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HIGHLIGHTS OF THIS ISSUE

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

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REMINDERS

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

Rules Going Into Effect Today

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

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Payment Received by Elderly in Volunteer Work Programs

Public Law 93–29 (87 Stat. 55) approved May 3, 1973, and which amends the Older Americans Act of 1965, prohibits considering as income for any purpose whatsoever, compensation paid to those elderly volunteers participating in the National Older Americans Volunteer Program.

This law authorizes the Commissioner of the Administration on Aging to make grants or contracts to public and nonprofit organizations to help defray costs of projects which provide opportunities for the elderly to work in the community.

In accordance with this law, the Food Stamp Regulations are amended to include under the provision regarding excluded income, payments received by the elderly participating in the above-mentioned program.

Although it is the policy of this Department to give 30 days' notice for amendments to the Regulations, Public Law 93–29 has already been approved and its provisions are mandatory, thus, it would be impracticable and unnecessary to give notice of proposed rule-making with regard to this amendment.

Chapter II of Title 7 of the Code of Federal Regulations is amended by adding to § 271.3(c)(1)(ii) of Part 271 a new subdivision.

(h) reading as follows:

§ 271.3 **Household eligibility.**

* * * * *

(c) *Income and resource eligibility standards of other households.* * * *

(1) *Definition of income.* * * *

(ii) The following shall not be considered income to the household: * * *

(h) Income received by volunteers for services performed in the National Older Americans Volunteer Program as stipulated in the 1973 Amendments to the Older Americans Act of 1965, Public Law 93–29 (87 Stat. 30).

* * * * *

(76 Stat. 703, as amended, 7 U.S.C. 2011–2025)

This amendment shall become effective on August 9, 1973.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services.)

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73–16792 Filed 8–13–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 11939; Amdt. 39–1703]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Aviation De Havilland Model DH–114 "Heron" Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of certain flap hinge-to-wing attachments bolts and nuts, and periodic inspection and replacement as necessary of certain fork joint and eye joint fittings and angle brackets on Hawker Siddeley de Havilland Model DH–114 airplanes was published in the FEDERAL REGISTER on May 25, 1972, at 37 FR 10575.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

HAWKER SIDDELEY: Applies to de Havilland Model DH–114 "Heron" Airplanes.

Compliance is required as indicated.

To prevent failure of the lower flap hinge-to-wing attachment bolts at Rib No. 7, the fork joint fitting (P/N 14 WF.1) and the eye joint fitting (P/N 14 WF.3) at Rib No. 2, and the angle brackets at Rib No. 01, accomplish the following:

(a) Within the next 500 hours' time in service after the effective date of this AD, unless already accomplished, replace the lower two flap hinge-to-wing attachment bolts and nuts at Rib No. 7 with new bolts (P/N A.25/10E) and nuts (P/N 14W 5781) in accordance with Hawker Siddeley Modification No. Heron 1303, dated December 31, 1969, as amended by Amendment No. 1, dated May 7, 1970, or an FAA-approved equivalent.

(b) Before the accumulation of a total of 13,000 hours' time in service, or within the next 300 hours' time in service after the effective date of this AD, whichever occurs later, unless already accomplished within the last 900 hours' time in service, and thereafter at intervals not to exceed 1,200 hours' time in service from the last inspection, visually inspect the attachment flanges of the forward fork joint fitting (P/N 14WF.1) and forward eye joint fitting (P/N 14WF.3), located between the inner and center flap sections, for cracks near the fitting-to-flap attachment bolt holes (two per fitting) using a glass of at least 10-power magnification in accordance with § 4 of Hawker Siddeley Technical News Sheet Series: Heron (114), No. W.16, Issue 1, dated May 4, 1970, or an FAA-approved equivalent. If cracks are found, before further flight replace the cracked parts in accordance with Hawker Siddeley Repair Drawing RD.14WF.109, dated January 23, 1970, or an FAA-approved equivalent.

(c) Within the next 2,400 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 2,400 hours' time in service from the last inspection, visually inspect the corner radius of the small angle brackets on the forward face of the rear vertical flange of Rib No. 01 for cracks using a glass of at least 10-power magnification in accordance with section 5 of Hawker Siddeley Technical News Sheet Series: Heron (114), No. W.16, Issue 1, dated May 4, 1970, or an FAA-approved equivalent. If cracks are found, before further flight replace the cracked parts with new parts, P/N 14W.5621, or 14W.5623, as applicable.

This amendment becomes effective September 13, 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 Washington, D.C., on August 6, 1973.

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

[FR Doc. 73–16766 Filed 8–13–73;8:45 am]

[Airspace Docket No. 73–EA–43]

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

Revocation, Alteration and Designation of VOR Federal Airways

Correction

In FR Doc. 15418 appearing at page 19964 in the issue of Thursday, July 26, 1973, make the following changes: In the paragraph designated l., the figure "R–66022" in the penultimate line should read "R–6602"; the first line of the first paragraph designated z., following the paragraph designated v., reading "z. "V–379 From Nottingham, Md.; to", should read "w. "V–376 From Richmond, Va.; to".

[Airspace Docket No. 73–SW–34]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Controlled Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations (FARs) is to reduce the volume and

stratify the altitude structure of the restricted area complex Camp Claiborne, La. An amendment will also be made to Part 71 of the FAR to reflect these changes in the description of the continental control area.

The United States Air Force has requested that the Camp Claiborne restricted area complex be restructured and redesignated for more efficient use. Specifically, R-3801A should be reduced in volume by lowering the former upper altitude limit of 5000 feet MSL by 1000 feet and reducing the projected surface area by approximately 40 square miles. The Air Force has also requested that former adjacent Restricted Areas R-3801B and R-3801C be consolidated into one geographical area with a stratification of altitudes from the surface to 14,000 feet MSL. The airspace within the lower 7000-foot structure would be designated R-3801B, and the upper airspace from 7000 feet MSL to 14,000 feet MSL would be designated R-3801C.

The new R-3801C will have a 6000-foot altitude reduction from its former upper limit of 20,000 feet MSL. To retain part of the higher altitude structure, former R-3801D is designated R-3801D with altitudes from 14,000 feet MSL to FL 200. This same area was formerly designated from the surface to 20,000 feet MSL. Former Restricted Area R-3801E, overlying former R-3801C, with altitude designation from 20,000 feet MSL to FL 240 has become unnecessary and therefore it has been requested that it be revoked.

Restricted airspace above 7000 feet MSL will not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Since these amendments reduce the overall size of the restricted area complex by restoring unneeded restricted airspace to the general public, they are minor amendments in which the public is not particularly interested. Therefore notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 g.m.t., September 13, 1973, as hereinafter set forth.

In § 73.38 (38 FR 651 and 9157) Camp Claiborne, La., Restricted Areas are amended as follows:

a. R-3801A, Camp Claiborne, La., is amended to read as follows:

Boundaries. Beginning at latitude 31°-18'00"N., longitude 92°46'30"W.; to latitude 31°13'55"N., longitude 92°49'45"W.; to latitude 31°23'40"N., longitude 93°06'45"W.; to latitude 31°27'30"N., longitude 93°03'00" W.; to point of beginning.

Designated altitudes. 7,500 feet AGL to and including 4,000 feet MSL northwest of a line extending from latitude 31°20'50"N., longitude 92°51'15"W.; to latitude 31°16'40"N., longitude 92°54'30"W.; and 500 feet AGL to and including 4,000 feet MSL southeast of a line extending from latitude 31°20'50"N., longitude 92°51'15"W.; to latitude 31°-16'40"N., longitude 92°54'30"W.

Time of designation. Continuous.

Controlling agency. FAA, Houston ARTC Center.

Using agency. Commander, England AFB, La.

b. R-3801B, Camp Claiborne, La., is amended to read as follows:

Boundaries. Beginning at latitude 31°-11'45"N., longitude 92°30'15"W.; to latitude 31°05'15"N., longitude 92°34'50"W.; to latitude 31°13'55"N., longitude 92°49'-45"W.; to latitude 31°18'00"N., longitude 92°46'30"W.; to latitude 31°15'15"N., longitude 92°41'45"W.; to latitude 31°17'10"N., longitude 92°40'10"W.; to point of beginning.

Designated altitudes. Surface to and including 7,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, Houston ARTC Center.

Using agency. Commander, England AFB, La.

c. R-3801C, Camp Claiborne, La., is amended to read as follows:

Boundaries. Beginning at latitude 31°11'-45" N., longitude 92°30'15" W.; to latitude 31°05'15" N., longitude 92°34'54" W.; to latitude 31°18'55" N., longitude 92°49'45" W.; to latitude 31°18'00" N., longitude 92°46'30" W.; to latitude 31°15'15" N., longitude 92°-41'45" W., to latitude 31°17'10" N., longitude 92°40'10" W.; to point of beginning.

Designated altitudes. 7,000 feet MSL to and including FL 200.

Time of designation. Continuous. R-3801C shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency. FAA, Houston ARTC Center.

Using agency. Commander, England AFB, La.

d. R-3801D, Camp Claiborne, La., is amended to read as follows:

Boundaries. Beginning at latitude 31°11'-45" N., longitude 92°30'15" W.; to latitude 31°09'45" N., longitude 92°31'45" W.; to latitude 31°15'15" N., longitude 92°41'45" W.; to latitude 31°17'10" N., longitude 92°40'10" W.; to point of beginning.

Designated altitudes. 14,000 feet MSL to and including FL 200.

Time of designation. Continuous. R-3801D shall not be activated unless the Houston ARTC Center radar (Alexandria system) is operational.

Controlling agency. FAA, Houston ARTC Center.

Using agency. Commander, England AFB, La.

e. R-3801E, Camp Claiborne, La., is revoked.

In § 71.151 (38 FR 341) "R-3801C, R-3801E, Camp Claiborne, La.," are deleted.

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

Issued in Washington, D.C., on August 6, 1973.

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

[FR Doc.73-16768 Filed 8-13-73;8:45 am]

[Airspace Docket No. 73-GL-37]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the time of designation for Restricted Area R-3403 Jefferson Proving Ground, Ind.

A review of the annual utilization report for Restricted Area R-3403, covering the period from October 1, 1971, through September 30, 1972, revealed that R-3403 was not needed by the using agency between 2300 and 0800 local time daily. Accordingly, the Federal Aviation Administration has determined that the time of designation for R-3403 should be reduced from continuous to 0800 to 2300 local time daily. The Department of the Army concurs in this determination.

This amendment relieves a restriction upon the public and it is a minor amendment upon which the public should have no particular reason to comment. Therefore, notice and public procedure thereon are deemed unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., October 11, 1973, as hereinafter set forth.

In § 73.34 (38 FR 649), the time of designation for R-3403 Jefferson Proving Ground, Ind., is amended to read as follows:

Time of designation. Daily, 0800 to 2300 local time.

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

Issued in Washington, D.C., on August 7, 1973.

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

[FR Doc.73-16764 Filed 8-13-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7229]

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

Unrelated Debt-Financed Income

Correction

In FR Doc. 72-21849 appearing at page 28141 in the issue of Thursday, December 21, 1972, in § 1.514(c)-1(e)(2), the references in the fourth and fifth lines to "section 101(b)" and "§ 1.101-2(e)(1)(iii)(b)(2)" should read "section 1011(b)" and "§ 1.1011-2(e)(1)(iii)(b)(2)".

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts; Approvals and Disapprovals of Plan Revisions

On May 31, 1972 (37 FR 10482), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air

quality standards. Recently, Massachusetts, pursuant to 40 CFR § 51.6 submitted to the Environmental Protection Agency revisions to compliance schedule portions of its approved plan. This publication contains both approvals and disapprovals of those revisions.

Sixty-six (66) compliance schedule revisions are approved herein. The approved revisions were adopted by the State of Massachusetts and submitted to the Environmental Protection Agency after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. These revisions also satisfy the substantive requirements of 40 CFR Part 51 that pertain to compliance schedules, and have been determined to be consistent with the approved control strategies for Massachusetts.

Each approved revision establishes a new date by which an individual air pollution source must comply with an emission limitation in the State implementation plan. In each case the new date allows an appropriate period of time for a source to choose and implement a course of action which will enable it to comply. This date is indicated in the table below under the heading "Final Compliance Date". In all cases the schedules include incremental steps toward compliance with the applicable emission limitations. While the table below does not indicate these interim dates, the actual compliance schedules do. Approved compliance schedules are available for public inspection at one of the following locations: EPA Region I, Office of Public Affairs, JFK Federal Building, Boston, Massachusetts; Bureau of Air Quality Control, Division of Environmental Health, Department of Public Health, 600 Washington Street, Boston, Massachusetts; in the Metropolitan Boston Intrastate AQCR at the Metropolitan Boston Air Pollution Control District, 600 Washington Street, Boston, Massachusetts; in the Berkshire Intrastate AQCR and Hartford-New Haven-Springfield Interstate AQCR at Berkshire and Pioneer Valley Air Pollution Control Districts, 1414 State Street, Springfield, Massachusetts; in the Merrimack Valley Air Pollution Control District, Tewksbury State Hospital, Regional Health Offices, Tewksbury, Massachusetts; in the Metropolitan Providence Interstate AQCR at the Southeastern Massachusetts Air Pollution Control District, Southeast Regional Health Office, Lakeville State Hospital, Lakeville, Massachusetts. An evaluation of each approved schedule is available for public inspection at the EPA Regional Office as noted above.

Four (4) compliance schedule revisions are disapproved herein. All are similarly deficient in that compliance with the applicable emission limitation is not required as expeditiously as is practicable; thus the requirements of 40 CFR 51.15(b)(1) are not satisfied.

Each disapproved revision is for a gasoline loading rack in the Boston Intrastate Air Quality Control Region; in each case the time taken to order equipment to implement a pollution abatement system is excessive. The air pollution sources involved remain subject to the applicable compliance schedule in Regulation 2.5, unless prior to the date for final compliance (January 31, 1974), the the State submits and the Administrator approves compliance schedule revisions that fully satisfy the requirements of 40 CFR Part 51. Evaluations of the disapproved compliance schedules are available for public inspection at the EPA Regional Office as noted above.

The Agency finds that good cause exists for making these actions effective immediately on August 14, 1973, for the following reasons:

1. The implementation plan revisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public hearings and comments, and further participation is unnecessary and impracticable.

2. Immediate effectiveness of the actions enables the sources involved to proceed with certainty in conducting their affairs, and persons wishing to seek judicial review of the actions may do so without delay.

(42 U.S.C. 1857c-5)

Dated: August 8, 1973.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

Section 52.1125 is amended by adding new lines to the tables in paragraphs (a) and (b) as follows:

§ 52.1125 Compliance schedules:

(a) * * *

Source	Location	Regulation Involved	Date of Adoption
* * *	* * *	* * *	* * *
Cities Service Oil Company Loading Rack	Braintree MBAPCD	2.5	3/30/73
Gibbs Oil Company Loading Racks	Revere MBAPCD	2.5	3/30/73
Sun Oil Company	Revere MBAPCD	2.5	3/30/73
Texaco, Inc.	Chelsea MBAPCD	2.5	3/29/73

(b) * * *

Source	Location	Regulation	Date of Adoption	Effective Date	Final Compliance Date
* * *	* * *	* * *	* * *	* * *	* * *
Belmont Municipal Incinerator.	Belmont MBAPCD	2.5	2/15/73	Immediately	7/1/75
Emerson & Cuming, Inc. Industrial Facility #2.	Canton MBAPCD	2.5	3/30/73	Immediately	7/15/75
Emerson & Cuming, Inc. Industrial Facility #2.	Canton MBAPCD	2.5	3/30/73	Immediately	7/15/75
Lynn Hospital	Lynn MBAPCD	2.5	3/2/73	Immediately	3/15/74
Merriman, Inc.	Hingham MBAPCD	2.5	3/30/73	Immediately	4/1/74
Monsanto	Everett MBAPCD	2.5	2/15/73	Immediately	6/1/75
Newton Municipal Incinerator.	Newton MBAPCD	2.5	2/15/73	Immediately	12/31/74
Old Colony Crushed Stone	Quincy MBAPCD	2.5	4/30/73	Immediately	5/1/75
Quincy Steel Casting Co. Inc.	No. Quincy MBAPCD.	2.5	2/15/73	Immediately	7/15/74
Simeone Stone Corp.	Holliston MBAPCD	2.5	2/15/73	Immediately	6/1/74
Ventron Corp.	Danvers MBAPCD	2.5	3/30/73	Immediately	6/30/74
Wellesley Municipal Incinerator.	Wellesley MBAPCD	2.5	2/15/73	Immediately	10/30/74
Winchester Municipal Incinerator.	Winchester	2.5	4/9/73	Immediately	6/30/75
American Oil Co.	Chelsea MBAPCD	2.5	3/30/73	Immediately	12/1/74
Cities Service Oil Co. Four Gasoline Storage Tanks.	Braintree MBAPCD	2.5	2/15/73	Immediately	12/31/74
Gibbs Oil Co. Tanks 1, 2, 3.	Revere MBAPCD	2.5	3/30/73	Immediately	10/1/74
Harry T. Cambell Sons Company.	Oxford CMAPCD	2.5	2/15/73	Immediately	5/1/74
P. J. Keating Co. Aggregate Plant.	Lunenburg CMAPCD.	2.5	2/15/73	Immediately	5/31/75
P. J. Keating Co. Asphalt Plant #1.	Lunenburg CMAPCD.	2.5	2/15/73	Immediately	5/31/74
P. J. Keating Co. Asphalt Plant #2.	Lunenburg CMAPCD.	2.5	2/15/73	Immediately	5/31/75
Chromalloy American Corp, Standard Foundry Division.	Worcester CMAPCD	2.5	2/15/73	Immediately	12/31/74
Wyman Gordon Company 18,000 Ton Forge Press.	Grafton CMAPCD	2.5	2/15/73	Immediately	4/30/75
Wyman Gordon Co. 3,000 & 6,000 ton Forge Presses.	Grafton CMAPCD	2.5	2/15/73	Immediately	4/30/75
Wyman Gordon Co. Car type Wheelabrator.	Grafton CMAPCD	2.5	2/15/73	Immediately	10/31/74
Wyman Gordon Company 35,000 Ton Forge Press	Grafton CMAPCD	2.5	2/15/73	Immediately	4/30/75
Wyman Gordon Company 50,000 Forge Press	Grafton CMAPCD	2.5	2/15/73	Immediately	4/30/75
Wyman Gordon Company Forge Shop Bldgs. 6, 53, 81, & 111	Worcester CMAPCD	2.5	2/15/73	Immediately	4/30/75
Wyman Gordon Company Steam Hammer Forging Unit Bldgs. 53 & 111	Worcester CMAPCD	2.5	2/15/73	Immediately	4/30/75
Shell Oil Gasoline Storage Tanks	West Boylston CMAPCD	2.5	3/30/73	Immediately	10/1/74
Ferros Technology, Inc.	Lawrence MVAPCD	2.5	2/15/73	Immediately	5/1/75
Lorum Fibre Co., Inc.	Tewksbury MVAPCD	2.5	2/15/73	Immediately	3/31/74

Source	Location	Regulation	Date of Adoption	Effective Date	Final Compliance Date
Malden Mills Inc. Stock Dryers.	Lawrence MVAPCD.	2.5	2/15/73	Immediately	9/30/74
Malden Mills Inc. Screen Print Dryer	Lawrence MVAPCD.	2.5	2/15/73	Immediately	6/30/74
Malden Mills Inc. Cloth Back Coaters	Lawrence MVAPCD.	2.5	2/15/73	Immediately	8/31/74
Malden Mills Inc. Cloth Dryers.	Lawrence	2.5	2/13/73	Immediately	4/30/75
Greenfield Tap & Die United Greenfield Division of TRW, Inc. Plant #1	Greenfield PVAPCD.	2.5	2/15/73	Immediately	4/30/75
Greenfield Tap & Die United Greenfield Division of TRW, Inc. Plant #2	Greenfield PVAPCD.	2.5	2/15/73	Immediately	4/30/75
Holyoke Municipal Incinerator.	Holyoke PVAPCD.	2.5	2/15/73	Immediately	3/31/75
Monsanto Company Source Reg. #203	190 Grochmal Ave Springfield PVAPCD	2.5	2/15/73	Immediately	4/1/75
Monsanto Company Source Reg. #210	190 Grochmal Ave Springfield PVAPCD	2.5	2/15/73	Immediately	4/1/75
Monsanto Company Source Reg. #166	190 Grochmal Ave Springfield PVAPCD	2.5	2/15/73	Immediately	4/1/75
Monsanto Company Source Reg. #101	190 Grochmal Ave Springfield PVAPCD	2.5	2/15/73	Immediately	4/1/75
Monsanto Company Source Reg. #165	190 Grochmal Ave Springfield PVAPCD	2.5	2/15/73	Immediately	4/1/75
Monsanto Company Source Reg. #103	190 Grochmal Ave Springfield PVAPCD	2.5	2/15/73	Immediately	4/1/75
Monsanto Company Source Reg. #100	190 Grochmal Ave Springfield PVAPCD	2.5	2/15/73	Immediately	4/1/75
Monsanto Company Source Reg. #52	190 Grochmal Ave Springfield PVAPCD	2.5	2/15/73	Immediately	4/1/75
Monsanto Company Source Reg. #51	190 Grochmal Ave Springfield PVAPCD	2.5	2/15/73	Immediately	4/1/75
Monsanto Company C.S. 103-81	730 Worcester St Springfield PVAPCD	2.5	2/15/73	Immediately	10/31/74
Monsanto Company C.S. 133	730 Worcester St Springfield PVAPCD	2.5	2/15/73	Immediately	4/30/75
Palmer Bituminous Corp.	Palmer PVAPCD.	2.5	2/15/73	Immediately	10/30/74
Rodney Hunt Company	Orange PVAPCD.	2.5	2/15/73	Immediately	12/30/74
Springfield Foundry Co.	Springfield	2.5	2/15/73	Immediately	4/1/75
Valley Industries Inc.	West Springfield PVAPCD	2.5	2/15/73	Immediately	1/30/75
Campanella Corp.	Oak Bluffs SMAPCD.	2.5	2/15/73	Immediately	5/1/75
Campanella Corp.	Plainville SMAPCD.	2.5	2/15/73	Immediately	4/30/74
Campanella Corp. #1 Asphalt Batching Plant.	Raynham SMAPCD.	2.5	2/15/73	Immediately	5/15/75
Campanella Corp. #2 Asphalt Batching Plant.	Raynham SMAPCD.	2.5	2/15/73	Immediately	5/15/75
Campanella Corp.	Sandwich SMAPCD.	2.5	2/15/73	Immediately	4/30/74
Campanella Corp.	Swansea, SMAPCD.	2.5	2/15/73	Immediately	4/30/74
Lawrence Lynch Corp.	Falmouth SMAPCD.	2.5	2/15/73	Immediately	4/30/74
New Bedford Municipal Incinerator.	New Bedford SMAPCD.	2.5	2/15/73	Immediately	7/1/74
North Attleboro Foundry Co., Inc.	North Attleboro SMAPCD.	2.5	2/15/73	Immediately	3/1/75
Revere Copper and Brass, Inc.	New Bedford SMAPCD.	2.5	2/15/73	Immediately	5/1/75
Simeone Stone Corp.	Dartmouth SMAPCD.	2.5	2/15/73	Immediately	5/1/75
Simeone Stone Corp. #1 Asphalt Batching Plant.	Wrentham SMAPCD.	2.5	2/15/73	Immediately	5/1/75
Simeone Stone Corp. #3 Asphalt Batching Plant.	Wrentham SMAPCD.	2.5	2/15/73	Immediately	8/1/74

[FR Doc.73-16751 Filed 8-13-73;8:45 am]

Title 20—Employees' Benefits

CHAPTER V—MANPOWER ADMINISTRATION, DEPARTMENT OF LABOR

PART 602—COOPERATION OF THE U.S. TRAINING AND EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Minimum Wage Rates for Temporary Foreign Agricultural Labor

On page 20614 of the FEDERAL REGISTER of August 2, 1973, there was published an incomplete document under this part. The omitted portion, which should have appeared at the end of the document, is set forth below.

Signed at Washington, D.C. this 8th day of August 1973.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

As amended, subparagraph (1) of paragraph (a) in 20 CFR 602.10b reads as follows:

§ 602.10b Wage rates.

(a) (1) Except as otherwise provided in this section the following hourly wage rates (which have been found to be the rates necessary to prevent adverse effect upon U.S. workers) shall be offered to agricultural workers in accordance with § 602.10a(j):

State:	*Rate*
Connecticut	$2.12
Maine	2.12
Massachusetts	2.15
New Hampshire	2.32
New York	2.20
Rhode Island	2.09
Vermont	2.26
Virginia	2.07
West Virginia	1.95

* * * * *

(8 U.S.C. 1184, 8 CFR 214.2(h), Secretary's Order No. 20-71.)

[FR Doc.73-16785 Filed 8-13-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

ADHESIVES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 3B2848) filed by Union Carbide Corp., Tarrytown, NY 10591, and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended as set forth below to provide for safe use of poly(oxycaproyl) diols and triols as components of food-packaging adhesives.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2520(c)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	*Limitations*
* * *	* * *
Poly(oxycaproyl) diols and triols (minimum molecular weight 500).	* * *

* * *

Any person who will be adversely affected by the foregoing order may at any time on or before September 13, 1973 file with the Hearing Clerk, Food and Drug Administration, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective August 14, 1973.

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

Dated: August 3, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16654 Filed 8-13-73;8:45 am]

PART 121—FOOD ADDITIVES

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

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2B2718) filed by Nalco Chemical Co., 180 N. Michigan Ave., Chicago, IL 60601, and other relevant material, concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth below, to provide for the safe use of polyacrolein-sodium bisulfite adduct for modifying starches and starch gums used in the manufacture of paper and paperboard for use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120) § 121.2526(a)(5) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of substances	*Limitations*
* * *	* * *
Polyacrolein (1 part) -sodium bisulfite (0.7 part) adduct, containing excess bisulfite (ratio of excess bisulfite to adduct not to exceed 1.5 to 1).	For use only as an agent in modifying starches and starch gums used in the production of paper and paperboard and limited to use at a level not to exceed 0.09 mg/in² of the finished paper and paperboard.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before September 13, 1973 file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective August 14, 1973.

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

Dated: August 3, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-16655 Filed 8-13-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Approval of Monensin and Lincomycin Applications

The Commissioner of Food and Drugs has evaluated a new animal drug application (92-482V) filed by The Upjohn Co., Kalamazoo, MI 49001, proposing the safe and effective use of monensin sodium and lincomycin in feed for specified conditions in broiler chickens. The application is approved.

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

1. In § 135e.49(e), a new subparagraph (2)(vii) is added as follows:

§ 135e.49 Lincomycin.

* * * * *

(e) * * *

(2) * * *

(vii) Monensin sodium in accordance with § 135e.50 of this chapter.

2. In § 135e.50(f), a new item 5 is added to the table as follows:

§ 135e.50 Monensin; monensin sodium.

* * * * *

(f) * * *

Principal Ingredient	Gms. Per Ton	Combined with—	Gms. Per Ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
22. Monensin sodium	100 (as monensic acid activity).	Lincomycin....	2	To be fed as a sole ration for floor raised broiler chickens; do not feed to laying chickens; withdraw 72 hours before slaughter.	For increase in rate of weight gain and as an aid in the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*.

Effective date. This order shall become effective August 14, 1973.

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

Dated: August 3, 1973.

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

[FR Doc.73-16656 Filed 8-13-73;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

WHOLE FISH PROTEIN CONCENTRATE

Correction

In FR Doc. 73-15110 appearing at page 19815 in the issue for Tuesday, July 24, 1973, on page 19816, "ug", which appears in the eighth line of the first column, and the fourth, fifth, and eighth lines of the third paragraph in the second column, should read "μg".

Title 33—Navigation and Navigable Waters

CHAPTER IV—SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS AND RULES

Penalty Procedures

On pages 16915-16917 of the FEDERAL REGISTER of June 27, 1973, there was published a notice of proposed rulemaking by the Saint Lawrence Seaway Development Corporation establishing a new Subpart C to Part 401, regulations and rules of the Corporation. The new procedures provide for the assessment, mitigation or remission of penalties as authorized by Title I of the Ports and Waterways Safety Act of 1972, Public Law 92-340. The Secretary of Transportation delegated his authority under section 106 of the Act as it applies to the St. Lawrence Seaway to the Administrator of the Corporation in 49 CFR 1.50a and this document further delegates that authority relating to penalty assessment, mitigation or remission to the Resident Manager and the General Counsel of the Corporation.

Interested parties were invited to submit written comments and suggestions with respect to the proposed procedures. No comments having been received, the proposed procedures are hereby adopted without change.

Because the navigation season is well underway and the need for implementing the procedures is immediate, I find that good cause exists for making the procedures effective in less than 30 days.

The full text of the new Subpart C of Part 401 of the Seaway Regulations and Rules is as follows:

Subpart C—Assessment, Mitigation or Remission of Penalties

Sec.
401.201 Delegation of authority.
401.202 Statute providing for assessment, mitigation or remission of civil penalties.
401.203 Reports of violations of Seaway regulations or rules and instituting and conducting civil penalty proceedings.
401.204 Criminal penalties.
401.205 Civil and criminal penalties.
401.206 Procedure for payment of civil penalty for violation of Seaway regulation or rule.

AUTHORITY: Sec. 106 of P.L. 92-340, 86 Stat. 424.

§ 401.201 Delegation of authority.

(a) The Secretary of Transportation, by 49 CFR 1.50a, has delegated to the Administrator of the Saint Lawrence Seaway Development Corporation the authority vested in him under the Ports and Waterways Safety Act of 1972, P.L. 92-340.

(b) The Administrator hereby authorizes the Corporation's Resident Manager to administer this statute in accordance with the procedures set forth in this subpart.

§ 401.202 Statute providing for assessment, mitigation or remission of civil penalties.

Title I of the Ports and Waterways Safety Act of 1972 authorizes the assessment and collection of a civil penalty of not more than $10,000 from anyone who violates a regulation issued under that title.

§ 401.203 Reports of violations of Seaway regulations or rules and instituting and conducting civil penalty proceedings.

(a) Violations of Seaway regulations and rules, Subparts A and B of this Part, will be brought to the attention of the alleged violator at the time of detection whenever possible. When appropriate, there will be a written notification of the fact of the violation. This notification will set forth the time and nature of the violation and advise the alleged violator relative to the administrative procedure employed in processing civil penalty cases. The alleged violator will be advised that he has 15 days in which to appear before the Resident Manager or submit a written statement for consideration. The Resident Manager shall, upon expiration of the 15-day period, determine whether there has been a violation of the Seaway regulations or rules.

(b) If the Resident Manager decides that a violation of Seaway regulations or rules has occurred, a determination will be made as to whether to invoke no penalty at all and close the case or whether to invoke a part or full statutory penalty. In either event, a written notice of the decision shall be given to advise the violator. If a penalty is assessed, such notice will advise the violator of his right to petition for relief within 15 days or such longer period as the Resident Manager, in his discretion, may allow. The Resident Manager may mitigate the penalty or remit it in full, except as the latter action is limited to paragraph (f) of this section. The violator may, if he desires, appear in person before the Resident Manager. If the violator does not apply for relief but instead maintains that he has not committed the violation(s) charged, and the Resident Manager, upon review, concludes that invocation of the penalty was proper, no remission or mitigation action will be taken. On the other hand, should the violator petition the Resident Manager for relief without contesting the determination that a violation did, in fact, occur, relief may be granted as the circumstances may warrant.

(c) When the penalty is mitigated, such mitigation will be made conditional upon payment of the balance within 15 days of the notice or within such other longer period of time as the Resident Manager in his discretion may allow.

(d) The violator may appeal to the Administrator from the action of the Resident Manager. Any such appeal shall be submitted to the Administrator through the Resident Manager within 15 days of the date of notification by the Resident Manager, or such longer period of time as the Resident Manager, in his discretion, may allow.

(e) Should the alleged violator require additional time to present matters favorable to his case at any stage of these penalty proceedings, a request for additional time shall be addressed to the Resident Manager who will grant a reasonable extension of time where sufficient justification is shown.

(f) Under the following circumstances, the Corporation's General Counsel shall forward cases involving violations of the Seaway regulations and rules to the United States Attorney with the recommendation that action be taken to collect the assessed statutory penalty:

(1) When, within the prescribed time, the violator does not explain the violation, appeal for mitigation or remission, or otherwise respond to written notices from the Resident Manager; or

(2) When, having responded to such inquiries, the violator fails or refuses to pay the assessed or mitigated penalty, or to appeal to the Administrator, within the time prescribed; or

(3) When the violator denies that the violation(s) was committed by him, the Resident Manager, upon review, disagrees and the violator thereafter fails to respond to the demand, appeal to the Administrator, or to remit payment of the assessed penalty within the time prescribed (see § 401.203(b)); or

(4) When the violator fails to pay within the prescribed time the penalty as determined by the Administrator after consideration of the violator's appeal from the action of the Resident Manager.

(g) If a report of boarding or an investigation report submitted by a Corporation employee or investigative body discloses evidence of violation of a Federal criminal statute, the Corporation's General Counsel, in accordance with § 401.204, shall refer the findings to the United States Attorney for appropriate action.

§ 401.204 Criminal penalties.

(a) Prosecution in the Federal courts for violations of Seaway regulations and rules enforced by the Corporation which provide, upon conviction, for punishment by fine or imprisonment is a matter finally determined by the Department of Justice. This final determination consists of deciding whether and under what conditions to prosecute or to abandon prosecution.

(b) The Corporation's General Counsel is hereby authorized to determine whether or not a violation of a Seaway regulation or rule carrying a criminal penalty is one which would justify referral of the case to the United States Attorney.

(c) The Corporation's General Counsel will identify the regulations or rules which were violated and make specific recommendations concerning the proceedings to be instituted by the United States Attorney in every case.

(d) Referral of a case to the United States Attorney for prosecution terminates the Corporation's authority with respect to the criminal aspects of a violation.

§ 401.205 Civil and criminal penalties.

(a) If a violation of a Seaway regulation or rule carries a criminal penalty, the Corporation's General Counsel is hereby authorized to determine whether to refer the case to the United States Attorney for prosecution in accordance with § 401.204, which outlines the appropriate procedure for handling criminal cases.

(b) The decision of the United States Attorney as to whether to institute criminal proceedings shall not bar the initiation of civil penalty proceedings by the Resident Manager.

§ 401.206 Procedure for payment of civil penalty for violation of Seaway regulation or rule.

(a) The payment must be by money order or certified check payable to the order of the Saint Lawrence Seaway Development Corporation when mailed to the Resident Manager. If the payment is made in person at the offices of the Saint Lawrence Seaway Development Corporation, the payment may be in cash or by postal money order or check payable to the order of the Saint Lawrence Seaway Development Corporation.

(b) The payment of any penalty is acknowledged by written receipt.

(c) If the penalty paid is determined by the Resident Manager to have been improperly or excessively imposed, the payor will be notified and requested to submit an application for a refund which should be mailed to the Saint Lawrence Seaway Development Corporation, attention of the Resident Manager. Such application must be made by the payor

within one year of the date of the notification provided for in this section.

(d) In the event the alleged violator is about to leave the jurisdiction of the United States, he will be required, before being allowed to depart, to post a bond in the amount and manner suitable to the Resident Manager, from which bond any subsequent assessed or mitigated penalty may be satisfied.

(68 Stat. 92-97, 33 U.S.C. 981-990, as amended, and Sec. 104, Pub. L. 92-340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943)).

Effective date: August 6, 1973.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.73-16818 Filed 8-13-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Disability Compensation; Equalization of Wartime and Peacetime Rates

The following regulatory provisions implementing section 108 of Public Law 92-328 (86 Stat. 393) are effective July 1, 1973. Compliance with § 1.12 of this chapter, as to notice of proposed regulatory development, is unnecessary in this instance and would be impracticable inasmuch as the changes implement specific provisions of the enabling legislation.

Section 108 of Public Law 92-328 amended sections 334 and 335, title 38, United States Code, to delete the provisions for paying peacetime disability compensation at 80 percent of the wartime rates. As amended, these sections provide for payment at the rates specified in sections 314 and 315 of Title 38 for wartime disabilities. The Act also repealed section 336 of Title 38 which provided wartime rates for disabilities incurred in peacetime service as a result of armed conflict or extra-hazardous duty. Although enacted June 30, 1972, these amendments and repeal were made effective July 1, 1973.

To reflect the equalization of peacetime and wartime disability compensation rates effected by Public Law 92-328, Part 3, Title 38 Code of Federal Regulations, is amended to read as follows:

§ 3.4 Compensation.

* * * * *

(d) *Wartime rates of death compensation under special conditions.* Compensation is payable at wartime rates if the veteran died as the result of injury or disease received in line of duty during peacetime service:

(1) As a direct result of armed conflict; or

(2) While engaged in extrahazardous service including such service under conditions simulating war; or

(3) After December 31, 1946, and before July 26, 1947. (38 U.S.C. 343).

2. In § 3.311, the headnote and paragraph (b) are amended to read as follows:

§ 3.311 Death from armed conflict or extrahazardous duty in peacetime (38 U.S.C. 343).

* * * * *

(b) "As a direct result of armed conflict" means any situation in which death is due to injury or disease incurred in line of duty and the primary, contributory, or proximate cause thereof results directly from the use of any instrumentality employed as a weapon in a war, expedition or occupation, battle, skirmish, raid, invasion, rebellion, insurrection, guerrilla action, etc. The concept relates to the actual use of firearms or other instrumentalities of war including submarine or aircraft by a belligerent nation or faction with which the United States is not at war, under circumstances endangering the lives or safety of members of our forces.

* * * * *

3. The cross reference immediately following § 3.311 is amended to read as follows:

CROSS REFERENCE: Wartime rates of death compensation under special conditions. See § 3.4(d).

4. In § 3.323, paragraphs (a)(2) and (b)(2) are amended to read as follows:

§ 3.323 Combined ratings.

(a) *Compensation.* * * *

(2) *Wartime and peacetime service.* Evaluation of wartime and peacetime service-connected compensable disabilities will be combined to provide for the payment of wartime rates of compensation. (38 U.S.C. 357) effective July 1, 1973, it is immaterial whether the disabilities are wartime or peacetime service-connected since all disabilities are compensable under 38 U.S.C. 314 and 315 on and after that date.

(b) *Pension.* * * *

(2) *Service-connected and non-service-connected disabilities.* Evaluations for service-connected disabilities may be combined with evaluations for disabilities not shown to be service connected and not the result of the veteran's own willfull misconduct or vicious habits.

5. Section 3.324 is revised to read as follows:

§ 3.324 Multiple noncompensable service-connected disabilities.

Whenever a veteran is suffering from two or more separate permanent service-connected disabilities of such character as clearly to interfere with his normal employability, even though none of the disabilities may be of compensable degree under the 1945 Schedule for Rating Disabilities (Part 4 of this chapter) the rating agency is authorized to apply a 10-percent rating, but not in combination with any other rating.

6. In § 3.350, the introductory portion preceding paragraph (a) and the introductory portion of paragraph (a) preceding subparagraph (1) are amended to read as follows:

§ 3.350 Special monthly compensation ratings.

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314 based on wartime service. Disabilities due to peacetime service are compensable at 80 percent of the wartime rates for periods prior to July 1, 1973. Effective July 1, 1973, the rates provided under 38 U.S.C. 314 are applicable to both wartime and peacetime disabilities. (Public Law 92-328; 86 Stat. 393).

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation ($47) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed $616 monthly when authorized in conjunction with any of the provisions of 38 U.S.C. 314(a) through (j) or (s). When there is entitlement under 38 U.S.C. 314 (l) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed $862 per month. The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r). (Public Law 92-328; 86 Stat. 393).

* * * * *

7. In § 3.500, paragraph (r) is amended to read as follows:

§ 3.500 General.

* * * * *

(r) *Service connection (38 U.S.C. 3012(b)(6); § 3.105).* Last day of month following 60 days after notice to payee. Applies to change from wartime to peacetime (death cases only effective July 1, 1973), reduced evaluation, and severance of service connection.

* * * * *

8. In § 3.800, paragraph (b) is amended to read as follows:

§ 3.800 Disability or death due to hospitalization, etc.

* * * * *

(b)(1) If the veteran served during a war period the death compensation to be awarded to his dependents will be at the wartime rate. If death occurs on or after January 1, 1957, the benefit payable will be dependency and indemnity compensation.

(2) If the veteran served only during peacetime the death compensation to be awarded to his dependents will be the peacetime rate. If death occurs on or after January 1, 1957, the benefit payable will be dependency and indemnity compensation.

These VA regulations are effective July 1, 1973.

Approved: August 6, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-16755 Filed 8-13-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-6—FOREIGN PURCHASES

Purchases From Communist-Controlled Areas

On page 14416 of the FEDERAL REGISTER of June 1, 1973, there was published a notice of proposed regulatory revision of Part 8-6, Title 41, Code of Federal Regulations, to revoke Subpart 8-6.53 in order to remove a restriction on the purchase of items which have been lawfully brought into the country. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

Only one comment was received. That was from an individual who objected to the proposed revocation on the grounds that it was not in the best interests of the country. It is believed, however, that the regulations of this agency should not be in contrast to the laws allowing the entry of items into the country and to the practices of other agencies in this matter. Accordingly, the revised regulation is adopted as proposed.

Effective date. This revocation is effective August 13, 1973.

Approved: August 6, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

Part 8-6 is amended as follows:

§§ 8-6.5300—8-6.5303 [Revoked]

Subpart 8-6.53, Purchases from Communist-controlled areas, is revoked.

[FR Doc.73-16756 Filed 8-13-73;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 129—COMPREHENSIVE EDUCATIONAL PLANNING AND EVALUATION

On September 21, 1972, there was published in the FEDERAL REGISTER (37 FR 19647) a notice of proposed rule making which set forth the requirements for grants to State and local educational agencies under Part C of Title V of the Elementary and Secondary Education Act of 1965 (84 Stat. 145-148, 20 U.S.C. 867-867c). The grants to these agencies are to assist and stimulate them to enhance their capability to make effective progress, through comprehensive and continuing planning and evaluation, toward the achievement of opportunities for high-quality education for all segments of the population.

Interested persons were given the opportunity to submit within 30 days comments, suggestions, or objections pertaining to the proposed regulations. The only comment received was from The Navajo Tribe asking that federally recognized Indian tribal governments be included in the definitions of "State" and "State educational agency" so as to make tribal governments eligible applicants for grant funds. This could not be done without conflicting with the statutory definitions of these two terms.

The regulations as set forth below, therefore, are issued as originally published and without change save for: a cross-reference informing recipients of the applicability of section 901 of P.L. 92-318 (prohibiting discrimination on the basis of sex in federally assisted education programs), a clarification of the date for submission of applications, and changes to bring the regulations into conformity with Office of Management and Budget Circular No. A-102.

Submission of applications. For fiscal year 1974, the final date for submission of applications to the Commissioner, pursuant to § 129.4(b)(1), shall be February 1, 1974.

Effective date. As appears from the above summary, the modifications do not involve any changes of a substantial nature from the provisions which were published in the FEDERAL REGISTER on September 21, 1972, as proposed rule making. Accordingly, these regulations shall be effective on August 14, 1973, except for any portions which have become effective by operation of law.

(Secs. 531-534 of the Elementary and Secondary Education Act of 1965, as amended, 84 Stat. 145-148, 20 U.S.C. 867-867c)

Dated: August 1, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: August 9, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

The regulations set forth below are applicable to grants awarded pursuant to title V, Part C, of the Elementary and Secondary Education Act of 1965 (Public Law 89-10). Federal financial assistance given pursuant to these regulations is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 (42 U.S.C. 2000d) of the Civil Rights Act of 1964 (Public Law 88-352) and to the provisions of section 901 of the Education Amendments of 1972, P.L. 92-318 (prohibition of sex discrimination) and any regulations issued thereunder.

Part 129 reads as follows:

AUTHORITY: The provisions of this Part 129 issued under Elementary and Secondary Education Act of 1965, title V, Part C, sections 531-534, 84 Stat. 145-148, 20 U.S.C. 867-867c.

§ 129.1 Definitions.

As used in this part:

(a) "Act" means the Elementary and Secondary Education Act of 1965 (Public Law 89-10). (20 U.S.C. 867)

(b) "Commissioner" means the United States Commissioner of Education. (20 U.S.C. 881(a))

(c) "Comprehensive educational planning and evaluation" means that educational planning and evaluation dealing primarily with overall educational goals under the direct responsibility of the chief executive of the applicant and performed or coordinated by the State planning and evaluation agency which has sufficient authority for this activity. (20 U.S.C. 867a)

(d) "Coordination of planning and evaluation" means the conduct, within or between public agencies, of two or more planning or evaluation activities in a mutually supportive and harmonious mode which have as their objective the same aim, mission, or goal. (20 U.S.C. 867a(c))

(e) "Department" means the Department of Health, Education, and Welfare. (20 U.S.C. 881(i))

(f) "Elementary and secondary education" means elementary and secondary education as determined under State law, except that it does not include any education provided beyond grade 12. (20 U.S.C. 881(c), (h))

(g) "Evaluation" means the continuous process for determining the extent to which management and program objectives are being achieved, using measures of efficiency and effectiveness. (20 U.S.C. 867a)

(h) "Fiscal year" means the period beginning on July 1 and ending on the following June 30. A fiscal year is designated in accordance with the calendar year of the ending date. (20 U.S.C. 867(b))

(i) "Grant period" means that period of time for which grant funds are made available for expenditure by the grantee. (20 U.S.C. 867)

(j) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. It also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school. (20 U.S.C. 881(f))

(k) "Parent" includes legal guardian or anyone else standing in loco parentis as defined by State law. (20 U.S.C. 244 (3), 867)

(l) "Planning" means the selection or identification of the overall, long-range goals, priorities, and objectives of the agency, and the formulation of various courses of action in terms of identification of needs and relative costs or benefits for the purpose of deciding on courses of action to be followed in working toward achieving those goals, priorities, and objectives. (20 U.S.C. 867)

(m) "Project period" means the total period of time for which a project is approved for support under this part. (20 U.S.C. 867)

(n) "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. (20 U.S.C. 881(j))

(o) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law. For the purposes of this part, the State educational agencies of Hawaii, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, which serve both as State and as local educational agencies, shall be considered to be only State educational agencies. (20 U.S.C. 881(k))

(p) "State planning and evaluation agency" or "unit" means a single organizational unit within the State educational agency which has the exclusive authority for administering a comprehensive program of systematic planning and evaluation of elementary and secondary education in the State. (20 U.S.C. 867a(a))

§ 129.2 State administration.

(a) *State leadership.* It is the purpose of this Part to support a coordinated comprehensive program of systematic planning and evaluation of elementary and secondary education in each State. To this end, each State shall designate or establish a State planning and evaluation agency or unit within the State educational agency. This unit shall assume the responsibility of coordinating throughout the State the activities which are supported under this part. For State educational agencies that are by law both a State and a local educational agency, paragraphs (b) and (c) of this section and § 129.4 shall not apply. (20 U.S.C. 867, 867a(a))

(b) *Program organization and administration.* Prior to the submission of applications for grants under this part, the State educational agency shall, in order to assist the Commissioner in the administration of this part, provide the Commissioner with an indication of its intent to participate. Such indication will include (1) a description of the leadership and coordination role of the State educational agency, (2) criteria to be used for review of local educational agency applications pursuant to section 532(d) of the Act, (3) appeal procedures to be used in cases of disapproved local educational agency applications pursuant to such section, (4) recommendations concerning criteria for the allocation of available funds between State and local educational agencies, and (5) a description of the method of involving the local agencies in developing a coordinated program for the use of funds under this part. (20 U.S.C. 867 (a), (c), (d))

(c) *Technical assistance.* The State planning and evaluation unit shall provide, as necessary and appropriate, technical assistance to local educational agencies in their establishment of eligibility to participate under this part, in their development of applications and programs, and in the implementation and evaluation of those programs. (20 U.S.C. 867a, 867b)

§ 129.3 Application for grants.

(a) *In general.* Any State or local educational agency desiring to receive a grant under this part shall submit an application for each fiscal year at such time, in such form, containing such information, and in accordance with such procedures as the Commissioner may prescribe. An application shall contain:

(1) A statement of present and projected educational needs of persons residing in the area to be served;

(2) A description of a program for meeting those needs which includes—

(i) Setting long-range areawide goals in meeting educational needs and establishing priorities among such goals,

(ii) Developing long-range plans for achieving such goals, taking into consideration the resources available and the educational effectiveness of each of the alternatives,

(iii) Planning new programs and improvements in existing programs based on the results of analyses of alternative means of achieving educational goals,

(iv) Objectively evaluating at intermediate stages the progress and effectiveness of programs in achieving such goals, and, when appropriate, adjusting goals, plans, and programs to maximize educational effectiveness, and

(v) Utilizing available management information, planning, and evaluation systems and techniques,

(3) A plan for developing and strengthening the capabilities of the applicant to improve its planning capacity and to conduct, on a continuous basis, objective evaluations of the effectiveness of educational programs and projects;

(4) A plan for utilizing the resources of, and coordinating with, programs affecting education conducted by or supported by other Federal, State, and local agencies, organizations, and persons;

(5) A statement of policies and procedures which have been, or will be, established and implemented for developing and maintaining a permanent system for obtaining and collecting significant information necessary for the assessment of education in the area to be served by the applicant, for consulting with and involving parents of children served by the applicant, and for making full and detailed information concerning the educational planning and evaluation activities and findings of the applicant and other agencies and persons receiving assistance under this part reasonably available to the public;

(6) A statement of those policies and procedures as will insure that Federal funds made available under the application will be so used as to supplement, and to the extent practical, increase the amounts of State or local funds to be made available for meeting the purposes of this part; and

(7) In the case of an application from a State educational agency, a description of the provisions for using funds granted under this part to make program planning and evaluation services available to local educational agencies in the State. To judge the adequacy of these provisions for the purpose of approving the application of the State educational agency, the Commissioner may apply such criteria as:

(i) The State educational agency has estimated the services desired by the local educational agencies,

(ii) The State educational agency has identified the types of services available and has informed the local educational agencies of their availability,

(iii) The staff of the State educational agency is adequate in size and competency to offer the services identified,

(iv) The types of services available and procedures for offering them are consistent with the purposes of this part,

(v) Services are provided on the basis of relative need of local educational agencies, and

(vi) Local educational agencies requesting services have resources to benefit from the services provided. (20 U.S.C. 867b)

(b) *Assurances.* Each application shall set forth, in such detail as the Commissioner may determine necessary, such policies and procedures as will provide satisfactory assurance that:

(1) Assistance provided under this part, together with other available resources, will be so used for the purposes of this part as to result in the maximum possible effective progress toward the achievement of a high level of planning and evaluation competence; and

(2) Assistance under this part will be used primarily in strengthening the capabilities of the planning and evaluation staff of the agency, office, or unit responsible for the administration of the comprehensive educational planning and evaluation. (20 U.S.C. 867b(b)(2))

(c) *Local educational agency application.* An application from a local educational agency shall contain, in addition to those items in paragraphs (a) and (b) of this section:

(1) A description of the organization, responsibilities, and competencies of the planning and evaluation office or unit of the applicant;

(2) A description of the consultation with the State educational agency in the development of the application; and

(3) A description of how the applicant's planning and evaluation activities will be coordinated with the similar activities of the State educational agency; and will further contain either:

(4) A description of the area and the population to be served by the applicant agency, or agencies if a joint application; or

(5) A description of the demonstration nature of the project for planning, developing, testing, and improving planning and evaluation systems and techniques. (20 U.S.C. 867a(b))

(d) *Supplementation of State or local effort.* The application of a State or local educational agency shall contain or be accompanied by an assurance that Federal funds made available under the application will supplement and, to the extent practicable, increase the amount of State or local funds that would in the absence of such Federal funds be made available for activities which meet the conditions of section 532 of the Act and of this section. In determining whether this assurance is adequate, the Commissioner may request additional data from the applicant such as: (1) The amount of State or local funds (including, in the case of programs supported by Federal funds, the State or local share of all expenditures pursuant to such programs) to be expended by the applicant for activities which meet the conditions of section 532 of the Act and of this section as compared with (2) the amount of State or local funds expended by the applicant in the preceding fiscal year or years, as appropriate, for such activities, with allowances for unusual capital expenditures, such as the acquisition of data processing or other major items of equipment, and adjustments to reflect changes in the scope of the responsibilities of the applicant. (20 U.S.C. 867b)

§ 129.4 Review and disposition of applications.

(a) *Review of applications from local educational agencies.* The State planning and evaluation unit shall receive and review all applications from local educational agencies which desire financial assistance under this part. The State planning and evaluation unit shall evaluate all applications against the criteria established pursuant to § 129.2(b)(2) in this part. (20 U.S.C. 867a(a), (d))

(b) *Forwarding of applications to the Commissioner.* (1) The State educational agency's application for financial assistance under this part and the applications from the local educational agencies within that State shall be submitted together to the Commissioner at such time as he may prescribe.

(2) The State educational agency may establish a final submission date for local educational agency applications to be received by it which may be no more than 60 days prior to the date established by the State for submission by it of applications to the Commissioner pursuant to this section. A local educational agency may submit its application to the State educational agency not more than 90 days prior to the date established by the State for submission by it of applications to the Commissioner pursuant to this section. The State educational agency may have up to these 90 days to act upon all local educational agency applications submitted to it prior to its submission of applications to the Commissioner.

(3) All applications forwarded by the State educational agency shall be accompanied by such evaluative annotations, judgments, and recommendations as the Commissioner may require which will enable him to provide an expeditious review and approval of the applications. Each State educational agency shall recommend local and State educational agency applications which, together, add up to no more than the total apportionment for the State for the applicable fiscal year. (20 U.S.C. 867b(a), 867a(d), 867(c))

(c) *Commissioner's review of local educational agency applications disapproved by a State educational agency.* All local educational agency applications, whether the State educational agency recommends them for approval by the Commissioner or disapproves them, must be submitted at the same time to the Commissioner with the comments referred to in paragraph (b) of this section. Prior to submitting any disapproved applications to the Commissioner, the State educational agency shall comply with its own appeal procedures referred to in § 129.2(b)(3): *Provided*, That these procedures shall not delay the timely submission of applications to the Commissioner pursuant to paragraph (b) of this section. (20 U.S.C. 867a, 867b)

§ 129.5 Parental participation.

An application shall contain such information as the Commissioner may consider necessary which will indicate that the interested parents have been given reasonable notice and opportunity to express their views on the planning and development of the application, and that such notice and opportunity shall be at least as effective as providing access to the application as drafted, with an announcement in a newspaper of general circulation in the area concerning the availability of such application and of an opportunity to review the application and to express views orally or in writing. (20 U.S.C. 867b(b)(1))

§ 129.6 Amendments.

(a) *Submission.* An application must be appropriately amended whenever (1) there is a material change in a pertinent law or in the organization, policies, or operation of the grantee affecting the application or any activity described therein, (2) there is a material change in the content or administration of any such activity, or (3) any activity is added or deleted.

(b) *Approval.* Amendments to applications of local educational agencies shall be submitted for review to the State educational agency. Within 30 days after receipt, the State educational agency shall forward the proposed amendment to the Commissioner with recommendations for approval or disapproval. All amendments proposed by State educational agencies to their own applications shall be submitted to the Commissioner for approval. (20 U.S.C. 867a, 867b)

§ 129.8 Grant awards.

Grant awards may be made by the Commissioner from each State's apportionment for each fiscal year to each State and local educational agency on the basis of approved applications. To simplify payment procedures, the Commissioner may, pursuant to a single instrument, transfer funds under this part to a State agency for the purpose of making payments under approved State and local educational agency grants in that State. The State, as agent, shall subsequently transfer such funds in the appropriate amounts and at appropriate times to those local educational agencies having applications approved by the Commissioner in accordance with this part. Such arrangement shall not affect the responsibility or authority of a local educational agency with an approved application with respect to the administration of its project or otherwise alter the duties and responsibilities of the Commissioner which would prevail with respect to the grant in the absence of such arrangement. (20 U.S.C. 867(c)(3), 867b, 1232d)

§ 129.9 Federal financial participation.

The Federal Government will pay, either in installments in advance on the basis of estimated expenditures or by way of reimbursement of actual costs incurred, from each State's apportionment an amount equal to no more than three-quarters of the sums expended for comprehensive educational planning and evaluation activities under an application approved pursuant to this part. (20 U.S.C. 867b, 1232d)

§ 129.10 Public nature of funds.

The expenditures to be used in computing Federal financial participation must be from public funds. Public funds

do not include contributions by private organizations or individuals unless such contributions are deposited in accordance with State law to the account of the applicant without such conditions or restrictions as would negate their public character. (20 U.S.C. 867b)

§ 129.11 Eligible costs.

Federal funds granted under title V–C of the Act may be used for such reasonable and otherwise allowable expenditures as are necessary to carry out the activities for which the grants are made. Allowable expenditures shall be computed in accordance with Office of Management and Budget Circular No. A–87 (41 CFR Part 1–15.7). (20 U.S.C. 867)

§ 129.12 Project and grant periods.

The project period shall begin on the date, and shall remain in effect for the period, specified in the notice of award. A grant of Federal funds will normally be made for only 1 year but need not coincide with a fiscal year. The grantee must make separate application for continuation support beyond a grant period. (20 U.S.C. 867)

§ 129.13 Expenditures by grantees.

The expenditure of funds will be deemed to have occurred at the entering into of binding commitments for the acquisition of goods or property or for the performance of work, except that the expenditure of funds for personal services, for services performed by public utilities, for travel, and for rental of equipment and facilities shall be determined on the basis of the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively. (20 U.S.C. 867, 31 U.S.C. 200)

§ 129.14 Liquidation of obligations.

Obligations entered into by a State educational agency and payable out of funds under this part should ordinarily be liquidated within 12 months following the end of the grant period unless the Commissioner extends the time for so liquidating obligations on the basis of a request from the State agency made prior to the end of the grant period. The same period for liquidating obligations should prevail for grants made to local educational agencies if the State educational agency is similarly notified and extends the time for so liquidating obligations. (20 U.S.C. 867, 1232d, 31 U.S.C. 200)

§ 129.15 Effect of payments and settlement of accounts.

(a) *No waiver.* Neither the approval of an application nor any payment to the grantee pursuant thereto shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the grantee to observe any Federal requirements before or after such administrative action.

(b) *Settlement of accounts.* The final amount to which the grantee is entitled for any period is determined on the basis of actual disbursements under each application with respect to which Federal financial participation is authorized. (20 U.S.C. 867b, 1232d, 40 Comp. Gen. 242, 247 (1960))

§ 129.16 Fiscal audits and program reviews.

(a) To assist the grantee in adhering to statutory requirements and to the substantive legal and administrative provisions of the approved application, the Commissioner will conduct periodic reviews of the grantee's administrative and programmatic activities under title V–C of the Act.

(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the grantee that are pertinent to the grant received under title V–C of the Act. (20 U.S.C. 1232c)

§ 129.17 Retention of records.

(a) *Records.* The grantee shall keep intact and accessible all records relating to the receipt and expenditure of Federal funds and to the expenditure of the grantee's contribution to the cost of the project in accordance with section 434 (a) of the General Education Provisions Act, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.* (1) Except as provided in paragraphs (b)(2) and (d) of this section, the records specified in paragraph (a) of this section shall be retained for 3 years after the date of submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds or with the grantee's contribution shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.* Grantees may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions. (OMB Circular No. A–73; OMB Circular No. A–102, Attachment C; 20 U.S.C. 1232c(a))

§ 129.18 Adjustments.

The grantee, in its maintenance of program expenditures, accounts, records, and reports, shall make promptly any necessary adjustments in its records to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State or local educational agency's financial reports filed with the Commissioner. (20 U.S.C. 1232d)

§ 129.19 Reports.

The application shall provide that the grantee will consult periodically with the Commissioner and will make an annual report on the activities carried out with the funds from the grant which includes such information as the Commissioner determines will permit an evaluation of the effectiveness of the program authorized by this part in achieving its purposes. Each grantee shall also make such other reports, in such form and containing such information as the Commissioner may require to carry out his functions under this part. (20 U.S.C. 867c)

§ 129.20 Reapportionment.

(a) *In general.* The amount of any State apportionment under this Part for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reapportionment, from time to time, on such dates during the year as the Commissioner may fix, to other States in proportion to the original apportionment to such States under title V–C of the Act for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State and local educational agencies of that State need and will be able to use for such year; and the total of these reductions shall be similarly reapportioned among the States whose proportionate amounts were not so reduced.

(b) *Statements of anticipated need.* In order to provide a basis for reapportionment by the Commissioner under this section, each State educational agency shall, if requested, submit to the Commissioner, by such date or dates as he may specify, a statement or statements showing the anticipated need during the current fiscal year for the amount previously apportioned, or any amount needed to be added thereto. Such further information as the Commissioner may request for the purpose of making reapportionments shall be reflected in such statements. (20 U.S.C. 867)

[FR Doc.73–16866 Filed 8–13–73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19537; FCC 73–838]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Maryland

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Princess Anne and Pocomoke City, Maryland)[1], RM–1870, (37 FR 14000).

1. The Commission has before it the notice of proposed rulemaking adopted in this proceeding on July 6, 1972, and the comments and reply comments filed by Maranatha, Inc., and by Peter and John Radio Fellowship, Incorporated ("Fellowship").

2. The proceeding was initiated by Maranatha's filing of a petition seeking the assignment of Class B Channel 273 to Princess Anne, Maryland, a commu-

[1] The caption of this proceeding has been changed by adding Pocomoke City.

nity of 975 persons on the DelMarVa peninsula. Maranatha urged the assignment of a Class B channel, even though Princess Anne's population was small, so that a much needed areawide service could be provided. Maranatha pointed out that in similar circumstances the Commission had made Class B assignments to Tasley and Exmore, Virginia, even though both were quite small communities.

3. The Commission was persuaded that Maranatha's proposal was worth exploring and it issued a notice of proposed rule-making. The notice, however, did not proceed exactly along the path urged by Maranatha. Instead, the Commission proposed assigning the channel to nearby and larger Pocomoke City, Maryland, and at the same time proposed deleting the unoccupied Class A assignment there. The reasons for this approach were several-fold. First, the Commission's experience with assignments in this area had shown that a need for additional service not providable by Class A stations had led to the assignment of Class B channels to rather small communities. In fact, population distribution in this general area was such that there was a paucity of real population centers in which to make assignments on any other basis. In recognition of this experience, the Commission expressed the tentative view that little purpose would be served by retaining the unoccupied assignment at Pocomoke City, since it did not appear likely that this channel would be activated in competition with a nearby Class B assignment. If the Class A channel were deleted, Pocomoke City would be without an assignment even though it was larger than Princess Anne. Thus, the notice proposed assigning the Class B channel to Pocomoke City, recognizing the fact that the proximity of the communities meant that the use of the channel at Princess Anne remained a viable possibility. At this point, Maranatha was the only party involved.

4. With the release of the notice, the situation changed and Fellowship joined the picture. Although it, too, was desirous of operating an FM station in the area, Fellowship's comments diverged from those of Maranatha. Although Maranatha accepted the rationale of the Commission's Notice, it continued to believe that its original proposal was preferable. It reiterated its view that Princess Anne warranted a Class B assignment and questioned the Commission's observation that this assignment might preclude use of the existing Class A assignment. It felt that the channel should remain so that it could be utilized when the need arose. Fellowship took a different tack. Having by then decided to apply for the existing Class A assignment at Pocomoke City, Fellowship urged retention of the assignment so that service could commence as early as possible.[2] Fellowship advanced two counterdisposals. The first would assign Class B Channel 273 to Pocomoke City while retaining the community's existing Class A assignment. The second would assign the Class B channel to Pocomoke City and transfer the existing Class A assignment from Pocomoke City to Princess Anne. Each of the parties has offered information regarding the need for an assignment to provide a local outlet of expression as well as to provide needed area coverage. Although both favor retention of the Class A assignment, neither appears willing to settle for it.

5. The record clearly indicates that the area is in need of additional service, and there is no way to bring such a wide-area service save by assigning a Class B channel to a relatively small community. As we observed in the Notice, a pattern of assignments has been developing, one based on the use of Class B channels. Our recognition of this pattern is not intended to denigrate the use of Class A channels in this area but serves merely to observe their inability to provide coverage to the thinly populated areas involved. Of course, Class A channels retain their function of providing outlets for local expression, and our point was not that use of Class A channels was unacceptable. It was only that their use was limited and expressions of interest in them even more limited. At first blush, this case appears to indicate an exception to the rule: someone apparently is desirous of operating on a Class A channel. From all indications, however, Fellowship's interest in the Class A channel is solely as a stepping stone to the Class B channel. As we read its pleadings it either would operate on the Class A channel competing for the other channel or would anticipate a modification of license to specify the Class B channel. Neither is consistent with the objectives of the Communications Act, as each forecloses fair competition in the making of a choice of the better applicant.

6. In order for us to retain Channel 221A in the area, we need a bona fide expression of interest in it, not merely as a tool of competition for the Class B channel.[3] To date there has been none. One alternative could be to require an election so that the applicant for the Class A channel could not use any permit on it as a stepping stone. The problem is that Maranatha has expressed no interest in this channel and Fellowship has not indicated such an interest if it could lead no where else. In all likelihood, then, to insist on fairness (and hence an election) is to end interest in the channel. There is no reason to retain a channel that appears to serve no useful purpose. Under these circumstances Channel 221A will be deleted from Pocomoke City.[4]

7. Having concluded that area intermixture is inappropriate we now have to decide which community should be assigned the Class B channel. Practically speaking, there is little difference, since Pocomoke City and Princess Anne are within 15 miles of one another. This being the case, so long as Channel 221A no longer appears in the Table, Class B Channel 273 could be used at either community. Our reason for initially proposing Pocomoke City was simply its larger size. Although Maranatha points to Princess Anne's growth and potential for even greater expansion, a proper resolution of these 307(b) comparative issues could best take place in the context of a comparative hearing. Even if there is no real practical significance to the choice in this context, it seems preferable to follow our usual policy and assign the channel to Pocomoke City, as the larger community.

8. *It is ordered*, That effective September 14, 1973, the FM Table of Assignments (§ 73.202(b) of the Commissions Rules) is amended to read as follows:

City	*Channel No.*
Pocomoke City, Maryland	273

9. Authority for the actions taken herein is contained in Sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

10. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

By the Commission.

Adopted: August 2, 1973.

Released: August 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[5]
VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16793 Filed 8-13-73;8:45 am]

[2] Fellowship indicated its willingness to have any license or permit granted to it modified to specify operation on the Class B channel if it later were substituted. Such a procedure, effectively foreclosing a comparison of applicants, is clearly inappropriate. This is one of the reasons for the Commission's policy of withholding action on applications until rule making proceedings involving them are concluded.

[3] If we were to accept Fellowship's urgings, we would be forced to construct special rules for a hearing on the Class B channel so that it would not unfairly benefit by virtue of any occupancy of the Class A channel. In fact, competitive reasons might dictate that both would first vie for the Class A channel, thus vitiating any possible advantage in terms of earlier commencement of service.

[4] If, contrary to present appearances, there is a party interested in the Class A channel itself, we would be prepared to take expeditious action on a petition seeking to have it re-assigned.

[5] Commissioners H. Rex Lee and Reid absent.

[Docket No. 19717; FCC 73-837]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Washington

In the Matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Yakima, Washington), RM-1897, RM-1933.

1. The Commission here considers the notice of proposed rule making in this docket, adopted March 29, 1973 (FCC 73-354; 38 FR 8754), proposing amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) by assigning Channel 252A to Yakima, Washington. The parties commenting are the petitioners, KUTI Communicators, Inc. (KUTI) and KQOT, Inc. (KQOT), respectively the licensees of daytime-only AM stations KUTI and KQOT at Yakima, Washington, both of whom seek the assignment of Channel 252A as a fourth channel to Yakima.

2. Yakima, population 45,588[1] is the county seat and largest city in Yakima County, population 144,971.[2] Yakima has three FM stations (all Class C) and six AM stations (three daytime-only). The Notice raised a number of issues. The first is whether Yakima is entitled to a fourth FM channel assignment under population criteria for assigning FM channels. In this respect, it was appropriately noted that a city of the size of Yakima warrants only two channels while a city of 50,000 to 100,000 population merits up to four channels.[3] However, it was also noted that our population guidelines are not viewed as a strait jacket precluding consideration of special circumstances. Consequently, we stated that the question of making another FM channel assignment to Yakima warranted exploration in the light of an active interest by the petitioners (and possibly others if another channel were assigned there) and in view of the fact that the 1970 Yakima population was only 4,412 below the 50,000 dividing line. Comments were invited about whether a Class A facility could serve the metropolitan area (allegedly with a population of 72,100), the county, and the trade area (261,000 inhabitants), and the question of intermixing classes of channels. We indicated that in order to avoid redundancy the petitioners might wish to file a joint submission. From the technical viewpoint, we agreed that Channel 252A could be assigned to Yakima without affecting any assignment elsewhere and without serious preclusionary effects.

3. We now discuss the comments. KUTI indicates that its interest as a daytime-only station is to provide nighttime service as well. In this respect, it says that our recent Report and Order in Docket No. 18651, 39 F.C.C. 2d 645 (1973), does not permit it to file an application for a nighttime AM facility, and, thus, the most feasible method for achieving its objective of providing nighttime service is by the assignment of an additional FM channel which it proposes to apply for. In other respects, KUTI incorporates by reference factual material submitted by it and KQOT in support of the petitions. We need not here repeat this for what was deemed relevant was set forth in the Notice. KUTI affirms its interest in filing an application for a station if a channel is assigned. As to the question of the ability of a Class A station to serve a substantial portion of the population in and around Yakima, KUTI says that the population is concentrated in a small geographic area in the Yakima River Valley; while Yakima is located in the mountains of south-central Washington, the city is in the valley of the Yakima River which is bounded by steep mountains to the northeast and southwest and we are told that large unpopulated areas owned by the Government lie to the north and east and a sparsely populated Indian reservation is located to the south and west. In the circumstances, KUTI states that from a transmitter site at one of several locations on nearby mountains (where the existing FM stations operate) adequate service to a substantial portion of the population in and around Yakima can be rendered. In this respect, it defers to the engineering finding submitted by KQOT.

4. KQOT's comments are of principal interest with respect to the engineering study dealing with the type of service that a Class A station could provide to Yakima and surrounding area. From a transmitter site tentatively selected for its application, KQOT shows that a community-grade signal could be provided to 171 square miles encompassing the city of Yakima and its urban area with a total population of 74,900 people (51 percent of the population in the county), while the 1 mV/m contour would cover 620 square miles with a population of 110,871 (76 percent of the county).[4] No showing was made about the trade area. As concerns the question of intermixture, KQOT refers to numerous actions by the Commission where such action has been permitted.

5. As already noted, the basic issues in this proceeding concern the population criteria and intermixture. As to the former, we have said that they are "a guide and not an immutable standard" (*Fresno*, 38 F.C.C. 2d 525, 526 (1972)). Here, as in that instance, there is reason for deviating from the criteria because of the availability of an FM channel for assignment to Yakima, and because of demand for the channel which is evidenced by what in effect is a joint petition by two daytime-only stations seeking to bring nighttime service. Moreover, it appears that such service would be brought to a substantial population in and around Yakima. The record shows that because of the peculiar geographical location of Yakima and Yakima County and the high concentration of population in the river valley, a Class A facility from one of the nearby mountain peaks could provide a community-grade service to about 75,000 people and at least 1 mV/m service to approximately three-fourths of the population in Yakima County.[5] As to the policy against intermixture of the classes of FM channels to a community, KQOT points to many instances of deviation, and, indeed, we have deviated, for example, when there is a demand and a showing has been made that a Class A channel could compete with Class C channels (or at least, a showing has been made that someone is willing to attempt such action) when no further Class C channel may be assigned to a community. See and compare *Tallahassee* (FCC 73-670, __ F.C.C. 2d _____ (1973)). See also *Oak Ridge*, 32 F.C.C. 2d 937, 944 (1972); and *Parkersburg*, 37 F.C.C. 2d 54, 58 (1972), where we indicated that we adhere to intermixture to the extent possible but that to continue to do so with the FM assignments becoming scarce in some areas would be a vain effort aimed at equality and parity of service inconsistent with more important public interest, convenience, and necessity considerations under the Communications Act.

6. In the circumstances, we find that the public interest, convenience, and necessity will be served by assigning Channel 252A to Yakima, Washington, considering all relevant policy considerations. From the point of view of population criteria, another assignment would satisfy the demand and need for additional nighttime service to a substantial population because of the geographical characteristics. As to intermixture, our concern was both as to policy and whether a Class A facility could provide Yakima and its surrounding population with requisite service. As to the latter, we are satisfied that because of the population concentration a station on Class A channel could provide adequate service. As to intermixture, we are guided by the considerations mentioned at the end of the last paragraph.

[1] All population information is from the 1970 U.S. Census.

[2] These respectively are a 5.3 percent increase and 0.1 percent decrease from the 1960 Census.

[3] See para. 4 of the further notice of proposed rule making in Docket No. 14185, adopted July 25, 1962 (FCC 62-867), and incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order (40 F.C.C. 747, 758 (1968)).

[4] Other data filed with KQOT's comments consist of letters evidencing an interest in having its public affairs programming broadcast during evening hours. We do not detail this information here, inasmuch as it seems to be more appropriate as concerns an application for construction permit should a channel be assigned to the community.

[5] See § 73.315.

7. Authority for this action is found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended.

8. Accordingly, *It is ordered*, That the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended effective September 14, 1973, as concerns Yakima, Washington, as follows:

City	Channel No.
Yakima, Washington	233, 252A, 281, 297

9. *It is further ordered*, That this proceeding is terminated.

Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.

By the Commission.

Adopted: August 2, 1973.

Released: August 7, 1973.

FEDERAL COMMUNICATIONS COMMISSION,*
VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16794 Filed 8-13-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-76]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Administrators et al.; Reimbursable Agreements and Employee Claims for Personal Property Losses

The purpose of this amendment is to:

1. Revoke the delegation to all Administrators appearing at 49 CFR 1.45 (a)(5) to approve systems of administrative control to restrict obligations or expenditures to the amount of apportionments and to fix responsibility for the creation of any such obligation which exceeds available funds (31 U.S.C. 665) since this authority is encompassed within the general delegation to exercise the authority of the Secretary as executive head of a department appearing at 49 CFR 1.45(a)(2).

2. Delegate to Administrators and Secretarial Officers authority under 31 U.S.C. 636 to enter into inter- and intra-departmental reimbursable agreements other than with the head of another department or agency, and restrict the authority to redelegate that authority.

3. Delegate to Administrators and the Director of the Transportation Systems Center authority under 31 U.S.C. 241 (a) or (b), as appropriate, to settle and pay claims of employees for personal property losses, and restrict the authority of Administrators to redelegate that authority.

4. Delete from 49 CFR 1.61(j) reference to the Office of Supersonic Transport Development, since that office no longer exists.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedures there on are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective on August 14, 1973, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

1. In § 1.45(a), former subparagraph (5) is revoked, former subparagraph (6) is redesignated subparagraph (5), and new subparagraphs (6) and (9) are added, to read as follows:

§ 1.45 Delegations to all Administrators.

(a) * * *

(6) Enter into inter- and intra-departmental reimbursable agreements other than with the head of another department or agency (31 U.S.C. 686). This authority may be redelegated only to Office Directors, Regional Directors, District Commanders or other comparable levels and Contracting Officers.

* * * * *

(9) Settle and pay claims by employees for personal property losses as provided by 31 U.S.C. 241 (a) or (b), as appropriate. This authority may be redelegated only to Office Directors, Regional Directors, District Commanders or other comparable levels and to those individuals that report to the above officials.

2. In § 1.52(b), former subparagraph (8) is redesignated subparagraph (9), and a new subparagraph (8) is inserted, to read as follows:

§ 1.52 Delegations to all Secretarial Officers.

* * * * *

(b) * * *

(8) Enter into inter- and intra-departmental reimbursable agreements other than with the head of another department or agency (31 U.S.C. 686). This authority may be redelegated only to Office Directors or other comparable levels and to Contracting Officers.

* * * * *

3. In § 1.61, paragraph (j) is revised, and a new paragraph (k) is added, to read as follows:

§ 1.61 Delegations to Director of the Transportation Systems Center.

* * * * *

(j) Enter into General Working Agreements and specific Project Plan Agreements with sponsoring organizations (operating administrations and others) which spell out in relatively broad terms the type of work the Transportation Systems Center will perform for the sponsor and which commit or obligate the sponsor's funds to be advanced periodically during the work period to a special OST/TSC Consolidated Working Fund.

(k) Settle and pay claims by employees for personal property losses as provided by 31 U.S.C. 241(b).

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

Issued in Washington, D.C., on August 8, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-16780 Filed 8-13-73;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION DEPARTMENT OF TRANSPORTATION

[Docket No. 69-7; Notice 29]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Occupant Crash Protection; Postponement of Effective Date

The purpose of this notice is to postpone the effective date of the requirements of Standards No. 208, Occupant Crash Protection, and 216, Roof Crush Resistance, applicable to the upcoming model year, from August 15, 1973, to September 1, 1973.

The amendment of the effective date was proposed in a notice published July 17, 1973 (38 FR 19049), in response to a petition filed by Chrysler Corporation. Chrysler had stated that the build-out of their 1973 models was in danger of running beyond the August 15 date, due to a variety of factors beyond the company's control. In proposing the postponement of the date, the NHTSA noted that the August 15 date had been chosen to coincide with the normal changeover date and that a delay would not appear to have any effect beyond allowing a slightly prolonged build-out.

The two comments submitted in response to the proposal were both favorable. The agency has not discovered any adverse consequences of a delay which would make it inadvisable, and has therefore decided to postpone the effective date as proposed.

In light of the foregoing, 49 CFR 571.208, Standard No. 208, Occupant Crash Protection, is amended by changing the date of August 14, 1973, appearing in S4.1.1 to August 31, 1973, and by changing the date of August 15, 1973, appearing in S4.1.2 to September 1, 1973. The effective date of 49 CFR 571.216, Standard No. 216, Roof Crush Resistance, is changed from August 15, 1973, to September 1, 1973.

Because this amendment relieves a restriction and imposes no additional burden, an effective date of less than 30 days from the date of issuance is found to be in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on August 10, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73-16932 Filed 8-10-73;4:33 pm]

* Commissioners Johnson concurring in the result; Commissioner H. Rex Lee and Reid absent.

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte 272]

C.O.D. AND FREIGHT-COLLECT SHIPMENTS

Investigation Into Limitations of Carrier Service

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 16th day of July 1973.

It appearing, that by order entered December 15, 1970, this Commission instituted an investigation for the purposes, among others, to (1) examine the nature and scope of the practices of all regulated carriers with respect to limitations of service on the basis of the factors described in our initiating notice and order; (2) investigate the impact on the Nation's commerce of those practices; (3) analyze the motivational forces which have contributed to these and other related carrier practices and actions; (4) determine the scope of this Commission's jurisdiction with respect to each of the matters described in the notice; (5) consider the need for or the desirability of the adoption by this Commission of just, reasonable, and lawful rules and regulations governing (a) these and other matters (including possible carrier bonding requirements) relating to the handling of or refusal by regulated carriers to transport c.o.d. and order-notify shipments generally or with respect to certain areas, and (b) the complete or partial refusal by regulated carriers to transport freight-collect shipments generally or those destined to specified points; and (6) determine the need for such other and further action, including the possible recommendation of any legislation, as the facts and circumstances may justify or require;

It further appearing, that all railroads, express companies, motor carriers, water carriers, freight forwarders, and brokers subject to the Interstate Commerce Act were made respondents in the proceeding, the Bureau of Enforcement of this Commission was authorized and directed to participate, and opportunity to participate in the proceeding by filing initial and reply statements was given to all persons that indicated to this Commission their intention to do so;

It further appearing, that statutory notice of the institution of this proceeding was given to the general public by mailing a copy of the order of December 15, 1970, to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of said order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested parties and that such notice appeared in the issue of the FEDERAL REGISTER on January 7 ,1971 (36 FR 226–228);

It further appearing, that initial representations and statements in reply were filed by numerous parties to the proceeding; and investigation of the matters and things involved in this proceeding having been made, and the Commission on the date hereof, having made and filed a report containing its findings of facts and conclusions thereon, in which said report it is found, as more particularly set forth therein, that certain carrier respondents, including parties to this proceeding, have been and are at the present time publishing in their tariffs, maintaining, and enforcing rules, regulations, and practices with respect to the curtailment or abolishment of services on c.o.d., order-notify, and freight-collect shipments and shipments transported under combinations of rates which are unjust, unreasonable, unduly discriminatory, and otherwise in violation of certain provisions of parts I, II, III, and IV of the Interstate Commerce Act and the national transportation policy, as more particularly set forth in the said report, and that the said report, for the reasons above, should be made a part hereof;

It further appearing, that the said report embraces an appendix referred to and designated therein as appendix D, and that the Commission has found, as set forth in the report, that the regulations contained in the said appendix are required by the public convenience and necessity, are consistent with the public interest, and the national transportation policy, and are just, reasonable, and otherwise lawful, and that compliance therewith should be required of all common carriers of property and freight forwarders, respondents hereto;

And it further appearing, that services provided by respondent carriers with respect to c.o.d., order-notify, and freight-collect shipments including such services as shipments transported under combinations of rates, constitute "transportation" within the meaning of the Interstate Commerce Act and the national transportation policy for the reasons set forth in the said report, and good cause appearing therefor:

It is ordered, That Subchapter D to Chapter X, of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by inserting therein new paragraphs in parts 1300, 1304, 1307, 1308, and 1309, which paragraphs are appropriately designated and set forth in part I of appendix D to the said report.

It is further ordered, That Subchapter A, Chapter X, of Title 49 of the Code of Federal Regulations be, and it is hereby, modified (a) by inserting therein a new part, which part is hereby designated part 1006, Embargoes, and contains all of the regulations set forth in part II of appendix D to the said report; and (b) by cancelling and deleting therefrom all of part 1059, Embargoes, but that said cancellation and deleteion shall not take effect prior to the time that the regulations referred to in (a) become effective.

It is further ordered, That all common carriers of property and freight forwarders, respondents herein, be, and they are hereby, notified and required to cease and desist, on or before October 15, 1973, from using or applying their tariff provisions, rules, regulations, and practices to the extent that the provisions and purposes thereof are inconsistent with or substantively at variance with the provisions and regulations set forth in appendix D referred to above.

It is further ordered, That all common carriers of property and freight forwarders, respondents to this proceeding be, and they are hereby, ordered to file with this Commission, on or before October 15, 1973, each tariff or tariff supplement which may be required to bring their effective published tariffs into conformity with the findings made in the said report, the requirements of the Interstate Commerce Act, and the regulations prescribed thereunder, including the regulations set forth in part I of appendix D to the said report; and that each tariff or tariff supplement so filed shall be made effective not later than November 15, 1973.

It is further ordered, That common carriers subject to parts I, II, and III and freight forwarders subject to part IV of the Interstate Commerce Act, be, and they are hereby, notified that any proposal to limit the services of carriers under consideration herein resulting from collective rate-making will be subject to rejection and or suspension for investigation.

It is further ordered, That the motion of National Bus Traffic Association, Inc., contained in its initial representation filed in behalf of its members, to discharge motor common carriers of passengers as respondents in this proceeding be, and it is hereby, overruled for the reasons set forth in the said report.

It is further ordered, That the petition of the Department of Defense contained in its tendered initial representation filed June 2, 1972, for leave to submit a late-filed initial representation be, and it is hereby granted, and the tendered representation be, and it is hereby, accepted for filing.

It is further ordered, That the regulation promulgated herein be, and they are hereby, prescribed to become effective on October 15, 1973, and will apply on all operations conducted by respondents subject thereto on and after the said effective date.

It is further ordered, That this proceeding be, and it is hereby discontinued.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(24 Stat. 379 (this section and subsequent citations designated with an asterisk, as amended), 380*, 383*, 384*; 34 Stat. 595*; 41 Stat. 488*; 44 Stat. 1447; 49 Stat. 543*, 544*, 546*, 552*, 558*, 560*, 563*, 565; 52 Stat. 1237;

54 Stat. 899, 900, 910, 911, 912, 924, 931*, 933, 934*, 935, 937, 941*, 946, 949; 56 Stat. 284*, 285, 286, 287, 288, 291*, 295, 295; and 62 Stat. 472. 49 U.S.C. preceding section 1, and sections 1, 2, 3, 5, 5b, 6, 12, 13, 15, 15a, 20, 303, 304, 308, 316, 317, 319, 323, 903, 904, 905, 906, 907, 909, 916, 918, 1002, 1003, 1004, 1005, 1006, 1010, 1013, and 1014.)

By the Commission.

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

EMBARGOES AND NOTICE

PART 1006—EMBARGOES

1. Part 1006 is added to 49 CFR Chapter X as follows:

Sec.
1006.1 Public notice of embargoes required.
1006.2 Notice of delay in performing service.
1006.3 Request for authority to impose a qualified freight embargo.
1006.4 Duty to transport not affected.

AUTHORITY: 24 Stat. 379 (this section and subsequent citations designated with an asterisk, as amended), 380*, 383*, 384*; 34 Stat. 595*; 41 Stat. 488*; 44 Stat. 1447; 49 Stat. 543*, 544*, 546*, 552*, 558*, 560*, 563*, 565; 52 Stat. 1237; 54 Stat. 899, 900, 910, 911, 922, 924, 931*, 933, 934*, 935, 937, 941*, 946, 949; 56 Stat. 284*, 285, 286, 287, 288, 291*, 295, 295; and 62 Stat. 472, 49 U.S.C. preceding section 1, and sections 1, 2, 3, 5, 5b, 6, 12, 13, 15, 15a, 20, 303, 304, 308, 316, 317, 319, 323, 903, 904, 905, 906, 907, 909, 916, 918, 1002, 1003, 1004, 1005, 1006, 1010, 1013, and 1014.

§ 1006.1 Public notice of embargoes required.

(a) Whenever any common carrier of property or freight forwarder subject to the Interstate Commerce Act finds that because of a lack of facilities or personnel, or because it is required to give preference and precedence to other traffic legally entitled to such priority, or because of other compelling circumstances not within the control of the carrier or freight forwarder, it is or soon will be unable to perform all authorized and required transportation services requested of it, and that it will be necessary for it temporarily to suspend the offering of service in the transportation of any commodity, commodities, or class of traffic, to or from any territory, point, shipper, consignee, or connecting carrier, or over any route, it shall immediately give public notice of such fact by a written notice of an embargo, specifying the extent thereof, the date the embargo is to become effective, its duration, if known, and the reasons why the placing of the embargo is necessary.

(b) Immediately upon the issuance of a notice of an embargo as required by paragraph (a) of this section, one copy of such notice shall be mailed to the Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, two copies shall be mailed or delivered to the Regional Director of the Interstate Commerce Commission in the Region where the principal headquarters of the carrier is located, one copy shall be posted for public inspection in each office of the carrier where the embargo is to be made effective, one copy shall be served upon each connecting carrier with whom the issuing carrier interchanges traffic in cases where traffic so interchanged is affected, and, so far as is reasonably practicable in each case, the embargo shall be brought to the attention of interested shippers and consignees.

(c) Except in instances when the notice of an embargo specifies the date of its expiration, a notice of the termination or modification of an embargo shall be issued, posted, and filed by the carrier, and notice of such termination or modification shall be given to interested shippers, consignees, and connecting lines, in the same manner as prescribed for notice of the establishment of an embargo in paragraph (b) of this section.

§ 1006.2 Notice of delay in performing service.

In all instances, other than specified in § 1006.1, when a common carrier of property or freight forwarder subject to the Interstate Commerce Act, is unable to perform authorized transportation promptly upon request, it shall notify the person requesting the service of the anticipated delay and the reason therefor, and shall promptly notify the Bureau of Operations, Interstate Commerce Commission, Washington, D.C., and the Regional Director of the Bureau of Operations, Interstate Commerce Commission, in the Region where the carrier has its principal headquarters, of any inability to perform requested transportation within a reasonable time, and the reason therefor. Upon the termination of the conditions which render the carrier unable to perform desired transportation within a reasonable time, the carrier shall notify the Bureau of Operations and the Regional Director mentioned above of the changed conditions.

§ 1006.3 Request for authority to impose a qualified freight embargo.

(a) Whenever any common carrier of property or freight forwarder believes that, for reasons beyond its ability to control, its continued provision of transportation service on c.o.d., freight-collect, and order-notify shipments, including such services on shipments transported under combinations of rates, from or to a particular shipper or consignee will cause other members of the shipping public which it is lawfully obligated to serve to be denied reasonable and adequate service, it may apply to this Commission for authority to impose a qualified freight embargo. Each request for such authority shall detail the reasons for the request and shall affirmatively show that bona fide efforts have been made to communicate and cooperate with the shipper or consignee named therein for the purpose of alleviating the problem or problems involved and that such efforts have failed.

(b) Each request shall be filed in the manner and form which the Commission shall from time to time prescribe and must contain (i) an affirmative showing that bona fide efforts have been made to communicate and cooperate with the shipper or consignee named therein for the purpose of alleviating the problem or problems involved and that such efforts have failed to meet with success; and (ii) a certification that a copy thereof has been served upon all persons known to the carrier who will be affected if the request is granted. Neither the provisions of this paragraph nor the granting by this Commission of authority to impose a qualified freight embargo shall be construed to relieve any carrier or freight forwarder of the duty to issue an embargo notice as required by paragraph (a) of § 1006.1.

§ 1006.4 Duty to transport not affected.

The provisions of §§ 1006.1, 1006.2, and 1006.3 shall not be construed to relieve any carrier or freight forwarder of the duty to furnish transportation service, nor to relieve any carrier or forwarder of the duty to observe all requirements of law and the regulations prescribed by the Commission.

PART 1059—EMBARGOES [DELETED AND RESERVED]

2. Part 1059 of 49 CFR Chapter X is deleted and reserved.

CONTENT OF TARIFFS

PART 1300—FREIGHT SCHEDULES—RAILROADS

3. That 49 CFR Part 1300 be amended by adding thereto new § 1300.4(e) as follows:

§ 1300.4 Content of tariffs.

* * * * *

(e) *Public holding out.* (1) Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each carrier's public holding out. No provision may be published in tariffs, supplements, or revised pages which results in restricting service to less than the carrier's full obligation to the public to provide and furnish transportation or which exceeds such carrier's lawful public holding out.

(2) Tariffs and supplements thereto filed prior to the effective date of section 1300.4(e)(1) which do not conform to those requirements shall be brought into conformity therewith on or before November 15, 1973.

(3) Unless each tariff filed on and after the effective date hereof contains a certification by the carrier filing the same that, with respect to all of the services described therein (except those services being published for the first time), it is in fact (i) fully offering and, when requested, impartially providing all of its obligated services, and (ii) fully observing all requirements of law and the regulations prescribed by the Commission, the tariff or supplement will be rejected until such time as certification thereof is made. Such service includes service on c.o.d., freight-collect, and order-notify shipments, including such services on shipments transported under combinations of rates.

PART 1304—EXPRESS COMPANIES SCHEDULES AND CLASSIFICATIONS

4. Part 1304 of 49 CFR Chapter X is amended by adding a new § 1304.4(k) as follows:

§ 1304.4 Content of tariffs in book or pamphlet form.

* * * * *

(k) *Operating authority.* (1) Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each express company's public holding out. No provision may be published in tariffs, supplements, or revised pages which results in restricting service to less than the express company's full obligation to the public to provide and furnish transportation or which exceeds its lawful public holding out. Such service includes service on c.o.d., freight-collect, and order-notify shipments, including such services on shipments transported under combinations of rates. Tariff publications containing such provisions are subject to rejection or suspension for investigation.

(2) Tariffs and supplements thereto filed prior to the effective date of paragraph (k)(1) of this section which do not conform to those requirements shall be brought into conformity therewith on or before November 15, 1973.

(3) Unless each tariff filed on and after the effective date hereof contains a certification by the express company filing the same that, with respect to all of the services described therein (except those services being published for the first time), it is in fact (i) fully offering and, when requested, impartially providing all of its obligated services, and (ii) fully observing all requirements of law and the regulations prescribed by the Commission, the tariff or supplement will be rejected until such time as certification thereof is made. Such service includes service on c.o.d., freight-collect, and order-notify shipments, including such services on shipments transported under combinations of rates.

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

5. Part 1307 of 49 CFR Chapter X is amended by adding a new § 1307.27(k)(3) as follows:

§ 1307.27 Contents of tariffs.

* * * * *

(k) *Operating authority.* * * *

(3) Unless each tariff filed on and after the effective date hereof contains a certification by the carrier filing the same that, with respect to the services described therein (except those services being published for the first time), it is in fact fully offering and, when requested, impartially providing all of its authorized services, the tariff or supplement will be rejected until such time as certification thereof is made.

PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS

6. Part 1308 of 49 CFR Chapter X is amended by adding a new § 1308.4(k) to read as follows:

§ 1308.4 Contents.

* * * * *

(k) *Operating authority.* (1) Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each carrier's operating authority. No provisions may be published in tariffs supplements or revised pages which result in restricting service to less than the carrier's full operating authority or which exceed such authority. Such service includes service on c.o.d., freight-collect, and order-notify shipments, including such services on shipments transported under combinations of rates. Tariff publications containing such provisions are subject to rejection or suspension for investigation.

(2) Tariffs and supplements thereto filed prior to the effective date of section 1308.4(k)(1) which do not conform to those requirements shall be brought into conformity therewith on or before November 15, 1973.

(3) Unless each tariff filed on and after the effective date hereof contains a certification by the carrier filing the same that, with respect to all of the services described therein (except those services being published for the first time), it is in fact (i) fully offering and, when requested, impartially providing all of its authorized services, and (ii) fully observing all requirements of law and the regulations prescribed by the Commission, the tariff or supplement will be rejected until such time as certification thereof is made.

PART 1309—TARIFFS AND CLASSIFICATIONS OF FREIGHT FORWARDERS

7. Part 1309 of 49 CFR Chapter X is amended by adding a new § 1309.6(k) to read as follows:

§ 1309.6 Contents.

* * * * *

(k) *Operating authority.* (1) Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with each freight forwarder's operating authority. No provision may be published in tariffs' supplements, or revised pages which results in restricting service to less than the freight forwarder's full operating authority or which exceeds such authority. Such service includes service on c.o.d., freight-collect, and order-notify shipments, including such services on shipments transported under combinations of rates. Tariff publications containing such provisions are subject to rejection or suspension for investigation.

(2) Tariffs and supplements thereto filed prior to the effective date of section 1309.6(k)(1) which do not conform to those requirements shall be brought into conformity therewith on or before November 15, 1973.

(3) Unless each tariff filed on and after the effective date hereof contains a certification by the freight forwarder filing the same that, with respect to all of the services described therein (except those services being published for the first time), it is in fact (i) fully offering and, when requested, impartially providing all of its authorized services, and (ii) fully observing all requirements of law and the regulations prescribed by the Commission, the tariff or supplement will be rejected until such time as certification thereof is made.

[FR Doc.73-16822 Filed 8-13-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Special Staff Assistant (Natural Resources and Environmental Matters) to the Secretary is excepted under Schedule C.

Effective on August 14, 1973, § 213.3313(a)(35) is added as set out below.

§ 213.3313 Department of Agriculture.

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

(35) One Special Staff Assistant (Natural Resources and Environmental Matters) to the Secretary.

* * * * *

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

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

[FR Doc.73-16771 Filed 8-13-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Extension of Freeze for Crude Oil and Petroleum Products

Parts 140 and 150 are amended to extend the freeze on prices charged for crude petroleum, natural gas liquids and refined petroleum products including gasoline, kerosene and fuel oil until 11:59 p.m., e.s.t., August 19, 1973. Sections 140.1(a) and 150.1(b), the scope sections of the freeze and Phase IV regulations, are revised to accomplish this result. The products covered by this extension are described in the 1972 edition of the Standard Industrial Classification Manual. Industrial Codes 1311 (except natural gas), 1321, and 2911.

The Cost of Living Council has found that this limited extension of the freeze is necessary in order to adequately consider the volume of comments which the Council received on the proposed Phase IV regulations affecting petroleum. The Council received 272 comments on Subpart L of the proposed Phase IV regulations. This number includes 110 comments which were received after July 31, 1973.

Although the basic policy decisions have been made, a careful review of the methods of implementing these policies is necessary. The extreme complexity of this industry prevents issuance of final Phase IV regulations in time for them to be effective August 13, 1973. Thus, the Council has extended the freeze for one week to provide time to write the Subpart L regulations in final form.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

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

In consideration of the foregoing Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective August 10, 1973.

Issued in Washington, D.C., on August 10, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

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1. Section 140.1(a) is amended to read as follows:

§ 140.1 Purpose and scope.

(a) The purpose of this part is to implement the provisions of Executive Order 11730 which continues the freeze on prices for commodities and services imposed by Executive Order 11723. Except as provided in paragraph (b) of this section, the provisions of this part are in addition to the provisions of Part 130 of this chapter with respect to prices charged or received for commodities and services beginning 9:00 p.m., e.s.t., June 13, 1973 and shall not operate to abrogate any requirements imposed under Part 130. This part shall remain in general effect until 11:59 p.m., e.s.t., August 12, 1973, after which Phase IV shall commence except that the freeze on prices for food as modified by Subpart I shall remain in effect until 11:59 p.m., e.s.t., September 11, 1973 and the freeze on prices for products described in the 1972 edition, Standard Industrial Classification Manual, Industrial Code 1311 (except natural gas), 1321, and 2911 shall remain in effect until 11:59 p.m., e.s.t., August 19, 1973. To the extent that the provisions of this part are in conflict with the provisions of Part 130, the provisions of this part control, except that the provisions of this part shall not operate to permit prices higher than permitted under Part 130. The provisions of this part do not extend to:

(1) Wages and salaries, which continue to be subject to the program established pursuant to Executive Order 11695;

(2) Interest and dividends, which continue to be subject to the program established by the Committee on Interest and Dividends; and

(3) Rents, which continue to be subject to controls only to the limited extent provided in Executive Order 11695.

* * * * *

2. Section 150.1(b) is amended to read as follows:

§ 150.1 Scope.

* * * * *

(b) The price rules of Part 130 of this chapter remain effective until 11:59 p.m., e.s.t., September 11, 1973, with respect to sales of food subject to Subpart F of that part and with respect to sales of meat subject to Subpart M of that part. Part 140 of this chapter also remains effective with respect to sales of food and meat subject to Subpart I of that part until 11:59 p.m., e.s.t., September 11, 1973 and with respect to sales of products described in the 1972 edition, Standard Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321, and 2911 until 11:59 p.m., e.s.t., August 19, 1973.

* * * * *

[FR Doc.73-16956 Filed 8-10-73;5:39 p.m.]

Proposed Rules

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[7 CFR Part 301]

WHITEFRINGED BEETLE QUARANTINE

Notice of Public Hearing and Proposed Rulemaking for Missouri, Kentucky, and Texas

Under the administrative procedure provisions of 5 U.S.C. 553, sections 8 and 9 of the Plant Quarantine Act of 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), notice is hereby given of a public hearing and proposed rulemaking proceeding to determine whether to terminate the Whitefringed Beetle Quarantine and regulations (7 CFR 301.72, 301.72–1 et seq.); or whether the Quarantine and regulations should be extended to the States of Missouri, Kentucky, and Texas.

The whitefringed beetle (Graphognathus spp.), a dangerous insect injurious to cultivated crops, is currently established in 10 Southeastern States which are presently under Federal quarantine regulations: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. Soil-inhabiting larvae damage plant roots of field and garden crops. Crop damage during the 37-year known history of the beetle in the United States is sporadic and occurs on small scattered acreage in infested States. The Department cooperates with the affected States in programs to control the infestations. Use of chlorinated-hydrocarbon pesticides in such programs is being curtailed for environmental reasons and available substitutes are not as effective. Biometrical analyses of plant studies on beetle populations showed that variations in corn yields could not be definitely linked with variations in whitefringed beetle larvae density.

The Department of Agriculture has studied the whitefringed beetle problem since 1970 to evaluate the necessity for and the effectiveness of the Quarantine and regulations and control programs. The results of this study will be considered at the public hearing.

If it should be determined that the provisions of the Quarantine and regulations are no longer necessary to prevent the spread of the whitefringed beetle, such provisions would be terminated.

The Administrator has received information that the whitefringed beetle has been discovered in certain parts of the States of Missouri, Kentucky, and Texas. Therefore, should it be determined necessary to continue the provisions of the Quarantine and regulations, the Service proposes to amend the Quarantine and regulations by adding the States of Missouri, Kentucky, and Texas to the States designated as quarantined and specifying regulated areas in said States for purposes of the regulations.

If the proposal to extend the Whitefringed Beetle Quarantine and regulations to the States of Missouri, Kentucky, and Texas is adopted, the following articles could not legally be moved interstate from such quarantined States except in accordance with the conditions specified in the Whitefringed Beetle Quarantine and regulations: (1) soil, compost, decomposed manure, humus, muck, and peat, separately or with other things; (2) plants with roots; (3) grass sod; (4) plant crowns and roots for propagation; (5) true bulbs, corms, rhizomes, and tubers of ornamental plants when freshly harvested or uncured; (6) potatoes (Irish) when freshly harvested; (7) peanuts in shells and peanut shells, except boiled or roasted peanuts; (8) uncleaned grass, grain, and legume seed; (9) hay and straw; (10) used mechanized cultivating equipment and used harvesting equipment; (11) used mechanized soil-moving equipment; and (12) any other products, articles, or means of conveyance of any character whatsoever when it is determined by an inspector that they present a hazard of spread of the whitefringed beetle and the person in possession thereof has been so notified.

A public hearing to consider the above proposals will be held before a representative of the Animal and Plant Health Inspection Service in the Delta Room, 11th floor, Albert Pick Motor Inn, Memphis, Tennessee, at 10 a.m., September 11, 1973. Any interested person may appear and be heard either in person or by attorney.

Any interested person who desires to submit written data, views, or arguments on the proposal may do so by filing the same with the Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782, on or before September 11, 1973, or with the presiding officer at the hearing. All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

After consideration of all information presented at the hearing or otherwise available to the Department, a determination will be made regarding the action to be taken.

Done at Washington, D.C., this 9th day of August 1973.

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

[FR Doc.73–16869 Filed 8–13–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

TRICHLOROETHANE (1,1,1-TRICHLOROETHANE, METHYL CHLOROFORM)

Aerosol Drug Products for Human Use

Several decongestant aerosol sprays containing the solvent trichloroehane (1,1,1-trichloroethane, methyl chloroform) have recently been removed from the market. This action was based on reports of 21 deaths, resulting in most cases from abuse or gross misuse of the drug products.

Trichloroethane is used in aerosol products as a solvent for the active ingredients and to reduce the vapor pressure of the propellants. It has been used for many years as an industrial solvent and as a substitute for carbon tetrachloride as a degreasing agent. It is irritating to the eyes and mucous membranes and toxic to the cardiovascular system. It is also a potent anesthetic agent when inhaled and induces ventricular arrhythmias more readily than chloroform.

Evidence is not available to establish trichloroethane as safe or effective for use in preparations intended for inhalation directly or indirectly. No new drug applications have been approved for this use or any other drug use of trichloroethane.

On the basis of the above information, the Commissioner of Food and Drugs concludes that aerosol drug products containing trichloroethane and intended for inhalation, directly or indirectly, are not generally recognized as safe and effective for use and are new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act.

To determine the extent trichloroethane is used in drug products and to determine if any additional action is needed to protect the public health, published elsewhere in this FEDERAL REGISTER is a request, pursuant to the regulations under the Drug Listing Act of 1972, § 132.7(a)(4) (21 CFR 132.7), for a list

of all drug products marketed containing the ingredient trichloroethane.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042, as amended, 1050–1051, as amended, 1055–1056, as amended; 21 U.S.C. 321, 352, 355, 371) and under the authority delegated to the Commissioner (21 CFR 2.120) it is proposed that Part 130 be amended by adding thereto a new section to read as follows:

§ 130._____ Aerosol drug products for human use containing trichloroethane.

(a) Trichloroethane has been used in decongestant aerosol drug products as a solvent for the active ingredients and to reduce the vapor pressure of the propellants. It is irritating to the eyes and mucous membranes and is toxic to the cardiovascular system. When inhaled, it is a potent anesthetic agent and induces ventricular arrhythmias. Deaths associated with aerosol decongestant products containing trichloroethane have been reported. Most of the deaths resulted from abuse or misuse of the preparations.

(b) The Food and Drug Administration finds that there is a lack of general recognition by qualified experts of the safety or effectiveness of trichloroethane in aerosol drug products intended for inhalation either directly or indirectly. Any such product containing trichloroethane and labeled, represented, or advertised for such use is a new drug and subject to regulatory proceedings unless it is the subject of a new drug application approved pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571) set forth in § 130.3, shall be submitted to cover clinical investigations designed to obtain evidence that such preparations are safe and effective for the purposes intended.

(d) Regulatory proceedings will be initiated with regard to any such drug within the jurisdiction of the act which is not in accord with this regulation on its date of publication in the FEDERAL REGISTER.

Interested persons may, on or before September 13, 1973, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during regular working hours, Monday through Friday.

Dated: August 6, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73–16759 Filed 8–13–73;8:45 am]

Social and Rehabilitation Service

[45 CFR Parts 205, 249, 250]

MEDICAL ASSISTANCE PROGRAM

Standards and Provider Certification; Extension of Comment Period

This notice extends the period for comments provided in the notice published July 12, 1973 [38 FR 18616] proposing standards and provider certification regulations.

Comment was invited on or before August 13, 1973. Additional time for comment has been requested on behalf of the officers and members of the American Nursing Home Association, the American Association of Homes for the Aged and the National Council of Senior Citizens. The time for comment is hereby extended to September 13, 1973.

Comments on the proposed regulation should be submitted, in writing, to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue, SW., Washington, D.C. 20201. Copies of such comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–963–7361).

Dated: August 9, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.73–16833 Filed 8–10–73;2:26 pm]

Social Security Administration

[20 CFR Part 405]

FEDERAL HEALTH INSURANCE FOR THE AGED

Skilled Nursing Facilities; Extension of Comment Period

This notice extends the period for comments provided in the notice published July 12, 1973 [38 FR 18620] providing skilled nursing facilities regulations.

Comment was invited on or before August 13, 1973. Additional time for comment has been requested on behalf of the officers and members of the American Nursing Home Association, the American Association of Homes for the Aged and the National Council of Senior Citizens. The time for comment is hereby extended to September 13, 1973.

Comments on the proposed regulation of the Social Security Administration [20 CFR Part 405] should be submitted, in writing, in triplicate, to the Commissioner, Social Security Administration, Department of Health, Education, and Welfare, North Building, 330 Independence Avenue, SW., Washington, D.C. 20201. Copies of such comments received 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, 330 Independence Avenue, S.W., Washington, D.C. 20201.

Dated: August 9, 1973.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.73–16871 Filed 8–10–73;2:26 pm]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 73–SW–51]

AIRCRAFT PARTS AND DEVELOPMENT CORP. (CALLAIR) A–9 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Aircraft Parts and Development Corp. (Callair) A–9, A–9A, and A–9B airplanes. There have been deletions of required welds on the lift struts of A–9 series air planes resulting in ingestion of water into the struts with resulting corrosion. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection of the wing lift struts for deletion of welds and repair or replacement as necessary on Aircraft Parts and Development Corp. (Callair) A–9, A–9A, and A–9B airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 20, 1973 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39

of the Federal Aviation Regulations by adding the following new airworthiness directive.

AIRCRAFT PARTS AND DEVELOPMENT CORPORATION: Applies to Models A-9, A-9A, and A-9B.

Compliance required within the next 100 hours' time in service after the effective date of this A.D., unless already accomplished.

To prevent water accumulation in the wing lift struts and associated detrimental effects, accomplish the following:

(a) Inspect visually for welds on both sides of the four wing lift struts at the P/N 10671 eye fittings. A 360° fillet weld is required around the eye fitting shank on both sides of the lift strut to seal the strut against moisture. These fittings provide for attachment of the lift struts to the stabilizing struts.

(b) If the welds between the eye fittings and the lift struts do not provide a complete seal as specified above, the lift strut should be removed and checked for water ingestion visually and for corrosion by x-ray, ultrasonic or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

(1) If no water or corrosion is present in the strut, weld the eye fitting to the strut 360° on both sides of the strut and reinstall the strut.

(2) If water is present in the strut (without corrosion), dry the strut, flush with linseed oil, weld the eye fitting to the strut 360° on both sides of the strut and reinstall the strut.

(3) If corrosion is found, before further flight, the affected lift strut must be replaced or corrosion must be removed in accordance with a procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

(c) If the welds between the eye fittings and the lift struts provide a complete seal as specified above, no further action is required.

(APDC Service Bulletin No. A-23 covers this same subject.)

Issued in Fort Worth, Texas on August 1, 1973.

A. T. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.73-16760 Filed 8-13-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-50]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter controlled airspace in the Laredo, Tex., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 13, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

1. In § 71.171 (38 FR 351), the Laredo, Tex., control zone is amended to read:

LAREDO, TEX.

Within a 5-mile radius of Laredo International Airport (latitude 27°36'56" N., longitude 99°31'12" W.), within 1.5 miles each side of the Laredo ILS localizer northwest course extending from the ILS localizer site (latitude 27°36'12.6" N., longitude 99°30'50.2" W.) to 7 miles northwest; within 1.5 miles each side of the Laredo VORTAC 325° radial extending from the 5-mile radius zone to 4.5 miles southeast, excluding that portion outside the United States. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. In § 71.181 (38 FR 435), the Laredo Tex., transition area is amended to read:

LAREDO, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Laredo International Airport (latitude 27°36'56" N., longitude 99°31'12" W.), within 3.5 miles each side of the Laredo ILS localizer northwest course extending from the 5-mile radius area to 11.5 miles northwest of the ILS outer marker; within 1.5 miles each side of the Laredo VORTAC 325° radial extending from the 5-mile radius area to the VORTAC; within a 5-mile radius of the Link Ranch Airport (latitude 27°25'32" N., longitude 99°28'21" W.), and within 3.5 miles each side of the VORTAC 015° radial extending from the 5-mile radius area to 11.5 miles northeast, excluding those portions outside of the United States.

The amendments described above are considered necessary due to the closing of the Laredo AFB on September 30, 1973. The control zone and extension will provide controlled airspace below 700 feet for aircraft executiong the NDB RWY 15, ILS RWY 15, VOR/DME RWY 15, and VOR RWY 33 approaches to Laredo International Airport.

The amended transition area will provide controlled airspace below 1200 feet ASL for aircraft executing the NDB RWY 15, ILS RWY 15, VOR/DME RWY 15, and VOR RWY 33 approaches to Laredo International Airport and for the VOR-1 approach to Link Ranch Airport.

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

Issued in Fort Worth, Tex., on August 6, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-16762 Filed 8-13-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-49]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700 foot transition area at Foraker, Oklahoma.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 13, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

FORAKER, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Codding Cattle Airport (latitude 30°-45'00" N., longitude 95°53'00" W.). The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Codding Cattle Airport, Foraker, Okla.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348)

and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on August 3, 1973.

A. H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.73-16761 Filed 8-13-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-48]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Intercoastal City, La.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before September 13, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

INTERCOASTAL CITY, LA.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the White Lake, La., VORTAC 062°T (056°M) radial extending from 9 miles NE of the VORTAC to 13 miles NE of the VORTAC.

The proposed transition area will provide controlled airspace for helicopters executing the proposed Copter VORTAC (original) 056° instrument approach procedure. This procedure is designed to permit the transition of IFR helicopters to VFR conditions and flights to a landing area.

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

Issued in Fort Worth, TX., on July 28, 1973.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.73-16763 Filed 8-13-73;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 73-SO-33]

TEMPORARY RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a temporary restricted area in the vicinity of Fort Campbell, Ky. The area would be used to encompass a joint military exercise "Brave Shield VII" to be conducted from December 6 through 11, 1973.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

All communications received on or before September 13, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The proposed amendment would designate the following temporary restricted area:

R-3705 BRAVE SHIELD VII, FORT CAMPBELL, KY.

1. *Subarea A—Boundaries.* Beginning at Lat. 36°57'00" N., Long. 88°09'00" W.; to Lat. 36°57'00" N., Long. 87°45'00" W.; to Lat. 36°39'00" N., Long 87°33'00" W.; thence counterclockwise along the boundary of Restricted Area R-3702 to Lat. 36°32'00" N., Long. 87°32'30" W.; to Lat 36°34'00" N., Long. 87°29'50" W.; to Lat. 36°19'00" N., Long. 87°30'00" W.; to Lat. 36°15'00" N., Long. 87°36'00 W.; to Lat. 36°15'00 N., Long. 88°15'00" W.; to point of beginning.

Designated altitudes. Surface to and including FL 180.

Time of designation. December 6-11, 1973, inclusive, from 0600 CST to 1900 CST.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. U.S. Air Force Readiness Command, Langley AFB, Va.

2. *Subarea B—Boundaries.* Beginning at Lat. 36°15'00" N., Long. 87°36'00" W.; to Lat. 36°00'00" N., Long. 87°58'00" W.; to Lat. 36°00'00" N., Long. 88°17'00" W.; to Lat. 36°15'00" N., Long. 88°15'00" W.; to point of beginning.

Designated altitudes. Surface to and including 10,000 feet MSL.

Time of designation. December 6-11, 1973, inclusive from 0600 CST to 1900 CST.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. U.S. Air Force Readiness Command, Langley AFB, Va.

3. *Subarea C—Boundaries.* Beginning at Lat. 36°15'00"N., Long. 87°36'00"W.; to Lat. 36°00'00"N., Long. 87°58'00"W.; to Lat. 36°00'00"N., Long. 88°17'00"W.; to Lat. 36°15'00"N., Long. 88°15'00"W.; to point of beginning.

Designated altitudes. From 10,000 feet MSL to and including FL 180.

Time of designation. December 6-11, 1973, inclusive, from 0600 CST to 1900 CST.

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. U.S. Air Force Readiness Command, Langley AFB, Va.

The proposed restricted area would be required throughout Exercise Brave Shield VII to assure segregation of nonparticipating traffic and to provide adequate maneuvering airspace for exercise aircraft. Exercise aircraft would include 18 tactical fighters, six tactical reconnaissance, six airborne forward air control, 24 tactical airlift, and approximately 200 rotor wing aircraft.

Activities to be conducted by the exercise aircraft would include massive troop movements, deployment of artillery pieces and other equipment by airborne sling, reconnaissance, close air support, and other simulated bombing, rocket and strafing attacks required by the exercise combat situation.

Throughout the exercise the using agency would allow scheduled air carrier flights and other nonparticipating aircraft into or through the temporary restricted area when exercise operations permit. The using agency would provide all necessary communications lines required by the Federal Aviation Administration, and it would also provide a wide area telecommunications service number so that nonparticipating pilots can obtain clearances on an individual basis without charge to themselves. This number would be published in Part 3 of the Airman's Information Manual (AIM) effective during the exercise period. The Federal Aviation Administration would establish temporary routing to reroute air carrier and other nonparticipating aircraft around the restricted area, when clearance through the area cannot be approved.

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

Issued in Washington, D.C., on August 6, 1973.

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

[FR Doc.73-16767 Filed 8-13-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 575]

[Docket No. 25; Notice 6]

UNIFORM TIRE QUALITY GRADING

Consumer Information Regulation; Supplemental Notice of Proposed Rulemaking

This notice proposes minor amendments to the notice, published March 7, 1973 (38 FR 6194), proposing a Uniform Tire Quality Grading regulation. An additional notice published May 25, 1973 (38 FR 13748), has extended the comment period until October 5, 1973. This notice modifies certain substantive provisions of the March 7 notice.

The notice of March 7 specified a control tire (§ 575.104(i)) as a test device to be used in traction and treadwear grading. The specification does not include dimensional criteria for the tire crown radius. This dimension, however, is relevant to the mileage potential of a tire, and the NHTSA includes it with this notice. The crown radius proposed is 110 percent, calculated by dividing the actual tread radius by the nominal tire cross-section width.

There has been some suggestion that the maximum proposed treadwear grade of 200 percent may not be adequate to provide sufficient gradations of performance for tires whose treadwear performance exceeds by a substantial margin the performance of the control tire. Accordingly, this notice proposes the addition of the treadwear grade "250", for tires whose treadwear performance exceeds by at least 250 percent the performance of the control tire.

It has been suggested that the part of the treadwear test procedure calling for test increments of 1,000 miles between tire rotation is inefficient, in that it is difficult for manufacturers to accomplish tire rotation at this increment at the end or beginning of a complete day. The 1,000 mile provision, however, is only a part of a performance requirement; it is the figure that the NHTSA has proposed to utilize in its testing program. Manufacturers are not required to use that or any particular procedure in ascertaining that their tires will perform as graded. Of course they must make sure that results obtained using different increments are the same as, or can be corrected to, the results obtained by 1,000-mile increments. Manufacturers who do deviate from this aspect of the test procedure should be aware that the purpose of the incremental rotation is that each candidate and control tire be run for the same number of consecutive miles on every wheel position in the test convoy during any single test procedure.

A similar question has been raised concerning failures of candidate or control tires in the course of a treadwear run: Whether a tire may be substituted and the test continued using the remaining tires on the vehicle in question. The answer is essentially the same. The test procedures set forth in the standard constitute both the performance levels that the tires are legally required to meet, and, in general, the method the government will use in testing tires for compliance. A manufacturer must, by his own testing, ascertain the performance levels that his tires will consistently meet when tested according to the procedures in the regulation. Any deviations by a manufacturer in his own tests from these procedures must be made at the manufacturer's own risk.

The notice of March 7 did not propose that the control tire be required to meet the Federal safety standard for new tires, Motor Vehicle Safety Standard No. 109 (49 CFR 571.109). While the notice proposed the requirement that the control tire be labeled with the informational requirements of Standard No. 109 (S4.3(a) through (g)), it specifically exempted them from the certification and identification requirements of S4.3.1, S4.3.2, and S4.3.3. The NHTSA has decided that the tires should conform to all the requirements of the standard except those regarding the tire identification number. The tires will be used on the public highways during NHTSA and manufacturer test programs, presenting a possible hazard both to drivers of the test vehicles, and other highway users. Moreover, the control tires are of a construction and design substantially the same as tires that are manufactured and sold for use on passenger cars, and which are manufactured to conform and certified as conforming to Motor Vehicle Safety Standard No. 109. The proposed exemption from the identification requirements (S4.3.2 of Standard No. 109) would be retained. The NHTSA does not believe that the identification number used for purposes of the Tire Identification and Recordkeeping regulations (49 CFR Part 574) will satisfactorily identify control tires as that number, in identifying one week's production, does not identify individual tires. The NHTSA proposes, in this notice, that each control tire be molded with an identification number, of a size and in a location on one sidewall specified for the identification number required pursuant to Part 574, that will identify both control tire lots of 1,000, and each tire in the lot consecutively. Such a number might consist of a letter designation to indicate the lot, and the numbers 0001 to 1000 to indicate the individual tires.

The notice of March 7 proposed certain amendments to the general Consumer Information regulations (§§ 575.1–575.6) to make those provisions applicable to tires, and tire manufacturers and brand name owners. The proposal inadvertently omitted that part of § 575.6 that presently requires manufacturers to make consumer information available at no charge for retention by prospective purchasers. There was no intention on the part of NHTSA to delete this requirement. Rather, it should have been extended to tire manufacturers and brand name owners, similarly to the other general provisions, and the appropriate language is included by this notice.

In light of the above, the proposal published March 7, 1973 (38 FR 6194), to amend Part 575, Title 49, Code of Federal Regulations, by the addition of a new section 575.104, "Uniform Tire Quality Grading," is amended as set forth below:

1. In proposed § 575.6, paragraph (c) is amended to read:

§ 575.6 Requirements.

* * * * *

(c) Each manufacturer of motor vehicles, each brand name owner of tires, and each manufacturer of tires for which there is no brand name owner shall provide for examination by prospective purchasers, at each location where its vehicles or tires are offered for sale by a person with whom the manufacturer or brand name owner has a contractural, proprietary, or other legal relationship, or by a person who has such a relationship with a distributor of the manufacturer or brand name owner concerning the vehicle or tire in question, the information specified in Subpart B of this part that is applicable to each of the vehicles or tires offered for sale at that location. The information shall be provided without charge and in sufficient quantity to be available for retention by prospective purchasers, or sent by mail to a prospective purchaser upon his request. With respect to * * *

* * * * *

§ 575.104 [Amended]

2. In paragraph (d)(2) of proposed § 575.104, a new subdivision (viii) is added to read:

(viii) The tire may be graded 250 only if the value obtained pursuant to paragraph (f)(2)(ix) of this section is 250 or more.

3. In paragraph (i)(10) of proposed § 575.104, subdivision (i) is revised to read:

(i) The labeling specified in paragraph S4.3 of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109), including paragraph S4.3.1, but excluding paragraph S4.3.2, is branded into each mold half in accordance with that paragraph.

4. In paragraph (i)(10) of proposed § 574.104, a new subdivision (iv) is added to read:

(iv) An identification number, consisting of both letters and numerals of the size and in the location specified for the "Tire Identification Number" in Figure 1 of Part 574 of this chapter, identifying a lot consisting of 1,000 tires and numbering consecutively the tires in the lot, is branded into one mold half.

5. In paragraph (i)(11) of proposed § 575.104, Table IV—Tire Construction is revised by the addition of the following specification at the bottom of the Table, and the following footnote after the existing footnotes:

* * *	* * *	* * *	* * *
Crown Radius.[1]	110 percent...	110 percent...	110 percent.

[1] Actual tread radius divided by nominal tire cross section width.

6. In paragraph (i) of proposed § 575.104, a new subdivision (13) is added to read:

(13) *Performance requirement.* Each control tire shall be manufactured to conform to § 571.109 of this chapter.

7. In Figure 1—DOT Tire Quality Grades of proposed § 575.104, appearing at page 6202, immediately after the listing of possible treadwear grades, but before the line reading "This tire is graded * * *" the following line is added:

250_____ At least 250 percent

Interested persons are invited to submit comments in accordance with the guidelines specified in the notices of March 7, 1973 (38 FR 6194) and May 25, 1973 (38 FR 13748).

Comment closing date: October 5, 1973.

Proposed effective date: September 1, 1974.

(Secs. 103, 112, 119, 201, 203, Public Law 89-563, 80 Stat. 718; 15 U.S.C. 1392, 1401, 1407, 1421, 1423; delegations of authority at 38 FR 12147)

Issued on August 6, 1973.

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

[FR Doc.73-16801 Filed 8-13-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19800; FCC 73-840]

FM BROADCAST STATIONS IN CALIFORNIA

Notice of Proposed Rule Making

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Merced, California), RM-2012.

1. Notice of Proposed Rule Making is hereby given concerning proposed amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) with respect to the petition of Radio One, Inc. (Radio One), licensee of AM Station KYOS, Merced, California, proposing the assignment of Class B Channel 248 as a second assignment to that community.

2. Merced, population 22,670,[1] is the seat of Merced County, population 104,629.[2] There are presently four aural broadcast services at Merced: FM Station KAMB, Channel 268, AM Stations KYOS and KWIP (daytime-only), and educational FM Station KBDR (licensed to Merced Community College). Other aural broadcast stations in the county are Stations KLBS (daytime-only) and KLBS-FM (Channel 240A) licensed to Los Banos, population 9,188. Merced is 110 miles southeast of San Francisco. Merced County is bordered by Mariposa, Madera, San Benito, Fresno, San Jose, and Stanislaus Counties (the latter three are respectively the Fresno, San Jose, and Modesto Standard Metropolitan Statistical Areas).

3. Radio One, in support of its petition, sets forth information as to radio service in Merced and Merced County and makes further contentions. It urges that the addition of another channel at Merced would be a further step toward perfecting the Commission's overall objective of providing a fair, efficient, and equitable distribution of radio services as required by Section 307(b) of the Communications Act of 1934, as amended, and, more particularly, that the public interest, convenience, and necessity would be served by another FM channel rendering service to a sizable community and providing service to substantial unserved and "gray" areas. The assignment, we are told, may be made without making other changes in the FM Table of Assignments, there is no substantial preclusion, and the proposal comports with the Commission's policy of avoiding intermixture of FM assignments to the same community. Radio One states that Merced is located in the Central Valley, approximately 66 miles northwest of Fresno and 103 miles southeast of Sacramento and far from any large metropolitan area, and that Merced County's population is scattered. Merced, we are told, is a center of the Merced County's agricultural community which is 15th ranking county in value in the nation for farm products; Merced is the site of various agriculturally oriented agencies (Farm Labor Office, Farmers Home Administration, Soil Conservation Office, Agricultural Stabilization and Conservation Committee, Agricultural Commissioner, and Agricultural Extension Service). Merced is the central shopping and business area for both Merced and Mariposa (population 6,015) Counties with retail sales of over $90 million as compared to the over $171 million for its county. Castle Air Force Base with an estimated complement of over 16,000 personnel is located seven miles north of Merced; the city is the site of Merced College, and it is a tourist center (known as "The Gateway to Yosemite"). Topographically, Merced County is mostly flat land with hills to the east and west. Radio One contends that a station on proposed Channel 248 would serve all of Merced County and substantial portions of Mariposa and Madera Counties.[3] Petitioner calls attention to the fact that the programming of Station KAMB is religiously oriented. Radio One asserts that a Class A channel could not properly serve the area. Finally, Radio One states it will apply for a construction permit if the channel is assigned.

4. While not mentioned by petitioner, the Commission's population criteria[4] allow a city of the size of Merced a second FM assignment in appropriate circumstances. Radio One's arguments primarily are directed at showing the feasibility of the assignment and that another Class B assignment should be made. In the latter respect, it relies on our policy against mixing assignments and that a station on Channel 248 would provide service to an area of 1,810 square miles with 149,274 persons including an area of 370 square miles with 12,098 persons presently receiving no FM service and an area of 385 square miles with 50,627 persons presently receiving only one FM service.

5. It would appear that a sufficient showing has been made that the Commission should adopt a Notice of Proposed Rule Making requesting comments as to the proposal. We are satisfied that the proposed assignment may be made without any other change in the FM Table of Assignments. However, Radio One will have to furnish further information both as to preclusion and as to areas receiving no FM service (unserved areas) and those receiving one FM service (gray areas). With respect to preclusion, it appears that there are three sizeable communities which would be affected.[5] These are: Coalinga, population 6,161, which has only a daytime AM station; Avenal, population 3,035, which has no radio broadcast facilities; and Atwater, population 11,640, which also has no broadcast transmission service. Radio One should make a showing as to the availability of other channels for these communities. As concerns Radio One's argument based on service to unserved and gray areas, petitioner has not made an appropriate showing. Such a showing more appropriately should include assignments as well as stations and there are assumptions as to power and height. The criteria as set forth in *Roanoke Rapids-Goldsboro, North Carolina,* 9 F.C.C. 2d 672, 673 (1967) are (i) estimated FM 1 mV/m contours; (ii) assuming reasonable facilities for all existing stations, maximum for Class A, and 30 kW at 300 feet A.A.T. for Class B, or greater in the event the station already has such operating facility; and (iii) all unoccupied channels in the area with the same facilities as (ii) above. In this respect, Radio One has failed to consider Station KLBS-FM at Los Banos, it did not use the correct operating facility for Station KAMB at Merced (50 kW and 390 feet antenna height), and, for the Channel 236 assignment to Oakdale, coverage must be based on a maximum facility since use of that channel is so conditioned.

6. In view of the foregoing and pursuant to authority found in Sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the

[1] All population information is from the 1970 Census.

[2] These respectively are increases of 13 percent and 15.7 percent from the 1960 Census.

[3] The population of the latter is 41,519.

[4] See para. 4 of the Further Notice of Proposed Rule Making in Docket No. 14185, adopted July 25, 1962 (FCC 62-867), and incorporated by reference in Para. 25 of the Third Report, Memorandum Opinion and Order, 40 F.C.C. 747, 758 (1968).

[5] There is preclusion on Channels 246, 247, 248, and 249A. Most of the communities in the precluded areas have at least one assignment and do not appear to warrant another.

FM Table of Assignments, as concerns Merced, California, as follows:

City	Channel No.	
	Present	Proposed
Merced, California	268	248, 268

7. *Showings required.* Comments are invited upon the proposal referred to above. As indicated, there are questions about preclusion and the appropriate manner for showing unserved and gray areas. Radio One should also affirm its intention both to promptly apply for the channel if assigned and to construct if its application is granted. Failure to file comments or address the issues raised may result in dismissal.

8. *Cut-off procedure.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before September 14, 1973, and reply comments on or before September 25, 1973. All submissions by parties to this proceeding, or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the Rules and Regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

By the Commission.

FEDERAL COMMUNICATIONS COMMISSION,[*]

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

Adopted: August 2, 1973.

Released: August 7, 1973.

[FR Doc.73-16795 Filed 8-13-73;8:45 am]

[*] Commissioners H. Rex Lee and Reid absent.

FEDERAL MARITIME COMMISSION

[46 CFR Parts 531, 536]

COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE AND FOREIGN COMMERCE OF THE U.S.

[Dockets Nos. 73-39, 73-40]

Filing of Tariffs; Extension of Time for Comments

By two notices of proposed rulemaking published in these proceedings July 19, 1973 (FR Doc. 73-14844, 38 FR 19237; and FR Doc. 73-14843, 38 FR 19238) interested parties were afforded opportunity to comment on proposed new rules regarding contents of ocean carriers' tariff publications in respect to naming of rates and charges applicable to cargo moving in containers.

Various interested parties have requested enlargement of time for comments, or postponement of comments pending establishment of an industry advisory group for consultation and cooperation with the Commission in respect to formulating an appropriate rule.

Notice is hereby given that time for filing comments in these proceedings is postponed pending disposition of the various requests for revised procedures.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16828 Filed 8-13-73;8:45 am]

[46 CFR Part 542]

[General Order __; Docket No. 73-48]

REMOVAL OF OIL AND HAZARDOUS SUBSTANCES

Financial Responsibility

On October 18, 1972, Congress enacted the Federal Water Pollution Control Act Amendments of 1972. Section 311(p) of this new legislation amends the previous oil pollution financial responsibility requirements of section 11(p) of the Federal Water Pollution Control Act, as amended (hereinafter called the Act), (1) to include, in addition to the liability for the cost of removal of oil, the liability for the cost of removing hazardous substances; (2) to provide a fine of not more than $10,000 for any owner or operator of a vessel who fails to comply with the financial responsibility requirements of the Act or any regulation issued thereunder; (3) to authorize the Secretary of the Treasury to refuse clearance to a vessel which does not have evidence that the financial responsibility requirements have been complied with; and (4) to authorize the Secretary of the Department in which the Coast Guard is operating to deny entry to and detain any vessel, which upon request, does not produce evidence that the financial responsibility provisions have been complied with.

On August 3, 1973, the President issued Executive Order No. 11735 delegating to the Federal Maritime Commission the responsibility, including issuance of the necessary implementing regulations, to carry out the provisions of section 311(p) of the Act. Accordingly, the herein proposed rules (General Order __) are intended to supersede the existing oil pollution financial responsibility requirements contained in General Order 27 and accomplish the purposes of the new section 311 (p).

PROPOSED RULES—SECTION BY SECTION ANALYSIS

The proposed rules in most instances follow the wording of General Order 27. In every instance each reference to the previous section 11 of the Act has been changed to section 311 of the Federal Water Pollution Control Act, as amended, and all reference to the removal of "oil" has been changed to include "hazardous substances." In addition, for the reason discussed under § 542.1 below, all reference to "* * * liability for the discharge * * *" has been changed to "liability for the removal of * * *" In some instances minor changes in the wording have been made for the purposes of clarity and readability. Since these changes are not substantive they are not discussed in this analysis.

The existing rules contained in General Order 27, and the evidence of financial responsibility forms incorporated therein by reference, refer only to claims which may arise under section 11(f) of the Act. In paragraph (1) the aforesaid section 11(f) pertains to liabilities which may be incurred by owners or operators of vessels discharging oil. Section 11(g) of the Act, insofar as it pertains to vessels, refers to liabilities which may be incurred by "third party" owners or operators of vessels which cause discharges from other vessels.

With respect to vessels, new sections 311(f) and 311(g) impose similar liabilities for removal costs on not only owners or operators of vessels actually discharging oil or hazardous substances, but also on those "third party" owners or operators of vessels which cause the discharge of oil or hazardous substances from other vessels. So that there will be no dispute as to what liabilities are covered by the proposed rules and the evidence of financial responsibility forms incorporated therein by reference, the proposed rules and forms have been written to include the liabilities imposed by section 311(g) on "third party" owners or operators as well as the liabilities imposed by section 311(f) on owners or operators of vessels actually discharging oil or hazardous substances.

Title. The title of Part 542 is changed from Financial responsibility for oil pollution cleanup to Financial responsibility for removal of oil and hazardous substances.

Section 542.1 Scope. This section has been amended where necessary to include the liability for removal of hazardous substances as well as oil; provide in accordance with the new section 311 of the Act that the effective date of the requirements with respect to hazardous substances shall be October 18, 1973; and change all references to section 11 of the Water Quality Improvement Act of 1970 to section 311.

Section 542.2. Definitions. Paragraphs (s) and (t) have been added to include the definitions of the terms "remove or removal" and "hazardous substances." These definitions are self-explanatory.

Section 542.3. Proof of financial responsibility when required. No specific changes.

Section 542.4. Procedure for establishing financial responsibility. No specific changes.

Section 542.5. Methods of establishing financial responsibility, forms and requirements. Section 542.5(a)(1) contains the Commission's "uniform endorsement" which is required to be included in all insurance policies and cover notes. This endorsement was contained in the original publication of General Order 27, but at the request of interested parties was changed several times by amendment to the rules to make clearer the Commission's intent and to more closely relate the language of the rules to the language of the enabling Act. Since some endorsements had already been filed with the Commission in the original wording, to avoid placing an undue burden on insurers and applicants the Commission prescribed in each of the amendments that the use of the new wording would be permissive at the discretion of the insurer or applicant. Since the endorsement must again be amended in these proposed rules to conform to the amendment to the enabling Act, all existing endorsements must be refiled and therefore there is no longer a need to provide for the permissive use of the alternative wording. Accordingly, all reference to such permissiveness is deleted.

The substance of the uniform endorsement is included in the Commission's current insurance, bond, and guaranty form, and § 525.5(b) as presently worded also provides for the use of alternative language. For the reasons set forth above this permissiveness is no longer necessary and, therefore, such provisions are deleted from § 525.5(b).

Section 542.6 Issuance of Certificate of Financial Responsibility. No specific changes.

Section 542.7 Denial, revocation, suspension, or modification of Certificates. No specific changes.

Section 542.8 Notice. No specific changes.

Section 542.9 Fees. § 542.9(d) pertaining to application fees is changed to note that in accordance with new § 542.11(a) applicants for new Certificates under these proposed rules who hold a Certificate issued under General Order 27, need not file a new $100 application fee, if application for the new Certificate is made prior to October 18, 1973.

Section 542.10 Enforcement. New § 542.10 is added to provide, in statutory language, the enforcement provisions added by the 1972 amendments to the Act.

Section 542.11 Conversions. A new § 542.11 is added to the rules to provide for the filing of applications by persons who presently hold Certificates issued under General Order 27. This section provides for the filing of new applications by the owners and operators of the approximately 20,000 vessels presently certified for oil pollution responsibility pursuant to the provisions of General Order 27. Each of these owners and operators will be required to file new applications and new evidence of financial responsibility in order to comply with the 1972 amendments to the Act.

In order to accomplish the issuance of the new Certificates in an orderly manner, the new section 542.11 of the proposed rules provides that those owners and operators presently holding valid oil pollution Certificates must file acceptable applications and evidence of financial responsibility before October 18, 1973. Upon such a filing the existing oil pollution Certificates will be deemed to be evidence of compliance with the new requirements. Those owners and operators who do not make an acceptable filing within the time limit will be so notified and be required to return their oil pollution Certificates. According to this new section, upon failure to make a timely filing or upon issuance of a new Certificate the previously existing Certificate will become null and void.

Forms similar to the previous forms contained in General Order 27 are appended to these new proposed rules and incorporated therein by reference. The wording of each of the forms has been changed to include, in addition to oil, the liability for removal of hazardous substances, and to conform to the rules proposed herein.

This rulemaking proceeding 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 (42 U.S.C. 4321, et seq.). Furthermore, inasmuch as these rules and regulations, as promulgated under the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), require the Commission to issue Certificates evidencing compliance to all applicants qualified in accordance with the statutory provisions, and inasmuch as the effect of implementation of these rules serves to benefit the overall environment, the issuance of an environmental impact statement is not required in the certification procedures proposed herein.

Now, therefore, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553), sections 311(p)(1) and 311(p)(2) of the Federal Water Pollution Control Act, as amended, (86 Stat. 870), and section 3 of Executive Order 11735, notice is hereby given that the Federal Maritime Commission proposes to promulgate certain rules and regulations to implement the provisions and to accomplish the purpose of section 311(p) of the Federal Water Pollution Control Act, as amended. The proposed rules would set forth the procedures and qualifications for the certification of vessels under section 311(p)(1) of the Federal Water Pollution Control Act, as amended. As proposed, the title and provisions of Part 542 of Title 46 CFR would be revised to provide as follows:

PART 542—FINANCIAL RESPONSIBILITY FOR REMOVAL OF OIL AND HAZARDOUS SUBSTANCES

Sec.

AUTHORITY: Secs. 311(p)(1) and 311(p)(2), Federal Water Pollution Control Act, as amended; 86 Stat. 870; sec. 3, Executive Order 11735. Upon adoption these regulations shall supersede the regulations contained in General Order 27, issued September 29, 1970 (35 FR 15216).

§ 542.1 Scope.

The regulations contained in this part set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil or hazardous substances as cargo or fuel, using any port or place in the United States or the navigable waters of the United States for any purposes after April 2, 1971, with respect to oil and October 17, 1973, with respect to hazardous substances, shall establish and maintain evidence of financial responsibility of $100 per gross ton, or $14 million, whichever is the lesser, to meet the liability to the United States to which any such vessel could be subjected pursuant to section 311, Federal Water Pollution Control Act, as amended, for the removal of oil or hazardous substances from the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone. Included also are the qualifications required by the Commission for issuance of Certificates and the basis for the denial, revocation, modification, or suspension of such Certificates. The rules of this part shall not apply to the use by vessels of ports or places in the United States or the navigable waters of the United States prior to April 3, 1971, with respect to oil and October 18, 1973, with respect to hazardous substances.

§ 542.2 Definitions.

As used in this part, the following terms shall have the meanings indicated:

(a) "Act" means the Federal Water Pollution Control Act, as amended.

(b) "Commission" means Federal Maritime Commission.

(c) "Applicant" means any owner or operator, including a potential owner or operator, who has applied for a Certificate.

(d) "Certificant" means any person who has been issued, and holds, a Certificate.

(e) "Certificate" means a Certificate of Financial Responsibility (Pollution).

(f) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(g) "Public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(h) "Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

(i) "Person" includes an individual, government, firm, corporation, association, or a partnership.

(j) "Owner" means any person owning a vessel. In a case where a certificate of registry has been issued, the owner shall be deemed to be the person or persons whose name or names appear upon the vessel's certificate of registry; provided, however, that where a certificate of registry has been issued in the name of the President or Secretary of an incorporated company pursuant to 46 U.S.C. 15, such incorporated company will be deemed to be the "owner".

(k) "Operator" means a bare-boat charterer or any other person except the owner, responsible for a vessel's operation and who mans, victuals, and supplies the vessel.

(l) "Insurer" means one or more insurance companies, underwriters, corporations or associations of underwriters, shipowners' protection and indemnity associations, or other persons acceptable to the Commission.

(m) "Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredge spoil.

(n) "Discharge" includes, but it not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(o) "Contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

(p) "Navigable waters of the United States" include the coastal territorial waters of the United States, the inland waters of the United States including the United States portion of the Great Lakes and the St. Lawrence Seaway, and the Panama Canal.

(q) "Cargo" includes both proprietary and non-proprietary cargo.

(r) "Fuel" means any oil or hazardous substance used or capable of being used to produce heat or power by burning.

"Remove" or "removal" means the removal of oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches.

(t) "Hazardous substance" means any substance designated as such by the Administrator of the Environmental Protection Agency pursuant to section 311 (b)(2) of the Federal Water Pollution Control Act, as amended.

§ 542.3 Proof of financial responsibility, when required.

(a) No vessel over 300 gross tons, including any barge of equivalent size, but not including any barge that is not self-propelled and that does not carry oil or hazardous substance as cargo or fuel, shall use any port or place in the United States or the navigable waters of the United States on or after April 3, 1973, with respect to oil and October 18, 1973, with respect to hazardous substances, for any purpose unless a Certificate has been issued covering such vessel.

(b) Vessels subject to the provisions of this part shall be presumed to be of the gross tonnage denoted in their certificates of registry or other marine documents acceptable to the Commission; provided, however, that if such a vessel has more than one gross tonnage, the higher one will apply.

§ 542.4 Procedure for establishing financial responsibility.

(a) Either owners or operators of vessels subject to § 542.3 must file an application on Form FMC–321 for a Certificate of Financial Responsibility (Pollution).[1] Persons who intend to become an owner or operator within the meaning of this part at a future date may file an application for a Certificate. Copies of Form FMC–321 may be obtained from the Secretary, Federal Maritime Commission, Washington, D.C. 20573, or at the Commission's offices at New York, New York; New Orleans, Louisiana; and San Francisco, California.

(b) An applicant desiring to obtain a Certificate should file a completed application Form FMC–321 at least 45 days in advance of any of its vessels using any port or place in, or the navigable waters of, the United States. Applications will be processed in order of receipt. Requests for special consideration in the processing of an application, however, will be granted where applications involve bare-boat charters or unusual situations, if good cause is shown by the applicant. All applications, evidence, documents, and other statements require to be filed with the Commission shall be in English, and any monetary terms shall be expressed in terms of U.S. currency. The Commission shall have the privilege of verifying any statement made or evidence submitted under the rules of this part.

(c) The application shall be signed by a duly authorized officer or representative of the applicant and, except in the case of a corporate officer when his title appears in the application or in the case of an individual owner or operator, be submitted with a copy of evidence of his authority. In the event of any nonmaterial change in the facts as reflected in the application, the applicant or certificant shall notify the Commission in writing no later than fifteen (15) working days following such change. For the purpose of this part, a nonmaterial change shall be one which does not result in an increase in the amount of financial responsibility necessary to qualify for a Certificate under the provisions of this part. In addition, if for any reason including a vessel's demise, sale, or transfer to an operator, a certificant ceases to be responsible for liabilities to which such vessel could be subjected under section 311 of the Act, the certificant shall follow the procedure set forth in § 542.6(b).

(d) Each applicant, insurer, surety, and guarantor shall furnish a written designation of a person in the United States as legal agent for service of process for the purposes of the rules of this part. Such designation must be acknowledged, in writing, by the designee. In any instance in which the designated agent cannot be served because of his death, disability, or unavailability, the Secretary, Federal Maritime Commission, will be deemed to be the agent for service of process. When serving the Secretary in accordance with the above provision, the U.S. Government must also serve the certificant, insurer, surety, or guarantor, as the case may be, by registered mail at its last known address on file with the Commission.

§ 542.5 Methods of establishing financial responsibility; forms and requirements.

(a) Every applicant must establish acceptable evidence of financial responsibility to meet his liability to the United States under the Act in the amount of $100 per gross ton, or $14 million, whichever is the lesser: provided, however, that, if an applicant is, or for purposes of the rules of this part becomes, responsible for more than one vessel subject to this part, financial responsibility need only be established in an amount necessary to meet the maximum liability to which the largest vessel of such vessels (fleet) could be subjected. Evidence of such responsibility may be established by any one, or any combination, of the following methods:

(1) Filing with the Commission on insurance Form FMC–322 evidence of insurance issued by an acceptable insurer or insurance broker; or, in the alternative, a signed copy of an acceptable cover

[1] All forms referred to in this part are filed as part of the original document.

note or signed copy of an acceptable insurance policy. When a cover note is submitted, the underlying insurance policy must be provided to the Commission as soon as possible. A deductible provision in any policy of insurance or cover note, except where the insurer agrees to be liable to the United States for the full amount of the deductible, will be unacceptable unless the applicant evidences supplemental coverage for the amount of the deductible by means of other acceptable insurance, surety bond, guaranty or self-insurance. If a policy of insurance or cover note is submitted, it must include the following uniform endorsement:

Any other provisions of this policy (or the policy evidenced by this cover note) notwithstanding (1) said policy insures any liability the assured may incur to the United States under sections 311(f) and (g) of the Federal Water Pollution Control Act, as amended: provided, however, that the insurer's liability to the United States or to the assured in any event shall not exceed $100 per gross ton of the tonnage of the vessel in respect of which a claim may be made, or $14 million, whichever is the lesser, subject to any deductible as specifically set forth in Clause or Article of said policy (or in this cover note); (2) the Insurer agrees that any claims incurred under the aforementioned sections 311(f) and (g) may be brought directly against the Insurer, provided that where a claim is brought directly against the Insurer, the Insurer shall be entitled to invoke all rights and defenses, as set forth in section 311(f)(1) of the Federal Water Pollution Control Act, as amended, which would have been available to the assured if the action had been brought against said assured by the U.S. Government, and shall also be entitled to invoke all rights and defenses which would have been available to the Insurer if the action had been brought against him by the assured; and (3) termination or cancellation of said insurance including expiration by its terms, insofar as it relates to the assured's liability under section 311 of the Federal Water Pollution Control Act, as amended, shall not be effected until notice in writing has been given by the Insurer to the assured and to the Secretary of the Federal Maritime Commission at its office in Washington, D.C., and until after 30 days expire from the date such notice is actually received by the Commission, unless substitute evidence of financial responsibility already has been accepted by the Commission; provided, however, the Insurer shall remain liable for claims covered by said insurance arising by virtue of an event which had occurred prior to the effective date of such termination or cancellation.

(2) Filing with the Commission a surety bond on Form FMC–324 issued by a bonding company authorized to do business in the United States and acceptable to the Commission. Such surety bond shall evidence coverage for liability to the United States, in the amount specified in paragraph (a) of this section, to which a vessel could be subjected for the removal of oil or hazardous substances from the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone.

(3) Filing with the Commission for qualification as a self-insurer. Any such self-insurer must demonstrate financial responsibility by maintenance in the United States of working capital and net worth each in an amount calculated as in paragraph (a) of this section; provided, however, that the Commission for good cause shown may waive the requirement as to the amount of working capital. With respect to the maintenance of working capital and/or net worth, the Commission may take into consideration all current contractual requirements to which the applicant is bound. This evidence of financial responsibility shall be supported by, and subject to, the following, which are to be submitted with the initial application and on a continuing fiscal year basis while the Certificate is in effect:

(i) A current semiannual balance sheet; provided, however, the Commission for good cause shown may require only an annual balance sheet;

(ii) A current semiannual statement of income and surplus; provided, however, the Commission for good cause shown may require only an annual statement of income and surplus;

(iii) An annual current balance sheet and an annual current statement of income and surplus to be certified by appropriate certified public accountants;

(iv) An annual current credit rating report by Dun & Bradstreet or any similar concern found acceptable to the Commission;

(v) All financial statements required to be submitted under paragraph (a)(3) of this section shall be due within 120 days after the close of each of the aforementioned pertinent accounting periods; provided that if such financial statements have been furnished to other United States Government agencies, a copy thereof may be submitted;

(vi) Such additional financial information as the Commission may deem necessary in appropriate cases;

(vii) Upon request the Commission may grant reasonable extensions of the time limits provided by this subparagraph for filing the statements required by this part: provided, that the request is received 15 days before the statements are due and provided further that such request sets forth good and sufficient reasons to justify the extension requested. In no event, however, will the Commission entertain requests for extensions of more than 60 days.

(4) Filing with the Commission a guaranty on Form FMC–325 by a guarantor acceptable to the Commission. Any such guaranty shall be in an amount calculated as in paragraph (a) of this section. An acceptable guarantor must comply with the provisions of paragraph (a)(3) of this section, relating to self-insurers, except that the amount of net worth and working capital required to be demonstrated by such guarantor shall not be less than the aggregate amount of guarantees underwritten. As in the case of self-insurers, the Commission for good cause shown may waive the requirement as to the amount of working capital.

(5) Filing with the Commission on insurance Form FMC–323 evidence of insurance, issued by an acceptable insurer or insurance broker for purposes of obtaining a master Certificate as provided in § 542.6(d).

(6) Filing with the Commission a guaranty on Form FMC–326 issued by a guarantor acceptable to the Commission, for the purpose of obtaining a master Certificate as provided in § 542.6(d). An acceptable guarantor is defined in paragraph (a)(4) of this section.

(7) Filing with the Commission such other evidence of financial responsibility as the Commission shall, in its discretion, deem proper and acceptable: provided, however, that such other evidence of financial responsibility shall in no way constitute an alteration or modification of the methods of establishing financial responsibility prescribed in this paragraph (a).

(b) The Commission's application Form FMC–321, insurance Forms FMC–322 and FMC–323, surety bond Form FMC–324, and guaranty Forms FMC–325 and FMC–326, as set forth in and appended to this part, are hereby incorporated into the rules of this part.

(c) Any evidence of financial responsibility filed pursuant to the provisions of this part shall not prohibit the institution of claims for costs incurred by a vessel under the provisions of section 311 of the Act directly against the insurer or other person providing the evidence of financial responsibility required by this part. In the event, however, of any such claim brought directly against the insurer or other person providing the evidence of financial responsibility, such insurer or other person shall be entitled to invoke all rights and defenses, as set forth in section 311(f)(1) of the Act, which would have been available to the owners or operator if the action had been brought against said owner or operator by the U.S. Government, and shall also be entitled to invoke all rights and defenses which would have been available to such insurer or other person if the action had been brought against him by said owner or operator.

(d) Any financial evidence submitted to the Commission under the rules of this part shall set forth in full the correct name of the person to whom the Certificate is to be issued.

(e) If any evidence filed with the application does not comply with the requirements of this part, or for any reason fails to provide adequate or satisfactory protection to the United States, the Commission will notify the applicant stating the deficiencies thereof.

(f) Financial data filed in connection with the rules of this part shall be confidential except in instances where such information becomes relevant in connection with hearings conducted pursuant to § 542.7.

§ 542.6 Issuance of Certificate of Financial Responsibility.

(a) Except as set forth in paragraph (d) of this section, where evidence of financial responsibility has been established, a separate Certificate covering each vessel shall be issued evidencing the

Commission's finding of adequate financial responsibility to meet the liability to the United States to which such vessel could be subjected under section 311 of the Act for the cost of removal of oil or hazardous substances from the navigable waters of the United States, adjoining shorelines, or the waters of the contiguous zone. The period covered by each Certificate shall be indeterminate unless a termination date has been specified thereon. A Certificate issued pursuant to this part, or copy thereof, must be carried on board the certificated vessel. Where it would be physically impossible for the Certificate or copy thereof to be carried aboard the certified vessel, it must be retained at a location in the United States and kept readily accessible for inspection by U.S. Government officials; provided, however, that where it would be physically impossible for the Certificate or copy thereof to be carried aboard the certified vessel, the Federal Maritime Commission Certificate number, preceded by the letters "FMC", must be marked upon each bow of such vessel in such manner as to be readily discernible, but in no event shall the letters and numbers used be smaller than three inches in size.

(b) Except in the case of a master Certificate as provided for in paragraph (d) of this section, if for any reason, including a vessel's demise, sale or transfer to an operator, a certificant ceases to be responsible for liabilities to which such vessel could be subjected under section 311 of the Act, such certificate must within five (5) working days thereafter, complete the reverse side of the Certificate covering the involved vessel and return the Certificate to the Secretary of the Commission. If the Certificate covering a vessel subject to this paragraph has been lost or destroyed, the certificant must, within five (5) working days, submit the following written information to the Secretary:

(1) The number of the Certificate and the name of the vessel;

(2) The date on which the certificant ceased to be liable for the vessel;

(3) The name and mailing address of the person to whom the vessel was sold or transferred, if any;

(4) The location of the vessel on the date indicated in paragraph (b)(2) of this section.

(c) In the event of the transfer of a vessel certificated pursuant to this part to an operator where the certificant, transferring such vessel, continues to be responsible for liabilities to which such vessel could be subjected under section 311 of the Act, and continues to maintain on file with the Commission adequate evidence of financial responsibility with respect to such vessel, the existing Certificate will remain in effect and the new operator shall not be required to obtain an additional Certificate.

(d) In lieu of separate Certificates for each vessel, a person owning or operating vessels as a builder, scrapper, or seller may apply for a master Certificate to cover all vessels up to a specified, individual vessel, maximum gross tonnage, which such applicant may from time to time hold for the purposes of construction, scrapping or sale. The maximum gross tonnage to be specified on a particular master Certificate shall be that number of gross tons for which the applicant has evidenced acceptable financial responsibility. For purposes of obtaining a master Certificate, acceptable evidence of financial responsibility shall be established by the methods set forth in § 542.5(a), with the exceptions of insurance Form FMC–322 and guaranty Form FMC–325. Persons who have been issued master Certificates must submit to the Secretary of the Commission, every six months beginning with the month in which the master Certificate is issued, reports indicating the name, previous name, or other identifying information and gross tonnage of every vessel covered by the master Certificate during the reporting period. Before any certificant, already holding a master Certificate, acquires a new vessel which is of a gross tonnage greater than the gross tonnage specified on his master Certificate, and such new vessel is to be acquired for purposes of construction, scrapping or sale, said certificant shall submit to the Commission new or amended evidence of financial responsibility in an amount necessary to cover such new, larger vessel. Failure to do so may result in the master Certificate being suspended or revoked, which would require the certificant to apply for separate Certificates for each of his vessels in accordance with the other provisions of this part.

§ 542.7 Denial, revocation, suspension, or modification of a Certificate.

(a) Prior to the denial, revocation, suspension, or modification of a Certificate, the Commission shall advise the applicant or certificant of its intention to deny, revoke, suspend, or modify, and shall state the reasons therefor. If the applicant or certificant within 20 days after the receipt of such advice requests a hearing, such hearing shall be granted by the Commission and conducted in accordance with the Commission's rules of practice and procedure (Part 502 of this chapter); provided, however, that a Certificate shall become null and void upon cancellation or termination of evidence of insurance, surety bond or guaranty. The procedural provisions of the Shipping Act, 1916 (46 U.S.C. 801), shall apply to all proceedings conducted under this part.

(b) A Certificate may be denied, revoked, suspended, or modified for any of, but not limited to, the following reasons:

(1) Making any willfully false statement to the Commission in connection with an application for a Certificate, or its continuance in effect;

(2) Circumstances whereby the applicant or certificant does not qualify as financially responsible in accordance with the requirements of the Commission;

(3) Failure to comply with or respond to lawful inquiries, rules, regulations, or orders of the Commission pursuant to the rules of this part.

§ 542.8 Notice.

Notice to the public of the issuance, denial, revocation, suspension, or modification of any Certificate shall be published in the FEDERAL REGISTER.

§ 542.9 Fees.

(a) This section establishes the application and certification fees which shall be imposed by the Federal Maritime Commission for processing application Form FMC–321 and issuance of Certificates of Financial Responsibility (Pollution).

(b) Applications filed pursuant to this part are subject to the application and certification fees set forth in paragraphs (d) and (e) of this section. Applications returned to applicants for additional information or corrections will not require an additional application fee when resubmitted.

(c) Fees are payable in terms of U.S. dollars and may be paid by check, draft, or postal money order made payable to the Federal Maritime Commission. Cash will not be accepted.

(d) Except as provided in § 542.11(a) of this part, every application Form FMC–321 shall be accompanied by an application fee of $100 which shall not be refundable.

(e) In addition to the application fee, a vessel certification fee for each vessel listed on the application, subject to a maximum total certification fee of $1,000 shall be paid by the applicant in accordance with the following gross tonnage schedule:

For each vessel over:

300 to 1,200 gross tons	$2
1,200 to 5,000 gross tons	5
5,000 to 10,000 gross tons	10
10,000 to 30,000 gross tons	15
30,000 gross tons	25

Provided, however, That there shall be no certification fee assessed for Certificates issued to cover vessels of persons engaged in the building, scrapping, or sale of vessels when such vessels are being held solely for construction, sale, or scrapping.

(f) Certification fees will be refunded, on request, if (1) the application is withdrawn prior to the issuance of the Certificate or (2) the Certificate is denied pursuant to § 542.7(b)(2). Payments in excess of the applicable application and/or certification fee will be refunded only if overpayment is $2 or more.

(g) In any case necessitating the issuance of a new Certificate, such as, but not limited to, the addition of a vessel, change in name, or replacement of a lost Certificate, the individual vessel fee based on the particular vessel's gross tonnage shall apply: provided, however, that, consistent with paragraph (e) of this section, the maximum total certification fee that an applicant will be assessed is $1,000.

§ 542.10 Enforcement.

(a) Any owner or operator of a vessel subject to section 311(p) of the Act who fails to comply with the provisions of said section 311(p) or these regulations shall be subject to a fine of not more than $10,000.

(b) Any vessel subject to section 311 (p) of the Act which does not have a Certificate issued pursuant to this part, evidencing that the financial responsibility requirements of section 311(p)(1) of the Act have been complied with, may be refused by the Secretary of the Treasury the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91).

(c) Any vessel subject to section 311 (p) of the Act, which upon request, does not produce a Certificate issued pursuant to this part, evidencing that the financial responsibility requirements of section 311(p)(1) of the Act have been complied with, may be (1) denied entry, by the Secretary of the Department in which the Coast Guard is operating, to any port or place in the United States or the navigable waters of the United States, and (2) detained by said Secretary at the port or place in the United States from which it is about to depart for any other port or place in the United States.

§ 542.11 Conversions.

(a) Every owner or operator of a vessel subject to this part who on the effective date of this part holds a valid Certificate of Financial Responsibility (Oil Pollution) issued pursuant to the provisions of General Order 27 must, prior to October 18, 1973, file an application Form FMC–321 in accordance with § 542.4, and new evidence of financial responsibility as prescribed in § 542.5.

Such application must be accompanied by appropriate certification fees as prescribed in § 542.9, but such owners and operators shall not be required to submit the $100 application fee. The certification fees herein required shall be due and payable without regard to any prior certification fees paid under the provisions of General Order 27, but shall apply toward the $1,000 maximum provided in § 542.9(e).

(b) On and after October 18, 1973, a Certificate of Financial Responsibility (Oil Pollution) shall be deemed evidence of compliance with the financial responsibility requirements of section 311(p) of the Act and this part, provided the holder thereof has complied with the provisions of paragraph (a) of this section by filing a properly executed application, evidence of financial responsibility as required by the provisions of § 542.5, and appropriate certification fees. Such Certificate of Financial Responsibility (Oil Pollution) shall remain valid until revoked or until a Certificate is issued pursuant to § 542.6. A Certificate of Financial Responsibility (Oil Pollution) held by an owner or operator who has complied with paragraph (a) of this section shall become null and void upon failure of said owner or operator to maintain acceptable evidence of financial responsibility on file with the Federal Maritime Commission.

(c) The Certificates of Financial Responsibility (Oil Pollution) held by an owner or operator who fails to comply with the filing requirements of paragraph (a) of this section shall automatically become null and void at 12:01 a.m., October 18, 1973.

(d) Any self-insurer filing application pursuant to this § 542.11 or any guarantor executing evidence of financial responsibility pursuant to this section 542.11 on behalf of an applicant who on October 18, 1973, has on file with the Federal Maritime Commission the financial information required by § 542.5(a)(3) need not refile such financial information, provided, however, all subsequently required annual and semiannual financial information required by said § 542.5(a)(3) is timely filed.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 4, 1973, an original and 15 copies of their views or arguments pertaining to the proposed rules. All suggestions for changes in the text should be accompanied by drafts of the language thought necessary to accomplish the desired change and should be supported by statements and arguments relating the proposed change to the purposes of section 311(p) of the Federal Water Pollution Control Act, as amended (86 Stat. 870).

By order of the Federal Maritime Commission.

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

[FR Doc.73–16829 Filed 8–13–73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

TRANSPORTATION OF BODY

Cost of Shipping Case

The Administrator of Veterans' Affairs proposes a regulatory change relating to payment by the Veterans Administration of expense incurred in transporting the body to the place of burial when a veteran dies while receiving hospital or domiciliary care in a Veterans Administration facility. The revision removes a current limitation of $30 on the amount that may be allowed on the cost of a shipping case. When transportation expenses are payable and the shipping case is used solely for transportation purposes there would be no limitation on the amount payable for this item so long as the charges therefor do not exceed those made to the general public. To effect the change it is proposed to amend Part 3, Title 38, Code of Federal Regulations as set forth below.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before September 12, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address of the above room number.

Notice is given that the change would be effective the date of final approval.

In § 3.1606(a), subparagraph (3) would be amended to read as follows:

§ 3.1606 Transportation items where veteran dies while properly hospitalized.

The transportation costs of those persons who come within the provisions of § 3.1605 (a), (b), (c) and (d) may include the following:

(a) *Shipment by common carrier.* * * *

(3) *Shipping case.* When a box purchased for interment purposes is also used as the shipping case, the amount payable may not exceed the usual and customary charge for a shipping case. In any such instance any excess amount would be an acceptable item to be included in the burial allowance expenses.

* * * * *

By direction of the Administrator.

Approved: August 6, 1973.

[SEAL] FRED B. RHODES, *Deputy Administrator.*

[FR Doc.73–16757 Filed 8–13–73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[No. 99.1.5]

DIRECTOR, WEST AFRICA REGIONAL ECONOMIC DEVELOPMENT SERVICES OFFICE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Director, West Africa Regional Economic Development Services Office, and to the person in that office who has been designated, with the concurrence of this Office, as contracting officer, the authority to sign or approve:

1. U.S. Government contracts financed in whole or in part by A.I.D., provided each individual contractual action does not exceed $500,000;

2. Country contracts for technical assistance activities financed in whole or in part by an A.I.D. grant;

3. Grants (other than grants to foreign governments or agencies of foreign governments) for technical assistance activities, provided each individual grant action does not exceed $500,000;

4. With respect to those contracts and grants referred to above; to make findings and determinations with respect to advance payments, including those financed by Federal Reserve Letters of Credit and to approve the contract provisions relating to such advance payments. This authority is limited to advance payments on non-profit contracts with non-profit educational or research institutions, including international organizations.

The authority herein delegated to the Director, West Africa Regional Economic Development Services Office may be exercised by duly authorized persons who are performing the functions of the Director in an acting capacity. The authorities delegated herein are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within the Agency for International Development.

The Redelegation of Authority to the Director, West Africa Regional Economic Development Services Office dated October 24, 1972 (37 FR 23580; A.I.D. Manual Order 131.3.9) is hereby revoked.

This redelegation of authority shall be effective immediately.

Dated: July 30, 1973.

HUGH L. DWELLEY,
Acting Director, Office of Contract Management.

[FR Doc.73-16784 Filed 8-13-73;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 73-213]

FOREIGN CURRENCIES

Certification of Rates

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rate of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 73-190 for the Malaysian dollar. Therefore, as to entries covering merchandise exported on the date listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rate:

Malaysian dollar:
July 27, 1973 ..... $0.4440

[SEAL] R. N. MARRA,
Director, Appraisement and Collections Division.

[FR Doc.73-16807 Filed 8-13-73;8:45 am]

Office of the Secretary

[Treasury Department Order No. 189 (Rev. 2)]

ASSISTANT SECRETARY FOR ADMINISTRATION AND DIRECTOR, OFFICE OF EQUAL OPPORTUNITY PROGRAM

Designation as Director and Deputy Director of Equal Employment Opportunity and Principal and Deputy Compliance Officer

I hereby designate the Assistant Secretary for Adminstration to be Treasury's Director of Equal Employment Opportunity and Principal Compliance Officer, with full authority to act for me on equal employment opportunity matters with respect to both Treasury and contractor personnel.

I hereby transfer supervision of the Office of Equal Opportunity Program from the General Counsel to the Assistant Secretary for Administration.

I further designate the Director of the Office of Equal Opportunity Program to be the Deputy Director of Equal Employment Opportunity and the Deputy Compliance Officer. The Assistant Secretary for Administration may delegate to the Director of the Office of Equal Opportunity Program the authority to make decisions and dispositions on complaints of discrimination, acceptance of affirmative action plans by Treasury components and to make determinations of the compliance posture of contractors. This authority may not be redelegated by the Director.

This order supersedes Treasury Department Order 189, (revised) of May 3, 1969.

Dated: August 5, 1973.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-16806 Filed 8-13-73;8:45 am]

[Treasury Department Order No. 177-25 (Rev. 2)]

DIRECTOR, U.S. SECRET SERVICE

Delegation of Authority

AUGUST 8, 1973.

Pursuant to the authority vested in the Secretary of the Treasury, including that vested in him by delegation from the Administrator of General Services, FMPR Temporary Regulation D-40 (July 25, 1973) 38 FR 20850, and pursuant to the authority vested in me by Treasury Department Order No. 190 (Revision 9) (July 2, 1973) 38 FR 17517:

(1) Authority is hereby delegated to the Director of the United States Secret Service to appoint uniformed guards as special policemen, to make all needful rules and regulations, for the protection of the Treasury Building and Treasury Annex, Washington, D.C.;

(2) Authority is hereby delegated to the Director of the Bureau of Engraving and Printing to appoint uniformed guards as special policemen and to make all needful rules and regulations for the protection of the Bureau of Engraving and Printing and Bureau of Engraving and Printing Annex, Washington, D.C.;

(3) Authority is hereby delegated to the Director of the Mint to appoint uniformed guards as special policemen and to make all needful rules and regulations for the protection of the United States Mint, Denver, Colorado; United States Bullion Depository, Fort Knox, Kentucky; United States Assay Office, 32 Old

Slip, New York, New York, new United States Mint, Fifth and Arch Streets, Philadelphia, Pennsylvania; United States Assay Office, 155 Hermann Street, San Francisco, California; the old United States Mint Building, 88 Fifth Street, San Francisco, California; and the United States Bullion Depository, West Point, New York.

The authority conferred by this order shall be exercised in accordance with the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318–318c).

This order revises Treasury Department Order No. 117–25 (Revision 1, September 25, 1970) and is effective from July 25, 1973.

Dated: August 8, 1973.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73–16805 Filed 8–13–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

KANAB DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Kanab District Advisory Board will hold a meeting August 17, 1973, at 9:00 a.m. at the Escalante Resource Area Office, Escalante, Utah. The meeting will consist of a range field tour of the Escalante Resource Area beginning at 9:00 a.m. followed by a business meeting at about 4:00 p.m. in the Double "D" Cafe in Escalante. Interested members of the public going on the range tour will have to furnish their own transportation and lunches.

The agenda for the business meeting will include: applications for transfer of grazing privileges, management of grazing allotments, review and discussion of Wild Free-Roaming Horse and Burro Regulations and discussion on land use planning.

The meeting and tour will be open to the public. Persons wanting to make verbal statements during the meeting should notify in advance the advisory board chairman, Wallace Ott of Tropic, Utah, 84776.

MORGAN S. JENSEN,
District Manager.

[FR Doc.73–16781 Filed 8–13–73;8:45 am]

[A 7346]

ARIZONA

Order Opening Reclamation Withdrawn Lands to Mineral Location, Entry, and Patent

By virtue of the authority of the Act of April 23, 1932 (47 Stat. 136; 43 U.S.C. 154) and the regulations thereunder contained in 43 CFR 3816, and pursuant to the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526) as amended, it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the following described lands shall, commencing at 10 a.m. on September 10, 1973, be open to location, entry, and patenting under the United States Mining Laws, subject to the stipulations hereinafter quoted, to be executed and acknowledged in favor of the United States by the locators, for themselves, their heirs, successors, and assigns, and recorded in the county records and in the United States Land Office at Phoenix, Arizona, before any rights attach by virtue of this order:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 S., R. 16 E.,
Sec. 5, lots 1, 2, 3, 4, 5, S½NE¼, N½SE¼, SW¼SE¼.

The area described contains 332.53 acres.

2. The land lies within the withdrawal for the Middle Gila River Project made by Public Land Order No. 3835, dated September 27, 1965.

3. Location, entry, and/or patenting of the land shall be subject to the following stipulations:

a. In carrying on the mining and milling operations contemplated hereunder, applicant will, by means of substantial dikes or other adequate structures, confine all tailings, debris, and harmful chemicals in such a manner that the same shall not be carried into Gila River bottom lands by storm waters or otherwise.

b. There is reserved to the United States, its successors and assigns, the prior right to use any of the land herein described to construct, reconstruct, operate, and maintain dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, drainage works, flood channels, telephone and telegraph lines, electric transmission lines, roadways, and appurtenant irrigation structures, without any payment made by the United States, or its successors and assigns, for such right, with the agreement on the part of the applicant that if the construction or reconstruction of any or all of such dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands should be made more expensive by reason of the existence of improvements or workings of the applicant thereon, such additional expense is to be estimated by the Secretary of the Interior, whose estimate is to be final and binding upon the parties hereto, and that within thirty days after demand is made upon the applicant for payment of such sums, the applicant will make payment thereof to the United States, or its successors and assigns, constructing or reconstructing such dams, dikes, levees, reservoirs, canals, wasteways, laterals, ditches, telephone and telegraph lines, electric transmission lines, roadways, or appurtenant irrigation structures across, over, or upon said lands. There is also reserved to the United States the right of its officers, agents, employees, licensees, and permittees, at all proper times and places freely to have ingress to, passage over, and egress from all of said lands for the purpose of exercising, enforcing, and protecting the rights reserved herein.

c. Applicant further agrees that the United States, its officers, agents, employees, and assigns, shall not be liable for any damage to the improvements or works of the applicant resulting from the construction, reconstruction, operation, or maintenance of any of the works hereinabove enumerated.

Inquiries concerning these lands shall be addressed to Chief, Division of Technical Services, Arizona State Office, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

JOE T. FALLINI,
State Director.

AUGUST 6, 1973.

[FR Doc.73–16782 Filed 8–13–73;8:45 am]

Office of the Secretary

JOHN E. FORD, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of August 2, 1973.

Dated: July 26, 1973.

JOHN E. FORD, JR.,

[FR Doc.73–16775 Filed 8–13–73;8:45 am]

OTIS B. HOCKER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of July 28, 1973.

Dated: August 2, 1973.

OTIS B. HOCKER.

[FR Doc.73–16776 Filed 8–13–73;8:45 am]

[FES 73–43]

AUTHORIZED AUBURN-FOLSOM SOUTH UNIT, CENTRAL VALLEY PROJECT, CALIF.

Availability of Supplement to Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of

1969, the Department of the Interior has prepared a supplement to the final environmental statement for the authorized Auburn-Folsom South Unit, Central Valley Project, California.

The supplement to the final environmental statemenet contains responses to comments on the final environmental statement of November 13, 1972. Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620 Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240 Telephone (202) 343-4991

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225 Telephone (303) 234-3007

Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825 Telephone (916) 484-4571

Auburn-Folsom South Unit CVP Construction Office, Bureau of Reclamation, P.O. Box 1309, Auburn, California 95603 Telephone (916) 885-7546

Single copies of the supplement to the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: AUGUST 6, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary of the Interior.

[FR Doc.73-16799 Filed 8-13-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MEDICINE BOW NATIONAL FOREST ADVISORY BOARD

Notice of Meeting

The Medicine Bow National Forest Advisory Board will meet August 15, 1973, at 9:00 a.m. MDT at the junction of the Lewis Lake Campground Road and the Snowy Range Highway.

The purpose of this meeting is to ride the sheep allotments on the Snowy Range.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, 605 Skyline Drive, Laramie, Wyoming 82070. Telephone 745-7308. Written statements may be filed with the committee before or after the meeting.

To the extent that time permits, interested persons may be permitted to present oral statements at the meeting.

J. E. BENNETT,
Forest Supervisor.

AUGUST 3, 1973.

[FR Doc.73-16825 Filed 8-13-73;8:45 am]

WASATCH NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

AUGUST 1, 1973.

The Wasatch National Forest Multiple Use Advisory Committee will meet at 8 PM on August 29, 1973 and all day August 30th at Logan, Utah.

The purpose of this meeting is to review in the evening meeting (Aug. 29) the role of National Forest management on the Ogden and Logan Ranger Districts (formerly administered by the Cache National Forest and now administered by the Wasatch National Forest) and to spend the following day on a horseback trip in the Mt. Naomi Roadless Area. This trip is to acquaint the Advisory Committee with at least a portion of the area so that they will be better qualified to evaluate management alternatives for that area. Management of the Mt. Naomi area has become a matter of great interest to many individuals and groups in the States of Utah and Idaho.

The meeting will be open to the public. Persons who wish to attend the field trip will have to provide their own transportation to the trailhead and their own horses and food. Persons who wish to attend should notify Wasatch National Forest Supervisor C. P. St. John, Telephone No. 524-5031, Federal Building, 125 South State Street, Room 4311, Salt Lake City, Utah.

Written statements may be filed with the Committee before or after the meeting.

CHANDLER P. ST. JOHN,
Forest Supervisor.

AUGUST 6, 1973.

[FR Doc.73-16783 Filed 8-13-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

UNIVERSITY OF MARYLAND

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before September 3, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket number: 74-00036-33-46040. APPLICANT: University of Maryland Hospital, University of Maryland, 660 West Redwood Street, Baltimore, Maryland 21201. ARTICLE: Electron Microscope, Model JEM 100B. MANUFACTURER: JEOL, Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used in the study of pathological processes ranging from low magnification survey pathology to high resolution studies of selected aspects of injury on cell membranes and organelles, and virus identification studies. Specific applications include:

1. Renal biopsy program. Diagnostic surveys to observe the type of renal alterations and type of deposits present and for analysis of immunochemical and histochemical studies.

2. Neuropathology. Description of autopsy material from immediate and routine autopsies.

3. Blood cell program. Study of alterations of red blood cells in Sickle cell and other blood cell diseases.

4. Virus studies. Virus identification and study in body fluids, skin vesicles and other tissues.

The article will also be used in a course entitled Instrumentation, Light and electron microscopy. Application received by Commissioner of Customs: July 19, 1973.

Docket number: 74-00037-33-46040. Applicant: Colorado State University, Purchasing Department, Fort Collins, Colorado 80521. Article: Electron microscope, Model HS-9 and accessories.

Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used in research on renal disease following a single low level exposure to gamma irradiation during prenatal and early postnatal life in the beagle. Materials to be studied are biological specimens which include renal cortex, renal medulla, parathyoids and selected additional tissues. It is also intended to study cardiotoxicity of antineoplastic agents including investigation of subcellular isolates of myocardial cells; and the recovery from lesion producing doses of adriamyacin which requires the electron microscope to reveal subtle subcellular lesions and recovery capabilities in the area of the studies of pathogenesis and mechanism of these compounds. The article is to be used in the following courses for masters and doctoral candidates: AY 704-Biological Preparations for Electron Microscopy; AY 705-Biological Preparation for Electron Microscopy Laboratory; AY 706-Theory of Electron Microscopy Op-

eration; AY 707–Electron Microscopy Operation; and AY 875–Advanced Electron Microscopy. Application received by Commissioner of Customs: July 19, 1973.

Docket number: 74–00038–33–28500. Applicant: State University of New York at Buffalo, 1803 Elmwood Avenue, Buffalo, New York 14207. Article: Rank Electrophoresis Instrument. Manufacturer: Rank Brothers, United Kingdom. Intended use of article: The article is intended to be used to measure the relation between the motion of living cells in suspension, in an electric field, and the field strength and the composition of the suspending medium. Cells will be used from various tissue-culture lines, and at various ages in the growth cycle, and before and after malignant transformation. Results will be correlated with the behavior of these cells in other biological experiments in an effort to obtain an understanding of the behavior of cells in forming tissues in metastisis (a problem in cancer research) and related problems. Application received by Commissioner of Customs: July 19, 1973.

Docket number: 74–00039–33–90000. Applicant: Brandeis University, Rosenstiel Basic Medical Sciences Research Center, 415 South Street, Waltham, Massachusetts 02154. Article: Rotating anode X-Ray Generator, Model GX6. Manufacturer: Elliott Automation Radar Systems Ltd., United Kingdom. Intended use of Article: The article will be used in small-angle, high-resolution X-ray diffraction experiments involving muscle, membrane and virus structure. Application received by Commissioner of Customs: July 2, 1973.

Docket number: 74–00040–33–46040. Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Massachusetts 02138. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the examination of ovaries; uteri; oviducts; eggs and blastocysts; spermatozoa; testis and accessory glands of the male reproductive tract in research intended to further the understanding of reproduction and to contribute to development of improved methods for limitation of human fertility. Among the intended studies are (1) membranes and membrane contacts of granulosa cells in ovarian follicles as ovulation approaches; the nature of the blood-testis permeability barrier; localizing histocompatability antigens on cell surfaces by conjugating ferritin to antibody and localizing the ferritin molecules in high resolution electron micrographs; cell biology of the female reproductive system and the early events of embryogenesis by use of the techniques of light and electron microscopy: and ovary, oviduct and early cleavage stages of the embryo. Application received by Commissioner of Customs: July 16, 1973.

A. H. STUART,
Director Special Import Programs Division.

[FR Doc.73–16777 Filed 8–13–73;8:45 am]

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Environmental Impact Statement

In FR Doc. 73–11495, appearing in the FEDERAL REGISTER of June 8, 1973, (38 FR 15087) reference was made to the environmental impact statement entitled, Maritime Administration tanker construction program, NTIS Report No. EIS 730725–F, published May 30, 1973, concerning proposed assistance to private industry to aid in the construction in the United States of a fleet of oil carrying vessels during the decade of the 1970's. Vessel classes included ranged from approximately 35,000 DWT to 400,000 DWT.

Said notice of June 8, 1973, stated that the Maritime Subsidy Board had received certain applications for assistance under the tanker construction program and had determined that the vessels thereupon identified to be constructed with such assistance were of the type, design and characteristics of those vessels treated in the above mentioned environmental impact statement.

In FR Doc. 73–15762, appearing in the FEDERAL REGISTER of July 31, 1973 (38 FR 20355) notice was given that Moore-McCormack Bulk Transport, Inc. had filed an application dated July 23, 1973, pursuant to title V of the Merchant Marine Act, 1936, as amended, for construction-differential subsidy to aid in the construction of three new tank vessels of approximately 38,300 deadweight tons to be used in the worldwide bulk trade, including the import-export commerce of the United States.

This application is for construction of three ships of MarAd Design T6–S–93a, similar to and to be constructed from the same plans and specifications as the three tankers now under construction at National Steel and Shipbuilding Co. (NASSCO) for Margate Shipping Company.

The design is similar to the "Handy Tanker" described in Section II of the Environmental Impact Statement (EIS) except that dimensions are slightly different and deadweight is increased from 35,000 to 38,300 tons. In addition the subject tankers will have 15 cargo tanks and three segregated ballast tanks as compared to 27 tanks, all allocated to cargo, of the "Handy Tanker." This difference will result in an advantage to the subject tanker when considering the likelihood of oil outflow due to collision, but in the event of a collision in way of the cargo tanks a larger quantity of oil would be spilled than on the "Handy Tanker", with small tanks. It is therefore considered that the two designs have equivalent acceptability from this point of view.

These are relatively small ships used for shorthaul operation and for berthing in restricted areas and this type of ship is described in detail in the EIS under the title of "Handy Tankers".

The subject ships will have two longitudinal oiltight bulkheads and seven main transverse oiltight bulkheads in the cargo area dividing that space into six sets of cargo tanks forward to aft. There are 15 cargo tanks, plus three tanks set aside for segregated ballast.

The ship meets all the requirements for subdivision and stability as required by the International Load Line Convention of 1966 as well as the IMCO oil outflow limitations for collision or stranding.

Characteristics are as follows:

Length overall	668'–6"
Length between perpendiculars	660'–0"
Beam	90'–0"
Depth	47'–0"
Full load draft	35'–0"
Full load displacement	47,120
Light ship (approx.)	8,170
Total deadweight (approx.)	38,950
Segregated ballast	9,837
Percent total displacement in ballast	42%
Maximum SHP	15,000
Service speed	16 knots

Numerous special pollution control features described in the EIS for "Handy Tankers" will be installed in the NASSCO T6–S–93a design vessels covered by this application. These features are:

IMCO cargo tank outflow requirement
Remote shutdown cargo pumps
Local control load and discharge manifolds
"Loan-on-Top" capability
Segregated ballast—42%
Oil content meters or alarm device
Sewage holding tank

In view of the fact that these ships duplicate the Design T6–S–93a 38,300 DWT tankers presently under construction at NASSCO, which were considered in the EIS, and that the pollution control features on the "Handy Tankers" considered in the EIS are included, the Maritime Subsidy Board has concluded that these vessels are adequately covered by the Final Environmental Impact Statement, NTIS Report No. EIS 730725–F.

As a consequence the Board has found that no supplement to the EIS nor any new impact statement need be prepared with respect to the three vessels described above. Future Board action with respect to this application will be, from an environmental standpoint, based on the above referenced impact statement.

Dated: August 9, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73–16823 Filed 8–13–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

HUMAN DRUGS CONTAINING TRICHLOROETHANE (1,1,1-TRICHLOROETHANE, METHYLCHLOROFORM)

Notice to Drug Manufacturers, Packers, and Distributors

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs has proposed that all aerosal drug products intended for inhalation, either

directly or indirectly, containing 1,1,1-trichloroethane (also known as methylchloroform) be considered as new drugs and subject to regulatory proceedings unless the products are the subject of new drug applications approved pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act. That proposal is based on reports of 21 deaths resulting from the use of decongestant aerosol sprays containing the solvent trichloroethane. Most of the deaths were attributed to misuse of the products. All such products known to the Food and Drug Administration have been recalled from the market.

1,1,1-Trichloroethane is used in various aersol products as a solvent for the active ingredients and to reduce the vapor pressure of the propellants. Although the chemical has been used for many years as an industrial solvent and as a substitute for carbon tetrachloride as a degreasing agent, the Food and Drug Administration has no information regarding its use in drug products other than its use in certain decongestant aersol sprays. 1,1,1-Trichloroethane is known to be irritating to the eyes and mucous membrane and is toxic to the cardiovascular system. When inhaled, it is a potent anesthetic agent and induces ventricular arrhythmias. For these reasons it is essential that the Commissioner have knowledge of every drug product currently marketed in the United States that contains 1,1,1-trichloroethane, whether it is present as an active or inactive ingredient, so that he may determine if there is adequate evidence the drugs are safe and effective for their intended purposes and what, if any, action is necessary to protect the public health.

Section 510(j)(3) of the act, as added by the Drug Listing Act of 1972, authorizes the Commissioner to require each registrant under section 510 of the act to submit a list of each drug product which the registrant is manufacturing, preparing, propagating, compounding, or processing for commercial distribution and contains a particular ingredient, when the Commissioner has made a finding that the submission of such a list is necessary to carry out the purposes of the act. For the reasons stated above the Commissioner so finds with regard to drugs containing 1,1,1-trichloroethane.

In addition to the required list of drugs containing 1,1,1-tricholorethane, the Commissioner is requesting, but not requiring, that certain other information be submitted. The Commissioner acknowledges that some of the information being requested has also been requested in the regulations implementing the Drug Listing Act of 1972, and will be available from that source. However, it will greatly simplify the compilation of this information if it is included in this submission.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 510, 701(a), 52 Stat. 1040–1042, as amended, 1053, as amended, 1055, as amended; 21 U.S.C. 321, 360, 371(a); 42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), each registrant under section 510 of the act is required to submit to the Food and Drug Administration a list of all human drugs which are being manufactured, prepared, propagated, compounded, or processed for commercial distribution and which contain 1,1,1-trichloroethane (also known as methylchloroform), whether or not the 1,1,1-trichloroethane is an active or inactive ingredient, as follows:

1. Reporting firm name, address, and registration number.

2. List of drugs containing 1,1,1-trichloroethane (by trade name, if any, and established name, if any).

It is requested but not required that the following information also be submitted:

3. National Drug Code (NDC) if one has been assigned.

4. A statement whether the drug is marketed over the counter or limited to prescription distribution.

5. Route of administration.

6. Amount of 1,1,1-trichloroethane in average daily dose.

7. Quantity of drug distributed (number of dosage units) during previous 12 months.

8. A copy of the label and labeling.

This information shall be submitted to:

Department of Health, Education, and Welfare
Food and Drug Administration
Bureau of Drugs, Registration Section
5600 Fishers Lane
Rockville, MD 20852

by: September 13 1973.

Dated: AUGUST 6, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-16758 Filed 8-13-73;8:45 am]

Office of Child Development

HEAD START GRANT TO MISSOULA-MINERAL HUMAN RESOURCES, INC.

Hearing Regarding Termination

Notice of hearing is hereby given as set forth in the following letter which has been sent to Missoula-Mineral Human Resources, Inc.

MRS. DONNA HATTON, *President,*
Board of Directors,
Missoula-Mineral Human Resources, Inc.,
508 Toole Avenue,
Missoula, Montana 59801.

AUGUST 7, 1973.

DEAR MRS. HATTON: In accordance with your request for a hearing on the termination of assistance under the Head Start program to your agency, I have set August 20, 1973, at 9:30 a.m., Room 510, Suite 502, 1050 17th Street, Denver, Colorado as the time and place for a hearing. This hearing is held under the authority of section 604(3) of the Economic Opportunity Act of 1964 (81 Stat. 715, section 103(d); 42 USC 2944(3)). Attached is a copy of my order designating the Honorable Charles T. Birmingham, Jr., to preside over this hearing.

The hearing will be conducted in accordance with the draft procedure attached hereto and which is adapted for this case. For purposes of this hearing, the Acting Director, Office of Child Development, is the "responsible OCD official" referred to in the attached draft procedure and the procedure is hereby further modified so that there is no review such as the one in § 1302.4–7(e), subsequent to the review by the responsible OCD official. In addition, the responsible OCD official shall render his decision within thirty days of the mailing of any exceptions instead of twenty days as provided.

The reason for the termination of assistance is the failure of the Board of Directors, Missoula-Mineral Human Resources, Incorporated, (MMHR) to comply with Federal standards, guidelines, instructions and conditions resulting in serious maladministration of the Head Start program. In particular, those charged with the administration of the programs on behalf of MMHR have failed to comply with Federal requirements as follows:

1. The Head Start Manual 6108-1 regulation on family income eligibility specifies that at least ninety per cent of the children to be enrolled in each class must come from families receiving a limited gross income. The intake records of Missoula-Mineral Human Resources, Inc., show that determinations of eligible children were made on the basis of adjusted family incomes, resulting in enrollment of a substantial number of children in Head Start classes in excess of ten per cent from families above the poverty guidelines.

2. Refusal to permit access to records related to program operations to Mr. Hollis Bach.

3. Failure to furnish an annual audit for the program year ending November 30, 1972 within the required time period.

4. Diversion of funds derived from fees for services from the State AFDC program, from the Head Start program to payment of interest on a commercial loan contrary to applicable instructions.

5. Dissolution of the Head Start Policy Council on or about June 15, 1973 without Policy Council concurrence as required by applicable Federal policy.

6. Personnel actions were taken without the concurrence of the Head Start Policy Council as required by OCD policy, including removal of the Head Start director.

7. Misuse of funds on several recent occasions.

8. Head Start facilities were made available to individuals for non-Head Start purposes resulting in loss or damage to property and other disruptions to the program. Responsible officials failed to take necessary timely action to put a stop to this and to prevent a reoccurrence.

Sincerely,

SAUL R. ROSOFF,
Acting Director,
Office of Child Development.

Interested persons or organizations may be permitted to participate in the hearing as parties if, in the discretion of the presiding officer, the participation of such persons or organizations is necessary to a proper determination of the issues involved. Any person or group requesting to participate shall file an application with the Office of Child Development Hearing Clerk, Room 5746, 400 Sixth Street, S.W., Washington, D.C. 20201, as soon as possible, but not later than August 15, 1973. The application shall state the applicant's interest in the proceeding, the evidence or arguments the applicant intends to con-

tribute, and the necessity for the introduction of such evidence or arguments. The hearing clerk shall forward all such applications to the presiding officer.

Dated: August 9, 1973.

SAUL R. ROSOFF,
Acting Director,
Office of Child Development.

[FR Doc.73-16911 Filed 8-13-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

SALEM-McNARY AIRPORT; SALEM, OREG.

Commissioning of Airport Traffic Control Tower

Notice is hereby given that on or about August 30, 1973, the Airport Traffic Control Tower at the Salem-McNary Airport, Salem, Oregon, will be commissioned. It will improve the operational flow of terminal traffic consisting predominantly of general aviation aircraft. Communications to the Airport Traffic Control Tower should be addressed as follows:

Airport Traffic Control Tower
Department of Transportation
Federal Aviation Administration
Salem-McNary Airport
3000 25th Street S.E.
Salem, OR 97302

Issued in Seattle, Washington, on August 2, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.73-16769 Filed 8-13-73;8:45 am]

TRI-CITIES AIRPORT; PASCO, WASH.

Commissioning of Airport Traffic Control Tower

Notice is hereby given that on or about August 30, 1973, the Airport Traffic Control Tower at the Tri-Cities Airport, Pasco, Washington, will be commissioned. It will improve the operational flow of terminal traffic consisting predominately of general aviation aircraft. Communications to the Airport Traffic Control Tower should be addressed as follows:

Airport Traffic Control Tower
Department of Transportation
Federal Aviation Administration
Tri-Cities Airport
3601 North Chase
Pasco, WA 99301

Issued in Seattle, Washington, on August 2, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.73-16770 Filed 8-13-73;8:45 am]

Federal Highway Administration

WASHINGTON

Availability of Proposed Action Plan

The Washington Department of Highways has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Washington State Highway Library
Highway Administration Building
Olympia, Washington 98504
2. District 1, Washington Department of Highways
6431 Corson Avenue South
Seattle, Washington 98108
Phone: (206) 764-4141
3. District 2, Washington Department of Highways
P.O. Box 98
Wenatchee, Washington 98801
Phone: (509) 663-1641
4. District 3, Washington Department of Highways
P.O. Box 327
Olympia, Washington 98504
Phone: (206) 753-7200
5. District 4, Washington Department of Highways
P.O. Box 1717
Vancouver, Washington 98663
Phone: (206) 696-6461
6. District 5, Washington Department of Highways
P.O. Box 52
Yakima, Washington 98901
Phone: (509) 248-1661
7. District 6, Washington Department of Highways
P.O. Box 5299
N. Central Station
Spokane, Washington 99205
Phone: (509) 456-3000
8. District 7, Washington Department of Highways
10506 NE 4th Street
Bellevue, Washington 98004
Phone: (206) 455-7000
9. Serial Record Section
Holland Library
Washington State University
Pullman, Washington 99163
10. Documents Librarian
Reference Division
University of Washington Library
Seattle, Washington 98195
11. Reference Documents Librarian
Seattle Public Library
Seattle, Washington 98104
12. Documents Division
Tacoma Public Library
Tacoma, Washington 98403
13. Exchange and Gift Division
Library of Congress
Washington, D.C. 20000
14. Aberdeen Public Library
Aberdeen, Washington 98520
15. The Library
Western Washington State College
Bellingham, Washington 98225
16. The Library
Eastern Washington State College
Cheney, Washington 99004
17. Government Publication Division
The Library
Central Washington State College
Ellensburg, Washington 98926
18. Everett Public Library
Everett, Washington 98201
19. Mid-Columbia Library
405 South Dayton Street
Kennewick, Washington 99336
20. Longview Public Library
Longview, Washington 98632
21. Municipal Reference Library
307 Municipal Building
Seattle, Washington 98104
22. King County Public Library
300 8th Avenue, North
Seattle, Washington 98109
23. Spokane Public Library
W. 906 Main Avenue
Spokane, Washington 99201
24. The Library
Pacific Lutheran University
Parkland
Tacoma, Washington 98447
25. Librarian
University of Puget Sound
Tacoma, Washington 98416
26. Fort Vancouver Regional Library
1007 East Mill Plane Blvd.
Vancouver, Washington 98660
27. Whitman College Library
Walla Walla, Washington 99362
28. Wenatchee Public Library
310 Douglas
Wenatchee, Washington 98801
29. Yakima Valley Regional Library
102 North 3rd Street
Yakima, Washington 98901
30. Washington State Library
State Library Building
Olympia, Washington 98504
31. Washington Division—FHWA
1007 South Washington Street
Olympia, Washington 98507
32. FHWA Regional Office—Region 10
222 S.W. Morrison Street
Portland, Oregon 97204
33. U.S. Department of Transportation
Federal Highway Administration
Environmental Development Division
Nassif Building, Room 3246
400 7th Street SW.
Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before September 10, 1973.

Issued on August 9, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-16803 Filed 8-13-73;8:45 am]

Federal Railroad Administration

[FRA E.O. No. 3]

TRANSPORTATION OF TRITONAL BOMBS

Emergency Order Regarding Class A Explosives

As a result of investigations of recent rail accidents and incidents involving the transportation of Tritonal Bombs (Class A Explosives), the Federal Railroad Administration (FRA) has determined that the use of low-sparking brake shoes and adequate spark shields or increased inspection and surveillance of car selection and transportation of Class A explosives are essential to prevent further occur-

rences. Although the accidents involving Class A explosive bombs which occurred on the Southern Pacific Transportation Company at Roseville, California on April 28, 1973, and at Benson, Arizona on May 24, 1973, are still under investigation, on June 1, 1973, the National Transportation Safety Board (NTSB) issued its safety recommendation R–73–24. In R–73–24 the NTSB recommended that the FRA issue temporary regulations requiring "Increased inspection and surveillance of the car selection, loading and transportation of military explosives of a type involved in Tobar, Roseville, and the Benson explosions."

In addition to the action recommended by the NTSB, the FRA believes that an effort must be made to eliminate sources of excessive heat in the rail transportation of these munitions and that increased inspection is needed of those car components which can cause such heat. One source of excessive heat is the sticking of brakes. In addition, cast iron brake shoes can produce a "sparking" condition which can cause hot metal sparks to be thrown against and ignite a wooden car body. Similarly, the application of high-friction composition brake shoes to a car equipped for the application of low-friction composition shoes may cause a fire in the brake shoe which can be transmitted to the wooden floor of a car body.

I have thoroughly reviewed this matter and conclude that the present practice of transporting Class A explosives creates an emergency situation involving a hazard of death or injury to persons affected by the use of railroad equipment in transporting the explosives. Therefore, pursuant to the authority contained in section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432), I am hereby issuing the following order:

ORDER

In addition to the requirements of Parts 170–189 of Title 49 of the Code of Federal Regulations governing the transportation of explosives, effective 12:01 a.m., August 16, 1973, a railroad may transport Class A explosives only under the following conditions:

(a) Each car transporting Class A explosives must be designed for and equipped with one of the following types of brake shoes. All brake shoes on the car must be of the same type and of a type for which the car is designed. All brake shoes must be in a safe and suitable condition for service, and in compliance with the wear limit set forth below according to type of brake shoe:

Type of brake shoe	*Wear limit* Brake shoe must have a uniform thickness of more than—
Low-friction composition	¾ inch
High-friction composition	⅝ inch
High-phosphorous	½ inch

(b) Except as provided in subdivision (c) of this order, each car transporting Class A explosives must be equipped with—

(1) A continuous steel sub-floor; or

(2) Metal spark shields, located on each side of the center sill, extending continuously from the center sill to the side sill, and continuously from the end sill to a point not less than one foot beyond the tread of the inside wheel of the car truck and which do not have an accumulation of oil, grease, or debris constituting a fire hazard.

(c) A car which does not meet the requirements set forth in subdivision (b) of this order may be used to transport Class A explosives under the following conditions:

(1) The car transporting Class A explosives and each car coupled to that car in a train must be inspected as provided in clause (2) of this subdivision, by employees qualified to make the inspection, while the train is stopped at each of the following points:

(i) Where the train and engine crews are changed;

(ii) Immediately before traversing a 1.75 percent or more descending grade of 10 miles or more in length;

(iii) The first point practicable after traversing a 1.75 percent or more descending grade of 10 miles or more in length, but not more than two miles after descending the grade;

(iv) The first point practicable after the automatic air brakes have been in continuous application on a moving train for a period of 30 minutes or more; and

(v) The first point practicable after an emergency application of the automatic air brakes.

(2) The inspection required by clause (1) of this subdivision must be conducted to determine that—

(i) The air brakes are released;

(ii) There is no evidence of fire;

(iii) There is no evidence of overheating of brake shoes, wheel rims, wheel treads, or journals; and

(iv) The car suspension system and draft gear assembly are in a safe and suitable condition for service.

(3) With respect to an inspection made under clause (2) of this subdivision—

(i) If there is evidence of sticking brakes, measures must be taken to assure that air brakes and hand brakes are fully released.

(ii) If any evidence of overheating of any component of a car is discovered, or the suspension system or draft gear assembly of a car are found to be in an unsuitable condition for service, each defective car must be set out from the train, or the train may proceed at a speed of not more than 10 miles per hour to the nearest point where each defective car can be removed from the train. Cars set out from the train under these conditions may not be used for the transportation of Class A explosives until they have been repaired, inspected, and certified as safe and suitable for service by a responsible mechanical officer of the railroad concerned. If a car cannot be certified to be in a safe and suitable condition for service, the Class A explosives lading must be transferred to a car which meets the requirements set forth in this order before they are transported by rail.

A civil penalty of not less than $250 nor more than $2500 will be assessed for each violation of this order and each day of such violation will constitute a separate offense.

An opportunity for review of this order is provided in accordance with section 554 of Title 5 of the United States Code.

(Sec. 203, 84 Stat. 972, 45 U.S.C. 432; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49 (n)).

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

JOHN W. INGRAM,
Administrator.

[FR Doc.73–16804 Filed 8–13–73;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On October 9 and 10, 1973, the National Motor Vehicle Safety Advisory Council will hold a public conference on the technical and legal aspects of motor vehicle safety defects. The conference will be held in room 2232, Department of Transportation headquarters building, 400 Seventh Street, SW, Washington, D.C., beginning at 9:00 a.m. each day. The Safety Defects Conference is being sponsored by the National Motor Vehicle Safety Advisory Council to aid the Council in developing recommendations and guidelines for consideration by the Secretary of Transportation on what constitutes a "safety-related defect." The Council believes that the conference is timely in light of the increasingly large number of motor vehicles recalled each year and legislation before Congress calling for mandatory recall and remedy of safety-related defects.

The Advisory Council is asking for participation by representatives of the motor vehicle industry, consumer groups, the Government, and other interested parties. Parties who wish to speak at the Conference or submit a written report are invited to indicate their interest by writing the Chairman of the Safety Defects Conference for further details by August 31, 1973 at the following address: Chairman, Safety Defects Conference, National Motor Vehicle Safety Advisory Council, (Rm. 5215), NHTSA, DOT, Washington, D.C. 20590.

The National Motor Vehicle Safety Advisory Council is composed of 22 members, a majority of whom represent the general public, including representatives of State and local governments, with the remainder representing motor vehicle and equipment manufacturers and dealers. The Advisory Council makes recommendations to the Secretary of Transportation on the motor vehicle safety standards program administered under the National Traffic and Motor Vehicle Safety Act of 1966 (15 USC 1381 et seq.).

The Advisory Council's Safety Defects Conference is independent of any rulemaking activities conducted by the Department of Transportation, is not a substitute for meetings held at the request of the Department, and is not a substitute for comments submitted to any rulemaking docket. The Department of Transportation is not responsible for representations made or positions taken at the conference.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act, effective January 5, 1973.

For further information, contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW., Washington, D.C. or telephone 202-426-2872.

Issued on: AUGUST 8, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-16802 Filed 8-13-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS COMBINED ENVIRONMENTAL AND WASTE MANAGEMENT SUBCOMMITTEES

Notice of Meeting

AUGUST 10, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 USC 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Combined Environmental and Waste Management Subcommittees will hold a meeting on August 27-28, 1973, in Room 1046, 1717 H Street, N.W., Washington, D.C. The purpose of the meeting will be to consider a variety of subjects and programs pertaining to protection of the environment and to the handling of radioactive waste.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Monday, August 27, 1973, 9:00 a.m.-5:00 p.m. Assessment of Current Reactor Waste Management Systems; Emergency Radiological Instrumentation for Power Reactors; Evaluation of Plutonium Contamination; and, Evaluation of Environmental Impact Statements.

Tuesday, August 28, 1973, 8:30 a.m.-12:30 p.m. Waste Treatment Methods for Airborne Radioactive Materials; Management of Solid Radioactive Wastes Other Than Solidified High Level Waste; Decontaminating and Decommissioning of AEC Facilities; and, Criteria Involved in Achieving As Low As Practicable Release of Radioactive Materials.

In connection with the above agenda items, the Subcommittees will hold an executive session at 8:30 a.m. on August 27 which will involve a discussion of their preliminary views, and an executive session at 1:30 p.m. on August 28, consisting of an exchange of opinions of the Subcommittees members and internal deliberations and formulation of recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The acting Chairman of the combined Subcommittees is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than August 21, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the combined Subcommittees. To the extent that the time available for the meeting permits, the combined Subcommittees will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the acting Chairman of the combined Subcommittees, between the hours of 11:30 a.m., and 12:30 p.m. on the second day of the meeting, August 28, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the acting Chairman of the combined Subcommittees, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the acting Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on August 24, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittees and their consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 on or after October 29, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-16904 Filed 8-13-73;8:45 am]

[Docket Nos. 50-440, 50-441]

DUQUESNE LIGHT CO. ET AL.

Notice and Order for Special Prehearing Conference

In the matter of Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company, the Cleveland Electric Illuminating Company, the Toledo Edison Company, (Perry Nuclear Power Plant, Units 1 and 2)

Take notice, that pursuant to the Atomic Energy Commission's "Notice of Hearing on Application for Construction Permits", dated July 8, 1973, and in accordance with § 2.751(a) of the Commission's rules of practice, a special prehearing conference will be held in the subject proceeding on September 5, 1973, at 10:00 a.m., local time, in Courtroom No. 3, Lake County Courthouse, Park Place, Painesville, Ohio 44077.

The special prehearing conference will deal with the matters set forth in § 2.751(a), including such matters as:

1. Identification and simplification of the issues;
2. The necessity or desirability of amending the pleadings;
3. The obtaining of stipulations and admissions;
4. The setting of a hearing schedule; and
5. Such other matters as may aid in the orderly disposition of the proceeding.

All members of the public are entitled to attend this prehearing conference as well as the subsequent evidentiary sessions.

It is so ordered.

Issued at Washington, D.C., this 9th day of August 1973.

ATOMIC SAFETY AND LICENSING BOARD,

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73-16831 Filed 8-13-73;8:45 am]

[Docket No. 50-277]

PHILADELPHIA ELECTRIC CO. ET AL.

Notice of Issuance of Facility Operating License

Notice is hereby given that pursuant to an Order, dated May 11, 1973, issued by the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-44 to the Philadephia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company and

the Atlantic City Electric Company which authorizes low power testing and operation at reactor core power levels not in excess of 329 megawatts thermal (10% of rated power), in accordance with the provisions of the license and the Technical Specifications. The Peach Bottom Atomic Power Station, Unit 2 is a boiling water nuclear reactor located at the licensees' site in York County, Pennsylvania.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of the date of issuance and shall expire on February 7, 1975, unless extended for good cause shown or upon the earlier issuance of a superseding operating license.

A copy of (1) Order, dated May 11, 1973, (2) Facility Operating License No. DPR-44, complete with Technical Specifications (Appendices "A" and "B"), (3) the report of the Advisory Committee on Reactor Safeguards, dated September 21, 1972, (4) the Directorate of Licensing's Safety Evaluation, dated August 11, 1972, (5) Supplement No. 1 to the Safety Evaluation, dated December 11, 1972, (6) Supplement No. 2 to the Safety Evaluation, dated May 23, 1973, (7) the Final Safety Analysis Report and amendments thereto, (8) the applicant's Environmental Report, dated June 4, 1971 and supplements thereto, (9) the Draft Environmental Statement dated October, 1972, and (10) the Final Environmental Statement, dated April, 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N. W., Washington, D. C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401. A copy of the license and the Safety Evaluation and Supplements may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D. C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 8th day of August, 1973.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Boiling Water Reactors Branch 1, Directorate of Licensing.

[FR Doc.73-16830 Filed 8-13-73;8:45 am]

[Docket Nos. 50-344, 50-344-OL]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Notice of Prehearing Conference

In the matter of PORTLAND GENERAL ELECTRIC COMPANY, ET AL (Trojan Nuclear Plant): notice is hereby given that in accordance with the Licensing Board's Prehearing Conference Order of August 8, 1973, in the above-entitled proceedings, a Second Prehearing Conference will be held commencing at 10:00 am, local time, on Monday, September 10, 1973, in Courtroom 204, United States Court of Appeals, The Pioneer Courthouse, Portland, Oregon 97204.

The Prehearing Conference will deal with the status of discovery, any motions then outstanding, and such other matters as may aid in the orderly preparation for the Evidentiary Hearing tentatively scheduled to commence on October 30, 1973, in Portland, Oregon.

Also take notice that considering the circumstances of the two proceedings as discussed in the aforementioned Order of August 8, 1973, consecutive Evidentiary Hearings will be held at the same sitting of the Board in the proceeding on the application for a facility operating license (in accordance with the Commission's "Notice of Receipt of Application . . . and Notice of Opportunity For Hearing", published February 23, 1973) and the mandatory proceeding on environmental issues relating to the construction permit (in accordance with the Commission's Notice of Hearing Pursuant to 10 CFR Part 50, Appendix D, Section B, published December 29, 1972).

Members of the public are welcome to attend the Prehearing Conference and the Evidentiary Hearing which will follow at a later date.

It is so ordered.

Issued at Washington, D.C., this 9th day of August, 1973.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.73-16832 Filed 8-13-73;8:45 am]

WASTE MANAGEMENT OPERATIONS AT CERTAIN PLANTS

Preparation of Environmental Impact Statements

Notice is hereby given that in accordance with the National Environmental Policy Act the U.S. Atomic Energy Commission has commenced the preparation of environmental impact statements on waste management operations at its Hanford Reservation in Eastern Washington, its Savannah River Plant in South Carolina, and its National Reactor Testing Station in Idaho.

Copies of waste management data to be utilized in the preparation of these statements will be available at AEC Public Document Rooms at 1717 H Street, N.W., Washington, D.C.; 1333 Broadway, Oakland, California; Federal Building, Richland, Washington; Savannah River Plant, Aiken, South Carolina and 550 Second Street, Idaho Falls, Idaho.

All interested persons desiring to submit suggestions for consideration in connection with the preparation of the draft environmental impact statments should send them in duplicate to Dr. James L. Liverman, Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before October 15, 1973.

Dated at Germantown, Maryland, this 10th day of August 1973.

For the Atomic Energy Commission.

GORDON GRANT,
Acting Secretary to the Commission.

[FR Doc.73-16999 Filed 8-13-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Cargo Rate Matters

AUGUST 8, 1973.

Issued under delegated authority, agreement adopted by the Traffic Conferences of the International Air Transport Association relating to cargo rate matters.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated C.A.B. agreement number, was adopted as a result of the 5th Meeting of the Cargo Traffic Procedures Committee held February 20-23, 1973 in Geneva.

The agreement, for intended October 1, 1973, effectiveness, would amend an existing resolution governing airport to airport rates by expanding the provisions governing notification of the arrival of a shipment to include advice to the consignee's agent.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolution, incorporated in Agreement C.A.B. 23757 as indicated, is adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
23757: R-4	512b	Air Cargo Rates—Airport to Airport	1; 2; 3; 3½; 3¼; 3½; 1/2/3

Accordingly, it is ordered That:

Agreement C.A.B. 23757, R-4 be and hereby is approved subject to conditions previously imposed by the Board.

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 service 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.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-16826 Filed 8-13-73;8:45 am]

CIVIL RIGHTS COMMISSION

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee to this Commission will convene at 3:30 p.m. on August 14, 1973, at the Basement Workshop Inc., 22 Catherine Street, New York, New York 10007.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting shall be to discuss developments in the Asian American community and civil rights as part of the program of the New York State Advisory Committee's Asian American Subcommittee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 9, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-16941 Filed 8-13-73;8:45 am]

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

REALIGNMENT OF FEDERAL JUDICIAL CIRCUITS

Notice of Scheduled Hearings

AUGUST 8, 1973.

The Commission on Revision of the Federal Court Appellate System will hold an additional series of hearings in the following cities on the dates indicated:

Aug. 21—Houston, Texas, U.S. Courthouse
Aug. 22—New Orleans, Louisiana, U.S. Court of Appeals
Aug. 23—Jackson, Mississippi, U.S. Courthouse
Aug. 28—Seattle, Washington, U.S. Courthouse
Aug. 29—Portland, Oregon, Pioneer Courthouse
Aug. 30—San Francisco, Calif., U.S. Court of Appeals
Aug. 31—Los Angeles, Calif., U.S. Courthouse
Sept. 5—Jacksonville, Florida

The Commission is charged with making recommendations concerning redistricting the judicial circuits. In addition, the Commission is to study the internal procedures and structure of the Federal courts of appeal system, making such recommendations as are appropriate. Because the Commission's first report has a congressionally-mandated deadline of mid-December, priority will be given to testimony relevant to redistricting.

The hearings are open to the public and interested persons are invited to attend. Those wishing to present oral testimony should contact A. Leo Levin, Executive Director of the Commission, at 209 Court of Claims Building, 717 Madison Pl., N.W., Washington, D.C. 20005. Phone: (202) 382-2943. Written statements, in lieu of oral testimony, may also be filed with the Commission.

Additional hearings in other parts of the country are being planned. For further information, please contact the office of the Commission.

A. LEO LEVIN,
Executive Director.

[FR Doc.73-16809 Filed 8-13-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ATLANTIC OUTER CONTINENTAL SHELF AND GULF OF ALASKA

Oil and Gas Development; Environmental Hearings

Public Hearings on the Environmental Impact of Potential Oil and Gas Development on the Atlantic Outer Continental Shelf and in the Gulf of Alaska. Hearing Schedule:

September 12-13, Washington, D.C.
September 18-19, Boston, Massachusetts
September 26-27, Anchorage, Alaska
October 3-4, New York Metropolitan Area
October 11-12, Philadelphia Metropolitan Area
October 16-17, Jacksonville, Florida

BACKGROUND

In his April 18, 1973, Energy Message to the Congress, the President asked "the Chairman of the Council on Environmental Quality to work with the Environmental Protection Agency, in consultation with the National Academy of Sciences and appropriate Federal agencies, to study the environmental impact of oil and gas production on the Atlantic Outer Continental Shelf and the Gulf of Alaska." Governors, legislators, and citizens of these areas were to be consulted in this process.

In response to this request the Council is undertaking a one year comprehensive study. The purpose of the study is to assess, against the background of future regional and national energy needs, the environmental impacts of potential oil and gas development in the Atlantic Outer Continental Shelf (OCS) and Gulf of Alaska. The study will assess all impacts of OCS development from production to refining and related development to determine any potential or actual damages to the marine and human environments.

ORGANIZATION

The study will be conducted in conjunction with the Environmental Protection Agency and with the help of other Federal agencies including the Departments of Commerce, Interior, and Transportation, the Federal Power Commission, and the Atomic Energy Commission. In addition, there will be a continuing dialogue with state and local governments and with the private sector. A final report will be prepared in April 1974.

The study will be coordinated through several interagency working groups, each treating a specific topic area. These topics are resource availability, technology and environmental controls, primary environmental effects, secondary environmental effects, energy supply and demand alternatives, economics, and institutional factors. The groups will contract with consultants and universities to provide expertise in specific areas.

To obtain input from citizens, public officials, and nongovernmental groups, the Council has established the following mechanisms:

Public Hearings to provide open forums for exchange of knowledge and opinions on issues relevant to OCS development.

A Governors' Advisory Committee composed of representatives of the Atlantic maritime states and Alaska to advise on matters of interest to those states.

Independent analysis by the National Academy of Sciences to advise on the organization of the study, to review its progress, and to critique the final report. The Academy's involvement will broaden the scientific and technological base of the report and provide a qualified nongovernmental review of its conclusions and recommendations.

THE HEARINGS

The Council wishes to solicit public input early enough to ensure that this information will play a vital part in the study. It is necessary to define the issues and to present the full spectrum of views in order to obtain a complete picture of public concern.

Therefore, regional public hearings will be held for those in areas near sites where oil and gas resources could be developed, and a national hearing will be held in Washington, DC to present a similar forum for groups with a national base.

PROCEDURES FOR REGIONAL HEARINGS

The regional hearings will be reserved solely for the testimony of groups and individuals within the particular area. Sites have been selected according to the ease of access from other points in the region and proximity to potential development areas. During the day, testimony will be heard from public officials and representatives of recognized regional and local groups. To permit full public participation there will be special evening sessions devoted primarily to testimony from private citizens.

Persons or groups wishing to testify at one of the regional hearings should so notify the Council in writing. For the national and Eastern regional hearings, letters should be addressed to Council on Environmental Quality, 722 Jackson Place, NW., Washington, DC 20006, Attn: OCS Hearings.

Letters for the Alaska hearing should be sent to OCS Hearings, P.O. Box 517, Anchorage, Alaska 99510. All letters must be received two weeks prior to the particular hearing. Witnesses will be notified of exact sites and times after receipt of their letters of intent to testify.

Because of the large number of witnesses expected, individuals may be asked to limit the length of their remarks. Organizations with several members may obtain permission to offer more than one spokesman at the hearing if they show that this arrangement will benefit the hearing panel by replacing many lengthy repetitive statements by individual members of the organization.

So that time limitations on oral testimony will not prevent a thorough review of all points, each witness is requested to submit, prior to the hearing date, a written copy of his testimony. All hearings will be open to the public and the press, and a complete record of the proceedings will be compiled and made available to the public.

PROCEDURES FOR NATIONAL HEARING

National groups and concerns will be able to express their views at the hearing in Washington, D.C. The same general procedures will apply to this hearing as to the regional hearings.

Letters indicating a desire to testify should be submitted to the Council on Environmental Quality as indicated above, and fifty copies of the testimony must be submitted prior to the hearings. As in the regional hearings, the national hearing will be open, and the hearing record will be made available to the public.

BACKGROUND OF TOPICS TO BE COVERED

The Outer Continental Shelf (OCS)—In general, continental shelves, which exist along the margins of oceans of the world, extend from the mean low waterline to the abrupt change in slope known as the continental slope. The average depth at which this change occurs is 432 feet.

The Atlantic OCS is a 2,400 mile long submerged platform, about 350,000 miles in area which widens from less than three miles off Southern Florida to about 285 miles off Newfoundland. In the Gulf of Alaska similar formations extend offshore over a considerable expanse into the waters of the Pacific.

The topics and issues which the Council would like to see fully developed by witnesses at the hearings are described below:

I. RESOURCE AVAILABILITY

Presently there is a lack of comprehensive knowledge about most areas of the Atlantic and Gulf of Alaska OCS. The Federal study teams will use geological, geophysical, and seismographic information to define areas where oil and gas resources may exist and will attempt to estimate potential reserves and production capacity. The study must rely upon the U.S. Geological Survey and individual consultants who have limited access to proprietary, petroleum industry data.

II. REGIONAL SUPPLY AND DEMAND ALTERNATIVES

Consideration of regional energy supply and demand involves the balancing of potential OCS oil and gas development against various combinations of possible energy alternatives. Such alternatives include energy conservation, increased oil imports and expanded use of coal, nuclear power, or other sources. The study will focus on the environmental impacts of various alternatives, as well those associated with OSC development.

III. PRIMARY ENVIRONMENTAL EFFECTS

The extent to which oil may affect the marine environment is a prime concern of the study. In routine operation, most oil rigs pump water, as well as oil, from the resource reservoir.

Separation of the two is imperfect, and the result is that some oil is usually discharged into the sea with waste water.

Oil spills may result from blowouts at the rig, pipeline ruptures, or tanker incidents. The study group will estimate the probability of spills under various conditions. The fate of oil spills, their direction of movement and their dissipation, is vital to assessing potential damage. The study group will use computer models (1) to investigate the fate of potential spills.

The study will develop an environmental inventory defining ocean ecosystems. It will then identify the effects on marine organisms of both rig and pipeline construction and those effects due to oil discharges and spills. The potential risks to fishing and recreation industries will be studied.

IV. TECHNOLOGY AND CONTROLS

It is essential to understand relevant technologies in order to assess the risks of spills or the amount of operational discharge associated with OCS exploration, production, transportation, and refining. The status of both current and evolving safety and pollution control equipment (blowout preventers, surface and subsurface chokes, pipeline flow-rate monitors, etc.) is under intensive review (2, 3).

As part of the study, an independent critique of recent technology reviews will be obtained. The study will also provide an analysis of the levels and costs of control and the effectiveness of equipment to protect against currents, weather, and waves.

V. POTENTIAL EFFECTS OF ONSHORE DEVELOPMENT

Oil and gas development on the OCS would stimulate onshore construction of refineries and petrochemical complexes and the growth of service industries. These new installations can provide new real income, jobs, population, and economic development for affected communities. On the other hand, they can lead to increased burdens on air, water, and land. The environmental effects will be analyzed and compared with impacts associated with alternative energy sources.

VI. OCS MANAGEMENT ISSUES

In some situations, there are questions of Federal versus state jurisdiction over OCS activities. When pipelines must cross state lands, questions of easement and regulation arise. It is important, therefore, that the study deal with the question of Federal-state relationships in controlling development of the OCS.

Even when there are no jurisdictional issues, OCS management is complex. Regulation, inspection, and enforcement of OCS development are under the authority of the U.S. Geological Survey, Federal Power Commission, Environmental Protection Agency, U.S. Coast Guard, and U.S. Army Corps of Engineers, depending upon the situation. The study will consider the adequacy of present regulations in all phases of offshore development.

RECENT STUDIES

(1) Massachusetts Institute of Technology, Offshore Oil Task Group. The Georges Bank Petroleum Study. Feb. 1, 1973.

(2) University of Oklahoma, the Technology Assessment Group, Science and Public Policy Program. A technology assessment of outercontinental shelf oil and gas operations. April, 1973.

(3) National Academy of Engineering, Marine Board. Outer Continental Shelf Resource Development Safety: A review of technology and regulation for the systematic minimization of environmental intrusion from petroleum products. Dec., 1972.

W. G. SAVAGE,
Administrative Officer.

[FR Doc.73-16834 Filed 8-13-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-851]

POLE ATTACHMENT PROCEEDING

Drafting of Jurisdiction Documents

AUGUST 3, 1973.

The Commission today instructed the staff to draft appropriate documents asserting jurisdiction over pole attachments and conduit agreements and arrangements for cable television usage; such jurisdiction to be exercised in those instances where adequate provisions in this respect have not been made by state or other local jurisdictions.[1] The Commission's intention is to offer the inter-

[1] Action by the Commission August 3, 1973. Commissioners Burch (Chairman), Johnson, Wiley and Hooks, with Commissioner Robert E. Lee dissenting; and issuing a statement which is filed as part of the original document.

ested parties adequate opportunity to reach mutual agreement with respect to such pole and conduit usage arrangements within a 90-day period from July 31, 1973. If mutually satisfactory agreements have not been reached, the Commission would propose to enter into formal rule making proceedings designed to implement fully all aspects of its jurisdiction. The Commission further expressed the view that all parties should maintain the status quo in effect on July 31, 1973, pending outcome of the negotiations, and noted that the General Telephone Company of California, Inc., had agreed voluntarily to forbear from implementing its proposed increases in pole attachment charges during the 90-day negotiating period.

This action was taken on Dockets 16928, 16943 and 17098.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-16797 Filed 8-13-73;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD. AND REDERI-AKTIEBOLAGET HELSINGBORG (AUSTRALIA-WEST PACIFIC LINE)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 4, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. R. Purnell
Assistant Vice President
American Mail Line Ltd.
601 California Street, Suite 610
San Francisco, California 94108

Agreement No. 10068, between the above named carriers, establishes a through billing arrangement for the transportation of cargo from ports in Oregon and Washington to ports in Australia, with transshipment at Hong Kong.

By order of the Federal Maritime Commission.

Dated: August 8, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-16827 Filed 8-13-73;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCSHARES, INC., NORTH MIAMI, FLA.

Order Approving Acquisition of Bank

American Bancshares, Inc., North Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the outstanding voting shares of University City Bank, Gainesville, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been received. The application has been considered in light of the factors set out in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has seven existing subsidiaries with aggregate deposits of $166.3 million.[1] Acquisition of Bank, which has deposits of $12.2 million, will have little effect on state-wide concentration and on Applicant's share of deposits.

Bank is located in Alachua County, the relevant market, in north central Florida, and Gainesville is the county's largest city. Bank is the fifth largest of eleven banks in the market area, and its larger competitors are controlled by other bank holding companies. Applicant's nearest subsidiary is the National Bank of St. Petersburg, Florida, 159 miles to the southwest. Neither Applicant nor its subsidiaries now compete with Bank. The Applicant's chairman of the board and president is also chairman of the board of Bank, and three directors of Applicant are also directors of Bank. No existing competition would be eliminated by the acquisition as proposed, and it is not likely that the Applicant will obtain a dominant position in the market.

The banking needs of the community are being met by the organizations in the market. This acquisition will not result in any new services being provided by Bank, nor is it likely that Bank's lending capacity will be significantly changed, since Applicant's subsidiary banks have in the past accommodated Bank in loan participations. Convenience and needs factors are consistent with approval.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank, in view of Applicant's commitments to reduce its debt and to furnish additional capital to Bank, are regarded as satisfactory and consistent with approval of the application. It is that the proposed transaction is in the this Federal Reserve Bank's judgment public interest and that the application should be approved.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 1, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.73-16810 Filed 8-13-73;8:45 am]

[1] Banking data are as of June 30, 1972, reflecting holding company formations and acquisitions approved by the Board through May 29, 1973.

AMERICAN BANCSHARES, INC. NORTH MIAMI, FLA.

Order Approving Acquisition of Bank

American Bancshares, Inc., North Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 90 percent of the outstanding voting shares of The Seminole Bank of Tampa, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been received. The application has been considered in light of the factors set out in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has seven subsidiary banks with aggregate deposits of $166.3 million.[1] Acquisition of Bank, which has deposits of $36 million, will have only nominal effect on state-wide concentration and on Applicant's share of deposits.

Bank is the eighth largest of 26 banking organizations in Hillsborough County, Florida, the relevant banking market; Tampa is the county's major city, and Applicant is not represented in this market. Applicant's banking subsidiaries nearest to Bank are Second National Bank of Clearwater and the Na-

[1] Banking data are as of June 30, 1972, reflecting holding company formations and acquisitions approved by the Board through May 29, 1973.

tional Bank of St. Petersburg, located 26 and 30 miles, respectively, west of Bank; these banks do not compete in the market area. No competition would be eliminated by the acquisition proposed, and it is not likely that Applicant will acquire a dominant position in the market.

The banking needs of the community are being met by organizations in the market. Applicant does not propose changes in the operations or services of Bank, but affiliation with Applicant is expected to help Bank in recruiting new personnel. Convenience and needs factors are consistent with approval.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank, in view of Applicant's commitments to reduce its debt and furnish additional equity capital to other subsidiary banks, are regarded as satisfactory and consistent with approval. It is this Federal Reserve Bank's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective August 1, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.73-16811 Filed 8-13-73;8:45 am]

CEDAR HOLDINGS LTD., BANKERS

Formation of Bank Holding Company

Cedar Holdings Limited, Bankers, London, England, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of up to 51 per cent of the voting shares of The Chester National Bank, Chester, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 3, 1973.

Board of Governors of the Federal Reserve System, August 7, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16813 Filed 8-13-73;8:45 am]

CENTRAL NATIONAL CORP.

Acquisition of Bank

Central National Corporation, Richmond, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to City Savings Bank and Trust Company, Petersburg, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any persons wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 3, 1973.

Board of Governors of the Federal Reserve System, August 7, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16816 Filed 8-13-73;8:45 am]

CHARTER NEW YORK CORP.

Acquisition of Bank

Charter New York Corporation, New York, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of the successor by merger to The First National Bank of Glen Head, Glen Head, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 3, 1973.

Board of Governors of the Federal Reserve System, August 7, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16812 Filed 8-13-73;8:45 am]

FIRST BANCSHARES OF FLA., INC.

Proposed Acquisition of Beacon Leasing Corp.

First Bancshares of Florida, Inc., Boca Raton, Florida, 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 90 per cent or more of the voting shares of Beacon Leasing Corporation, North Palm Beach, Florida. Notice of the application was published on May 2, 1973, in the Palm Beach Post, a newspaper circulated in West Palm Beach, Florida; and on June 2, 1973, in the Fort Lauderdale News, a newspaper circulated in Fort Lauderdale, Florida.

Applicant states that the proposed subsidiary would engage in the activities of leasing of personal property and equipment. Applicant states that such activities have been specified by the Board in § 225.4(a)(6) 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). A proposal to amend § 225.4(a)(6) of Regulation Y with respect to the leasing activities permissible for bank holding companies (Press Release dated July 31, 1973) is currently under consideration by the Board and, if adopted by the Board, might affect the activities that could be conducted by the proposed subsidiary.

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 Atlanta.

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 20, 1973.

Board of Governors of the Federal Reserve System, August 3, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16817 Filed 8-13-73;8:45 am]

FIRST TEXAS BANCORP, INC.

Proposed Retention of First Texas Development Corp.

First Texas Bancorp, Inc., Georgetown, Texas, 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 retain voting shares of First Texas Development Corporation, Georgetown, Texas. Notice of the application was published on June 28, 1973, in The Sun a newspaper circulated in Georgetown, Texas.

Applicant states that the proposed subsidiary engages in the activities of servicing real estate loans and loans for the financing of unlisted stock purchases. 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 Dallas.

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 September 3, 1973.

Board of Governors of the Federal Reserve System, August 7, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16815 Filed 8-13-73;8:45 am]

FIRST DUNDEE CORP.

Formation of Bank Holding Company

First Dundee Corporation, Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 92.5 per cent of the voting shares of The First National Bank of Dundee, East Dundee, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 3, 1973.

Board of Governors of the Federal Reserve System, August 7, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-16814 Filed 8-13-73;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Docket No. 2-73]

KANSAS CITY, MO. AND KANSAS CITY, KANS.

Expansion of Foreign-Trade Zone, and Establishment of New Zone

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (Board) by the Greater Kansas City Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone No. 15, Kansas City, Missouri, requesting authority from the Board under its regulations (15 CFR Part 400) for the contiguous expansion of Site 2 of the zone located at 7800 East Birmingham Road, Kansas City, Missouri, and the establishment of a new zone site within the same Customs port of entry in Kansas City, Kansas. The applicant is a Missouri not-for-profit corporation licensed to do business in the State of Kansas and was recently authorized under Kansas law to apply for zones in that State. The application has been found to be in filing order and was filed with the Board on August 8, 1973.

Foreign-Trade Zone No. 15 presently consists of two sites in Kansas City, Missouri, both of which will become operational within 1973. Authority for the zone was granted by the Board on March 23, 1973 (Board Order No. 93, 38 FR 8622, April 4, 1973). A public hearing was held at the Federal Building in Kansas City, Missouri on September 14, 1972, pursuant to public notice (37 FR 15535, August 3, 1972). In the original zone application it was indicated that authority would be sought for a site in Kansas City, Kansas, as soon as enabling legislation was passed by the legislature of that state. Such legislation was recently enacted on April 3, 1973 (Kansas Senate Bill No. 403, amending KSA 1972 Suppl. 12-825h and 12-3406). The applicant is a non-profit corporation affiliated with the Chamber of Commerce of Greater Kansas City which was established for the purpose of making foreign-trade zone facilities available to businessmen in the area.

The application under consideration was submitted in two parts and has been consolidated. First, authority is requested to contiguously expand the area of Site 2, which presently covers 315,000 square feet of space within an underground warehouse facility, by some 2,500,000 square feet. The additional space is needed in anticipation of contracts with 8 firms who would utilize over 2,000,000 square feet of space and to accommodate additional firms during the next year. Activities expected to be carried on involve storage, processing, and assembly of foreign merchandise including liquor, hops, carpets, bicycles, electronics equipment, machine tools, fiber, paper products, and farm machinery.

Secondly, authority is requested to establish a new zone site at 6500 Inland Drive, Kansas City, Kansas. The facility would occupy some 405,000 square feet of space within an existing underground warehouse facility, which is owned and operated by Inland Center, a division of Beatrice Foods Company. An operational agreement similar to the one in existence for Sites 1 and 2 would be entered into between the zone operator and the applicant, as grantee, to insure that the zone is operated so as to satisfy the public utility requirements of the Foreign-Trade Zones Act (19 USC 81). Some 300,000 square feet of the requested area is planned for immediate use by some 10 firms, with space available for anticipated increased zone needs during the next year. The facility will be used for storage, processing, and assembly of foreign merchandise including liquor, canned goods, meat, food products, sporting goods, footwear, home furnishings, garden equipment and electronic equipment.

In accordance with the Board's regulations an Examiners Committee has been appointed to conduct an investigation of the proposal and report its findings to the Board. The Committee is composed of: John J. Da Ponte, Jr. (Chairman), Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Washington, D.C. 20230; Donald E. Grimwood, Director, Inspection and Control Division, Office of the Regional Commissioner of Customs, 300 South Wacker Drive, Chicago, Illinois 60606; and Col. W. R. Needham, District Engineer, U.S. Army Engineer District Kansas City, Kansas City, Missouri 64106.

A copy of the application and accompanying exhibits will be available for public inspection, together with the original zone application and hearing transcript, during regular business hours for 30 calendar days from the appearance of this notice in the Federal Register at the following locations:

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2203, 14th and Constitution Ave., NW Washington, D.C. 20230.

Office of the District Engineer, U.S. Army Engineer District Kansas City, Room 725, Federal Building, 601 East 12th Street, Kansas City, Missouri 64106.

Notice is hereby given that in connection with its investigation of the application the Examiners Committee invites interested persons and organizations to submit their written views regarding the proposal. They should be addressed to the Committee chairman and be postmarked by September 13, 1973.

Dated: August 8, 1973.

JOHN J. DAPONTE, Jr.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.73-16800 Filed 8-13-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Notice of Meeting

AUGUST 6, 1973.

Pursuant to Public Law 92-463, The Federal Advisory Committee Act, notice is hereby given that a meeting of the National Council on the Humanities will take place in Washington, D.C., on August 16 and 17, 1973.

The meeting will be held in the Washington Room, Washington Hotel, 15th Street at Pennsylvania Avenue, NW, Washington, D.C. The morning session will convene at 9:30 a.m., on Thursday, August 16, and will be open to the public. The agenda for the open session will be as follows:

I. Minutes of previous meeting
II. Reports
- Introduction and summary of recent business
- Appropriation and reauthorization legislation
- Gifts and matching funds
- Application report for FY '73
- Report on Chairman's grants
- Continued business
  - Support of two-year colleges
  - Recruitment of staff with minority background
- Selected project evaluations
- Science, Technology, and Human Values Program

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

Based on section b (3), (4), and (6) of 5 U.S.C. 552, the session on Friday, August 17, will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan 805 15th Street, NW, Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73–16685 Filed 8–13–73;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA–438]

OZARK AIR LINES

Accident Investigation Hearing

In the matter of investigation of accident involving Ozark Air Lines, Inc., Fairchild Hiller FH–227 of United States Registry N4215, at St. Louis, Missouri, July 23, 1973.

Notice is hereby given that an accident investigation hearing on the above matter will be held commencing at 9:30 a.m., c.d.t., on August 28, 1973, in the Ivory Room of the Sheraton-Jefferson Hotel, 415 North 12th Boulevard, St. Louis, Missouri.

Dated this 8th day of August 1973.

[SEAL] LESLIE D. KAMPSCHROR,
Hearing Officer.

[FR Doc.73–16798 Filed 8–13–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 318]

ASSIGNMENT OF HEARINGS

AUGUST 9, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 111878 Sub 6, Babbitt Bros., Inc., Extension Stanley, Wisconsin, now being assigned hearing September 24, 1973 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 26396 Subs 51 and 63, Popelka Trucking Co., dba the Waggoners, now being assigned continued hearing September 26, 1973, (3 days), at Missoula, Montana, in a hearing room to be later designated.

MC 124692 Sub 96, Sammons Trucking, now being assigned continued hearing October 1, 1973, (3 days), at Portland, Oregon, in a hearing room to be later designated.

MC 33919 Sub 7, Fairchild General Freight, Inc., now being assigned hearing October 4, 1973 (2 days), at Portland, Oregon, in a hearing room to be later designated.

FD–24679, Spokane, Portland & Seattle Railway Company and Union Pacific Railroad Company—Control—Peninsula Terminal Company FD 24890, Southern Pacific Co.—Common Use of Terminal Facilities Peninsula Terminal Co., FD 24891, Southern Pacific Co.—Common Use of Certain Terminal Facilities—Union Pacific Railroad Co., now being assigned continued hearing October 9, 1973 (3 days), at Portland, Oregon, in a hearing room to be later designated.

FD–20812, Railway Express Agency, Inc., Notes, is continued to September 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

W–1069 Sub 1, Gulf Atlantic Transport Corp., now being assigned hearing October 29, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

Ex Parte No. 252 Sub 1, Incentive Per Diem Charges-1968, now being assigned hearing October 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138378, Dale's Enterprises, Inc., dba Southwest Mobile Homes now being assigned hearing October 29, 1973 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MC–20824, Sub 31, Commercial Motor Freight, Inc., now assigned September 17, 1973, at Indianapolis, Ind., is postponed to October 23, 1973, at Indianapolis, Ind., in a hearing room to be later designated.

MC 115841 Sub 440, Colonial Refrigerated Transportation, Inc., now assigned October 29, 1973 (1 week), at Dallas, Texas, is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–16820 Filed 8–13–73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 9, 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 29, 1973.

FSA No. 42730—*Soda Ash to Charleston, S.C.* Filed by Traffic Executive Association-Eastern Railroads, Agent, (E.R. No. 3040), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, as described in the application, from Painesville, Ohio, Solvay and Syracuse, N.Y., also Wyandotte, Michigan, to Charleston, S.C.

Grounds for relief—Market competition.

Tariffs—Supplements 174 and 379 to Traffic Executive Association-Eastern Railroads, Agent, tariffs C/S–128–E and E/S–738, I.C.C. Nos. C–611 and C–334, respectively. Rates are published to become effective on September 15, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–16821 Filed 8–13–73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal from Warehouse for Consumption

AUGUST 8, 1973.

On May 25, 1972, there was published in the FEDERAL REGISTER (37 FR 10605) a letter dated May 19, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, prohibiting entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products produced or manufactured in the Republic of Korea and exported from the Republic of Korea thirty (30) days following publication for which the Republic of Korea had not issued a visa.

The Government of the Republic of Korea has requested, and the United States Government has acceded to the request, that a new visa be recognized as valid for textile shipments exported from the Republic of Korea to the United States on and after August 1, 1973. The visa will appear on the front side of the invoice (Special Customs Invoice Form 5515 or other successor document, or commercial invoice when used). Mr. Jae Euk Chae, Chief, Quota Management Division, Ministry of Commerce and Industry, Republic of Korea Government, is the only official authorized to issue visas on and after August 1, 1973. Shipments of cotton, wool and/or man-made fiber textile products exported from the

Republic of Korea and covered by visas issued before August 1, 1973, in accordance with previous requirements, will not be denied entry.

Accordingly, there is published below a letter of August 8, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of May 19, 1972, effective as soon as possible, to implement the aforementioned new requirements. A facsimile of the visa with the signature of Mr. Jae Euk Chae is published as an enclosure to that letter.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistance Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

Dear Mr. Commissioner:

August 8, 1973.

This letter further amends, but does not cancel, the directive of May 19, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, effective 30 days after publication of notice in the Federal Register, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1–64; wool textile products in Categories 101–126, 128, and 131–132; and man-made fiber textile products in Categories 200–243; produced or manufactured in the Republic of Korea for which the Republic of Korea had not issued a visa. The directive of May 19, 1972 was previously amended on December 21, 1972, July 17, 1973, and July 18, 1973.

Under the provisions of the Cotton Textile Agreement of December 30, 1971 and the Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, the directive of May 19, 1972 is further amended, effective as soon as possible, to authorize the use of a new visa for cotton, wool and man-made fiber textile shipments in the aforementioned categories exported from the Republic of Korea to the United States on and after August 1, 1973. The visa should appear on the front side of the invoice (Special Customs Invoice Form 5515 or other successor document, or commercial invoice when used). Mr. Jae Euk Chae, Chief, Quota Management Division, Ministry of Commerce and Industry, Republic of Korea Government, is the only official designated to issue visas on and after August 1, 1973. Shipments of cotton, wool and/or man-made fiber textile products exported from the Republic of Korea and covered by visas issued before August 1, 1973, in accordance with previous directives, shall not be denied entry. A facsimile of the new visa with the signature of Mr. Jae Euk Chae is enclosed.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool, and man-made fiber textiles and textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistance Secretary for Resources and Trade Assistance.

Enclosure

[FR Doc.73-17039 Filed 8-13-73;11:34 am]

COTTON, WOOL, AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MACAO

Entry or Withdrawal From Warehouse for Consumption

AUGUST 6, 1973.

Under the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreements of December 22, 1972, between the Governments of the United States and Portugal, the Government of Portugal has undertaken to limit exports of cotton, wool and man-made fiber textile products from Macao to the United States to certain designated levels. Pursuant to these agreements an administrative mechanism has been established which is intended to preclude circumvention of the licensing system for exports to the United States from Macao. The purpose of this notice is to announce the implementation of this administrative mechanism.

Effective September 13, 1973, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, and man-made fiber textile products produced or manufactured in Macao and exported to the United States from Macao for which Macao has not issued an appropriate export Visa, fully described below, will be prohibited. Application of this Visa system to cotton, wool and man-made fiber textile products exported from Macao before August 14, 1973, is to become effective October 15, 1973. The Visa will be a stamped marking on the invoice (Special Customs Invoice Form 5515, or other successor document, or commercial invoice when such form is used), and will bear the signature of the official issuing the Visa. The four officials authorized to issue such Visas are the following: Dr. José Correia Montenegro, Dr. Lourenço Maria da Conceição, Dr. Joaquim Leonel Ferreira Marinho de Bastos, and Mr. José Silveira Machado. A facsimile of the stamp, along with the signatures of the above officials, are published as enclosures to the letter set forth below.

Interested parties are advised to take all necessary steps to assure that cotton, wool, and man-made fiber textile products produced or manufactured in Macao which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the stated visa requirements.

There is published below a letter of August 6, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing the administrative mechanism.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

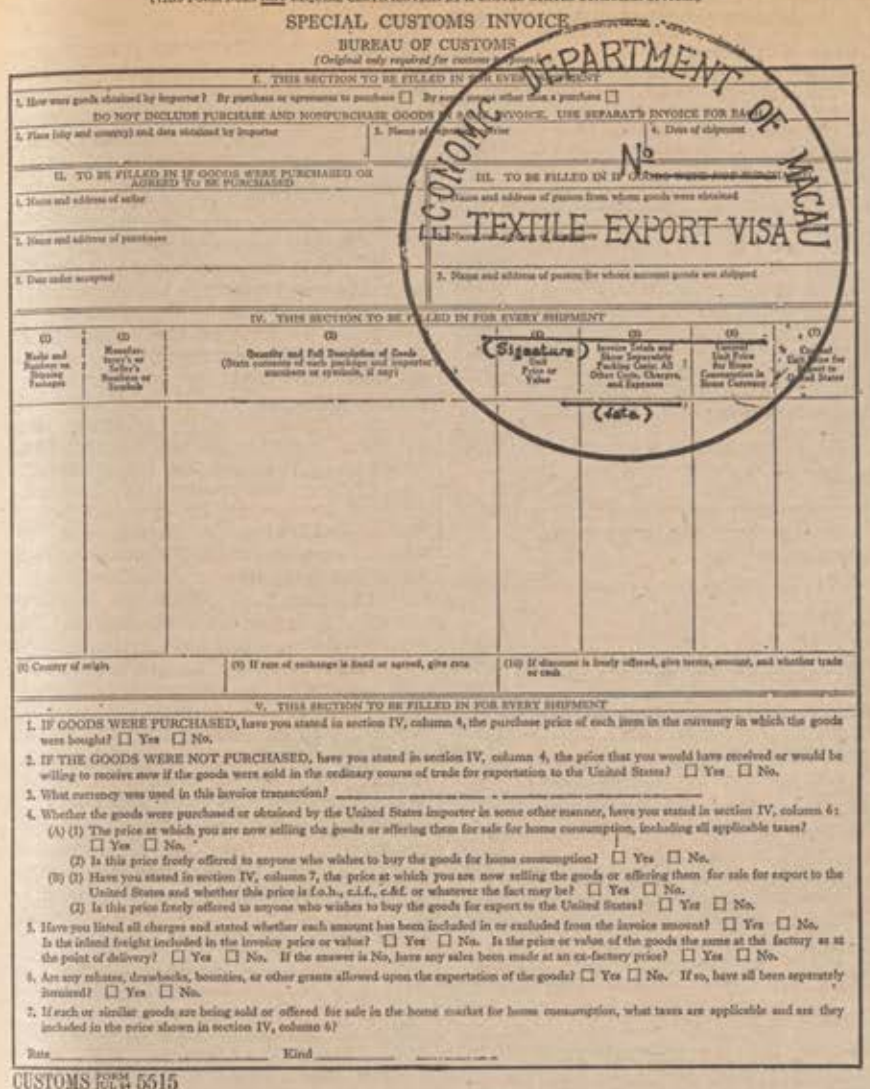
MACAO OFFICIALS AUTHORIZED TO ISSUE VISAS

Dr. José Correia Montenegro

Dr. Lourenço Maria da Conceição

Dr. Joaquim Leonel Ferreira Marinho de Bastos

José Silveira Machado



TREASURY DEPARTMENT

Attach Additional Sheets Here
Read Carefully Instructions for Preparation of Invoice

Form Approved.
Budget Bureau No. 48-R343.3.

(THIS FORM DOES NOT REQUIRE CERTIFICATION BY A UNITED STATES CONSULAR OFFICER)

SPECIAL CUSTOMS INVOICE

BUREAU OF CUSTOMS

(Original only required for customs purposes)

I. THIS SECTION TO BE FILLED IN FOR EVERY SHIPMENT

1. How were goods obtained by importer? By purchase or agreement to purchase ☐ By consignment or other than a purchase ☐

DO NOT INCLUDE PURCHASE AND NONPURCHASE GOODS IN THE SAME INVOICE. USE SEPARATE INVOICE FOR EACH.

2. Time (day and country) and data obtained by importer | 3. Name of [illegible] carrier | 4. Date of shipment

II. TO BE FILLED IN IF GOODS WERE PURCHASED OR AGREED TO BE PURCHASED

1. Name and address of seller

2. Name and address of purchaser

3. Date order accepted

III. TO BE FILLED IN IF GOODS WERE [illegible]

1. Name and address of person from whom goods were obtained

2. Name and address of person for whose account goods are shipped

IV. THIS SECTION TO BE FILLED IN FOR EVERY SHIPMENT

(1) Marks and Numbers on Packages	(2) Number of Packages; Kind of Packages; Description of Goods	(3) Quantity and Full Description of Goods (State contents of each package and imprint any numbers or symbols, if any)	(4) Unit Price or Value	(5) Invoice Totals and Show Separately Packing Costs, All Other Costs, Charges, and Expenses	(6) Unit Price for Home Consumption in Home Currency	(7) Unit Price for Export to United States

(Signature)

(Date)

(8) Country of origin | (9) If rate of exchange is fixed or agreed, give rate | (10) If discount is freely offered, give terms, amount, and whether trade or cash

V. THIS SECTION TO BE FILLED IN FOR EVERY SHIPMENT

1. IF GOODS WERE PURCHASED, have you stated in section IV, column 4, the purchase price of each item in the currency in which the goods were bought? ☐ Yes ☐ No.

2. IF THE GOODS WERE NOT PURCHASED, have you stated in section IV, column 4, the price that you would have received or would be willing to receive now if the goods were sold in the ordinary course of trade for exportation to the United States? ☐ Yes ☐ No.

3. What currency was used in this invoice transaction? _____

4. Whether the goods were purchased or obtained by the United States importer in some other manner, have you stated in section IV, column 6:
(A) (1) The price at which you are now selling the goods or offering them for sale for home consumption, including all applicable taxes? ☐ Yes ☐ No.
(2) Is this price freely offered to anyone who wishes to buy the goods for home consumption? ☐ Yes ☐ No.
(B) (1) Have you stated in section IV, column 7, the price at which you are now selling the goods or offering them for sale for export to the United States and whether this price is f.o.b., c.i.f., c.&f. or whatever the fact may be? ☐ Yes ☐ No.
(2) Is this price freely offered to anyone who wishes to buy the goods for export to the United States? ☐ Yes ☐ No.

5. Have you listed all charges and stated whether each amount has been included in or excluded from the invoice amount? ☐ Yes ☐ No. Is the inland freight included in the invoice price or value? ☐ Yes ☐ No. Is the price or value of the goods the same as the factory as at the point of delivery? ☐ Yes ☐ No. If the answer is No, have any sales been made at an ex-factory price? ☐ Yes ☐ No.

6. Are any rebates, drawbacks, bounties, or other grants allowed upon the exportation of the goods? ☐ Yes ☐ No. If so, have all been separately itemized? ☐ Yes ☐ No.

7. If such or similar goods are being sold or offered for sale in the home market for home consumption, what taxes are applicable and are they included in the price shown in section IV, column 6?

Rate_____ Kind_____

CUSTOMS FORM 5515

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20229

AUGUST 6, 1973.

Dear Mr. Commissioner:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 12 of the Bilateral Cotton Textile Agreement of December 22, 1972; and under the provisions of paragraph 10(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 22, 1972; between the Governments of the United States and Portugal, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective September 13, 1973, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 1–64; wool textile products in Categories 101–126, 128, 131 and 132; [1] and man-made fiber textile products in Categories 200–243, produced or manufactured in Macao, for which Macao has not issued an appropriate Visa, fully described below, provided, however, that the aforestated cotton, wool, and man-made fiber textile products produced or manufactured in Macao and exported therefrom prior to August 14, 1973, shall not be denied entry until October 15, 1973.

The Visa will be a stamped marking on the invoice (Special Customs Invoice Form 5515, or other successor document, or commercial invoice when such form is used), and will bear the authorized signature of the official issuing the Visa. A facsimile of the stamp, along with the signatures of those officials authorized to issue Visas, are enclosed.

You are further directed to allow entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton, wool and man-made fiber textile products produced or manufactured in Macao and exported to the United States from Macao, notwithstanding the designated shipment or shipments do not meet the aforementioned Visa requirements, whenever requested to do so in writing by the Chairman of the Committee for the Implementation of Textile Agreements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton, wool, and man-made fiber textile products from Macao have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance

Enclosures

[FR Doc.73-17040 Filed 8-13-73;11:34 am]

[1] The textile category structure for wool textile products does not contain categories numbered 127, 129, or 130.

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