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1973 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1973. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

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

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

Title	Price
1	$0.55
2 [Reserved]	
3	2.60
3A 1972 Compilation	2.50
4	1.75
5	3.75
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46–51	2.60
52	4.20
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10	4.00
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PART 213—EXCEPTED SERVICE

Miscellaneous Corrections

In the FEDERAL REGISTER of August 10, 1973, FR Doc. 73-16524, appearing on pages 21621–21623, miscellaneous revocations of Schedule C positions were made. The following positions were revoked in error and should appear as set out below.

§ 213.3306 Department of Defense.

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

(46) One Confidential Assistant to the Special Assistant to the Secretary.

* * * * *

(48) One Private Secretary to the Principal Deputy Assistant Secretary (Public Affairs).

* * * * *

(52) One Personal and Confidential Assistant Secretary of Defense (Legislative Affairs).

(53) One Special Assistant for All-Volunteer Force Actions to the Assistant Secretary of Defense (Manpower and Reserve Affairs).

* * * * *

§ 213.3312 Department of the Interior.

* * * * *

(h) *National Park Service.* * * *

(3) Three Special Assistants to the Director.

* * * * *

§ 213.3337 General Services Administration.

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

(6) Seven Confidential Assistants to the Administrator.

* * * * *

(5 U.S.C. 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.73-20754 Filed 9-28-73;8:45 am]

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 728—WHEAT

Subpart—Wheat Set-Aside Program for Crop Years 1972–1973

RELEASE OF STORED EXCESS WHEAT

The regulations governing the Wheat Set-Aside Program for Crop Years 1972–1973, 37 FR 10709, as amended, are being amended to permit the release of wheat stored by a producer under section 379c

(b) of the Agricultural Adjustment Act of 1938, as amended, prior to the 1971 crop, without requiring any refund of any portion of the value of the wheat marketing certificates received in the crop year the excess wheat was produced.

Pursuant to section 407 of the Agricultural Act of 1970, as amended by paragraph (14) of section 1 of the Agricultural and Consumer Protection Act of 1973, Pub. L. 93-86, 87 Stat. 221, 229, approved August 10, 1973, Part 728 is amended by changing § 728.51 to read as follows:

§ 728.51 Release of prior years' stored excess wheat.

(a) In accordance with section 407 of the Agricultural Act of 1970, as amended, it has been determined that the release of wheat stored by a producer under section 379c(b) of the Agricultural Adjustment Act of 1938, as amended, and the regulations contained in this title prior to the 1971 crop of wheat, will not significantly affect market prices for wheat.

(b) Effective August 10, 1973, the amount of any excess wheat stored by a producer under section 379c(b) of the Agricultural Adjustment Act of 1938, as amended, and the regulations contained in this title prior to the 1971 crop shall be released. The county committee shall notify each producer having a share in the stored wheat of such release and return to the producers all warehouse receipts and bonds of indemnity.

(Sec. 375(b), 52 Stat. 66, 7 U.S.C. 1375(b); sec. 407, 84 Stat. 1367, as amended, 7 U.S.C. 1379c note)

Effective date. Since the provisions of this amendment are to the advantage of the producers affected, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is unnecessary and contrary to the public interest. Accordingly, this amendment shall be effective October 1, 1973.

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

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-20822 Filed 9-28-73;8:45 am]

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

[Valencia Orange Reg. 450, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period September 21-27, 1973. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 450 (38 FR 26353). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 908.750 (Valencia Orange Regulation 450 (38 FR 26353), are hereby amended to read as follows:

§ 908.750 Valencia Orange Regulation 450.

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 700,000 cartons.

* * * * *

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

Dated September 26, 1973.

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

[FR Doc.73-20820 Filed 9-28-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reg., 1970 and Subsequent Crop Rice Supp., Amdt. 3]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Rice Loan and Purchase Program

CHANGE IN INSPECTION CHARGE

The regulations issued by the Commodity Credit Corporation at 35 FR 8443 and 8873, as amended, containing the Regulations Governing the 1970 and Subsequent Crops, Rice Loan and Purchase Program are hereby amended as follows.

Section 1421.308 is amended to provide that the charge made for each lot of rice sampled for farm-stored loans and for each warehouse receipt for modified-commingled or identity-preserved warehouse-stored loan is increased from $6.00 to $7.00. Because the 1973 crop rice is currently being harvested and the need of producers to know the fees applicable to the rice loan and purchase program, it is impractical and contrary to the public interest to follow the notice of proposed rule making procedure with respect to this amendment. The amended section reads as follows.

§ 1421.308 Fees and charges.

The producer shall pay a loan service fee and delivery charge as specified in § 1421.11. In addition, a charge of $7.20 for each lot sampled will be made in connection with farm-stored loans and in connection with each warehouse receipt serving as security for a modified—commingled or identity-preserved warehouse-stored loan or both.

(Sec. 4, 5, 62 Stat. 1070, as amended; secs. 101, 401, 408, 63 Stat. 1051, as amended; 15 U.S.C. 714b, 714c; 7 U.S.C. 1421, 1441, 1428)

This amendment shall be effective with respect to all loans made on or after September 10, 1973.

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

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

[FR Doc.73-20821 Filed 9-28-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 73-1376]

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

PART 584—REGULATED ACTIVITIES

Service Corporations of Subsidiary Insured Institutions of Savings and Loan Holding Companies

The Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 72-1021, dated August 29, 1972, proposed to amend Part 584 of the

Regulations for Savings and Loan Holding Companies for the purposes described herein. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on September 12, 1972 (37 FR 18473), with an invitation for interested persons to submit written comments by October 13, 1972.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the proposed amendments with the changes discussed herein and one other amendment discussed herein.

The amendments proposed by Resolution No. 72–1021 related to service corporation subsidiaries of subsidiary insured institutions of savings and loan holding companies. First, the Board proposed to amend § 584.2 to permit multiple holding company service corporations to engage in the activities permitted for service corporations in which Federal savings and loan associations may invest under § 545.9–1(a)(4) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9–1(a)(4)). As required by section 408(c)(2)(F) of the National Housing Act, as amended, the Board finds that such activities as conducted by a service corporation are "a proper incident to the operations of insured institutions and not detrimental to the interests of savings account holders therein". Therefore, the Board adopts that amendment with a modification to make clear that multiple holding company service corporations may engage in the activities specified in § 545.9–1(a)(4) only to the extent authorized by applicable State law. For that purpose, the phrase "and if such service corporation has legal power to do so" has been added to new § 584.2(c).

Second, the Board proposed to amend § 584.3(a)(4)(i) in order to make it clear that subsidiary insured institutions may lend to their service corporation subsidiaries. In conformity with the Board Ruling in § 589.3 (12 CFR 589.3) interpreting the term "service corporation" as used in said section 408 and in the Holding Company Regulations, the Board proposed to limit this exception to the loan-to-affiliates prohibition to the same investment limitations as are applicable to Federal associations for their service corporations (12 CFR 545.9–1(c)). The Board adopts this amendment as proposed.

Third, the Board proposed to amend § 584.6(b) by adding the debt of service corporations to the list of "preapproved" debt contained therein. The "preapproval" was proposed to be limited to the same level of debt permitted for Federal association service corporations (12 CFR 545.9–1(b)(3)). The Board adopts this amendment with the modification that such service corporation debt is removed from the computation of the 15 percent debt limitation on consolidated debt of holding companies of § 584.6(a)(2) and section 408(g)(2)(B) of the Act. This is accomplished by adding a new paragraph (c) to § 584.6 to read as set forth below.

Section 584.3(g) sets forth preapprovals for the payments by a subsidiary insured institution to affiliates for the services specified therein. As suggested by a comment received on Resolution No. 72–1021, the Board amends § 584.3(g) to preapprove payments to affiliates for services rendered "in the capacity of insurance underwriter, providing insurance, pension and profit sharing plans of any type for the institution for the benefit of its employees".

Accordingly, the Federal Home Loan Bank Board hereby amends said Part 584 by (1) revising § 584.2 to redesignate paragraph (c) thereof as paragraph (d) and to add a new paragraph (c) thereto, (2) revising § 584.3 to revise paragraph (a)(4) thereof and to add a new paragraph (g)(4) thereto, and (3) revising § 584.6 by redesignating paragraphs (c) and (d) thereof as paragraphs (d) and (e) and by adding a new paragraph (c) thereto, all to read as set forth below, effective October 1, 1973.

Since all of these amendments either were afforded public comment or relieve restriction, the Board hereby finds that notice and public procedures with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board likewise be unnecessary for the same reasons, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

§ 584.2 Prohibited holding company activities.

* * * * *

(c) *Interim approval by the Corporation.* Until further notice by order or regulation, the Corporation, pursuant to paragraph (b)(6) of this section, hereby approves without application the furnishing or performing of such services or engaging in such activities as are specified in § 545.9–1(a)(4) of this chapter, as now or hereafter in effect, if such service or activity is conducted by a service corporation subsidiary of a subsidiary insured institution of a savings and loan holding company and if such service corporation has legal power to do so.

* * * * *

§ 584.3 Transactions with affiliates.

(a) *Prohibited transactions.* No subsidiary insured institution of a savings and loan holding company shall:

* * * * *

(4) make any loan, discount, or extension of credit to (i) any affiliate (other than a service corporation subsidiary of such insured institution to the extent permitted by a Federal savings and loan association by § 545.9–1(c) of this chapter), except in a transaction authorized by paragraph (a)(6)(i) of this section, or (ii) any third party on the security of any property acquired from any affiliate, or with knowledge that the proceeds of any such loan, discount, or extension of credit, or any part thereof, are to be paid over to or utilized for the benefit of any affiliate; except that, with the prior written approval of the Corporation, a subsidiary insured institution may make a loan, discount, or extension of credit to a third party on the security of property acquired from a wholly owned service corporation of such institution. The Corporation shall grant approval of any application for approval under subdivision (ii) of this subparagraph if, in the opinion of the Corporation, such a loan discount, or extension of credit would not be detrimental to the interests of savings account holders in the insured institution, or to the insurance risk of the Corporation with respect to such institution, and would not be a means of facilitating the sale of (*a*) property purchased from any savings and loan holding company or any affiliate thereof other than such service corporation, or (*b*) property heretofore owned, legally or beneficially, by any other savings and loan holding company or affiliate thereof;

* * * * *

(g) *Exemptions for certain agreements or understandings.* Pursuant to paragraph (a)(6)(ii) of this section, the Corporation hereby exempts, from the application of paragraph (a)(6)(ii) and (iii) of this section any agreement or understanding, either oral or in writing, between a subsidiary insured institution and any affiliate, under which the affiliate is to perform any of the following services for the institution, provided that the compensation for rendering any of such services is not in excess of an amount customarily charged by nonaffiliated persons rendering the same or similar services:

* * * * *

(4) In the capacity of insurance underwriter, providing insurance, pension and profit sharing plans of any type for the institution for the benefit of its employees.

§ 584.6 Holding company indebtedness.

* * * * *

(c) *Exemptions from computation of 15 percent limitation.* The Corporation, without limitation upon and in addition to the exemption contained in paragraph (a)(2) of this section, hereby approves without application the issuance, sale, renewal or guarantee of any debt security, or the assumption of any debt incurred:

(1) By a service corporation subsidiary of an insured institution subsidiary of a savings and loan holding company, including any wholly owned subsidiary of such service corporation, in an amount not exceeding the limitations imposed on a service corporation in which a Federal savings and loan association may invest as specified in § 545.9–1(b)(3) of this chapter.

* * * * *

(Sec. 402, 48 Stat. 1256, as amended, sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as

amended; 12 U.S.C. 1725, 1730a, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN, *Assistant Secretary.*

[FR Doc.73-20786 Filed 9-28-73;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER A—GENERAL

PART 1001—ADMINISTRATION, PRACTICES, AND PROCEDURES

Procedural Policy on Meetings, Prior Public Notice, and Records of Proceedings

Policy on public involvement. The mission of the Consumer Product Safety Commission is to protect the public from unreasonable risks of injury associated with consumer products distributed in commerce. To achieve its goal, the Commission requires the interest and participation of the public. Therefore, whenever practicable, the Commission will give all interested parties the opportunity to be heard and otherwise participate. At the same time, the confidentiality of trade secrets and internal discussions will be maintained.

The Commission believes that all manufacturers, importers, distributors, and retailers should be vitally concerned about the safety of the consumer products they make and sell. The Commission believes that all consumers should be vitally concerned about the safety of products they purchase and use. Through a constructive association of the Commission, industry, and the consuming public, the goal of significantly reducing the risk of injury associated with consumer products can be achieved.

Public notification procedures. The Consumer Product Safety Commission, in developing the procedures promulgated below regarding public notification and disclosure of meetings, has followed the principle that the public interest is best served when regulatory affairs are open to the fullest extent possible. To that end, the Commission staff is hereby directed to implement the following procedures whereby meetings and records will generally be open to the public unless reasons of propriety exist to the contrary.

Therefore, pursuant to provisions of the Consumer Product Safety Act (15 U.S.C. 2051–81), the Federal Hazardous Substances Act (15 U.S.C. 1261–74), the Flammable Fabrics Act (15 U.S.C. 1191–1204), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471–76), and the Refrigerator Safety Act (15 U.S.C. 1211–14), Title 16 is amended by adding to Chapter II a new Part 1001 containing at this time only one section, as follows:

§ 1001.60 Procedural policy on meetings, prior public notice, and records of proceedings.

The following categories of meetings, recordkeeping of meetings, and prior notification of meetings are defined in order to set forth in detail (in the table at the end of this section) the Commission's policy regarding public notification and disclosure of meetings:

(a) *Meeting categories.* The following are five identifiable levels or types of meetings that can occur within the Consumer Product Safety Commission or at the direction of its various offices:

(1) *Hearings.* Hearings are public and are used for fact finding and for increasing general awareness of need for product safety. Public hearings are also held to comply with certain statutory requirements.

(2) *Meetings of the Commission.* Meetings of the Commission are for the purpose of conducting the formal business of the Commission. Often at such meetings, oral and/or written briefings, recommendations, and reports are presented to inform the Commissioners of the deliberations carried on by the operational offices of the Commission or by other interested parties. Official decisions result from meetings of this category. The following are four variations of meetings of the Commission:

(i) *Executive sessions.* Executive sessions are attended by the Commissioners only. Responsibility for appropriate substantiating minutes for actions taken in executive session is delegated by the Chairman.

(ii) *Closed sessions.* Closed sessions are attended by the Commissioners, the Commission staff, and, when necessary, outside parties. The Commission Secretary is responsible for the minutes.

(iii) *Open sessions.* Open sessions are similar to closed sessions except that they are open to interested parties by prior arrangement. Deliberation on issues may be supplemented by question-answer periods and informal discussions. The Commission Secretary is responsible for the minutes.

(iv) *Public sessions.* Public sessions are similar to open sessions except that any interested party may attend and discuss matters about which the Commission desires to hear facts, opinions, and recommendations from the public. The Commission Secretary is responsible for the minutes.

(3) *Meetings between individual Commissioners and outside parties.* Meetings between individual Commissioners and outside parties are generally informal and may relate to any subject. The responsibility for recording or logging rests with the individual Commissioner.

(4) *Meetings between Commission staff and outside parties.* Meetings between Commission staff and outside parties may be organized or informal and may relate to any subject. The host is responsible for the recordkeeping.

(5) *Meetings of the Commission's advisory committees.* Meetings of the Commission's advisory committees are scheduled by the designated Chairman of each committee. Advisory committee meetings are open to interested observers and serve as a forum for discussion of matters relevant to the Commission's statutory responsibility with the objective of providing advice and recommendations to the Commission. The Commission's advisory committees are the National Advisory Committee for the Flammable Fabrics Act, the Product Safety Advisory Council, and the Technical Advisory Committee on Poison Prevention Packaging. The Commission Secretary is responsible for the recordkeeping.

(b) *Recordkeeping categories.* The following are four levels of recordkeeping defined for purposes of recording Consumer Product Safety Commission meetings:

(1) *Meeting logs.* A meeting log is a brief record indicating the date, attendance, and general subject. Further information regarding proceedings may be added at the option of the recorder. A meeting log is intended to serve the minimal requirements of section 27(j)(8) of the Consumer Product Safety Act (15 U.S.C. 2076(j)(8)).

(2) *Meeting summaries.* A meeting summary is a record indicating the issues leading to or resolved by the meeting. When appropriate to the public interest, the meeting summary describes the positions, responses, and initiatives displayed by the primary participants. The summary also indicates the date and attendance of the meeting.

(3) *Commission minutes.* Commission minutes are recorded routinely for all Commission meetings (see paragraph (a)(2) of this section), except that when the Commission meets in executive session minutes are recorded only in support of any official actions taken. Commission minutes document the subject of discussion, the points of discussion, and the action taken or planned on each subject. The minutes may be verbatim when necessary or desirable and may refer to attachments such as briefing papers or other documents presented at the meeting. Commission minutes are subject to the concurrence of attending Commissioners.

(4) *Transcript records.* A transcript record is a tape or hard copy of meeting proceedings that is verified by the Commission Secretary. A transcript record may be accompanied by exhibits clarifying or substantiating the record of the meeting.

(c) *Prior notice categories.* Except in certain instances, the public will receive prior notice of meetings. Importantly, advance public notice will be given for all meetings of Commission personnel with representatives of organizations concerning a matter pending before the Commission. The following are the Commission's two types of prior notice regarding meetings.

(1) FEDERAL REGISTER *notice.* Publication of a notice in the FEDERAL REGISTER is the official form of notification for Federal initiatives. This may be supplemented by any general media coverage to gain wider distribution of the public notification.

(2) *Public calendar.* A public calendar is a passive means of public notification consisting of a listing maintained at the

Commission offices and transmitted regionally on a routine basis to field offices by the Commission Secretary. Members of the Commission and Commission staff report meeting arrangements to the Commission Secretary, including probable participants, subject, and date, as soon as possible after finalization of arrangements. In all cases, every effort will be made to place meetings on the public calendar at least 1 week before the meeting.

Upon request, any interested party will receive information on the probable participation and subject of Consumer Product Safety Commission meetings. Mailings to interested parties on a regular basis is the responsibility of the Office of Public Affairs. Prior notification via this means does not constitute prior arrangement for attendance or invitation. This is in effect a "prior" meeting log.

(d) *Specific policy.* Given the categories of meetings, recordkeeping of meetings, and prior notice of meetings set forth in paragraphs (a), (b), and (c) of this section, the Commission's policy regarding public notification and disclosure of meetings is as shown in the following table. Press and media meetings at any point within the Commission are excluded from this Commission policy due to the inherent public nature of those meetings.

Meeting category	Recordkeeping [1]				Prior notice		
	Meeting log	Meeting summary	Minutes	Transcript record	No prior notice	Public calendar	Federal Register notice
Hearings				X		X	X
Meetings of the Commission:							
Executive sessions			X[2]		X		
Closed sessions			X		X		
Open sessions			X			X	
Public sessions			X			X	X
Meetings of individual Commissioners and outside parties.	X	X[3]			X	X[3]	
Meetings of Commission staff and outside parties.	X	X[4]				X	X[4]
Meetings of the Commission's advisory committees.		X				X	X

[1] These are minimum requirements and do not preclude more detailed recordkeeping if appropriate in special cases.
[2] Required to substantiate official actions, if taken.
[3] Required for all meetings (a) specified by any statute or act; (b) held with representatives of organizations concerning a matter pending before the Commission; or (c) concerned with any other matter of substantial interest.
[4] Required when prior notice of the meeting is given by publication in the Federal Register.

Notice and public procedure are not prerequisites to this promulgation because the regulation issued herein is a rule of agency procedures and practice.

Dated September 21, 1973.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc.73-20705 Filed 9-28-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7288]

PART 301—PROCEDURE AND ADMINISTRATION TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Authority To Waive Penalty for Late Filing of Form 959

This document contains an amendment to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6679 of Internal Revenue Code of 1954, relating to penalties for the failure to file returns with respect to the organization or reorganization of foreign corporations and with respect to the acquisitions of their stock as required under section 6046 of the Code.

The reason for this amendment is to give the director of the Philadelphia service center the authority to waive the penalty imposed by section 6679.

Amendment to the regulations. In order to provide the director of the Philadelphia service center with the authority to waive the penalty for failure to file form 959, as required under section 6046, the Regulations on Procedure and Administrations (26 CFR Part 301) under section 6679 of the Internal Revenue Code of 1954 are amended as follows:

Paragraph (a)(3) of § 301.6679-1 is amended to read as follows:

§ 301.6679-1 Failure to file returns as to organization or reorganization of foreign corporations and as to acquisitions of their stock.

(a) *Civil penalty.* * * *

(3) *Showing of reasonable cause.* The penalty imposed by section 6679 shall not apply if it is established to the satisfaction of either the Director of International Operations or the Director, Internal Revenue Service Center, Philadelphia, Pennsylvania, that such failure was due to a reasonable cause. An affirmative showing of reasonable cause must be made in the form of a written statement, containing a declaration that it is made under the penalties of perjury, setting forth all the facts alleged as a reasonable cause. If the taxpayer exercises ordinary business care and prudence and is nevertheless unable to furnish any item of information required under section 6046, and the regulations thereunder, such failure shall be considered due to a reasonable cause. In determining the extent of a taxpayer's ability to obtain information, the percentage of stock owned by such taxpayer and the nature of the other interests in the foreign corporation will be considered.

* * * * *

Because this Treasury decision provides rules relating to administrative practice and procedure, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553 (d).

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

[SEAL] Donald C. Alexander,
Commissioner of Internal Revenue.

Approved: September 25, 1973.

Frederic W. Hickman,
Assistant Secretary of the Treasury.

[FR Doc.73-20818 Filed 9-28-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60-10—CAMDEN PLAN

Minority Participation in Specified Trades

On August 10, 1973, the Camden Plan was published in the Federal Register (38 FR 21633) to ensure equal employment opportunity by federally-involved construction contractors and subcontractors in Camden, Gloucester, and Salem Counties, New Jersey.

In § 60-10.11, the first paragraph and the heading "(a) Statistical data" before the second paragraph are hereby deleted. As amended, § 60-10.11 shall read as follows:

§ 60-10.11 Minority participation in the specified trades.

The most reliable data developed at the hearings reveal the following as the current minority representation as journeyman in unions in selected trades, for the Camden area:

	Percent
Bricklayers	9.0
Carpenters	4.0
Cement Masons	0.0
Electricians	2.3
Operating Engineers	0.0
Painters	0.8
Plumbers/Pipefitters/Steamfitters	0.0
Structural Metal Workers	3.3

It is apparent from the foregoing that the skilled trades evidence a significant underutilization of minority employees.

Effective date. This amendment becomes effective on October 1, 1973.

Signed at Washington, D.C., this 25th day of September 1973.

Richard F. Schubert,
Acting Secretary of Labor.

Philip J. Davis,
Director, Office of Federal Contract Compliance.

[FR Doc.73-20800 Filed 9-28-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER IV—OFFICE OF ASSISTANT SECRETARY FOR HOUSING MANAGEMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-73-242]

SUBCHAPTER I—DIRECT LOAN ASSISTANCE FOR (SECTION 312) REHABILITATION HOUSING-LOAN SERVICING

PART 445—APPLICATION OF PAYMENTS

The Department of Housing and Urban Development is amending Title 24 of the Code of Federal Regulations to include a new Part 445 "Application of Payments."

The new part provides that in connection with a section 312 account serviced by HUD where collection is made under a payment plan providing for regular installment payments, such payments shall first be applied to satisfy the principal of the debt. As the amendment provides for increased benefits to mortgagors, it should be made effective promptly.

Accordingly, it is found upon good cause that notice and public procedure with respect to said amendments are unnecessary under the provisions of 5 U.S.C. 553(b); and since publication of said amendment for the period specified in 5 U.S.C., 553(b) prior to the effective date of said amendment is unnecessary, good cause is found for making the said amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Accordingly, Subchapter I, Part 445, consisting of § 445.1, is added to 24 CFR to read as follows:

§ 445.1 Application of payments.

Where, in connection with a section 312 account serviced by HUD, collection is made under a payment plan approved by the Assistant Secretary for Housing Management, amounts received shall not be applied according to the so-called "U.S. Rule" as prescribed in § 102.10 of the joint regulations of the General Accounting Office and the Department of Justice (4 CFR 102.10). In such instances, amounts received shall be applied first to satisfy the principal of the debt. Subsequent payments shall be applied to the interest obligation, calculated on the basis of declining principal balances without charging interest on interest balances.

Effective date. This amendment shall become effective October 1, 1973.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.73-20814 Filed 9-28-73;8:45 am]

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-216]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Riverside	San Jacinto, City of.	I 06 065 3320 01 through I 06 065 3320 03	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Office of the City Manager, City of San Jacinto, P.O. Box 488, San Jacinto, Calif. 92383.	Nov. 5, 1971. Emergency. Sept. 28, 1973. Regular.
Do	San Mateo	Millbrae, City of	I 06 081 2170 01 through I 06 081 2170 04	do	Office of the City Clerk, City Hall, 621 Magnolia Ave., Millbrae, Calif. 94030.	Apr. 2, 1971. Emergency. Sept. 28, 1973. Regular.
Do	do	Portola Valley, Town of.	I 06 081 2898 05 through I 06 081 2898 07	do	Portola Valley Town Hall, 4141 Alpine Rd., Portola Valley, Calif. 94025.	Mar. 5, 1971. Emergency. Sept. 28, 1973. Regular.
Florida	Escambia	Pensacola Beach	I 12 033 2404 04 I 12 033 2404 05	Department of Community Affairs, 2571 Executive Center, Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Office of the Santa Rosa Authority, P.O. Box 9008, Pensacola Beach, Fla. 32561.	May 29, 1970. Emergency. Sept. 28, 1973. Regular.
Idaho	Blaine	Unincorporated areas.	I 16 013 0000 01 through I 16 013 0000 16	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Rm. 206, Statehouse, Boise, Idaho 83707.	Blaine County Zoning and Planning Commission, County Courthouse, Hailey, Idaho 83333.	May 14, 1971. Emergency. Sept. 28, 1973. Regular.
Michigan	St. Clair	Burtchville, Township of.				Sept. 20, 1973. Emergency.
Nebraska	Thurston	Pender, Village of.				Do.
New York	Suffolk	Southampton, Town of.	I 36 103 5810 01 through I 36 103 5810 22	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	Office of the Town Attorney, Town of Southampton, 139 Ostrander Ave., Riverhead, N.Y. 11901.	July 30, 1971. Emergency. Sept. 28, 1973. Regular.

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

Issued September 17, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-20723 Filed 9-28-73;8:45 am]

[Docket No. FI-217]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Connecticut	New London	Noank Fire District.	----------	----------	----------	Sept. 28, 1973, Emergency.
Michigan	Oceana	Pentwater, Village of.	----------	----------	----------	Do.
Minnesota	Hennepin	Dayton, Village of.	----------	----------	----------	Do.
Pennsylvania	Lycoming	Fairfield, Township of.	----------	----------	----------	Do.

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

Issued September 18, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-20724 Filed 9-28-73;8:45 am]

[Docket No. FI-215]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective on October 1, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

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

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
California	Riverside	San Jacinto, City of.	H 06 065 3320 01 through H 06 065 3320 03	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Office of the City Manager, City of San Jacinto, P.O. Box 488, San Jacinto, Calif. 92383.	Sept. 28, 1973.
Do	San Mateo	Millbrae, City of	H 06 081 2170 01 through H 06 081 2170 04	do	Office of the City Clerk, City Hall, 621 Magnolia Ave., Millbrae, Calif. 94030.	Do.
Do	do	Portola Valley, Town of.	H 06 081 2898 05 through H 06 081 2898 07	do	Portola Valley Town Hall, 4141 Alpine Rd., Portola Valley, Calif. 94025.	Do.
Florida	Escambia	Pensacola Beach	H 12 033 2494 04 H 12 033 2494 05	Department of Community Affairs, 2571 Executive Center, Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Office of the Santa Rosa Authority, P.O. Box 9008, Pensacola Beach, Fla. 32561.	May 25, 1970.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Idaho	Blaine	Unincorporated areas.	H 16 013 0000 01 through H 16 013 0000 16	Department of Water Administration, Statehouse, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Rm. 206, Statehouse, Boise, Idaho 83707.	Blaine County Zoning and Planning Commission, County Courthouse, Hailey, Idaho 83333.	Sept. 28, 1973.
Louisiana	Orleans Parish		H 22 071 0000 02 H 22 071 0000 03 (Rev. 9-28-73)	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	City Planning Commission, Rm. 4W04 City Hall, 1300 Perdido St., New Orleans, La. 70112.	Mar. 6, 1970, July 11, 1970, and Oct. 15, 1971.
New York	Suffolk	Southampton, Town of.	H 36 103 5810 01 through H 36 103 5810 22	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	Office of the town Attorney, Town of Southampton, 130 Ostrander Ave., Riverhead, N.Y. 11901.	Sept. 28, 1973.
Pennsylvania	Luzerne	Edwardsville, Borough of.	H 42 079 2480 01 (Rev. 9-28-73)	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Edwardsville Borough Bldg., Main St., Edwardsville, Pa. 18704.	Mar. 23, 1973.

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

Issued September 17, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-20722 Filed 9-28-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18180; FCC 66-640]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

PART 23—INTERNATIONAL FIXED PUBLIC RADIOCOMMUNICATION SERVICES

PART 73—RADIO BROADCAST SERVICES

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

PART 78—CABLE TELEVISION RELAY SERVICES

PART 87—AVIATION SERVICES

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

Protection of Table Mountain, Colo., From Radio Interference; Correction

In the regulations released December 11, 1972, and published in the FEDERAL REGISTER of December 15, 1972, 37 FR 26732, it is necessary to correct the telephone number in the the following paragraphs of Chapter I of Title 47 of the Code of Federal Regulations: §§ 21.15(r)(2), 23.20(d)(2), 73.18(c)(2), 73.215(c)(2), 73.515(c)(3), 73.623(c)(2), 73.712(c)(2), 74.12(c)(2), 78.19(e)(2), 87.31(f)(2), 89.15(e)(2), 91.8(m)(2), and 93.9(c)(2).

The telephone number of the Radio Frequency Management Co-ordinator, Department of Commerce, NOAA/OT/NBS, Boulder Laboratories, Boulder, Colorado, which now reads as 303-499-3542 is changed to 303-499-1000, extension 3542 or 3294.

Released: Sept. 25, 1973.

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

[FR Doc.73-20783 Filed 9-28-73;8:45 am]

[Docket No. 18179]

PART 73—RADIO BROADCAST SERVICES

Stay of Rule on Territorial Exclusivity in Non-network Television Program Arrangements

In the matter of amendment of Part 73 of the Commission's Rules with respect to the availability of television programs produced by non-network suppliers to commercial television stations and CATV systems.

1. On September 7, 1973, Public Notice (Report No. 879) (38 FR 24367) was given of eight petitions for reconsideration of the Commission's First Report and Order in Docket No. 18179 (FCC 73-806, released August 3, 1973 38 FR 21265). The date for filing responses to those eight petitions was September 17, 1973.

2. A large number of petitions were filed in this proceeding, eight of which were placed on public notice by the Commission on September 7, 1973, and it was anticipated the remaining petitions would be placed on public notice September 14, 1973. Due to the renovation of the FCC Records Section these remaining petitions were inadvertently omitted and were actually placed on public notice on September 21, 1973. We are therefore extending the time in which to file responses in this proceeding.

3. Accordingly, *It is ordered*, That the time for filing responses to the petitions for reconsideration in Docket 18179 is extended to and including October 1, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 4(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: September 24, 1973.

Released: September 25, 1973.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-20781 Filed 9-28-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1151]

PART 1033—CAR SERVICE

Peoria Terminal Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of September 1973.

It appearing, that because of severe damage to its Illinois River bridge located in the vicinity of Pekin, Illinois, the Peoria Terminal Company (PT) is unable to retain access to its tracks in Pekin; that the Peoria and Pekin Union Railway Company (P&PU) has consented

to the use of its lines between Iowa Junction or State Street, Peoria, Illinois, and Ann Eliza Street, Pekin, Illinois, by the PT; that use of the aforementioned P&PU tracks by the PT will enable the PT to continue to provide railroad service on its tracks in Pekin; that continued railroad service to shippers served by the aforementioned PT tracks in Pekin is needed; that the Commission is of the opinion that operation by the PT over these tracks of the P&PU is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1151 Service Order No. 1151.

(a) *Peoria Terminal Company authorized to operate over tracks of the Peoria and Pekin Union Railway Company.* The Peoria Terminal Company (PT) be, and it is hereby, authorized to operate over tracks of the Peoria and Pekin Union Railway Company (P&PU) between Iowa Junction or State Street, Peoria, Illinois, and Ann Eliza Street, Pekin, Illinois.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the PT over tracks of the P&PU is deemed to be due to carrier's disability, the rates applicable to traffic moved by the PT over these tracks of the P&PU shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., September 25, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20813 Filed 9-28-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 32—HUNTING

The following special regulations are issued and are effective on October 1, 1973.

§ 32.12 Special regulations; migratory game birds for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and gallinules on the Havasu National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots, and gallinules, from October 1 through October 28, 1973, inclusive; and from November 17, 1973 through January 20, 1974, inclusive; geese, from November 17, 1973 through January 6, 1974, inclusive, but only on the areas designated by signs as open to hunting. These open areas, comprising 13,200 acres, are delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots and gallinules subject to the following special conditions:

(1) An iron shot study program to evaluate field use of iron shot shells will be conducted by the Bureau of Sport Fisheries and Wildlife on Havasu National Wildlife Refuge.

(2) Topock Marsh is the designated area for the iron shot hunt. The hunt area includes Pintail Slough and all marsh lands open to hunting north of the south dike.

(3) The iron shot hunt will continue throughout the waterfowl season or until the refuge supply of iron shot shells is exhausted. Should this situation occur, hunting will continue, using lead shot.

(4) Use of lead shot shells for waterfowl hunting is prohibited in the Topock Marsh iron shot hunt area.

(5) Hunters must use a 12 gauge shotgun, as iron shot shells are available only in 12 gauge.

(6) All hunters who choose to hunt in the Topock Marsh iron shot hunt area must check in and out at the check station located at the Five Mile Landing concession on the designated days and hours as follows: October 1, 2, 6, 7, 13, and 14, from 5 a.m. to 11:30 a.m.; October 20, 21, 27, and 28, from 5:15 a.m. to 11:45 a.m.; November 17, 18, 24, and 25 and December 1 and 2, from 5:45 a.m. to 12:15 p.m.; December 8, 9, 15, 16, 22, and 23, from 6 a.m. to 12:30 p.m.

(7) Iron shot shells will be sold at the check station when it is open and at the refuge office, 641 Front Street, Needles, California on work days from 8 a.m. to 12 noon, and from 12:30 p.m. to 4:30 p.m.

(8) All hunters will be required to fill out a post-hunt questionnaire at the check station or at hunt area entry points when the check station is not open.

(9) On hours and days when the check station is closed, hunters may enter the Topock Marsh hunt area provided they use iron shot shells for waterfowl hunting.

(10) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 20, 1974.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and gallinules on the Imperial National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots, and gallinules, from October 1 through October 28, 1973, inclusive; and from November 17, 1973 through January 20, 1974, inclusive; geese, from November 17, 1973 through January 6, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and gallinules.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 20, 1974.

F. V. SCHMIDT,
Acting Director.

SEPTEMBER 28, 1973.

[FR Doc.73-20952 Filed 9-28-73;8:45 am]

PART 32—HUNTING

Agassiz National Wildlife Refuge, Minnesota

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

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

MINNESOTA

AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Agassiz National Wildlife Refuge, Minnesota, is permitted from sunrise to sunset November 1 through November 30, 1973, inclusive, on all areas except those designated by closed area signs. This open area comprises 58,660 acres, is delineated on a

map available at the Refuge Headquarters near Holt, Minnesota, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1973.

JOSEPH KOTOK,
Refuge Manager, Agassiz National Wildlife Refuge, Middle River, Minnesota.

SEPTEMBER 14, 1973.

[FR Doc.73-20750 Filed 9-28-73;8:45 am]

Title 15—Commerce and Foreign Trade

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

SUBCHAPTER B—EXPORT REGULATIONS

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

PART 377—SHORT SUPPLY CONTROLS

Ferrous Scrap

The FEDERAL REGISTER issuance of July 6, 1973, established a licensing system for exports of ferrous scrap under which no licenses were issued for exports of ferrous scrap against orders of 500 short tons or more which were accepted after July 1, 1973, or which called for export after July 31, 1973. Applications to export ferrous scrap against accepted orders for less than 500 short tons were considered irrespective of the date on which such orders were accepted. Similar licensing systems against orders of 500 short tons or more of ferrous scrap for export in August and September 1973 were announced in the FEDERAL REGISTER on July 31, 1973, and August 29, 1973, respectively. A discontinuance of export licensing for orders of less than 500 short tons of ferrous scrap (except for stainless steel scrap) after September 10, 1973, was announced in the FEDERAL REGISTER on September 19, 1973. The purpose of this document is to announce the licensing system for exports of ferrous scrap in October, November, and December 1973. The licensing policy for exports of ferrous scrap against reported orders calling for export during 1974, will be announced in a subsequent FEDERAL REGISTER.

I. *Licensing system against orders for 500 short tons or more of ferrous scrap for export in October, November, and December 1973.* The licensing system against orders for 500 short tons or more of ferrous scrap for export in October, November, and December 1973 is hereby announced.

Validated licenses will be issued in the case of applications to export scrap against unfilled or partially filled orders calling for export during the months of October, November, and December 1973, which were accepted by an exporter on or before July 1, 1973. Such applications should be submitted to the Office of Export Control no more than five working days prior to the beginning of the month in which export shipment is scheduled (except when an earlier date of submission is required to assure that the license will be obtained in time to meet the departure date of the exporting carrier). The licenses will be granted under the same terms and conditions as apply with respect to validated licenses for export of scrap during the months of August and September 1973. Thus, the orders must have been reported by the exporter pursuant to the reporting requirement of § 377.1(c) and the application must be accompanied by the supporting documentation (described in § 377.4(b)(1)) which would be required in the case of license applications for August or September exports of scrap. Further, in the case of an application for export to Japan, the requirement of § 377.4(b)(2) with respect to a Japanese Import Certificate must be fulfilled. Licenses issued for October, November, or December exports of scrap to all destinations against orders for 500 short tons or more shall have a validity period of 60 days from the date of issuance.

The special rules imposed by the present regulations in the case of a September export order accepted by a U.S. exporter on or before July 1, 1973, to export 500 short tons or more of ferrous scrap to Japan, are extended to orders which call for export during the months of October, November, or December 1973. In such cases, an Import Certificate (for the full quantity of the export which would be covered by the validated license) must have been issued by the Government of Japan. However, in situations where the ferrous scrap was ordered by a Japanese trading company and the country of ultimate destination was from the outset intended to be other than Japan, no import certificate is required.

In those situations where the accepted order or contract initially provided for export to a destination other than Japan and such order was initially so reported by the exporter to the Office of Export Control, no problem arises in establishing that this order was never intended for importation into Japan. However, where the accepted order or contract did not specify an ultimate destination, the exporter must establish with the support of satisfactory evidence that Japan was never intended as the country of ultimate destination before an export license can be issued.

II. *Licensing system against orders of less than 500 short tons.* When controls on exports of ferrous scrap were imposed on July 2, the Department of Commerce based its licensing policy on reports of accepted orders and exports submitted weekly by exporters. As no reports were available, however, on exports against orders of less than 500 short tons, the Department determined to license exports against such orders freely, while cautioning the trade that this policy would be revised if exports became excessive. Subsequently, the continued increase in export shipments of under 500 short tons led to the discontinuance, after September 10, of processing of licenses against orders of less than 500 short tons. A new licensing system against orders for ferrous scrap is hereby announced.

As under present rules, licenses for stainless steel scrap (Schedule B No. 282.0060) in quantities of less than 500 short tons will continue to be issued without restriction. With respect to orders for ferrous scrap (other than stainless steel scrap) of less than 500 short tons, licenses will be granted in October, November, and December in the amount of 75,000 short tons per month, of which 60,000 short tons will be licensed for export to Canada and 15,000 short tons for export to Mexico. In establishing quotas for Canada and Mexico, the Department recognizes that the traditional way of doing business for scrap users in Canada and Mexico is quite different from that employed by overseas users of U.S. scrap, in that a large proportion of shipments are made against spot orders of less than 500 short tons. To deny these small volume shipments to these two countries would be inequitable. The suspension of licensing against orders of less than 500 short tons is continued in effect for other foreign destinations, however, as shipment of such small orders is not an established business practice.

In order to permit exporters to participate in licensing against these quotas in a fair and equitable manner, each U.S. exporter shall (upon timely filing of the statement referred to below) be eligible to be granted licenses against the quotas in proportion to his participation in the export markets for ferrous scrap shipments (except stainless steel scrap) to Canada and Mexico during the period from July 1, 1972 to June 30, 1973. Each eligible exporter shall submit a statement of past participation as referred to under § 377.2 of the Export Control Regulations. In order to receive a share of the quotas, an exporter must submit the statement in the form of a sworn affidavit to the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, such affidavit to be received no later than 5 p.m., e.d.t., on October 12, 1973. Such affidavit shall indicate (separately for Canada and Mexico) the quantities of ferrous scrap (other than stainless steel scrap) which the exporter exported to each of the two countries during each calendar month during the period July 1, 1972 to June 30, 1973. All such exports should be included whether against orders of 500 short tons or more, or against orders of less than 500 short tons. The affidavit shall be signed by an authorized representative of the exporter below the following certification: "I certify that the above information represents a summary of all ferrous scrap exports (except for stainless steel scrap) which the named exporter exported to Canada and to Mexico

during the period from July 1, 1972 to June 30, 1973." The affidavit will be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended.

Each exporter will be assigned a share of the quotas based on the ratio which his reported exports of ferrous scrap to the particular country during the base period bears to the total of all reported exports to that country during that period. Licenses will be issued for quantities up to each exporter's assigned share of the quota provided each application is accompanied by a photocopy or certified copy of a contract calling for shipment in October, November, or December. Licenses will be valid for 60 days from date of issuance. Applications shall be submitted according to the time schedule set forth in Supplement No. 1 to Part 377. If applications are submitted before the exporter is notified of his share of the quota, they will be held until allocations are determined and processed only if the total quantity applied for does not exceed the exporter's allocation. If the allocation is exceeded, the exporter will be contacted for advice as to which applications are to be licensed and which returned without action. To facilitate this process, applicants are urged to include the name and telephone number of the person to contact in the "additional information" space (item 12) of applications for validated licenses, Form 419. After notification of allocations, applications will be processed in the order received until each exporter's share of the quota is fully utilized. Exporters are cautioned that with respect to their statements of past participation they are subject to audit of orders, shipping papers, and other records, and that all records supporting such histories are required to be retained for a period of two years in accordance with the record-keeping requirements of § 387.11 of the Export Control Regulations.

During the remainder of calendar year 1973, no portion of the quotas shall be reserved for an exporter without a history of past participation, although such an exporter may apply for a validated license under the hardship procedure described in § 377.5.

Accordingly § 377.4 of the Export Control Regulations (15 CFR Part 377) and Supplement No. 1 to Part 377 are amended to read as follows:

§ 377.4 Ferrous Scrap.

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

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

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

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

(iii) A statement, in the affidavit referred to in paragraph (b)(1)(ii) of this section that the applicant has the necessary quantity of such commodity earmarked for such accepted order, as of the date of filing such application; and

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

Such application should be filed no more than five working days prior to the beginning of the month in which export shipment is scheduled (except when an earlier date of submission is required to assure that the license will be obtained in time to meet the departure date of the exporting carrier). For purposes of paragraph (b)(1)(iii) of this section the term "earmarked" refers to commodities which are specifically allocated for export against the accepted order and either in stock or scheduled for timely delivery under binding arrangements. The application shall be submitted on Forms FC–419, Application for Export License, and FC–420, Application Processing Card.

The above-mentioned documentation will serve in lieu of Form FC–842, Single Transaction Statement by Consignee and Purchaser, that would otherwise be required pursuant to § 375.2 of this chapter.

(2) *Requirement of Japanese Import Certificate.* In the case of an accepted order for export of ferrous scrap to Japan, which calls for export after July 31, 1973, an Import Certificate (for the full quantity of the export which would be covered by the validated license) must have been issued by the Government of Japan. Such Import Certificate, or a photocopy or certified copy thereof, shall be filed with the application pursuant to the procedures specified in paragraph (b)(1) of this section. Where Japan is the destination indicated in the accepted order but the country of ultimate destination was from the outset intended to be another, no Import Certificate shall be required, but the circumstances must be established and documented to the satisfaction of the Office of Export Control for the requirements of this subparagraph to be waived.

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

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

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

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

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

(5) *Prohibited arrangements.* Any arrangement used to evade the validated export license requirements with respect to accepted orders for export of ferrous scrap is prohibited. Such arrangements include, but are not limited to, the substitution of several orders for less than 500 short tons to fill an order for 500 short tons or more which would not be eligible for licensing under the provisions of this paragraph.

(c) *Licensing system against orders of less than 500 short tons.*—(1) *In general.* An application for a license to export ferrous scrap against an accepted order for less than 500 short tons, which is submitted on Forms FC–419 and FC–420, will be considered by the Office of Export Control, irrespective of the date on which the order was accepted, if accompanied by a photocopy or certified copy of the contract of sale for export to a foreign buyer, and a sworn affidavit by the applicant as to the amount previously exported against each such contract, if any. The copy of the contract will serve

in lieu of Form FC–842, Single Transaction Statement by Consignee and Purchaser, that would be otherwise required pursuant to § 375.2 of this chapter. After verification of the authenticity of the documentation submitted by the applicant, a license will be issued for export during the month specified in the contract for the total amount of the contract or the unfilled balance, whichever is the lesser amount. Such licenses shall expire 60 days after the date of issuance (30 days in the case of licenses issued prior to September 26, 1973). Any cancellation of the contract automatically revokes the license that was issued against it. In the event of the cancellation of a contract, the applicant shall file a report of such cancellation with the Office of Export Control no later than five days from the date of cancellation. If a license has been issued against such a contract, the license shall be returned to the Office of Export Control with the notice of cancellation.

(2) *Applications for export of stainless steel scrap during calendar year 1973, and for export of other ferrous scrap, prior to October 1, 1973.* The Office of Export Control will issue a validated export license for the unfilled balance of each verified contract submitted under the terms of paragraph (c)(1) of this section if—(i) such contract is for the export of stainless steel scrap (Schedule B No. 282.0060), or (ii) the application referred to in paragraph (c)(1) of this section was submited to the Office of Export Control on or before September 10, 1973, and the contract calls for export shipment prior to October 1, 1973.

(3) *Applications for export of ferrous scrap (other than stainless steel scrap) to Canada and Mexico during October, November, and December 1973.* The Office of Export Control will issue a validated export license for the unfilled balance of each verified contract for export shipment of ferrous scrap (other than stainless steel scrap) to Canada or Mexico during the months of October November, and December 1973, submitted under the terms of paragraph (c)(1) of this section during the submission dates specified in Supplement No. 1 to this Part 377, but only to the extent of the exporter's share of the quota established for Canada or Mexico, respectively, for the month of export shipment as called for by the contract. Such a share is to be determined by the Office of Export Control pursuant to the rules of § 377.2. In order to receive a share of the quotas, an exporter must submit no later than October 12, 1973, a statement of past participation in the form of a sworn affidavit to the Office of Export Control (Attention: 546), U.S. Department of Commerce, Washington, D.C. 20230, such affidavit to be received no later than 5:00 p.m., e.d.t., on October 12, 1973. Such affidavit shall indicate (separately for Canada and Mexico) the quantities of ferrous scrap (other than stainless steel scrap) which the exporter exported to each of the two countries during each calendar month during the period July 1, 1972 to June 30, 1973. The affidavit shall be signed by an authorized representative of the exporter below the following certification: "I certify that the above information represents a summary of all ferrous scrap exports (except for stainless steel scrap) which the named exporter exported to Canada and to Mexico during the period from July 1, 1972 to June 30, 1973." The affidavit will be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended.

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

SUPPLEMENT No. 1

COMMODITIES SUBJECT TO SHORT SUPPLY QUOTA CONTROLS

Schedule B Number	*Commodity Description*
	Ferrous Scrap, as Follows:
282.0010	No. 1 heavy-melting steel scrap, except stainless.
282.0020	No. 2 heavy-melting steel scrap, except stainless.
282.0030	No. 1 bundles steel scrap, except stainless.
282.0040	No. 2 bundles steel scrap, except stainless.
282.0050	Borings, shoveling and turnings, iron or steel, except stainless.
282.0060	Stainless steel scrap.
282.0065	Shredded steel scrap.
282.0078	Other steel scrap, including tinplated and terne plate.
282.0080	Iron scrap, except borings, shoveling and turnings.
282.0090	Rerolling material of iron or steel.

Shipping tolerance: 5%

Submission dates:

1. Orders under 500 short tons. Any time between October 1 and December 21, 1973.

2. Orders for 500 short tons or over:

(a) For October shipment, not until September 24, 1973[1] not after October 24, 1973

(b) For November shipment, not until October 25, 1973[1] not after November 23, 1973

(c) For December shipment, not until November 26, 1973[1] not after December 21, 1973

Effective date of action: September 27, 1973.

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

[FR Doc.73–20942 Filed 9–28–73;9:24 am]

[1] Except when an earlier date of submission is required to assure that the license will be obtained in time to meet the departure date of the exporting carrier.

Proposed Rules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 123]

BILINGUAL EDUCATION

Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (P.L. 92-318) and pursuant to the authority contained in Title VII of the Elementary and Secondary Education Act of 1965, as amended, 81 Stat. 816-819 (20 U.S.C. 880b-880b-5), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 123 of the Code of Federal Regulations to read as set forth below.

There will be no guidelines under this program. The regulation contains mandatory requirements for the program. Should guidelines be issued in the future they would be limited to material in the nature of suggestions and recommendations for program management and operation.

1. *Program purpose.* Title VII of the Elementary and Secondary Education Act provides for a program of assistance for the purpose of developing and carrying out new and imaginative elementary and secondary school programs designed to meet the special educational needs of children of limited English-speaking ability. Such assistance may be provided to local educational agencies, institutions of higher education in combination with such agencies, and, with respect to Indian children, certain organizations of Indian tribes and schools for Indian children on reservations which are operated or funded by the Department of the Interior.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below represent the results of this study as it pertains to the program under Title VII of the Elementary and Secondary Education Act. Upon publication of revised Part 123 in final form, after comments and hearing, all preceding rules, regulations, guidelines, or other published interpretations and orders issued in connection with or affecting Part 123 will be superseded, effective thirty days after such publication.

3. *Effect of Office of Education general provisions regulations.* The proposed regulation differs from the current regulation in that provisions have been deleted relating to general fiscal and administrative matters which are presently covered in 45 CFR Part 123 and which will be covered in the future under the overall Office of Education general provisions regulation, published under notice of proposed rulemaking in the FEDERAL REGISTER at 38 FR 10386 (April 26, 1973), in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of proposed Part 100a of Title 45 CFR, containing general provisions for direct project assistance programs, which would be applicable to the program under Title VII of the Elementary and Secondary Education Act.)

4. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulation has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section above the citation. When the citation appears only at the end of the section it applies to the entire section.

5. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations as follows:

A hearing will take place at the U.S. Office of Education on Tuesday, October 30, 1973, in the auditorium of the Regional Office Building (ROB-3) located at 7th and D Streets SW., Washington, D.C. 20202, beginning at 10 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Interested parties may also submit written comments and recommendations to Room 5717 at the above address: Attention: Chairman, Office of Education Task Force on Section 503. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9 a.m. and 4:30 p.m., Monday through Friday of each week.

Parties interested in attending the hearing should notify the Office of Education at the above address, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

(Catalog of Federal Domestic Assistance Program No. 13.403, Bilingual Education)

DATED: August 21, 1973.

PETER P. MUIRHEAD,
Acting U.S. Commissioner of Education.

APPROVED: September 21, 1973.

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

PART 123—BILINGUAL EDUCATION

Sec.

123.01 Purpose.
123.02 Definitions.
123.03 General terms and conditions.
123.11 Eligibility for assistance.
123.12 Authorized activities.
123.13 Applications.
123.14 Criteria for assistance.
123.15 Participation of children enrolled in private schools.
123.16 Parent and community participation.

AUTHORITY: Title VII of the Elementary and Secondary Education Act of 1965, as amended, 81 Stat. 816-819 (20 U.S.C. 880b-880b-5), unless otherwise noted.

§ 123.01 Purpose.

Assistance made available under this part shall be for the purpose of developing and carrying out new and imaginative elementary and secondary school programs designed to meet the special educational needs of children of limited English-speaking ability.

(20 U.S.C. 880b)

§ 123.02 Definitions.

Except as otherwise specified, the following definitions shall apply to the terms used in this part:

"Bilingual education" means the use of two languages, one of which is English, as media of instruction.

(Sen. Rept. No. 91-634, 56 (1970))

"Children of limited English-speaking ability" means children who come from

environments where the dominant language is other than English.

(20 U.S.C. 880b)

"Dominant language" means the language most relied upon for communication in the home and the community.

(20 U.S.C. 880b–880b–5)

"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. Such term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school. In addition, such term includes a nonprofit institution or organization of an Indian tribe which operates on or near a reservation an elementary or secondary school for Indian children and which is approved by the Commissioner of Education for purposes of this part, and an elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior.

(20 U.S.C. 880b–3a, 881(f))

"Special educational needs" means the needs associated with a limited ability to speak English.

(20 U.S.C. 880b–880b–5)

"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))

§ 123.03 General terms and conditions.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters), except that such assistance shall not be subject to the provisions of § 100a.26(b) of this chapter, relating to criteria for awards.

(20 U.S.C. 880b–880b–5)

§ 123.11 Eligibility for assistance.

(a) Applications for assistance under this part may be submitted by (1) a local educational agency or a combination of such agencies, or (2) an institution of higher education (as such institutions are defined in 20 U.S.C. 881(e) applying jointly with a local educational agency.

(b) In the case of applications submitted by a local educational agency in combination with an institution of higher education, where a single budget is submitted the local educational agency shall be considered the grantee. Where separate budgets are submitted, the Commissioner may consider each of the joint applicants as a grantee for the purpose of conducting its part of a joint program.

(20 U.S.C. 880b, 880b–3(a))

§ 123.12 Authorized activities.

(a) The following activities are authorized to be carried out with financial assistance made available under this part where such activities are designed to carry out the purpose described in § 123.01:

(1) Planning for and taking other steps leading to the development of bilingual education programs designed to meet the special educational needs of children of limited English-speaking ability in schools having a high concentration of such children from families (i) with incomes below $3,000 per year, or (ii) receiving payments under a program of aid to families with dependent children under a State plan approved under Title IV of the Social Security Act, including research projects, pilot projects designed to test the effectiveness of plans so developed, and the development and dissemination of special instructional materials for use in bilingual education programs. For purposes of this section, a school shall be deemed to have a high concentration of the children described in this subparagraph if such children constitute at least 10 per centum of the enrollment of such school or if at least 50 such children are enrolled in such school;

(2) Providing (i) preservice training designed to prepare persons to participate in the programs described in (a)(1) of this section as teachers, teacher-aides, or other ancillary education personnel such as counselors, and (ii) inservice training and development programs designed to enable such persons to continue to improve their qualifications while participating in such programs; and

(3) Establishing, maintaining, and operating the programs described in paragraph (a)(1) of this section, including (i) activities designed to develop reading, writing, and speaking skills in the English language and in the dominant language of participating children of limited English-speaking ability; or, where instruction is provided in both such languages, activities designed to develop other academic skills; (ii) activities designed to impart to students a knowledge of the history and culture associated with their languages; (iii) efforts to establish closer cooperation between the school and the home; (iv) early childhood education activities related to the purpose described in § 123.01 and designed to improve the potential for profitable learning activities by children of limited English-speaking ability; (v) adult education activities related to the purpose described in § 123.01, particularly for parents of children participating in the programs described in this paragraph; (vi) activities designed for dropouts or potential dropouts having need of the programs, described in this paragraph; (vii) activities conducted by accredited trade, vocational, or technical schools which are related to the purpose described in § 123.01; and (viii) other activities which will make substantial progress toward achieving the purpose described in § 123.01.

(20 U.S.C. 880b–2)

(b) Any program assisted under this part shall include, at a minimum, the activities described in paragraphs (a)(2)(i) or (ii) and (a)(3)(iii) of this section, and an instructional component which combines the activities described in paragraph (a)(3)(i) and (a)(3)(ii) of this section.

(20 U.S.C. 880b–3(a)(3), 880b–3(b)(3)(A), Sen. Rept. No. 91–634, 57 (1970))

(c) Except as provided in § 123.15, activities assisted under this part shall be designed primarily to meet the special educational needs of children enrolled in schools operated by the applicant local educational agency. No child of limited English-speaking ability attending a school having a high concentration of the children described in paragraph (a)(1) of this section shall be prohibited from participating in a program assisted under this part on the ground that such child is not a member of a family described in paragraph (a)(1)(i) or (a)(1)(ii) of this section.

(20 U.S.C. 880b, 880b–2)

(d) Programs assisted under this part shall provide for the participation of children whose dominant language is English as well as children of limited English-speaking ability in a ratio which approximates the ratio of such children enrolled in schools affected by such programs, unless the applicant conclusively demonstrates that such participation of children whose dominant language is English will not contribute to the achievement of the purpose described in § 123.01. Such programs shall include such provisions as are necessary to prevent the separation of children by language or ethnic background in any activity included in such programs, unless the applicant conclusively demonstrates that such separation is essential to the achievement of the purpose described in § 123.01.

(20 U.S.C. 880b, 880b–3(a)(3), 880b–3(b)(3)(A); Sen Rept. No. 91–634, 56 (1970))

§ 123.13 Applications.

(a) An applicant desiring to receive assistance under this part for any fiscal year shall submit to the Commissioner an application therefor for that fiscal year, which application shall set forth a program of such size, scope, and design as will make a substantial step toward achieving the purpose described in § 123.01, and such policies and procedures as will assure that the applicant will use the funds received under this part only for the activities described in § 123.12. The Commissioner may require the information described in this section to be submitted either in a single

application or sequentially, and may require additional information and assurances of selected applicants. Such application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner.

(20 U.S.C. 880b-3(a)(3), 880b-3(b)(1), 1231(d))

(b) Applications for assistance under this part shall contain the following assurances and information:

(1) *Administration by applicant.* An assurance that the activities for which assistance is sought under this part will be administered by or under the supervision of the applicant;

(2) *Methods of administration.* A description of such methods of administration as are necessary for the proper and efficient operation of the program;

(3) *Supplementation of funds.* An assurance that Federal funds made available under this part for any fiscal year will be so used (i) as to supplement and, to the extent practicable, increase the level of funds (including funds made available under Title I of the Elementary and Secondary Education Act of 1965) that would, in the absence of such Federal funds, be made available by the applicant for the activities described in § 123.12, and (ii) in no case as to supplant such funds; and a statement of the amount, source, and use of funds available for such activities from non-Federal sources and under Title I of the Elementary and Secondary Education Act of 1965 for the fiscal year for which assistance is sought, and for the fiscal year preceding such year;

(4) *Financial management.* A description of such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this part;

(5) *Evaluation, reports, and records.* An assurance (i) that the applicant will cooperate with the Commissioner (or a public or private agency designated by the Commissioner) in the evaluation of the extent to which funds made available under this part have been effective in improving the educational opportunities of children of limited English-speaking ability; and (ii) that the applicant will submit to the Commissioner an annual report and such other reports, in such form and containing such information, as he may reasonably require to carry out his functions under this part, and will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and vertification of such reports. Reports relating to performance and evaluation of approved programs shall be submitted to the Commissioner not less frequently than twice annually, and shall include averages of standardized achievement test scores or other objective measurement of the success of such programs in attaining the objectives stated in the applicant's program application;

(6) *Participation of part-time students.* An assurance that provision has been made for the participation in the proposed program of children of limited English-speaking ability who are not enrolled in the schools of the applicant on a full-time basis, and a description of the provisions for such participation;

(7) *Use of educational resources.* A description of provisions made by the applicant for the utilization in connection with the proposed program of the assistance of persons with expertise in the educational problems of children of limited English-speaking ability, and for optimum use in such program of the cultural and educational resources in the area to be served. For purposes of this subparagraph, the term "cultural and educational resources" includes State educational agencies, institutions of higher education, nonprofit private schools, and public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, and educational radio and television outlets;

(8) *Review by State educational agency.* A statement indicating that the appropriate State educational agency (as defined in 20 U.S.C. 881(k)) has been given a reasonable opportunity (at least 15 days) to review the proposed program, including the identity of the State official or agency to whom the proposed program has been submitted for such review, and the date of such submission, and a copy of any recommendations made by such official or agency. In the case of an application submitted by an elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior, the Secretary of the Interior or his designate shall be treated as the appropriate State educational agency for purposes of this subparagraph;

(9) *Religious activity.* An assurance that Federal funds made available under this part will not be used in connection with any sectarian activity or religious worship, or in connection with any part of a school or department of Divinity. The term "school or department of Divinity" means an institution or a department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation, or to prepare them to teach theological subjects;

(10) *Coordination.* A statement of procedures employed by the applicant to coordinate its proposed program with activities funded under any other law of the United States; and

(11) *Cross-reference.* The assurances and information described in §§ 123.15(a) and 123.16(a).

(20 U.S.C. 880b-3(a)(1), (2), (4), (5), (6), (7), and (8), 880b-3(b)(4), 885)

§ 123.14 Criteria for assistance.

(a) *Initial applications.* In approving applications submitted by local educational agencies (or by such agencies applying jointly with institutions of higher education) where such agencies have not received assistance under this part during the fiscal year prior to the fiscal year for which assistance is sought, the Commissioner shall apply the following criteria:

(1) *Objective criteria.* (60 points) The need for such assistance, as indicated by the number and percentage of children of limited English-speaking ability between the ages of 3 and 18, inclusive, residing in the school district served by the applicant agency; and

(2) *Educational and programmatic* criteria. (120 points) The extent to which the proposed program promises to increase the educational opportunities of children of limited English-speaking ability in the school district served by the applicant agency, as indicated by the following:

(i) *Needs assessment.* (15 points) The extent to which the applicant has identified and demonstrated by objective evidence the nature and magnitude of the educational needs to be addressed by the proposed program, and the extent of the needs so identified;

(ii) *Statement of objectives.* (10 points) The extent to which the application sets forth one-year and five-year objectives in relation to the needs assessed which are interrelated, specific measurable, and realistically attainable within the specified periods;

(iii) *Activities.* (30 points) The extent to which the activities included in the proposed program promise to result in the attainment of the applicant's stated objectives;

(iv) *Staffing.* (10 points) The extent to which the application (a) sets forth an adequate staffing plan which includes provisions for making maximum use of present staff capabilities, and (b) provides for continuing training of professional and paraprofessional staff which promises to increase the effectiveness of the proposed program;

(v) *Use of educational resources.* (5 points) The extent to which the applicant proposes to utilize the expertise and cultural and educational resources described in § 123.13(b)(7);

(vi) *Parent and community involvement.* (5 points) The extent to which the application (a) delineates specific opportunities for the participation of the community advisory group described in § 123.16 in the planning, implementation, and evaluation of the proposed program, and (b) includes evidence that such participation has been encouraged and has in fact occurred;

(vii) *Delivery of services.* (5 points) The extent to which the application sets forth a plan for meeting the logistical requirements of the proposed activities, including a description of adequate and conveniently available facilities and equipment;

(viii) *Resource management.* (5 points) The extent to which the application contains evidence that (a) the costs of program components are reasonable in relation to the expected benefits; (b) the

proposed program will be coordinated with existing efforts; and (c) all possible efforts have been made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed program;

(ix) *Evaluation.* (15 points) The extent to which the application sets forth a format for objective, quantifiable measurement of the success of the proposed program in attaining the stated objectives, including (a) a statement of the criteria by which attainment of objectives is to be measured; (b) a description of the instruments to be used to collect data for evaluation of the proposed program (and the method to be used to validate such instruments where necessary), or a description of the procedure to be employed in selecting such instruments; (c) an assessment of the validity of such instruments when used to evaluate the language skills, academic achievement, academic aptitude, or general intelligence of children whose dominant language is other than English; (d) a timetable for the collection of data for evaluation, and a description of the method to be used to review the program in light of such data; and (e) provisions for comparison of evaulation results with norms, control group performance, results of other programs, or other external standards;

(x) *Dissemination.* (5 points) The extent to which the application sets forth provisions for disseminating the results of the proposed program and making materials, techniques, and other outputs resulting therefrom available to persons residing in the school district served by the applicant local educational agency, the general public, and those concerned with the educational opportunities of children of limited English-speaking ability; and

(xi) *Continuation of program.* (15 points) The extent to which the proposed program is designed in such a manner as to facilitate the continuation of such program as part of the regular school program of the applicant local educational agency upon the unavailability of assistance under this part.

(20 U.S.C. 880b–1(b), 880b–3(a) (2), (3), (6), and (8), 880b–3(b) (1) and (2), 880b–3 (b)(3)(A), 1231d Sen. Rept. No. 91–634, 57 (1970); Sen. Rept. No. 90–726, 49 (1967))

(b) *Continuation of assistance.* In approving applications by local educational agencies (or such agencies applying jointly with institutions of higher education) for assistance to continue programs assisted under this part during the fiscal year prior to the fiscal year for which assistance is sought, the Commissioner shall apply the following criteria:

(1) *Program results.* (70 points) The extent to which (i) the applicant demonstrates, by evaluation reports and other objective evidence, that the program proposed to be continued has been successful in meeting the special educational needs of children of limited English-speaking ability, and (ii) such program has been modified in the light of such evidence so as to increase the likelihood of success in meeting such needs;

(2) *Continuation of program.* (20 points) The extent to which the applicant local educational agency has assumed financial responsibility for activities assisted under this part in prior fiscal years; and

(3) *Other educational criteria.* (90 points) The extent to which the proposed new activities satisfy the criteria set forth in paragraphs (a)(2) (ii) through (x) of this section.

(20 U.S.C. 880b–3(a)(3), 880b–3(b)(1) and (3)(A))

(c) *Funding criteria.* In approving applications for assistance under this part, the Commissioner shall give preference to the applicants described in paragraph (b) of this section, except that he shall not approve an application for assistance for any fiscal year after the fifth consecutive fiscal year for which assistance has been provided to the applicant under this part, unless such application sets forth a program of exceptional merit or promise, or demonstrates the existence of exceptionally urgent educational needs. The Commissioner shall not be required to approve any application submitted by an applicant described in paragraph (b) of this section if such applicant fails to demonstrate, on the basis of the criteria set forth in paragraph (b)(1) of this section, that it has made substantial progress in achieving the purpose described in § 123.01. The Commissioner shall not be required to approve any application for assistance under this part which does not meet the requirements of this part or which sets forth a program of such insufficient promise for achieving the purpose described in § 123.01 that its approval is not warranted. In approving applications for assistance under this part, the Commissioner shall take into consideration any recommendations offered by the appropriate State educational agency to the extent such recommendations are consistent with the criteria set out in this section.

(20 U.S.C. 880b–1(b), 880b–3(a)(3), 880b–3(b) (1), (3)(A), and (4))

§ 123.15 Participation of children enrolled in private schools.

(a) Applications submitted under this part shall contain an assurance that, to the extent consistent with the number of children of limited English-speaking ability enrolled in nonprofit private schools in the area to be served, provision has been made for participation of such children in the proposed program, and a description of the provisions which have been made for such participation. Such provisions shall assure that the special educational needs of such children are addressed to the same extent as the special educational needs of children of limited English-speaking ability enrolled in the schools of the applicant local educational agency.

(20 U.S.C. 880b–3(b)(3)(B))

(b) Any program involving the joint participation of children enrolled in both public and nonprofit private schools shall include such provisions as are necessary to prevent the separation of such children by school or religious affiliation in any program activity.

(c) The activities included in such programs shall be carried out at such locations as will efficiently and conveniently serve the children enrolled in the affected public and nonprofit private schools. Public school personnel may be made available in other than public school facilities to the extent necessary to provide special services for children of limited English-speaking ability, when such services are not normally provided by the affected nonprofit private school. The applicant local educational agency shall maintain administrative direction and control over any such services.

(d) Mobile and portable equipment may be used on nonprofit private school premises only for such time within the program period as may be necessary for the successful participation in such program by children enrolled in such private schools. Provisions for special services for children enrolled in nonprofit private schools shall not include the payment of salaries for teachers or other employees of such schools (except for services performed after school hours when such teachers or other employees are not under the direction and control of such schools), nor shall they include the use of equipment other than mobile or portable equipment on private school premises or any construction, remodeling, or repair of private school facilities. "Mobile or portable equipment," for purposes of this paragraph, means manufactured items which have an extended useful life and are not consumed in use, and which are not permanently fastened to the building or the grounds.

(20 U.S.C. 880b–3(b) (3)(B))

§ 123.16 Parent and community participation.

(a) Applications submitted under this part shall contain an assurance (1) that the applicant local educational agency will consult with a community advisory group established in accordance with paragraph (c) of this section at least once a month (in formal meetings open to the public) with respect to policy matters arising in the administration and operation of any program assisted under this part; (2) that such agency will provide such group with a reasonable opportunity periodically to observe (upon prior and adequate notice to such group and such agency may agree) and comment upon all activities included in any program assisted under this part; and (3) that such agency will make such provisions as are necessary to insure the participation of such group in the evaluation of any program assisted under this part.

(b) Applicants for assistance under this part shall afford the community advisory group established in accordance

with paragraph (c) of this section a reasonable opportunity (not less than 15 days) to review and comment upon proposed programs prior to submission of applications for assistance to the Commissioner. In connection with such review, applicants for continuation funding (as described in § 123.14(b)) shall furnish to such groups copies of the reports and records described in § 123.13(b)(5) for the preceding fiscal year. Such applicants shall submit with their applications (1) a list of the name, address, and dominant language of each member of the community advisory group; (2) evidence that the names of the members of such group and a statement of the purpose of such group have been published in a newspaper of general circulation or otherwise made public; (3) a statement of the date the application was submitted to such group for review and comment; and (4) the written comments or recommendations, if any, made by such group with respect to such application.

(c) At least 50 per centum of the members of the community advisory group required by this section shall be parents of children directly affected by the proposed program. In addition, the applicant local educational agency may select as members of such group members of civic and community organizations, teachers, and secondary school students representative of the population to be served by the proposed program.

(20 U.S.C. 1231d; Sen. Rept. No. 91-634, 57 (1970))

[FR Doc.73-20803 Filed 9-28-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Part 1710]

[Docket No. R-73-228]

LAND REGISTRATION

Exemptions and Filings; Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 et seq.) it is proposed to amend §§ 1710.13 and 1710.26, Part 1710, Chapter IX, Title 24 of the Code of Federal Regulations, published in the FEDERAL REGISTER on September 4, 1973, at 38 FR 23865.

Section 1710.13 provides for regulatory exemptions. The proposed amendment to this section would exempt from the Act the sale of fewer than fifty lots in a subdivision platted of record in which ninety-five percent of developer's sales consist of lots upon which there are residential, commercial or industrial buildings, or upon which the developer is unconditionally obligated to construct such buildings within 2 years, or which are being sold or leased to any person who acquires such lots for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings. OILSR's experience has indicated that, for such developers, the burden of registration is excessive and unnecessary both because of the limited character and the small number of such incidental sales of lots. The requirement that the subdivision be platted of record before it can qualify for the exemption will assist the states in controlling this type of development and will give the lot purchaser the protection afforded by the State and local platting laws. The emphasis on recorded plats in consistent with the Office of Interstate Land Sales Registration's policy of encouraging effective State or local subdivision control laws. This policy was originally announced on November 8, 1972 in a statement before the National Association of Real Estate License Law Officials. It was also included in the testimony before the Subcommittee on Housing, House Committee on Banking and Currency on May 8, 1973 and discussed at the Federal-State workshop in Kansas City in June, 1973. The numerical limitation of this exemption is consistent with the number of lot sales ordinarily subjecting an offering to coverage under the Interstate Land Sales Full Disclosure Act as well as with the exemption policy authorized under section 1403(a)(3), (a)(9) and (b) of the Act.

Section 1710.26 deals with the acceptance of materials filed with the State authorities listed in that Section. The amendment would limit the Office of Interstate Land Sales Registration's acceptance of materials filed with the four States to filings for subdivision located within those States. It is hoped that this action will assist the States in dealing with local problems of subdivision control and help to make their function in this regard more efficient.

Interested persons are invited to participate in the making of the proposed rules by submitting such written comments or suggestions as they deem pertinent. Communications should identify the subject matter by the above title and should be submitted in triplicate to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10150, 451 Seventh Street, SW., Washington, D.C. 20410. All communications received on or before October 30, 1973, will be considered before taking action on the proposal. The proposals contained in this notice may be changed in the light of comments received. A copy of each written submittal will be available for public inspection during business hours at the above address.

The proposed amendments to §§ 1710.13 and 1710.26 of Part 1710, Chapter IX of 24 CFR read as follows:

1. Section 1710.13 is amended to add the following new paragraph (c) and to revise the last portion of that section to read as follows:

§ 1710.13 Regulatory exemptions.

* * * * *

(c) The sale or lease of lots in a subdivision which would otherwise be covered by the Act, provided that the number of such sales is less than fifty lots and not more than five percent of the developers total lots in the subdivision platted of record, and provided further; that the other lot sales are exempt because they are sales of lots upon which there are residential, commercial, or industrial buildings, or upon which the developer is unconditionally obligated to construct such buildings within two years, or which are being sold or leased to any person who acquires such lots for the purpose of engaging in the business of constructing residential, commercial or industrial buildings thereon.

The foregoing exemptions are available where the particular factual circumstances of the sale or lease meet the express requirements of the exemption provision unless the method of disposition is adopted for the purpose of evasion of the Act. No formal written decision is required, but an exemption advisory opinion pursuant to § 1710.15 may be obtained if desired.

2. Section 1710.26 is revised to read as follows:

§ 1710.26 State filings—acceptable filings.

With respect to subdivisions located within and filed with the State authorities in one of the States listed below, the Secretary has determined that material initially filed with and allowed to become effective by the authorities in that State may be accepted pursuant to § 1710.25:

(a) California.

(b) Florida, except as to material filed with State Authorities prior to enactment of Section 478, Florida statutes, effective August 1, 1967.

(c) Hawaii, except as to material filed with State authorities prior to the enactment of Act 223, Session laws of Hawaii 1967.

(d) New York.

Material filed with one of the above States for a subdivision located outside of that State will not be acceptable as a Statement of Record for the purposes of this part.

(Section 7(d) of the Department of Housing and Urban Development Act, 79 Stat. 670, 42, U.S.C. 3535(d), 1419, 82 Stat. 598, 15 U.S.C. 1718, Secretary's delegation of authority published at 37 FR 5071.)

Issued at Washington, D.C., Sept. 27, 1973.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-20869 Filed 9-28-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 2-10; Notice 6]

BUS WINDOW RETENTION AND RELEASE

Proposed Exemption for Prison Buses

This notice proposes an amendment to Motor Vechicle Safety Standard No. 217, "Bus Window Retention and Release,"

appearing at 49 CFR 571.217, that would exempt buses manufactured for use to transport prison inmates or other persons under physical restraint from the standard.

Standard No. 217 was published May 10, 1972 (37 FR 9394), and amended September 6, 1972 (37 FR 18034), March 6, 1973 (38 FR 6070), and March 23, 1973 (38 FR 7562) (correction). The NHTSA has received a petition from the Bureau of Prisons, U.S. Department of Justice, requesting an exemption from the standard for buses that are purchased for the purpose of transporting prison inmates. Standard No. 217 requires each bus to contain emergency exists of specified minimum area that are operable by bus occupants, and specifies performance requirements for window retention and release. The request from the Bureau of Prisons reflects concern that these requirements are incompatible with the necessity that buses used in the transportation of prison inmates be able to confine their occupants in transit.

The NHTSA recognizes that the need, as determined by the institution in question, to restrain some types of inmates, may outweigh the motor vehicle safety benefits provided by releasable windows in such buses, and proposes in this notice to grant the request by exempting from the standard buses manufactured for the transportation of persons under physical restraint.

Accordingly, it is proposed that S3., *Application*, of § 571.217 (Motor Vehicle Safety Standard No. 217) of Title 49, Code of Federal Regulations, be amended to read as follows:

§ 571.217 [Amended]

* * * * *

S3. *Application.* This standard applies to buses, except for buses manufactured for the purpose of transporting persons under physical restraint.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Comment closing date: November 1, 1973.

Proposed effective date: thirty days from publication of the final rule.

(Secs. 103, 112, and 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegation of authority at 49 CFR 1.51, 49 CFR 501.8)

Issued on September 25, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.73-20816 Filed 9-28-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 25]

[Docket No. 19770]

COMMUNICATIONS SATELLITE CO.

Financial Rules; Extension of Time for Comments

In the Matter of amendment of Part 25 of the Commission's Rules and Regulations with respect to Commission authorization of the issuance of securities, borrowing of money, or assumption of obligations in respect of the securities of another person by the Communications Satellite Corporation.

1. The Communications Satellite Corporation (Comsat) and COMSAT General Corporation (Comsat General) have filed a joint request, dated September 20, 1973, to extend to October 30, 1973 the time for filing comments in the above-referenced proceeding.

2. By an order, released July 24, 1973 [38 FR 20275], the Chief, Common Carrier Bureau extended the original time for filing comments in this proceeding for a period of 60 days, that is, to September 24, 1973 for comments and to October 5, 1973 for reply comments. This extension was granted on condition that Comsat or Comsat General notify the Commission at least 60 days in advance should either corporation propose to engage in any financing during the period prior to final Commission action on the rules proposed in this proceeding.

3. On September 12, 1973, the Commission released a Memorandum Opinion, Order and Authorization (FCC-958), relating to Comsat's applications for a domestic satellite system, which required Comsat to submit to the Commission within 60 days a revised plan for the financing of Comsat General, Comsat's wholly owned subsidiary. Comsat and Comsat General state that because this decision requires their reconsideration of the various means of meeting the financial requirements of Comsat General, they believe it is necessary to give further consideration to the comments being prepared in this rulemaking proceeding which contains proposed financial rules that would be applicable to Comsat General, as well as to Comsat.

4. Accordingly, pursuant to § 0.303(c) of the Commission's rules and regulations, since good cause has been shown to exist, *It is ordered*, That the time for filing comments in the above-referenced proceeding is extended until October 24, 1973, and the time for filing reply comments is extended until November 5, 1973, provided that Comsat and Comsat General comply with the condition mentioned in paragraph 2 above, which was contained in the July 24, 1973 Order in this proceeding.

Adopted: September 21, 1973.

Released: September 25, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] A. C. ROSEMAN,
Chief, International & Satellite Communications Division
For: Chief, Common Carrier Bureau

[FR Doc.73-20782 Filed 9-28-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1307]

[Ex Parte MC-88]

DETENTION OF MOTOR VEHICLES—NATIONWIDE

Notice of Proposed Rulemaking and Order; Extension of Time

SEPTEMBER 21, 1973.

At the request of Mr. John S. Fessenden, Attorney for The Eastern Central Motor Carriers Association, Inc., and the Middle Atlantic Conference, the time for filing initial statements in the above-entitled proceeding (38 FR 18691, July 13, 1973) has been extended from October 1, 1973, to November 15, 1973. The time for filing reply statements has been extended from October 26, 1973, to December 10, 1973.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20810 Filed 9-28-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

COMMITTEE ON EDUCATIONAL ALLOWANCES

Membership

It is proposed to amend § 21.4207 to provide that the Committee on Educational Allowances be composed only of Federal employees.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposal to Administrator of Veterans Affairs (27H), Veterans Administration, 810 Vermont Avenue NW, Washington, DC 20420. All relevant material received before October 31, 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 furnished the address and the above room number.

Notice is also given that it is proposed to make any regulation that is adopted effective the date of final approval.

In § 21.4207, paragraph (a) is amended to read as follows:

§ 21.4207 Failure of school to meet requirements.

When the Veterans Administration discovers facts which appear to warrant a finding that the school is in violation of specific criteria of 38 U.S.C. chs. 34, 35 or 36, including failure to meet requirements for approval of a course offered to a veteran or eligible person and institution of policies regarding payment of tuition and fees so as to deny the benefits of the advance payment program, the facts will be referred to the field station Committee on Educational Allowances.

(a) *Committee on Educational Allowances.* The Committee on Educational Allowances in the field station is authorized to make recommendations on action to be taken for the purposes of this section, subject to approval by the station head. The committee will include a minimum of three staff members designated by the station head. The recommendation of the committee, when approved by the station head, becomes the final administrative decision of the Veterans Administration unless an application for review is filed as provided in paragraph (d) of this section.

* * * * *

APPROVED September 25, 1973.

By direction of the Administrator,

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-20796 Filed 9-28-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Parts 317, 381]

JAR CLOSURES FOR MEAT AND POULTRY FOOD PRODUCTS

Proposed Requirement for Prevention of Filth and Insect Accumulation; Extension of Time for Comments

On July 23, 1973, there was published in the FEDERAL REGISTER (38 FR 19690) a notice (FR Doc. 73-15045) proposing to amend the meat inspection regulations and the poultry products inspection regulations to require the lids of glass jars to be designed to prevent the possibility of any dirt or insects getting into the jar, or to require sealing. Interested persons were given until October 1, 1973, to comment.

The Department has been requested to extend the period of time within which data, views, or arguments may be submitted. Some organizations of the container industry were unable to consider the proposal and develop significant information and data to provide for substantive submissions before the deadline.

Since the Department is interested in receiving meaningful comments, these circumstances are considered as sufficient justification for an extension of the time originally allotted for filing comments. Accordingly, any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by November 2, 1973.

Any person desiring opportunity for oral presentation of views should address such request to Scientific Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and is privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on September 27, 1973.

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

[FR Doc.73-20977 Filed 9-28-73;11:27 am]

Notices

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE FOURTEENTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Fourteenth National Bank Region will be held at 9 a.m. on October 26, 1973, at the Kona Surf, Kona, Hawaii.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Fourteenth National Bank Region.

It is hereby determined pursuant to section 19(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated September 24, 1973.

[SEAL] RALPH L. WISER,
Comptroller of the Currency.

[FR Doc.73-20815 Filed 9-28-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

STATE DIRECTOR, NEVADA

Delegation of Authority

Pursuant to delegation of authority contained in Bureau Manual 1510.03B2d:

A. The Associate State Director;

Chief, Division of Management Services;

Program Analyst, Division of Management Services;

Procurement Clerk, State Office;

Fire Control Officer;

Assistant Fire Control Officer;

District Managers;

Chief, Division of Administration in each District Office are authorized to exercise the State Director's authority in the following specific areas:

1. *Negotiated contracts.* May enter into contracts pursuant to Section 302 (c)(2) of the Federal Property and Administrative Services Act, regardless of amount. This authority is to be used for rental of equipment and aircraft and for procurement of supplies and services required for emergency fire suppression and pre-suppression, where the order exceeds $2,500.

2. *Open market purchases.* May enter into contracts pursuant to Section 302 (c)(3) of the Federal Property and Administrative Services Act, for supplies, services and rental of equipment and aircraft not to exceed $2,500 per transaction; and for construction not to exceed $2,000 per transaction; provided that the requirement is not available from established sources of supply.

3. *Established sources of supply.* May procure supplies and services available from established sources of supply regardless of amount.

B. The Associate State Director;

Chief, Division of Management Services;

Program Analyst, Division of Management Services; and Procurement Clerk, State Office; are authorized to exercise the State Director's authority to purchase capitalized property under authority of subparagraphs 1, 2 or 3 above, as appropriate.

If the purchase is to be charged to fire suppression funds, or if the item is not included in an approved equipment budget, prior approval of purchase by the Assistant Director, Administration is required. This authority may be exercised only in a true emergency situation such as for immediate use in suppression of active fires and delivery for use on that fire is attainable.

C. Cadastral Survey Party Chiefs are authorized to enter into contracts under section 302(c)(3) of the Federal Property and Administrative Services Act on the Open Market for supplies and materials, excluding capitalized equipment, not to exceed $500, provided that the requirement is not available from established sources.

This publication supersedes publication in the FEDERAL REGISTER, Vol. 35, No. 253, Thursday, December 31, 1970, on page 20016.

ROGER J. MCCORMACK,
Acting State Director, Nevada.

[FR Doc.73-20749 Filed 9-28-73;8:45 am]

Geological Survey

POWDER RIVER BASIN, WYO.

Classification for Competitive Coal Leasing

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), and Secretary's Order No. 2563 (15 FR 3193), and Secretary's Order No. 2948, Federal lands within the State of Wyoming, have been classified as subject to the competitive coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(50) WYOMING

Powder River Basin (Wyoming) Known Leasing Area (Coal); May 25, 1973, 3,951,486 acres.

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management and is also of record in the Geological Survey, Reston, Virginia 22092.

Dated September 6, 1973.

W. A. RADLINSKI,
Acting Director.

[FR Doc.73-20785 Filed 9-28-73;8:45 am]

Office of the Secretary

[INT FES 73-53]

CIBOLA NATIONAL WILDLIFE REFUGE, ARIZ. AND CALIF.

Availability of Final Environmental Statement

Pursuant to sec. 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a final environmental statement which proposes acquisition by the Bureau of Reclamation of the remaining 4,207 acres of non-Federal lands within the Cibola National Wildlife Refuge (Yuma County, Arizona, and Imperial County, California) and development and management primarily to provide wintering habitat for waterfowl on the Lower Colorado River.

Copies of the final statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
500 Gold Avenue SW., Room 9018
P.O. Box 1306
Albuquerque, New Mexico 87103

Headquarters
Cibola National Wildlife Refuge
Box AP
Blythe, California 92225
Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
18th and C Streets NW., Room 2246
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number.

Dated: September 24, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary, Program Development and Budget.

[FR Doc.73-20748 Filed 9-28-73;8:45 am]

National Park Service

WASHINGTON, D.C. AREA

Notice of Intention to Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on Oct. 31, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract wtih Landmark Services, Inc., authorizing it to provide interpretive shuttle service for the public in the Mall area, National Capital Parks, Arlington Cemetery, and such other centers of national interest as may be designated in the Federal establishment within Washington, D.C., and vicinity.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the human environment, and that it is not a major Federal action under the Environmental Quality Act and the guidelines of the Council on Environmental Quality. The enivronmental assessment may be reviewed in the Office of the Director, National Capital Parks, National Park Service, 1100 Ohio Drive SW., Washington, D.C. 20242.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted by Oct. 31, 1973.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated September 27, 1973.

JOSEPH C. RUMBURG, Jr.,
Acting Associate Director, National Park Service.

[FR Doc.73-20953 Filed 9-28-73;10:13 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation No. A025]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in North Carolina:

Alleghany	Henderson
Cherokee	Transylvania

The Secretary has further found that such general need for agricultural credit existing in these areas cannot be met temporarily by private, cooperative, or other responsible sources at reasonable rates and terms for loans for similar purposes and periods of time, and that the need for such credit in such areas is the result of a natural disaster consisting of excessive rains, flooding, and occurred during the incidence period of May 27, and 28, 1973.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-24, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James E. Holshouser, Jr., that such designation be made.

Applications for Emergency loans must be received by this Department prior to November 19, 1973, for physical losses and prior to June 20, 1974, for production losses, except that qualified borrowers who received initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C. this 24th day of September, 1973.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.73-20777 Filed 9-28-73;8:45 am]

Forest Service

DAVIS PEAK AND ELKHORN MOUNTAIN ROADLESS AREAS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Rocky Mountain Region of the Forest Service, United States Department of Agriculture, has prepared a Draft Environmental Statement for Management of Portions of the Davis Peak and Elkhorn Mountain Roadless Areas. It is Forest Service Report Number USDA-FS-DES (Adm) 74-31.

The Draft Environmental Statement was filed with CEQ September 25, 1973.

This Environmental Statement concerns a proposal for the "multidevelopment" of 7,430 acres of heretofore roadless areas in northern Colorado. It would permit a mixture of any needed land uses and activities in the future that are environmentally acceptable and compatible with the area's particular economic and social potential. The initial activity would consist of constructing about 11 miles of road and harvesting 10.6 million board feet of timber. The quality of the wilderness character of the areas is naturally low and the timber productive potential is high. The effect of this proposal on the suitability for study of the remaining parts of the Roadless Areas for possible inclusion in the National Wilderness Preservation System is minimal.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th & Independence Ave. SW.
Washington, D.C. 20250
Regional Forester
Building 85, Denver Federal Center
Denver, Colorado 80225
Forest Supervisor
Routt National Forest
P.O. Box 1198
Steamboat Springs, Colorado 80477

A limited number of single copies are available upon request to Walter B. Metcalf, Forest Supervisor, Routt National Forest, P.O. Box 1198, Steamboat Springs, Colorado 80477. Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the Environmental Statement above when ordering.

Copies of the Environmental Statement have been sent to various Federal, state and local agencies as outlined in the CEQ Guidelines. Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Walter B. Metcalf, Forest Supervisor, Routt National Forest, P.O. Box 1198, Steamboat Springs, Colorado 80477. Comments must be received by Nov. 9, 1973, in order to be considered in the preparation of the Final Environmental Statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

SEPTEMBER 25, 1973.

[FR Doc.73-20776 Filed 9-28-73;8:45 am]

Rural Electrification Administration

TRANSMISSION LINE CONSTRUCTION LOAN

Availability of Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of

the National Environmental Policy Act of 1969, in connection with a loan to Tri-State Generation and Transmission Association, Inc., Post Office Box 29198, Denver, Colorado 80229. This loan includes financing for the construction of 8.5 miles of 115 kV transmission line from Longmont Northeast Substation to Del Camino Substation.

Additional information may be secured on request, submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to the Assistant Administrator—Electric at the address given above. Comments must be received within forty-five (45) days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 25th day of September 1973.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.73-20775 Filed 9-28-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT, TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Memory Equipment Subgroup of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held Thursday, October 4, 1973, at 10:00 a.m., at Trend Data Corporation, 610 Palomar Avenue, Sunnyvale, California.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks and review of purpose of subgroup by Philip A. Harding, Chairman.
2. Presentation of papers or comments by the public.
3. Discussion and modification of reports prepared by members of the subgroup.
4. Executive session:
   a. Continuation of discussion and modification of reports prepared by members of the subgroup.
   b. Preparation of final report.
5. Adjournment.

The public will be permitted to attend the discussion of agenda items 1-3, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subgroup. Interested persons are also invited to file written statements with the subgroup.

With respect to agenda item 4, "Executive session," the Assistant Secretary of Commerce for Administration, on August 13, 1973, determined, pursuant to Section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provisions of Sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Philip A. Harding, Chairman of the subgroup and General Manager, Electronic Memories, 12621 Chadron Avenue, Hawthorne, California 90250 (A/C 213 + 644-9881).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated September 27, 1973.

RAUER H. MEYER,
Acting Director, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.73-20891 Filed 9-28-73;8:45 am]

National Oceanic and Atmospheric Administration

MARINE MAMMAL PROTECTION ACT

Notice of Exemption Application

Notice is hereby given that the following named individual has filed an application for an exemption from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on grounds of undue economic hardship as authorized by Section 101(c) of the Act and § 216.13 of the Interim Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, 28182, December 21, 1972) for the taking of marine mammals as hereinafter described for the purposes stated.

Mrs. Dianne Wilson Allen, P.O. Box 971, Donna, Texas 78537, to take as many as two California sea lions (*Zalophus californianus*) for public display.

The Applicant states:

1. The sea lions would be taken along the coast of California between the date of issuance of a Letter of Exemption and October 21, 1973 by professional sea lions capturers, acclimated in California and air shipped to the Applicant.

2. The Applicant is a sea lion trainer and exhibitor.

3. The Applicant's act calls for four sea lions, and at present she has only two.

4. If the Applicant does not get an exemption, she will suffer undue economic hardship in that she will not have sufficient animals on hand to fulfill contractual obligations she has assumed to provide a sea lion show for Lewis Brothers Circus.

Documents submitted in connection with this application, other than confidential information, are available for inspection in the office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the office of the Regional Director, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33701, telephone 813-893-3141. Any person wishing to comment on this application may write to either or both of these offices.

All statements and opinions contained in this notice in support of the application are those of the Applicant's and do not reflect the views of the National Marine Fisheries Service.

Dated September 24, 1973.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-20772 Filed 9-28-73;8:45 am]

Office of the Secretary

ECONOMIC ADVISORY BOARD

Notice of Meeting

A meeting of the Department of Commerce Economic Advisory Board will be held on Wednesday, October 17, 1973, from 10 a.m. to 3 p.m. in room 4832, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The purpose of the Board is to advise the Secretary of Commerce on economic policy matters. The intended agenda for this meeting is as follows:

1. Current economic transition.

2. Capacity problems, shortages, interest rates, agricultural output, and export outlook.

3. Retail sales outlook and financial market conditions.

A limited number of seats will be available to the public and the press. Participation will be limited to requests for clarification of items under discussion; additional statements or inquiries may be submitted to the chairman before or after the meeting. Persons desiring to attend the meeting should advise Miss Ruby Gore, telephone 202-967-3727 by October 12, 1973.

For further information, inquires may be directed to Mr. Basil R. Littin, Director of Public Affairs, room 5419, Department of Commerce, 14th & Constitution Avenue NW., Washington, D.C. 20230, telephone 202-967-3263.

SIDNEY L. JONES,
Assistant Secretary for Economic Affairs.

SEPTEMBER 24, 1973.

[FR Doc.73-20744 Filed 9-28-73;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE OF THE AMERICAN ECONOMIC ASSOCIATION

Notice of Public Meeting

The Census Advisory Committee of the American Economic Association will convene on October 11, 1973 at 7:45 p.m. at the National Economist's Club, 1236 20th Street NW., Washington, D.C., and on October 12, 1973 at 9:30 a.m. in Room 2113, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Economic Association was established in 1960 to advise the Director, Bureau of the Census, on technical matters, level of accuracy, and conceptual problems.

The Committee is composed of 15 members appointed by the President of the American Economic Association.

The agenda for the October 11 meeting, which will adjourn at 9:15 p.m., is a general review of topics of current interest including staff changes, Census role in the Federal Government statistical system, program priorities and budget allocations, and comments on recommendations from the last meeting.

The agenda for the October 12 meeting is: 1) Confidentiality and disclosure policy, 2) Thoughts on the 1980 Census, 3) Environmental Statistics Program including pollution abatement, 4) Wage rate data, 5) Reconciliation of International Merchandise Trade Statistics, and 6) Compatibility and reliability of government statistical series.

A limited number of seats will be available to the public. A brief period will be set aside for public comment and questions at the October 12 meeting. Extensive questions or statements must be submitted in writing to the Committee Guidance and Conrol Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning these meetings should contact the Committee Guidance and Control Officer, Mr. James Turbitt, Associate Director for Economic Operations, Bureau of the Census, Room 2061, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-5274.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

[FR Doc.73-20773 Filed 9-28-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

ENVIRONMENTAL PROCEDURES

Proposed Changes

On June 27, 1973, the Federal Highway Administration (FHWA) published a notice in the FEDERAL REGISTER (38 FR 16915) soliciting comments by August 10, 1973, on a proposed change in Policy and Procedure Memorandum (PPM) 90-1 (37 FR 21809), which outlines requirements with respect to the preparation of environmental impact statements on Federal-aid highway projects, as required by the National Environmental Policy Act. On August 1, 1973, the Council on Environmental Quality (CEQ) promulgated its final guidelines for Preparation of Environmental Impact Statements (38 FR 20550). The Council on Environmental Quality's guidelines require that Federal agencies prepare a draft revision to their National Environmental Policy Act procedures to incorporate the CEQ changes and to publish the drafts in the FEDERAL REGISTER for comment before October 30, 1973. In view of the confusion that would be created by the FHWA publishing for comment the proposed changes to PPM 90-1 resulting from the June 27, 1973, FEDERAL REGISTER notice separately from the proposed revision to PPM 90-1 resulting from the CEQ requirements, the Federal Highway Administration proposes to combine these two activities. The draft of PPM 90-1 that will be published for comment pursuant to the CEQ guidelines will include the proposed changes required by both the CEQ guidelines and the June 27, 1973, FEDERAL REGISTER notice.

In addition, the Federal Highway Administration is considering consolidating the requirements and procedures that implement 23 U.S.C. 128, 23 U.S.C. 109 (h), and the National Environmental Policy Act into two rather than the existing three directives containing these requirements. The implementing directive for 23 U.S.C. 128 is PPM 20-8 (23 CFR Part 790, 38 FR 12103 and 38 FR 15956). The implementing directive for 23 U.S.C. 109(h) is PPM 90-4 (23 CFR Part 795, 38 FR 16056). The implementing directive for the NEPA is PPM 90-1 (37 FR 21809).

The requirements of PPM 20-8 relating to public hearings are being considered for incorporation with the requirements of PPM 90-4. The requirements of PPM 20-8 relating to reports and certifications are being considered for incorporation with the requirements of PPM 90-1. These additions to PPM 90-4 and PPM 90-1 may encompass all of the requirements of PPM 20-8 and PPM 20-8 may therefore be cancelled. The Federal Highway Administration plans to undertake this consolidation as part of its current activity to revise PPM 90-1 pursuant to the CEQ guidelines. These proposed revisions will be published in the FEDERAL REGISTER for comments.

September 24, 1973.

M. M. BARTELSMEYER,
Acting Federal Highway Administrator.

[FR Doc.73-20753 Filed 9-28-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 22973]

NEW ENGLAND SERVICE INVESTIGATION

Notice of Postponement of Oral Argument

At the direction of the Board the oral argument in this proceeding, previously set for October 3, 1973, (38 FR 24397, September 7, 1973), is postponed to November 6, 1973, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., September 26, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-20802 Filed 9-28-73;8:45 am]

[Docket 25891; Order 73-9-81]

UNIVERSAL AIR TRAVEL PLAN

Order Deferring Action and Requesting Comments

SEPTEMBER 21, 1973.

Pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act), there has been filed with the Board several amendments (herein "Silver Card amendments") to the Universal Air Travel Plan (UATP or Plan) Agreement.[1] The Silver Card amendments raise issues of likely interest to air carriers, travel agents, credit card companies, and others, and the comments of such interested persons will be considered before action is taken on these amendments.[2]

UATP is basically a credit card system for air passenger transportation and related services. These related services have until now included only surface travel in connection with air transportation, land arrangements and accommodations

[1] The UATP Manual (Agreement 22333 and amendments 1 through 4 thereof) is currently being considered pursuant to section 412(b) of the Act. (See Order 73-7-124, July 25, 1973, at footnote 5.) Board action thereon is contemplated shortly.

[2] This action is taken pursuant to 14 CFR 385.13 and 385.3.

which are part of an air tour, and transportation for a cardholder and his car. The approximately 170 air carriers and foreign air carriers who are UATP Ticketors agree to issue tickets for air transportation upon presentation by a customer of a UATP card issued by any of the approximately 40 air carriers and foreign air carriers who are UATP Contractors and thus authorized to issue such cards.

The Silver Card amendments (which are reproduced in their entirety, together with the letter of transmittal submitted by UATP, as Appendix A hereto[3]) establish a Vendor Program in UATP. Hotels, motels, and car rental companies (plus any other categories of Vendors that may be established by the UATP Committee) may enter into Vendor Contracts with UATP. Such Vendors may then honor Silver Cards and bill Contractors or Central Settlement Airlines (any UATP party which accepts invoices from Vendors) for the charges on such cards. The Vendors would be paid these charges, less a discount determined by the UATP Committee, which will be specified in the Vendor Contract.

The expenses of the Vendor Program are to be prorated among Contractor parties in proportion to the number of Silver Cards each has outstanding. The UATP Committee is to administer the Vendor program, setting forth the details of such program in the UATP Manual, and it may also hire other organizations for advertising and promotion of the program.

The Silver Card amendments also provide for a major change in the internal settlement of charges within UATP. The Plan now provides for Contractors to pay Ticketors the full amount of tickets sold on UATP cards. (See Order 73-7-124, supra, at p. 2.) The Silver Card amendments provide that Contractors pay Ticketors a discounted amount (set by the UATP Committee) from that of the total on tickets sold on Silver Cards. In an editorial note to appear in the UATP Agreement, it is said that the discount rate has been established by the Committee at 1 percent, this amount to remain in effect until December 1975. Ticketor parties to UATP are to agree to discount their billings on Silver Card tickets by the percentage established by the UATP Committee.

Time limits for the filing comments in favor of, or in opposition to approval of the Silver Card amendments will be set forth below. Also, specific information will be requested from UATP. Interested persons are urged to submit detailed facts, including specific financial details, to support all contentions made in their comments. The Board will be concerned with the effects of the Silver Card amendments (as demonstrated by detailed factual data) on UATP Contractor airlines, UATP Ticketor airlines, travel agents, and on credit card plans other than UATP.

[3] Appendix A filed as part of the original document.

Accordingly, *it is ordered*, That:

1. Action on Agreement CAB 22333-A5 be and it hereby is deferred, pending receipt of comments in accordance with this order;

2. Consideration of Agreement CAB 22333-A5 be and it hereby is assigned to Docket 25891;

3. Any interested person is hereby afforded 35 days from the date on the first page of this order to file in Docket 25891 comments in support of, or in opposition to, approval of the UATP Silver Card amendments;

4. Any interested person (whether having filed comments pursuant to the preceding paragraph or not) is afforded fourteen days after the end of the time for the filing comments described above, to file reply and/or supplemental comments in Docket 25891 in support of, or in opposition to, approval of the UATP Silver Card amendments;

5. UATP is directed to file in Docket 25891, within twenty-one days from the date on the first page of this order, the following items:

a. the agenda and minutes of each meeting of the UATP Committee at which the subject of the Silver Card amendments and/or the Vendor program (or ideas which led to their adoption) were considered and/or adopted;

b. a copy of each report, survey, recommendation, etc., which was prepared by or submitted to the UATP Committee and/or any UATP party, dealing with the Silver Card amendments and/or the Vendor program (or ideas which led to their adoption);

c. a copy of the notice sent to all UATP parties, pursuant to Article 3(d) of the UATP Agreement, regarding consideration or adoption of the Silver Card amendments;

d. a narrative description of the contemplated activities of the Silver Card program and the Vendor program;

e. a listing of the hotels, motels, rental car companies, and other possible vendors who have been contacted during the consideration of the Silver Card amendments or since that time, and a description of the results of such contacts;

f. a detailed description of the problems that led to the adoption of the Silver Card amendments, including specific financial details;

g. a description of the alternatives to the Silver Card amendments that were considered before the adoption of those amendments;

6. This order shall be served on those persons listed in the Service List (Appendix B),[4]

7. All comments filed shall be served upon those listed in Appendix B; reply or supplemental comments filed pursuant to paragraph 4, supra, shall in addition be served upon those having filed initial comments; and

8. This order shall be published in the FEDERAL REGISTER.

[4] Appendix B filed as part of the original document.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petition within ten days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-20804 Filed 9-28-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

LOUISIANA 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 Louisiana State Advisory Committee to this Commission will convene at 10:00 a.m. on October 1, 1973, in the Chamber Room of the White House Inn, 1575 Riverside North, Baton Rouge, Louisiana 70821.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting shall be to discuss the progress of the Louisiana Prison Project, complete plans, and schedule visits to participating institutions.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 26, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-20946 Filed 9-28-73;9:39 am]

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

ALTERNATIVE PLANS FOR REALIGNMENT OF JUDICIAL CIRCUITS

Notice of Meeting

Notice is hereby given that the Commission on Revision of the Federal Court Appellate System will meet Wednesday, October 10, 1973, at 10:00 a.m. in Room S-146 of the Capitol.

The purpose of the meeting is to discuss alternative plans for the realignment of the judicial circuits. Emphasis will be placed on the Fifth and Ninth Circuits. In this connection the Commission will consider and discuss various factors relevant to realignment of the judicial circuits and to the creation of new circuits, including problems relating to the division of a single state between two judicial circuits.

The Commission will also discuss research plans relevant to redistricting and to the internal procedures and structure of the Federal Courts of Appeal System.

The meeting is open to all interested persons.

A. LEO LEVIN,
Executive Director.

SEPTEMBER 24, 1973.

[FR Doc.73-20784 Filed 9-28-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN HAITI

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 26, 1973.

On September 10, 1973, there was published in the FEDERAL REGISTER (38 FR 24679) a letter dated September 6, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs to prohibit, effective upon publication and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 63, produced or manufactured in Haiti and exported to the United States during the period beginning October 1, 1972, and extending through September 30, 1973. The purpose of this notice is to announce that this prohibition is being lifted at the request of the Government of Haiti.

Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that the directive of September 6, 1973 be cancelled, effective as soon as possible.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 26, 1973.

DEAR MR. COMMISSIONER: This directive cancels the directive issued to you on September 6, 1973, by the Chairman of the Committee for the Implementation of Textile Agreements regarding imports of cotton textile products in Category 63 produced or manufactured in Haiti.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of November 3, 1971 between the Governments of the United States and Haiti, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed, effective as soon as possible, and until further notice, to permit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Category 63, produced or manufactured in Haiti.

The actions taken with respect to the Government of Haiti with respect to imports of cotton textile products from Haiti 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.

[FR Doc.73-20896 Filed 9-28-73;8:45 am]

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 26, 1973.

On December 30, 1971, the United States Government concluded a comprehensive bilateral wool and man-made fiber textile agreement with the Government of the Republic of China concerning exports of wool and man-made fiber textiles from the Republic of China to the United States over a five-year period beginning on October 1, 1971 and extending through September 30, 1976. The agreement was amended by exchange of notes on November 16, 1972, to adjust the aggregate and group limits established for wool textile products. Among the provisions of the agreement, as amended, are those establishing specific export limitations on Categories 116, 117, 211, 213, 216, 219, 221, 222, 228, 232, 234, and 235 for the third agreement year beginning October 1, 1973. The agreement also contains provisions for establishing consultation levels for those categories not having specific export limitations for the agreement year beginning October 1, 1973. These consultation levels are initially to be controlled by the Government of the Republic of China, except for those levels established for Categories 101–110 and 126–132, as a group; Categories 111–125, as a group; and individual Category 224 which are already controlled by the United States Government. At a later date these other consultation levels could be controlled by the United States Government in the same manner as those categories having specific export limitations.

Accordingly, there is published below a letter of September 26, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of wool and man-made fiber textile products in the above categories produced or manufactured in the Republic of China which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning October 1, 1973 and extending through September 30, 1974 be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 26, 1973.

DEAR MR. COMMISSIONER: Under the provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, between the Governments of the United States and the Republic of China and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective October 1, 1973 and for the twelve-month period extending through September 30, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Categories 111–125, as a group; Categories 101–110 and 128–132, as a group; and Categories 116 and 117; and man-made fiber textile products in Categories 211, 213, 216, 219, 221, 222, 224, 228, 232, 234, and 235, produced or manufactured in the Republic of China, in excess of the following twelve-month levels of restraint:

Category	Twelve-Month Levels of Restraint
111–125	4,030,400 square yards equivalent.
116	837,005 pounds.
117	523,128 pounds.
128–132	12,100 square yards equivalent.
211	765,096 pounds.
213	7,650,962 pounds.
216	658,692 dozen.
219	5,070,637 dozen.
221	3,567,677 dozen.
222	3,352,669 dozen.
224[1]	8,589,744 pounds (of which not more than 1,153,846 pounds shall be in TSUSA Nos. 380.8160, 380.8155, and 380.8150).
228	410,719 dozen.
232	574,264 dozen.
234	1,075,755 dozen.
235	1,561,472 dozen.

In carrying out this directive, entries of wool and man-made fiber textile products in the above categories, produced or manufactured in the Republic of China, which have been exported to the United States prior to October 1, 1973, shall, to the extent of any unfilled balances be charged against the

[1] The level for this consultation category was established in accordance with the provisions of paragraph 3 of the bilateral wool and man-made fiber textile agreement with the Republic of China.

levels of restraint established for such goods during the period October 1, 1972 through September 30, 1973. In the event that the levels of restraint for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral wool and man-made fiber textile agreement of December 30, 1971 between the Governments of the United States and the Republic of China which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; for limited inter-fiber flexibility between cotton textiles and man-made fiber textile products of the comparable category; and for administrative arrangements.

A detailed description of the wool and man-made fiber textile categories in terms of T.S.U.S.A. numbers and conversion factors 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 this directive, 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 the Republic of China and with respect to imports of wool and man-made fiber textile products from the Republic of China 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.

[FR Doc.73-20897 Filed 9-28-73;8:45 am]

COST OF LIVING COUNCIL

[Notice No. 73-1]

COMMUNITY HEALTH SERVICE AGENCIES

Customary Charge Increase

The Cost of Living Council has determined that as a result of section 233 of the Social Security Amendments of 1972, Public Law 92-603, 86 Stat. 1329, application of the provisions of the economic stabilization regulations with respect to the prices charged by certain community health service organizations will create a severe financial hardship on those organizations.

Section 233 of the Social Security Amendments of 1972 provides that the amount paid to such health providers for services rendered as reimbursement under Medicare shall be the lesser of "reasonable costs" of such services or the "customary charges" with respect to such services. Community health service organizations, comprising visiting nurse associations and home health agencies, are generally nonprofit organizations that direct a majority of their services to Medicare patients. Many of these organizations depend in part on charitable contributions which generally have been declining. These community health service organizations have historically limited their charges to nominal amounts. Thus, under the Economic Stabilization Program those nominal charges became the "customary charges" against which compliance with the program is measured. Unless application of the economic stabilization regulations is now relaxed to allow the organizations to increase their "customary charges," they will be severely restricted in recovering costs under section 233 of the Social Security Amendments of 1972. Therefore, the Council hereby authorizes visiting nurse associations and home health agencies to increase the charges of the services they render in the first Medicare reporting period starting after December 31, 1972 to a level not to exceed the cost of those services in the immediately preceding reporting period without regard to the limitation established in Title 6, Code of Federal Regulations, § 300.19. This one-time charge adjustment will not be considered in the determination of any subsequent price increases under the provisions of § 300.19.

The Council also hereby authorizes visiting nurse associations and home health agencies to use either the net revenue margin or profit margin (whichever is applicable) for the year in which this one-time charge adjustment is made, as its base period net revenue margin or profit margin in place of the margin that otherwise would have been determined in accordance with the general provisions of the Economic Stabilization regulations.

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

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

[FR Doc.73-20863 Filed 9-27-73;11:27 am]

ENVIRONMENTAL PROTECTION AGENCY

PUBLICATION OF GUIDELINES AND INFORMATION

Notice of Availability of Report

The Environmental Protection Agency has prepared a report analyzing its internal procedures and decision-making process for publishing or promulgating guidelines, regulations, information, and reports as required by the Federal Water Pollution Control Act, and recommending any needed changes in the internal procedures and decision-making process so that the objectives of the Act may be achieved within the time specified in the Act. This report was prepared pursuant to the decree and stipulation entered in Natural Resources Defense Council v. Fri, U.S. District Court for the District of Columbia, No. 849-73. Copies of the report may be obtained from Chris Kirtz, Director, Standards and Regulations Coordination Branch, Environmental Protection Agency, Washington, D.C. 20460. The public is invited to review the report and submit written comments thereon to the Agency at the above address, on or before Nov. 15, 1973.

Dated September 26, 1973.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.73-20823 Filed 9-28-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19829; File No. BR-4635]

MONROE BROADCASTERS, INC.

Notice of Apparent Liability

1. The Commission has before it for consideration (a) the captioned application and (b) its inquiries into the operations of Station WKYZ, Madisonville, Tennessee.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. Accordingly, *It Is Ordered*, That the application is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine whether, and, if so, the extent to which the applicant knowingly engaged in fraudulent billing practices in the operation of Station WKYZ in violation of § 73.1205 of the Commission's rules;

(b) To determine whether, in the light of evidence adduced under the foregoing issue, the licensee possesses the requisite qualifications to remain a licensee; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issue, whether the grant of the captioned application would serve the public interest, convenience and necessity.

4. *It is further ordered*, That if it is determined that the hearing record does not warrant an order denying the captioned application for renewal of license for Station WKYZ, it shall also be determined whether the applicant has knowingly engaged in fraudulent billing practices in violation of § 73.1205 of the Commission's rules,[1] and, if so, whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount should be issued for violations which occurred within one year preceding the issuance of the Bill of Particulars in this matter.

5. *It is further ordered*, That this document constitutes a Notice of Apparent

[1] See Bill of Particulars for specific dates and details of each alleged violation.

Liability for forfeiture for violations of the Commission's Rules set out in the preceding paragraph. The Commission had determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. *It is further ordered*, That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issue (a).

7. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issue (a), and applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain licensee of Station WKYZ and that a grant of its application would serve the public interest, convenience and necessity.

8. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicant herein, pursuant to section 311 (a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

10. *It is further ordered*, That the Acting Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Monroe Broadcasters, Inc.

Adopted: September 19, 1973.

Released: September 25, 1973.

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

[FR Doc.73-20780 Filed 9-28-73;8:45 am]

FEDERAL MARITIME COMMISSION

UNITED OVERSEAS EXPORT LINES, INC., AND CHINESE MARITIME TRUST LTD.

Certificate of Financial Responsibility, Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-108 and certificate or financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,103.

Whereas, United Overseas Export Lines, Inc. and Chinese Maritime Trust Ltd. (Orient Overseas Line) (% Orient Overseas Services, Inc., 311 California Street, San Francisco, California 94104), have ceased to operate the passenger vessel Oriental Warrior.

It is ordered, That Certificate (Performance) No. P-108 and Certificate (Casualty) No. C-1,103 covering the Oriental Warrior be and are hereby revoked effective September 21, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-20799 Filed 9-28-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8387]

BROCKTON EDISON CO.

Notice of Proposed Contract Amendment

SEPTEMBER 21, 1973.

Take notice that on September 4, 1973, the Brockton Edison Company of Brockton, Massachusetts (Brockton) tendered for filing a proposed amendment, signed on January 15, 1973 by the Middleborough Gas and Electric Commission and Brockton, to its April 26, 1965 contract with the Town of Middleborough, Massachusetts (Middleborough). Brockton states that the proposed amendment would increase the quantity of power supplied to Middleborough.

Brockton requests that the proposed amendment be filed as a supplement to Brockton's Rate Schedule FPC No. 2, and be made effective October 1, 1973 upon the energizing of an additional 13,800 volt power supply line to Middleborough.

According to Brockton, the estimated purchases would total less than $50,000 for each of the twelve-month periods used for calculation purposes. Brockton states that the billing calculation include Middleborough's entitlements in New Brunswick, Maine, and Vermont Yankee capacity.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20766 Filed 9-28-73;8:45 am]

[Docket No. CP72-15]

CITIES SERVICE GAS CO.

Notice of Petition To Amend

SEPTEMBER 21, 1973.

Take notice that on August 30, 1973, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP72-15 a petition to amend the Commission's order issued in said docket on November 1, 1971 (46 FPC 110), as amended,[1] pursuant to section 7(c) of Natural Gas Act by authorizing the operation of an additional point of delivery for an exchange of natural gas with Arkansas Louisiana Gas Company (Arkla) and an extension of the period during which Petitioner and Arkla may exchange natural gas, all as more fully set forth in the petition to amend in this proceeding.

[1] July 17, 1972 (48 FPC 102) and April 20, 1973 (49 FPC ____).

By the Commission's order of November 1, 1971, Petitioner was authorized to exchange up to 100,000 Mcf of natural gas per day with Arkla, until such time as Arkla constructs the necessary facilities to connect gas production in Hemphill County, Texas, to its pipeline system, or for a period of two years, whichever is earlier. This authorization, as amended, allows Arkla to deliver the subject gas to Cities at three delivery points in Hemphill County and one delivery point in Woodward County, Oklahoma. Cities delivers gas to Arkla at two points in Kansas and one point in Oklahoma. Arkla pays Cities a transportation charge of six cents per Mcf for exchange gas transported by Cities from points of delivery in Hemphill County.

Petitioner now proposes pursuant to an agreement dated April 11, 1973, to add an additional point of delivery of gas from Cities to Arkla in Hemphill County, Texas, and to extend this exchange for the period through March 31, 1978. The said amendment provides that Arkla will receive for Cities' account a small undivided interest committed to Cities in the McCulloch-State Well in Hemphill County from Jake L. Hamon. Applicant states that this well is connected to Arkla's gathering system and no new facilities are needed for this arrangement. The amendment also clarifies the specific exchange volumes of gas to which the six-cent per Mcf transportation charge is applicable. The six-cent per Mcf charge is not to apply to the new delivery point gas. Arkla has filed in Docket No. CP72-9 for authorization to carry out its obligations under the aforesaid amendment.

Which the six-cent per Mcf transportation charge is applicable. The six-cent per Mcf charge is not to apply

to the new delivery point gas. Arkla has filed in Docket No. CP72-9 for authorization to carry out its obligations under the aforesaid amendment.

Petitioner believes that the proposed new exchange point will augment the exchange of gas between it and Arkla and that the extension of the period for such exchange will result in the delivery of available gas to the consuming public at locations where it is needed at minimal costs.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20759 Filed 9-28-73;8:45 am]

[Docket No. CP74-65]

CITIES SERVICE GAS CO.

Notice of Application

SEPTEMBER 21, 1973.

Take notice that on September 7, 1973, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP74-65 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abendonment, for the calendar year 1974, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $1,000,000, nor will the cost of any single project exceed $250,000. All funds expended under this authority will be from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protest filed with the Commission will be considered by it in determining the apporpriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20764 Filed 9-28-73;8:45 am]

[Docket No. CI74-176]

CRA, INC.

Notice of Application

SEPTEMBER 21, 1973.

Take notice that on September 13, 1973, CRA, Inc. (Applicant), P.O. Box 7305, Kansas City, Missouri 64116, filed in Docket No. CI74-176 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company at Applicant's Mertzon Plant in Irion County, Texas, from production in Irion County, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 33,000 Mcf of gas per month at 40.0 cents per Mcf at 14.65 psia, subject to upward Btu adjustment. Initial upward adjustment is estimated at 1.7 cents per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20760 Filed 9-28-73;8:45 am]

[Docket No. CI74-181]

EDWIN L. COX

Notice of Application

SEPTEMBER 21, 1973.

Take notice that on September 14, 1973, Edwin L. Cox (Applicant), 3800 First National Bank Building, Dallas, Texas 75202, filed in Docket No. CI74-181 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Company from

acreage in Texas County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell up to 2,000 Mcf of gas per day at 45.0 cents per Mcf at 14.65 p.s.i.a., subject to Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20762 Filed 9-28-73;8:45 am]

EL PASO NATURAL GAS CO.

[Docket No. CP74-68]

Notice of Application

SEPTEMBER 21, 1973.

Take notice that on September 11, 1973, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-68 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7 (g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a twelve-month period commencing on the date of issuance of authorization, and operation of field gas compression and related metering and appurtenant facilities on Applicant's Northwest Division System, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000, nor will the cost of any single project exceed $500,000. However, Applicant requests that the cost limitations prescribed by § 157.7(g)(3) of the Commission's regulations be waived so as to permit Applicant to utilize, if necessary, the maximum amounts set forth above on each of its presently existing Southern Division and Northwest Division Systems. Concurrently herewith Applicant has filed in Docket No. CP74-69 an application under § 157.7(g) for its Southern Division System. All funds expended under this authority will be financed through use of working funds, supplemented as necessary, by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20763 Filed 9-28-73;8:45 am]

[Docket No. CP74-69]

EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 21, 1973.

Take notice that on September 11, 1973, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74069 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7 (g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a twelve-month period commencing on the date of issuance of authorization, and operation of field gas compression and related metering and appurtenant facilities on Applicant's Southern Division System, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000, nor will the cost of any single project exceed $500,000. However, Applicant requests that the cost limitations prescribed by § 157.7(g)(3) of the Commission's regulations be waived so as to permit Applicant to utilize, if necessary, the maximum amounts set forth above on each of its presently existing Southern Division and Northwest Division Systems. Concurrently herewith Applicant has filed in Docket No. CP74-69 an application under § 157.7(g) for its Northwest Division System. All funds expended under this authority will be financed through use of working funds, supplemented as necessary, by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the

Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20761 Filed 9-28-73;8:45 am]

[Docket No. RP74-19]

FLORIDA GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

SEPTEMBER 21, 1973.

Take notice that Florida Gas Transmission Company (Florida Gas) on September 14, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 2. Florida Gas states that the proposed changes would increase revenues from jurisdictional transportation services by $4,629,660, based on the twelve-month period ending May 31, 1973, as adjusted. The increased rates for the transportation services are proposed to be made effective October 15, 1973. No change is proposed by Florida Gas in its currently effective sales for resale rates contained in its FPC Gas Tariff, Original Volume No. 1.

Florida Gas alleges that the increase in transportation rates is necessary to meet increased costs related to such transportation services and to provide a rate of return of 9.5 percent.

Copies of the filing were served upon the Florida Gas jurisdictional customers and the state regulatory commission of the State of Florida.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.10). All such petitions or protests should be filed on, or before, October 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20768 Filed 9-28-73;8:45 am]

[Docket No. CI73-940]

D. L. HANNIFIN, ET AL.

Extension of Time and Postponement of Hearing

SEPTEMBER 21, 1973.

On September 20, 1973, El Paso Natural Gas Company filed a motion for an extension of the procedural dates fixed by order issued September 13, 1973, in the above-designated matter. The motion states that D. L. Hannifin, et al., joins in the filing of this motion and Staff Counsel does not oppose the motion.

Upon consideration notice is hereby given that the procedural dates are modified as follows:

Testimony & Evidence, October 9, 1973.
Hearing, October 18, 1973 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20755 Filed 9-28-73;8:45 am]

[Docket No. RP73-102]

MICHIGAN WISCONSIN PIPE LINE CO.

Proposed Changes in Rates and Charges

SEPTEMBER 21, 1973.

Take notice that on September 14, 1973, Michigan Wisconsin Pipe Line Company (Mich-Wis) tendered for filing Substitute Fifth Revised Sheet No. 27F to its F.P.C. Gas Tariff, Second Revised Volume No. 1 to replace, and in substitution for, the Fifth Revised Sheet No. 27F included in the Company's Rate Filing filed on April 30, 1973, in Docket No. RP73-102. The Company's proposed rates in Docket No. RP73-102 were suspended by order of the Commission issued May 30, 1973, for the full statutory period, or until November 1, 1973. The Company states that the purpose of the instant filing is to reflect an increase in Mich-Wis's cost of service of $4,636,242 and a surcharge reduction. The reasons for these changes are described by Mich-Wis as follows:

Pursuant to the Commission's regulations, Michigan Wisconsin included in the Rate Filing statements and schedules which reflected, among other things, the anticipated recoupments of and increases in advance payments to November 1, 1973; the estimated cost of gas purchased from pipeline suppliers and the surcharge to be effective November 1, 1973, required to recoup the unrecovered purchase gas costs of July 31, 1973.

Principally as a result of the June 19, 1973, Texas offshore lease sale, Michigan Wisconsin has, as of this date, entered into advance payment agreements with producers which will result in advance payments outstanding on November 1, 1973, of some $41 million more than the amount reflected in the Rate Filing. Also, principally as a result the Commission's order issued July 24, 1973, in Midwestern Gas Transmission Company's rate case Docket No. RP71-16, the cost of gas purchased from pipeline suppliers is currently estimated to be some $1.2 million less on an annual basis than that reflected in the Rate Filing. Additionally, based on the actual July 31, 1973 balance of unrecovered deferred purchase gas costs, the surcharge estimated to be .24¢ per Mcf reflected in the Rate Filing, should be reduced to .19¢ per Mcf.

Mich-Wis requests that the Commission waive the requirements of § 154.66 (b) and § 154.63 of its regulations under the Natural Gas Act.

Any person desiring to be heard or to protest said application should filed a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 9, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20767 Filed 9-28-73;8:45 am]

[Docket No. E-7690]

NEPOOL POWER POOL AGREEMENT

Extension of Time and Postponement of Prehearing Conference and Hearing

SEPTEMBER 21, 1973.

On September 20, 1973, Staff Counsel filed a motion to postpone the procedural dates fixed by notice issued July 27, 1973, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Staff Service, November 20, 1973.
Rebuttal Testimony, December 11, 1973.
Prehearing Conference, January 8, 1974 (10 a.m., e.s.t.).
Cross-Examination, January 15, 1974 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20756 Filed 9-28-73;8:45 am]

[Docket No. E-7690]

NEPOOL POWER POOL AGREEMENT

Notice of Filing of Motion

SEPTEMBER 21, 1973.

Take notice that on August 28, 1973, Municipal Electric Association of Massachusetts; Pascoag Fire District, Pascoag, R.I.: Eastern Maine Electric Cooperative, Inc., Calais, Me.; Houlton Water

Co., Houlton, Me.; Washington Electric Cooperative, Inc., East Montpelier, Vt.; The Municipal Electric Departments or Light Plants of Ashburnham, Boylston, Georgetown, Holyoke, Hudson, Hull, Littleton, Mansfield, Middleboro, Middleton, North Attleboro, Paxton, Peabody, Shrewsbury, Sterling, and West Boylston, Massachusetts; and the Municipal Electric Department, Wolfeboro, N.H. (collectively the "Consumer-Owned Systems") and the New England Power Pool Executive Committee filed a motion that the Federal Power Commission terminate the investigation and hearing ordered by the Commission. The named members of the "Consumer-Owned Systems" withdrew their objections to the New England Power Pool (NEPOOL) Agreement, as amended and supplemented to date, and the testimony and exhibits previously submitted by them. These "Consumer-Owned Systems" and the NEPOOL Executive Committee have further requested that service and hearing dates be indefinitely postponed pending final Commission action on the motion filed to terminate investigation and hearing.

It is further noted that on August 29, 1973, the Northeast Public Power Association, Inc., withdrew as an intervenor from the proceeding.

Any person desiring to be heard or to make protest with reference to said filing should on or before October 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to protest or comment in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The motion is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20757 Filed 9-28-73;8:45 am]

[Docket No. CP72-251]

NORTHERN NATURAL GAS CO.

Amendment to Application

SEPTEMBER 21, 1973.

Take notice that on September 5, 1973, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP72-251 an amendment to its application pending in said docket to request pursuant to section 7(c) of the Natural Gas Act a certificate of public convenience and necessity authorizing Applicant to construct and operate certain natural gas facilities and to inject natural gas into a proposed storage field now modified in scope to apply exclusively to the St. Peter Formation of the Dallas Center Storage Field in Dallas County, Iowa, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Under the original application Applicant sought authorization for initial testing of the Mt. Simon and St. Peter Formations of the Dallas Center Storage Field and related facilities necessary therefor. Applicant now seeks in this amendment authorization for the initial testing and related facilities for the St. Peter Formation only. Applicant states this testing will require the construction and operation of approximately 6.8 miles of 8-inch pipeline for the purpose of transporting natural gas volumes to the Dallas Center Storage Field for injection into the St. Peter Formation to ascertain further the gas storage capabilities of this reservoir.

Applicant states that as a result of a complete analysis of core samples taken during the drilling of deep test wells the Mt. Simon Formation was found to be unsuitable for gas storage. Deep well logs and water pump tests revealed that the Mt. Simon Formation permeability was low and the reservoir rock was stratified, while the results of similar tests conducted on the St. Peter Formation indicated the St. Peter reservoir rock and the caprock have the characteristics necessary for a storage field.

Applicant states that the development of underground storage is necessary as the most feasible means of maintaining adequate service to its high priority residential and small volume consumers. Applicant further states the proposed facilities are estimated to cost $3,726,000 which would be financed from cash on hand or generated from operations.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20765 Filed 9-28-73;8:45 am]

[Docket No. E-8052]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Filing of Executed Service Agreements

SEPTEMBER 21, 1973.

Take notice that South Carolina Electric and Gas Company (South Carolina) has filed executive service agreements for wholesale electric service with the following parties:

(1) Town of McCormick, South Carolina, August 17, 1973.
(2) Palmetto Electric Cooperative, Inc., September 18, 1973.
(3) Little River Electric Cooperative, Inc., September 10, 1973.

South Carolina requests that the executed agreements be substituted for the unexecuted service agreements submitted by South Carolina on April 17, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-20758 Filed 9-28-73;8:45 am]

[Docket No. RP73-101]

TRANSWESTERN PIPELINE CO.

Denying Motion To Vacate and Set Aside Prior Order and Granting Motions for Stay of Procedural Dates

SEPTEMBER 21, 1973.

On August 27, 1973, a joint motion was filed by Southern California Gas Company and Pacific Lighting Company (Movants) requesting the Commission to vacate and set aside its order issued May 31, 1973, which, inter alia, accepted for filing without suspension certain tariff sheets tendered by Transwestern Pipeline Company (Transwestern). In their filing, Movants also moved for a stay of the procedural dates established in the Commission's order issued August 1, 1973, which, inter alia, set procedural dates for the complaint hearing therein established. A motion for continuance of a procedural filing date was filed by the People of the State of California and the Public Utilities Commission of the State of California (California) on September 7, 1973.[1]

This proceeding involves a filing by Transwestern of a proposed curtailment plan, which conformed in all respects to the Commission Policy Statement issued in Docket No. R-469, Order No. 467-B. Based on its conformity with the Policy Statement, the Commission by order issued May 31, 1973, accepted for filing, without suspension, Transwestern's tendered tariff sheets containing its proposed curtailment plan. Movants then

[1] In its answer filed on September 12, 1973, Transwestern supports the requests for continuance of the procedural dates.

filed a petition for rehearing of that order, which was denied by order issued August 1, 1973.[2] Movants instant motion to vacate and set aside essentially reiterates arguments similar to those contained in its petition for rehearing and consequently sets forth no new facts or principles of law which were not considered by the Commission when it issued its orders or which having now been considered warrant any change in those orders. Accordingly, Movants motion to vacate and set aside should be denied.

In their motion for stay and continuance, Movants and California, as well as the response of Transwestern, urge the postponement of the procedural dates to permit them to pursue their Court appeals. In support of its motion, California states that the stay of the procedural dates would not detrimentally affect the parties opposing its position since the curtailment plan opposed by it will be in effect and operative during the period required to obtain a determination of the Court appeals. Since California and Movants who also oppose the curtailment plan request the stay, we believe that the grant of the motion for stay would not be detrimental to the public interest.

The Commission finds:

(1) Good cause exists to deny the motion to vacate and set aside filed by Movants.

(2) Good cause exists to grant the motions for stay filed herein by Movants and California, as hereinafter ordered.

The Commission orders:

(A) The motion to vacate and set aside filed by Movants on August 27, 1973, is hereby denied.

(B) The motion for continuance of procedural date filed by California on September 7, 1973, and the motion for stay of the procedural dates established in our August 1, 1973, order filed by Movants on August 27, 1973, are hereby granted and the commencement of the hearing ordered in this proceeding is hereby postponed until further order of the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-20770 Filed 9-28-73;8:45 am]

FEDERAL RESERVE SYSTEM

BEZANSON INVESTMENTS, INC.

Acquisition of Bank

Bezanson Investments, Inc., and its subsidiary, MorAmerica Financial Corporation both of Cedar Rapids, Iowa, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) for MorAmerica to acquire directly, and for Bezanson to acquire indirectly, 76 percent or more of the voting shares of First Trust and Savings Bank, Wheatland, Iowa. 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 October 17, 1973.

Board of Governors of the Federal Reserve System, September 21, 1973.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.73-20746 Filed 9-28-73;8:45 am]

CENTRAL NATIONAL CORP.

Order Approving Acquisition of Bank

Central National Corporation, Richmond, Virginia (Applicant), a bank holding company within the meaning of the Bank Holding Company Act (12 U.S.C. 1842), has applied for prior approval pursuant to sec. 3(a)(3) of the Act to acquire 100 percent of the voting shares of the successor by merger to City Savings Bank and Trust Company, Petersburg, Virginia (Bank), a nonmember bank.

The interim bank into which Bank is to be merged has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as a proposed acquisition of the shares of Bank. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors (12 CFR 265.2(f)(24)). Notice of the receipt of the application has been given accordance with sec. 3(b) of the Act, and the time for filing comments and views has expired. The Reserve Bank has considered the application and all comments received in light of the factors set forth in sec. 3(c) of the Act (12 U.S.C. 1842(c)) and finds that:

Applicant controls one banking affiliate operating 15 banking offices with aggregate deposits of $257 million, an amount equivalent to 2.4 percent of total commercial bank deposits in Virginia. In terms of deposits it is the Commonwealth's ninth largest banking organization. It currently operates, both directly and indirectly, four nonbanking subsidiaries. Acquisition of Bank (deposits of $17.0 million as of December 31, 1972) would increase Applicant's share of deposits in the Commonwealth by approximately .16 percent. Consummation of the proposed transaction would not significantly increase the concentration of banking resources within Virginia.

Bank is one of eight banking organizations located within the relevant geographic market, which is the Petersburg SMSA and includes Prince George and Dinwiddie Counties and the three independent cities of Petersburg, Colonial Heights, and Hopewell. It was converted from an industrial loan and thrift organization to a commercial bank in 1962 and concentrates primarily in the field of consumer installment lending. The three leading banks held 79.6 percent of total market deposits on June 30, 1972, while Bank ranked fourth, with 9.3 percent of such deposits. Applicant's sole banking subsidiary, Central National Bank is located in Richmond, Virginia, and serves the Richmond SMSA, which constitutes a separate banking market from the Petersburg SMSA in which Bank does business. The closest office of Central National Bank to Bank is some 12 road miles distant, at Bellwood Plaza, Chesterfield County, Virginia. Virginia law precludes either Central National Bank or Bank from branching into the geographic market served by the other. There is no significant present competition between Bank and the existing bank subsidiary of Applicant, and there appears to be no significant incentive for Applicant to establish a de novo bank in the market served by Bank. It is concluded that consummation of the proposal would have no adverse effect on banking competition and that the competitive effects of the proposal are not inconsistent with approval of the application.

The financial and managerial resources of Applicant and Bank are generally satisfactory, and future prospects appear favorable. Banking factors, therefore, lend weight toward approval of the application. Although there is no evidence that significant banking needs of the area are unserved, ocnsummation of the proposed acquisition should enable Bank to initiate new services now offered by Applicant's other banking subsidiary, which will include commercial credit, computer, mortgage, and fiduciary services. Convenience and needs considerations thus favor approval. It is the Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest.

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 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 Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, September 20, 1973.

[SEAL] ROBERT P. BLACK, *President.*

[FR Doc.73-20747 Filed 9-28-73;8:45 am]

[2] Movants and California have filed appeals of the May 31 and August 1, orders in the United States Court of Appeals for the Ninth Circuit, Case Nos. 73-2538 and 73-2665.

FEDERAL TRADE COMMISSION

CIGARETTE TESTING

Tar and Nicotine Content

Correction

In FR Doc. 73-29681 appearing at page 26161 in the issue of Tuesday, September 18, 1973, the nicotine values reading

Home Run	0.6
Iceberg 10	1.6

should be reversed.

NATIONAL CAPITAL PLANNING COMMISSION

DWIGHT D. EISENHOWER MEMORIAL BICENTENNIAL CIVIC CENTER

Availability of Final Environmental Statement

Notice is hereby given to all Federal and District of Columbia agencies and all affected and interested organizations and individuals that the Final Environmental Statement for the Dwight D. Eisenhower Memorial Bicentennial Civic Center and related modifications to the Comprehensive Plan for the National Capital is available as of this date at the Office of Public Affairs, National Capital Planning Commission, 10th Floor, 1325 G Street NW., Washington, D.C. 20576.

DANIEL H. SHEAR,
Secretary to the Commission.

OCTOBER 1, 1973.

[FR Doc.73-20774 Filed 9-28-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10383]

COMMISSION RATES

Conclusions of the Commission

The Securities and Exchange Commission announced today its unanimous conclusions concerning the commission rate proposals of both the New York Stock Exchange, Inc. ("NYSE") and the PBW Stock Exchange, Inc. ("PBW"), which were the subject of a recent public investigatory hearing.[1] Because of their importance to public investors, the national economy and the securities industry, the Commission has determined to announce its views immediately and publish shortly its letter to the exchanges embodying the reasons for its conclusions.

New York Stock Exchange proposals. The NYSE has proposed to increase its fixed commission rates by 10 percent on orders ranging in size from $100 to $5,000, and by 15 percent on orders ranging in size from $5,001 to $300,000. The Commission today stated its conclusions that:

(1) It will not object if the NYSE immediately should adopt the proposed rate increase effective through March 31, 1974;

(2) It will not object to the continuation of such a rate increase from April 1, 1974, through April 30, 1975, if the NYSE should first adopt rules, effective by or before April 1, 1974, which (a) eliminate that portion of NYSE Rule 383 prohibiting member firms from charging their customers commission rates exceeding the NYSE's commission rate schedule, and (b) permit, but do not require, member firms to provide less than a full range of brokerage services presently furnished customers in return for discounts of up to 10 percent from the commission rate schedule referred to in paragraph (1), above;

(3) It will act promptly to terminate the fixing of commission rates by stock exchanges after April 30, 1975, if the stock exchanges do not adopt rule changes achieving that result; and

(4) It will not initiate in April, 1974, a breakpoint reduction below $300,000 respecting the portion of orders above which rates may be competitively determined.

PBW Stock Exchange proposal. The PBW has proposed rule changes which would permit its members to offer investors a 14-day round-trip commission rate—that is, the grant of a 50 percent reduction in the commissions charged on the second transaction (either on an offsetting sale or purchase) executed within 14 days of a purchase or a sale of the same security.[2] The Commission has concluded that it will object to the implementation of this round-trip commission rate proposal.

(Secs. 6, 11, 17(a), 19(b), 21(a); 48 Stat. 885, 891, 897, 898, 899, 15 U.S.C. 78f, 78k, 78q(a), 78s(b), 78u(a).)

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 11, 1973.

[FR Doc.73-20795 Filed 9-28-73;8:45 am]

[File 500-1]

C I C INDUSTRIES, INC.

Order Suspending Trading

SEPTEMBER 21, 1973.

The 11 percent Debentures due June 1975 of C I C Industries, Inc. being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of C I C Industries, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 23, 1973 through October 2, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-20791 Filed 9-28-73;8:45 am]

[File 500-1]

COASTAL STATES GAS PRODUCING CO.

Order Suspending Trading

SEPTEMBER 21, 1973.

First Mortgage Bonds Series E 7¾ percent due 1991 of Coastal States Gas Producing Company being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and First Mortgage Bonds Series A 5 percent due 1983, Series B 5 percent due 1985, Series C 6½ percent due 1986, Series D 7⅝ percent due 1989, and Series E 7¾ percent due 1991; 5½ percent Sinking Fund Debentures due 1977; and 6 percent Sinking Fund Debentures due March 1980 of Coastal States Gas Producing Company being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 23, 1973 through October 2, 1973.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-20793 Filed 9-28-73;8:45 am]

[File No. 500-1]

COASTAL STATES GAS CORP.

Order Suspending Trading

SEPTEMBER 21, 1973.

The common stock, $.33⅓ par value; $1.19 cumulative convertible preferred Series A, $.33⅓ par value; and $1.83 cumulative convertible preferred Series B, $.33⅓ par value of Coastal States Gas Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Coastal States Gas Corporation being traded otherwise than on a national securities exchange; and

[1] *See* Securities Exchange Act Release No. 10206 (June 6, 1973); Securities Exchange Act Release Nos. 10245 (June 28, 1973) and 10337 (Aug. 10, 1973).

[2] *See* Securities Exchange Act Release No. 10245 (June 28, 1973).

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 19 (a) (4) and 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 23, 1973 through October 2, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-20792 Filed 9-28-73;8:45 am]

[File No. 500-1]

COLORADO INTERSTATE CORP.

Order Suspending Trading

SEPTEMBER 21, 1973.

Debentures, 8½ percent, due April 1991, of Colorado Interstate Corporation being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and 8½ percent Debentures due April 1991, First Mortgage 7½ percent Pipeline Bonds due June 1992, First Mortgage 8 percent Pipeline Bonds due June 1989, Preferred 5 percent Cum., Preferred 5.35 percent Cum., and Preferred 5.50 percent Cum. of Colorado Interstate Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 19 (a) (4) and 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 23, 1973 through October 2, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-20794 Filed 9-28-73;8:45 am]

[File 500-1]

COLORADO INTERSTATE GAS CO.

Order Suspending Trading

SEPTEMBER 21, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the First Mortgage 3.35 percent Pipeline Bonds due July 1974, First Mortgage 4.70 percent Pipeline Bonds due March 1979, and 4¾ percent Debentures due April 1984 of Colorado Interstate Gas Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from September 23, 1973 through October 2, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-20790 Filed 9-28-73;8:45 am]

[File No. 500-1]

SANITAS SERVICE CORP.

Order Suspending Trading

SEPTEMBER 24, 1973.

The common stock, no par value, and the 9 percent Convertible Subordinated (S. F.) Debentures due 1990, of Sanitas Service Corporation being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Sanitas Service Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 19 (a) (4) and 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:30 A.M. (EDT) on September 24, 1973 and continuing through October 3, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-20788 Filed 9-28-73;8:45 am]

[812-3320]

SOURCE CAPITAL, INC. AND WILFRED O. DUNKEL

Notice of Filing of Application

Notice is hereby given that Source Capital, Inc., 1888 Century Park East, Los Angeles, California (SCI), formerly SMC Investment Corporation, a closed-end management investment company registered under the Investment Company Act of 1940 ("Act"), and Wilfred O. Dunkel, 110 Harris Court, Grand Blanc, Michigan (Dunkel) (collectively Applicants), have filed a joint application for an order of the Commission, pursuant to section 17(b) of the Act, exempting from the provisions of section 17(a) of the Act the sale and transfer of 163,949 shares of the common stock of Henry Engineering Company (Henry), by SCI, an affiliated person of Henry, to Dunkel, also an affiliated person of Henry, and, pursuant to section 17(d) of the Act and Rule 17d-1 under the Act, permitting the sale and transfer of common shares of Henry to Dunkel by Messrs. A. E. Potts, William Walker, Raymond Malmberg, Carl Percy, and William A. Baldwin (Shareholders), affiliated persons of an affiliated person (Henry) of SCI, in connection with the sale by SCI of common shares of Henry to Dunkel. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

BACKGROUND

Henry, a California corporation, has 2,000,000 shares of common stock of which 1,771,998 shares are issued and outstanding. Dunkel wanted to acquire securities of Henry in order to gain control of the corporation. An agreement was drawn up whereby Dunkel would obtain substantially more than 50% of the outstanding voting securities of Henry by purchasing specified numbers of shares of Henry from SCI and Shareholders. SCI, which owns 13.8% of the outstanding voting securities of Henry, would not execute the agreement because of certain representations, warranties, and conditions contained in the agreement. Dunkel entered into an agreement with the Shareholders dated August 16, 1972 (hereinafter called "Agreement I"). The Shareholders owned approximately 1,373,201 shares of Henry. Agreement I provided for the sale and transfer of 913,788 of those shares to Dunkel at ten cents per share, and also provided that in the event SCI fails to sell Dunkel 163,949 shares of Henry common stock, the number of shares it had been intended that it would sell to Dunkel, that Shareholders Potts, Walker, and Malmberg would make up the deficiency.

Dunkel became an affiliated person of Henry on August 16, 1972, by his acquisition of the Henry stock from Shareholders. Dunkel and SCI then entered into an agreement, dated August 23, 1972 (hereinafter called Agreement II), providing for the sale and transfer by SCI to Dunkel of 163,949 shares of Henry common stock. This agreement is conditioned upon, among other things, the sale of Henry shares to Dunkel by Shareholders as provided in Agreement I, and the issuance of an exemptive order by the Commission under Section 17 of the Act.

SECTION 17(a)

Section 17(a) of the Act, which prohibits an affiliated person of a registered company or an affiliated person of such person from buying property from such company or selling property to such company, may be deemed to prohibit Dunkel's purchase of Henry common

stock from SCI. Under section 17(b) of the Act, the Commission may exempt a transaction from the provisions of 17(a) upon a finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; that the proposed transaction is consistent with the policy of each registered investment company concerned as recited in its registration statement and reports filed under the Act; and that the proposed transaction is consistent with the general purposes of the Act.

Applicants contend that the proposed transaction between Dunkel and SCI is reasonable and fair and does not involve overreaching on the part of either party for the following reasons: the terms of the agreement were negotiated at arms-length prior to the time Dunkel became an affiliate of Henry; the price to be paid to SCI per share of Henry is the same price that was paid to Shareholders; and such price is a fair price. Applicants further represent that the proposed transaction is consistent with the policy of SCI as reflected in its registration statement and reports filed under the Act and is in accord with the general purposes of the Act.

SECTION 17(d)

Section 17(d) of the Act and Rule 17d-1 thereunder which, in the absence of Commission approval, prohibit an affiliated person of a registered investment company, or an affiliated person of such person, from participating in a joint enterprise or other joint arrangement in which such registered company is also a participant, may be deemed to prohibit the sale of Henry shares to Dunkel by Shareholders in connection with the sale to Dunkel of Henry shares by SCI.

At the time of the negotiations leading to Agreements I and II, Shareholders were affiliated persons of an affiliated person (Henry) of SCI solely because each Shareholder held more than 5 percent of the outstanding voting securities of Henry.

Under section 17(d) and Rule 17d-1, the Commission is required to consider, in passing upon an application to permit an affiliated person of a registered investment company to participate in a joint enterprise or other joint arrangement in which such registered company is a participant, whether the participation of such registered company in such arrangement is consistent with the provisions, policies and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

Applicant submits that SCI is receiving the same price per share for Henry common stock as the Shareholders received; that the main difference between the SCI agreement with Dunkel and the Shareholders agreement with Dunkel, relate to the representations, warranties, and conditions to which SCI objected; and that SCI's transactions with Dunkel is neither the product of unfair use of insider influence or control nor inconsistent with the purposes of the Act.

Notice is further given, that any interested person may, no later than October 20, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20439. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-20787 Filed 9-28-73;8:45 am]

[File No. 500-1]

VANDERBILT GOLD CORP.

Order Suspending Trading

SEPTEMBER 20, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of Vanderbilt Gold Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11:45 a.m. (e.d.t.) on September 20, 1973 and continuing through September 29, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-20789 Filed 9-28-73;8:45 am]

VETERANS ADMINISTRATION

ADMINISTRATOR'S ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

Notice of Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Advisory Committee on Cemeteries and Memorials, authorized by section 1001, Title 38, United States Code, will be held at the Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, D.C., on October 4 and 5, 1973, at 9 a.m. The meeting, which will be the first held by this newly authorized committee, will be for the purpose of orientation, studying and making recommendations on matters relating to the administration of the cemeteries under the jurisdiction of the Veterans Administration, the erection of appropriate memorials, and the adequacy of Federal burial benefits of eligible veterans and their dependents and other related items.

The meeting will be open to the public up to the seating capacity of the conference room which is about 40 persons. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Mrs. Charlotte Withers in the office of the Director, National Cemetery System, VA Central Office (phone 202-389-5211) prior to October 4, 1973.

Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting. Oral statements and/or reports from the public will be heard only between 3 p.m. and 5 p.m. on October 4, 1973, due to the number of items on the agenda for the meeting.

Dated: September 25, 1973.

By direction of the Administrator,

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-20798 Filed 9-28-73;8:45 am]

COOPERATIVE STUDIES EVALUATION COMMITTEE

Notice of Meeting

The Veterans Administration gives notice pursuant to P.L. 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 USC 4101, will be held in Room 119 of the main VA building, 810 Vermont Avenue NW., Washington, D.C., on November 26, 27, and 28, 1973. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the VA on the relevance and feasibility of the

studies, the adequacy of the protocols, the scientific validity and the propriety of technical details, including involvement of human subjects. The Committee advises the Director of the Research Service through the Chief, Cooperative Studies Program on its findings.

The meeting will be open to the public up to the seating capacity of the room from 12 m. to 1 p.m. on November 26 to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator of the Committee, VA Central Office, Washington, D.C. (202–389–3702) prior to November 15.

The meeting will be closed from 1 p.m. to 4:30 p.m. on the 26th and all day on the 27th and 28th for consideration of specific proposals. During this portion of the meeting discussion and decisions will deal with qualifications of personnel conducting the studies and to medical records of patients who are study subjects, the disclosure of which would constitute an invasion of personal privacy.

Dated September 26, 1973.

By direction of the Administrator,

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73–20797 Filed 9–28–73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

FULL-TIME STUDENTS

Certificates Authorizing Employment at Special Minimum Wages

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Aland's, Inc., apparel store; 7732 Eastwood Mall, Birmingham, AL; 7–31–74.

Ballard's Food Store, food store; 301 East Charles, Pauls Valley, OK; 7–31–74.

Basco, Inc., restaurant; 3513 50th Street, Lubbock, TX; 7–31–74.

Birmac Planting Co., agriculture; Route 1, Altheimer, AR; 7–31–74.

Bonfiglio Pharmacy Co., Inc., drug store; 530 South Broadway, Greenville, OH; 7–30–74.

Braselton Improvement Co., hardware store; Braselton, GA; 8–7–73 to 7–31–74.

Channelview Food Market, Inc., food store; 777 Sheldon Road, Channelview, TX; 7–31–74.

Don's Thriftway Sherwood, food store; North Hills Shopping Center, North Little Rock, AR; 8–22–74.

Dorothy's, apparel store; 108 East Kemp, Watertown, SD; 8–31–74.

Drug King, food store; 3145 Harrison Boulevard, Ogden, UT; 8–6–74.

Ferguson Free Car Wash, service station; 7901 Beechmont Avenue, Cincinnati, OH; 8–14–74.

Feudo Foodtown, food stores: No. 1, Corpus Christi, TX, 7–10–74; No. 2, Corpus Christi, TX, 7–7–74; No. 3, Portland, TX, 7–31–74.

Fisers Thriftway Supermarket, food store; Main and Pine Streets, Sheridan, AR; 8–5–74.

Gray Hall Pharmacy, Inc., drug store; 5740 West Littleyork, Houston, TX; 7–31–74.

H. E. B. Food Store, food stores: No. 128, Copperas Cove, TX, 8–14–74; No. 129, Ennis, TX, 7–31–74; No. 126, Gonzales, TX, 8–31–74; No. 131, San Antonio, TX, 7–31–74.

Handy-Andy, food store; No. 61, Kerrville, TX; 7–31–74.

Harwell Farms & Investment Co., Inc., agriculture; Route 1, Florence, SC; 7–19–74.

Hudson Memorial Nursing Home, nursing home; 700 North College, El Dorado, AR; 7–31–74.

Jim's Super Valu, food store; Rockwell City, IA; 7–20–74.

John Cornish Motor Co., auto dealer; Healdton, OK; 7–31–74.

Judd's Food Mart, food store; 617 North Union, Whitesboro, TX; 7–28–74.

Junior's J & J Cash Market, food store; Circle Drive, McKenzie, TN; 8–5–74.

Lerner Shops, apparel stores, 7–15–74, except as otherwise indicated: Nos. 35 and 335, Birmingham, AL (7–29–74); No. 189, Huntsville, AL (7–29–74); No. 125, Mobile, AL (7–29–74); Nos. 93, 112, and 333, Montgomery, AL (7–29–74); No. 490, Aurora, CO (8–14–74); No. 46, Bradenton, FL; No. 65, Clearwater, FL; Nos. 143 and 185, Fort Lauderdale, FL; No. 191, Fort Meyers, FL; No. 184, Hollywood, FL; Nos. 90, 97, 144, and 194, Jacksonville, FL; No. 142, Lakeland, FL; Nos. 60 and 91, Miami, FL; No. 147, Ocala, FL; Nos. 122 and 181, Orlando, FL; No. 71, Panama City, FL; No. 342, Pompano Beach, FL; Nos. 45, 108, and 198, St. Petersburg, FL; No. 44, Tallahassee, FL; Nos. 95 and 141, West Palm Beach, FL; No. 88, Augusta, GA; No. 135, Columbus, GA; No. 128, Macon, GA; No. 340, Savannah, GA; Nos. 271 and 273, Indianapolis, IN (8–1–74); No. 149, Alexandria, LA (7–31–74); Nos. 38 and 133, Baton Rouge, LA (7–31–74); No. 49, Gretna, LA (7–31–74); No. 352, Houma, LA (7–31–74); No. 126, Lake Charles, LA (7–31–74); No. 119, Metairie, LA (7–31–74); No. 109, New Orleans, LA (7–31–74); No. 232, St. Paul, MN (8–1–74); No. 188, Biloxi, MS (7–29–74); No. 67, Gulfport, MS (7–29–74); Nos. 145 and 334, Jackson, MS (7–29–74); No. 336, Meridian, MS (8–8–74); Nos. 420 and 468, Albuquerque, NM (7–31–74); No. 451, Albuquerque, NM (8–10–73 to 7–31–74); No. 39, Charlotte, NC; No. 110, Durham, NC; No. 351, High Point, NC; No. 92, Raleigh, NC; No. 303, Columbus, OH (8–1–74); No. 64, Enid, OK (7–31–74); Nos. 36 and 127, Oklahoma City, OK (7–31–74); No. 107, Tulsa, OK (7–31–74); No. 61, Anderson, SC; No. 116, Charleston, SC; No. 137, Columbia, SC; No. 96, Greenville, SC; No. 211, Knoxville, TN (8–1–74); No. 473, Abilene, TX (7–31–74); No. 466, Amarillo, TX (7–31–74); No. 131, Austin, TX (7–31–74); No. 50, Beaumont, TX (7–31–74); Nos. 37 and 101, Dallas, TX (7–31–74); Nos. 130, 471, and 476, El Paso, TX (7–31–74); Nos. 104 and 148, Fort Worth, TX (7–31–74); No. 339, Hurst, TX (7–31–74); No. 58, Lubbock, TX (7–31–74); No. 47, Mesquite, TX (7–31–74); No. 447, Provo, UT (8–13–74); No. 407, Salt Lake City, UT (7–20–73 to 5–31–74).

Lutheran Home, Inc., nursing home; 1306 West Wisconsin Avenue, Oconomowoc, WI; 7–31–74.

Lyle H. Salter, Inc., food store; East Arlington, VT; 5–22–74.

H. B. Magruder Memorial Hospital, hospital; Fulton Street, Port Clinton, OH; 8–6–74.

Maplecrest Center, Inc., nursing home; 174 Main Street, Madison, ME; 6–9–74.

Mark-It Foods, food stores, 8–6–74: No. 25, Granger, UT; No. 15, Murray, UT; No. 19, Ogden, UT.

The Mart, Inc., apparel store; 180 Main Street, Paterson, NJ; 8–31–74.

McCall Green Leaf Market, food store; 301 South Porter Street, Norman, OK; 9–17–74.

Michael's, Inc., restaurant; I–80 and Highway 283, Lexington, NE; 8–7–74.

Moody's Discount Center, food store; 631 South Sam Houston, San Benito, TX; 8–16–74.

Northwood Deaconess Hospital and Home Assoc., hospital; Northwood, ND; 8–6–74.

Oklahoma Memorial Union, Inc., student union; 900 Asp Avenue, Norman, OK; 7–31–74.

One Stop Pharmacy, Inc., drug stores, 7–29–74: 3824 Auburn Street, Rockford, IL; 517 Marchesano Drive, Rockford, IL.

Pasek Pharmacy, Inc., drug store; 117 West First Street, Duluth, MN; 8–9–74.

Piggly Wiggly, food stores: Two-Six Cooper Street, Evergreen, AL, 8–9–74; Highway 6 and Eureka Street, Batesville, MS, 7–27–74; No. 66, Great Falls, SC, 8–24–74; No. 45, Hampton, SC, 8–11–74.

Reppert Pharmacy, drug store, 3501 Ingersoll Avenue, Des Moines, IA; 7–30–74.

W. A. Rowe Floral Co., agriculture; Kirkwood, MO; 7–26–74.

St. Joseph Mercy Hospital, hospital; 235 Eighth Avenue West, Cresco, IA; 8–7–74.

Scheddell and Wendt Bros. Drugs, drug store; 104 South Main Street, Crown Point, IN; 7–30–74.

Schensul's Cafeteria, restaurants: Dunlap, IN, 8–14–74; West Main Street, Kalamazoo, MI, 8–17–74.

Schnaible Drug Co., drug store; 117 North Fourth Street, Lafayette, IN; 8–16–74.

Seeley, Inc., apparel store; 617 St. Joseph Street, Rapid City, SD; 8–7–73 to 7–23–74.

Smith's Food King, food stores, 8–6–74: No. 12, Bountiful, UT; Nos. 1 and 11, Brigham City, UT; No. 88, Logan, UT; No. 4, Ogden, UT; No. 5, Roy, UT; Nos. 14 and 77, Salt Lake City, UT.

The Stern & Mann Co., apparel stores, 8–19–74: 3040 Cromer NW., Canton, OH; 301 Tuscarawas Street West, Canton, OH.

Steve's Shoes, Inc., shoe stores, 7–31–74, except as otherwise indicated: 4601 State Avenue, Kansas City, KS; 7636 State Avenue, Kansas City, KS; 6949 Tomahawk, Prairie Village, KS; 345 Blue Ridge Center, Kansas City, MO (7–28–74).

Super Duper Food, food stores: 2665 Buffalo Gap Road, Abilene, TX, 8–7–74; 802 Pine, Abilene, TX, 8–31–74; 155 Sayles Boulevard, Abilene, TX, 9–14–74; 3661 North Sixth Street, Abilene, TX, 8–7–74.

Swiss Village, Inc., nursing home; Berne, IN; 8–19–74.

Taco Towne, restaurant; 504 Galvin Road, Bellevue, NE; 8–5–74.

Town and Country Market, Inc., food store; 27th and Avenue B, Scottsbluff, NE; 8-14-74.

Tuten's Red & White Food Store, Inc., food store; No. 532, Estill, SC; 8-11-74.

Variety Food Store, Inc., food store; 3226 Wrightsboro Road, Augusta, GA; 8-21-74.

Walker Shoe Store, shoe stores, 7-21-74: 710 Walnut, Des Moines, IA; 756 Main, Dubuque, IA; 421 Pierce Street, Sioux City, IA; 112-116 East Fourth Street, Waterloo, IA.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Burger Chef, restaurant; 706 North Green Street, Henderson, KY; general restaurant worker; 6 to 37 percent; 8-13-74.

Jacques Petite of Concord Mall, restaurant; Dunlap; IN; general restaurant worker; 49 to 77 percent; 8-1-74.

Kopper Kettle Restaurant, restaurant; No. 41, Colfax, IA; general restaurant worker; 22 to 41 percent; 7-30-74.

Lerner Shops, apparel stores, for the occupations of salesclerk, cashier, credit clerk, 2 to 14 percent, 8-13-74: No. 486, Murray, UT; No. 491, Orem, UT.

Lil' Duffer Burger Barn, restaurant; 604 A Avenue West, Oskaloosa, IA; general restaurant worker; 27 to 61 percent; 8-7-74.

Livingston's, apparel store; 807 Central Avenue, Nebraska City, NE; stock clerk, salesclerk, maintenance; 12 to 22 percent; 7-31-74.

Piggly Wiggly, food store; No. 21, Mullins, SC; bagger, stock clerk, marker, janitorial, market clerk; 9 to 10 percent; 8-5-74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before October 31, 1973.

Signed at Washington, D.C., this 24th day of September 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73-20778 Filed 9-28-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 352]

ASSIGNMENT OF HEARINGS

SEPTEMBER 26, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after October 1, 1973.

MC-107839 Sub 149, Denver-Albuquerque Motor Transport, Inc., & MC-113678 Sub 477, Curtis, Inc., is continued to November 5, 1973 (2 days) at Denver, Colo., in a hearing room to be later designated.

MC-F-11675, Thunderbird Freight Lines, Inc.—Control and Merger—Oakley Transfer & Storage Company, MC-69512 Sub 9, Thunderbird Freight Lines, Inc., continued to November 8, 1973 (2 days), at Albuquerque, New Mexico, in a hearing room to be later designated.

MC-C-8087, Larsen Motor Lines, Inc.—Investigation and Revocation of Certificate—now assigned December 11, 1973, at New Orleans, La., will be held at the Court of Appeals, Room 105, 600 Camp Street.

MC 129282 Sub 17, Berry Transportation, Inc., now being assigned hearing November 19, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 1824 Sub 60, Preston Trucking Company, Inc., now being assigned December 3, 1973, at Tallahassee, Fla., in a hearing room to be later designated.

MC-F-11768, Lee Way Motor Freight, Inc.—Control and Merger—Loving Truck Lines, Inc., d.b.a. Loving Truck Line, and FD 27294, Lee Way Motor Freight, Inc., Notes, continued to November 12, 1973 (8 days), at Memphis, Tenn., in a hearing room to be later designated.

MC-127834 Sub 86, Cherokee Hauling & Rigging, Inc., now being assigned hearing November 5, 1973 (1 day), at Memphis, Tenn., in a hearing room to be later designated.

MC-113861 Sub 51, Wooten Transports, Inc., Extension Memphis, Tenn., now being assigned hearing November 6, 1973 (2 days), at Memphis, Tenn., in a hearing room to be later designated.

MC-103993 Sub 727, Morgan Drive-Away, Inc., Extension-Monroe County, Ark., now being assigned hearing November 8, 1973 (2 days), at Memphis, Tenn., in a hearing room to be later designated.

MC 31462 Sub 18, Paramount Movers, Inc., now assigned October 15, 1973, at Dallas, Tex., will be held at Baker Hotel, Room 310, 1400 Commerce Street.

552 Sub 15, American Commercial Barge Line Co., & W-654 Sub 8, Warrior & Gulf Navigation Co.,-Entension-Tug & Barge, now assigned December 3, 1973, will be held at the Fontainbleau Motor Hotel 4040 Tulane Ave., New Orleans, La.

MC 128273 Sub 139, Midwestern Express, Inc., now being assigned hearing November 12, 1973, at Chicago, Ill., in a hearing room to be later designated.

MC 123048 Sub 257, Diamond Transportation System, Inc., now being assigned November 13, 1973, at Chicago, Ill., in a hearing room to be later designated.

MC 138676, O-J Transport Co., now being assigned November 14, 1973, at Chicago, Ill., in a hearing room to be later designated.

MC 71459 Sub 31, O. N. C. Freight Systems, now assigned November 5, 1973, at Salt Lake City, Utah, will be held at the Little America Motel, 500 S. Main Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-20805 Filed 9-28-73;8:45 am]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO., ET AL.

[Ex Parte No. 241; Ninth Revised Exemption No. 43]

Exemption Under the Mandatory Car Service Rules Ordered in Ex Parte No. 241

TO: The Atchison, Topeka and Santa Fe Railway Co., Burlington Northern Inc., Chicago and North Western Transportation Co., Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Chicago, Rock Island and Pacific Railroad Co., Missouri-Kansas-Texas Railroad Co., Missouri Pacific Railroad Co., Norfolk and Western Railway Co., Soo Line Railroad Co., Union Pacific Railroad Co.

It appearing, That there are massive movements of grain in progress in the States of Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming; that present supplies of plain boxcars owned by the railroads serving these states are inadequate to move the newly harvested grain to terminal elevators for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain originating at stations located in Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, when loaded into plain 40-ft. narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

Exception. This exemption shall not apply to plain boxcars subject to Association of American Railroads' Car Relocation Directive No. 44.

Effective 11:59 p.m., September 15, 1973.

Expires 11:59 p.m., October 15, 1973.

Issued at Washington, D.C., September 14, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-20812 Filed 9-28-73;8:45 am]

RAYMOND R. MANION

Statement of Changes in Financial Interests

Pursuant to subsection 302(c), part III, Executive Order 10647 (20 FR 8769) "Providing for the appointment of certain persons under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in my financial interests and business connections as heretofore reported and published (30 FR 8809; 31 FR 930; 31 FR 13405; 32 FR 769; 32 FR 10786; 33 FR 522; 33 FR 10544; 33 FR 20067; 34 FR 11341; 35 FR 131; 35 FR 12175; 36 FR 1235; 36 FR 14359; 37 FR 3480; 37 FR 17100; and 38 FR 3649, for the six months' period ending July 3, 1973.

REVISED LIST OF SECURITIES—7/3/73

Braniff Air	Minnesota Mining & Manufacturing
Combustion Engineering	Phillips Petroleum
I.B.M.	Skyline
IT&T	Texaco
Kraftco	Union Carbide
Marriott	

R. R. MANION.

AUGUST 15, 1973.

[FR Doc.73-20811 Filed 9-28-73;8:45 am]

[Notice No. 131]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 24, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107496 (Sub-No. 909 TA), filed September 13, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, P.O. Box 855, Box ZIP 50304, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic*, in bulk, in tank vehicles, from Clinton, Iowa, to Jamestown, N.C., for 150 days. Supporting shipper: Higher Molding Company, Jamestown, N.C. 27282. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 117119 (Sub-No. 484 TA), filed September 13, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, from the plantsite and storage facilities of Ludens, Inc., at Reading, Pa., to points in Colorado, Arizona, Utah, Washington, Oregon, Idaho, Nevada, and California, for 180 days. Supporting shipper: Ludens, Inc., 200 North 8th Street, Reading, Pa. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 129529 (Sub-No. 6 TA), filed September 14, 1973. Applicant: THRUWAY MESSENGER SERVICE, INC., 91 Villa Road, P.O. Box 11, Pearl River, N.Y. 10965. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in specialized delivery service), between points in Rockland, Orange, Dutchess, Putnam, Ulster, Westchester, and Sullivan Counties, N.Y. and points in New Jersey on the one hand, and, on the other, points in New Jersey, New York, N.Y., Nassau and Suffolk Counties, N.Y., for 180 days. Restriction: Service authorized herein is subject to the following conditions: (1) Said operations are restricted against the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor at any one location to one consignee at any one location on any one day; (2) Said operations are restricted against the transportation of commercial papers, documents, written instruments and business records as are used in the business of banks and banking institutions, between Rockland County, N.Y., on the one hand, and, on the other, New York, N.Y. and Passaic, N.J.; and (3) Said operations are restricted against the transportation of exposed and processed film and prints between Fair Lawn, N.J., on the one hand, and, on the other, points in Rockland County, N.Y. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Stephen P. Tomany, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 135182 (Sub-No. 3 TA), filed September 14, 1973. Applicant: TRANSWAYS CO., Moscow, Pa. 18444. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing felt*, unsaturated or saturated, or coated with asphalt, from Gloucester City and Camden, N.J., to Erie, Pa., for 180 days. Supporting shipper: GAF Corporation, 32 Main Street, South Bound Brook, N.J. 08880. Send protests to: Paul J. Kenworth, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 136033 (Sub-No. 1 TA), filed September 13, 1973. Applicant: WESTGATE TRUCK LINES, INC., 5631 Ferguson Drive, Commerce, Calif. 90022. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flat glass products and mirrors*, (a) from Commerce, Calif., to points in Washington, Oregon, Idaho, Montana, Nevada, Utah, Arizona, Wyoming, Colorado, New Mexico, Nebraska, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Missouri, Iowa, Illinois, Kentucky, Tennessee, Alabama, Georgia, and Mississippi; and (b) from Los Angeles Harbor, Calif., to points in California, Washington, Oregon, Idaho, Montana, Nevada, Utah, Arizona, Wyoming, Colorado, New Mexico, Nebraska, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Missouri, Iowa, Illinois, Kentucky, Tennessee, Alabama, Georgia, and Mississippi; and (2) *returned, refused, or rejected shipments* of the commodities described in (1) above, from the destination points specified above to their respective origin points, for 180 days. Restriction: The operations authorized herein are subject to the following conditions: (1) Said operations are restricted against the transportation of commodities in bulk; (2) said operations are limited to a transportation service to be performed under a continuing contract, or contracts, with the Downey Glass Company, Inc., of Commerce, Calif.; and (3) said operations as described herein are not to duplicate those authorized in Permit No. MC 136033 heretofore issued by the Interstate Commerce Commission. Supporting shipper: Downey Glass Co., Inc., 5631 Ferguson Drive, Commerce, Calif.

90022. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 136640 (Sub-No. 5 TA), filed September 17, 1973. Applicant: ROBERT L. ALLEN, doing business as R. ALLEN TRANSPORT, P.O. Box 321, Pocomoke City, Md. 21851. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs* (sweet potatoes, eggplant sticks, corn and apple fritters, and onion rings) when moving in mixed shipments with agricultural commodities otherwise exempt from economic regulations under Section 203(B)(6) of the Act, from Philadelphia, Pa., to Memphis, Tenn.; New Orleans and Shreveport, La.; Dallas, Houston, Lufkin, and Beaumont, Tex.; Miami, Tampa, Jacksonville, and Ocala, Fla.; Indianaola and Jackson, Miss.; Birmingham, Anniston, Huntsville, and Montgomery, Ala., for 180 days. Supporting shipper: Joseph Angiollo, Manager of Distribution, Mrs. Paul's Kitchens, Inc., 5830 Henry Avenue, Philadelphia, Pa. 19128. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 139084 TA, filed September 10, 1973. Applicant: BIG VALLEY SUPPLY & ENTERPRISES, LTD., 8516–40th Street SE., Calgary, Alberta, Canada. Applicant's representative: Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A. (1) *Commodities* which because of size or weight require the use of special equipment or handling; (2) *self-propelled articles;* (3) *construction, industrial and materials-handling machinery and equipment;* (4) *road construction machinery and equipment, contractors' equipment, industrial tractors;* (5) *parts, accessories and attachments* of the commodities described in (1), (2), (3), and (4) above; (6) *commodities* used in the development, exploration, transmission or procession of petroleum or petroleum products; (7) *machinery and equipment;* and (8) *parts and accessories* of the commodities listed in (6) and (7) above, when moving in mixed loads with, or independent from, the commodities listed in (6) and (7) above, restricted to export traffic destined to points in Canada, and B. *Parts and attachments* of the commodities described in (1), (2), (3) and (4) of Part A, from points on the international boundary line between the United States and Canada, to points in the United States, restricted to import traffic destined to points in the United States, for 180 days. Note: Applicant propose to tack at ports of entry with Canadian authority. Supporting shippers: Pioneer Machinery, Ltd., 5303 Blackfoot Trail, Calgary, Alberta, Canada; Wilmac Equipment, Ltd., 9310–125th Avenue, Edmonton, Alberta, Canada; John Krysa & Sons, Ltd., P.O. Box 4100, Edmonton, Alberta, Canada; Mumford, Medland, Limited, 5711–6th St. SE., Calgary, Alberta, Canada; and Atlas Alloys Division of Rio Algon Mines, Ltd., 7945 Coronet Road, Edmonton, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 139085 TA, filed September 13, 1973. Applicant: ROSS BROS. TRANSPORTATION, INC., P.O. Box 103, Circle, Mont. 59215. Applicant's representative: Gene Ross (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All parts of irrigation systems, and pumps*, from the plantsite at Valley, Nebr. and from Klakamas, Oreg.; Portland, Oreg., and Spokane, Wash., to points in Montana and Wyoming, restricted to farm and ranch site deliveries, for 180 days. Supporting shipper: Polar Pump & Irrigation Co., Inc., 2021 Minnesota Ave., Billing, Mont. 59101. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 139086 TA, filed September 13, 1973. Applicant: JERRY H. GEORGE, doing business as JERRY GEORGE TRUCKING, Route No. 1, Box 82, Ellington, Mo. 63638. Applicant's representative: Richard J. Rabbitt, Suite 616, 7 North 7th Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough sawed lumber and treated fence posts*, between points in Reynolds, Ripley, Carter, and Shannon Counties, Mo., and Butler County, Mo. west of Highway 67 and points in Cook, Will, Du Page and Lake Counties, Ill.; and points in Lake and La Porte Counties, Ind., for 180 days. Supporting shiper: Michigan Industrial Hardwood Co., 1851 Front Street, Whiting, Ind. 46394; Richards Sawmill, Route 1, Box 134, Ellington, Mo.; Gross & Janes Tie Co., Route 4, Box 100, Poplar Bluff, Mo. 63901; and Massie Pole Yard, Inc., Route 3, Van Buren, Mo. 63965. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, Mo. 63101.

No. MC 139087 TA, filed September 14, 1973. Applicant: P. K. DELIVERY CO., INC., 422 Ferguson Road, New Castle, Del. 19720. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), between the Greater Wilmington Airport at Wilmington, Del., on the one hand, and, on the other, Baltimore, Md.; Philadelphia, Pa.; Newark, N.J., and the commercial zones thereof, restricted to the transportation of shipments having an immediately prior or subsequent movement by air, for 180 days. Supporting shipper: Kalitta Flying Service, 23360–23 Mile Road, Mt. Clemens, Mich. 48043; Mannion Air Charter, Inc., 2800 Honorah, Detroit, Mich. 48209; Zantop International Airlines, Inc., Hanger No. 2 Willowrun Airport, Ypsilanti, Mich. 48197; Karns International Airlines, Hanger No. 2 Willowrun Airport, Ypsilanti, Mich. 48197. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 139088 TA, filed September 14, 1973. Applicant: SWISS FRONTIER LEASING, INC., 1738 Pearl Street, Boulder, Colo. 80302. Applicant's representative: Wendell F. Hare (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, parts, and related articles* when moving with new automobiles in truckaway service, from Houston, Tex., to Colorado Springs, Denver, Boulder, and Fort Collins, Colo., and Cheyenne, Wyo., and points within their respective commercial zones, for 180 days. Supporting shippers: Swiss Frontier, Inc., 1738 Pearl Street, Boulder, Colo. 80302; Tyrrell Chevrolet Company, 2142 West Lincolnway, Cheyenne, Wyo.; Colorado Import Motors, Ltd., 1113 North College Ave., Ft. Collins, Colo. 80521; Thoroughbred Car Co., 2430 East Platte Place, Colorado Springs, Colo. 80909; Ralph Schomp Imports, 1033 West Dartmouth, Englewood, Colo. 80110; and The Kumpf Motor Car Company, 869 Broadway, Denver, Colo. 80203. Send protests to: District Supervisor Roger L. Buchanan, 2022 Federal Building, 1961 Stout Street, Interstate Commerce Commission, Bureau of Operations, Denver, Colo. 80202.

By The Commission.

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

[FR Doc.73-20808 Filed 9-28-73;8:45 am]

[Notice No. 360]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 26, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74679. R. C. MOTOR VAN LINES, INC., TRANSFEREE AND TRANS-WORLD MOVERS, INC., TRANSFEROR, published in the August 24, 1973, issue of the FEDERAL REGISTER.

Prior notice has been changed to show that the transaction was modified from a purchase to a lease, and assigned Docket No. MC–FC–35455.

By the Commission.

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

[FR Doc.73–20806 Filed 9–28–73;8:45 am]

[Notice No. 361]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 26, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No MC–FC–74747. By application filed September 24, 1973, BHY TRUCKING, INC., 14066 Garfield St., Paramount, CA 90723, seeks temporary authority to lease the operating rights of ADVANCE TRUCK COMPANY, 21740 South Alameda St., Long Beach, CA, under section 210a(b). The transfer to BHY TRUCKING, INC., of the operating rights of ADVANCE TRUCK COMPANY, is presently pending.

By the Commission.

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

[FR Doc.73–20807 Filed 9–28–73;8:45 am]

[Notice No. 362]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 23, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74660. By order of September 25, 1973, the Motor Carrier Board approved the transfer to Oswego-Syracuse Express, Inc., Syracuse, New York, of Certificate No. MC 44408, issued November 14, 1940, to Roy B. Schiesser, doing business as Reliable Motor Express, Liverpool, New York, authorizing the transportation of general commodities, with the usual exceptions, between Syracuse, N.Y., and Oswego, N.Y., Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202, representative of applicants.

No. MC–FC–74674. By order of September 25, 1973, the Motor Carrier Board approved the transfer to Buff's Transfer, Inc., 821 Jeanette Street, Parkersburg, W. Va. 26101, of the operating rights in Certificates Nos. MC–1705 and MC–1705 (Sub-No. 2) issued August 16, 1955, and March 21, 1963, to McLean, Inc., 821 Jeanette Street, Parkersburg, W. Va. 26101, authorizing the transportation of general commodities, with exceptions, from Parkersburg, W. Va., to points within 25 miles of Parkersburg; household goods, between points in Wood County, W. Va., on the one hand, and, on the other, points in Ohio, Pennsylvania, and Maryland; paper, paper products, and waste paper, from South Parkersburg and Vienna, W. Va., to points in West Virginia and Ohio within 25 miles of Parkersburg; between Parkersburg, on the one hand, and, on the other, points in West Virginia, and between Parkersburg, on the one hand, and, on the other, Steubenville, Toronto, and Wellsville, Ohio, and Washington and Uniontown, Pa.; and corrugated paper shipping containers, between Parkersburg, W. Va., and Oil City, Pa.

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

[FR Doc.73–20809 Filed 9–28–73;8:45 am]

FEDERAL REGISTER PAGES AND DATES—OCTOBER

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MONDAY, OCTOBER 1, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 189

PART II

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

■

DEFENSE MATERIALS SYSTEM AND DEFENSE PRIORITIES SYSTEM

Proposed Rulemaking

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[32A CFR Chapter VI]

DEFENSE MATERIALS SYSTEM

Basic Rules

Notice is hereby given that the Deputy Assistant Secretary for Competitive Assessment and Business Policy, pursuant to section 704 of the Defense Production Act of 1950, as amended and extended, and Executive Order 10480, as amended, is proposing to amend DMS Regulation 1. Section 1 describes the contents of and tells what the proposed amended regulation does.

Interested persons who desire to submit written views or comments on the proposed amended regulation should file them, in triplicate, with the Deputy Assistant Secretary for Competitive Assessment and Business Policy, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DMS Reg. 1, on or before November 30, 1973.

The proposed amended regulation is presented below:

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

Sec.

1. What this regulation does.
2. Definitions.
3. Requirements and related procedures.
4. Allotment and self-authorization procedures.
5. Types of authorized controlled material orders and preferential status.
6. Directives and preferential status.
7. Mandatory use of program determination, allotment, self-authorization and rating authority.
8. Self-authorization procedure for Class A and Class B products.
9. Statements and certifications to accompany ACM orders and rated orders for Class A and Class B products.
10. Elements of ACM orders.
11. Limitations on use of self-authorization.
12. Grouping or combination of orders.
13. Restrictions on placing ACM orders and on use of controlled materials.
14. Rated orders and ratings.
15. Transition provisions for acquisition of controlled materials.
16. Intracompany deliveries.
17. Delivery for unlawful purposes prohibited.
18. Applicability of regulations and orders.
19. Defense against claims for damages.
20. Records and reports.
21. Requests for adjustment or exception.
22. Communications.
23. Violations.

Schedule

I. Controlled materials.
II. Authorized Program Identifications and Claimant and Sub-Claimant Agencies.
III. Mill Lead Times.
IV. Minimum Mill Quantities.
V. Form for Statement of Requirements for Class A products.

Direction

1. Self-authorization procedure for MRO needed to fill manditory acceptance orders.
2. Controlled materials producers and distributors.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10–3, as amended, 37 FR 25555, 38 FR 4278; and Department of Commerce, Domestic and International Business Administration Organization and Function Orders 45–1, 38 FR 9326, and 45–2, 38 FR 9327.

Section 1. What this regulation does.

(a) This regulation is a major revision and simplification of the Defense Materials System and supersedes DMS Reg. 1 of December 1, 1959 (including its Schedules, Directions and Amendments). DMS not only helps to keep current defense, atomic energy, and space programs on schedule but also provides an established mechanism that can be expanded or converted if the need arises. This regulation complements and is being issued concurrently with a major revision of Defense Priorities System Regulation 1.

(b) Defense contractors and their suppliers should thoroughly familiarize themselves with the provisions of DPS Reg. 1 and with the provisions of this regulation which defines their rights and obligations and sets forth the basic rules of the Defense Materials System. One of the principal differences between DPS and DMS, which complement each other, is that the former relates primarily to products and materials other than controlled materials while the latter relates primarily to controlled materials (steel, copper, aluminum and nickel alloys).

(c) Persons engaged in production, construction or research and development for defense programs are required to follow all the applicable rules of this revised regulation. Proper identification of delivery orders placed for products and materials needed to fill defense orders and contracts is particularly important. The rule for mandatory identification of orders is an essential part of both the Defense Materials System and the Defense Priorities System. It avoids delays which could adversely affect timely completion of defense programs by requiring preferential delivery against properly identified orders and by furnishing a mechanism for expediting assistance where needed.

(d) The changes effected by this revised regulation are comprehensive in scope and include, but are not limited to:

(1) Under the former DMS Reg. 1 allotments of controlled materials were made by the Office of Emergency Preparedness to Claimant Agencies which then made allotments to Allotting Agencies. The latter, in turn, made allotments to prime consumers producing Class A products. This revised regulation provides for controlled material authorizations by the General Services Administration to Claimant Agencies and for allotments by Claimant Agencies to Sub-Claimant Agencies (a new term which replaces the former designation of "Allotting Agencies"). However, allotments to prime consumers have been eliminated in the interest of simplification and all defense contractors and sub-contractors under DMS are now self-authorizing consumers. Section 15 of this regulation explains the status of outstanding allotments.

(2) The definitions of Class A product and Class B product have been modified. The principal effect of these modifications is to make the definitions self-contained so that defense contractors may operate under DMS without reference to any other separate publication.

(3) Self-authorizing consumers (producers of Class A and Class B products) are now required, with certain exceptions, to use their inventory first in filling rated orders.

(4) The revised regulations expressly prohibits discrimination against rated orders by imposing higher prices or different terms than for comparable unrated orders.

(5) Modifications have been made in Schedules I through V and in Directions 1 and 2. These modifications are principally, but not entirely, technical and procedural rather than substantive. Former Direction 2 (Small Order Procedure for Allotting Agencies) has been eliminated and former Direction 3 (Controlled Materials Producers and Distributors) has been renumbered as Direction 2.

(6) Numerous other changes, simplifications and consolidations have been effected in this revised regulation, the full text of which (including its Schedules I through V and Directions 1 and 2) should be studied carefully by defense contractors and their suppliers.

Sec. 2. Definitions.

As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BCABP" means the Bureau of Competitive Assessment and Business Policy, Domestic and International Business Administration, of the United States Department of Commerce.

(c) "GSA" means the General Services Administration of the United States Government.

(d) "Controlled material" means domestic and imported steel, copper, aluminum, and nickel alloys, in the forms and shapes specified in Schedule I of this regulation, whether new, remelted, rerolled or redrawn.

(e) "Claimant Agency" means the Department of Defense, the Atomic Energy Commission, BCABP or any other Government agency or subdivision thereof designated as such by GSA for submission to it of controlled material program requirements. Schdule II of this regulation lists the Claimant Agencies.

(f) "Sub-Claimant Agency" means any Government agency or subdivision thereof designated as such by GSA for submission of controlled material program requirements to a Claimant Agency. Schedule II of this regulation lists the Sub-Claimant Agencies.

(g) "Authorized program" means a military, atomic energy or other program specifically approved by GSA and which is subject to any regulation or order of BCABP.

(h) "Program determination" means an authorization by GSA of the amount and kind of controlled materials which may be procured or used by or for a Claimant Agency, or which may be allotted by a Claimant Agency to a Sub-Claimant Agency, for authorized programs during specified periods of time.

(i) "Allotment" means an authorization by a Claimant Agency of the amount and kind of controlled materials which may be procured or used by or for a Sub-Claimant Agency for authorized programs during specified periods of time.

(j) "Set-aside" means the amount and kind of any product or material, including controlled materials, which a person is required to reserve for filling mandatory acceptance orders during specified periods of time, as prescribed by BCABP.

(k) "Self-authorizing consumer" means any person who receives authority to obtain controlled material by self-authorization pursuant to the provisions of this regulation. A self-authorizing consumer for a construction project may designate another person to act as the self-authorizing consumer for him.

(l) "Class A product" means any product containing controlled material made to special specifications for authorized programs and which is not itself a controlled material. It also includes a construction project or research and development which requires for its completion any controlled material or Class A product.

(m) "Class B product" means any product containing controlled material which is not made to special specifications for authorized programs (usually civilian-type products) and which is not itself a controlled material. It also includes a service which requires for its completion any controlled material.

(n) "Delivery order" means any purchase order, contract, shipping or other instruction calling for delivery of any material or product, or performance of construction or service, on a particular date or dates or within specified periods of time.

(o) "Authorized controlled material order" (ACM order) means any delivery order for any controlled material (as distinct from a product containing controlled material) bearing an authorized program identification and the certification required by this regulation or any other applicable regulation or order of BCABP. The term "ACM order" shall have the same meaning as "authorized controlled material order."

(p) "Rated order" means any contract, purchase or delivery order for any product, service or material other than controlled material bearing an authorized rating and the certification required by this regulation, DPS Reg. 1 or any other applicable regulation or order of BCABP.

(q) "Mandatory acceptance order" means a rated order, an ACM order or any other purchase or delivery order which a person is required to accept pursuant to any regulation or order of BC ABP, or pursuant to a specific authorization or directive of BCABP.

(r) "Controlled materials distributor" means (1) a distributor of steel controlled materials as defined in DMS Order 1, (2) a distributor of nickel alloy controlled materials as defined in DMS Order 2, (3) a distributor of aluminum controlled materials as defined in DMS Order 3, or (4) a distributor of copper controlled materials as defined in DMS Order 4.

(s) "Construction" means the erection of any building, structure, or project, or addition or extension thereto, or alteration thereof, through the incorporation-in-place on the site of materials or products which are to be an integral and permanent part of the building, structure, or project, but it does not include maintenance and repair.

(t) "Project" means a construction plan contemplated for execution, irrespective of the time when it is to be put into effect in full or in part, involving all or portions of a single building or structure, or involving two or more buildings or structures, or portions thereof, which are physically contiguous, or are parts of an integrated design or plan, so that each is an element of a single operation. In addition, a project also means a type of construction which is not a building or structure, but which requires a construction operation for its completion, such as a freight yard, airport runway or oil refinery.

Sec. 3. Requirements and related procedures.

(a) Claimant Agencies will submit controlled material requirements for authorized programs to GSA in accordance with procedures prescribed by GSA.

(b) Sub-Claimant Agencies will submit controlled material requirements for authorized programs to Claimant Agencies in accordance with procedures prescribed by GSA or Claimant Agencies.

(c) GSA will issue program determinations to each Claimant Agency.

(d) Each Claimant Agency, pursuant to program determinations, will make allotments to Sub-Claimant Agencies.

(e) BCABP may establish set-asides, in support of program determinations, for acceptance of ACM orders by controlled materials producers.

(f) Any self-authorizing consumer, upon the request of a Claimant or Sub-Claimant Agency for whom he is a supplier, must submit a statement of controlled material requirements for Class A products for authorized programs of such agency. This information must be submitted to the requesting agency on Form DMS–4A (production or research and development), Form DMS–4C (construction) or other prescribed forms.

(g) Any self-authorizing consumer, upon the request of another self-authorizing consumer for whom he is a supplier, must submit a statement of his controlled material requirements to fill a rated order for Class A products for authorized programs. This information must be submitted to the requesting consumer on Form DMS–6 (contained in Schedule V of this regulation) in accordance with the instructions stated therein.

Sec. 4. Allotment and self-authorization procedures.

(a) An allotment must be identified by an allotment number consisting of the appropriate program identification (as listed in Schedule II of this regulation) and shall specify the quantities and kinds of controlled materials authorized for delivery in specified periods of time. Unless otherwise prescribed by BCABP, allotments shall be made in the following terms, in each case without further breakdown:

(1) Carbon steel (including wrought iron).
(2) Alloy steel (except stainless steel).
(3) Stainless steel.
(4) Copper and copper-base alloy brass mill products.
(5) Copper wire mill products.
(6) Copper and copper-base alloy foundry products and powder.
(7) Aluminum.
(8) Nickel alloys.

(b) A person who receives a rated order for a Class A product or a Class B product is a self-authorizing consumer and must obtain his requirements of controlled materials and other products and materials under the provisions of section 8 of this regulation.

Sec. 5. Types of authorized controlled material orders and preferential status.

(a) Two types of ACM orders are authorized, an ACM order and an ACM–DX order. ACM orders must contain the appropriate program identification and the calendar quarter in which delivery is required, for example, A–6–2Q74. ACM–DX orders must contain the appropriate program identification and the calendar quarter in which delivery is required, followed by the suffix DX, for example, A–6–2Q74–DX. Schedule II of this regulation contains a list of authorized program identifications.

(b) In addition to the identifications prescribed in paragraph (a) of this section, all ACM orders and all ACM–DX orders must contain the date or dates on which delivery is required and must be certified as provided in section 9 of this regulation.

(c) All ACM orders shall have equal preferential status and shall take precedence over orders previously or subsequently received which do not bear a program identification. All ACM–DX orders shall have equal preferential status and shall take precedence over ACM orders previously or subsequently received and over orders previously or subsequently received which do not bear a program identification.

Sec. 6. Directives and preferential status.

(a) A person shall comply with each directive issued to him by BCABP. A recipient of a directive from BCABP shall not use such directive to obtain any products, materials or services from a supplier by placing a mandatory acceptance order, unless expressly authorized in the directive.

(b) Directives issued by BCABP shall take precedence over ACM–DX orders, ACM orders, DX rated orders, DO rated orders and unrated orders previously or

subsequently received, unless a contrary instruction appears in the directive.

Sec. 7. Mandatory use of program determination, allotment, self-authorization and rating authority.

(a) Each Claimant and Sub-Claimant Agency must use its program determination, allotment and rating authority, as appropriate, in acquiring controlled materials and other products and materials needed for completion of authorized programs.

(b) Each person who has received a rated order for a Class A or a Class B product must acquire controlled materials and other products and materials to fill such order or to replace in inventory products and materals used to fill such order by self-authorization, pursuant to section 8 of this regulation.

(c) The mandatory provisions of this section need not be followed in the case of any individual purchase order of $500 or less.

Sec. 8. Self-authorization procedure for Class A and Class B products.

(a) A producer of Class A or Class B products who has accepted a rated order for such products is a self-authorizing consumer.

(b) A self-authorizing consumer must use the program identification indicated on his rated order in placing ACM orders to obtain controlled materials needed to fill such order or to replace in inventory controlled materials used to fill such rated order. However, with respect to inventory replacement of controlled materials he shall place such ACM orders only in the calendar month in which such materials were taken from inventory or in the immediately succeeding two calendar months. If it is impracticable for him to determine the exact requirements of controlled materials needed to fill a rated order for Class A or Class B products, he must place ACM orders for delivery of an amount not exceeding his best estimates of controlled materials needed to fill such rated order.

(c) A self-authorizing consumer must use the rating indicated on his rated order in obtaining products and materials other than controlled materials needed to fill such order or to replace in inventory products and materials used to fill such rated order. However, with respect to inventory replacement of products and materials other than controlled materials he shall place rated orders only in the calendar month in which such products and materials were taken from inventory or in the immediately succeeding two calendar months. If it is impracticable for him to determine the exact requirements of products and materials other than controlled materials needed to fill a rated order for Class A or Class B products, he must place rated orders for delivery of an amount not exceeding his best estimates of such products and materials needed to fill such rated order.

(d) If the requirement that he use the program identifications or ratings indicated on his customers' rated orders is impracticable because they are varied or numerous, a self-authorizing consumer may use the program identification or rating B–5 in lieu thereof.

(e) A self-authorizing consumer shall fill a rated order with products and materials from his inventory (to the extent that he has such products and materials in inventory) and replace such products and materials in accordance with the provisions of this or any other applicable regulation or order of BCABP. However, if the requirement that he use products and materials from inventory would stop or interrupt his operations during the next 60 days in a way which would cause a substantial loss of total production or a substantial delay in his operations, he need not do so.

(f) A person who has accepted a rated order shall not discriminate against such order by imposing higher prices or by imposing different terms and conditions for such order than for generally comparable unrated orders, or in any other manner.

Sec. 9. Statements and certifications to accompany ACM orders and rated orders for Class A and Class B products.

(a) Each Claimant Agency, Sub-Claimant Agency and self-authorizing consumer placing a rated order for a Class A or a Class B product or placing an ACM order must, in addition to indicating the appropriate rating or program identification and delivery date or dates on such order, furnish his supplier with a statement reading substantially as follows:

> You are required to follow the provisions of DMS Reg. 1 and of all other applicable regulations and orders of BCABP in obtaining controlled materials and other products and materials needed to fill this order.

This statement must appear on the order or on a separate piece of paper attached to the order.

(b) Unless another form of certification is specifically prescribed by an applicable regulation or order of BCABP, every rated order must contain the certification prescribed in DPS Reg. 1 or the following certification:

> Certified for national defense use under DMS Reg. 1

and shall be signed as provided in paragraph (e) of this section. This certification accompanying a rated order shall have the same effect as a certification under DPS Reg. 1.

(c) Unless another form of certification is specifically prescribed by an applicable regulation or order of BCABP, every ACM order must contain the following certification:

> Certified for national defense use under DMS Reg. 1

and shall be signed as provided in paragraph (e) of this section.

(d) The certifications provided for in paragraphs (b) and (c) of this section shall constitute a representation to the supplier and to BCABP that subject to the criminal penalties provided in applicable United States statutes, (1) the amount ordered by the purchaser is within the amount needed by him to fill the related mandatory acceptance order accepted by him and (2) the purchaser is expressly authorized by BCABP, or by any applicable regulation or order of BCABP, to place such mandatory acceptance order.

(e) A certification on an ACM order or a rated order must be signed by a responsible individual who is duly authorized in writing to sign for that purpose. The signature must be either by hand or in the form of a facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written record of the authorization must be retained on file. A certification may be authenticated by a method other than a signature or a facsimile signature, such as by automatic data processing transmission, in which case a record must be maintained by the user describing the manner in which the authentication is transmitted and the manner in which the authentication is authorized.

(f) An ACM order or a rated order may be placed orally or by telegram. In such event the purchaser must immediately transmit to the supplier a confirming ACM order or rated order, as appropriate, complying with the requirements of this section.

Sec. 10. Elements of ACM orders.

(a) A delivery order placed with a controlled materials producer or a controlled materials distributor for a controlled material is an ACM order only if it is specifically designated as an authorized controlled material order by any regulation or order of BCABP; or if it complies with this section and contains (1) the appropriate program identification and the calendar quarter in which delivery is required, (2) the date or dates on which delivery is required and (3) the certification specified in section 9(c) of this regulation. As an example, an ACM order calling for delivery in the second quarter of 1974 placed pursuant to a rated order bearing the program identification A–6, must contain the following: A–6–2Q74 and, in addition, the delivery date or dates and certification.

(b) Each person who has accepted a DX rated order must use the letters "DX" to identify ACM orders placed by him to fill such order or to replace in inventory controlled materials used to fill such order. Such an order is referred to as an "ACM–DX order" and shall be identified as prescribed in section 5 of this regulation. No person may use the letters "DX" to identify ACM orders except as provided in this regulation or in any other regulation or order of BCABP. The letters "DX" appearing on an ACM order shall entitle such order to priority in acceptance or delivery over other

ACM orders as provided in this regulation, in Direction 2 to this regulation or in any other regulation or order of BCABP.

(c) An ACM order must be in sufficient detail to permit entry on mill schedules and must be received by the controlled materials producer at such time in advance of the month of required shipment as is specified in Schedule III of this regulation, except for ACM–DX orders as provided in Direction 2 to this regulation, or at the earliest subsequent date that the controlled materials producer may find it practicable to accept the same.

Sec. 11. Limitations on use of self-authorization.

(a) Each person who has accepted a rated order for a Class A or a Class B product must acquire controlled materials and other products and materials to fill such order or to replace in inventory products and materials used to fill such order by self-authorization, pursuant to section 8 of this regulation.

(b) Products and materials which may be obtained by a person pursuant to the self-authorization provisions of this regulation to fill a rated order shall include only:

(1) (i) Those which will be physically incorporated into the product or material covered by the rated order and the portion of such products and materials normally consumed or converted into scrap or by-products in the course of processing.

(ii) Chemicals used directly in production to fill the rated order.

(iii) Products and materials used for packaging or containers required to make delivery against the rated order.

They shall not include:

(2) (i) Products and materials for plant improvement, expansion or construction unless they will be physically incorporated into a construction project covered by a rated order.

(ii) Production equipment or products and materials to be used for the manufacture of production equipment.

(iii) Maintenance, repair and operating supplies (MRO). Direction 1 to this regulation provides a separate self-authorization procedure to obtain MRO needed to fill mandatory acceptance orders.

(c) In the event a person is not permitted to place a mandatory acceptance order because of the restrictions prescribed in paragraph (b) of this section, and he needs special priorities authorization, he shall apply for such authorization in accordance with section 11 of DPS Reg. 1.

(d) In the event a person has placed a mandatory acceptance order and needs expediting assistance to obtain timely delivery, or if he cannot find a supplier who will accept a mandatory acceptance order he attempts to place, he shall apply for assistance in accordance with section 12 of DPS Reg. 1.

(e) A person shall not place a mandatory acceptance order for products or materials in anticipation of receipt by him of a mandatory acceptance order.

Sec. 12. Grouping or combination of orders.

(a) No person shall combine an ACM order with an order which is not an ACM order. However, if the total of both types of orders is less than the minimum mill quantity specified in Schedule IV of this regulation, and is not procurable from a distributor, then an ACM order shall be placed for such minimum mill quantity.

(b) ACM orders identified by different program identification may be combined if the portion covered by each is specifically identified by the appropriate program identification, unless the program identification B–5 is used as provided in section 8(d) of this regulation. In addition, if the quantity of controlled material needed to fill rated orders is less than the minimum mill quantity specified in Schedule IV of this regulation, and is not procurable from a distributor, an ACM order shall be placed for such minimum mill quantity, using the program identification B–5. However, no person shall place separate ACM orders solely for the purpose of obtaining minimum mill quantities to fill such separate orders.

Sec. 13. Restrictions on placing ACM orders and on use of controlled materials.

(a) No person shall place an ACM order unless he is entitled to do so. No person shall place an ACM order calling for delivery of any controlled material in a greater amount or on an earlier date than required to fill his rated orders.

(b) Each person who has obtained controlled materials pursuant to an ACM order in accordance with this or any other regulation or order of BCABP shall use such materials only (1) to fill rated orders, or (2) to replace in inventory controlled materials used to fill any such rated orders. If he cannot use the controlled materials for any such purpose, he may use them to fill unrated orders or dispose of them, unless otherwise ordered or directed in writing by BCABP.

Sec. 14. Rated orders and ratings.

(a) The detailed rules for designation and use of rated orders and ratings are contained in DPS Reg. 1 which should be studied carefully by persons who receive rated orders and by persons who place rated orders.

(b) As provided in DPS Reg. 1 ratings must contain the prefix DO or DX, as the case may be, followed by the appropriate program identification. Schedule II of this regulation and Schedule I of DPS Reg. 1 contain a list of authorized program identifications. Rated orders must show the rating authorized, for example DO–A–6, the date or dates on which delivery is required and must be certified as provided in section 9 of this regulation or section 8 of DPS Reg. 1.

Sec. 15. Transition provisions for acquisition of controlled materials.

(a) Nothing in this revised regulation shall be construed to cancel outstanding allotments of controlled materials for whatever purpose received. A person who has received an allotment and who may obtain controlled materials for the same purpose by self-authorization pursuant to this amended regulation, shall use either the allotment or self-authorization to obtain controlled materials for such purpose: *Provided*, That he shall not use the allotment or self-authorization to obtain more controlled materials than needed.

(b) The changes made in Schedule I (Controlled Materials), Schedule III (Mill Lead Times) and Schedule IV (Minimum Mill Quantities) of this amended regulation shall not be construed to affect outstanding orders placed pursuant to any regulation or order of BCABP.

Sec. 16. Intracompany deliveries.

The provisions of this regulation apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

Sec. 17. Delivery for unlawful purposes prohibited.

No person shall deliver any product or material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any regulation or order of BCABP.

Sec. 18. Applicability of regulations and orders.

(a) All regulations and orders of BCABP, unless specifically stated otherwise in such regulations and orders, shall apply to transactions in any state, territory or possession of the United States and the District of Columbia.

(b) All regulations and orders of BCABP shall apply to all subsequent transactions even though they are covered by contracts previously entered into.

(c) Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of BCABP. In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of a mandatory acceptance order, he shall immediately report the matter to BCABP which will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by BCABP, such person shall comply with the provisions of such regulation or order.

(d) This regulation complements DPS Reg. 1. Defense contractors and their suppliers should be thoroughly familiar with both this regulation and DPS Reg. 1.

Sec. 19. Defense against claims for damages.

No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with any BCABP regulation, order, direction, directive or other written instruction, notwithstanding that

any such regulation, order, direction, directive or other written instruction shall thereafter be declared by judicial or other competent authority to be invalid.

Sec. 20. Records and reports.

(a) Each person participating in any transaction covered by this regulation shall make, and preserve for at least three years thereafter, accurate and complete records thereof. Such records shall include all rated orders, ACM orders and directives received by such person, copies of all rated orders and ACM orders placed by such person, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired, sold or delivered pursuant to mandatory acceptance orders. Records shall be maintained in sufficient detail to permit the determination, upon examination or audit, whether or not each transaction complies with the provisions of this regulation or any other applicable regulation or order of BCABP. However, this regulation does not specify any particular accounting method or system to be used. Records may be retained in the form of microfilm or other record-keeping systems which provide the information contained in the original records.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of BCABP at the usual place of business of the person involved.

(c) Persons subject to this regulation shall develop and maintain such records and submit such reports to BCABP as it shall require, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501–3511).

Sec. 21. Requests for adjustment or exception.

Any person subject to any provision of this regulation may submit a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of public health and safety, civil defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, addressed as provided in section 22 of this regulation, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

Sec. 22. Communications.

All communications concerning this regulation or requests for adjustment or exception pursuant to section 21 of this regulation shall be addressed to the Bureau of Competitive Assessment and Business Policy, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DMS Reg. 1.

Sec. 23. Violations.

(a) Any person who willfully violates any provision of this regulation, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

(b) Violation of any provision of this regulation may subject any person committing or participating in such violation to administrative action to suspend his privilege of employing mandatory acceptance orders in making or receiving deliveries of products or materials, or using products, materials or facilities. In addition to such administrative action, an injunction and order may be obtained from a court of appropriate jurisdiction prohibiting any such violation and enforcing compliance with the provisions hereof.

(c) For the purpose of any administrative action or civil proceeding for the enforcement of this regulation or any criminal prosecution for violation of this regulation, the terms "authorized controlled material order," "ACM order," "rated order," "rating" and "certification" shall be deemed to include every purported authorized controlled material order, ACM order, rated order, rating and certification whether or not such order, rating or certification shall have been authorized as provided in this regulation and irrespective of the form of such order, rating or certification.

NOTE.—All reporting and record-keeping requirements of this regulation have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated September 21, 1973.

BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY,
GARY M. COOK,
Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy.

SCHEDULE I TO DMS REG. 1
CONTROLLED MATERIALS

(See sections 2(d) and 15(b))

CARBON STEEL (INCLUDING WROUGHT IRON)[1]

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled, stock for projectile and shell bodies.[2]
Bar, hot-rolled, other (including light shapes).
Bar, reinforcing (straight lengths—as rolled).
Bar, cold finished.
(b) Sheet, strip (uncoated and coated).
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Sheet, all other coated.
Sheet, enameling.
Roofing, galvanized, corrugated, V-crimped channel drains.
Ridge roll, valley, and flashing.
Siding, corrugated and brick.
Strip, hot-rolled.
Strip, cold-rolled.
Strip, galvanized.
Electrical sheet and strip.
Tin mill black plate.
Tin plate, hot-dipped.
Ternes, special coated manufacturing.
Tin plate, electrolytic.
(c) Plate.[3]
(d) Structural shapes,[4] piling.
(e) Pipe, tubing—seamless and welded.[5]
Includes:
Standard pipe (including type of couplings furnished by mill).[6]
Oil country goods (casing, tubing and drill pipe, including type of couplings furnished by mill).
Line pipe (including type of couplings furnished by mill).
Pressure tubing.
Mechanical tubing.
(f) Wire, wire products.
Includes:
Wire-drawn.

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[1] For the purpose of this schedule "carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) Ingot iron; (2) all grades of electrical sheet and strip; (3) high-strength low-alloy steels; (4) clad and coated carbon steels not included with alloy steels; e.g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels; and (5) leaded carbon steels. "High-strength low-alloy steels" means only the proprietary grades promoted and sold for this purpose, and Navy high-tensile steel grade HT Specification Mil-S-16113 (Ships).

[2] Includes projectile body stock, sizes under 2⅜ inches.

[3] Carbon plate not only includes the following specifications, but also floor plates of any thickness:
0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 8 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 8 inches wide.

[4] "Structural shapes" means rolled flanged sections having at least one dimension of their cross section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flange sections.

[5] Steel pipe or tubing exceeding 36 inches O.D. is not a controlled material, but is a Class A product.

[6] Standard pipe includes the following:
Ammonia pipe.
Bedstead tubing.
Driven well pipe.
Drive pipe.
Dry kiln pipe.
Dry pipe for locomotives.
English gas and steam pipe.
Fence pipe.
Furniture pipe.
Ice machine pipe.
Mechanical service pipe.
Nipple pipe.
Pipe for piling.
Pipe for plating and enameling.
Pump pipe.
Signal pipe.
Standard pipe coupling.
Structural pipe.
Turbine pump pipe.
Water main pipe.
Water well casing.
Water well reamed and drifted pipe.

Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted.
Spikes and brads—steel wire, galvanized, and cement-coated.
Staples, brige and galvanized (farm and poultry).
Wire rope and strand.
Welded wire mesh and woven wire netting.
Barbed and twisted wire.
Wire fence, woven and welded (farm and poultry).
Bale ties.
Coiled automatic baler wire.
(g) Tool steel (all forms including die blocks and tool steel forgings).
(h) Other mill forms and products (excluding castings and forgings).
Includes:
Ingots.
Billets, for shell body stock only.[7]
Billets, for shell component parts and rockets.
Blooms, slabs, other billets, tube rounds, sheet bars.
Skelp.
Wire rod.
Rails.
Joint bars (track).
Tie plates (track).
Track spikes.
Wheels, rolled or forged (railroad).
Axles (railroad).

ALLOY STEEL [8] (EXCEPT STAINLESS STEEL [9])

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled stock for projectile and shell bodies.
Bar, hot-rolled, other (including light shapes).
Bar, cold-finished.
(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Sheet, galvanized.
Strip, hot-rolled.
Strip, cold-rolled.
(c) Plate.[10]
Includes:
Rolled armor.
Other.
(d) Structural shapes.[4]
(e) Pipe, tubing—seamless and welded.[5]
Includes:
Oil-country goods.
Pressure tubing.
Mechanical tubing.
(f) Wire.
(g) Tool steel (all forms including die blocks and tool steel forgings).
(h) Other mill forms and products (excluding castings and forgings).
Includes:
Ingots.
Billets, projectile and shell stock.
Blooms, slabs, other billets, tube rounds, sheet bars.
Wire rods.
Rails.
Wheels, rolled or forged (railroad).
Axles (railroad).

STAINLESS STEEL [9]

(a) Bar, bar shapes.
Includes:
Bar, hot-rolled (including light shapes).
Bar, cold-finished.
(b) Sheet, strip.
Includes:
Sheet, hot-rolled.
Sheet, cold-rolled.
Strip, hot-rolled.
Strip, cold-rolled.
(c) Plate.[11]
(d) Structural shapes.[4]
(e) Pipe, tubing—seamless and welded.[5]
Includes:
Pipe.
Pressure tubing.
Mechanical tubing.
(f) Wire, wire products.
Includes:
Wire, drawn.
Wire rope and strand.
(g) Other mill forms and products (excluding castings and forgings).
Includes:
Ingots.
Blooms, slabs, billets, tube rounds.
Sheet bars, wire rods.

COPPER AND COPPER-BASE ALLOY BRASS MILL PRODUCTS [12]

Copper (unalloyed):
(a) Bar, shapes, wire (except electrical wire).
(b) Rod.
(c) Sheet, plate, 24 inches wide and over.
(d) Rolls and strip up to 24 inches in width.
(e) Pipe, tube (seamless).
Copper-base alloy: [13]
(a) Bar, wire, shapes.
(b) Free cutting brass rod.
(c) Other rod.
(d) Sheet, and plate 24 inches wide and over.
(e) Rolls and strip up to 24 inches in width.
(f) Military ammunition cups and discs.
(g) Circles.
(h) Pipe, tube (seamless).

COPPER WIRE MILL PRODUCTS

All copper wire and cable for electrical conduction, including but not limited to:
Bare and tinned.
Weatherproof.
Magnet wire.
Insulated building wire.
Paper and lead power cable.
Paper and pulp telephone cable.
Plastic insulated telephone cable.
Asbestos cable.
Portable and flexible cord and cable.
Communication wire and cable.
Shipboard cable.
Automotive and aircraft wire and cable.
Insulated power cable.
Signal and control cable.
Coaxial cable.
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.
Copper-clad aluminum wire containing over 20 percent copper by weight regardless of end use.

COPPER AND COPPER-BASE ALLOY FOUNDRY PRODUCTS AND POWDER

Includes:
Copper, brass, and bronze castings.[14]
Copper, brass, and bronze powder (including copper powder, granular and flake, and copper-base alloy powder, granular and flake).

ALUMINUM

Rolled bar, rod, structural shapes, and bare wire.
Aluminum conductor steel reinforced (ACSR) and bare aluminum cable.
Insulated or covered wire or cable.
Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube).
Sheet and plate.
Ingot, granular or shot, and molten metal.
Foil.
Powder, flake, paste.

NICKEL ALLOYS [15]

Ingots, blooms, slabs, and billets.
Plate, sheet, strip, and foil.
Rods, bars (including anode bars), pipe, tubing, and shapes.
Wire and wire rod.
Powder (produced mechanically from nickel shot).

SCHEDULE II TO DMS REG. 1

AUTHORIZED PROGRAM IDENTIFICATIONS AND CLAIMANT AND SUB-CLAIMANT AGENCIES

(See sections 2(e), 2(f), 4(a), 5(a), and 14(b))

The program identification symbols listed in this schedule are the only ones authorized under the Defense Materials System and the Defense Priorities System and must be used in accordance with this regulation, DPS Reg.

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[7] Includes only projectile body stock, sizes 2⅞ inches and larger, rounds, and round-cornered squares.

[8] For purposes of this schedule "alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheet and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium (less than 10 percent), cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy steel base or carbon steel base for which nickel and/or chromium is contained in the coating or cladding material (e.g., inconel, monel, or stainless) are alloy steels.

[9] "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements.

[10] Alloy steel plate includes the following specifications:
0.180 inch or thicker, over 48 inches wide.
0.230 inch or thicker, over 8 inches wide.
7.53 pounds per square foot or heavier, over 48 inches wide.
9.62 pounds per square foot or heavier, over 8 inches wide.

[11] Stainless steel plates include the following size specifications: 3/16 inch (0.1875) or thicker, over 10 inches wide.

[12] Includes anodes—rolled, forged, or sheared from cathodes.

[13] "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U.S. Commercial Standard CS 67-38.

[14] Cast copper and copper-base alloy shapes or forms suitable for ultimate use without remelting, rolling, drawing, extruding, or forging. (The process of casting includes the removal of gates, risers, and sprues, and sandblasting, tumbling, and dipping, but does not include any further machining or processing. For centrifugal castings the process includes the removal of the rough cut in the inner and/or outer diameter before delivery to a customer.) Castings include anodes cast in a foundry or by an ingot maker.

[15] "Nickel alloys" means those alloys for which the specified nickel content is 5 percent or more up to and including pure nickel, and which do not contain as much as 50 percent of iron or steel, nor as much as 40 percent of copper, nor as much as 50 percent of aluminum. It does not include primary nickel in the forms of electrolytic cathodes, pigs, rondelles, cubes, pellets, shot, oxide (including sintered oxide), salts, or chemicals; nor does it include primary nickel in the form of ingots used for remelting or powder derived directly from ore concentrates; nor does it include ferronickel.

1 and other applicable regulations and orders of BCABP.

The symbols are not listed in alphabetical or numerical sequence but are grouped by Claimant Agencies and Sub-Claimant Agencies. Within each group, the Claimant and Sub-Claimant Agencies listed in Column 3 are authorized to employ the program identifications listed in Column 1 for purposes of placement by them and their suppliers of ACM orders and rated orders in support of the programs listed in Column 2.

The full names of the Claimant Agencies and Sub-Claimant Agencies shown by initials in Column 3 are:

AEC—Atomic Energy Commission.
BCABP—Bureau of Competitive Assessment and Business Policy.
CIA—Central Intelligence Agency.
FAA—Federal Aviation Administration.
NASA—National Aeronautics and Space Administration.

Column 1 Program identification	Column 2 Program	Column 3 Claimant agency	Column 3 Subclaimant agency
For Department of Defense and associated programs:			
A-1	Aircraft	Department of Defense.	Army. Navy (including Coast Guard). Air Force. CIA. FAA. NASA.
A-2	Missiles		
A-3	Ships		
A-4	Tank—automotive		
A-5	Weapons		
A-6	Ammunition		
A-7	Electronic and communications equipment		
B-1	Military building supplies		
B-8	Production equipment (for defense contractor's account)		
B-9	Production equipment (Government owned)		
C-2	Department of Defense construction		
C-3	Maintenance, repair and operating supplies (MRO) for Department of Defense facilities.		
C-8	Controlled materials for Defense Industrial Supply Center Center (DISC).		
C-9	Miscellaneous		
For Atomic Energy Commission programs:			
E-1	Construction	AEC	
E-2	Operations—including maintenance, repair, and operating supplies (MRO).		
E-3	Privately owned facilities		
For other Defense, Atomic Energy, and related programs:			
B-8	Certain self-authorizing consumers (see sec. 8(d) of DMS Reg. 1).	BCABP	
C-4	Certain munitions items purchased by friendly foreign governments through domestic commercials channels for export.	BCABP	
C-5	Canadian Military Programs		
C-6	Certain direct defense needs of friendly foreign governments other than Canada.		
D-1	Controlled Materials Producers		
D-2[1]	Approved state and local civil defense programs		
D-3	Further Converters (Steel)		
D-4	Private domestic production		
D-5	Private domestic construction		
D-6	Canadian production and construction		
D-7	Friendly foreign nations (other than Canada) production and construction.		
D-8	Distributors of controlled materials		
D-9	Maintenance, Repair and Operating Supplies (MRO) (see Dir. 1 to DMS Reg. 1).		
E-4	Canadian Atomic Energy Program		
K-1	General Services Administration's Supply Distribution Facility Program.		
AM	Aluminum Controlled Materials Producers		
AM-9000	Aluminum Controlled Materials Distributors		
FC	Further Converters (steel and nickel alloys)		

[1] State and local governments will be authorized to use the program identification symbol D-2 only upon application to the Defense Civil Preparedness Agency of the Department of Defense, sponsorship by the Office of the Assistant Secretary of Defense (Installations and Logistics) and specific approval by BCABP.

SCHEDULE III TO DMS REG. 1—MILL LEAD TIMES

(See sections 10(c) and 15(b))

Name of Product[1]	Minimum number of days in advance of first day of month in which shipment is required: Steel: Carbon	Steel: High-strength low-alloy	Steel: Stainless	Steel: Alloy[2]	Aluminum, copper, and nickel alloys
Steel:					
Bar, bar shapes (including light shapes):					
Bar, hot-rolled stock for projectile and shell bodies	45	75		[3] 75	
Bar, hot-rolled, other (including light shapes)	[3] 45	[3] 75	90	[3] 75	
Bar, reinforcing (straight lengths—as rolled)	45			75	
Bar, cold-finished	[3] 75	[3] 105	105	[3] 105	
Sheet, strip (uncoated and coated):					
Sheet, hot-rolled	45	75	90	75	
Sheet, cold-rolled	45	75	105	90	
Sheet, galvanized	45				
Sheet, all other coated	45				
Sheet, enameling	45				
Roofing, galvanized, corrugated, V-crimped channel drains	45				
Ridge roll, valley, and flashing	45				
Siding, corrugated and brick	45				
Strip, hot-rolled	45	75	90	75	
Strip, cold-rolled	[3] 45	75	105	90	
Strip, galvanized	45				
Electrical sheet and strip	(4)				
Tin mill black plate	45				

Name of Product [1]	Minimum number of days in advance of first day of month in which shipment is required				
	Steel				Aluminum, copper, and nickel alloys
	Carbon	High-strength low-alloy	Stainless	Alloy [2]	
Tin plate, hot-dipped	45				
Ternes, special coated manufacturing	45				
Tin plate, electrolytic	45				
Plate	[2] 45	[3] 75	90	[3] [4] 75	
Structural shapes, piling	45	[3] 75	[3] 150	90	
Pipe, tubing—seamless and welded:					
Standard pipe (including couplings furnished by mill)	45		120		
Oil-country goods (casing, tubing and drill pipe, including type of couplings furnished by mill)	45			60	
Line pipe (including couplings furnished by mill)	45	75			
Pressure tubing	[7] 60		120	120	
Mechanical tubing	[7] 60		120	120	
Wire, wire products:					
Wire, drawn	45	75	90	75	
Nails-bright steel wire, steel cut, galvanized, cement-coated, and painted	45				
Spikes and brads-steel wire, galvanized, and cement coated	45				
Staples, bright and galvanized (farm and poultry)	45				
Wire rope and strand	45		105		
Welded wire mesh and woven wire netting	45				
Barbed and twisted wire	45				
Wire fence, woven and welded (farm and poultry)	45				
Bale ties	45				
Coiled automatic baler wire	45				
Tool steel (all forms including die blocks and tool steel forgings)	[3] 60			[3] 90	
Other mill forms and products (excluding castings and forgings):					
Ingots	45	75	75	75	
Billets, projectile and shell stock	45	75		75	
Blooms, slabs, other billets, tube rounds, sheet bars	45	75	75	75	
Skelp	45				
Wire rod	45	75	90	75	
Rails	45			90	
Joint bars (track)	45				
Tie plates (track)	45				
Track spikes	45				
Wheels, rolled or forged (railroad)	45			90	
Axles (railroad)	45			90	
Copper and copper-base alloy brass mill products:					
Copper (unalloyed):					
Bar, shapes, wire (except electrical wire)					45
Rod					45
Sheet, plate, 24 inches wide and over					45
Rolls and strip up to 24 inches in width					45
Pipe, tube (seamless)					45
Copper-base alloy:					
Bar, wire, shapes					[10] 45
Free cutting brass rod					[10] 45
Other rod					[10] 45
Sheet, and plate 24 inches wide and over					[10] 45
Rolls and strip up to 24 inches in width					[10] 45
Military ammunition cups and discs					[10] 45
Circles					[10] 45
Pipe, tube (seamless)					[10] 45
Copper wire mill products:					
Copper wire and cable:					
Bare and tinned					35
Weatherproof					35
Magnet wire					35
Insulated building wire					35
Paper and lead power cable					60
Paper and pulp telephone cable					45
Plastic insulated telephone cable					45
Asbestos cable					60
Portable and flexible cord and cable					45
Communication wire and cable					60
Shipboard cable					60
Automotive and aircraft wire and cable					45
Insulated power cable					60
Signal and control cable					60
Coaxial cable					45
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use					35
Copper-clad aluminum wire containing over 20 percent copper by weight regardless of end use					45
Copper and copper-base alloy foundry products and powder:					
Copper, brass, and bronze castings					[9] [11] 14
Copper, brass, and bronze powder (including copper powder, granular and flake, and copper-base alloy powder, granular and flake)					30
Aluminum:					
Rolled bar, rod, structural shapes, and bare wire					60
Aluminum conductor steel reinforced (ACSR) and bare aluminum cable					60
Insulated or covered wire or cable					60
Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube)					60
Sheet and plate					60
Ingot, granular or shot					60
Molten metal					[12] 60
Foil					60
Powder, flake, paste					90
Nickel Alloys:					
Rods and bars (except anode bars):					
Hot-rolled					90
Forging quality					105
Cold-finished					120
Sheet and strip:					
Hot-rolled					90
Cold-rolled					120
Foil					120
Plate					90
Pipe, tubing					120
Wire					120
Other mill forms:					
Ingots					75
Blooms, slabs, billets					75
Wire rod					90
Powder (produced mechanically from nickel shot)					90
Shapes and forms not listed above (including anode bars)					[13]

[1] See definitions contained in footnotes to Schedule I of this regulation.
[2] For clad products, add 45 days to lead time indicated.
[3] If annealed or heat-treated, add an additional 15 days.
[4] For electrical sheet and strip, use this table:

Grade	Lead time	Definition
Low	45	AISI M47, M45, M43, M36.
Medium	45	AISI M27, M22, M19.
High	60	AISI M15 and oriented.

[5] Rolled armor plate is subject to negotiation between mill and its customer. If no acceptable arrangements are worked out, BCABP should be notified.
[6] Applies to special rolled shapes including angles and channels.
[7] For welded tubing or high carbon spring steel strip, 75 days.
[8] If cold-finished, add an additional 15 days.
[9] Lead time applies to unmachined castings after approval of patterns for production.
[10] For refractory alloys, 60 days.
[11] Small simple castings to fit 12x36 inch flask, 7 days.
[12] By negotiation between mill and its customer. If no acceptable arrangements are worked out, BCABP should notified.

SCHEDULE IV TO DMS REG. 1—MINIMUM MILL QUANTITIES

(SEE SECTIONS 12(A) AND 15 (B))

Name of product [1]	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination		
	Steel [2]		Aluminum, copper and nickel alloys (pounds)
	Carbon	Alloy	
Steel:			
Bar, bar shapes (including light shapes):			
Bar, hot-rolled stock for projectile and shell bodies	[3]	[3]	----
Bar, hot-rolled, other (including light shapes):			
Round bars up to and including 3 inches, and squares, hexagons, half rounds, ovals, etc., of approximately equivalent section area—net tons	5	[3]	----
Round and square bars over 3 inches to, but not including, 8 inches—net tons	15	[3]	----
Bar-size shapes (angles, tees, channels, and zees under 3 inches)—net tons	5	[3]	----
Bar, reinforcing (straight lengths, as rolled)—do	5	----	----
Bar, cold-finished—do	5	[3]	----
Sheet, strip (uncoated and coated):			
Sheet, hot-rolled—do	5	[3]	----
Sheet, cold-rolled—do	5	[3]	----
Sheet, galvanized	[3]	----	----
Sheet, all other coated—net tons	5	----	----
Sheet, enameling—do	5	----	----
Roofing, galvanized, corrugated, V-crimped channel drains	[3]	----	----
Ridge roll, valley, and flashing	[3]	----	----
Siding, corrugated and brick	[3]	----	----
Strip, hot-rolled	[3]	[3]	----
Strip, cold-rolled	[3]	[3]	----
Strip, galvanized	[3]	----	----
Electrical sheet and strip—net tons	5	----	----
Tin mill black plate—pounds	5,000	----	----
Tin plate, hot-dipped—do	5,000	----	----
Ternes, special coated manufacturing—do	5,000	----	----
Tin plate, electrolytic—do	5,000	----	----
Plate:			
Rolled armor	[3]	[3]	----
Continuous strip mill production—net tons	10	[3]	----
Sheared, universal, or bar mill production—do	3	[3]	----
Structural shapes, piling	[3]	[3]	----
Pipe, tubing:			
Standard pipe (including couplings furnished by mill)	[4]	[4]	----
Oil-country goods (casings, tubular goods, couplings furnished by mill)	[4]	[4]	----
Line pipe (including couplings furnished by mill)	[4]	[4]	----
Pressure and mechanical tubing (seamless and welded):			
Seamless cold-drawn (O.D. in inches):			
Up to ¾, inclusive—feet	1,000	1,000	----
Over ¾ to 1½, inclusive—do	800	800	----
Over 1½ to 3, inclusive—do	600	600	----
Over 3 to 6, inclusive—do	400	400	----
Over 6—do	250	250	----
Seamless hot-rolled	[3]	[3]	----
Welded	[3]	[3]	----
Wire, wire products:			
Wire, drawn	[3]	[3]	----
Nails—bright steel wire, steel cut, galvanized, cement-coated, and painted—net tons	[5]	----	----
Spikes and brads—steel wire, galvanized, cement-coated—do	[5]	----	----
Staples, bright and galvanized (farm and poultry)—do	[5]	----	----
Wire rope and strand	[3]	----	----
Welded wire mesh	[3]	----	----
Woven wire netting—net tons	[5]	----	----
Barbed and twisted wire—do	[5]	----	----
Wire fence, woven and welded (farm and poultry)—do	[5]	----	----
Bale ties—do	[5]	----	----
Coiled automatic baler wire—do	[5]	----	----
Tool steel (all forms including die blocks and tool steel forgings)—pounds	500	500	----
Other mill forms and products (excluding castings and forgings):			
Ingots—net tons	[6] 25	[3]	----
Billets, projectile and shell stock	[3]	[3]	----
Blooms, slabs, other billets, tube rounds, sheet bars—net tons	[6] 25	[3]	----
Skelp—do	25	----	----
Wire rod	[3]	[3]	----
Rails and track accessories	[3]	[3]	----
Wheels, rolled or forged (railroad)	[3]	[3]	----
Axles (railroad)	[3]	[3]	----
Copper and copper-base alloy brass mill products:			
Copper (Unalloyed):			
Bar, shapes, wire (except electrical wire)			500
Rod			1,000
Sheet, plate, 24 inches wide and over			1,000
Rolls and strip up to 24 inches in width			2,000
Pipe, tube (seamless)			1,000
Copper-base alloy:			
Bar, wire, shapes			500
Free cutting brass rod			2,000
Other rod			500
Sheet, and plate 24 inches wide and over			2,000
Rolls and strip up to 24 inches in width			2,000
Military ammunition cups and discs			500
Circles			500
Pipe, tube (seamless)			1,000

See footnotes at end of table.

SCHEDULE IV TO DMS REG. 1—Continued

Name of product [1]	Minimum quantity for each size and grade of any item for mill shipment at any one time to any one destination		
	Steel [2]		Aluminum, copper and nickel alloys (pounds)
	Carbon	Alloy	
Copper wire mill products			[5][6]
Aluminum:			
Rolled bar, rod, structural shapes, and bare wire			[5]
Aluminum conductor steel reinforced (ACSR) and bare aluminum cable			[5]
Insulated or covered wire or cable			[5]
Extruded bar, rod, shapes, and tube (extruded, drawn and welded tube)			[5]
Sheet and plate			[5]
Ingot, granular or shot, and molten metal			[5]
Foil			[5]
Powder, flake, paste			T[5]
Nickel alloys:			
Rods and bars (except anode bars):			
Hot-rolled			[5]
Forging quality			[7]
Cold-finished			[5]
Sheet and strip:			
Hot-rolled			[5]
Cold-rolled			[5]
Foil			[5]
Plate			[5]
Pipe, tubing			[5]
Wire			[5]
Other mill forms:			
Ingots			[5]
Blooms, slabs, billets			[5]
Wire rod			[5]
Powder (produced mechanically from nickel shot)			[5]
Shapes and forms not listed above (including anode bars)			[5]

[1] See definitions contained in footnotes to Schedule I of this regulation.
[2] All stainless steel products are by negotiation. If no acceptable arrangements are worked out, BCABP should be notified.
[3] By negotiation between mill and its customer. If no acceptable arrangements are worked out, BCABP should be notified.
[4] Published carload minimum (mixed sizes and grades).
[5] Quantity refers to any assortment of wire merchant trade products.
[6] For forging quality, product of one heat.
[7] Product of one heat.
[8] Standard package quantities as published by each mill.
[9] Standard minimum quantities as established by each mill.

SCHEDULE V TO DMS REG. 1—FORM FOR STATEMENT OF REQUIREMENTS FOR CLASS A PRODUCTS

(See sec. 3(g))

[Budget Bureau No.....]

Form DMS-6

U.S. DEPARTMENT OF COMMERCE BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY

Statement of Controlled Material Requirements for Class A Products

INSTRUCTIONS: Submit to requesting customer the number of copies he requests and retain one (1) copy. Read the detailed instructions below before filling out this form.

3. RETURN TO: (Name and address of requesting customer—Street, City, State, ZIP)

[ ]

1. FROM: (Name and address of company submitting statement—Street, City, State, ZIP)

2. Name and title of person to communicate with regarding this statement

4. Description of Class A Product. (Give name and description of product or item covered by this statement)

5. Quantity of listed controlled materials required to produce ..... unit(s) of the product or item described in block 4.

Column 1 Controlled material	Column 2 Unit of measure	Column 3 Quantity
Carbon steel (including wrought iron)	Short tons	
Alloy steel (except stainless steel)	do	
Stainless steel	Pounds	
Copper and copper-base alloy brass mill products	do	
Copper wire mill products	do	
Copper and copper-base alloy foundry products and powder	do	
Aluminum	do	
Nickel alloys	do	

6. Detailed Instructions

a. *Who may use this form.* Any person who needs information regarding the controlled material requirements for the production of Class A products being supplied to him to fill rated orders may use this Form DMS–6, or a facsimile thereof, to request his suppliers of Class A products to submit such requirements information to him. This form may be duplicated in any quantity necessary. The requesting person must fill in the name and address of his company in Block 3 and enter a description of the Class A product for which the information is requested in Block 4. He should also send his supplier, with copies of the form, a letter describing the information he desires, the number of copies he needs, and the time when they should be submitted to him. He should also refer to Section 3 of DMS Reg. 1 as his authority for using this form.

In addition to the eight categories of controlled materials printed in Block 5, the requesting person may ask for further breakdown of the printed controlled materials categories. In no case should the further breakdown requested be in any greater detail than the listing on Form DMS–4S. Such further breakdown, if requested, shall be supplied on Form DMS–4S and shall show only the total requirements which coincide with those requirements shown in Form DMS–6. Unless otherwise requested, such total requirements shall be listed in Column (e), the "Total" column, of Form DMS–4S and the quarterly requirements columns shall remain blank.

b. *Who must submit this form.* Any producer of Class A products who is requested by his customer to supply the information called for on this form must submit it in accordance with Section 3(g) of DMS Reg. 1 and his customer's request.

c. *How to fill out this form.* A producer of Class A products who has been requested by his customer to submit this form must include the following information:

(1) Enter name and address of submitting company in Block 1.

(2) Enter name and title of employee of submitting company to whom communications should be addressed regarding the information submitted on this form.

(3) Enter on top line of Block 5, in the blank space, the number of units of the Class A product identified in Block 4 covered by the quantity of materials shown in Column 3 of Block 5. Enter in Column 3 of Block 5 the quantity of each of the controlled materials listed in Column 1 required to produce the number of units of the Class A product described in Block 4 indicated on top line of Block 5. The quantities entered in Column 3 of Block 5 must include the following:

(i) The quantities of the controlled materials listed in Column 1 needed by the submitting producer for incorporation in the Class A product produced by him described in Block 4.

(ii) The quantities of controlled materials listed in Column 1 required for incorporation in any Class A products (components or subassemblies) which are produced by suppliers in all degrees of remoteness for incorporation in the Class A product produced by him described in Block 4.

(iii) The quantities of controlled materials listed in Column 1 needed for packaging or containers required to make delivery of the Class A product described in Block 4.

7. CERTIFICATION: The undersigned company and the official executing this certification on its behalf hereby certify that the information contained in this report is correct

and complete to the best of their knowledge and belief.

(Company name)

By _____
(Signature of authorized official)

(Title)

(Date)

DMS REG. 1, DIR.

SELF-AUTHORIZATION PROCEDURE FOR MRO NEEDED TO FILL MANDATORY ACCEPTANCE ORDERS

Sec.
1. What this direction does.
2. Definitions.
3. Procurement of products and materials for MRO.
4. Applicability of other regulations and orders.
5. Small order exception.

Section 1 What this direction does.

This amended direction establishes a self-authorization procedure by which a person who is unable to fill a mandatory acceptance order because of inability to obtain materials for maintenance, repair, and operating supplies and installation (referred to collectively as "MRO") is required to use program identifications and ratings to obtain MRO needed to enable him to fill such order. Suppliers of such MRO items obtain products and materials needed for their production under the provisions of DPS Reg. 1, DMS Reg. 1 or other appropriate regulation or order of BCABP.

Sec. 2. Definitions.

As used in this direction:

(a) "Maintenance" means the minimum upkeep necessary to continue any plant, facility, or equipment in sound working condition. "Repair" means, with respect to any person, the restoration of any plant, facility, or equipment to sound working condition when it has been rendered unsafe or unfit for service by wear and tear, damage, failure of parts, or the like, where such repair is not capitalized according to his established accounting practice. Neither "maintenance" nor "repair" includes the replacement of any plant, facility, or equipment; nor does it include the improvement of any plant, facility, or equipment by replacing material which is still in sound working condition with material of a new or different kind, quality, or design.

(b) "Operating supplies" means any kind of material carried by a person as operating supplies according to his established accounting practice. It includes expendable tools, jigs, dies, and fixtures used on production equipment, regardless of the accounting practice of the person. It also includes items, such as hand tools, purchased by an employer for sale to his employees solely for use in his business if such items would have constituted operating supplies had they been issued to employees without charge.

(c) "Installation" means the setting up or relocation of machinery, fixtures, or equipment in position for service and connection thereof to existing service facilities.

(d) "MRO" means materials for maintenance, repair, and operating supplies, and for installation. Materials produced or obtained for sale to other persons or for installation upon or attachment to the property of another person, and materials required for the production of such materials are not "MRO" as to the producer or supplier.

(e) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1972, the accounting practice in use by such person on that date or on the last day of his operation prior thereto. In the case of a person whose operation begins after December 31, 1972, the term means the accounting practice established by him in such operation.

(f) "Mandatory acceptance order" means a rated order, an ACM order or any other purchase or delivery order which a person is required to accept pursuant to any regulation or order of BCABP, or pursuant to a specific authorization or directive of BCABP.

(g) "ACM–DX order" means an authorized controlled material order identified by the suffix "DX" as provided in section 5 of DMS Reg. 1.

Sec. 3. Procurement of products and materials for MRO.

(a) If inability to obtain MRO would result in failure by a person to fill a mandatory acceptance order he must obtain such MRO as follows:

(1) In obtaining controlled materials needed for such MRO he must place ACM orders in accordance with the provisions of DMS Reg. 1 and must indicate thereon the program identification D–9 and the calendar quarter in which delivery of the controlled materials is required: *Provided*, That if the inability to obtain such controlled materials would result in failure to fill a DX rated order or an ACM–DX order he must identify his ACM orders with the suffix DX, in addition to the program identification D–9 and the quarterly identification.

(2) In obtaining products and materials other than controlled materials needed for such MRO he must place rated orders in accordance with the provisions of DPS Reg. 1 and must indicate thereon the rating DO–D–9: *Provided*, That if the inability to obtain such products and materials would result in failure to fill a DX rated order or an ACM–DX order he must use the rating DX–D–9.

(b) In no event shall a person use the provisions of this direction to acquire products and materials in a greater amount or on an earlier date than required to provide the MRO necessary to enable him to fill his mandatory acceptance orders.

Sec. 4. Applicability of other regulations and orders.

(a) Any person who is entitled to obtain MRO for a particular purpose under any other regulation, order, or direction of BCABP, shall not use the procedures of this direction to obtain MRO for such purpose.

(b) Nothing in this direction shall be construed to relieve any person from complying with all other applicable regulations and orders of BCABP. The provisions of DMS Reg. 1 regarding authorized controlled material orders, and the provisions of DPS Reg. 1 regarding rated orders, except as otherwise provided in this direction, shall apply to operations under this direction.

Sec. 5. Small order exception.

The provisions of this direction requiring persons to use ratings and program identifications need not be followed in the case of any individual purchase order of $500 or less.

DMS REG. 1, DIR. 2

CONTROLLED MATERIALS PRODUCERS AND DISTRIBUTORS

Sec.
1. What this direction does.
2. Definitions.
3. Rules applicable to controlled materials producers.
4. Production requirements of controlled materials producers.
5. Rules applicable to controlled materials distributors.
6. Small order exception.

Section 1. What this direction does.

This amended direction (formerly Direction 3 to DMS Reg. 1) sets forth certain rules governing operations of controlled materials producers and distributors under the Defense Materials System. These rules are supplementary to the provisions of DMS Order 1 (steel), DMS Order 2 (nickel alloys), DMS Order 3 (aluminum), and DMS Order 4 (copper).

Sec. 2. Definitions.

As used in this direction:

(a) "Mandatory acceptance order" means an ACM order or any other purchase or delivery order for controlled materials which a person is required to accept pursuant to any regulation or order of BCABP, or pursuant to a specific authorization or directive of BCABP.

(b) "Lead time" means the period of time in advance of the month of required shipment for controlled materials as specified in Schedule III of DMS Reg. 1.

(c) "Set-aside" means the amount and kind of any controlled material which a person is required to reserve for

filling mandatory acceptance orders during specified periods of time, as prescribed by BCABP.

(d) "ACM–DX order" means an authorized controlled material order identified by the suffix "DX" as provided in section 5 of DMS Reg. 1.

(e) "Production material" means, with respect to any controlled materials producer, any products or materials (including controlled materials) which will be physically incorporated into controlled materials which he produces and the portion of such products and materials normally consumed or converted into scrap or by-products in the course of processing. It also includes chemicals used directly in teh production of the materials he produces, and products and materials used for packaging or containers required to make delivery of the materials he produces. It does not include products and materials for plant improvement, expansion or construction, production equipment, or maintenance, repair and operating supplies (MRO).

Sec. 3. Rules applicable to controlled materials producers.

(a) Each controlled materials producer must comply with such production and other directives as may be issued from time to time by BCABP and with the provisions of all applicable regulations and orders of BCABP.

(b) A controlled materials producer must accept all mandatory acceptance orders; however, he may reject ACM orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(1) If the order is received after commencement of lead time: *Provided,* That an ACM–DX order must be accepted without regard to lead time unless it is impracticable for him to make delivery within the required delivery month in which event he must accept such order for the earliest practicable delivery date.

(2) If the order is one for less than the minimum mill quantity specified in Schedule IV of DMS Reg. 1.

(3) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(4) If the order need not be accepted under the provisions of DMS Order 1 (steel), DMS Order 2 (nickel alloys), DMS Order 3 (aluminum), DMS Order 4 (copper) or of any other applicable regulation or order of BCABP: *Provided,* That acceptance by a controlled materials producer prior to the date he opens his order books of (a) an ACM order directly from the Department of Defense or the Atomic Energy Commission or (b) an ACM–DX order, shall not effect an opening of his books so as to require acceptance of other ACM orders: *Provided further,* That an ACM–DX order must be accepted even though the applicable set-aside has been or will be exceeded by such acceptance.

(c) A controlled materials producer who receives an ACM order must transmit written notification to the person who tendered such order of its acceptance or rejection within ten consecutive calendar days after its receipt, except that in the case of an ACM–DX order such notification must be transmitted within five consecutive calendars after its receipt.

(d) A controlled materials producer must make shipment on each ACM order as close to the requested delivery date as is practicable. If a producer, after accepting an ACM order finds that, due to contingencies which he could not reasonably have foreseen, he is obliged to postpone the shipment date, he must promptly advise his customer of the approximate date when shipment can be made, and keep his customer advised of any changes in that date. Shipment of any such carry-over order must be scheduled and made in preference to any order originally scheduled for a later date. When the new date for shipment on a carry-over order falls within a later quarter than that indicated on the original order, the producer must make shipment on the basis of the original order even if that order shows a quarterly identification earlier than the one in which shipment is actually made.

Sec. 4 Production requirements of controlled materials producers.

(a) Except as provided in paragraph (b) of this section, a controlled materials producer must use the program identification D–1 and indicate the calendar quarter in which delivery is required in obtaining production materials consisting of controlled materials needed to fill mandatory acceptance orders or to replace in inventory such production materials which he has used to fill such orders: *Provided,* That instead of using the program identification D–1, (1) a steel controlled materials producer must obtain steel controlled materials in accordance with DMS Order 1, (2) a nickel alloy controlled materials producer must obtain nickel alloy controlled materials in accordance with DMS Order 2, (3) an aluminum controlled materials producer must obtain aluminum controlled materials in accordance with DMS Order 3, and (4) a copper controlled materials producer must obtain copper controlled materials in accordance with DMS Order 4.

(b) Notwithstanding the provisions of any other regulation or order of BCABP, a controlled materials producer who requires controlled materials to fill an ACM–DX order or to replace in inventory controlled materials used to fill an ACM–DX order must, in addition to complying with the provisions of paragraph (a) of this section, indicate the suffix DX on his purchase orders for such controlled materials.

(c) Except as provided in paragraph (d) of this section, a controlled materials producer must use the rating DO–D–1 in obtaining production materials other than controlled materials needed to fill mandatory acceptance orders or to replace in inventory such production materials used by him to fill such orders.

(d) Notwithstanding the provisions of any other regulation or order of BCABP, a controlled materials producer who requires production materials other than controlled materials to fill an ACM–DX order or to replace in inventory such production materials used to fill an ACM–DX order must use the rating DX–D–1 on his purchase orders for such production materials.

(e) A controlled materials producer may combine his requirements of controlled materials needed to fill mandatory acceptance orders in one or more ACM orders. He may also combine his requirements for other production materials needed to fill mandatory acceptance orders in one or more rated orders. In placing such combined orders he must show the amount of production materials to which each program identification applies.

(f) Persons obtaining controlled materials or products and materials other than controlled materials to replace in inventory materials used to fill mandatory acceptance orders pursuant to the provisions of this section shall place ACM orders or rated orders, as appropriate, for such inventory replacement, only in the calendar month in which such products or materials were taken from inventory to fill such mandatory acceptance orders, or in the immediately succeeding two calendar months.

Sec. 5. Rules applicable to controlled materials distributors.

(a) Each controlled materials distributor must comply with such directives as may be issued from time to time by BCABP and with the provisions of all applicable regulations and orders of BCABP.

(b) An ACM order placed with a controlled materials distributor shall be considered as calling for immediate delivery unless such order specifically provides otherwise.

(c) A controlled materials distributor must accept all mandatory acceptance orders; however, he may reject ACM orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(1) If the order is not for immediate delivery.

(2) If he does not have the material ordered in his stock, unless he knows that such material is in transit to him.

(3) If the person seeking to place the order is unwilling or unable to meet such distributor's regularly established prices and terms of sale or payment.

(4) If the order need not be accepted under the provisions of DMS Order 1 (steel), DMS Order 2 (nickel alloys), DMS Order 3 (aluminum), DMS Order 4 (copper) or of any other applicable regulation or order of BCABP.

(d) Except as provided in paragraph (e) of this section, a controlled materials distributor must obtain controlled materials needed to fill mandatory acceptance orders or to replace in inventory controlled materials used to fill such orders in accordance with the provisions of DMS Order 1 (steel), DMS Order 2 (nickel alloys), DMS Order 3 (aluminum), and DMS Order 4 (copper).

(e) Notwithstanding the provisions of any other regulation or order of BCABP,

a controlled materials distributor who requires controlled materials to fill an ACM–DX order or to replace in inventory controlled materials used to fill an ACM–DX order must, in addition to complying with the provisions of paragraph (d) of this section, indicate the suffix DX on his purchase orders for such controlled materials.

Sec. 6. Small order exception.

The provisions of this direction requiring controlled materials producers and distributors to use ratings and program identifications need not be followed in the case of any individual purchase order of $500 or less.

[FR Doc.73–20610 Filed 9–28–73;8:45 am]

[32A CFR Chapter VI]

DEFENSE PRIORITIES SYSTEM

Basic Rules

Notice is hereby given that the Deputy Assistant Secretary for Competitive Assessment and Business Policy, pursuant to section 704 of the Defense Production Act of 1950, as amended and extended, and Executive Order 10480, as amended, is proposing to amend DPS Regulation 1. Section 1 describes the contents of and tells what the proposed amended regulation does.

Interested persons who desire to submit written views or comments on the proposed amended regulation should file them, in triplicate, with the Deputy Assistant Secretary for Competitive Assessment and Business Policy, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Reg. 1, on or before November 30, 1973.

The proposed amended regulation is presented below:

DPS REG. 1—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

Sec.

1. What this regulation does.
2. Definitions.
3. General provisions.
4. Types of ratings and preferential status.
5. Directives and preferential status.
6. Mandatory use of ratings.
7. Self-authorization procedure for rated orders.
8. Statements and certifications to accompany rated orders.
9. Delivery, acceptance and performance dates for rated orders.
10. Limitations on use of self-authorization.
11. Special priorities authorizations.
12. Expediting assistance and assistance in placing mandatory acceptance orders.
13. Use of ratings to obtain services.
14. Grouping or combination of orders.
15. Restrictions on placing rated orders and on use of materials.
16. Sequence of filling rated orders.
17. Rules for acceptance of rated orders.
18. Rules for rejection of rated orders.
19. How changes in orders affect ratings.
20. Cancellation of ratings.
21. Intracompany deliveries.
22. Delivery for unlawful purposes prohibited.
23. Applicability of regulations and orders.
24. Defense against claims for damages.
25. Records and reports.
26. Requests for adjustment or exception.
27. Communications.
28. Violations.

Schedule

I. Authorized Program Identifications and Defense Agencies.
II. Materials and Services Not Subject to BCABP Rating Authority.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et. seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10–3, as amended, 37 FR 25555, 38 FR 4278; and Department of Commerce, Domestic and International Business Administration Organization and Function Orders 45–1, 38 FR 9326, and 45–2, 38 FR 9327.

Section 1. What this regulation does.

(a) This regulation is a major revision and simplification of the Defense Priorities System and supersedes DPS Reg. 1 of March 23, 1953 (including its List A, Directions, Amendments and published Interpretations). DPS not only helps to keep current defense, atomic energy and space programs on schedule but also provides an established mechanism that can be expended or converted if the need arises. This regulation complements and is being issued concurrently with a major revision of Defense Materials System Regulation 1.

(b) Defense contractors and their suppliers should thoroughly familiarize themselves with the provisions of DMS Reg. 1 and with the provisions of this regulation which defines their rights and obligations and sets forth the basic rules of the Defense Priorities System. One of the principal differences between DMS and DPS, which complement each other, is that the former relates primarily to controlled materials (steel, copper, aluminum, and nickel alloys) while the latter relates primarily to products and materials other than controlled materials.

(c) Persons engaged in production, construction or research and development for defense programs are required to follow all the applicable rules of this revised regulation. Proper identification of delivery orders placed for products and materials needed to fill defense orders and contracts is particularly important. The rule for mandatory identification of orders is an essential part of both the Defense Priorities System and the Defense Materials System. It avoids delays which could adversely affect timely completion of defense programs by requiring preferential delivery against properly identified orders and by furnishing a mechanism for expediting assistance where needed.

(d) The changes effected by this revised regulation are essentially simplifications of a procedural or technical type but they do include some substantive changes:

(1) Defense contractors are now required, with certain exceptions, to use their inventory first in filling rated orders.

(2) The revised regulation expressly prohibits discrimination against rated orders by imposing higher prices or different terms than for comparable unrated orders.

(3) A new Schedule I has been added to the revised regulation. It lists Authorized Program Identifications and Defense Agencies.

(4) A new Schedule II has been added to the regulation. It supersedes and revises the former List A to DPS Reg. 1 and lists Materials and Services Not Subject to BCABP Rating Authority.

(5) Direction 2 (Limitation on Use of Ratings to Obtain Nickel), Direction 3 (Notice of Acceptance or Rejection of DX Rated Orders and of Delayed Shipment of Certain DO Rated Orders) and Direction 4 (Establishment of a Lead Time for the Placement of Rated Orders for the Delivery of Nickel and Ferronickel) to DPS Reg. 1 are being revoked. The substance of former Direction 4, however, has been revised and is being published concurrently with this proposed regulation as proposed DPS Order 2 (Nickel).

(6) Numerous other changes, simplifications and consolidations have been effected in this revised regulation, the full text of which (including its Schedules I and II) should be studied carefully by defense contractors and their suppliers.

Sec. 2. Definitions.

As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BCABP" means the Bureau of Competitive Assessment and Business Policy, Domestic and International Business Administration, of the United States Department of Commerce.

(c) "GSA" means the General Services Administration of the United States Government.

(d) "Material" means any raw, in-process, or manufactured commodity, equipment, component, accessory, part, assembly or product of any kind.

(e) "Controlled material" means domestic and imported steel, copper, aluminum, and nickel alloys, in the forms and shapes specified in Schedule I of DMS Reg. 1, whether new, remelted, rerolled or redrawn.

(f) "Maintenance, repair and operation supplies" (MRO) means materials for maintenance, repair and operating supplies, and for installation, as defined in Direction 1 to DMS Reg. 1.

(g) "Production equipment" means any item used in producing materials or furnishing services which is carried by a person as capital equipment according to his established accounting practice.

(h) "Established accounting practice" means, in the case of a person in operation on or before December 31, 1972, the accounting practice in use by such person on that date or on the last day of his

operation prior thereto. In the case of a person whose operation begins after December 31, 1972, the term means the accounting practice established by him in such operation.

(i) "Defense Agency" means a defense or defense-supporting department or agency including the Department of Defense, the Atomic Energy Commission, BCABP or any other Government agency or subdivision thereof designated as such by GSA for the purposes of this regulation or any other regulation or order of BCABP. Schedule I of this regulation lists the Defense Agencies.

(j) "Authorized program" means a military, atomic energy or other program specifically approved by GSA and which is subject to any regulation or order of BCABP.

(k) "Set-aside" means the amount of any product or material, including controlled materials, which a person is required to reserve for filling mandatory acceptance orders during specified periods of time, as prescribed by BCABP.

(l) "Self-authorizing consumer" means any person who receives authority for procurement by self-authorization pursuant to the provisions of this regulation.

(m) "Delivery order" means any purchase order, contract, shipping or other instruction calling for delivery of any material or product, or performance of construction or service, on a particular date or dates or within specified periods of time.

(n) "Rated order" means any contract, purchase or delivery order for any product, service, or material other than controlled material bearing an authorized rating and the certification required by this regulation or any other applicable regulation or order of BCABP.

(o) "Authorized controlled material order" (ACM order) means any delivery order for any controlled material (as distinct from a product containing controlled material) bearing an authorized program identification and the certification required by DMS Reg. 1 or any other applicable regulation or order of BCABP. The term "ACM order" shall have the same meaning as "authorized controlled material order."

(p) "Mandatory acceptance order" means a rated order, an ACM order or any other purchase or delivery order which a person is required to accept pursuant to any regulation or order of BCABP, or pursuant to a specific authorization or directive of BCABP.

(q) "Directive" means an official action taken in writing by BCABP which requires a named person to take an action or refrain from taking an action in accordance with its provisions.

Sec. 3. General provisions.

(a) Defense Agencies shall place rated orders for products and materials other than controlled materials needed for authorized programs, as provided in section 6 of this regulation.

(b) BCABP may establish set-asides for acceptance of rated orders by producers of certain products and materials, other than controlled materials, needed for authorized programs. Set-asides for controlled materials are established by BCABP pursuant to DMS Reg. 1 and other applicable regulations and orders of BCABP.

(c) A person who receives a rated order from a Defense Agency or any other customer, or who is authorized by BCABP or another Defense Agency to use ratings, is a self-authorizing consumer and must obtain his requirements to fill such order in accordance with paragraph (d) of this section.

(d) In filing rated orders, a self-authorizing consumer must obtain (1) his requirements for controlled materials in accordance with the provisions of DMS Reg. 1 and (2) his requirements for products and materials other than controlled materials in accordance with the provisions of this regulation.

(e) Ratings shall have no effect on delivery orders for controlled materials which shall be procured by the placement of authorized controlled material (ACM) orders pursuant to DMS Reg. 1 and other applicable regulations and orders of BCABP.

Sec. 4. Types of ratings and preferential status.

(a) Two types of ratings are authorized, a DO rating and a DX rating. Ratings must contain the prefix DO or DX, as the case may be, followed by the appropriate program identification. Schedule I of this regulation contains a list of authorized program identifications.

(b) Rated orders must show the rating authorized ,for example, DO–A–6, the date or dates on which delivery is required and must be certified as provided in section 8 of this regulation.

(c) All DO rated orders shall have equal preferential status and shall take precedence over unrated orders previously or subsequently received. All DX rated orders shall have equal preferential status and shall take precedence over DO rated orders and unrated orders previously or subsequently received.

Sec. 5. Directives and preferential status.

(a) A person shall comply with each directive issued to him by BCABP. A recipient of a directive from BCABP shall not use such directives to obtain any products, materials or services from a supplier by placing a mandatory acceptance order, unless expressly authorized in the directive.

(b) Directives issued by BCABP shall take precedence over DX rated orders, DO rated orders and unrated orders previously or subsequently received, unless a contrary instruction appears in the directive.

Sec. 6. Mandatory use of ratings.

(a) Each Defense Agency must use its rating authority in acquiring products, materials and services needed for completion of authorized programs. Authorizations by BCABP to Defense Agencies to use ratings, whether by delegation, regulation, order or otherwise, shall not include authority to use DX ratings unless expressly so stated therein.

(b) Each person who has received a rated order must acquire products, materials and services to fill such order or to replace in inventory products and materials used to fill such order by self-authorization, pursuant to section 7 of this regulation.

(c) The mandatory provisions of this section need not be followed in the case of any individual purchase order of $500 or less.

Sec. 7. Self-authorization procedure for rated orders.

(a) A person who has accepted a rated order is a self-authorizing consumer.

(b) A self-authorizing consumer must use the program identification indicated on his rated order in placing ACM orders to obtain controlled materials needed to fill such order or to replace in inventory controlled materials used to fill such rated order in accordance with the provisions of DMS Reg. 1.

(c) A self-authorizing consumer must use the rating indicated on his rated order in obtaining services and products and materials other than controlled materials needed to fill such order or to replace in inventory products and materials used to fill such rated order. However, with respect to inventory replacement of products and materials other than controlled materials he shall place rated orders only in the calendar month in which such products and materials were taken from inventory or in the immediately succeeding two calendar months. If it is impracticable for him to determine the exact requirements for products and materials other than controlled materials needed to fill a rated order, he must place rated orders for an amount not exceeding his best estimates of such products and materials needed to fill such rated order.

(d) If the requirement that he use the ratings indicated on his customers' rated orders is impracticable because they are varied or numerous, a self-authorizing consumer may use the rating B–5 in lieu thereof.

(e) A self-authorizing consumer shall fill a rated order with products and materials from his inventory (to the extent that he has such products and materials in inventory), and replace such products and materials in accordance with this or any other applicable regulation or order of BCABP. However, if the requirement that he use products and materials from inventory would stop or interrupt his operations during the next 60 days in a way which would cause a substantial loss of total production or a substantial delay in his operations, he need not do so.

(f) A person who has accepted a rated order shall not discriminate against such order by imposing higher prices or by imposing different terms and conditions for such order than for generally comparable unrated orders, or in any other manner.

Sec. 8. Statements and certifications to accompany rated orders.

(a) Each Defense Agency and self-authorizing consumer placing a rated order must, in addition to indicating the appropriate rating and delivery date or dates on such order, furnish his supplier with a statement reading substantially as follows:

> You are required to follow the provisions of DPS Reg. 1 and of all other applicable regulations and orders of BCABP in obtaining products, materials and services needed to fill this order.

This statement must appear on the order or on a separate piece of paper attached to the order.

(b) Unless another form of certification is specifically prescribed by an applicable regulation or order of BCABP, every rated order must contain the certification prescribed in DMS Reg. 1 or the following certification:

> Certified for national defense use under DPS Reg. 1.

and shall be signed as provided in paragraph (e) of this section. This certification accompanying a rated order shall have the same effect as a certification under DMS Reg. 1.

(c) Unless another form of certification is specifically prescribed by an applicable regulation or order of BCABP, every authorized controlled material (ACM) order must contain the following certification:

> Certified for national defense use under DPS Reg. 1.

and shall be signed as provided in paragraph (e) of this section.

(d) The certification provided for in paragraphs (b) and (c) of this section shall constitute a representation to the supplier and to BCABP that subject to the criminal penalties provided in applicable United States statutes, (1) the amount ordered by the purchaser is within the amount needed by him to fill the related mandatory acceptance order accepted by him and (2) the purchaser is expressly authorized by BCABP, or by any applicable regulation or order of BCABP, to place such mandatory acceptance order.

(e) A certification on a rated order or an ACM order must be signed by a responsible individual who is duly authorized in writing to sign for that purpose. The signature must be either by hand or in the form of a facsimile reproduction of a handwritten signature. If a facsimile signature is used, the individual who uses it must be duly authorized in writing to use it for this purpose by the person whose signature it is, and a written record of the authorization must be retained on file. A certification may be authenticated by a method other than a signature or a facsimile signature, such as by automatic data processing transmission, in which case a record must be maintained by the user describing the manner in which the authentication is transmitted and the manner in which the authentication is authorized.

(f) A rated order or an ACM order may be placed orally or by telegram. In such event the purchaser must immediately transmit to the supplier a confirming rated order or ACM order, as appropriate, complying with the requirements of this section.

Sec. 9. Delivery, acceptance and performance dates for rated orders.

(a) Any order which fails to specify a delivery date or dates shall not be treated as a rated order. The words "immediately" or "as soon as possible" shall not constitute a delivery date for purposes of this section. However, a person shall accept a so-called "requirements contract" bearing a rating which contains no specific delivery date or dates but which provides for the furnishing of materials, products or services from time to time or within a stated period against specific purchase orders or "calls." Such specific purchase orders or "calls" shall be deemed rated as of the date of their placement by the purchaser and not as of the date of the original "requirements contract."

(b) A person who receives a DO rated order must transmit notification to the person who tendered such order of its acceptance or rejection within ten consecutive calendar days after its receipt. In the case of a DX rated order such notification must be transmitted within five consecutive calendar days after its receipt.

(c) A person who has accepted a rated order must make shipment on such order as close to the requested delivery date as is practicable. If a person, after accepting a rated order, finds that due to contingencies which he could not reasonably have foreseen, he is obliged to postpone the shipment date, he must promptly notify his customer of the approximate date when shipment can be made, of any subsequent changes in that date, and of the reasons for the delay. Such notification must be transmitted in writing within five consecutive calendar days after occurrence of the event causing the delay.

Sec. 10. Limitations on use of self-authorization.

(a) Each person who has accepted a rated order must acquire products, materials and services to fill such order or to replace in inventory products and materials used to fill such order by self-authorization, pursuant to section 7 of this regulation.

(b) Ratings shall not be used and shall have no effect on orders for (1) controlled materials and (2) products, materials and services listed in Schedule II of this regulation. Controlled materials shall be procured in accordance with the provisions of DMS Reg. 1.

(c) Products and materials which may be obtained by a person pursuant to the self-authorization provisions of this regulation to fill a rated order shall include only:

(1) (i) Those which will be physically incorporated into the product or material covered by the rated order and the portion of such products and materials normally consumed or converted into scrap or by-products in the course of processing.

(ii) Chemicals used directly in production to fill the rated orders.

(iii) Products and materials used for packaging or containers required to make delivery against the rated order.

They shall not include:

(2) (i) Products and materials for plant improvement, expansion or construction unless they will be physically incorporated into a construction project covered by a rated order.

(ii) Production equipment or products and materials to be used for the manufacture of production equipment.

(iii) Maintenance, repair and operating supplies (MRO). Direction 1 to DMS Reg. 1 provides a separate self-authorization procedure to obtain MRO needed to fill mandatory acceptance orders.

(d) In the event a person is not permitted to place a mandatory acceptance order because of the restrictions prescribed in paragraph (c) of this section, and he needs special priorities authorization, he shall apply for such an authorization in accordance with section 11 of this regulation.

(e) In the event a person has placed a mandatory acceptance order and needs expediting assistance to obtain timely delivery, or if he cannot find a supplier who will accept a mandatory acceptance order he attempts to place, he shall apply for assistance in accordance with section 12 of this regulation.

(f) A person shall not place a mandatory acceptance order for products, materials or services in anticipation of receipt by him of a mandatory acceptance order.

Sec. 11. Special priorities authorizations.

(a) If inability to obtain production equipment or any other product, material or facility because of the restrictions prescribed in section 10(c) of this regulation would result in failure by a person to fill a mandatory acceptance order, he shall request special priorities authorization from the appropriate Defense Agency specified in Schedule I of this regulation. In such cases the person requesting special priorities authorization shall submit his request on the appropriate form prescribed by the applicable Defense Agency.

(b) In any case where use of a rating is specifically authorized for the procurement of production equipment pursuant to paragraph (a) of this section, the rating may be used either to purchase such equipment or to lease such equipment. However, in the latter case, the equipment may be leased only from a person engaged in the business of leasing such equipment, or from a person willing to lease rather than sell.

Sec. 12. Expediting assistance and assistance in placing mandatory acceptance orders.

(a) If a person has placed a mandatory acceptance order and needs expediting assistance to obtain timely delivery

he shall request expediting assistance from the appropriate Defense Agency specified in Schedule I of this regulation. Such request shall be submitted on DPS Form 138 (DPSF–138) which may be obtained from U.S. Department of Commerce District Offices or from the Bureau of Competitive Assessment and Business Policy, U.S. Department of Commerce, Washington, D.C. 20230.

(b) If a person cannot find a supplier who will accept a mandatory acceptance order he attempts to place, he shall request assistance in placing such order from the appropriate Defense Agency specified in Schedule I of this regulation. Such request shall be submitted on DPS Form 138 (DPSF–138) which may be obtained from U.S. Department of Commerce District Offices or from the Bureau of Competitive Assessment and Business Policy, U.S. Department of Commerce, Washington, D.C. 20230.

Sec. 13. Use of ratings to obtain services.

(a) Each person who requires services to fill a rated order shall use the rating that accompanied such order in placing a rated order to obtain the required services with a person customarily engaged in supplying such services. The person receiving a rated order for services shall use the rating he has received to obtain products, materials and services he needs to fill the rated order for services.

(b) The provisions of this section do not apply to the furnishing of personal or professional services nor to contracts of employment.

(c) Ratings shall have no effect in obtaining services listed in Schedule II of this regulation.

Sec. 14. Grouping or combination of orders.

(a) No person shall combine a rated order with an unrated order. However, if the total of both types of orders is less than the minimum commercially procurable quantity of a product or material then a rated order shall be placed for such minimum commercial procurable quantity.

(b) Rated orders identified by different ratings may be combined if the portion covered by each is specifically identified by the appropriate rating, unless the rating B–5 is used as provided in section 7(d) of this regulation. In addition, if the quantity of a product or material needed to fill rated orders is less than the minimum commercially procurable quantity, a rated order shall be placed for such minimum commercially procurable quantity, using the rating B–5. However, no person shall place separate rated orders solely for the purpose of obtaining minimum commercially procurable quantities to fill such separate orders.

Sec. 15. Restrictions on placing rated orders and on use of materials.

(a) No person shall place a rated order unless he is entitled to do so. No person shall place a rated order calling for delivery of any product or material in a greater amount or on an earlier date than required to fill his rated orders.

(b) Each person who has obtained products or materials pursuant to a rated order in accordance with this or any other regulation or order of BCABP shall use such products or materials only (1) to fill rated orders, or (2) to replace in inventory products or materials used to fill any such rated orders. If he cannot use the products or materials for any such purpose, he may use them to fill unrated orders or dispose of them, unless otherwise ordered or directed in writing by BCABP.

Sec. 16. Sequence of filling rated orders.

A person who has accepted rated orders must schedule his operations, if possible, to fill each rated order by the required delivery or performance date, regardless of the sequence in which the orders were received. If this is not possible, he must give precedence as follows:

(a) DX rated orders take precedence over DO rated orders and unrated orders, and DO rated orders take precedence over unrated orders.

(b) As between conflicting rated orders of equal priority status, precedence shall be given to the order which was received first.

(c) As between conflicting rated orders of equal priority status received on the same day, precedence shall be given to the order which has the earliest required delivery or performance date.

Sec. 17. Rules for acceptance of rated orders.

(a) Every rated order must be accepted and filled regardless of existing contracts and orders except as provided in this section or in section 18. "Existing contracts and orders" include not only ordinary contracts but other arrangements achieving substantially the same results, and may concern the use of facilities rather han the material produced.

(b) A person shall not accept a DO rated order for delivery on a date which would interfere with delivery of any previously accepted DO or DX rated order.

(c) A DX rated order must be accepted without regard to the effect of such acceptance on the filling of DO rated or unrated orders: *Provided*, That a person shall not accept a DX rated order for delivery on a date which would interfere with delivery of any previously accepted DX rated order.

(d) A person shall not accept a rated order for delivery on a specific date unless he expects to be able to fill the order by that date. He shall either (1) reject such an order, or (2) inform the customer of the earliest possible delivery date and offer to accept the order on the basis of that date.

(e) An unrated order may be converted into a rated order by written notification to the supplier that such order shall be treated as a rated order, if the person originally placing the order is authorized to use a rating and if he complies with the provisions of this regulation relating to placement of rated orders. In such event the order shall be deemed a rated order as of the date the rating and certification are received by the supplier.

Sec. 18. Rules for rejection of rated orders.

(a) A supplier may reject a rated order in the following cases, but he shall not discriminate among customers in rejecting or accepting rated orders:

(1) If the person seeking to place the order is unwilling or unable to meet the supplier's regularly established terms of sale or payment.

(2) If the order is for a product or material not usually made or supplied or for a service not usually performed.

(3) If the order is tendered to a person for a product or material which he produces or acquires only for his own use, and he has not filled any orders for that product or material within the past two years.

(4) If the order is for a product or material produced by the person tendering the rated order or for a service performed by the person tendering the rated order.

(5) If acceptance or performance of the order would violate any other regulation or order of BCABP.

(b) Any person who refuses to accept a rated order shall, upon written request of the person tendering the order, promptly give his reasons in writing for the refusal.

Sec. 19. How changes in orders affect ratings.

(a) Except as otherwise provided in this section, when a customer makes a change in a rated order which interferes with the supplier's production schedule, the rating is cancelled and the order shall be deemed newly rated on the date the supplier receives notification of the change.

(b) A change in shipping destination does not constitute cancellation of the rating.

(c) A reduction in the total amount of the order does not constitute a cancellation of the rating: *Provided*, That if the amount is reduced below the minimum quantity that the supplier normally accepts, and the customer is unwilling to agree to that minimum quantity, the supplier may consider that the rating is cancelled.

(d) An increase in the total amount of the order which can be filled with negligible interference with the supplier's production for previously accepted rated orders shall not constitute a cancellation of the rating: *Provided*, That if the acceptance of the larger order would result in substantial interference with the supplier's production, the amount of the increase shall be treated as a rated order as of the date of receipt of notification of such increase by the supplier.

(e) A change in the delivery date does not constitute cancellation of the rating: *Provided*, That if the change interferes with timely delivery on any other

rated order it shall constitute a cancellation of the original rating and the order shall be deemed rated as of the date of receipt by the supplier of notification of the changed delivery date.

(f) A minor variation in size, design or capacity which can be effected by the supplier without interference with other rated orders does not constitute a cancellation of the rating.

(g) A change which is agreed upon between the supplier and the customer and which does not interfere with other rated orders does not constitute a cancellation of the rating.

(h) The application of a DX rating to an order bearing a DO rating shall give the order, as of the date of application of the DX rating, the preferential status accorded to DX orders under the provisions of this regulation.

Sec. 20. Cancellation of ratings.

If a rating is revoked or invalidated by any regulation, order or directive of BCABP, such rating shall be cancelled in accordance with the provisions of such regulation, order or directive.

(b) A rating shall also be cancelled because of contract termination on the part of a Defense Agency, determination by a person that he did not properly use a rating, or determination by a person that he no longer needs the product, material or service for which he used the rating.

(c) When a rating is cancelled, the person who used the rating shall promptly inform his supplier in writing that the rating is cancelled and that his order is no longer to be treated as a rated order.

Sec. 21. Intracompany deliveries.

The provisions of this regulation apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise under common ownership or control.

Sec. 22. Delivery for unlawful purposes prohibited.

No person shall deliver any product or material which he knows or has reason to believe will be accepted, redelivered, held or used in violation of any regulation or order of BCABP.

Sec. 23. Applicability of regulations and orders.

(a) All regulations and orders of BCABP, unless specifically stated otherwise in such regulations and orders, shall apply to transactions in any state, territory or possession of the United States and the District of Columbia.

(b) All regulations and orders of BCABP shall apply to all subsequent transactions even though they are covered by contracts previously entered into.

(c) Nothing in this regulation shall be construed to relieve any person from complying with all other applicable regulations and orders of BCABP. In case compliance by any person with the provisions of any such regulation or order would prevent fulfillment of a mandatory acceptance order, he shall immediately report the matter to BCABP which will thereupon take such action as is deemed appropriate, but unless and until otherwise expressly authorized or directed by BCABP, such person shall comply with the provisions of such regulation or order.

(d) This regulation complements DMS Reg. 1. Defense contractors and their suppliers should be thoroughly familiar with both this regulation and DMS Reg. 1.

Sec. 24. Defense against claims for damages.

No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with any BCABP regulation, order, direction, directive or other written instruction, notwithstanding that any such regulation, order, direction, directive or other written instruction shall thereafter be declared by judicial or other competent authority to be invalid.

Sec. 25. Records and reports.

(a) Each person participating in any transaction covered by this regulation shall make, and preserve for at least three years thereafter, accurate and complete records thereof. Such records shall include all rated orders, ACM orders and directives received by such person, copies of all rated orders and ACM orders placed by such person, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired, sold or delivered pursuant to mandatory acceptance orders. Records shall be maintained in sufficient detail to permit the determination, upon examination or audit, whether or not each transaction complies with the provisions of this regulation or any other applicable regulation or order of BCABP. However, this regulation does not specify any particular accounting method or system to be used. Records may be retained in the form of microfilm or other record-keeping systems which provide the information contained in the original records.

(b) All records required by this regulation shall be made available for inspection and audit by duly authorized representatives of BCABP at the usual place of business of the person involved.

(c) Persons subject to this regulation shall develop and maintain such records and submit such reports to BCABP as it shall require, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501–3511).

Sec. 26. Requests for adjustment or exception.

Any person subject to any provision of this regulation may submit a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this regulation, consideration will be given to the requirements of public health and safety, civil defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, addressed as provided in section 27 of this regulation, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

Sec. 27. Communications.

All communications concerning this regulation or requests for adjustment or exception pursuant to section 26 of this regulation shall be addressed to the Bureau of Competitive Assessment and Business Policy, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Reg. 1.

Sec. 28. Violations.

(a) Any person who wilfully violates any provision of this regulation, or who wilfully furnishes false information or conceals any material fact in the course of operation under this regulation, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both.

(b) Violation of any provision of this regulation may subject any person committing or participating in such violation to administrative action to suspend his privilege of employing mandatory acceptance orders in making or receiving deliveries of products or materials, or using products, materials or facilities. In addition to such administrative action, an injunction and order may be obtained from a court of appropriate jurisdiction prohibiting any such violation and enforcing compliance with the provisions hereof.

(c) For the purposes of any administrative action or civil proceeding for the enforcement of this regulation or any criminal prosecution for violation of this regulation, the terms "rated order," "rating," "authorized controlled material," "ACM order" and "certification" shall be deemed to include every purported rated order, rating, authorized controlled material order, ACM order and certification whether or not such order, rating or certification shall have been authorized as provided in this regulation and irrespective of the form of such order, rating or certification.

NOTE.—All reporting and record-keeping requirements of this regulation have been approved by the Office of Management and

Budget in accordance with the Federal Reports Acts of 1942.

Dated September 21, 1973.

BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY
GARY M. COOK,
Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy.

SCHEDULE I TO DPS REG. 1—AUTHORIZED PROGRAM IDENTIFICATIONS AND DEFENSE AGENCIES

(See sections 2(i), 4(a), 11(a), 12(a), and 12(b))

The program identification symbols listed in this schedule are the only ones authorized under the Defense Priorities System and the Defense Materials System and must be used in accordance with this regulation, DMS Reg. 1 and other applicable regulations and orders of BCABP.

The symbols are not listed in alphabetical or numerical sequence but are grouped by Defense Agencies. Within each group, the Defense Agencies listed in Column 3 are authorized to employ the program identifications listed in Column 1 for purposes of placement by them and their suppliers of rated orders and ACM orders in support of the programs listed in Column 2.

The full names of the Defense Agencies shown by initials in Column 3 are:

AEC—Atomic Energy Commission.
BCABP—Bureau of Competitive Assessment and Business Policy.
CIA—Central Intelligence Agency.
FAA—Federal Aviation Administration.
NASA—National Aeronautics and Space Administration.

Column 1 Program Identification	Column 2 Program	Column 3 Defense agency
For Department of Defense and associated programs:		
A-1	Aircraft	Department of Defense: Army, Navy (including Coast Guard), Air Force. Associated Agencies of Department of Defense: CIA, FAA, NASA.
A-2	Missiles	
A-3	Ships	
A-4	Tank—Automotive	
A-5	Weapons	
A-6	Ammunition	
A-7	Electronic and communications equipment	
B-1	Military building supplies	
B-8	Production equipment (for defense contractor's account)	
B-9	Production equipment (Government owned)	
C-2	Department of Defense construction	
C-3	Maintenance, repair and operating supplies (MRO) for Department of Defense facilities.	
C-8	Controlled materials for Defense Industrial Supply Center (DISC)	
C-9	Miscellaneous	
For atomic Energy Commission programs:		
E-1	Construction	AEC.
E-2	Operations—including maintenance, repair, and operating supplies (MRO).	
E-3	Privately owned facilities	
For other Defense, Atomic Energy and related programs:		
B-3	Certain self-authorizing consumers (see sec. 7(d) of DPS Reg. 1)	BCABP.
C-4	Certain munitions items purchased by friendly foreign governments through domestic commercial channels for export.	
C-5	Canadian military programs	
C-6	Certain direct defense needs of friendly foreign governments other than Canada.	
D-1	Controlled materials producers	BCABP.
D-2 [1]	Approved State and local civil defense programs	
D-3	Further converters (steel)	
D-4	Private domestic production	
D-5	Private domestic construction	
D-6	Canadian production and construction	
D-7	Friendly foreign nations (other than Canada) production and construction.	
D-8	Distributors of controlled materials	
D-9	Maintenance, repair, and operating supplies (MRO) (see Dir. 1 to DMS Reg. 1).	
E-4	Canadian atomic energy program	
K-1	General Services Administration's supply distribution facility program.	
AM	Aluminum controlled materials producers	
AM-9000	Aluminum controlled materials distributors	
FC	Further converters (steel and nickel alloys)	

[1] State and local governments will be authorized to use the program identification symbol D-2 only upon application to the Defense Civil Preparedness Agency of the Department of Defense, sponsorship by the Office of Assistant Secretary of Defense (Installations and Logistics) and specific approval by BCABP.

SCHEDULE II TO DPS REG. 1—MATERIALS AND SERVICES NOT SUBJECT TO BCABP RATING AUTHORITY

(See sections 10(b) and 13(c))

1. The following items under the jurisdiction of BCABP are presently not subject to any ratings issued by or under authority of BCABP and therefore such ratings shall not be effective to obtain any of them:

Communications services.

Copper raw materials as that term is defined in DMS Order 4 (formerly Order M-11A), except intermediate shapes (as defined in that order).

Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.
Wood pulp.

2. Certain items are not under the jurisdiction of BCABP and are not subject to any ratings issued by or under authority of BCABP and therefore such ratings shall not be effective to obtain any of them. These items, by virtue of Executive Order 10480, as amended, Defense Mobilization Order 8400.1, as amended, and other authorities, delegations and agreements, as the same may from time to time be amended, revoked or superseded, generally include: [1]

(a) Petroleum, gas, solid fuels and electric power (under jurisdiction of Secretary of the Interior).

(b) Food and the domestic distribution of farm equipment and commercial fertilizer (under jurisdiction of Secretary of Agriculture).

(c) Domestic transportation, storage, and port facilities, or the use thereof, but excluding air transport, coastwise, intercoastal, and overseas shipping (under jurisdiction of a designated Commissioner of the Interstate Commerce Commission).

(d) Radioisotopes, stable isotopes, source and fissionable materials, produced by Government-owned plants or facilities operated by or for the Atomic Energy Commission (under jurisdiction of Atomic Energy Commission).

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[1] The following delegations and agreements, as the same may from time to time be amended, revoked or superseded, further delineated jurisdictional responsibilities for the exercise of priorities and allocations powers:

(1) Petroleum Administration for Defense (PAD) Delegation 1 to the National Production Authority (NPA) with respect to the production and/or distribution of certain products of petroleum and gas origin, effective April 17, 1951 (16 FR 3389). The PAD was abolished in 1954 and its responsibility for production policies and programs was transferred to the Office of Oil and Gas (OOG) of the Department of the Interior. The authority delegated by PAD to NPA now rests with the Bureau of Competitive Assessment and Business Policy (BCABP), Department of Commerce.

(2) National Production Authority (NPA) Delegation 9 (retitled and renumbered Bureau of Competitive Assessment and Business Policy (BCABP) Delegation 4) to the Secretary of the Interior with respect to the production and distribution of certain industrial chemicals used principally in the petroleum industry, effective February 26, 1951 (15 FR 1908).

(3) Defense Solid Fuels Administration (DSFA) Delegation 1 to the Secretary of Commerce with respect to the distribution of coal chemicals produced as byproducts of coke made from coal, effective May 15, 1951 (16 FR 4590). The DSFA was abolished in 1954 and its responsibilities within the Department of the Interior have been transferred to the Office of the Assistant Secretary for Energy and Minerals, Department of the Interior.

(4) Delegation of Authority from the Secretary of Commerce to the Secretary of the Interior of priorities and allocations powers with respect to certain minerals facilities and materials, effective January 26, 1967 (32 FR 2462).

(5) Memorandum of Agreement between the National Production Authority (NPA) and the Production and Marketing Administration (PMA) with respect to priority and allocation responsibilities in connection with foods which have industrial uses, dated March 30, 1951 and April 13, 1951 (16 FR

[32A CFR Chapter VI]

METALWORKING MACHINES

Notice of Proposed Rulemaking

Notice is hereby given that the Deputy Assistant Secretary for Competitive Assessment and Business Policy, pursuant to section 704 of the Defense Production Act of 1950, as amended and extended, and Executive Order 10480, as amended, is proposing to amend DPS Order 1 (formerly Order M-41). Section 1 describes the contents of and tells what the proposed amended order does.

Interested persons who desire to submit written views or comments on the proposed order should file them, in triplicate, with the Deputy Assistant Secretary for Competitive Assessment and Business Policy, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Order 1, on or before November 30, 1973.

The proposed amended order is presented below:

DPS ORDER 1—METAL WORKING MACHINES

Sec.

1. What this order does.
2. Definitions.
3. Limitation for acceptance of rated orders.
4. Lead time for acceptance of rated orders.
5. Information to be furnished on rated orders.
6. Directives.
7. Effect of this order on DPS Reg. 1 and on outstanding orders.
8. Records and reports.
9. Requests for adjustment or exception.
10. Communications.
11. Violations.

Schedule

I. Types of Metalworking Machines Covered by this Order.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10-3, as amended, 37 FR 25555, 38 FR 4278; and Department of Commerce, Domestic and International Business Administration Organization and Function Orders 45-1, 38 FR 9326, and 45-2, 38 FR 9327.

Section 1. What this order does.

(a) This order limits to 60 percent of a producer's scheduled monthly production of a metalworking machine the required acceptance by him of rated orders (other than DX rated orders and directives issued by BCABP) calling for delivery in such month. It also specifies information which must be shown on rated orders for metalworking machines and provides that rated orders (other than DX rated orders and directives issued by BCABP) need not be accepted unless received by a producer not less than three months prior to the beginning of the month in which delivery is called for in such order.

(b) This order is a revision of DPS Order 1 (formerly Order M-41), as amended May 24, 1963. The principal changes are in the definition of metalworking machine and in Schedule I (formerly Exhibit A) to the order.

Sec. 2. Definitions.

As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "BCABP" means the Bureau of Competitive Assessment and Business Policy, Domestic and International Business Administration, of the United States Department of Commerce.

(c) "Metalworking machine" means any:

(1) Metal Cutting type machine which is a new, power driven, complete machine not supported in the hands of an operator when in use, that shapes metal by cutting or the use of electrical techniques.

(2) Metal Forming type machine which is a new, power driven, complete machine not supported in the hands of an operator when in use, that presses, forges, hammers, extrudes, shears, bends, die casts or otherwise forms metal into shape.

(3) It includes only a machine described in paragraphs (c)(1) and (2) of this section, which has a producer's list price of $1,000 or more for the basic machine itself and which is shown in Schedule I of this order.

(4) The producer's list price for the basic machine itself means the sale price at which the producer's catalog or other price publication lists the basic machine, exclusive of the motor, motor drive, or any attachments therefor, unless the motor, motor drive or attachments are initially built into the basic machine itself, as an integral part thereof, in which case the producer's list price for the basic machine shall be the sale price at which the producer lists the machine as an assembled unit. The term "metalworking machine" includes all accessories, attachments, and numerical controls covered by the original purchase order which are required to be delivered with the basic machine to make it usable in production for the purposes intended. It does not include replacements, spare parts or equipment, or extra tooling.

(d) "Producer" means any person engaged in the manufacture and production of one or more metalworking machines.

(e) "Size" includes all of those dimensions or variations of a particular type of metalworking machine which can be used interchangeably for production purposes. Size classification shall be that used by each producer on the effective date of this amended order, unless he is hereafter authorized to use a different classification. Producers may apply for such authorization by letter addressed as provided in section 10 of this order.

Sec. 3. Limitation for acceptance of rated orders.

Unless specifically directed by BCABP, no producer shall be required to accept rated orders (other than DX rated orders) calling for delivery in any month of a total quantity of any size of metalworking machine in excess of 60 percent of his scheduled production of that size of that machine for that month: *Provided*, That within his scheduled production of any size of metalworking machine for any month a producer must accept any DX rated order calling for delivery of any such size of metalworking machine during any month even though the specified 60 percent has been, or will be exceeded by such acceptance.

Sec. 4. Lead time for acceptance of rated orders.

(a) Unless specifically directed by BCABP, a producer need not accept a rated order (other than a DX rated order) for a metalworking machine which he receives less than three months prior to the beginning of the month in which delivery is called for in such order.

(b) A DX rated order must be accepted without regard to the lead time provided in paragraph (a) of this section unless it is impracticable for the producer to make delivery within the required delivery month, in which event he must accept such DX rated order for the earliest practicable delivery date.

Sec. 5. Information to be furnished on rated orders.

A purchaser must, on each rated order, indicate specifications, including size or other descriptions, of the metalworking machine or machines being ordered in sufficient detail to enable the producer to place the same on his production schedule and must indicate the required delivery date thereof. These requirements are in addition to those provided

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3410). The responsibilities of the NPA have been transferred to the Bureau of Competitive Assessment and Business Policy (BCABP), Department of Commerce, and those of the PMA to the Agricultural Stabilization and Conservation Service, Department of Agriculture.

(6) National Production Authority (NPA) Delegation 10 (retitled and renumbered Bureau of Competitive Assessment and Business Policy Delegation 5) to Production and Marketing Administration (PMA) with respect to the authority to exercise priority and allocation functions in connection with foods which have industrial uses, effective April 26, 1951 (16 FR 3669). The responsibilities of the PMA within the Department of Agriculture have been transferred to the Agricultural Stabilization and Conservation Service, Department of Agriculture.

(7) Memorandum of Understanding and Agreement between the Agricultural Stabilization and Conservation Service and the Business and Defense Services Administration (BDSA) regarding the scope of the term "farm equipment," dated July 31, 1968 and August 21, 1968 (33 FR 12855). The responsibilities of the BDSA have been transferred to the Bureau of Competitive Assessment and Business Policy (BCABP), Department of Commerce.

in DPS Reg. 1 for the placement of rated orders.

Sec. 6. Directives.

Where necessary to assure required deliveries of rated orders, BCABP may direct or change any schedule of production or delivery of metalworking machines, may allocate any rated order for metalworking machines from one producer to another producer, and may divert or otherwise direct the delivery of any metalworking machine to fill a rated order.

Sec. 7. Effect of this order on DPS Reg. 1 and on outstanding orders.

(a) To the extent that this order is in conflict with DPS Reg. 1, the provisions of this order shall control. In all other respects DPS Reg. 1 shall continue in full force and effect.

(b) Nothing in this amended order shall be construed to affect outstanding rated orders placed pursuant to any regulation or order of BCABP.

Sec. 8. Records and reports.

(a) Each person participating in any transaction covered by this order shall make, and preserve for at least three years thereafter, accurate and complete records thereof. Such records shall include all rated orders and directives received by such person and monthly records of production, production schedules and deliveries of metalworking machines. Records shall be maintained in sufficient detail to permit the determination, after audit, whether or not each transaction complies with the provisions of this order or any other applicable regulation or order of BCABP. However, this order does not specify any particular accounting method or system to be used. Records may be retained in the form of microfilm or other record-keeping systems which provide the information contained in the original records.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of BCABP at the usual place of business of the person involved.

(c) Persons subject to this order shall develop and maintain such records and submit such reports to BCABP as it shall require, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501–3511).

Sec. 9. Requests for adjustment or exception.

Any person subject to any provision of this order may submit a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by any provision of this order, consideration will be given to the requirements of public health and safety, civil defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, addressed as provided in section 10 of this order, and shall set forth all pertinent facts and the nature of the relief sought and shall state the justification therefor.

Sec. 10. Communications.

All communications concerning this order, applications pursuant to section 2(e) of this order, or requests for adjustment or execption pursuant to section 9 of this order shall be addressed to the Bureau of Competitive Assessment and Business Policy, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Order 1.

Sec. 11. Violations.

(a) Any person who wilfully violates any provision of this order, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both.

(b) Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving deliveries of products or materials, or using products, materials or facilities. In addition to such administrative action, an injunction and order may be obtained from a court of appropriate jurisdiction prohibiting any such violation and enforcing compliance with the provisions hereof.

NOTE.—All reporting and record-keeping requirements of this order have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated September 21, 1973.

BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY,
GARY M. COOK,
Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy.

SCHEDULE I TO DPS ORDER 1—TYPES OF METALWORKING MACHINES COVERED BY THIS ORDER (SEE SECTION (2(c))

Bending and Forming Machines.
Boring Machines.
Broaching Machines.
Drilling and Tapping Machines.
Electrical Discharge, Ultrasonic and Chemical Erosion Machines.
Forging Machinery and Hammers.
Gear Cutting and Finishing Machines.
Grinding Machines.
Hydraulic and Pneumatic Presses, Power Driven.
Lathes.
Machining Centers and Way-Type Machines.
Manual Presses.
Mechanical Presses, Power Driven.
Milling Machines.
Miscellaneous Machine Tools.
Miscellaneous Secondary Metal Forming and Cutting Machines.
Planers and Shapers.
Punching and Shearing Machines.
Riveting Machines.
Saws and Filing Machines.
Wire and Metal Ribbon Forming Machinery.

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[32A CFR Chapter VI]

NICKEL

Notice of Proposed Rulemaking

Notice is hereby given that the Deputy Assistant Secretary for Competitive Assessment and Business Policy, pursuant to section 704 of the Defense Production Act of 1950, as amended and extended, and Executive Order 10480, as amended, is proposing the issuance of DPS Order 2. Section 1 describes the contents of and tells what the proposed order does.

Interested persons who desire to submit written views or comments on the proposed order should file them, in triplicate, with the Deputy Assistant Secretary for Competitive Assessment and Business Policy, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Order 2, on or before November 30, 1973.

The proposed order is presented below:

Sec.
1. What this order does.
2. Definitions.
3. Lead time requirements for acceptance of rated orders for nickel.
4. Directives.
5. Effect of this order on DPS Reg. 1.
6. Records and reports.
7. Requests for adjustment or exception.
8. Communications.
9. Violations.

AUTHORITY: Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10–3, as amended, 37 FR 25555, 38 FR 4278; and Department of Commerce, Domestic and International Business Administration Organization and Function Orders 45–1, 38 FR 9326, and 45–2, 38 FR 9327.

Section 1. What this order does.

(a) This order permits producers and distributors of nickel to reject rated orders for nickel (other than DX rated orders and directives issued by BCABP) which are received by them less than 10 days before the month in which delivery is requested. It also provides that producers and distributors of nickel shall comply with directives, including those which require the set-aside of an individual producer's or distributor's supply of nickel for acceptance of rated orders during specified periods of time.

(b) This order is a revision of, and supersedes, former Direction 4 of August 15, 1967 (Establishment of a Lead Time for the Placement of Rated Orders for Nickel and Ferronickel) to DPS Reg. 1 of March 23, 1953, as amended.

Sec. 2. Definitions.

As used in this order:

(a) "Person" means any individual, corporation, partnership, association or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BCABP" means the Bureau of Competitive Assessment and Business Policy, Domestic and International Business Administration, of the United States Department of Commerce.

(c) "Nickel" means primary nickel in the following forms and shapes:

Electrolytic cathodes.
Pigs.
Rondelles.
Cubes.
Pellets.
Shot.
Oxide (including sintered oxide).
Salts.
Chemicals.
Ingots (used for remelting).
Powder (derived directly from ore concentrates).
Ferronickel.

(d) "Producer" means a person engaged in making and refining nickel and supplying such nickel to distributors or consumers.

(e) "Distributor" means a person, including a warehouseman, jobber, dealer, retailer, or importer who sells and furnishes nickel to consumers.

Sec. 3. Lead time requirements for acceptance of rated orders for nickel.

Notwithstanding the provisions of any regulation or order of BCABP, a producer or distributor need not accept a rated order for nickel which he receives less than ten consecutive calendar days before the beginning of the month in which delivery is called for in such order: *Provided*, That this limitation shall not apply to DX rated orders nor to directives issued by BCABP.

Sec. 4. Directives.

A producer or distributor shall comply with each directive which may be issued to him by BCABP. Such directives may relate, but are not limited, to the set-aside of a portion of an individual producer's or distributor's production or supply of nickel for the acceptance of rated orders during specified periods of time.

Sec. 5. Effect of this order on DPS Reg. 1.

To the extent that this order is in conflict with DPS Reg. 1, the provisions of this order shall control. In all other respects DPS Reg. 1 shall continue in full force and effect.

Sec. 6. Records and reports.

(a) Each person participating in any transaction covered by this order shall make, and preserve for at least three years thereafter, accurate and complete records thereof. Such records shall be maintained in sufficient detail to permit the determination, upon examination or audit, whether or not each transaction complies with the provisions of this order or any other applicable regulation or order of BCABP. However, this order does not specify any particular accounting method or system to be used. Records may be retained in the form of microfilm or other recordkeeping systems which provide the information contained in the original records.

(b) All records required by this order shall be made available for inspection and audit by duly authorized representatives of BCABP at the usual place of business of the person involved.

(c) Persons subject to this order shall develop and maintain such records and submit such reports to BCABP as it shall require, subject to the terms of the Federal Reports Act of 1942 (44 U.S.C. 3501–3511).

Sec. 7. Requests for adjustment or exception.

Any person subject to any provision of this order may submit a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The submission of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by any provision of this order, consideration will be given to the requirements of public health and safety, civil defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, addressed as provided in section 8 of this order, and shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

Sec. 8. Communications.

All communications concerning this order or requests for adjustment or exception pursuant to section 7 of this order shall be addressed to the Bureau of Competitive Assessment and Business Policy, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Order 2.

Sec. 9. Violations.

(a) Any person who wilfully violates any provision of this order, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order, is guilty of a crime and upon conviction may be punished by fine or imprisonment, or both.

(b) Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving deliveries of products or materials, or using products, materials or facilities. In addition to such administrative action, an injunction and order may be obtained from a court of appropriate jurisdiction prohibiting any such violation and enforcing compliance with the provisions hereof.

NOTE.—All reporting and record-keeping requirements of this order have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated September 21, 1973.

BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY,
GARY M. COOK,
Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy.

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