution and migration.** The bearded seal is found in the North Pacific region in the Bering, Okhotsk, and northern Japan Sea and is circumpolar in the Arctic Ocean. In winter and spring it is found from the southern edge of the seasonal ice pack, north to permanent ice, wherever areas of broken, moving ice exist. During summer and autumn, it occurs along the edge of the permanent polar ice of the Arctic Ocean. Marked seasonal migrations are associated with the advance and retreat of the seasonal ice. The bearded seal is usually solitary, though very loose aggregations are sometimes observed during the breeding season. It does not normally come ashore.

**Abundance and trends.** All populations seem to be at high levels and relatively stable. A Soviet estimate places the population at 450,000 animals in the East-Siberian, Chukchi, Bering, Okhotsk, and Japan Seas (Bychkov, 1971). The Alaska Department of Fish and Game estimates a population of 300,000 animals in the Bering, Chukchi, East-Siberian, and Beaufort Seas (Alaska Department of Fish and Game, 1973). The combined U.S. and Soviet harvest in the Bering and Chukchi Seas is 8,000 to 10,000 seals per year, well within the biological productivity of this species. Hunting loss, however, is high (op. cit.).

**General biology.** The bearded seal is the largest phocid of the western arctic and subarctic. Some adult females are slightly larger than adult males. Large adults attain a winter weight in excess of 340 kg. From June through September the adults weigh from 215 to 240 kg and average 236 cm in length. The female bears a single pup, usually during late

April or early May, which weighs about 31 kg and is 132 cm long. The pup's weight is tripled by the end of the 12- to 18-day nursing period. Most adult females breed within 2 weeks of weaning their pup. The period of pregnancy is 10.5 months, including 2.5 months of delayed implantation. Some females ovulate at age 3 years, but reproductive maturity is not attained until they are 5 or 6 years old. The males become sexually mature at 6 or 7 years. An estimated 85% of the adult females become pregnant each year. The bearded seal consumes several species of invertebrates, principally crabs, shrimp, clams, and amphipods, and some demersal fishes.

Most bearded seals, other than nursing pups, are heavily parasitized by anisakid round worms in the stomach, acanthocephalans and diphylobothriid cestodes in the intestine, and anopluran lice on the skin.

**Ecological problems.** The bearded seal is the final host for anisakid worms that infect fishes, but this problem is unimportant in Alaska at present. About 1 percent of these animals harbor *Trichinella spiralis*, the cause of trichinosis in man.

**Allocation problems.** None known. Bearded seals consume commercially important pandalid and crangonid shrimps and lithode crabs; however, they do not compete directly for commercial fishes, nor do they damage fishing gear.

**Current research.** None known.

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## CARIBBEAN MONK SEAL

*(Monachus tropicalis)*

The Caribbean monk seal is classified as endangered in the Red Book of the International Union for the Conservation of Nature. From 17 to 29 March 1973, the Bureau of Sport Fisheries and Wildlife, Department of the Interior, conducted an aerial survey of this species' former habitat in the Gulf of Mexico and Caribbean Sea. The conclusion was that the Caribbean monk seal is now extinct.

It formerly inhabited shores and islands of the Greater Antilles, Bahamas, Yucatan Peninsula, and Florida Keys. It was reported in Jamaican waters as late as 1952. A single pup was born, probably in alternate years. The adults grew to 2.4 m in length. The color was a uniform brownish gray above; the underparts were pale yellow or yellowish white. Monk seals were vulnerable to hunters because they were sluggish, unwary, and not easily alarmed.

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## HAWAIIAN MONK SEAL

*(Monachus schauinslandi)*

**Distribution and migrations.** The Hawaiian monk seal breeds only on French Frigate Shoals, Laysan Island, Lisianski Island, Pearl and Hermes Reef, and Midway and Kure Atolls of the Leeward Hawaiian Islands. The first four of these islands are within the Hawaiian Islands National Wildlife Refuge (HINWR). Rarely do individuals wander southeastward to the main Hawaiian Islands. The species is not known to have a migratory pattern.

**Abundance and trends.** The total population was estimated at 1,350 in 1958 (Rice, 1960). It is classified as rare by the Office of Rare and Endangered Species, Bureau of Sport Fisheries and Wildlife, and International Union for Conservation of Nature and Natural Resources. Counts in the 1960's and 1970's suggest that the population is declining (Kenyon, 1972).

**General biology.** An adult female measured 2.3 m and her estimated weight was 273 kg. On the average, females outweigh adult males. A typical male is about 2.1 m long and weighs about 173 kg. The newborn pups weigh 16-17 kg. The weights of six yearlings averaged 45 kg. Pups are born from late December to July, with the peak in April and May. Spewings found on haul-out areas included the remains of reef and bottom fishes, eels, and cephalopods.

**Ecological problems.** Harassment of the monk seal by humans and dogs on Midway and Kure Atolls may be causing a problem by preventing these animals from using sheltered dry pupping areas. Sharks are a serious predator.

**Allocation problems.** None known.

**Current research.** The HINWR Refuge Manager, Bureau of Sport Fisheries and Wildlife, has a pup tagging and recovery program in progress. The Refuge Manager also makes counts of animals on the beaches of the HINWR, usually in the spring and again in late summer. No studies or observations of the small populations on Midway and Kure, under U.S. Navy and U.S. Coast Guard control, are being made.

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## CRABEATER SEAL

*(Lobodon carcinophagus)*

**Distribution and migration.** The species is circumpolar and abundant in pack ice of the southern oceans. It is found as a straggler in New Zealand, Australia, Tasmania, and South America. It moves toward the coasts in summer and away from land in the winter.

**Abundance and trends.** The crabeater seal is the most abundant species of seal in the Antarctic, with population estimates ranging from 2 to 5 million (Scheffer, 1958) to 50-75 million (Erickson, et al., 1971). Laws (in press) believes that the latter estimate is unreliable, but that earlier estimates were too conservative.

**General biology.** Adult males grow to 260 kg in weight and 2.6 m in length. Some females may be larger than males. Little information is available on breeding habits; mating has not been observed but sperm are present in the testes of males in October and November. Pups are born in the spring (mid-September to early November), and are about 1.4 m long. These seals molt in January and February, while partly fasting. Food is mainly euphausiids. Many individuals carry scars, possibly from leopard seal or killer whale attacks.

The species has lice on skin, roundworms in the stomach, and, rarely, tapeworms in the intestine.

**Ecological problems.** None known.

*Allocation problems.* None known.

*Current research.* The University of Minnesota is studying population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

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## ROSS SEAL

(*Ommatophoca rossi*)

*Distribution and migration.* The species is circumpolar in heavy pack ice of the Antarctic Ocean.

*Abundance and trends.* The Ross seal is usually solitary. Scheffer (1958) lists the population at 20,000-50,000 but more recently Hofman et al. (in press) have estimated a population in excess of 100,000.

*General biology.* The adults reach a length of about 2.4 m. The animal is plump, with a short, wide head, a small mouth, and small teeth. The vocalizations of this mammal are striking and account for the common name "singing seal." Little is known of its reproduction and newborn pups have never been seen. The male matures at 3-4 years,

and the female at 2-7 years. Breeding probably takes place in November and molting probably in January and February. Food consists primarily of fish and cephalopods. These animals may live up to 12 years.

Roundworms are found in the stomach, tapeworms in the intestine, and lice on the skin.

*Ecological problems.* None known.

*Allocation problems.* None known.

*Current research.* The University of Minnesota is studying the population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

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## LEOPARD SEAL

(*Hydrurga leptonyx*)

*Distribution and migration.* Leopard seals are circumpolar in Antarctic pack ice and in southern temperate regions and subantarctic islands in the winter. They are occasionally seen off the southern tips of New Zealand, Australia, South America, and South Africa.

*Abundance and trends.* The leopard seal is a solitary animal. Scheffer (1958) estimated the population at 200-300 thousand. More recently (1972), Laws (in press) estimated the population at 250,000 to 500,000.

*General biology.* The adult males grow to 3.0 m in length and 450 kg in weight; adult females reach 3.3 m in length and 500 kg in weight. Leopard seals have a long slim body, large head, and wide gape. Males are sexually mature at 3-7 years and females at 2-6 years. The mating period is probably in November. Newborn pups are 1.6 m long and weigh 29.5 kg. Lactation lasts about 2 months. The seals molt during January and February. Their food consists of fish, euphausiids, squids, penguins, whale carcasses, and pups of other seals.

Leopard seals suffer from diseased teeth, tumors, bony nodules in nasal passages, and stomach carcinomas.

*Ecological problems.* None known.

*Allocation problems.* None known.

*Current research.* The University of Minnesota is studying population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

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## WEDDELL SEAL

(*Leptonychotes weddelli*)

*Distribution and migration.* This species is circumpolar in fast ice around Antarctica, occasionally reaching as far north as Uruguay (lat. 35° S). It is littoral in distribution and nonmigratory. Because of its occurrence near scientific stations it is the best known of the Antarctic seals.

*Abundance and trends.* The population was estimated at 800,000 by Scheffer (1958), and Laws (in press) estimates present total population at 250,000 to 500,000.

*General biology.* Adult males grow to 2.7 m in length and females are slightly larger; up to 2.9 m in length. Males reach sexual maturity at 6-8 years and females at 3 years. The average age of breeding females is 9 years. They give birth from September to early November on fast ice, usually close to the Antarctic continent. Pregnancy lasts 9 to 10 months. Newborn pups are 1.5 m long, weigh 29 kg, and have permanent dentition. Lactation lasts 6-7 weeks and pups are weaned at 6 weeks. The females protect their pups and are aggressive toward intruders. This

species feeds primarily on fish and cephalopods.

Wounds inflicted on this mammal heal slowly, and festering sores are common. Kidney stones and uterine fibroids have been found. Weddell seals are heavily infested with tapeworms, trematodes, and roundworms internally, and lice externally. Tooth wear associated with maintaining breathing holes may be a mortality factor.

*Ecological problems.* None known.

*Allocation problems.* None known.

*Current Research.* The University of Minnesota is studying population dynamics of Antarctic seals; the University of Idaho is studying abundance, distribution, and reproductive biology; and the University of Oklahoma is studying anatomy, histology, and neuroanatomy.

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## HOODED SEAL

*(Cystophora cristata)*

*Distribution and migration.* The hooded seal occurs mainly in the east

Greenland pack ice from Bear Island and Spitzbergen to Jan Mayen, Iceland, and Denmark Strait. It also occurs off southern Greenland, southeastern Labrador and the Gulf of St. Lawrence. Stragglers appear on the American coast as far south as Cape Kennedy, Florida, along the Canadian Arctic coast as far west as Hershel Island, and on the European coast as far south as the Bay of Biscay, France. Hooded seals prefer deep water and thick, drifting ice floes.

*Abundance and trends.* Hooded seals of all ages are harvested commercially when the animals are congregated for molting. According to Scheffer (1958), the herds in the middle of the 20th century were estimated at 300,000 to 500,000 and according to Chapskii (1966) 500,000. Sergeant (1965) states that the catch rate of hooded seal has been high. The average annual kill from the Jan Mayen Island herd declined from about 53,000 (1949-53) to about 50,000 (1959-63) (Popov, 1967).

*General biology.* Adult males grow to 2.7-3.0 m and 408 kg; females are slightly smaller. Hooded seals are solitary, but form widely scattered family groups during the breeding season in March. The pups are born from the end of March to the first part of April, are 1.1 m long and weigh 23 kg, and have an exceptionally beautiful silver-gray coat. They are nursed about 2 weeks. Both sexes mature at age 4-6 years and have a maximum life span of about 30 years. The adults mate when the lactation period ends and return to sea, leaving the pups on the ice where they remain an additional 2 weeks before following the adults. Hooded seals feed on redfish, Greenland turbot, octopus, squid, herring, capelin, cod, shrimps, mussels, and starfish, but fast during the breeding period.

*Ecological problems.* None known.

*Allocation problems.* None known.

*Current research.* Research on the hooded seal is carried out by the Fisheries Research Board of Canada, Denmark (Gronlands Fiskerilundersogelser), Norway (Fiskeridirektoratets Havforskning Institut), and the Soviet Union (VNIRO).

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## SOUTHERN ELEPHANT SEAL

*(Mirounga leonina)*

*Distribution and migration.* The southern elephant seal is circumpolar on subantarctic islands, south to the ice edge at lat. 78° S. It breeds on the continental coast of Argentina, and on subantarctic islands.

*Abundance and trends.* The population of the southern elephant seal has been estimated at 600,000±100,000 (Laws, in press). This species was once sought for its oil. It was nearly extinct by 1900, but since that time regulations have allowed the herds to increase. At South Georgia the average annual kill between 1952 and 1964 was 6,000 animals. There has been no commercial sealing there since 1964, although licenses to harvest these animals have been offered (Laws, in press).

*General biology.* The southern elephant seal is the largest pinniped. Males grow to 5.5-6.1 m in length and 3,628 kg in weight; females reach 3.1-3.7 m and 907 kg. Males are sexually mature at 4 years, and hold harems at 5-7 years in utilized populations. The females mature at age 2 years and bear single pups at age 3. In unutilized populations, the females mature at age 3-6 years, but the males do not reach harem status until 12 years old. Most harems contain 20 to 40 females, but up to 100 have been counted. The pups are born in October, about 1 week after the females haul out, are 1.2 m long, weigh 36 kg, and nurse about 23 days. The females mate about 18 days after their pups are born. The females live about 12 years and the males up to 20. The leopard seal and killer whale are natural enemies of the southern elephant seal.

*Ecological problems.* None known.

*Allocation problems.* According to Laws (in press) the southern elephant seal may become threatened because they compete with Soviet fishermen for commercial species of fish.

*Current research.* The University of Minnesota makes incidental observations of this mammal while studying the Antarctic seal species.

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#### NORTHERN ELEPHANT SEAL

##### (*Mirounga angustirostris*)

**Distribution and migration.** This species originally occupied rookeries and hauling grounds on the mainland and islands from Cabo San Lazaro, Baja California, northward to Pt. Reyes, just north of San Francisco. Nonbreeding animals range at least as far north as southeastern Alaska.

**Abundance and trends.** By 1890 the population had been reduced to 100 or fewer animals found only on Guadalupe Island, but this number increased to an estimated 15,000 animals by 1960 (Bartholomew and Hubbs, 1960). Peterson and LeBoeuf (1969) estimated a population of about 30,000 in 1969. This species has reoccupied most or all of its historic rookeries and hauling grounds. The first birth of a pup on the Farallon Islands (northern limit of the historic breeding range) was observed on January 21, 1972 by David Ainsley, a biologist from the Pt. Reyes Bird Observatory (San Francisco Chronicle, January 25, 1972).

The California Department of Fish and Game has counted elephant seals during sea lion censuses in early June since 1965 (Carlisle and Aplin, 1971). Carlisle (unpublished California Department of Fish and Game records) has counted *Mirounga* on San Miguel Island each year from 1965 through 1972 except 1968. Recent California counts do not indicate any trend in abundance.

Odell (1972) believes that the San Nicolas Island population is increasing. The largest California population of *Mirounga* is found on San Miguel Island, where 3,137 were counted February 26, 1972 by Johnson and DeLong (pers. comm.).

**General biology.** The adult males usually arrive first on the rookeries in November, followed by the pregnant females in December. Dominant adult males occupy choice locations within the breeding colonies and do most of the mating. The female usually bears a single pup about 7 days after her arrival and weans it about a month later. The female is bred during her last few days ashore. Maximum lengths are about 5 m for adult males and 3.3 m for adult females. Newborn pups are about 1.2 m in length. Little information on the feeding habits of *Mirounga* are available. The stomach of one elephant seal contained seven ratfish, one 66.0 cm California dogfish shark, one swell or puffer shark, three skates, and four squids. The species apparently can feed at considerable depths, as indicated by prey species and the fact that three young *Mirounga* were taken on hooks set in about 100 fathoms.

**Ecological problems.** Oil from the Santa Barbara spill of 28 January 1969 coated about 100 elephant seal pups

ashore on one area of San Miguel Island. The pups had been weaned and apparently suffered no ill effects.

**Allocation problems.** None known.

**Current research.** Scientists from the University of California at Santa Cruz, Calif., are studying this species.

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#### BLACK RIGHT WHALE

##### (*Balaena glacialis*)

**Distribution and migration.** This right whale inhabits all temperate waters of the world. It migrates between summer-

ing grounds in cool temperate waters and wintering grounds in warm temperate waters; the wintering grounds are mostly along continental coasts or around islands.

Three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere.

In the eastern North Pacific Ocean, the right whale ranges from Bristol Bay and the Gulf of Alaska south to 50° N latitude during the summer, and from Oregon south to central Baja California during the winter.

In the western North Atlantic Ocean, it ranges from Labrador south to the Bay of Fundy during the summer, and Massachusetts south to Florida and Bermuda during the winter.

**Abundance and trends.** The right whale was originally very abundant, but heavy exploitation, mostly during the 19th century, reduced all populations nearly to extinction by the turn of the century. At least some local stocks have increased in recent years. Present numbers are: North Pacific Ocean—about 250 (Wada, 1972); North Atlantic Ocean—no estimate; Southern Hemisphere—about 4,300 (Masaki, 1972).

**General biology.** The black right whale is a heavy-bodied animal up to 18.0 m long and is characterized by lack of a dorsal fin and by a large head with a narrow arched rostrum. It feeds mainly on copepods. The reproductive biology is poorly known. Body length at sexual maturity is about 15.2 m in males and 15.8 m in females. Mating and calving occur in the winter, so the gestation period is probably about 1 year. The female probably bears a calf only once every 2 (or more) years.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** Research on the black right whale is being carried out by the South African Division of Sea Fisheries and off Argentina by a joint project of the National Geographic Society and the New York Zoological Society.

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#### BOWHEAD WHALE

##### (*Balanena mysticetus*)

**Distribution and migration.** The bowhead whale inhabits arctic and subarctic waters in four principal areas: (1) From



Spitzbergen west to east Greenland; (2) in Davis Strait, Baffin Bay, James Bay, and adjacent waters; (3) in the Bering, Chukchi, Beaufort, and East Siberian Seas; and (4) in the Okhotsk Sea. They migrate with ice movements.

**Abundance and trends.** All bowhead whale populations were decimated by the end of the 19th century because of the great value of this species for oil and baleen (Tomlin, 1957). No commercial whaling for bowheads has taken place since about 1915. Eskimos in several arctic coastal villages of Alaska continue to hunt these whales which are an important part in the subsistence economy of the villages. In the last two decades the take of bowhead whales by Eskimos in Alaska has varied between 1 (1959) and 37 (1972) (Maher and Willmovsky, 1963; Durham, unpublished records). Much of this variation in take is because of variation in hunting conditions, although in recent years an increase in hunting intensity may have taken place. Bowhead whales are taken only occasionally by U.S.S.R. nationals (Zemsky, 1973, pers. comm.). The bowhead whale population of Canada and the Bering, Chukchi, and East Siberian Seas appears to be increasing (Mansfield, 1971; Burns, pers. comm.).

**General biology.** The bowhead whale grows to 18 m in length. Sexual maturity is reached at 11.6 m and 12.2 m in males and females, respectively. Mating probably occurs in early April or earlier. Gestation last 12-13 months, with a single calf (3-4.5 m long) born in April-May. The calf is weaned at 6 months. The reproductive cycle is apparently 2 years. These whales travel singly, in pairs, or threes during the spring. In autumn they are generally scattered, but may occur in groups of up to 50. They feed mainly on euphausiids and bottom-dwelling invertebrates.

**Ecological problem.** None known.

**Allocation problem.** Some conflict of interest may exist between people who would like complete protection for bowhead whales and Eskimos who hunt these whales.

**Current research.** The University of Southern California is under contract to the National Marine Fisheries Service (Seattle) to gather biological data on bowhead whales in 1973. In the spring of 1973 a group of scientists from U.S. and Canadian universities attempted to record underwater sounds of the bowhead whale. The Fisheries Research Board of Canada makes annual surveys from planes of bowhead whales in Canadian waters.

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#### GRAY WHALE

(*Eschrichtius robustus*)

**Distribution and migration.** The gray whale is now restricted to the North Pacific Ocean, although it once occurred in the North Atlantic Ocean.

Two geographically isolated populations are recognized: (1) The eastern Pacific ("California") stock, which spends the summer in the Chukchi, western Beaufort, and northern Bering Seas (and rarely along the coast as far south as central California), and migrates to the west coast of Baja California and the southern Gulf of California for the winter; and (2) the western Pacific Ocean ("Korean") stock, which spends the summer in the northern Sea of Okhotsk and migrates to the southern coast of Korea for the winter.

**Abundance and trends.** Eastern North Pacific Ocean—contrary to earlier published estimates, the original population was almost certainly less than 15,000 (Henderson, 1972). During the late 18th and early 19th centuries the population was greatly reduced. Since complete protection was given the stock in 1947, the population has increased to about 11,000 and has remained stable since 1967 (Rice and Wolman, 1971). In 1972, 181 gray whales were killed in a subsistence fishery on the Chukotski Peninsula in Siberia (Zemsky, 1973, pers. comm.), and in some years one to three gray whales are taken by Eskimos in Alaska.

Western North Pacific Ocean—in 1910, the population probably numbered between 1,000 and 1,500. It now appears to be extinct.

**General biology.** The gray whale is identified by its mottled gray color and low hump in place of a dorsal fin. It feeds on benthic amphipods and other benthic invertebrates on the summering grounds, and fasts during migrations and on wintering grounds. Sexual maturity is attained at an age of 5 to 11 years, at a mean body length of 11.0 m for males and 11.6 m for females. The mating season is in late November and early December while the animals are on their southward migration. The calf is born following a 13-month gestation period after the pregnant females have arrived in certain shallow lagoons on the west coast of Baja California. The female

bears a calf only once every 2 or more years. The calves average about 5.0 m long at birth and are weaned 7 months later when they are about 8.0 m long.

**Ecological problems.** The gray whale is now valuable as a tourist attraction, and it supports a rapidly increasing cruise-boat industry, including ½-day cruises off San Diego and Los Angeles, and week-long cruises from these ports to Scammon's Lagoon. These activities have generated a problem of increasing harassment of the whales. In 1972, the Mexican Government declared Scammon's Lagoon a whale refuge, so the activities of the cruise boats are now partly regulated.

**Current research.** Studies on gray whales are being conducted by the National Marine Fisheries Service and the Soviet Union's Far Eastern Institute of Marine Fisheries and Oceanography.

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#### MINKE WHALE

(*Balaenoptera acutorostrata*)

**Distribution and migration.** The minke whale inhabits all oceans of the world, except in equatorial regions, and ranges into the polar pack ice zones in the Northern and Southern Hemispheres. It makes extensive seasonal migrations between high-latitude summering grounds and low-latitude wintering grounds.

At least three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere. The affinities of the minke whale stocks in the northern Indian Ocean are unknown.

In the eastern North Pacific Ocean, the minke whale ranges from the Chukchi Sea south to northern Baja California during the summer, and from central California south to the Islas Revillagigedo off central Mexico during the winter.

In the western North Atlantic Ocean, it ranges from Baffin Bay south to Chesapeake Bay during the summer, and from the eastern Gulf of Mexico and north-eastern Florida to the Bahamas during the winter.

**Abundance and trends.** The minke whale has long been an important species in the "small whale" fisheries of the world. In 1970, for example, catches were: South Africa—171; Norway (including the entire northern North Atlantic)—2,308; eastern Canada—86; Japan—320; Brazil—701; Soviet Union (Antarctic)—30; South Korea—715. In the 1971/72 season, Japan, for the first time, sent a small factory ship and two catcher boats to the Antarctic specifically for minke whales and 3,000 were killed.

The venture was sufficiently profitable that increased operations are planned. No estimates are available of the abundance of this species in the North Pacific or North Atlantic. In the Southern Hemisphere the present population, which is virtually unexploited, numbers at least 200,000 (International Whaling Commission, 1973).

**General biology.** The minke whale is the smallest member of the genus *Balaenoptera*, not exceeding 10 m in length in the Northern Hemisphere. The northern animals are distinguished by a white band on the flipper; individuals from the Southern Hemisphere average about a meter longer, and usually lack the white flipper band. The minke whale feeds mainly on euphausiids, but also takes some small fishes. In the Northern Hemisphere, it attains sexual maturity at an age of 7 to 8 years and an average body length of 7.0 m in males and 7.9 m in females. The female bears a calf only once every 2 years (rather than annually, as once believed). During the summer, pregnant females migrate to much higher latitudes than do the lactating and immature females.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** Research on minke whales is being conducted by the Japanese Far Seas Fisheries Research Laboratory, the South African Division of Sea Fisheries, and the Norwegian State Institute for Whale Research.

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#### BRYDE'S WHALE

(*Balaenoptera edeni*)

**Distribution and migration.** The Bryde's whale is found in tropical and warm temperate coastal waters around the world. In the western Atlantic Ocean, it ranges from the Gulf of Mexico south to Cabo Frio, Brazil, and in the eastern Atlantic Ocean from Morocco south to the Cape of Good Hope. In the Indian

Ocean, it ranges from the Cape of Good Hope north to the Persian Gulf, east to the Gulf of Martaban, Burma, and thence south to Shark Bay, Western Australia. In the western Pacific Ocean, it is distributed from northern Hokkaido, Japan, south to Victoria, Australia, and North Island, New Zealand; in the eastern Pacific Ocean, it ranges from central Baja California, Mexico, south to Iquique, Chile.

At least some of the temperate zone populations (Japan, South Africa) make limited seasonal migrations. The tropical populations may be sedentary.

**Abundance and trends.** The Bryde's whale is of minor importance in the modern whaling industry. Until recently, only a few of these animals were taken by shore stations in Japan, South Africa, and rarely elsewhere. Since 1970, however, increasing numbers have been harvested by Soviet and Japanese pelagic expeditions in the western North Pacific Ocean, as these expeditions have shifted operations more to the south. The population in the western North Pacific Ocean (the only one that has been exploited significantly) numbers between 5,000 and 18,000, and is probably above the level needed for a maximum sustainable yield (Ohsumi, Shimadzu, and Doi, 1971). Estimates of populations elsewhere in the world have not been made.

**General biology.** The Bryde's whale is very similar in appearance to the sei whale, and the two species were formerly confused. The Bryde's whale is slightly smaller—usually less than 13.5 m long; its throat grooves extend posteriorly beyond the umbilicus, and it has a pair of lateral ridges on top of its snout, one on each side of the median ridge. The fringe on its baleen plates is much coarser than that of the sei whale. It feeds mainly on small schooling fishes, and also takes some euphausiids and other crustaceans. Males attain sexual maturity at an average length of 12.2 m and females at 12.5 m. The mating and calving season is usually during the winter, but in some areas—South Africa, for example—they breed year-round. The gestation period is about 1 year. The female does not bear a calf 2 years in succession.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** Research on the Bryde's whale is being conducted by the South African Division of Sea Fisheries and the Japanese Far Seas Fisheries Research Laboratory.

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#### SEI WHALE

(*Balaenoptera borealis*)

**Distribution and migration.** The sei whale is nearly world wide in distribution. In the eastern North Pacific, it summers from California to the Gulf of Alaska and Aleutian Islands; in the North Atlantic, from New England and the British Isles to the Arctic Ocean. In winters at low latitudes. In the Southern Hemisphere this species summers in all oceans from 30° S latitude and southward, and in winter it is generally found north of 40° S latitude.

**Abundance and trends.** Information in this section is from the annual reports of the International Whaling Commission (1972, in press) and from recent reports of the Bureau of International Whaling Statistics. Stock sizes available for commercial harvest are estimated to be about 80,000 in the southern oceans and 33,000 to 37,000 in the North Pacific Ocean. Definitive stock estimates of this species in the North Atlantic are not available, though a tentative estimate for the population off Nova Scotia is 1,570. In addition, all stocks contain unknown numbers of sei whales younger than those utilized commercially because a minimum length restriction prevents the taking of these animals and development of population data on this segment of the herd. The sei whale is the second most valuable baleen whale, and populations appear to be near the level of maximum sustainable yield. Catches of sei whales in recent seasons have been:

Season	North Pacific	North Atlantic	Southern oceans <sup>1</sup> (S. of 40° S)	Southern land stations
1969.....	5,168	222	5,857	824
1970.....	4,501	551	6,153	138
1971.....	2,993	475	5,452	446

<sup>1</sup> Southern oceans catches are for the seasons 1960/70, 1970/71, 1971/72, respectively.

<sup>2</sup> No information from Brazil and Chile in 1969.

**General biology.** The species resembles the fin whale but is slightly smaller, with less white underneath, and a large dorsal fin. In the far north of the northern hemisphere it feeds mostly on copepods. The diet is much more varied in lower latitudes—including euphausiids, copepods, sauries, anchovies, herring, sardines, and jack mackerel. Sei whales usually travel in small pods of 2-5. They attain sexual maturity at 6-12 years of age, at a body length of about 13.1 m (males) and 13.7 m (females). Females bear calves every 2 or 3 years. The mating and calving season occurs in winter in the respective hemispheres. Gestation lasts 1 year, and the calf is weaned when about 7 months old.

Seven percent of the sei whales taken off California have been infected with a unique disease that causes progressive shedding of the baleen plates and their replacement by an abnormal papilloma-like growth.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** The National Marine Fisheries Service will share in popu-

lation and biological studies of this species. Other organizations carrying out research on this species are the Japanese Whale Research Institute and Japanese Far Seas Fisheries Research Laboratory (North Pacific and Antarctic), Fisheries Research Board of Canada (North Atlantic), Norwegian State Institute for Whale Research (Antarctic), British National Institute of Oceanography (South Africa and Antarctic), South African Division of Sea Fisheries (South Africa), and Soviet All-Union Research Institute of Marine Fisheries and Oceanography.

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## FIN WHALE

*(Balaenoptera physalus)*

**Distribution and migration.** The fin whale is nearly world wide in distribution. In the eastern North Pacific its summers from California into the Chukchi Sea, and in the North Atlantic from Cape Cod and Spain into the Arctic Ocean. The fin whale migrates to more southern latitudes in winter. In the Southern Hemisphere it is generally found at latitude 40°-60° south in summer and from 20°-40° south in winter.

**Abundance and trends.** Information in this section is from the annual reports of the International Whaling Commission (1972, in press) and from the reports of the Bureau of International Whaling Statistics, Sandefjord. Stock sizes available for commercial harvest are estimated at about 80,000 in the Southern Hemisphere, 10,000 to 13,000 in the North Pacific, and about 7,000 in the Northwest Atlantic and possibly in the Northeast Atlantic. In addition, all stocks contain unknown numbers of whales younger than those utilized commercially because a minimum length restriction on the catch prevents the taking of these animals and development of population data on this segment of the

herd. Recent catches from the stocks have been:

Season	North Pacific	North Atlantic	Southern oceans <sup>1</sup>	Southern land stations <sup>2</sup>
1966....	1,278	800	3,002	224
1970....	1,012	911	2,890	132
1971....	802	663	2,663	40

<sup>1</sup> Southern ocean catches are for the seasons 1969/70, 1970/71, 1971/72, respectively.

<sup>2</sup> No information from Brazil and Chile.

The fin whale is commercially the most valuable baleen whale. Stocks in the North Pacific and southern oceans are below maximum sustainable yield levels.

**General biology.** This species is second in size only to the blue whale; in the Northern Hemisphere it grows to at least 23.2 m and is distinguished by a gray back, white belly and well-developed dorsal fin. Fin whales feed mostly on euphausiids, but often eat fish—especially anchovies in the North Pacific and capelin in the North Atlantic. They usually travel in small pods of 2-5 animals. Fin whales are sexually mature at 6-12 years, and at a body length of about 17.7 m (males) and 18.3 m (females). Females bear calves every 2-3 years. The mating and calving season occurs in winter in respective hemispheres. Gestations last 1 year and the calf is weaned at about age 7 months.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** The National Marine Fisheries Service plans to share in population and biological studies of this species. Other organizations carrying out research on this species are the Japanese Whales Research Institute and Japanese Far Seas Fisheries Research Laboratory (North Pacific and Antarctic), Fisheries Research Board of Canada (North Atlantic), British National Institute of Oceanography (South Africa and Antarctic), South African Division of Sea Fisheries (South Africa), and Soviet All-Union Research Institute of Marine Fisheries and Oceanography (North Pacific and Antarctic).

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## BLUE WHALE

*(Balaenoptera musculus)*

**Distribution and migration.** The blue whale is found throughout all oceans from the equator to the polar pack ice zones in the Northern and Southern Hemispheres. It makes seasonal migrations between rather restricted high-latitude summering grounds and low-latitude wintering grounds.

At least three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere. Each population is probably comprised of several more or less discrete stocks. The "pygmy blue whale" of the southern Indian Ocean is morphologically distinct from the stocks which spend the summer in Antarctic waters. The affinities of the blue whale populations in the Arabian Sea and Bay of Bengal are unknown.

In the eastern North Pacific Ocean, blue whales range from the Aleutian Islands and Gulf of Alaska south to central California during the summer, and from central Baja California south to southern Sinaloa, Mexico, during the winter.

In the western North Atlantic Ocean, they range from Davis Strait south to the Gulf of St. Lawrence during the summer (the winter range of this stock remains unknown).

**Abundance and trends.** During the first half of the 20th century, the blue whale was one of the most important cetaceans to the whaling industry, but it is now so rare that it will require probably half a century of complete protection to restore the stocks to a significant level. In the North Pacific Ocean the population, which once numbered about 5,000, now contains about 1,500 individuals (Ohsumi and Wada, 1972). This species apparently has been slowly increasing since 1966, the year it was first given complete protection.

The population in the western North Atlantic (off eastern Canada), which originally numbered about 1,100, is now much less (Allen, 1970). Estimates of the eastern North Atlantic population have not been made.

The Southern Hemisphere population originally numbered about 200,000 (Chapman, Allen, and Holt, 1964), but was severely depleted before complete protection was given the stock in 1965. Gulland (1972) states that the most likely recent history of blue whale numbers would be a catchable stock of some 4,000 whales in 1963, which has increased to some 6,000 (at about 4 to 5 percent per year) plus a similar number of blue pygmy whales.

**General biology.** The blue whale is the largest mammal that ever lived on earth, reaching a known length of 29 m and a weight of 136 tons. It is distinguished

from the fin whale by its mottled blue-gray color dorsally and ventrally, its smaller dorsal fin, its broad flat snout, and its black baleen plates. Blue whales feed exclusively on euphausiids during the summer, and fast during the winter. They become sexually mature at an average age of about 10 years, when males of the Antarctic stocks average 22.5 m and females 24.0 m; blue whales of the Northern Hemisphere average about 1 m shorter, whereas the "pygmy" blue whales of the southern Indian Ocean average about 2 m less in length. Every 2 or 3 years during the winter months the female gives birth to a calf after a 12-month gestation period. At birth the calf is about 7 m long; when weaned 8 months later it is about 15 m long.

*Ecological problems.* None known.

*Allocation problems.* None known.

*Current Research.* Observers aboard whaling and research vessels record sightings of blue whales and routinely report them to the International Whaling Commission.

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#### HUMPBACK WHALE

##### (*Megaptera novaeangliae*)

*Distribution and migration.* The humpback whale is found in almost all oceans from tropical waters to the edge of, but not into, the polar pack ice zones in the Northern and Southern Hemispheres. It makes extensive seasonal migrations between higher latitude summering grounds and low-latitude wintering grounds—the latter along continental coasts or around islands.

Three geographically isolated populations are recognized, one in the North Pacific Ocean, another in the North Atlantic Ocean, and a third in the Southern Hemisphere. Each population is comprised of several almost entirely discrete stocks.

In the eastern North Pacific Ocean, the humpback whale ranges from the Chukchi Sea south to southern California

during the summer, and from southern California south to the Islas Revillagigedo and Jalisco, Mexico, and also around the Hawaiian Islands, during the winter.

In the western North Atlantic Ocean it ranges from Disco Bay in western Greenland south to Massachusetts during the summer, and from Hispaniola and Puerto Rico south to Trinidad during the winter.

*Abundance and trends.* The humpback whale was important, especially to shore stations, during the first half of the 20th century. Now, however, this mammal is so scarce that it will require a half century of complete protection for it to increase to a significant level. A few are killed in subsistence fisheries in Greenland, the Lesser Antilles, and the Tongo Islands. It has a minor value as a tourist attraction in Hawaii and southeastern Alaska. The original population size of the North Pacific Ocean is unknown, but is now severely depleted to about 1,200 individuals (Wada, 1972). The animals have apparently not increased since complete protection was given the species in 1966.

The original population size of the North Atlantic Ocean is unknown, and the western North Atlantic Ocean stock is now reduced to less than 1,000 animals (Allen, 1970). A small increase may have occurred in recent years. Estimates of the eastern North Atlantic Ocean population have not been made.

The original population of the Southern Hemisphere, which probably numbered about 100,000, now contains about 3,000 individuals (Chapman, in press; Masaki, 1972). The stock has apparently not increased since complete protection was given the species in 1964.

*General biology.* The humpback whale is much more heavily bodied than members of the genus *Balaenoptera*, and is characterized by its extremely long flippers. It feeds mainly on euphausiids, but also eats anchovies and sardines when available. The species attains sexual maturity at an age of 6 to 12 years, when males average 11.6 m long and females 11.9 m. The mating and calving season is from October to March in the Northern Hemisphere, and April to September in the Southern Hemisphere. The gestation period is 12 to 13 months and the calf nurses for about 11 months. The female rarely bears a calf 2 years in succession.

The humpback whale is heavily infested with three species of ectocommensal barnacles and with whale lice.

*Ecological problems.* None known.

*Allocation problems.* None at present.

*Current research.* Observers aboard research vessels and foreign whaling ships record sightings of humpback whales and routinely report them to the International Whaling Commission.

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#### ROUGH-TOOTHED DOLPHIN

##### (*Steno bredanensis*)

*Distribution and migration.* The rough-toothed dolphin inhabits tropical and warm temperature seas. It ranges in the western Atlantic Ocean from Virginia south. In the North Pacific Ocean it ranges north to southern Japan (35° N) where it is rare, and to the Hawaiian Islands where it is fairly common. It is unknown from the eastern North Pacific except for one stranding near San Francisco.

*Abundance and trends.* The rough-toothed dolphin is uncommon but not rare throughout most of its range. It is seldom caught in the Japanese dolphin fishery (Ohsumi, 1972), and has been recorded on a few occasions in the eastern tropical Pacific tuna fishery (NOAA, 1972).

*General biology.* This dolphin grows to about 2.4 m. Little is known of its biology or habits. Circular scars on its skin suggest that this species feeds on large squid.

*Ecological problems.* None known.

*Allocation problems.* None known.

*Current research.* The Oceanic Institute of Hawaii is studying this species in the wild.

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BOTTLENOSED DOLPHINS  
(*Tursiops truncatus*)

**Distribution and migration.** The bottlenosed dolphin is widely distributed in temperate and tropical waters, but strays into much colder latitudes. In the western Atlantic Ocean, it ranges from southern Greenland and Canada to Patagonia, but is best known from New England southward through the West Indies and Caribbean. In the eastern Atlantic, it is found from the northeast Scandinavian coast to South Africa. In the eastern Pacific Ocean, its northern limit is probably Oregon, and it ranges south to Chile. In the western Pacific, it is found north to Japan and south to Australia and New Zealand. Its Pacific range includes the Hawaiian Islands, where it is said to be common. A subspecies, *T. t. aduncus*, may occur in the Indian Ocean and the tropical Indo-Pacific. A closely related form, *T. gilli*, is presently recognized as inhabiting the northern Gulf of California and waters along the west coast of Baja California and southern California. The geographical ranges and characters delimiting these named forms are still poorly defined. They may be a single species. Limited and subjective data suggest that populations are localized within about a 100-mile radius and that this species does not make long migrations.

**Abundance and trends.** In the early 20th century, from 500 to 1,500 animals were killed annually off North Carolina (Townsend, 1914). A few bottlenosed dolphins are now taken for food in small open-boat pilot whale fisheries in the Lesser Antilles (St. Vincent, St. Lucia, Dominica) and some are harvested by Venezuelan fishermen. Several hundred bottlenosed dolphins have been taken each year off Florida, Mississippi, and Texas for display in marine aquariums and for research. Some of these animals are shipped alive to Hawaii, California, and Europe. Trends are based on subjective data, but it is believed that local populations of the southeastern United States are not now being reduced by these activities (D. K. Caldwell, pers. comm.).

**General biology.** Bottlenosed dolphins are 1.1 m long at birth and grow to 3.6 m in length and 650 kg in weight. Captive animals have become sexually mature at 6 years, but recent evidence suggests that this species normally breeds at about 12 years. Gestation lasts about one year, and calves may nurse for 1.5 to 2 years, although they begin to take solid food at age 6 months. Bleeding apparently occurs throughout the year, but the fact that most of the young are born during a certain time of year suggests that breeding, as well as calving, takes place in the spring and summer. This dolphin is likely to be seen in bays and lagoons, sometimes venturing far up large rivers. These dolphins are usually found close to shore and near islands, but some populations live well beyond the continental shelf. Bottlenosed dolphins are often seen in large loose schools of several hundred animals,

which appear to consist of aggregations of small groups of no more than a dozen individuals. Humpback and right whales traveling along the Atlantic coast of Florida are almost always accompanied by bottlenosed dolphins. Bottlenosed dolphins feed on several species of fish, squid, and a few crustaceans. Bottlenosed dolphins have been trained to dive to a depth of about 305 m, from where they have returned within a few minutes. The estimated life span for this species is about 30 years, but it may be longer. Bottlenosed dolphins are extremely social and quick to learn a show routine or experimental procedure. They have been credited with a high order of intelligence, which has not been demonstrated experimentally.

**Ecological problems.** None known.  
**Allocation problems.** Bottlenosed dolphins have been accused of harassing fishing efforts by biting fish and shrimp nets and some fishermen attempt to drive them away. Some fishermen consider this dolphin a threat to their activities. Bottlenosed dolphins are occasionally trapped accidentally in commercial fishing gear. In this way, a small number are lost in the eastern tropical Pacific tuna seine fishery. The effect on the population of taking these animals off the southeast United States for display and research is not understood and could become a problem.

**Current research.** Several agencies and institutions conduct or support research on the bottlenosed dolphin. Included are the Office of Naval Research, National Institutes of Health, National Science Foundation, and the American Philosophical Society. The University of Florida concentrates its research on general life history and ecological studies. The Florida State Museum is studying systematics. Research in physiology, echolocation, anatomy, life history and the behavior of captive and wild individuals has been done at the Naval Undersea Centers in San Diego and Hawaii. Studies on vision are being carried out by scientists from the University of Miami. The Dolfinarium at Harderwijk, Netherlands, has recently conducted studies of the physiology and handling of these animals.

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RISSO'S DOLPHIN, GRAMPUS  
(*Grampus griseus*)

**Distribution and migration.** The Risso's dolphin ranges through all temperate

and tropical seas. In western North America its northern limit is British Columbia, and it is sighted during the winter in central California. In the eastern United States it ranges from Massachusetts south. Strandings in Britain are most common during the summer. The species probably migrates to higher latitudes in warmer months.

**Abundance and trends.** Risso's dolphin was described in 1894 as "abundant" near Monterey Bay, California. (Daugherty, A. E., 1972). The species is uncommon but not rare throughout most of its range. Over 200 of these animals were sighted in one group during 1972 off the Washington coast. (Fiscus, Unpublished field notes, 1972).

**General biology.** Risso's dolphin grows to 3.6-4.0 m. Its skin commonly has long, narrow, white marks believed to be scars caused by others of the same species. Solitary animals or schools of 12 or less are generally observed. This species is frolicsome, and sometimes leaps clear of the water. Known foods are almost exclusively cephalopods.

**Ecological problems.** None known.  
**Allocation problems.** None known.  
**Current research.** None.

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## WHITE-BEAKED DOLPHIN

## (Lagenorhynchus albirostris)

**Distribution and migration.** The white-beaked dolphin inhabits the coastal waters of the North Atlantic Ocean from the Barents Sea and Davis Strait to France and Massachusetts. It is most common in the North Sea from the east coast of the United Kingdom to the Faroe Islands, and may winter in the southerly parts of the North Atlantic Ocean. It appears in Davis Strait in the spring and summer after the beluga and narwhal migrate north and leaves in autumn sometimes as late as November. It apparently ranges farther north into Arctic waters than its relative the white-sided dolphin.

**Abundance and trends.** This species is one of the more abundant of North Atlantic toothed whales. Schools of as many as 1,500 have been reported from the coast of Norway where it is attracted by herring (Fraser 1949).

Tomlin (1957) reports schools of several hundred and states that this species is taken commercially in Norway, but gives no statistics on the catch. He also mentions that it was once taken commercially in Davis Strait.

**General biology.** This gregarious species grows to 3.0 m; the calves are as

long as 1.2 m when born. The mating period is long, but limited to the warmer half of the year. Most of the calves are born during midsummer. Food is mainly fish such as herring, cod, whiting, and capelin, but also crustaceans and molluscs such as hermit crabs, whelks, and squids.

**Ecological problems.** Strandings of schools of up to 30 animals have been reported.

**Allocation problems.** None known.

**Current research.** None.

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#### ATLANTIC WHITE-SIDED DOLPHIN

##### (*Lagenorhynchus acutus*)

**Distribution and migration.** The Atlantic white-sided dolphin ranges the coastal waters of the North Atlantic Ocean from the Barents Sea and Davis Strait south to France and Cape Cod.

**Abundance and trends.** The status of this species is unknown. According to Tomilin (1957), "this dolphin is taken only in summer in the waters of Norway: the animals are trapped in the fjords, which they enter in vast schools pursuing herring. The take may reach 1,500 individuals at a time."

**General biology.** This species grows to 3.0 m. The young are born mostly in midsummer and are about 1.0 m in length. It feeds mostly on pelagic and benthopelagic fish such as mackerel, salmonids, and herring, and some crustaceans and molluscs such as *Pagurus* and *Buccinum*. Schools in excess of 1,000 animals have been reported while they were feeding; groups of 10 to 50 are normally seen.

**Ecological problems.** Stranded schools of up to 30 have been reported.

**Allocation problems.** None known.

**Current research.** None.

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#### PACIFIC WHITE-SIDED DOLPHIN

##### (*Lagenorhynchus obliquidens*)

**Distribution and migration.** The Pacific white-sided dolphin ranges the northern North Pacific from the coast of Japan and Baja California northward. It is found year round of California and Washington and in Alaska and Kurile Island waters during the summer, but has not been reported from the Bering Sea. It frequents the waters of the continental shelf and slope but on occasion has been sighted in large schools in offshore waters.

**Abundance and trends.** Norris and Prescott (1961) report the species as common off southern California in inshore waters in winter and spring and offshore in summer and fall. According to sighting reports in the National Marine Fisheries Service files, Seattle, and by Pike and MacAskie (1969), this species may be the most abundant dolphin north of southern California. No estimate of the size of the population along the west coast of North America has been made.

Nishiwaki (1972) estimates the population in Japanese waters to be between 30 and 50 thousand. Klumov (1959) reports that the Pacific white-sided dolphin is one of the two most numerous dolphins found in the late summer and fall in the Kurile Islands area, and forms schools of up to several thousand animals.

A few of these animals are taken for display in ocean aquaria.

**General biology.** This species grows to 2.3 m, and weighs up to 181 kg. A male 1.2 m in length with milk in its stomach was taken off Washington. It probably breeds in late spring to autumn, with a gestation period of 10-12 months. Schools of thousands are seen, often together with common and right-whale dolphins. It is active day and night, frolics, follows ships, dashes across ships' bows, and occasionally jumps clear of the surface. It adapts well to captivity. This dolphin feeds primarily on cephalopods and small fish such as herring, sardine, anchovy, and saury.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** None.

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#### SARAWAK DOLPHIN

##### (*Lagenodelphis hosei*)

**Distribution and migration.** Only a single specimen of the Sarawak dolphin, from Borneo, was known to science until 25 of the mammals were taken in a tuna purse seine in the eastern tropical Pacific. Since then, it has been recorded from several widely separated localities in the Pacific and Indian Oceans: Durban, South Africa; near Sydney, Australia; Tokyo, Japan; and the Central Pacific south of Hawaii.

**Abundance and trends.** The animal is rare in collections and presumably not common in its habitat (Perrin et al., 1973).

**General biology.** Length at birth is approximately 1 m, and the adults are about 2.5 m long. This dolphin feeds on deep living fishes and squids.

**Ecological problems.** None known.

**Allocation problems.** Loss of Sarawak dolphins in the tuna fishery is minor in terms of absolute numbers, but may be significant considering the apparent extreme rarity of the animal. Twenty-nine of thirty-four identified specimens have been taken in tuna seines.

**Current research.** None.

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#### SPOTTED DOLPHIN

##### (*Stenella attenuata*)

##### (*S. frontalis*)

##### (*S. graffmani*)

##### (*S. dubia*)

**Distribution and migration.** Knowledge of the spotted dolphins is scanty, and their taxonomy is confused, but two species probably exist. The taxonomy used here is provisional. One form is confined to warm waters of the Atlantic and probably is *Stenella plagiodon* Cope. This species, the Atlantic spotted dolphin, is discussed in a separate status report. The other apparent species occurs in all tropical waters of the world, including the Atlantic Ocean, and has been identified as belonging to the four above-listed nominal species. Taxonomists do not agree on the taxonomy. The two apparent species are different in basic color pattern but both have spots.

The spotted dolphin occurs in the Gulf Stream adjacent to the U.S. east coast and in the Gulf of Mexico. Nothing is known of its migrations. It has not been recorded from the U.S. Pacific Coast, but it is the primary cetacean species involved in the tuna fishery in the eastern tropical Pacific, from Cabo San Lucas to Peru and west to approximately long. 145° W. It occurs around the Hawaiian Islands and in the U.S. Trust Territory. The maximum recorded movement of a single animal is 1,300 miles (2,080 km) in 236 days.

**Abundance and trends.** Population estimates and trends in abundance are not available for these species.

**General biology.** Length at birth of the race involved in the tuna fishery is about 0.8 m. Adults of the various races are 1.6-2.6 m long. Considerable geographic variations exist in external size and shape, coloration, and skeletal structure, with pronounced differences between coastal and offshore subspecies in the eastern Pacific. It feeds on small mesopelagic and epipelagic fishes and squids. In the eastern tropical Pacific, this species commonly associates with the spinner porpoise in mixed aggregations of up to several thousand animals.

**Ecological problems.** None known.

**Allocation problems.** Because of their association with yellowfin tuna, many of these mammals are taken incidentally during tuna harvesting operations by fishermen from Canada, France, Japan, Mexico, Panama, United States, and other countries in coastal and international waters in the eastern tropical Pacific (ETP).

**Current research.** The National Marine Fisheries Service and the tuna industry are assessing the effects of fishing mortality and improving rescue methods and gear to eliminate losses associated with the tuna harvest. Other research includes systematic and ecological studies by P. J. H. van Bree at the Zoological Museum in Amsterdam, W. Dawbin at Sydney University, and E. D. Mitchell at the Arctic Biological Station of the Fisheries Research Board of Canada in Ste. Anne de Bellevue, Quebec.

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#### ATLANTIC SPOTTED DOLPHIN

##### (*Stenella plagiodon*)

**Distribution and migration.** The Atlantic spotted dolphin (exact taxonomic position not yet known) is probably confined to tropical and subtropical waters of the Atlantic Ocean. It occurs on the U.S. Gulf coast and off the east coast in Gulf Stream waters, and may be restricted to continental waters, being replaced in the West Indies by some other species in this genus (probably *Stenella frontalis*). Seasonal inshore-offshore migrations occur in Florida waters, and perhaps elsewhere in the Gulf of Mexico, with animals moving close to shore in late spring.

**Abundance and trends.** Population estimates have not been made for this species. The only known fishery for the species has taken 12 or fewer animals per year for display, however, these animals do not easily withstand handling and captivity. Thus, an increased fishery for display animals is not likely.

**General biology.** The newborn are about 0.8 m long, and the adults reach 2.0-2.2 m in length. Little is known of the life history of this species. Except for the annual spring migrations to near shore, this species is considered a mammal of the outer continental shelf or adjacent high seas. Spotted dolphins appear to feed primarily on squid in the wild, but they readily adapt to a fish diet in captivity. Newborn and young animals are not spotted, but progress through a series of color changes until the adults become spotted all over except for the ventral surface near the belly. This species is subject to infestations externally by barnacles and whale lice, internally by trematodes in the stomach, liver, and pancreas, and nematodes in the lungs and stomach. In captivity and

in cold weather, these animals easily contract pneumonia.

**Ecological problems.** Little is known about the ecology of this dolphin, but because it normally lives well offshore, it seems likely that it is affected little by man.

**Allocation problems.** None known.

**Current research.** Some information on this species has been gathered incidental to studies by the Office of Naval Research on the bottlenosed dolphin. Most of the recent research has been on various aspects of sound production by this species. However, David K. and Melba C. Caldwell have long been gathering general biological information at the Marine Mammal Center of the Communication Sciences Laboratory of the University of Florida located at Marine-land, Florida (near St. Augustine).

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#### SPINNER DOLPHIN

##### (*Stenella longirostris*)

**Distribution and migration.** The spinner dolphin inhabits tropical inshore and offshore waters around the world. It has been recorded from the Gulf of Mexico, around the Hawaiian and Line Islands, and U.S. Trust Territory, but not from the U.S. Pacific Coast. It is involved in the U.S. tuna fishery in the eastern tropical Pacific, from Cabo San Lucas to Peru and west to about long. 145° W. Little is known of its migrations. The maximum recorded movement of a single animal is 280 miles (448 km) in 396 days.

*Abundance and trends.* Population estimates and trends in abundance are not available for this species.

*General biology.* Length at birth is approximately 0.8 m, and the adults grow to 1.5-2.2 m. Pronounced geographical variations exist in external size and shape, coloration, and skeletal structure. In the eastern tropical Pacific, it commonly associates with the spotted porpoise in mixed aggregations of up to several thousand animals. The spinner dolphin feeds on small pelagic fishes and squids.

*Ecological problems.* None known.

*Allocation problems.* Because of its association with yellowfin tuna, this species is taken incidentally by fishermen from Canada, France, Japan, Mexico, Panama, United States, and other countries in coastal and international waters of the eastern tropical Pacific.

*Current research.* The National Marine Fisheries Service and the tuna fishing industry are assessing the effects of fishing mortality and improving rescue methods and gear to eliminate losses associated with the tuna harvest. Other research includes systematics and ecological studies by P. J. H. van Bree at the Zoological Museum in Amsterdam, W. Dawbin at Sydney University, and E. D. Mitchell at the Arctic Biological Station of the Fisheries Research Board of Canada in Ste. Anne de Bellevue, Quebec; and ethological studies by K. S. Norris at the University of California at Santa Cruz.

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## STRIPED DOLPHIN

*(Stenella coeruleoalba)*

*Distribution and migration.* The striped dolphin inhabits temperate and tropical waters around the world, and has been recorded from both U. S. coasts. Nothing is known about the movements of striped dolphins in waters contiguous to the United States.

*Abundance and trends.* Population estimates and information on trends are not available for the U.S. or eastern tropical Pacific populations. The Japanese currently take about 5,000 striped dolphins per year (Kasuya, 1972).

*General biology.* Biological studies have been carried out on the population off Japan. The mean length of the newborn is 1 m, and the gestation period is 12 months long. The mean age at sexual maturity in males and females is 9 years, at 2.2 and 2.1 m, respectively. Lactation lasts about 18 months, and the mean length of the reproductive cycle is about 3 years. Schools of striped dolphins segregate somewhat by age and sex.

*Ecological problems.* None known.

*Allocation problems.* The striped dolphin is involved in the tuna fishery to a very minor extent; schools of this mammal apparently do not usually associate with the tuna.

*Current research.* A federal program of research recently begun by Japan is expected to yield an estimate of population size in the northwestern Pacific Ocean.

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- COMMON DOLPHIN, SADDLEBACK DOLPHIN (ATLANTIC COAST), WHITEBELLY PORPOISE (PACIFIC COAST)
- (Delphinus delphis)*
- Distribution and migration.* This species is world wide in distribution in temperate to tropical waters of from 12°-28° C. There may be more than one species, recognizable differences do exist between populations. In the Northwestern Atlantic Ocean, this mammal ranges from Newfoundland to the Caribbean Sea. In the northeastern Pacific Ocean, the primary distribution of this species is from the California-Oregon border to Costa Rica, but one stranded animal was found in British Columbia. Large populations occur off southern California (Santa Barbara to San Diego), the west coast of Baja California, Mexico (Cedros Island to Cape San Lucas), and Costa Rica. A relatively large population also occurs in, and may be resident of, the Gulf of California. In southern California waters *Delphinus* is present throughout the year but is most abundant from August to January. A decrease in herd size during the spring and summer may be due primarily to the animals breaking up into small subgroups of 50 to 200 animals, and a general movement offshore and north.
- Abundance and trends.* The common dolphin is probably the most widespread and abundant delphinid. Herds of several thousand individuals have been reported. This species has been utilized in the Black, Mediterranean, and South China Seas, and off the east coast of Japan. Sleptsov (1940) estimated the Black Sea catch at 110,000 to 120,000 per year. Based on data from aerial surveys, Evans (pers. comm.) estimates a population of 10,000-15,000 in the limited area of the southern California continental borderland. The species has been displayed at Marineland of the Pacific and has been used in experiments and field studies by the National Marine Fisheries Service and the Department of the Navy.
- General biology.* The males grow to 2.6 m and are an average of 14 cm longer than females. The average individual of the northeastern Pacific Ocean is larger than that of the Black and Mediterranean Seas. The largest known specimen from the Black Sea was 212 cm, however, a male 259 cm long was taken from the northeastern Pacific Ocean. Males and females may segregate between mating seasons, especially when the latter are nursing calves or about to bear their young. The gestation period lasts 10-11 months with a post-parturition estrus. The young are 75-85 cm at birth. The young dolphin is weaned at about age 5-6 months (110-120 cm overall length), but may stay with the female up to 1 year. In the northeastern Pacific Ocean, this species appears to have two mating seasons (January-April and August-November), and two calving seasons (March-May and August-October). Herds containing 2,000 to 5,000 dolphins may form, but they appear to be made up of subgroups of 50 to 200 animals.



This species is seldom found inside the 100-fathom line, but it frequents sea mounts, escarpments, and other prominent offshore features. The animal makes most of its dives in excess of 10 fathoms after sunset. The deepest dive recorded is 140 fathoms, but the average dive is to 30 fathoms. During feeding, the animal usually stays under water for 2-3 minutes, but dives of 5 minutes have been recorded. This species is one of the fastest swimming cetaceans and has been clocked at a burst speed of 25-26 knots. Normal cruising speed is about 4-5 knots, with herds moving 40-50 nautical miles in 24 hours. It feeds mainly on anchovy, sprat, pelagic pipefish, and cephalopods in the Black Sea; whiting, horse mackerel, sardine, and hake in the Atlantic Ocean; and anchovy, myctophids, hake, and cephalopods in the northeastern Pacific Ocean.

Skin parasites are rare, but barnacles sometimes attach themselves to the trailing edge of the tail flukes. Remoras are also found on *Delphinus*, especially in tropical waters. Endoparasites include trematodes in the bile ducts, liver, intestine, and stomach; cestodes in the intestine, blubber, and mesentery; nematodes in the intestine, lungs, nasal sacs, and middle ear cavity; and acanthocephalans in the intestine. The brains of 12 stranded specimens contained flukes and their eggs, which in most cases had caused abscesses and lesions.

**Ecological problems.** Large sharks and the killer whale are the only known natural predators.

**Allocation problems.** Because the northern anchovy and squid constitute the bulk of this mammal's diet in the northeastern Pacific Ocean, a substantial increase in the fishery for these resources could have a noticeable effect on the porpoise populations. *Delphinus* is the third most important species of porpoise taken incidentally in the eastern tropical Pacific tuna purse seine fishery. Mexican tuna purse seiners fishing for skipjack in the eastern tropical Pacific and the Gulf of California account for an unknown amount of incidental catch.

**Current research.** The National Marine Fisheries Service and the tuna fishing industry are assessing the effects of fishing mortality and improving rescue methods and gear to eliminate losses associated with the tuna harvest. Studies of behavior, distribution, and abundance have been conducted by the Naval Undersea Center, San Diego, California, since 1968. This research will terminate at the end of FY '73.

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## NORTHERN RIGHT WHALE DOLPHIN

*(Lissodelphis borealis)*

**Distribution and migration.** Little is known about the distribution of the northern right whale dolphin other than that it inhabits temperate waters of the North Pacific Ocean.

In the western North Pacific Ocean, the northern right whale dolphin is found from Cape Inubo, Japan, north as far as Etorofu and Paramushir Islands, from where it apparently migrates southward in autumn or winter to near the southern Kurils and is common, at least seasonally, in the northern Sea of Japan.

In the eastern North Pacific, this species has been reported from 30° to 50° north latitudes, though mostly from California. It occurs in the southern California continental borderland only from October or November to about April.

Though it is also oceanic, the right whale dolphin has been observed most frequently along the continental slope and near such features as sea mounts and banks. It has been seen close to the California Channel Islands and the mainland coast near San Diego and Palos Verdes. Two sightings and one specimen from the central Pacific suggest that the species may be continually distributed across the temperate North Pacific.

**Abundance and trends.** Groups of 200 are most common, but herds of an estimated size from 300 to 1,000 off Japan and up to 2,000 off southern California have been seen. Although the species was once thought to be uncommon, aerial surveys have revealed that it is abundant off the Pacific Coast of North America (Leatherwood, pers. comm.). This species is reportedly common in the northern Sea of Japan (Okada and Hanaoka, 1940), where it is harvested.

**General biology.** Newborn animals are about 0.6 m in length and grow to 3.1 m. The species is gregarious and is frequently reported in close association with the white-sided dolphin, with which it shares an extensive common range.

Right whale dolphins may reach speeds in excess of 25 knots in bursts. One entire herd averaged over 15 knots for 30 minutes while attempting escape from a helicopter. When approached, the animals may move away quietly or in a series of low angle leaps, each covering as much as 7 m. Individuals that are widely scattered when approached,

bunch together tightly while fleeing from the cause of their disturbance.

Food is primarily squid, but also miscellaneous fishes, including myctophids and engraulids.

Parasites include trematodes and cestodes.

**Ecological problems.** If migrations are food dependent, decimation of food supplies in the southern end of its range could adversely affect the species.

**Allocation problems.** None known.

**Current research.** The only research known is an unfunded examination of all museum materials, collection of beached specimens, and survey of literature being conducted by J. S. Leatherwood, NUC, San Diego, and R. F. Green, Ventura College, Ventura, Calif.

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## BROAD-BEAKED DOLPHIN

*(Peponocephala electra)*

**Distribution and migration.** *Peponocephala* inhabits the tropical Atlantic, Indian, and Pacific Oceans.

**Abundance and trends.** The status of this species is unknown, except that it is apparently rare (Nishiwaki and Norris, 1966).

**General biology.** Unknown.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** None.

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## PYGMY KILLER WHALE

*(Feresa attenuata)*

**Distribution and migration.** The pygmy killer whale probably inhabits most tropical waters.

**Abundance and trends.** The status of this species is unknown except that it is apparently rare (Caldwell and Caldwell, 1971). The species has been captured for exhibit in the oceanariums of Hawaii and Japan.

**General biology.** The adults reach about 2.4 m. In appearance they resemble a small false killer whale. They are aggressive in captivity.

**Ecological problems.** None known.

**Allocation problems.** This species has been reported taken incidentally to a very minor extent in the yellowfin tuna fishery in the eastern tropical Pacific.

**Current Research.** None.

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## FALSE KILLER WHALE

*(Pseudorca crassidens)*

**Distribution and migration.** The false killer whale ranges through all temperate and tropical seas. It is an oceanic form, found on the Atlantic side of the United States from North Carolina south, and on the Pacific side from the Aleutian Islands south.

**Abundance and trends.** This species is uncommon throughout most of its range. It is seldom caught in the Japanese small whale fishery but is common on the Pacific side of Honshu (Ohsumi, 1972).

**General biology.** The males grow to 6.1 m and the females to 4.9 m; adult animals weigh up to 1,360 kg. Mating appears to be over a protracted period, with young born at about 1.8 m. False killer whales are found in schools of both sexes and all ages. They have been seen eating dolphinfish (mahi-mahi) off Hawaii.

**Ecological problems.** Schools of up to 835 of these animals have stranded.

**Allocation problems.** The Japanese state that a toothed whale (shachi), which may or may not be the false killer whale, does much damage to their longline tuna industry by feeding on hooked fish.

**Current research.** None.

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COMMON PILOT WHALE, POthead,  
BLACKFISH*(Globicephala melaena)*

**Distribution and migration.** This pilot whale inhabits the North Atlantic Ocean south to Virginia and the Mediterranean. It is a schooling mammal and appears regularly off the Canadian and United States coasts. It generally favors pelagic regions, but often moves close to shore in search of food.

**Abundance and trends.** The status of this species is unknown. A total of 3,000 to 4,000 was killed annually in local Newfoundland fisheries up to the early 1950's (Sergeant, 1962), but only a few have been taken in recent years. About 177,000 were taken in the Faroe Islands from 1584 to 1883 (Tomlin, 1957) and several hundred per year are still being harvested there and in Norway.

**General biology.** The adults grow to about 6.5 m; females are usually mature at age 6 to 7 years and males at about age 12. Calves are about 1.8 m long at birth, in July to August, although full-term fetuses have been found year round. Cows probably bear calves every 3 years, the gestation period is about 16 months, and lactation lasts about 2 years. Pilot whales are gregarious, and occur in schools of hundreds and thousands. They have a distinct social organization, however, the sex ratio is not always equal in stranded groups. They are believed polygamous by some, with bachelor males sometimes forming separate schools. They travel in tight schools when not feeding, and disperse into scattered groups when on feeding grounds. Captive pilot whales feed at night and sleep days. They have a top swimming speed of over 25 mph, and a longevity of about 50 years. They feed almost exclusively on squids, but also eat small fish such as clupeids and gadids. Sergeant estimates food intake per year at about 11.5 times the weight of the animal.

**Ecological problems.** Whole schools sometimes strand.

**Allocation problems.** None known.

**Current research.** None.

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## SHORT-FINNED PILOT WHALE

*(Globicephala macrorhyncha)*

**Distribution and migration.** In the North Atlantic Ocean, this pilot whale ranges north to New Jersey and Madeira. In the North Pacific Ocean it is found from Japan and the Aleutian Islands south to New Zealand and Peru. It is an oceanic species with a very wide range. Schools of pilot whales appear regularly off U.S. coasts. It generally favors offshore waters, but often moves close to land in search of food. Greatest numbers are seen in the North Atlantic and North Pacific in summer, fewer in winter.

**Abundance and trends.** The status of this species is unknown except that it is fairly abundant around the California Channel Islands (D. W. Rice, unpublished data). Many pilot whales are taken in the Japanese small-whale fishery. This species is also taken in the lesser Antilles.

**General biology.** The adults grow to 4.6-6.7 m. Little work has been done on this species, but indications are that the general biology is similar to *G. melaena*.

**Ecological problems.** Schools of this species often strand.

**Allocation problems.** None known.

**Current research.** The taxonomy of Pacific *Globicephala* is being studied by R. L. Brownell and D. K. Caldwell in the United States, and T. Kasuya and M. Nishiwaki in Japan. The U.S. Navy is studying the behavior and distribution of the pilot whale.

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## KILLER WHALE

*(Orcinus orca)*

**Distribution and migration.** The killer whale is worldwide and ranges north and south to polar ice. It is more common in cooler waters, and in more productive coastal areas. The Strait of Georgia in British Columbia, Prince William Sound in Alaska, and Puget Sound in Washington State are areas of concentration. Migratory habits are probably dependent on food supply, and killer whales are most numerous in Puget Sound in November and late summer. In Japan, most of these mammals are taken from April to November, with the greatest number from August to November. In the Norway fishery, killer whales seem dependent on distribution and migration of herring, capelin, and cod.

**Abundance and trends.** Authoritative estimates of the world population are not available. A limited cooperative effort of the Fisheries Research Board of Canada and the Washington State Depart-

ment of Game primarily in the inside waters of Washington and British Columbia gave counts of 459 killer whales in 1971 and 255 in 1972. About 80 individuals have been removed from inside waters of British Columbia and northern Washington State during the past 7 years for display by marine aquariums. An additional nine were killed during U.S. capture operations, mostly during the early years. The number of killer whales killed in Canadian capture operations is not known. The Japanese fishery took 567 killer whales from the Okhotsk Sea to south of Japan from 1948 to 1957. Norwegians harvested 1,417 in the northeastern North Atlantic between 1938 and 1967.

**General biology.** Females grow to 7.0 m and males to 8.2 m. Males weigh up to about 8,000 kg, with about 4,000 kg the apparent limit for females. An adult male dorsal fin may be 1.8 m high, considerably higher than that of the female. Breeding appears to occur year-round, although it may peak in May to July; gestation lasts 13 to 16 months. Newborn calves are about 2.4 m long and weigh about 180 kg. In the Northern Hemisphere births occur mostly in autumn. Killer whales usually are found in groups of about 10 to 100 or even more. The males are probably polygamous. Killer whales hunt successfully in packs, but there are no records of attacks on people. The stomach contents of 364 killer whales taken off Japan from 1948 to 1957 included (in order of occurrence): Fish (mostly cod, flatfish, and sardines), squid, octopus, dolphins, whales, and seals. Salmon constituted 1.6 percent of all stomach contents. Soviets in the Kurils recorded "fish and squid" but no marine mammal remains in 10 animals. Of 10 killer whales examined by the National Marine Fisheries Service, Seattle, 6 adult males had only marine mammal remains except for 1 squid; 1 adult female and 1 immature male had only fish remains.

The most common diseases are those caused by wearing of tooth crowns and denudation of the pulp cavity, which results in abscesses. Other diseases include bony outgrowths and bone tumors. Parasites include nematodes, cestodes, and trematodes. One Puget Sound killer whale stomach contained 5,000 nematodes.

**Ecological problems.** This species has no natural enemies except man. Stranding probably is the greatest nonhuman hazard.

**Allocation problems.** Public interest in killer whales was stimulated by the first live capture in 1964 in British Columbia. Growing public interest is increasing in killer whales as a recreational resource, especially in Puget Sound. The animals are commercially valuable in the United States for display in oceanariums. U.S., Japanese, and Canadian fishermen contend that the whales cause gear damage and interfere with salmon and tuna long-line fisheries. Many consider killer whales an important predator of salmon and herring; others defend them as the natural enemy of other fish

eaters, including harbor seals and sea lions. Some sport salmon fishermen claim their presence spoils fishing.

**Current research.** The National Marine Fisheries Service and the Fisheries Research Board of Canada are studying killer whale distribution in western U.S. and Canadian waters.

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## HARBOR PORPOISE

*(Phocoena simus and Phocoena phocoena)*

**Distribution and migration.** There are four recognized species of harbor porpoise, but only the two found in the waters of the Northern Hemisphere are discussed here. One species, *Phocoena simus*, is apparently restricted in range to the Gulf of California. *P. phocoena* is circumpolar in distribution in ice-free seas, ranging south in the Atlantic Ocean to the Delaware River and the Mediterranean Sea. In the Pacific Ocean it is found south to Japan and southern California, although it is not abundant south of San Francisco.

The harbor porpoise is an inshore species, frequenting coastal waters, the mouths of large rivers, harbors, and bays, and sometimes ascending freshwater streams.

**Abundance and trends.** The harbor porpoise is especially abundant in the waters of Washington (Scheffer and Slipp, 1948) and western Canada (Pike and MacAskie, 1969). Tomlin (1957) reports single catches of 2,000 to 2,500 harbor porpoises at the time they migrate between the Sea of Azov and the Black Sea.

Møhl-Hansen (1954) reporting on biological investigations of the harbor porpoise in Danish waters examined 188 harbor porpoises in 1941-42, 230 in 1942-43, and 212 in 1943-44, so at least those numbers were commercially harvested in Denmark during those years. He also states that these harbor porpoises were from the Baltic Sea populations.

**General biology.** This species grows to 1.8 m, and weighs up to 72 kg. The females are sexually mature at about age 3-4 years. Newborn calves are half the length of the mother. They breed annually during late spring and summer. The gestation period is 10-11 months, and the calves nurse up to 8 months. Harbor porpoises travel in pairs and schools of up to 200 or more, especially on the feeding grounds. This species is less playful than most dolphins or porpoises; they seldom jump out of the water, and usually ignore passing boats. Schools containing all "bachelors" are common; the females

stay in groups of mixed sex. Usually they swim just below the surface, rising about 4 times per minute to breathe when not feeding. They feed mainly on bottom fishes such as cod, herring fry, flounder, and occasionally on invertebrates such as squids, clams, and crustaceans.

**Ecological problems.** These animals occasionally strand for unknown reasons, and because of their feeding habits, a few tend to get trapped in fishermen's nets.

**Allocation problems.** None known.

**Current research.** None.

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## DALL PORPOISE

*(Phocoenoides dalli)*

**Distribution and migration.** The Dall porpoise inhabits the North Pacific Ocean from Japan and southern California to the Bering and Okhotsk Seas. It appears to migrate twice yearly off the coasts of Japan and California, and may move inshore in winter and offshore in summer. The Dall porpoise is a regular winter visitor to southern California, and has been observed in the Channel Islands area from October to summer. It has been seen off San Francisco Bay from March to October, off Monterey Bay throughout the year, and may be present year round where food is adequate.

**Abundance and trends.** The Dall porpoise is one of the most abundant small cetaceans found in Alaskan inside waters (U.S. Forest Service) and in British Columbia waters (Pike and MacAskie, 1969). It is commonly seen off northern California (W. J. Houck, pers. comm.). Mizue and Yoshida (1965) report an annual accidental catch of more than 10,000 Dall porpoise in the Japanese high seas salmon gillnet fishery in the northern North Pacific and Bering Sea west of 175° W longitude. They also state the Dall porpoise is east of 175° W longitude but that the Japanese fishing fleet does not operate east of the boundary.

The Marine Mammal Division has many records of Dall porpoise ranging from the Bering Sea and the eastern Aleutian Islands south to latitude 34° in California waters (MMD files, Marine mammal observations, 1958-72).

**General biology.** The Dall porpoise grows to about 2.2 m and a weight of about 218 kg. It and the killer whale have the most conspicuous color patterns among cetaceans. Calves are born in the spring and summer, and young are observed in August. These animals are usually found in groups of 2 to 20, but occasionally 200 or more are seen on favorable feeding grounds. It plays in the bow waves of ships, and is among the swiftest of all marine mammals. This mammal consumes squid and such fish as saury, hake, herring, jack mackerel, and bathypelagic and deep-water benthic fish.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** W. J. Houck is studying *P. dalli* and *P. trueti* at Humboldt State College in California, and M. Nishiwaki is studying these species in Japan. G. V. Morejohn is studying feeding habits, migration, behavior, and morphology of the species at the Moss Landing Marine Station, California.

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#### BELUGA, WHITE WHALE

##### (*Delphinapterus leucas*)

**Distribution and migration.** The beluga whale inhabits the Arctic Ocean and adjacent seas, including the Okhotsk and Bering Seas, Cook Inlet, Hudson Bay, and Gulf of St. Lawrence. Beluga whales ascend several hundred miles up the larger rivers of Siberia and Alaska. Three races are recognized: *dorofoevi* from the Okhotsk Sea; *marisalbi* in the Barents and White Seas; and *leucas* in the rest of the range. In the Pacific, beluga whales are common along the Alaska coast as far south as Bristol Bay and an apparently separate population is found in Cook Inlet.

**Abundance and trends.** In Alaska beluga whales have been used as a source of muktuk, meat, and oil for both people and dogs by residents of villages on the Bering Sea and Arctic Ocean coasts and along rivers that belugas periodically ascend. In recent years the demand for beluga products has been reduced in the Arctic. Lensink (1961) estimated an an-

nual harvest of 400 to 500 beluga whales in Alaska. In Bristol Bay only a few belugas are now taken, and the estimated annual harvest of the Bering Sea-Arctic Ocean coasts is 150 to 300 (Alaska Department of Fish and Game, 1973). The Cook Inlet, Alaska, population is estimated at 300 to 500. In Bristol Bay the population is estimated at 1,000 to 1,500 and is considered stable. The size of the beluga population in Alaska north of Bristol Bay is unknown, but is much greater than that residing in Bristol Bay (op. cit.). Sergeant (1962) states that from 1948 to 1960 the catch of beluga whales in the Canadian arctic averaged 1,200 annually. In the late 1950's the annual catch of beluga whales averaged 3,000-4,000 in the U.S.S.R., 500-800 in Greenland, and 100-200 from Spitsbergen (Kleinberg et al., 1964).

**General biology.** Males grow to 4.6 m and the females to 4.0 m in the Beaufort Sea, and to 5.2 m and 4.6 m, respectively, in the Soviet arctic. The beluga is polygamous, breeds in the spring, has a gestation period of 13-14 months, and newborn are about 1.5 m in length. Some females are both pregnant and lactating, suggesting that they calve in alternate years. They are gregarious and travel in groups of 2 or 3 to hundreds. Belugas feed from midwater to the bottom, with a diet including fish such as salmon, capelin, cisco, pike, char, cod, squid, crustaceans, and nereid worms. They frequently occur in shallow areas with a bottom of mud, sand, and stones. The beluga produces high-pitched whistles and squeals, ticking and clucking sounds, and have been given the name "seacany." Animals break the ice with their backs to reach air for breathing.

Parasites include nematodes in the respiratory organs, ears, circulatory system, intestine, and urogenital system; trematodes are found in the intestine, as well as cestodes and acanthocephalans. Helminths are apparently one cause of mortality.

**Ecological problems.** Known natural enemies include the killer whale and polar bear.

**Allocation problems.** These mammals take salmon at the mouths of large Alaskan rivers, and are important predators of salmon smolt in Bristol Bay, Alaska. Recorded killer whale sounds have been used experimentally to prevent beluga predation in the Kvichak River.

**Current research.** None known.

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#### NARWHAL

##### (*Monodon monoceros*)

**Distribution and migration.** The narwhal is the most northern cetacean and occurs in north polar seas, including the entire Arctic Ocean, but is mainly found in the North Atlantic Ocean region. It is most common in northwestern Greenland and the eastern Canadian arctic, particularly Jones and Lancaster Sounds, the north and east coasts of Baffin Island, Repulse Bay, and occasionally in northern Foxe Basin and Hudson Strait. Narwhals also occur near Franz Josef Land and Novaya Zemlya. They are rare in the Laptev, East Siberian, Chukchi, and Beaufort Seas.

**Abundance and trends.** The Canadian population is estimated at about 10,000, with smaller numbers in northwestern Greenland (Mansfield, pers. comm.). Numbers elsewhere are unknown. Extremely rare occurrences in Great Britain (4) and Holland (1) are documented. Narwhals are hunted in Greenland and the eastern Canadian arctic for dog food, muktuk, sinew, and ivory.

**General biology.** Narwhals grow to 4.6 m in length and adult males to 1,550 kg. The young are born in May and June at about 1.5 m in length. Males have a tusk (canine tooth) which is usually the left one and occasionally both. Sometimes females also have a tusk. The tusk grows as a spiraled rod to 2.0 m in length, and distinguishes narwhals from all other whales. Gestation appears to last about 14 months, since well-developed fetuses are present in July and August. Usually only one calf is produced. Narwhals are gregarious, forming schools of up to one or two thousand, made up of small groups of up to about 20 (Mansfield, pers. comm.). Speculations on the tusk function are numerous and the tusk may only be a secondary sexual characteristic. Food of the narwhal consists mainly of cephalopods, polar cod, and Greenland turbot.

Ectoparasitic whale lice occur in cuts, skinfolds, and around the base of the tusk. Endoparasitic nematodes occur occasionally in the stomach, and frequently in basicranial sinuses.

**Ecological problems.** Narwhals are occasionally trapped in large numbers by rapid freeze-up. In such situations, Greenlanders may kill entire groups of these mammals. Although it is not adapted to drift ice areas, the killer whale probably occurs there and may be a natural enemy of the narwhal.

**Allocation problems.** None known.

**Current research.** The narwhal is being studied by the Fisheries Research Board of Canada.

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#### SPERM WHALE

##### (*Physeter catodon*)

**Distribution and migration.** The sperm whale is nearly world wide in distribution except for the pack ice of the polar regions. Females and immature animals are generally found between 40° S and 50° N latitudes. Sperm whales appear to migrate north during the northern summer and south during the northern winter. In the North Pacific, male sperm whales are found as far north as the Bering and Okhotsk Seas; in the North Atlantic they move into Davis Strait and near Spitzbergen.

**Abundance and trends.** Information on this section is from the annual reports of the International Whaling Commission (1972, In press) and from recent reports of the Bureau of International Whaling Statistics. Stocks available for commercial harvest are estimated at about 70,000 males and 184,000 females for the North Pacific and 128,000 males and 295,000 females for the southern oceans. Estimates of the number of immature animals are not available. The Northwest Atlantic has an estimated total stock of all ages of about 22,000. The sperm whale is currently the most important species of the world whaling industry. Stocks in most areas are above maximum sustainable yield levels.

Catches of sperm whales in recent seasons have been:

Season	North Pacific	Atlantic	Southern oceans, pelagic <sup>1</sup>	Southern land stations
1969.....	11,329 males 3,605 females	1640	5,300	4,011
1970.....	11,236 males 3,579 females			
1971.....	8,235 males 2,595 females	649	5,891	4,135
		558	7,335	4,498

<sup>1</sup> Southern oceans catches are for the seasons 1969/70 1970/71, 1971/72, respectively.

<sup>2</sup> All catch data except North Pacific include males and females.

**General biology.** The sperm whale's large squarish head is distinctive because it bears a tank-like "case" containing spermaceti. The lower jaw is long and narrow, and has about 25 pairs of teeth. Females reach 11.6 m in body length, males 16.8 m. This species dives to at least about 1,000 m, can remain submerged for about an hour, and feeds mainly on large squid. It also consumes significant quantities of octopuses and demersal and mesopelagic fishes. Females

and juveniles of both sexes form schools of 10-50 animals, averaging about 25. Younger, sexually mature males (ca. 11.0-13.4 m, age 15-25 years) form "bachelor" schools usually containing not more than 10 animals. Older males (13.7 m, 22-27 years) are usually solitary except when with schools of females for breeding for about 5 months in the spring and early summer. The females mature sexually at about age 8 to 11 years when body length is about 8.5 to 9.1 m, physically at 25 to 30 years and a body length of 11.0 m. Males are not sexually mature until about 19 years and 11.9 m, and are not "socially" mature until about age 25 years. Growth of males continues until they are 45 to 60 years old, and about 15.5 m long. The female bears a calf (about 4.0 m) once every 3 to 5 years. Gestation lasts 14-15 months, and the calf nurses 1-2 years and is weaned at about 6.7 m long.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** The National Marine Fisheries Service is studying the life history of the sperm whale. Other organizations carrying out research on this species are the Japanese Whales Research Institute and Japanese Far Seas Fisheries Research Laboratory (North Pacific and Antarctic), Fisheries Research Board of Canada (North Atlantic), British National Institute of Oceanography (South Africa and western South America), South African Division of Sea Fisheries (South Africa), Australian Commonwealth Scientific and Industrial Research Organization (Australia), the University of Chile (Chile), the Marine Institute of Peru (Peru), and the Marine Department of New Zealand (New Zealand).

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#### PYGMY SPERM WHALE

##### (*Kogia breviceps*)

**Distribution and migration.** The pygmy sperm whale occurs in all the warmer seas of the world. In the Pacific Ocean it ranges north to Washington and Japan; in the Atlantic Ocean it ranges north to Nova Scotia and the Netherlands.

**Abundance and trends.** The status of this species is unknown other than the fact that it is apparently rather rare. There are many more records of stranding than there are for *Kogia simus*, the dwarf sperm whale (C. O. Handley, Jr., pers. comm.). This species is occasionally taken in the Japanese small-whale fishery (Yamada, 1954).

**General biology.** Adult pygmy sperm whales are 2.7 to 3.4 m long. Their dorsal fin is low and posterior to the center of the back. This species was long confused with the dwarf sperm whale, and the following composite statement is based on both species. They are usually solitary or in small pods. They feed mostly on squid but also take pelagic crustaceans such as shrimps and giant mysids. Females simultaneously pregnant and lactating have been found, suggesting that they may bear a calf 2 years in succession.

Parasites include tapeworm cysts in the blubber, roundworms in the stomach, and giant kidney worms.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** None.

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Yamada, M. 1954. Some remarks on the pygmy sperm whale, *Kogia*. Sci. Rep. Whales Res. Inst., 9: 37-58.

#### DWARF SPERM WHALE

##### (*Kogia simus*)

**Distribution and migration.** The dwarf sperm whale apparently has a discontinuous distribution around the world. It has been found in the seas adjacent to South Africa, India, Ceylon, Japan, Hawaii, South Australia, and the west and east coasts of the United States. On the west coast it has been recorded only

from Cabo San Lazaro, Baja California, and San Luis Obispo County, California. On the east coast it ranges from Cape Henry, Virginia, south and west to Texas.

**Abundance and trends.** The status of this species is unknown other than the fact that it is apparently rather rare over much of its range. However, it strands rather frequently on the south-east coast of the United States and is taken in the Japanese small-whale fishery (Yamada, 1954).

**General biology.** Adult dwarf sperm whales are 2.1 to 2.7 m long. Their dorsal fin is high and near the center of the back. This species was long confused with the pygmy sperm whale, and the following is a composite statement based on both species. They are usually solitary or in small pods. They feed mostly on squid but also take pelagic crustaceans such as shrimps and giant mysids. Females simultaneously pregnant and lactating have been found, suggesting that they may bear a calf 2 years in succession.

Parasites include tapeworm cysts in the blubber, roundworms in the stomach, and giant kidney worms.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** None.

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#### NORTH SEA BEAKED WHALE

(*Mesoplodon bidens*)

**Distribution and migration.** The North Sea beaked whale ranges mostly from the western Baltic Sea and central Norway south to the Bay of Biscay. It has been recorded in the western North Atlantic Ocean from Newfoundland and Massachusetts. Its migrations are unknown.

**Abundance and trends.** The status of this species is unknown, except that it is apparently rare. (Moore, 1966).

**General biology.** This species is the only one of its genus for which even rudimentary life history data are available. These beaked whales attain a maximum length of 5.5 m for males and 4.9 m for females. Mating and birth usually take place in late winter and spring. The gestation period is about 1 year. At birth the calf is between 1.8 and 2.1 m long, nurses for about 1 year, and at weaning is probably about 3.0 m long.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** None.

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#### ANTILLEAN BEAKED WHALE

(*Mesoplodon europaeus*)

**Distribution and migration.** The Antillean beaked whale ranges from Trinidad, Jamaica, and the Gulf of Mexico, north to Long Island, New York. One record for the English Channel has been obtained. Its migrations are unknown.

**Abundance and trends.** The status of this species is unknown, except that it is apparently rare (Moore, 1966).

**General biology.** These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** None.

#### REFERENCES

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#### TRUE'S BEAKED WHALE

(*Mesoplodon mirus*)

**Distribution and migration.** The True's beaked whale has been found in the western North Atlantic Ocean from Nova Scotia south to northern Florida, and in the eastern North Atlantic Ocean from the Outer Hebrides south along the west coast of Ireland. There is another population off the coast of South Africa. Its migrations are unknown.

**Abundance and trends.** The status of this species is unknown, except that it is apparently rare (Moore, 1966; 1968).

**General biology.** These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** None.

#### REFERENCES

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#### BERING SEA BEAKED WHALE

(*Mesoplodon stejnegeri*)

**Distribution and migration.** The Bering Sea beaked whale is endemic to the North Pacific Ocean. It ranges from the Commander and Pribilof Islands, Bristol Bay, and the northern Gulf of Alaska south to the Sea of Japan on the western side and Oregon on the eastern side. Its migrations are unknown.

**Abundance and trends.** The status of this species is unknown, except that it is apparently rare (Moore, 1966; 1968).

**General biology.** These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise nothing is known of their biology.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** None.

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#### ARCH-BEAKED WHALE

(*Mesoplodon carlhubbsi*)

**Distribution and migration.** The arch-beaked whale has been recorded only in the North Pacific Ocean, from the Sanriku coast of Hokkaido on the western side and from British Columbia south to southern California on the eastern side. Its migrations are unknown.

**Abundance and trends.** The status of this species is unknown, except that it is apparently rare (Moore, 1966; 1968).

**General biology.** These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** None.

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GINKGO-TOOTHED WHALE  
(*Mesoplodon ginkgodens*)

**Distribution and migration.** The ginkgo-toothed whale has been recorded from Ceylon, in the western North Pacific Ocean from Taiwan to the Sanriku coast of Hokkaido, and in the eastern North Pacific Ocean at Del Mar in southern California. Its migrations are unknown.

**Abundance and trends.** The status of this species is unknown, except that it may not be so rare in the western part of the North Pacific as once thought (Nishiwaki et al., 1972).

**General biology.** These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** None. Present knowledge is based on opportunistic examination of specimens.

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DENSE-BEAKED WHALE  
(*Mesoplodon densirostris*)

**Distribution and migration.** The dense-beaked whale is widely, but perhaps discontinuously, distributed in tropical and warm temperate waters around the world. In the North Pacific Ocean it has been recorded from Taiwan, Japan, and Midway Island. In the North Atlantic Ocean it has been recorded from Nova Scotia south to the Bahamas on the western side, and from Madeira on the eastern side.

**Abundance and trends.** The status of this species is unknown, except that it is apparently rare (Besharse, 1971; Moore, 1966).

**General biology.** These whales are known mostly from stranded individuals, which suggest that they are usually solitary. Otherwise, nothing is known of their biology.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** None.

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dible and teeth of the beaked whale, *Mesoplodon densirostris*. *J. Mammal.* 52: 297-315.

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GOOSE-BEAKED WHALE  
(*Ziphius cavirostris*)

**Distribution and migration.** The goose-beaked whale is found in all oceans except Arctic and Antarctic waters. In the North Pacific Ocean it ranges north to Hokkaido, the Commander and Aleutian Islands, and the Queen Charlotte Islands. In the North Atlantic Ocean it ranges north to Cape Cod, Massachusetts, on the western side and the Shetland and Orkney Islands on the eastern side. Its migrations are not understood.

**Abundance and trends.** The status of this species is unknown. The goose-beaked whale is the most frequently observed ziphiid, at least in the eastern North Pacific Ocean, and throughout its range has been found stranded far more often than any other species of the family (Mitchell, 1968). Between 13 and 16 goose-beaked whales have been taken annually in the Japanese small-whale fishery during the past 5 years (Nishiwaki and Oguro, 1972).

**General biology.** The goose-beaked whale is distinguishable from other ziphiids by its relatively short beak, the dorsal profile of which forms an almost straight line with the steeply sloping forehead, and by its brown coloration; older males have snow-white heads. The maximum body length in both sexes is about 7.0 m. These whales usually travel in tight schools of up to about 10 individuals, but old males are often solitary. Their main foods are squids and deep-water fishes. Sexual maturity is attained at a length of about 5.5 m in both sexes.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** Research on this species has been conducted incidentally to other studies in Japan by the Whales Research Institute and the Ocean Research Institute.

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GIANT BOTTLENOSE WHALE  
(*Berardius bairdi*)

**Distribution and migration.** The giant bottlenose whale is endemic to the North Pacific Ocean, where it ranges from St. Matthew Island in the Bering Sea south to central Honshu on the western side and southern California on the eastern side. Its migrations are poorly known.

**Abundance and trends.** The status of this species is unknown except that it is uncommon but not rare. According to information taken from the Bureau of International Whaling Statistics, be-

tween 100 and 400 giant bottlenose whales have been taken annually in the Japanese small-whale fishery during the past 20 years.

**General biology.** This species is the largest of the beaked whales. Males attain a maximum length of 11.9 m and females 12.8 m. Their long narrow beak, bulging forehead, and size distinguish them from other species of beaked whales in the North Pacific Ocean. They usually travel in tight schools of up to 30 individuals. Their main foods are deep-water fishes and squids. Males attain sexual maturity at a length of about 10.0 m, and females at about 10.3 m. Sexual maturity is not attained earlier than age 3 years, and probably much later. Mating takes place mostly in February, and calves are born in December.

**Ecological problems.** None known.

**Allocation problems.** None known.

**Current research.** Research on this species has been conducted incidentally to other studies in Japan by the Whales Research Institute and the Ocean Research Institute; in California by the National Marine Fisheries Service; and in British Columbia by the Fisheries Research Board of Canada.

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NORTH ATLANTIC BOTTLENOSE WHALE  
(*Hyperoodon ampullatus*)

**Distribution and migration.** This species of bottlenose whale is endemic to the colder waters of the North Atlantic Ocean. On the western side it ranges from Davis Strait south to Rhode Island; on the eastern side it ranges from Novaya Zemlya south to the Azores and English Channel. It migrates south in the autumn and north in the spring.

**Abundance and trends.** The status of this species is unknown, except that it is fairly common in at least parts of its range. According to records from International Whaling Statistics between 260 and 700 of these animals have been taken annually throughout the North Atlantic Ocean by the Norwegian small-whale fishery. A few individuals are sometimes taken by whalers operating from Nova Scotia and the Faeroe Islands.

**General biology.** The bottlenose whale is easily recognized by a conspicuous beak that is sharply demarcated from the high bulging forehead which, in old males, becomes almost vertical and flattened in front and slightly overhangs the base of the beak. Bottlenose whales

are black when young, turn brown when adult, and almost yellow with a white head when very old. Males attain a maximum length of 10.7 m, and females 9.7 m. They usually travel in small herds of 4 to 10, but the adult males are often by themselves. Their food appears to be mainly squids. Females attain sexual maturity when about 6.5 m long. The calves are born from early spring to early summer.

*Ecological problems.* None known.

*Allocation problems.* None known.

*Current research.* This species is being studied by the Statens Institutt for Hvalforskning, Oslo, Norway.

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#### MARINE MAMMAL LAWS

Each marine mammal of U.S. concern is protected by one or more U.S. laws or acts, and the conservation of some species is at least partially assured by international treaty or law. A summary of the various laws, conventions, and commissions designed and enacted to protect marine mammals follows:

1. *Marine Mammal Protection Act of 1972.* A U.S. federal law that prohibits U.S. citizens from taking, harassing, or importing any marine mammal or its byproducts into the United States, except when authorized to do so by special permit. Indians, Eskimos, and Aleuts of the North Pacific and Arctic Oceans can take marine mammals for subsistence, and for creating and selling handicraft items and clothing as long as the stocks can support the harvest.

2. *Endangered Species Conservation Act.* The purposes of this Act, which became effective June 3, 1970 with respect to whales, is to provide a program for the conservation, protection, restoration, and propagation of selected species that are threatened with extinction. The Act bans the hunting, capturing, killing, or importing of products derived from species protected under the Act.

3. *International Whaling Convention.* The International Whaling Commission (IWC) was established under a convention signed in Washington, D.C. in December 1946. The membership includes all countries that catch significant numbers of whales except Spain, Portugal, Chile, Peru, and Brazil. The IWC is responsible for whale conservation worldwide. Since 1964, the IWC has acted to bring world whaling under control by prohibiting worldwide the taking of some species, sharply reducing the authorized catches of species in certain areas, es-

tablishing catch quotas by species, and implementing an international observer plan for policing quotas and regulations at land stations and on factory ships. The IWC appears to be extending its authority to cover all cetaceans and to implement regulations for threatened species. The IWC now regulates the harvest of fin, sei, Bryde's, minke, and sperm whales. A subcommittee of the IWC may be established to improve data collection on small cetaceans and review problems. The gray, bowhead, right, blue, and humpback whales are completely protected, except for some hunting by aboriginals.

4. *International Convention on Trade in Endangered Species of Wild Fauna and Flora.* When this convention becomes effective, it will provide additional protection for the following species: Appendix I—gray, blue, humpback, bowhead, and right whales, northern elephant seal, Ganges River dolphin, Caribbean and Mediterranean monk seals, dugong, and West Indian and South American manatees; Appendix II—southern elephant seal, southern fur seal, Galapagos fur seal, Juan Fernandez fur seal, dugong (Australian), and West African manatee.

5. *Interim Convention on North Pacific Fur Seals.* This Convention prohibits most citizens of Japan, Canada, the U.S.S.R., and the United States from taking northern fur seals. The exceptions are aboriginal Indians, Aleuts, and Eskimos, who may take them only at sea and by primitive methods. The Convention also provides for intensive research on this species by the four countries. The economic utilization of northern fur seals on their breeding grounds is conducted by the respective governments and is regulated on a scientific basis.

6. *International Convention for the Northwest Atlantic Fisheries.* Under terms of a Convention signed in 1949, ICNAF is responsible for the investigation, protection, and conservation of the fisheries of the Northwest Atlantic in order to make possible the maintenance of a maximum sustained catch from these fisheries. The harp seal harvest is regulated by ICNAF, which imposes quotas for the taking of these mammals.

7. *International Convention for the Conservation of Antarctic Seals, 1972.* The purpose of this Convention is to safeguard all species of Antarctic seals and to ensure that, if commercial sealing begins on floating ice of the Southern Ocean, the killing of certain species will be prohibited and the taking of other species will be subject to strict limitations. Measures adopted under the Antarctic Treaty of 1959 provide only for the protection of seals and other animals around the shoreline of the Antarctic Continent, but not on floating ice. The Convention of 1972 may be applicable to any or all of the following seals: southern elephant, leopard, Weddell, crab-eater, Ross, and southern fur seals.

8. *Canadian-Norwegian Agreement on Sealing.* On December 22, 1971, these two governments ratified an agreement on sealing and the conservation of seal stocks in the Northwest Atlantic. The



agreement applies to the harp seal, but provision is made for extension to hooded and bearded seals and to the walrus.

9. *Miscellaneous regulations and agreements of some U.S. interest. a. Harp seal.* The U.S.S.R. and Norway signed an agreement in 1958 entitled "Preservation of seals in the Greenland Sea." The agreement provides for the regulation of harp seal catches by these two nations. The U.S.S.R., however, has not hunted harp seals since 1965.

b. *Gray seal.* The U.S.S.R. has prohibited (since 1970) the hunting of gray seals for sport and by amateurs, but permits the taking of these animals for subsistence. Canada uses an 1886 law for authority in regulating the take of gray seals. England has prohibited the hunting of gray seals on the Farne Islands since 1932 and on Orkney Island since 1923. Norway has forbidden hunting at Sør Trondelag (since 1923). Finland and Sweden offer bonuses for gray seals taken.

c. *Hooded seal.* Canada and Norway prohibit the taking of hooded seals near Newfoundland before March 10, near Jan Mayen Island before March 13, in Denmark Strait from June 15 to July 15, and in northern waters from March 20 to May 5. The U.S.S.R. and Norway in 1958 agreed to prohibit the harvest of hooded seals near Jan Mayen Island before March 13, and banned hunting in Denmark Strait.

d. *Bearded seal.* The U.S.S.R. has, since 1970, banned the commercial hunting of bearded seals from vessels, and regulates the take of this species by aborigines and the harvest from shore by others.

e. *Ribbon seal.* Since the 1960's, the U.S.S.R. has forbidden the hunting of ribbon seals at sea from March 1 to September 1, and in 1970 stopped hunting by "amateurs."

f. *Ringed seal.* The U.S.S.R. banned sport hunting of *Pusa hispida hispida* beginning in 1970. Sport hunting of another subspecies (apparently accepted by the U.S.S.R. as *P. h. krascheninikovi*) was also banned by the U.S.S.R. in that year, local harvests were regulated, and hunting of the subspecies between March 1 and September 1 was prohibited. The U.S.S.R. has also, since 1970, prevented commercial hunting of *P. h. ochotensis* from vessels, and regulated the take of this subspecies by aborigines and the harvest from shore by others.

g. *Harbor seal—Ice-dwelling populations.* The U.S.S.R. has prohibited sport hunting of these populations of the harbor seal since 1970, protects its rookeries from harassment and pollution, and regulates the harvest.

*Land-dwelling populations.* The U.S.S.R. has prohibited the sport hunting of these populations since 1970, and regulates the take of harbor seals from the White and Barents Seas.

h. *Northern sea lion.* The U.S.S.R. regulates the harvest of northern sea lions and protects its rookeries from harassment.

i. *Walrus.* In 1958, the U.S.S.R. and Norway agreed to ban the hunting of

walrus except to satisfy local needs and those of expeditions.

j. *Guadalupe fur seal.* Mexico has safeguarded the breeding grounds of the Guadalupe fur seal on the Guadalupe Islands by making this island a wildlife refuge.

k. *South American fur seal.* The Uruguayan and Argentinian Governments protect the South American fur seal on land and out to 200 miles at sea. In addition, the Uruguayan Government regulates the harvest by protecting all female seals except the 1-year-olds, controlling take of pups by seasonal restrictions, and imposing quotas in some instances.

l. *South African fur seal.* The harvest of South African fur seals is largely a state enterprise in South Africa, however, the system includes one of control and leasing of rookeries to private contractors. The South West African Administration has not entered the harvesting business, but licenses private firms, restricts gear to be used, establishes closed seasons, and places limits on sex and condition of catch.

m. *Narwhal.* Canada allows its Eskimos to take five narwhals annually for personal use and issues permits to capture this mammal for exhibition.

n. *Killer whale.* Canada allows this species to be taken under a permit system.

#### PART III—APPENDICES

Appendix A—Interim Rules and Regulations: FEDERAL REGISTER reference 37 FR 28177

Appendix B—FEDERAL REGISTER NOTICES: FEDERAL REGISTER references, 38 FR 2340; 38 FR 7987; 38 FR 8610; 38 FR 10032; 38 FR 10484; 38 FR 12145; and 38 FR 16088

Appendix C—Public Display Requirements

Appendix D—Coordinated Pribilof Islands-Bering Sea Research Proposal

#### APPENDIX C

##### PUBLIC DISPLAY REQUIREMENTS

1. *Advance notification.* The Holder shall notify the Director by telegram sufficiently in advance of each collecting trip so as to enable him to arrange for an official or officials of the Service or any other person(s) duly designated by the Director to accompany the collecting crew if the Director so desires. Where possible such notice shall be given at least two weeks in advance.

2. *The methods of transportation of living marine mammals.* a. Except in the case of a marine mammal being transported in connection with the taking operation, the Holder shall transport no marine mammal until it has fasted for 12 hours.

b. The Holder shall employ a duly certificated common carrier by air, water, rail, or road in the transportation of any marine mammal, except that the Holder may use a private vehicle for such transportation if such vehicle is operated by Holder's personnel and the provisions of this subsection are complied with in the course of the transportation involved.

c. The Holder shall be responsible for the transportation of the marine mammal from the capture site to the Holder's facilities and shall insure that the provisions of this subsection are complied with in the course of this transportation.

d. The cargo space of any airplane, railroad car, or truck in which a mammal is to be transported shall be constructed and maintained so as to prevent the ingress of the vehicle's exhaust gases or other noxious fumes. The interior of the animal cargo space shall be kept physically clean. The ambient temperature shall be sufficiently regulated by heating or cooling to protect the animals from extremes of temperature, to provide for their health, and to prevent their discomfort.

e. The primary enclosures, such as compartments, transport cages, stretchers, or slings shall be well constructed, well ventilated, and designed to protect the health and assure the safety of the animals. Such devices shall be made and positioned in such a manner that (1) each animal in the vehicle has access to air for normal breathing, (2) the openings of the devices are easily accessible at all times for emergency removal of the animals, and (3) the animals are afforded adequate protection from the elements.

f. Primary enclosures for shipping marine mammals shall be watertight and of adequate size so that the animal is supported in a manner allowing even distribution of weight over as large an area as possible. Padding with foam rubber or polyfoam to prevent pressure necrosis is essential. Animals shall be kept moist over the entire body surface to prevent drying of the skin and overheating.

g. All aspects of the transportation plans must be found satisfactory by a duly licensed doctor of veterinary medicine.

3. *The methods of care and maintenance of living marine mammals—*a. *Facilities, general—*(1) *Structural strength.* The facility must be constructed of such material and of such strength as appropriate for the animals involved. The housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals in a comfortable fashion.

(2) *Water and power.* Reliable and adequate electric power, if required to comply with other provisions of this subpart, and adequate circulating water, sufficient to meet USPHS standards for human bathing areas, and standards of salinity and temperature, shall be available on the premises. Controlled chlorine injection shall not exceed 0.4 p.p.m. and shall be monitored at least every 24 hours.

(3) *Storage.* Supplies of food shall be stored in facilities which adequately protect such supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

(4) *Waste disposal.* Provisions shall be made for the removal and disposal of animal and food wastes, dead animals, trash, and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of animal and food wastes, dead animals, trash, and debris shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

(5) *Washroom and sinks.* Facilities such as washrooms, basins, showers, or sinks, shall be provided to maintain cleanliness among animal caretakers.

b. *Facilities, indoor—*(1) *Ambient temperatures.* Temperatures of air and water in indoor housing facilities shall be sufficiently regulated by heating or cooling to protect the animals from the extremes of temperature, to provide for their health, and to prevent their discomfort. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the

health and comfort of the animal. Insofar as possible, water temperature shall be maintained at or near the natural temperature of the water in the wild from which the animal was taken.

(2) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural and/or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air by means of windows, doors, vents, fans, and/or air-conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation.

(3) *Lighting.* Indoor housing facilities shall have ample lighting, by natural or artificial means, or both, of good quality, distribution, and duration as appropriate for the species involved. Such lighting shall be uniformly distributed and of sufficient intensity to permit routine inspection and cleaning. Lighting of primary enclosures shall be designed to protect the animals from excessive illumination.

(4) *Drainage.* A suitable sanitary method shall be provided to rapidly eliminate excess water from indoor housing facilities. Drains shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control and/or the protection of the environment.

c. *Facilities, outdoor—(1) Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort of the animals, sufficient shade by natural or artificial means shall be provided to allow all animals kept outdoors to protect themselves from sunlight.

(2) *Shelter from inclement weather.* Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort. Individual animals shall be acclimated before they are exposed to the extremes of the individual climate.

(3) *Drainage.* A suitable sanitary method shall be provided to rapidly eliminate excess water. Drains shall be properly constructed and kept in good repair to avoid foul odors and installed so as to prevent any backup of sewage. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control and/or the protection of the environment.

d. *Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress, or abnormal behavior patterns. The minimum size of enclosures for cetaceans shall be a diameter of not less than twice the length of the animal, and a depth of not less than half the length of the animal. The adequacy of the space for all animals shall be satisfactory to the Director.

e. *Feeding.* (1) The food shall be wholesome, palatable, free from contamination, and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of animal. Insofar as possible the animal's natural food in the wild shall be used.

Considering the marked propensity of fresh fish to develop deficiencies and toxic properties, proper handling and storage are required and the use of pasteurized, more stable and balanced rations, as they become available, are encouraged. Animals shall be fed at least once a day except as dictated by

hibernation, normal fasts, veterinary treatment, or other professionally accepted practices.

(2) Food receptacles shall be kept clean and sanitary at all times. Adequate measures shall be taken to thaw frozen fish in manner to prevent contamination and minimize deterioration and loss of soluble nutrients.

f. *Water.* If fresh seawater or artificial seawater is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. The frequency of need for seawater shall be dictated by considerations of age, species, condition, size, and type of the animal on the basis of generally acceptable veterinary standards. Salinity where required shall be maintained at 15 to 36 parts per thousand.

g. *Sanitation—(1) Cleaning of enclosures.* Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein, to minimize disease hazards, and to reduce odors.

(2) *Sanitation of enclosures.* Whenever an animal in the facility is discovered with infectious or transmissible diseases, the cages, rooms, and hard-surfaced pens and pools shall be sanitized either by washing them with hot water (180° F. at source) and soap or detergent, as in a mechanical washer, or by washing all soiled surfaces with a detergent solution followed by a safe and effective disinfectant, or by cleaning all soiled surfaces with saturated live steam under pressure. Pens and pools using gravels, sand, or dirt, shall be sanitized when necessary as directed by the attending veterinarian.

(3) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Accumulations of trash shall be placed in designated areas and cleared as necessary to protect the health of the animals.

(4) *Pest control.* A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

h. *Employees.* A sufficient number of adequately trained employees shall be utilized to maintain the professionally acceptable level of husbandry practices set forth in this subpart. Such practices shall be under a supervisor who has background in animal care. A doctor of veterinary medicine shall be on the staff of the Holder or otherwise generally available to the Holder when needed.

i. *Separation.* Animals housed in the same primary enclosure must be compatible. Animals shall not be housed near animals that interfere with their health or cause them discomfort. Socially dependent animals should not be needlessly deprived of the company of other compatible animals.

7. *Requirements with regard to reports and rights of inspection—*a. *Reports.* Within 90 days following October 20, 1973, and annually thereafter, the Holder shall submit a report to the Director covering the Holder's performance of the activities authorized by this exemption. Such report shall be in such form and provide such substantive coverage as hereafter shall be required by the Director.

The Holder shall submit such other reports as the Director may hereafter require.

b. *Inspection.* Upon request by the Director, the Holder shall permit any employee(s) of the National Marine Fisheries Service or any other person(s) duly designated by the Director, to inspect the Holder's records and facilities insofar as such records and facilities pertain to activities authorized by this exemption, relate to species covered by this exemption, or pertain to the Director's responsibilities under the Act.

8. *Additional terms and conditions to be prescribed.* Additional reasonable terms and conditions may hereafter be prescribed by the Director.

9. *General conditions.* a. No marine mammal authorized to be taken or imported hereunder, as the case may be, shall be taken by the Holder or any other person, in violation of the law of any country having jurisdiction over the taking.

b. Except as otherwise agreed to by the State involved, no marine mammal authorized to be taken hereunder shall be taken in waters under the jurisdiction of a State unless the method of taking and subsequent transportation conforms with the laws and regulations of that State which were in force and effect on December 20, 1972.

c. The Holder shall neither take nor import any mammal which is pregnant, a lactating female, or is an unweaned young mammal.

d. Any marine mammal taken or imported pursuant to the terms hereof may not be displayed at any facility of the Holder other than the facility for which the exemption was sought, unless specific permission is requested and obtained from the Director. However, the Holder may hold the mammals at another facility acceptable to the Director in the manner required hereunder.

e. In the event any marine mammal is killed or injured during the course of taking, the Holder shall notify the Director as soon as possible but no later than 30 days after the event. For the purpose of this exemption, any marine mammal killed during the taking process or transportation after taking shall be considered as having been taken and the number of live animals of the kind permitted to be taken or imported shall be reduced accordingly unless the Director determines that the death was due to causes beyond the control of the Holder, in which case the Holder shall be entitled to take an additional animal.

Furthermore, if the Holder determines within 30 days after the taking of any marine mammal that such mammal is unacceptable for his purposes, then he shall be permitted to take an additional mammal; *Provided,* The unacceptable mammal is disposed of in a manner satisfactory to the Director: *And provided further,* That in the case of death the Director determines that such death was due to causes beyond the control of the Holder. The foregoing replacement privilege shall not apply in any case in which the Director does not determine that the status of the stock to which the animal in question belongs will not be threatened by any further taking.

f. No marine mammal may be imported unless the Director determines that the methods of taking, holding, and transporting marine mammals in the country of origin are consistent with the provisions and policies of the Act.

g. All marine mammals must be taken in a humane manner. In the event the Director determines that any method of taking authorized herein or otherwise is not humane, taking by such method shall immediately cease and taking shall not resume until an acceptable method of taking has been prescribed by the Director. Any inhumane taking shall subject the Holder to the penalties of the Act, including revocation of this Letter of Exemption.

h. This exemption does not authorize the Holder or any other person to take marine mammals in the territorial waters of any country without the consent of such country. The Holder is responsible for securing such consent and complying with appropriate laws of that country.

i. The Holder is authorized to conduct scientific research on any marine mammal taken hereunder provided such scientific re-

search reasonably can be expected not to cause death or permanent injury to the animal and is approved in advance by the Director.

j. The Holder agrees to abide by any reasonable condition with respect to the maintenance and care of captive marine mammals recommended by the Marine Mammal Commission within a year of its formation.

k. Any display program in which any of the marine mammals taken or imported hereunder are to participate shall be designed so as not to fatigue or overwork the mammals. A duly licensed veterinarian shall certify to the Director that any display programs involving any mammals taken or imported pursuant to this Letter of Exemption will not unduly fatigue or injure such mammals.

l. All personnel of the Holder, including veterinarians, requiring State or Federal licenses to practice their profession shall be, and so long as employed by the Holder in that capacity, remain duly licensed under the appropriate law.

m. The provisions of this Letter of Exemption may be amended upon reasonable notice by the Director.

n. The Holder shall be responsible for the activities of any individual relating to the taking, transportation or maintenance and care of any marine mammal authorized to be taken or imported hereunder.

Under the terms of the Regulations, a violation of any of the terms and conditions of this Letter of Exemption shall subject the Holder to penalties provided in the Act.

o. The Act and regulations prescribe that a reasonable fee will be charged for this Letter of Exemption. You will be advised within 60 days of the established fee.

j. *Veterinary care.* (1) Programs of disease prevention and parasite control, euthanasia, and adequate veterinary care shall be established and maintained under the supervision of a veterinarian. The pest control program shall be reviewed by the veterinarian for the safe use of materials and methods.

(2) Animals shall be observed every day by the person in charge of the care of the animals or by someone working under this direct supervision. Sick, diseased, stressed, injured, or lame animals shall be provided with veterinary care or humanely destroyed as specifically authorized by a licensed veterinarian.

(3) In the event of the humane destruction of an animal pursuant to subsection j(2) above, the Holder shall perform an autopsy on the animal and, within seven days of the death of such animal, shall notify the appropriate regional office of the National Marine Fisheries Service of the death and send to such office a copy of the autopsy report.

(4) Any pregnant animal shall receive proper veterinary attention. All births involving any animal taken under this exemption shall be reported to the Director.

4. *Sale or disposition of mammals or progeny.* The Holder shall not sell or otherwise dispose of (1) any mammal the taking or importation of which is authorized by this exemption, or the progeny of any such mammal, or (2) any mammal in his possession or control on the date of the issuance of this exemption which is of the same species as any mammal the taking or importation of which is authorized by this exemption, or the progeny of such a mammal, except with the approval of the Director and subject to such terms and conditions as the Director may prescribe. All animals subject to this paragraph shall be marked or otherwise identified in a manner satisfactory to the Director.

5. *Period of validity.* The exemption granted herewith is valid for the period beginning with the date of its issuance and ending at midnight, Eastern Standard Time, on October 20, 1973. The Holder shall neither take nor import into the United States any mam-

mals the taking or importing of which is authorized by this exemption after the expiration of the above period.

6. *Transferability and assignability.* The Holder shall not transfer or assign the exemption granted herein to any other person, as person is defined in Section 3(10) of the Act. This exemption is of no force and effect if transferred or assigned to any other such person.

#### APPENDIX D

##### COORDINATED Pribilof ISLANDS-BERING SEA RESEARCH PROPOSAL

*Introduction.* The fur seals of the Pribilof Islands have been studied by U.S. scientists with varying degrees of effort since 1887 when the Pribilof Islands became a part of the United States. Since 1956, the population has been studied intensively in an effort to fulfill the following overall objectives of the Interim Convention of the Conservation of North Pacific Fur Seals:

1. "What measures may be necessary to make possible the maximum sustainable productivity of the fur seal resources so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year;" and

2. "What the relationship is between fur seals and other living marine resources, and whether fur seals have detrimental effects on other living marine resources substantially exploited by any of the Parties and, if so, to what extent."

The need for coordinated land-pelagic studies was pointed out at the 1972 meeting of the North Pacific Fur Seal Commission. Each delegation was called upon "to be prepared at their next meeting to submit plans for achieving more effective coordination of land and pelagic research to resolve the primary questions posed by the Interim Convention."

Although we now know much about the fur seal, the factors which act to control population size are not fully understood, and the relationship of these mammals to their environment and to other living marine resources has received little consideration. This proposal for a coordinated land and pelagic research effort is intended to provide additional knowledge concerning the primary questions posed by the Convention.

*Statement of the problem.* Management procedures set in motion in 1956 have not resulted in the predicted number of harvestable animals. By 1962 the total population was reduced to 1.2 million animals with an annual pup production of 300,000 to 400,000. From such an annual production a harvestable population of 55,000 to 60,000 males and 10,000 to 30,000 females was anticipated. This has not materialized. The average harvestable total of males has been 43,000 vs. the expected 55,000. A similar situation was evolving for females and in 1969 all harvest of females was stopped. Since our attempt to further manipulate the fur seal population has not succeeded, the problem is to identify the principal factors which control this population.

Management of the fur seal population has been based on the premise that by the mid-1950's the herd had exceeded the level that would provide maximum yield. In practice, management is limited to changing the utilization rate of males and females and thus to regulating abundance and the sex ratio. Beginning in 1956, therefore, females were killed with the objective of reducing the population to a level which would produce about 400,000 pups annually. The expected result was that the total harvest would increase and then stabilize with an estimated sustained yield of 55,000 to 60,000 males and 10,000 to 30,000 females.

Estimates of the number of pups born based on shearing and sampling show that the population of approximately 1.2 million animals has been near the desired level since 1962. During this recent period the number of pups born annually has been between 300,000 and 400,000. The average annual harvest of males from 1965 through 1972, the years when year classes since 1962 have contributed most or all of the harvest, was about 43,000. This harvest is considerably lower than expected from historical data. For instance, we estimate that the number of pups born reached 300,000 in 1929 and increased to slightly over 400,000 in 1933. Thus the number of pups born annually from 1929 to 1933 was similar to the number born annually since 1962. Males from year classes 1929-1933 were harvested primarily during the period 1932 through 1937 when the average annual take was 53,600, compared with 43,000 for recent year classes when similar numbers of pups were born. Even considering the shortcomings of these calculations, it is difficult to reach but one conclusion; namely, that the number of males available for harvest from recent year classes has decreased, compared to year classes of similar size in the early 1930's.

The number of males taken from a year class is believed to be a reasonably accurate index of the total number available because the harvesting effort has changed little since the 1930's. Minor modifications made since 1956 probably have increased the utilization rate slightly, which means that the difference in the number of males available during the two periods was even greater than is indicated by the average harvest figures.

The reasons for the disparity between actual and expected harvests are not known, but a decrease in the survival rate through age 2 years is believed to be the most likely cause of the smaller total harvest. It seems unlikely that the foregoing deviations from "normal" harvests are the result of random fluctuations in survival. The total Pribilof Islands harvest for males has exceeded 50,000 only twice since 1962 and has been less than 40,000 for 3 of the last 4 years. Survival rates will fluctuate randomly, but to be consistently low for such a long period seems improbable.

Individually or combined, several factors could be causing a decline in the survival rate. The availability of food probably has decreased in recent years because of the tremendous increase in the harvest of certain fishes and invertebrates from the Bering Sea and North Pacific within the past 2 decades. Some of the species taken are preferred items in the diet of fur seals. Research and management activities could also be factors because they may disrupt nursing cycles and lessen the intake of food by the pups before they are weaned, as well as increase the amount of energy used. Relatively long term changes in the ocean environment, disease, and pollution are additional factors that may affect survival rates.

Because harvesting is an unnatural cause of mortality, it is also possible that after several generations the gene pool of the population has been modified to the extent that survival or behavior has been altered. If change in the gene pool has occurred, its consequences might be impossible to appraise. With a better understanding of behavior, however, we can perhaps design a harvest that will resemble random mortality, which in turn would have no selective effect on the gene pool.

If the survival rates is lower now than during the early 1930's when the population was at a similar level, then it is uncertain if the relation of survival and abundance calculated from data collected from the 1920's through the mid-1950's is applicable. Therefore, changes in management necessary for

obtaining maximum sustainable yields from the fur seal population are not obvious; in fact, it is possible that the significant mortality factors now operating on the seal population are not density related.

The success of future management of the fur seal herd will depend considerably on our understanding of how survival changes with changes in abundance (survival-abundance relationship), the relationship of fur seals to other living marine resources, and on our ability to predict these relationships. To date, we are unable to confidently describe either of these relationships, and because of their complexity, we may never obtain irrefutable evidence on which to base an understanding. However, every reasonable opportunity to obtain relevant data should be attempted.

In summary, the approach to studying this problem is three pronged: (1) The relationship between survival and abundance is not understood, especially in view of the returns from recent year classes; (2) the relationship of fur seals to other living marine resources is also not understood; and (3) the effect of management and research activities on the fur seal population is not known.

#### OBJECTIVES

A. Determine how survival changes with changes in abundance of the fur seal population.

B. Determine the relationship of fur seals to major living marine resources.

C. Compare the biological and behavioral characteristics of a harvested and unharvested population.

Because of their complexity, the first two objectives probably will never be attained to the extent that the relationships will be understood precisely. However, sufficient information can be obtained for making predictions with the accuracy and confidence needed for application to resource management. The third objective appears to be less complex, and useful results should accumulate within a relatively short time span.

#### RESEARCH PROPOSAL

*The General Plan.* Research on wild animal populations is complicated by uncontrollable factors that affect the results. This situation has existed with respect to studies of the fur seal and has been a serious obstacle of evaluating the effects of recent management practices on the population. The establishment of a "control" area (one on which the animals are not harvested) will partially solve the problem. Commercial harvesting on St. George Island will be halted for a sufficient period for the fur seals to resemble, as near as possible, a "natural" population. Probably 15 years will be required; but it would be unwise to establish a fixed period at this time.

The land research plan will primarily emphasize comparative studies of harvested and unharvested populations. Subpopulations on St. George Island will be used, at least partially, as "controls" in an attempt to identify and measure the effects of management. For example, the major change that will occur on the control areas is a change in the sex ratio among adult animals. As the sex ratio changes, results of quantitative and observational studies on the control area will be compared to those from areas being harvested to determine the optimum sex ratio.

The control areas will also provide the opportunity to obtain knowledge from a "natural" population. If the causes of mortality of the unharvested population can be identified as the population approaches the maximum levels, those that are density related can be recognized. The "natural" population will also serve as a standard against which

changes in the harvested population can be compared.

Another important value of control areas will be the knowledge gained from studying seals on undisturbed hauling grounds. To date, it has not been possible to describe the basic hauling-out pattern of young males or to identify factors that may affect this behavior.

Studies of fur seals in their pelagic environment will be intensified in the Bering Sea and closely coordinated with studies on land. Major feeding areas will be located and prey species identified. The behavior of lactating females on land and at sea and the behavior and distribution of young males in both environments will receive special attention. Birds and northern sea lions will be collected and principal food determined, if found in feeding areas of fur seals.

The abundance and distribution of major prey species of fur seals in the Bering Sea will be studied to provide additional data for evaluating the relationship of fur seals to other living marine resources. These studies will include monitoring changes in abundance of major prey species and analysis of fishery statistics.

Initially, considerable effort will be spent improving and testing such methods and equipment as marking, telemetry, sonic tags, and aerial photography.

*Research activities.* The land and pelagic studies will be discussed in more detail under the following four categories: (A) Abundance, Distribution, and Composition of the Fur Seal Population; (B) Reproduction and Survival; (C) Behavior and Activity Patterns; and (D) Identification, Abundance and Distribution of Major Prey Species.

Research in the four categories is designed to:

Determine the changes in population abundance and the maximum level of an unharvested population.

Describe the composition of the unharvested population as it changes; for example, the sex ratio of adults, number of pups, and the ratio of territorial to nonterritorial males.

Describe changes in rookery area and density of seals as changes in population abundance and composition occur.

Observe behavioral changes or changes in activity, especially of adult males and females, as density and sex ratio change.

Determine changes in survival rates and causes of mortality with changes in population abundance and composition.

Determine changes in reproductive rates with changes in population abundance and composition.

Determine distribution, food, and feeding behavior of fur seals in the Bering Sea.

Monitor abundance and distribution of Bering Sea stocks of fishes and invertebrates utilized by fur seals and other marine mammals.

*A. Abundance, distribution, and composition of the fur seal population.* The only segment of the population that can be estimated with confidence is the number of pups born. The accuracy of these estimates which will be made as in the past by shearing and sampling pups, will be checked at some areas by making complete counts. The total number of pups born will be estimated every fifth year. Estimates will be made for approximately 25 percent of the rookeries during intervening years.

Adult-sized males will be counted on all rookeries each year about June 20, and on about 25 percent of the rookeries in mid-July. From the counts in July the proportion of territorial, nonterritorial and harem males will be estimated.

Aerial photography will be tested to determine if a reliable index of the number of adult females can be developed, and if this

method can replace the present practice of counting adult males on land. Photographs will delineate areas occupied by harems and areas used as hauling grounds.

The distribution of fur seals in the Bering Sea will be determined from sightings and collections taken by scientists aboard vessels. Pelagic collections will be made in the Bering Sea from July through November for about 3 years. Special attention will be given to areas known to be most heavily subjected to commercial fishing.

Specific information that will be collected will include:

1. Estimates of the number of pups born.
2. Counts of adult males, territorial and nonterritorial.
3. Land area occupied by fur seals.
4. Age, sex, and body measurements of animals collected at sea.

*B. Reproduction and survival.* Quantitative information relating to reproduction (age specific pregnancy and ovulation rates) will be based on the examination of females collected pelagically in the North Pacific Ocean, on the rookeries, and in captivity. Unless sufficient samples of females are obtained, pelagic collections from April through June will not provide valid data on pregnancy and ovulation rates for comparison between islands.

Mature females collected on land late in the season may be useful for this research because they will already be bred and will most probably be found on the rookery on which they were born. In addition, observations of behavior on rookery areas will be useful for interpreting this reproductive data. Examination of females of known reproductive history held in captivity will provide knowledge that will further improve the interpretation of conditions observed among collected samples of females. Reproductive physiology will also be studied.

Estimating survival rates with sufficient accuracy and precision to make meaningful comparisons between harvested and unharvested populations may not be possible except for pups on land. If the population increases on St. George Island, comparisons at different population levels should be possible. Survival rates of pups on land will be calculated from estimates of the number born and counts of dead pups on land. The survival rates of other animals will be estimated from mark-recapture data and counts of dead animals on land.

Specific information to be collected will include:

1. Reproductive condition of females collected at sea and on land.
2. Observations and specimens of females of known reproductive history.
3. Marking and recapture of males at age 0, 1, 2, and 3 years.
4. Counts of individually marked animals for a period of years.
5. Age composition of the commercial harvest (St. Paul Island only).
6. Number, age, sex, and, where possible, causes of death among animals on land.
7. Weight and other body measurements of young males in the harvest (St. Paul Island only) and of pups in autumn.

*C. Behavior and activity patterns.* Behavioral studies using individually identifiable animals will begin immediately. Freeze branding, radio tagging, and other methods of marking will be used to provide recognizable animals. Adult females, pups, adult males, and young males will be studied on rookeries and on hauling grounds.

Behavioral and activity studies will provide information valuable for interpreting the results of other studies and for improving or designing new techniques. The significance of human disturbance as a mortality factor will be measured from observations of mother and pup reactions, especially with

respect to nursing cycles. The time spent on land and at sea feeding will be determined. Sonic and radio tags will be applied to lactating females to study feeding behavior at sea. Observations of the daily activity patterns of adult territorial males at different population densities and ratios of territorial to nonterritorial males will be useful in determining the effects on the population of changes in sex ratio. Observations of young males on hauling grounds will improve estimates of the magnitude of escapement of males and may result in improved management practices. We will determine if females traditionally found on hauling grounds beginning in late July have living pups. The interactions between northern sea lions and fur seals on a rookery will be observed to determine the probable effect on the fur seal population of the rookery.

Specific information to be collected will include:

1. Behavior and activity patterns of adult males, for example, time spent establishing and defending territory.
2. Length of nursing-feeding cycle of lactating females.
3. Distance traveled to feeding areas and time spent feeding by lactating females.
4. Activity of pups such as time spent nursing and average number of nursing periods prior to leaving the island.
5. Activity patterns of young males and adult females on hauling grounds.
6. Changes in fur seal activity patterns when disrupted by research or management activities.
7. Interaction between fur seals and northern sea lions on fur seal rookery areas.

**D. Identification, abundance, and distribution of prey species.** These studies will provide data that will be helpful in describing the relationship between the availability of food resources and the productivity of fur seals and identify some of the species that may compete with fur seals for food. An essential first step will be to identify the most important food species of fur seals and to determine their relative importance in different areas within the range of fur seals by examining the stomach contents of fur seals collected in the Bering Sea. The results will be compared with those developed from fur seals collected in the early 1960's. Northern sea lions and birds will also be collected in areas where fur seals are found to determine the major food species taken by each. The frequency of occurrence and the volume of prey species found in the stomachs of collected animals, and observations of feeding animals, will provide estimates of consumption and possible competition with the commercial fishery. Areas of intense commercial fishing will receive special attention. Chemical analysis of food species and contents of the alimentary tract will yield additional information on the role these predators play in the cycling of nutrients.

Concurrent analyses will be undertaken of statistics on catches of fish and shellfish and fishing effort expended by all nations in the Bering Sea. These analyses will provide a historical base for examining the general relationship between the productivity of the fur seal population and the availability of key forage species. The primary source of data will be from the Japanese fishery in the eastern Bering Sea, which in 1970-71 accounted for 84 percent of the combined harvest by all nations. Statistics

on Japan's catches and fishing effort will be analyzed by small statistical blocks measuring  $\frac{1}{2}^{\circ}$  latitude by  $1^{\circ}$  longitude to determine within and between-year changes in availability of forage species. A prerequisite to this analysis will be the development of procedures for standardizing fishing effort to account for improvements which have occurred in gear, detection equipment and tactics.

The initial analysis of fisheries statistics will include all the important target species in the eastern Bering Sea. Once species are identified as important fur seal food, it will be possible to focus analysis on them at relevant areas and seasons.

The period covered by this analysis of commercial fishing statistics will be from 1954; the beginning of Japan's contemporary fishery in the Bering Sea. Greatest detail will be for the period since 1964 when records on Japan's fishery are the most complete.

The effects of the abundance of forage species on the productivity of the fur seal population will also be examined by monitoring changes in availability of fish and shellfish from chartered research vessels and correlating the results with those from studies of the fur seal population. Surveys from research vessels will focus on species and areas identified as especially important from studies of the feeding habits of fur seals. Survey areas and times will be scheduled to correspond with known foraging migrations of fur seals, and thus will provide synoptic information on the availability of key forage species which are not now targets of commercial fisheries or are outside the operating range of the fleets. Such baseline information will be extremely useful in assessing the impact of any future commercial catch of these species on the availability of food for fur seals.

Specific information to be collected will include:

1. Location of major feeding areas.
2. Identification of stomach contents and chemical analysis of food species and contents of alimentary tract.
3. Presence or absence of fish concentrations in areas containing fur seals.
4. Environmental and oceanographic conditions in areas containing concentrations of fur seals.

#### SELECTION OF A CONTROL AREA

The Pribilof Islands have 21 fur seal rookeries: 14 on St. Paul Island, RDB 6 on St. George Island, RDB and 1 on Sea Lion Rock. Some of these rookeries are isolated, whereas others are in close proximity to each other. The 21 rookeries can be conveniently grouped into 9 subpopulation units, 5 on St. Paul Island and 4 on St. George Island. Associated with each subpopulation unit are one or more hauling grounds from which male seals are harvested annually. The degree of "homing" to the unit of birth among young males determines how much the utilization rate can be changed by not harvesting seals on a hauling ground, an important consideration in selecting a control area. The adaptability of subpopulations as units for study is further enhanced by the fact that maturing seals display good fidelity to the rookery-hauling ground complex of birth. In other words, the "homing instinct" is pronounced in fur seals in general and increases with age. By age 5 years, less than 30 percent of

the animals hauled out on land are found outside the subpopulation unit of birth.

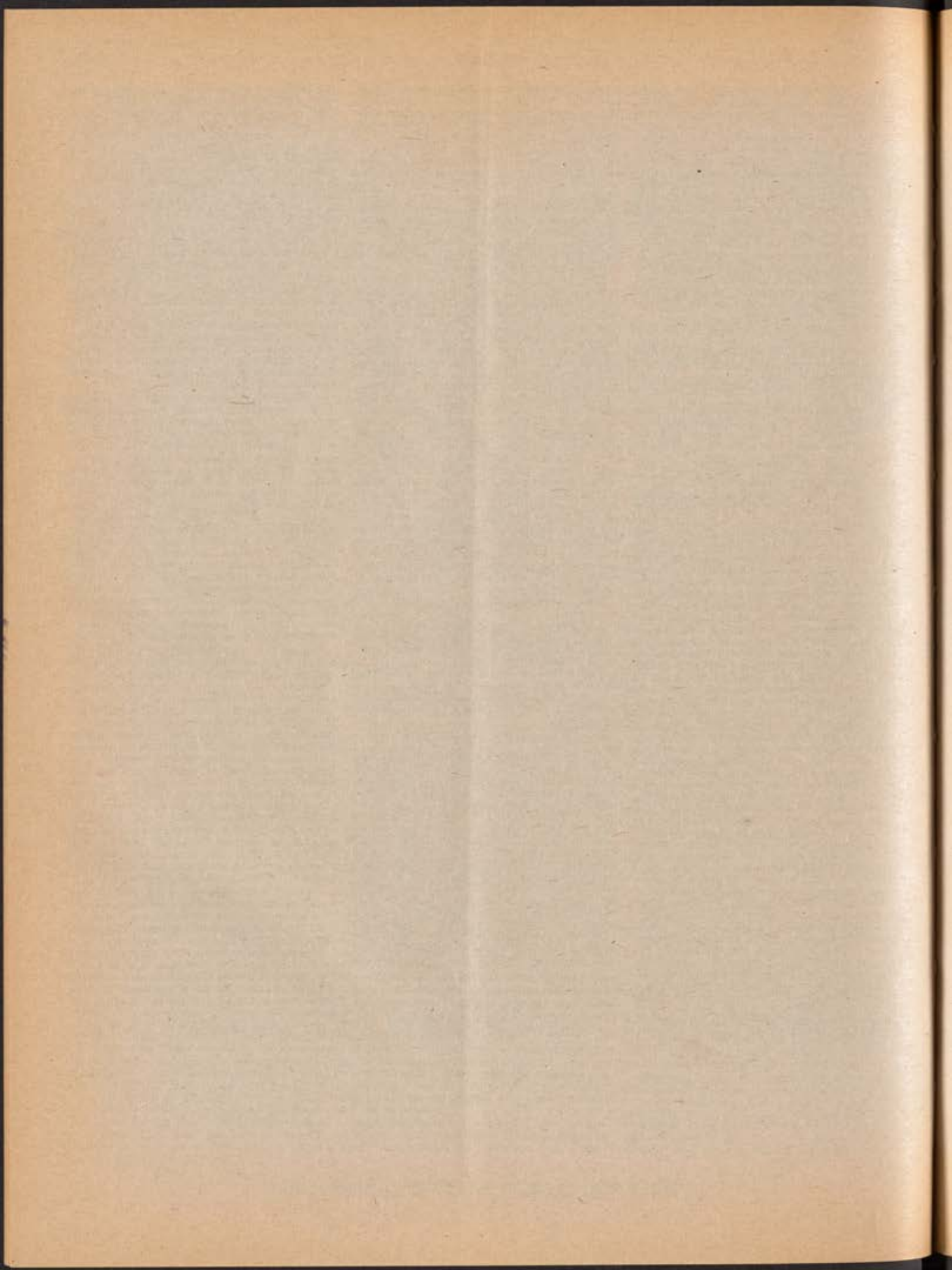
Analysis of tag recovery data obtained from harvested males shows that the degree of homing to the island of birth is considerably higher than that to the rookery of birth. For example, the degree of homing among age 2 males varies from 25 to about 40 percent to the subpopulation units on St. George Island but is about 60 percent to the island. The latter figure increases to 85 percent by age 5 years. Comparable homing figures for St. Paul Island 2-year-olds are from 27 to 61 percent for subpopulation units and over 80 percent to the island. Nearly 100 percent of the males "home" to St. Paul by age 5 years. Of the units on St. Paul Island, Northeast Point has the highest degree of homing, with values comparable to those for all of St. George Island. The homing tendency of females is considerably greater than that of males, regardless of the unit or island of birth, or age. Thus, the designation of Northeast Point Rookery or an entire island as a control area will result in maximum change in utilization rate.

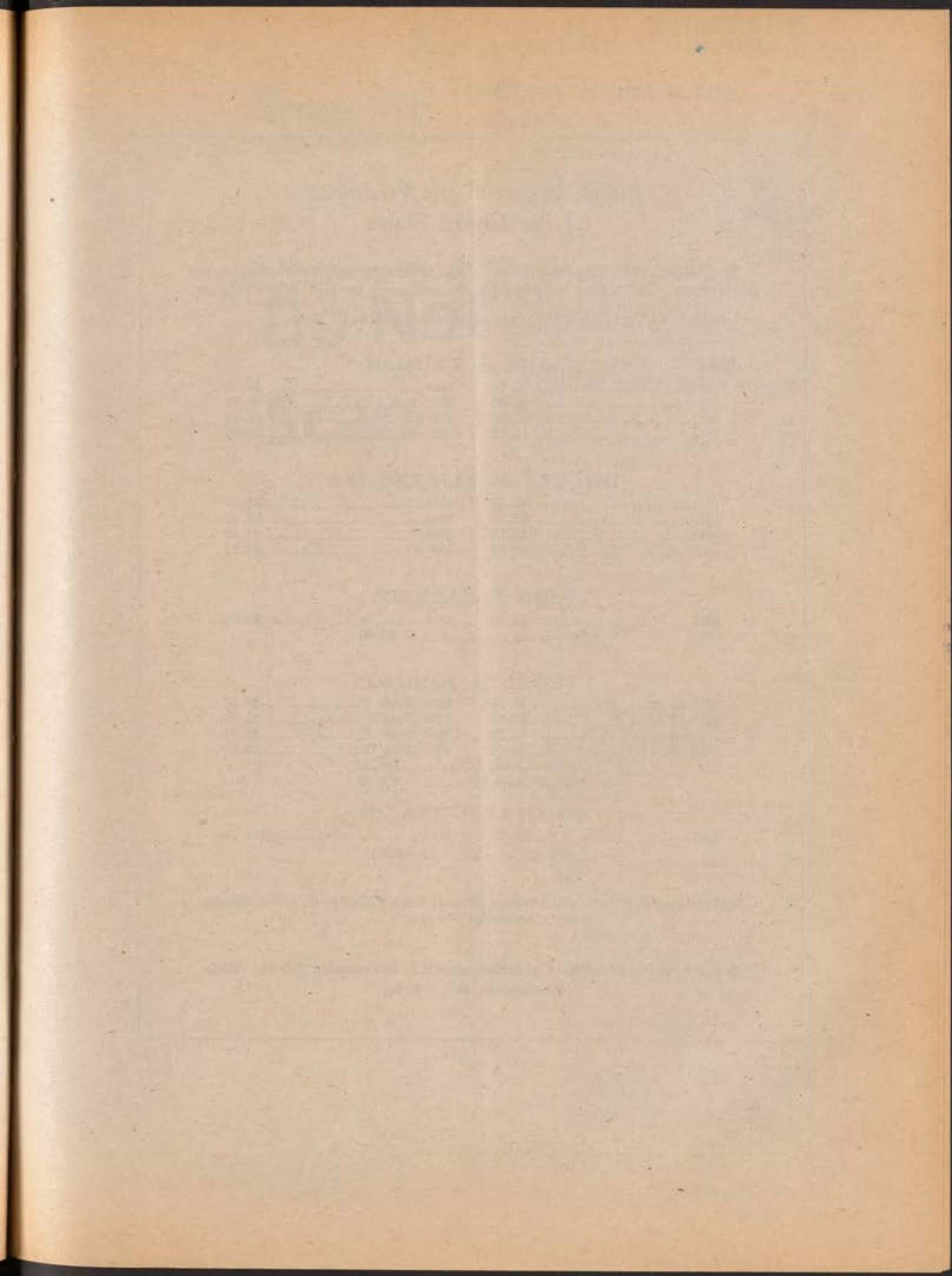
Several other factors must also be considered in selecting a research control area. An area that can be readily divided into discrete sampling units will allow replication of studies and will permit studies that are not compatible to be carried out on separate areas. The sampling units should not be too large, yet should be of sufficient size to provide representative data. Large areas require more effort to obtain data, which in some cases can never be complete. For example, areas of a size suitable for making complete counts of the number of pups born have a distinct advantage. Access and topography determine suitability for collecting some kinds of data and have little effect on other collections. The amount of pretreatment data that is available is also a factor but, with the exception of three small sampling units on St. Paul Island, essentially similar data are available for all subpopulations.

Considering all preceding factors, St. George Island is the most desirable as a research control area. The island contains approximately 20 percent of the total Pribilof Island fur seal population, or slightly less than that of Northeast Point on St. Paul Island, and has the second highest degree of homing. The fur seals form four physically discrete subpopulation units which will allow research studies which are not compatible to be carried out on separate units and will also allow replication of studies. The subpopulations are relatively small, containing from about 8,000 to 20,000 pups. It is possible to make a complete count of pups on all units, and access to the rookeries and hauling grounds is as good or better than to the units on St. Paul Island. Topography of the St. George units poses no particular problem with respect to proposed research.

Stopping the commercial harvest of fur seals on St. George Island will reduce the utilization of males born there to an estimated rate of less than 30 percent through age 5, assuming that their homing tendency does not change. Because of progressive increases in homing tendency at ages 3, 4 and 5, little effect on the utilization rate of males born on St. Paul Island is expected. The expected reduction in the harvest is 10 to 20 percent.

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