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PART I

HIGHLIGHTS OF THIS ISSUE

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

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REMINDERS

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

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CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-16-AD, Amdt. 39-1735]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 340 and 400 Series Airplanes

There have been reports of fuel line leakage and chafing in the wing leading edge area on certain Model 400 series airplanes. Most airplanes of this series which are now in service do not have venting and drainage provisions in this area with the result that fuel leaking into the leading edge area is contained and constitutes a possible fire hazard. The manufacturer has made design changes to production aircraft by incorporating venting and drainage provisions and also has issued Cessna Service Letter ME73-5 (Supplement 1) dated September 7, 1973, and Cessna Service Kit SK 421-56, making these modifications available for retrofit of in-service airplanes. The manufacturer has also updated the Airplane Checklist and Flight Manual for these aircraft to include preflight instructions and procedures to be followed in case of ground or inflight fire.

Since the condition described herein may exist or develop in other airplanes of the same type design an Airworthiness Directive (AD) is being issued making compliance with the Service Instructions and installation of the Service Kit mandatory. The AD will be applicable to Cessna 400 series aircraft as well as 340 series aircraft which are of similar design.

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

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

CESSNA. Applies to Model 340 (S/Ns 340-0001 through 340-0234); Model 401 (S/Ns 401-0001 through 401-0322); Model 401A (S/Ns 401A0001 through 401A0132); Model 401B (S/Ns 401B0001 through 401B0300); Model 402 (S/Ns 402-0001 through 402-0322); Model 402A (S/Ns 402A0001 through 402A0129); Model 402B (S/Ns 402B0001 through 402B0392); Model 411 (S/Ns 411-0001 through 411-0250); Model 411A (S/Ns 411-0251 through 411A0300); Model 414 (S/Ns 414-0001 through 414-0407); Model 421 (S/Ns 421-0001 through 421-0200); Model 421A (S/Ns 421A0001 through 421A0158); and Model 421B (S/Ns 421B0001 through 421B0147 and S/Ns 421B0201 through 421B0422) airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent the collection of fuel in the wing leading edge area and to provide additional instructions on preflight inspections and ground or inflight fire procedures, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

Modify the wing leading edge by installing Cessna Service Kit SK 421-56 and install applicable checklist and Flight Manual revisions as specified in Cessna Service Letter ME73-5 (Supplement 1) dated September 7, 1973, or later FAA-approved reivsions, or any other modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective October 18, 1973.

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

Issued in Kansas City, Missouri, on October 4, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

[FR Doc.73-21927 Filed 10-15-73;8:45 am]

[Airspace Docket No. 73-SW-54]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Tulsa, Oklahoma (Riverside Airport), control zone.

On August 27, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 22900) stating the Federal Aviation Administration proposed to alter the Tulsa, Okla. (Riverside Airport), control zone.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 31, 1974, as hereinafter set forth.

In § 71.171 (38 FR 351), the Tulsa, Okla. (Riverside Airport), control zone is amended to read:

TULSA, OKLA. (RIVERSIDE AIRPORT)

Within a 3-mile radius of Riverside Airport (latitude 36°02'19" N., longitude 95°59'-00" W.) within 2.5 miles each side of the Tulsa VORTAC 223° radial extending from the 3-mile radius zone to 21 miles southwest of the VORTAC and within 2 miles each side of the Riverside TVOR 350° radial extending from the 3-mile radius zone to 4 miles south of the Riverside Airport. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Fort Worth, Tex., on October 4, 1973.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.73-21928 Filed 10-15-73;8:45 am]

[Airspace Docket No. 73-WE-13]

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

Designation of Transition Area

On August 31, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 23536) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Nut Tree Airport, Vacaville, California.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change. Correct the latitude in the geographical coordinates of the Nut Tree Airport to read "38°22'18" N."

Effective date.—This amendment shall be effective 0901 G.m.t., December 6, 1973.

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

Issued in Los Angeles, California, on October 4, 1973.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.181 (33 FR 435) the following transition area is added:

VACAVILLE, CALIFORNIA

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Nut Tree Airport, California (latitude 38°22'18" N., longitude 121°57'33" W.) and within 2.5 miles each side of the Sacramento VORTAC 259° radial, extending from the 3-mile radius area to 13 miles W. of the VORTAC.

[FR Doc.73-21929 Filed 10-15-73;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 13244; Amdt. 95-238]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of The Federal Aviation Regulations is amended, effective November 8, 1973 as follows:

1. By amending Subpart C as follows:

Section 95.48 *Green Federal Airway 8* is amended to read in part:

From; to; and MEA

Delta Island INT, Alaska; *Campbell Lake, Alaska, LF/RBN; 2,000. *3,800—MCA, Campbell Lake LF/RBN, northeast-bound.
Campbell Lake, Alaska, LF/RBN; Matanuska INT, Alaska; 6,500.

Section 95.49 *Green Federal Airway 9* is amended to read:

Oscarville, Alaska, LF/RBN; Schaefer INT, Alaska; *6,000. *5,800—MOCA.
Schaefer INT, Alaska; Sparrevohn, Alaska, LF/RBN; *6,000. *5,600—MOCA.
Sparrevohn, Alaska, LF/RBN; *Spurr INT, Alaska; 13,000. *12,000—MCA Spurr INT, westbound.
Spurr INT, Alaska; Campbell Lake, Alaska, LF/RBN; 6,000.

Section 95.101 *Amber Federal Airway 1* is amended to read in part:

Storey INT, Alaska; *Campbell Lake, Alaska, LF/RBN; 9,000. *6,700—MCA Campbell Lake, LF/RBN, eastbound.
Campbell Lake, Alaska, LF/RBN; *Skwentna, Alaska, LF/RBN; 5,000. *7,000—MCA Skwentna LF/RBN, westbound.
Skwentna, Alaska, LF/RBN; Puntilla Lake, Alaska, LF/RBN; *10,000. *9,000—MOCA.
Puntilla Lake, Alaska, LF/RBN; *Farewell, Alaska, LFR; 10,000. *8,600—MCA Farewell LFR, eastbound.

Section 95.227 *Red Federal Airway 27* is amended to read:

Summit, Alaska, LFR; Julius, Alaska, LF/RBN; *9,500. *8,700—MOCA.
Julius, Alaska, LF/RBN; Fairbanks, Alaska, LFR; *4,000. *2,600—MOCA.

Section 95.239 *Red Federal Airway 39* is amended to read:

Oscarville, Alaska, LF/RBN; *Aniak, Alaska, LF/RBN; 2,300. *3,500—MCA Aniak LF/RBN, northeast-bound.
Aniak, Alaska, LF/RBN; McGrath, Alaska, LFR; *6,000. *5,800—MOCA.
McGrath, Alaska, LFR; Minchumina, Alaska, LF/RBN; 5,000.
Minchumina, Alaska, LF/RBN; Julius, Alaska, LF/RBN; 4,600.
Julius, Alaska, LF/RBN; Fairbanks, Alaska, LFR; *4,000. *2,600—MOCA.

Section 95.240 *Red Federal Airway 40* is amended to read in part:

Skilak INT, Alaska; Campbell Lake, Alaska, LF/RBN; 2,500.

Section 95.282 *Red Federal Airway 82* is deleted.

Section 95.626 *Blue Federal Airway 26* is amended to read in part:

Campbell Lake, Alaska, LF/RBN; Willow INT, Alaska; 4,100.

Section 95.627 *Blue Federal Airway 27* is amended to read:

Kodiak, Alaska, LFR; King Salmon, Alaska, LFR; *10,000. *9,700—MOCA.
King Salmon, Alaska, LFR; Oscarville, Alaska, LF/RBN; 7,500.
Oscarville, Alaska, LF/RBN; Nome, Alaska, LFR; *4,000. *3,800—MOCA.
Nome, Alaska, LFR; Kotzebue, Alaska, LF/RBN; *6,000. *5,400—MOCA.

PUERTO RICO ROUTES

Section 95.1001 *Direct Routes—U.S.* is amended to delete:

Route 2: Texas INT, P.R.; Ramey, P.R., VORTAC; *2,500. *1,800—MOCA.

Section 95.5000 *High Altitude RNAV Routes.*

From/to; total distance; changeover point distance from geographic location; track angle; MEA; and MAA

J800R is amended to read in part:

Chapin, Ill., W/P, Walcott, Kans., W/P; 206; 103; Chapin; 259/079 to COP, 256/076 to Walcott; 18,000; 45,000.
Walcott, Kans., W/P, Enterprise, Kans., W/P; 94; 47; Walcott; 255/075 to COP, 251/071 to Enterprise; 18,000; 45,000.
Enterprise, Kans., W/P, Cedar Bluff, Kans., W/P; 152; 76; Enterprise; 251/071 to COP, 245/065 to Cedar Bluff; 18,000; 45,000.
Cedar Bluff, Kans., W/P, Granada, Colo., W/P; 120; 60; Cedar Bluff; 245/065 to COP, 243/063 to Granada; 18,000; 45,000.

J801R is amended to read in part:

Cabin Creek, Colo., W/P, Goldfield, Colo., W/P; 73; 33; Cabin Creek 059/239 to COP, 061/241 to Goldfield; 18,000; 45,000.
Goldfield, Colo., W/P, Dresden, Kans., W/P; 226; 103; Goldfield; 062/242 to COP, 066/246 to Dresden; 18,000; 45,000.

J815R is amended to read:

Casanova, Va., W/P, Cooper Valley, Va., W/P; 167; 105; Casanova; 237/057 to COP, 233/053 to Cooper Valley; 18,000; 45,000.
Cooper Valley, Va., W/P, Shining Rock, S.C., W/P; 152; 76; Cooper Valley, 236/056 to COP, 234/054 to Shining Rock; 18,000; 45,000.
Shining Rock, S.C., W/P, Lanier, Ga., W/P; 67; 211/031 to Lanier; 18,000; 45,000.

J825R is deleted.

J842R is amended to read in part:

Memphis, Tenn., W/P, Elmwood, Tenn., W/P; 218; 53; Memphis; 061/241 to COP, 066/246 to Elmwood; 18,000; 45,000.
Elmwood, Tenn., W/P, Woodbine, Ky., W/P; 92; 46; Elmwood; 067/247 to COP, 072/252 to Woodbine; 18,000; 45,000.

J859R is amended to read:

Walcott, Kans., W/P, Enterprise, Kans., W/P; 94; 47; Walcott; 255/075 to COP, 251/071 to Enterprise; 18,000; 45,000.
Enterprise, Kans., W/P, Bonny, Colo., W/P; 245; 123; Enterprise; 270/090 to COP, 264/084 to Bonny; 18,000; 45,000.

J863R is amended to read:

Coyle, N.J., VORTAC, Gordonsville, Va., W/P; 205; 103; Coyle; 249/069 to COP, 244/064 to Gordonsville; 18,000; 45,000.
Gordonsville, Va., W/P, Galax, Va., W/P; 148; 74; Gordonsville; 239/059 to COP, 234/054 to Galax; 18,000; 45,000.
Galax, Va., W/P, Lanier, Ga., W/P; 200; 50; Galax; 234/054 to COP, 232/052 to Lanier; 18,000; 45,000.

J868R is deleted:

J879R is amended to read in part:

Princess, W. Va., W/P, Rader, Tenn., W/P; 138; 69; Princess; 188/008 to COP, 185/005 to Rader; 18,000; 45,000.
Rader, Tenn., W/P, Lanier, Ga., W/P; 112; 56; Rader; 198/018 to COP, 200/020 to Lanier; 18,000; 45,000.

J880R is amended to read in part:

Augusta, Ga., W/P, Beech Mountain, N.C., W/P; 153; 107; Augusta; 004/184 to COP, 003/183 to Beech Mountain; 18,000; 45,000.
Beech Mountain, N.C., W/P, Henderson, W. Va., W/P; 160; 45; Beech Mountain; 003/183 to COP, 004/184 to Henderson; 18,000; 45,000.

J885R is amended to read:

Festus, Mo., W/P, Memphis, Tenn., W/P; 196; 68; Festus; 171/351 to COP, 169/349 to Memphis; 18,000; 45,000.

J895R is deleted:

Section 95.5500 *High Altitude RNAV Routes.*

J923R is amended to read in part:

Sanford, Colo., W/P, Goldfield, Colo., W/P; 90; 45; Sanford; 009/189 to COP, 010/190 to Goldfield; 18,000; 45,000.
Goldfield, Colo., W/P, Monument, Colo., W/P; 37; 010/190 to Monument; 18,000; 45,000.

J927R is amended to read in part:

Roberts, Ill., W/P, Marine, Ill., W/P; 136; 211/031 to Marine; 18,000; 45,000.
Marine, Ill., W/P, West Plains, Mo., W/P; 154; 65; Marine; 218/038 to COP, 213/033 to West Plains; 18,000; 45,000.

J929R is amended to read in part:

Bremen, Ga., W/P, Meridian, Miss., W/P; 197; 145; Bremen; 244/064 to COP, 240/060 to Meridian; 18,000; 45,000.

J936R is amended to read in part:

Mora, N. Mex., W/P, Cedar Bluff, Kans., W/P; 292; 125; Mora; 043/223 to COP, 048/228 to Cedar Bluff; 18,000; 45,000.
Cedar Bluff, Kans., W/P, Seneca, Nebr., W/P; 211; 81; Cedar Bluff; 053/233 to COP, 058/238 to Seneca; 18,000; 45,000.

J952R is amended to read in part:

Cooper Valley, Va., W/P, Beech Mountain, N.C., W/P; 86; 43; Cooper Valley; 241/061 to COP, 239/059 to Beech Mountain; 18,000; 45,000.
Beech Mountain, N.C., W/P, Trion, Ga., W/P; 183; 105; Beech Mountain; 241/061 to COP, 236/056 to Trion; 18,000; 45,000.

J953R is amended to read in part:

Montgomery, Ala., W/P, Stone Mountain, Ga., W/P; 144; 72; Montgomery; 050/230 to COP, 054/234 to Stone Mountain; 18,000; 45,000.
Stone Mountain, Ga., W/P, Grambling, S.C., W/P; 123; 62; Stone Mountain; 049/229 to COP, 054/234 to Grambling; 18,000; 45,000.
Grambling, S.C., W/P, Semora, N.C., W/P; 160; 80; Grambling; 056/236 to COP, 058/238 to Semora; 18,000; 45,000.
Semora, N.C., W/P, Atlantic City, N.J., W/P; 288; 105; Semora; 055/235 to COP, 061/241 to Atlantic City; 18,000; 45,000.

J956R is amended to read in part:

Memphis, Tenn., W/P, Marine, Ill., W/P; 227; 175; Memphis; 356/176 to COP, 357/177 to Marine; 18,000; 45,000.
Marine, Ill., W/P, Cantrall, Ill., W/P; 74; 37; Marine; 005/185 to COP, 005/185 to Cantrall; 18,000; 45,000.

J958R is amended to read in part:

Brook, Va., W/P, Flat Rock, Va., W/P; 53; 211/031 to Flat Rock; 18,000; 45,000.
Flat Rock, Va., W/P, Society, S.C., W/P; 198; 99; Flat Rock; 215/035 to COP, 211/031 to Society; 18,000; 45,000.

J991R is amended to read:

Greater Southwest, Tex., VORTAC, Tulsa, Okla., VORTAC; 212; 106; Greater Southwest; 008/188 to COP, 009/189 to Tulsa; 18,000; 45,000.
Tulsa, Okla., VORTAC, Kansas City, Mo., VORTAC; 194; 97; Tulsa; 009/189 to COP, 009/189 to Kansas City; 18,000; 45,000.
Kansas City, Mo., VORTAC, Kamrar, Iowa, W/P; 192; 96; Kansas City; 003/183 to COP, 005/185 to Kamrar; 18,000; 45,000.
Kamrar, Iowa, W/P, Minneapolis, Minn., VORTAC; 164; 82; Kamrar; 358/178 to COP, 360/180 to Minneapolis; 18,000; 45,000.

J992R is amended to read in part:

Yantis, Tex., W/P, Tulsa, Okla., VORTAC; 197; 95; Yantis; 347/167 to COP, 348/168 to Tulsa; 18,000; 45,000.

Make the following RNAV Waypoint Name Changes:

"Reptile, Fla." to "Reply"; "Hialeah, Fla." to "Hight"; "Barford, Fla." to "Barca"; "Andy, Fla." to "Andre"; "Ponte Verdra, Fla." to "Ponte"; "Apopka, Fla." to "Aport"; "Archer, Fla." to "Archi"; "Peninsula, Fla." to "Penny"; "Sailfish, Fla." to "Sails"; "Tarpon, Fla." to "Tarpo"; "Chester, Fla." to "Chest"; "Bay, Fla." to "Babys"; "Darby, Fla." to "Darbs"; "Gateway, Fla." to "Gauge"; "Halibut, Fla." to "Halbi"; "Neptune, Fla." to "Nepta"; "Pike, Fla." to "Pinks"; "Shand, Fla." to "Shave"; "Bonefish, Fla." to "Bondi"; "Bremen, Ga." to "Breme"; "Social Circle, Ga." to "Socle"; "Canton, Ga." to "Cante"; "Oliver, Ga." to "Olive"; "Amsterdam, Ga." to "Amour"; "Kenwood, Ga." to "Kenny"; "Russell, Ga." to "Rushy"; "Mauk, Ga." to "Mauks"; "Lanier, Ga." to "Lands"; "Sinclair, Ga." to "Sinca"; "Springfield, Ga." to "Spong"; "Texas, Ga." to "Taxii"; "Stone Mountain, Ga." to "Stone"; "Fort Payne, Ala." to "Payne"; "Iron Mountain, Ala." to "Irony"; "Gilbert, S.C." to "Gilles"; "Irmo, S.C." to "Irmos"; "Grambling, S.C." to "Grams"; "Society, S.C." to "Soche"; "Ritter, S.C." to "Rites"; "Azalea, S.C." to "Azana"; "Badger, S.C." to "Baggy"; "Shining Rock, S.C." to "Shine"; "Lincolnton, N.C." to "Linco"; "Semora, N.C." to "Semlo"; "Beech Mountain, N.C." to "Beech"; "Surf City, N.C." to "Surfy"; "Clarkton, N.C." to "Clark"; "Red Banks, Miss." to "Banks"; "Duck River, Tenn." to "Ducks"; "Ashport, Tenn." to "Ashop"; "Elmwood, Tenn." to "Elman"

From; to; and MEA

Section 95.6015 *VOR Federal Airway 15* is amended to delete:

Ardmore, Okla., VOR, via W. alter; Shawnee INT, Okla., via W. alter; *3,000. *2,700—MOCA.
Shawnee INT, Okla., via W. alter; Morse INT, Okla., via W. alter; *3,000. *2,400—MOCA.
Morse INT, Okla., via W. alter; Okmulgee, Okla., VOR, via W. alter; *2,600. *2,100—MOCA.

Section 95.6037 *VOR Federal Airway 37* is amended to read in part:

From; to; and MEA

Mooresville INT, N.C.; Buffalo INT, N.C.; 3,000.
Buffalo INT, N.C.; Burch INT, N.C.; *5,000. *3,500—MOCA.

Section 95.6047 *VOR Federal Airway 47* is amended to read in part:

From; to; and MEA

Waterville, Ohio, VOR; Milan INT, Mich.; *2,400. *2,200—MOCA.

Section 95.6054 *VOR Federal Airway 54* is amended to read in part:

From; to; and MEA

Holly Springs, Miss., VOR, via S. alter; Allsboro INT, Ala., via S. alter; *3,500. *2,300—MOCA.

Section 95.6070 *VOR Federal Airway 70* is amended to read in part:

From; to; and MEA

Tickfaw INT, La.; Madison INT, La.; *1,900. *1,600—MOCA.
Madison INT, La.; Picayune, Miss., VOR; *1,900. *1,400—MOCA.

Section 95.6159 *VOR Federal Airway 159* is amended to delete:

From; to; and MEA

Orlando, Fla., VOR, via W. alter; Center Hill INT, Fla., via W. alter; *2,000. *1,900—MOCA.
Center Hill INT, Fla., via W. alter; Ocala, Fla., VOR, via W. alter; *2,000. *1,700—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

From; to; and MEA

Allsboro INT, Ala., via E. alter; Holly Springs, Miss., VOR, via E. alter; *3,500. *2,300—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to delete:

From; to; and MEA

Ardmore, Okla., VOR, via E. alter; Shawnee INT, Okla., via E. alter; *3,000. *2,700—MOCA.
Shawnee INT, Okla., via E. alter; Oklahoma City, Okla., VOR, via E. alter; *3,000. *2,900—MOCA.

Section 95.6198 *VOR Federal Airway 198* is amended by adding:

From; to; and MEA

Brookley, Ala., VOR; Crestview, Fla., VOR; *3,000. *2,400—MOCA.

Section 95.6198 *VOR Federal Airway 198* is amended to delete:

From; to; and MEA

Brookley, Ala., VOR; *Daphne INT, S.C.; **2,000. *2,200—MRA; **1,700—MOCA.
Daphne INT, S.C.; Saufley, Fla., VOR; *2,000. *1,700—MOCA.
Saufley, Fla., VOR; Crestview, Fla., VOR; *2,000. *1,500—MOCA.

Section 95.6210 *VOR Federal Airway 210* is amended by adding:

From; to; and MEA

Oklahoma City, Okla., VOR; Morse INT, Okla.; *4,000. *2,900—MOCA.
Morse INT, Okla.; Okmulgee, Okla, VOR; *2,600. *2,100—MOCA.

Section 95.6241 *VOR Federal airway 241* is amended by adding:

From; to; and MEA

Mobile, Ala., VOR; Crestview, Fla., VOR; *3,000. *2,400—MOCA.

Section 95.6257 *VOR Federal Airway 257* is amended to read in part:

From; to; and MEA

*Grand Canyon, Ariz., VOR; Bryce Canyon, Utah, VOR; **13,000. *12,100—MCA Grand Canyon VOR, northbound; **11,600—MOCA.

Section 95.6272 *VOR Federal Airway 272* is amended to read in part:

From; to; and MEA

Oklahoma City, Okla., VOR; Holdenville INT, Okla.; *4,000. *2,900—MOCA.

Section 95.6295 *VOR Federal Airway 295* is amended to read in part:

From; to; and MEA

Orlando, Fla., VOR; Center Hill INT, Fla.; *2,000. *1,900—MOCA.
Center Hill INT, Fla.; Ocala, Fla., VOR; *2,000. *1,700—MOCA.
Ocala, Fla., VOR; Cross City, Fla., VOR; *2,000. *1,300—MOCA.

Section 95.6337 *VOR Federal Airway 337* is amended to read in part:

From; to; and MEA

Mt. Pleasant, Mich., VOR; White Cloud, Mich., VOR; *3,000. *2,400—MOCA.

Section 95.6493 *VOR Federal Airway 493* is amended to read in part:

From; to; and MEA

Waterville, Ohio, VOR; Harbor View INT, Ohio; 2,300.

Section 95.7055 *Jet Route No. 55* is amended by adding:

From; to; MEA; and MAA

Sea Isle, N.Y., VORTAC; Hampton, N.Y., VORTAC; 18,000; 45,000.
Hampton, N.Y., VORTAC; Providence, R.I., VORTAC; 18,000; 45,000.
Providence, R.I., VORTAC; Boston, Mass., VORTAC; 18,000; 45,000.
Boston, Mass., VORTAC; Kennebunk, Maine, VORTAC; 18,000; 45,000.

Section 95.7581 *Jet Route No. 581* is amended by adding:

Kennedy, N.Y., VORTAC; Putnam, Conn., VORTAC; 18,000; 45,000.

Putnam, Conn., VORTAC; Kennebunk, Maine, VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal Airway Changeover Points:*

From; to; changeover point; and distance from

V-222 is amended to read in part: Hickory, N.C., VOR; Lynchburg, Va., VOR; 62; Hickory.

V-198 is amended to delete: Brookley, Ala., VOR; Saufley, Ala., VOR; 20; Saufley.

Section 95.8005 *Jet Routes Changeover Points.*

From; to; changeover point; and distance from

J-8 is amended to read in part: Needles, Calif., VORTAC; Winslow, Ariz., VORTAC; 81; Needles.

This amendment is made under the authority of sections 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510).

Issued in Washington, D.C., on October 5, 1973.

JAMES O. ROBINSON,
Chief,
Aircraft Programs Division.

[FR Doc.73-21856 Filed 10-15-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2452]

PART 13—PROHIBITED TRADE PRACTICES

Hammond Begun Trading as Freight Liquidators

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.15 Business status, advantages or connections; 13.15–175 Liquidation; 13.15–195 Nature; § 13.30 *Composition of goods;* 13.30–75 Textile Fiber Products Identification Act; § 13.73 *Formal regulatory and statutory requirements;* 13.73–90 Textile Fiber Products Identification Act; § 13.125 *Limited offers or supply;* § 13.135 *Nature of product or service;* § 13.155 *Prices;* 13.155–10 Bail; 13.155–35 Discount savings; 13.155–100 Usual as reduced, special, etc.; § 13.160 *Promotional sales plans;* § 13.235 *Source or origin;* 13.235–40 In general; § 13.240 *Special or limited offiers.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate. Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* 13.1185–80 Textile Fiber Products Identification Act; § 13.1212 *Formal regulatory and statutory requirements;* 13.1212–80 Textile Fiber Products Identification Act. Subpart — Misrepresenting oneself and goods—Business statuts, advantages or connections; § 13.1490 *Nature;* —Goods: § 13.1685 *Nature;* 13.1685–15 By misleading trade or corporate name; § 13.1745 *Source or origin;* 13.1745–70 Place; 13.1745–70(d) In general; § 13.1747 *Special or limited offers;* —Prices: § 13.1779 *Bail;* § 13.1825 *Usual as reduced or to be increased;* —Promotional sales plans: § 13.1830 *Promotional sales plans.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* 13.1845–70 Textile Fiber Products Identification Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2000 *Limited offers or supply;* § 13.2013 *Offers deceptively made and evaded.* Subpart—Using misleading name—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717 (15 U.S.C. 45, 70).) [Cease and desist order, Hammond Begun trading as Freight Liquidators, Glen Burnie, Maryland, Docket C-2452, September 11, 1973.]

In the Matter of Hammond Begun, Individually and as a Former Partner, Trading and Doing Business as Freight Liquidators

Consent order requiring a Glen Burnie, Maryland, retailer of rugs, sewing machines, stereo radios and phonographs, and various other articles of merchandise, among other things to cease using the words "Liquidators," "Freight," "Forwarding," or words of similar import or meaning in respondent's trade or corporate name; misrepresenting the source, character, or nature of merchandise being offered for sale; misrepresenting sale prices as reduced; failing to maintain adequate records; using misleading or deceptive sales plans; using "bait and switch" selling tactics; advertising merchandise falsely or misleadingly; misrepresenting limited offers or supplies; falsely advertising and misbranding its textile fiber products. Respondent is further required to publish, for one year, in connection with its advertising, a notice stating that the respondent has been found by the Federal Trade Commission to have been engaged in bait and switch advertising solely to sell products other than those advertised.

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

I. *It is ordered,* That respondent Hammond Begun, individually, and as a former partner, trading and doing business as Freight Liquidators, or under any other trade name or names, and respondent's agents, representatives and employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of rugs, sewing machines, stereo radios and phonographs, or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Liquidators," "Freight," "Forwarding," or any other word or words of similar import or meaning in or as part of respondent's corporate or trade name or names; or representing, orally or in writing, directly or by implication, that he is a liquidator, authorized adjustor or agent engaged in the sale or disposition of bankrupt, salvage, distrained, distress or transportation company surplus merhandise; or is engaged in liquidating, adjusting, paying off or otherwise settling indebtedness or claims; or misrepresenting, in any manner, his trade or business status.

2. Representing, directly or indirectly, orally or in writing, that any merchandise offered for sale is bankrupt, salvage, distrained, distress or transportation company surplus merchandise; or misrepresenting, in any manner, the source, character or nature of the merchandise being offered for sale.

3. (a) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondent's stated price and respondent's former price unless such merchandise has been sold or offered for sale in good faith at the former price by respondent for a reasonably substantial period of time in the recent, regular course of his business.

(b) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondent's stated price and a compared price for said merchandise or services in respondent's trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said merchandise at the compared price or some higher price.

(c) Representing, directly or indirectly, orally or in writing, that by purchasing any of said merchandise, customers are afforded savings amounting to the difference between respondent's stated price and a compared value price for comparable merchandise, unless substantial sales of merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondent has in good faith conducted a market survey or obtained a similar representative sample of prices in his trade area which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with merchandise of like grade and quality.

4. Failing to maintain and produce for inspection or copying, for a period of three years, adequate records (a) which disclose the facts upon which any savings claims, sale claims and other similar representations as set forth in paragraph 3 of this order are based, and (b) from which the validity of any savings claims, sale claims and similar representations can be determined.

5. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise.

6. Making representations, directly or indirectly, orally or in writing, purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise or serv-

ices but to obtain leads or prospects for the sale of other merchandise at higher prices.

7. Representing, directly or indirectly, orally or in writing, that any merchandise is offered for sale when such offer is not a bona fide offer to sell such merchandise.

8. Discouraging or disparaging, in any manner, the purchase of any merchandise which is advertised or offered for sale.

9. Failing to maintain and produce for inspection and copying for a period of three years adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. The cost of publishing each advertisement including the preparation and dissemination thereof;

b. The volume of sales made of the advertised product or service at the advertised price; and

c. A computation of the net profit from the sales of each advertised product or service at the advertised price.

10. Advertising or offering merchandise for sale when the advertised merchandise is inadequate for the purposes for which it is offered.

11. Representing, directly or indirectly, orally or in writing, that any product is guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and respondent delivers to each purchaser a written guarantee clearly setting forth all of the terms, conditions and limitations of the guarantee fully equal to the representations, directly or indirectly, orally or in writing, made to each such purchaser, and unless respondent promptly and fully performs all of his obligations and requirements under the terms of each such guarantee.

12. Representing, directly, or indirectly, orally or in writing, that the supply of merchandise or the time during which it is available for sale is limited unless respondent establishes that his supply of any article of merchandise advertised was not sufficient to meet reasonably anticipated demands therefor, and that his supply could not be replenished through his customary sources.

13. Failing to maintain and produce for inspection or copying for a period of three (3) years, adequate records from which compliance with the prohibition of Paragraph Twelve of this order can be determined.

II. *It is further ordered*, That respondent Hammond Begun, individually and as a former partner, trading and doing business as Freight Liquidators, or under any other trade name or names, and respondent's agents, representatives and employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with the introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported of any textile fiber product which has been advertised or offered for sale, in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportaton, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by falsely or deceptively stamping, tagging, labeling, invoicing, advertising or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

B. Falsely and deceptively advertising textile products by:

1. Making any representations by disclosure or by implication, as to fiber content of any textile fiber product in any written advertisement which is used to aid, promote or assist, directly or indirectly, in the sale, or offering for sale, of such textile fiber product unless the same information required to be shown on the stamp, tag, label or other means of identification under Sections 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in advertising the fiber content of floor covering containing exempted backings, fillings or paddings, that such disclosure relates only to the face, pile or outer surface of such textile fiber products and not to the exempted backings, fillings or paddings.

3. Using a fiber trade-mark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trade-mark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement, in immediate proximity and conjunction with the generic name of the fiber, in plainly legible and conspicious type.

It is further ordered, That respondent do forthwith cease and desist from disseminating, or causing the dissemination of, any advertisement of merchandise by means of newspapers, or other printed media, television or radio, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, unless respondent clearly and conspicuously discloses in each advertisement the following notice set off from the text of the advertisement by a black border:

"The Federal Trade Commission has found that we have engaged in bait & switch advertising solely designed to sell products other than those advertised."

One year from the date this order becomes final or any time thereafter, respondent upon showing that he has discontinued the practices prohibited by this order and that the notice provision is no longer necessary to prevent the continuance of such practices may petition the Commission to waive compliance with this order provision.

It is further ordered, That respondent shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of obtaining leads for the sale of merchandise, or utilized in the advertising, promotion or sale of merchandise.

It is further ordered, That respondent, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondent and each newspaper publishing company, television or radio station, or other advertising media which is utilized by the respondent to obtain leads for the sale of merchandise, or to advertise, promote, or sell merchandise, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the offering for sale, sale of any product, or in any aspect of preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondent, promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

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

By the commission.[1]

Issued September 11, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-21970 Filed 10-15-73;8:45 am]

[Docket C-2447]

PART 13—PROHIBITED TRADE PRACTICES

Herson Auto Parts & Glass, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and*

[1] Complaint filed as part of original document.

statutory requirements; 13.73–92 Truth in Lending Act; § 13.155 *Prices;* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623–95 Truth in Lending Act;—Prices; § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 133.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147 (15 U.S.C. 45, 1601–1605). [Cease and desist order, Herson Auto Parts & Glass, Inc., et al., Washington, D.C., September 11, 1973, Docket C–2447.]

In the Matter of Herson Auto Parts & Glass, Inc., a Corporation, and Nathaniel Herson, Individually and as an Officer of Said Corporation

Consent order requiring a Washington, D.C. retailer and distributor of used cars, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondents Herson Auto Parts & Glass, Inc., a corporation, its successors and assigns, and its officers, and Nathaniel Herson, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321 (15 U.S.C. 1601 et seq.)), to forthwith cease and desist from:

1. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent in accordance with § 226.5(b) of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

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

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

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

Issued September 11, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-21969 Filed 10-15-73;8:45 am]

[Docket C-2439]

PART 13—PROHIBITED TRADE PRACTICES

Overseas-Alaska Personnel Association, et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages or connections;* 13.15–30 Connections or arrangements with others; 13.15–125 Individual or private business being: 13.15–125(a) Association; 13.15–125(u) Non-profit organization; 13.15–195 Nature; 13.15–200 Non-profit character; 13.15–265 Service; 13.15–270 Size and extent; 13.15–280 Unique or special status or advantage; § 13.55 *Demand, business or other opportunities;* § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.75 *Free goods or services;* § 13.115 *Jobs and employment service;* § 13.135 *Nature of product or service;* § 13.155 *Prices;* 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act; § 13.225 *Services;* § 13.275 *Undertakings, in general.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections or arrangements with others;* § 13.1460 *Individual or private business as professional person, association, or guild;* § 13.1490 *Nature;* § 13.1495 *Nonprofit character;* § 13.1553 *Services;* § 13.1565 *Trade names;* § 13.1570 *Unique status or advantages;* —Goods: § 13.1610 *Demand for or business opportunities;* § 13.1623 *Formal regulatory and statutory requirements;* 13.1623–95 Truth in Lending Act; § 13.1625 *Free goods or services;* § 13.1670 *Jobs and employment;* § 13.1685 *Nature;* 13.1685–15 By misleading trade or corporate name; § 13.1697 *Opportunities in product or service;* —Prices: § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act; —Services: § 13.1835 *Cost;* § 13.1483 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1960 *Free service;* § 13.1995 *Job guarantee and employment;* § 13.2080 *Terms and conditions;* § 13.2090 *Undertakings, in general.* Subpart—Using misleading name—Vendor: § 13.2395 *Individual or private business being association or guild.*

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147 (15 U.S.C. 45, 1601–1605). [Cease and desist order, Overseas-Alaska Personnel Association, et al., Seattle, Washington, Docket C–2439, September 11, 1973.]

In the Matter of Overseas-Alaska Personnel Association, a Corporation, Nationwide Service, Inc., a Corporation, and George P. Schwary, H. Glenn Johnson and Edgar H. Berry, Individually and as Officers of Said Corporations, and Joseph Robert Kollmar, Individually and as a Former Officer of Overseas-Alaska Personnel Association, and William C. Geltz, Individually and as a Former Salesman for Overseas-Alaska Personnel Association

Consent order requiring two Seattle, Washington, sellers of job search services, materials or articles related thereto, among other things to cease misrepresenting job availability; the nature or extent of available jobs; misrepresenting respondents as being non-profit in character; misrepresenting the scope or scale of their operations; misrepresenting the use of computers for matching individuals to particular jobs; misrepresenting services as free; using the word "association" as part of respondents' trade or corporate name; failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the Truth in Lending Act.

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

It is ordered, That respondents Overseas-Alaska Personnel Association and Nationwide Services, Inc., corporations, and their officers, and George P. Schwary, H. Glenn Johnson, and Edgar H. Berry, individually and as officers of said corporations, and Joseph Robert Kollmar, individually and as a former officer of Overseas-Alaska Personnel Association, and William C. Geltz, individually and as a former salesman for Overseas-Alaska Personnel Association,

and respondents' successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale of job search services or materials or articles incident thereto, or similar services, materials, or articles, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication:

1. That jobs are plentiful overseas or elsewhere, unless respondents are able to establish that jobs are in fact plentiful, and available to Americans, in the degree or quantity represented.

2. That respondents have current job openings, except to the extent that respondents do in fact have prior knowledge of specific qualifications required for definite, current openings, by prospective employers who have consented to consider persons referred by respondents for such openings.

3. That particular skills or qualifications of individual clients or prospective clients are in great demand in any part of the world, or that such individuals will encounter little difficulty in obtaining employment through utilization of respondents' services; unless, at the time of such representations, respondents have a reasonable basis for making such representations, which may consist of specific, documented knowledge of the extent of demand for such skills or qualifications or of the difficulty encountered by individual applicants in obtaining employment under circumstances similar to that of the client or prospective client, or other statistically valid data of current applicability to said client's or prospective client's specific job skill.

4. That Overseas-Alaska Personnel Association or any entity or organization controlled by one or more respondents is non-profit, or misrepresenting in any manner the nature or character of respondents' business or the scope or scale of their operations.

5. That respondents are an employer of persons in any occupational category.

B. Misrepresenting in any manner, directly or by implication:

1. That respondents' services include the utilization of a computer for matching or coordinating a client's skills with companies which have a need for such skills.

2. That any of respondents' services or information on specific job openings is furnished free or without cost or obligation.

3. That respondents are authorized to make hiring commitments for companies.

4. The demand for persons to fill overseas positions; the opportunities for employment overseas or the likelihood of avoiding income taxes thereby; the availability or immediacy of any employment opportunity; or any terms, conditions or compensation incident to employment.

5. The character of services actually provided by respondents to persons seeking employment; the nature, extent or recency of respondents' knowledge of employment opportunities overseas or elsewhere; or the manner in which clients' qualifications are presented to prospective employers.

6. The number or proportion of clients who have obtained employment overseas or elsewhere as a result of respondents' services.

C. Charging or accepting, from any individual client or applicant, a fee or unconditional commitment to pay a fee (1) of any kind, for services consisting in any part of job search or referral, or (2) in excess of ten ($10) dollars, for compilations or lists of jobs or companies, or like information for persons seeking employment; unless and until the individual shall have accepted an authentic, firm offer of employment tendered as a result of respondents' furnishing such services, lists or information. Provided, however, that this paragraph shall not apply to the mere preparation and/or duplication of personal resumes, when sold independently of any other job search service.

D. Using the word "association" or any word of similar import or meaning in or as a part of respondents' trade or corporate name, or representing directly or by implication that any entity or organization controlled by respondents is a mutual benefit association of persons working or interested in working in Alaska, overseas, or elsewhere.

It is further ordered, That respondents maintain at all times in the future, for a period of not less than one year, complete business records relative to the manner and form of their continuing compliance with the above terms and provisions of this order; provided, however, that this provision shall not be construed as requiring the recording of interviews and consultations with clients and prospective clients, nor as mitigating in any way the record-keeping requirements imposed by Regulation Z of the Truth in Lending Act.

It is further ordered, That respondents Overseas-Alaska Personnel Association and Nationwide Services, Inc., corporations, and their officers, and George P. Schwary, H. Glenn Johnson, and Edgar H. Berry, individually and as officers of said corporations, and Joseph Robert Kollmar, individually and as a former officer of Overseas-Alaska Personnel Association, and respondents' successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321 (15 U.S.C. 1601 et seq.)), do forthwith cease and desist from:

A. Failing to make, in a single written statement or instrument as required by section 226.8(a) of Regulation Z, the disclosures required by sections 226.8(b) and (c) of Regulation Z, including the cash price, cash downpayment, amount financed, finance charge, annual percentage rate, deferred payment price, total of payments, and the number, amounts, and due dates or periods of payments scheduled to repay the indebtedness.

B. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with sections 226.4 and 226.5 of Regulation Z, at the time and in the manner, form, and amount required by sections 226.6, 226.8, and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to each operating division, to all present and future franchisees and licensees, and to all personnel of respondents now or hereafter engaged in the offering for sale, or sale of respondents' job search services or related materials or articles, or in any aspect of the preparation, creation or placing of advertising of such services, materials or articles, and that respondents secure from each such person a signed statement acknowledging receipt of said order.

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

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment, and/or of their affiliation with any other business offering job search or placement services or materials for a fee or fees payable by persons seeking employment, in the event of such discontinuance or affiliation within ten (10) years of the date of service of this order. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

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

Issued September 11, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-21971 Filed 10-15-73;8:45 am]

[Docket C-2458]

PART 13—PROHIBITED TRADE PRACTICES

Royal Industries, Inc.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.175 *Quality of product or*

service; § 13.195 *Safety;* § 13.195–60 *Product.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45). [Cease and desist order, Royal Industries, Inc., Pasadena, California, Docket C-2458, September 24, 1973.]

In the Matter of Royal Industries, Inc. a Corporation

Consent order requiring a Pasadena, California, manufacturer and seller of safety helmets and other products, among other things to cease making unsubstantiated claims regarding the safety and/or superiority of its Grant polycarbonate helmets. Further, respondent is required to (1) recall and retrieve all promotional material containing such statements as "World's Finest Helmet" and "World's Safest Helmet," (2) send gummed strips to all wholesalers and distributors to be placed on the helmet boxes over the statement "World's Finest Helmet," and (3) put warning notices on its helmets that their safety properties may be destroyed if paints, solvents or like substances are used on them.

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

It is ordered, That respondent, its successors and assigns, its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, shall forthwith cease and desist from representing orally, in writing, visually or in any other manner, directly or by implication, unless such representations are fully substantiated by clear and convincing evidence of controlled scientific tests conducted by experts, the results and methodology of which are available for inspection by the general public, that:

1. Grant polycarbonate helmets are the safest, finest or best safety helmets;

2. Grant polycarbonate helmets are superior to most fiberglas helmets with respect to strength and safety;

3. Grant polycarbonate helmets have passed more rigorous tests than any other safety helmets; and

4. Any product presently manufactured or manufactured in the future by Grant Division of Royal Industries, for as long as such product is manufactured by Grant or any other division or subsidiary of Royal Industries, is comparable or superior to any other product with respect to safety or has met or passed any safety standard or test.

It is further ordered, That respondent shall forthwith cease and desist from representing orally, in writing, visually or in any other manner, directly or by implication, unless such representations are fully substantitated by clear and convincing evidence of controlled scientific tests conducted by experts, the results and methodology of which are available for inspection by the general public, that Grant polycarbonate helmets meet or exceed Z–90.1 safety tests or other more rigorous safety tests.

It is further ordered, That respondent shall clearly and conspicuously disclose *at least* the following warning information in the manner and in each of the places hereinafter specified:

WARNING:

DO NOT USE PAINTS, SOLVENTS, CHEMICALS, ADHESIVES, HIGH TEST GASOLINE OR LIKE SUBSTANCES ON THIS SAFETY HELMET. IF SUCH SUBSTANCES ARE APPLIED TO OR COME IN CONTACT WITH THIS HELMET, THE IMPACT RESISTANCE AND OTHER SAFETY PROPERTIES OF THE HELMET MAY BE DESTROYED. THESE DANGEROUS CONDITIONS MAY NOT BE APPARENT OR READILY DETECTABLE BY THE USER.

The aforesaid warning information shall be permanently affixed to the interior of each polycarbonate helmet in such a way as to be easily noticed and read by a person glancing into the interior of the helmet. The same warning information shall also be set forth clearly and conspicuously on a card measuring at least two inches by four inches, affixed to the chin strap or retaining strap of each such helmet.

It is further ordered, That respondent shall forthwith recall and retrieve from distributors and retailers all promotional materials containing the statements "World's Finest Helmet," "World's Safest Helmet," or words of similar import and meaning, in reference to any polycarbonate shell safety helmet manufactured, sold, or distributed by respondent. Respondent shall recall and retrieve said materials from each person, partnership, corporation, or other entity which possesses them for the purpose of selling or offering for sale said helmets to the public or for the purpose of causing said helmets to be sold or offered for sale to the public.

It is further ordered, That respondent shall forthwith send by certified mail return receipt requested, gummed or adhesive strips to each of its wholesalers, distributors,[1] or other persons who possess for purposes of sale, directly or indirectly, to the public, Grant polycarbonate helmets in packaging which bears the statement "World's Finest Helmet." Said gummed or adhesive strips are to be placed over each statement of "World's Finest Helmet" on the helmet packaging in such a manner as will completely cover and block out such statements.

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of its operating divisions and, along with a copy of the accompanying complaint, to each of the wholesale customers of Grant Division of Royal Industries.

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

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

Issued September 24, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-21972 Filed 10-15-73;8:45 am]

[1] Complaint filed as part of original document.

[Docket No. 8671]

PART 13—PROHIBITED TRADE PRACTICES

Sperry & Hutchinson Company

Subpart—Combining or conspiring: § 13.395 *To control marketing practices and conditions;* § 13.470 *To restrain or monopolize trade.*

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45). [Cease and desist order (with dissenting statement), Sperry & Hutchinson Company, New York City, Docket No. 8671, September 18, 1973.]

In the Matter of The Sperry & Hutchinson, Co., a Corporation

Consent order requiring the nation's largest trading stamp redemption firm, based in New York City to cease combining or conspiring to prevent redemption of trading stamps or the operation of a trading stamp exchange. Respondent is further required to give $2.00 in cash per book of 1200 green stamps to all customers who choose to redeem their stamps for cash. S&H is further obligated to redeem as few as 300 stamps for a cash value of $.50 and to inform consumers of these new rights by prominent notices in S&H stamp saver books and redemption centers; and required to cancel all injunctions obtained against trading stamp exchanges in the last 12 years.

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

I. *It is ordered,* That respondent, The Sperry and Hutchinson Company, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the issuing, distribution, sale, or the redemption of trading stamps in commerce, as "commerce" is defined in the Federal Trade Commission Act, shall within sixty (60) days of the effective date of this order:

(a) Offer to redeem in cash at any of its redemption centers all of its trading stamps presently outstanding or hereafter issued which are duly presented for redemption by bona fide holders, provided a minimum of 300 stamps is presented for redemption. The holder who elects redemption in cash shall be entitled to receive an amount of money which shall not be less than the sum of

(1) the merchandise cost incurred by respondent in redeeming a like number of stamps presented for merchandise redemption and (2) 32 percent of such merchandise cost. The term "merchandise cost incurred by respondent", for the purposes of this order, shall be determined on the basis of the average merchandise cost incurred by respondent, according to its books and records, in redeeming 1200 stamps for merchandise in each of the five fiscal years preceding the fiscal year in which the stamps are presented. Respondent's initial cash redemption value shall be set at $2.00 per 1200 stamps pursuant to the above described formula, and said value shall not be changed until such time as the merchandise cost plus 32 percent, as determined pursuant to the above formula, is at least 20 cents above or below the then current cash redemption value. Respondent's cash redemption value shall thereafter be further adjusted by applying the above procedures;

(b) included in every stamp saver book to be printed by respondent after the date of this order the following notice which is to be printed in no less than 14 point type at the top of the inside cover of said book: "A minimum of 300 stamps may be redeemed at the option of the holder for cash instead of merchandise. The cash value of 300 stamps is _____ and the cash value of a completed book of stamps (1200 stamps) is _____."; and

(c) conspicuously display in every redemption center the notice set forth in (b) above.

II. *It is further ordered*, That respondent shall cease and desist from:

1. Combining or conspiring with, or soliciting concerted action from, any other trading stamp company to prevent redemption of trading stamps or the operation of a trading stamp exchange.

2. Communicating in any way with any other trading stamp company or acting in any way in response to any communication from any trading stamp company with respect to preventing the operation of any trading stamp exchange or the free and open redemption or exchange of trading stamps by any person.

III. *It is further ordered*, That respondent:

(a) within sixty (60) days after the effective date of this order make an application to vacate every injunction which has been issued in any court within the twelve years preceding the effective date of this order against the redemption, exchange, sale or other use of respondent's trading stamps by any commercial trading stamp exchange, without prejudice to respondent's right to bring new actions in the same courts (and in other courts) to enjoin the redemption, exchange, sale or other use of S & H trading stamps by such commercial trading stamp exchanges in the future on the basis of facts occurring after the aforementioned injunctions have been vacated, and without prejudice to the right of the Federal Trade Commission to take any action it considers appropriate with regard to any future actions brought by respondent against commercial trading stamp exchanges; and respondent shall within such sixty-day period notify every such commercial trading stamp exchange of said application to vacate;

(b) Notify the Federal Trade Commission in writing of any such action it may institute in the future against any commercial trading stamp exchange and such notification shall be mailed to the Commission no later than the date on which such action is commenced.

It is further ordered, That respondent, within sixty (60) days after the effective date of this order, notify in writing all of its redemption employees of the provisions of this order.

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

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

It is agreed that for the purposes of this order, the term "commercial trading stamp exchange" as used herein means any person, firm, partnership, corporation or other business entity, other than a trading stamp company, which is engaged in the business of exchanging, redeeming, selling or otherwise dealing in trading stamps and where such business is conducted as a separate and independent enterprise which is not ancillary to, or does not result in a direct benefit to, any retailing or other business conducted by such person, firm, partnership, corporation or other business entity.

Issued September 18, 1973.

By the Commission.[1]

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-21973 Filed 10-15-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

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

Sulfadimethoxine, Ormetoprim

The Commissioner of Food and Drugs has evaluated a supplemental new drug application (40-209V) filed by Hoffmann-La Roche, Inc., Nutley, NJ 07110, proposing widening the assay limits from plus or minus 15 percent to plus or minus 25 percent for ormetoprim in finished animal feeds containing 0.01 percent of combined ormetoprim and sulfadimethoxine. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended by revising § 135e.55(c)(1) to read as follows:

§ 135e.55 Sulfadimethoxine, ormetoprim.

* * * * *

(c) *Assay limits.* (1) Finished feed containing 0.01 percent of combined drug must contain not less than 75 percent nor more than 125 percent of either ormetoprim or sulfadimethoxine.

* * * * *

Effective date.—This order shall be effective October 16, 1973.

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

Dated October 5, 1973.

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

[FR Doc.73-21922 Filed 10-15-73;8:45 am]

PART 148e—ERYTHROMYCIN

Erythromycin Stearate Oral Suspension

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to approval of erythromycin stearate oral suspension.

The Commisioner concludes that data supplied by the manufacturer concerning the subject antibiotic drug product is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 148e is amended by adding the following new section to provide for the certification of erythromycin stearate oral suspension:

§ 148e.37 Erythromycin stearate oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Erythromycin stearate oral suspension is erythromycin stearate with suitable and harmless buffer substances, dispersing agents, diluents, colorings, and flavorings. It contains the equivalent of 25 milligrams of erythromycin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of erythromycin that it is represented to contain. Its pH is not less than 7.0 and not more than 8.5. The erythromycin stearate used conforms to the standards prescribed by § 148e.6(a)(1).

[1] The dissenting statement of Commissioner Jones is filed as part of the original document.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The erythromycin stearate used in making the batch for potency, safety, moisture, pH, residue on ignition, identity, and crystallinity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(a) The erythromycin stearate used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place an accurately measured representative volume of the suspension into a high-speed glass blender jar. Add sufficient methyl alcohol to the jar to give a concentration of 1.25 milligrams of erythromycin base per milliliter (estimated). Blend for 2 to 3 minutes. Add sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a concentration of 0.5 milligrams of erythromycin base per milliliter (estimated) and blend again for 2 to 3 minutes. Further dilute with solution 3 to the reference concentration of 1.0 microgram of erythromycin base per milliliter (estimated).

(2) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted suspension.

As the conditions prerequisite to providing for certification of this drug have been complied with and as the matter is noncontroversial in nature, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date.—This order shall be effective October 16, 1973.

(sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357).)

Dated October 5, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-21923 Filed 10-15-73;8:45 am]

Title 24—Housing and Urban Development

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

[Docket No. R-73-230]

PART 275—LOW-RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing

In the FEDERAL REGISTER issued June 8, 1973 (38 FR 15051), prototype per unit cost schedules were published pursuant to section 15(5) of the Housing and Urban Development Act of 1937. Consideration of subsequent factual project cost data received from the Phoenix Insuring Office indicates that certain prototype per unit cost schedules should be revised for the State of Arizona.

Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective on October 16, 1973, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to those cost limits in accordance with the Department's adopted Publications Policy (24 CFR Part 10), and good cause exists for making them effective on October 10, 1973.

For the foregoing reasons the following changes are made to the schedules as originally published in Vol. 38 of the FEDERAL REGISTER:

1. On page 15069 delete the Window Rock, Arizona schedule under Region IX and substitute in lieu thereof the revised prototype per unit costs shown on the table set forth hereinafter, entitled Prototype Per Unit Cost Schedule (Sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d)).

Effective date. This amendment shall be effective on October 10, 1973.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION IX

	Number of bedrooms						
	0	1	2	3	4	5	6
Window Rock, Ariz.:							
Detached and semidetached	11,300	13,600	16,850	20,050	24,150	26,850	28,150
Row dwellings	10,750	13,000	16,050	19,100	22,900	25,600	26,700
Walk-up	9,200	11,500	14,550	17,200	19,850	21,900	23,000
Elevator-structure	16,000	18,500	23,400				

[FR Doc.73-21991 Filed 10-15-73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Vermont Plan

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

The State of Vermont submitted on September 6, 1972, a plan pursuant to Part 1902 requesting approval of the plan by the Assistant Secretary of Labor for Occupational Safety and Health. On November 10, 1972, a notice was published in the FEDERAL REGISTER (37 FR 23953) concerning the submission of the plan and the fact that the question of approval was in issue before the Assistant Secretary.

The plan designates the Department of Labor and Industry as the agency to be responsible for administering and enforcing the plan throughout the state. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in § 1902.2(c)(1) of Chapter XVII, Title 29, Code of Federal Regulations. Further, Vermont has adopted all Federal occupational safety and health standards.

Permanent standards that have been and will be adopted by the United States Department of Labor after December 31, 1972, will be adopted as state standards within one year after the date of original promulgation by the United States Secretary of Labor. The plan will cover all employees within the state including those employees of public agencies of the state and its political subdivisions.

The plan includes the Vermont Occupational Safety and Health Act which was enacted in July 1972 as well as various rules and regulations to implement the Act and make it fully operational. Amendments to the Vermont Act will be introduced in the 1974 session of the Vermont legislature to bring certain provisions of the Act into full conformity with the requirements of section 18(c) of the Federal Act and 29 CFR Part 1902.

Interested persons were afforded thirty (30) days from the date of publication to submit written comments concerning the plan. Further, interested persons were given an opportunity to request an informal hearing with respect to the plan or any part thereof, upon the basis of substantial objections to the contents of it.

Written comments concerning the plan were submitted on behalf of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). No other written comments were received, and no request for an informal hearing was made.

2. *Issues.* Pursuant to the public comments and discussions with the staff of the Office of Federal and State Operations of the Occupational Safety and Health Administration, the state has made significant modifications in its plan in order to meet many of the objections that had been raised. Vermont made these changes in letters dated March 2, 1973, March 16, 1973, and August 24, 1973, which are herein incorporated in the plan.

The modifications that have been made by the state include the following:

(a) Plans to amend its penalty provisions to mirror the Federal Act thereby providing a mandatory civil penalty for serious violations and the deletion of its provision for employee sanctions;

(b) Assurances that the state shall delete its provision regarding the granting of variances for non-workplaces;

(c) Assurances that the state shall amend its legislation to eliminate its "de novo" review procedure and to substitute a new judicial review procedure which will be patterned after the Federal procedure;

(d) The granting to the Commissioner of Labor and Industry pursuant to his authority to make inspections and investigations, the necessary legal authority to get a court order compelling an individual to testify in cases where such individual has refused to do so;

(e) Assurances that the state shall draft administrative regulations which will be patterned after Federal regulations concerning advance notice of inspections;

(f) Assurances that private boiler insurance company inspectors are not included in the staffing of the plan, and further, that Vermont has a sufficient number of inspectors hired under the state's merit system to enforce boiler safety and health codes;

(g) Assurances that the state's use of the term "public" health, safety and welfare in its emergency standards provision is all-inclusive covering all persons, employees and non-employees, places of employment and private dwellings and therefore, permits full action in the area of occupational safety and health; and

(h) Plans to amend its legislation to provide that both employers and employees shall have twenty (20) days to appeal a citation to the review board.

In addition to the subjects of plan modification which have thus far been discussed, criticism of the state's proposed employee discrimination provision and its intent to provide various employee rights in administrative regulations rather than by statute were voiced.

In response to such criticism, the state is planning to substantially amend its legislation to provide that the following important employee rights shall be guaranteed in the Vermont Act: The right of employee representation during the inspection process; the right of an employee to request an inspection or to register a complaint coupled with the right of such employee to remain anonymous; provision for prompt response to employee complaints with the right of informal review of decisions made thereto; the right of an employee to have access to information on his exposure to toxic materials or harmful physical agents and to receive prompt information when he has been or is being exposed to such materials at levels in excess of those prescribed by applicable health and safety standards; the right of employees to be informed of the existence of imminent danger situations; and the right of employees to be informed of their protections and obligations under the Act.

As far as Vermont's provision for protecting employees against discharge or discrimination in terms or conditions of employment as a result of the exercise of their rights under the Act, Vermont had initially intended to make such discrimination an unfair labor practice under its Labor Relations Act. Under that Act, an employee would have to show by a preponderance of the evidence that his employer had discriminated against him unlike the Federal Act wherein it is provided that the Secretary of Labor bears the burden of receiving complaints of employee discrimination and thereafter taking appropriate court action. Vermont's provision could possibly have been considered less effective than the Federal because placing the burden of proving discrimination on an aggrieved employee might serve to inhibit employee complaints. The state is, therefore, now planning to amend its legislation to provide that employee complaints of discrimination shall be handled under the Vermont Occupational Safety and Health Act with the Commissioner of Labor and Industry investigating complaints of discrimination and bringing appropriate court action.

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

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

Pursuant to § 1902.20(b)(1)(iii) of Title 29, Code of Federal Regulations, the present Federal enforcement authority in Vermont will not change initially. Present priorities of Federal enforcement will continue at least until the State has promulgated rules for the operation of the Occupational Safety and Health Review Board and until certain other administrative regulations are promulgated. An evaluation of the state plan, as implemented, will be made on a continuing basis to assess the appropriate level of Federal enforcement activity. Federal enforcement authority will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Vermont. Part 1952 is hereby amended by adding thereto a new Subpart U reading as follows:

Subpart U—Vermont

§ 1952.270 Description of the plan.

(a) The state's program will be administered and enforced by the Department of Labor and Industry. Safety standards are to be promulgated by the Commissioner of Labor and Industry while the Secretary of the Agency of Human Services is to promulgate health standards. The Division of Industrial Hygiene, within the Department of Labor and Industry, will then have the responsibility of inspecting workplaces for violations of health standards. However, enforcement of the Vermont Occupational Safety and Health Act, including the issuance of citations for all violations, rests with the Department of Labor and Industry. Administrative adjudications will be the responsibility of an independent State Occupational Safety and Health Review Board.

(b) The state program will protect all employees within the state including those employed by the state and its political subdivisions. Public employees are to be granted the same protections as are afforded employees in the private sector. Specific administrative procedures for implementing the plan within the state agencies are to be drafted by the Vermont Agency of Administration.

(c) Vermont has adopted all Federal standards promulgated before December 31, 1972. Future permanent Federal standards will be adopted by the state within one year after promulgation by the Secretary of Labor.

(d) The state enabling legislation became law on July 1, 1972. The Act sets forth the general authority and scope for implementing the plan. The plan also contains proposed amendments to the Act which are designed to bring the legislation into full conformity with section 18(c) of the Federal Act and Part 1902. The state has also adopted regulations patterned after 29 CFR Parts 1903, 1904 and 1905.

(e) The Vermont Act and the regulations drafted pursuant to it provide procedures for prompt and effective standards-setting for the protection of employees against new and unforeseen hazards and for furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; variances; the giving to employer and employee representatives an opportunity to accompany inspectors and to call attention to possible violations before, during, and after inspections; the protection of employees against discharge or discriminationin terms or conditions of employments; notice to employees or their representatives when no compliance action is taken upon complaints, including informal review; notice to employees of their protections and obligations; adequate safeguards to protect trade secrets; prompt notice to employers and employees of alleged violations of standards and abatement requirements; effective sanctions against employers; the right to review alleged violations, abatement periods, and proposed penalties with the opportunity for employee participation in the review proceedings; prompt restraint or elimination of imminent danger conditions; and the development of a program to encourage voluntary compliance by employers and employees.

(f) The plan includes a statement of the Governor's support of it and of the

proposed amendments to its legislation. It sets out goals and provides a timetable for bringing the plan into full conformity with Part 1902. Personnel hired under the state's merit system will carry out the program.

§ 1952.271 Where the plan may be inspected.

A copy of the plan may be inspected and copied during normal business hours at the following locations: United States Department of Labor, Office of Federal and State Operations, Occupational Safety and Health Administration, Room 305, 400 First Street, NW., Washington, D.C. 20210; Regional Office, Occupational Safety and Health Administration, 18 Oliver Street, Fifth floor, Boston, Massachusetts 02110; Department of Labor and Industry, State Office Building, Montpelier, Vermont 05602.

§ 1952.272 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of Title 29, Code of Federal Regulations, the present Federal enforcement authority in Vermont will not change initially. Present priorities of Federal enforcement will continue at least until the State has promulgated rules for the operation of the Occupational Safety and Health Review Board and until certain other administrative regulations are promulgated.

§ 1952.273 Developmental schedule.

(a) Introduction and enactment of amendments to the Vermont Occupational Safety and Health Act in the 1974 session of the state legislature;

(b) Completion of the state's Compliance Manual;

(c) Drafting of rules governing the operation of the Occupational Safety and Health Review Board;

(d) Development of specific administrative procedures for implementing the occupational safety and health program within the state agencies by January 1974;

(e) Development of the state's Voluntary Compliance Program for Employers and Employees by January 1974.

(f) Appointment of advisory committees for safety and health standards upon plan approval.

(g) Within three years of plan approval all developmental steps will be fully implemented.

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

Signed at Washington, D.C., this 1st day of October 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-21974 Filed 10-15-73;8:45 am]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1812—FEDERALLY ASSISTED CONSTRUCTION

Additional Requirements

Section 1812.1 *Applicability* and § 1812.16 *Records retention and inspection* are being revised to emphasize the fact that additional requirements pertaining to Federally assisted projects have been promulgated in other DCPA issuances and that they are also applicable to construction projects. Section 1812.2 "Preapplication" is being revised. DCPA is exercising its option, under Attachment M of OMB Circular A-102, to require the use of the preapplication form (OMB No. 80-R-0187 in regard to projects for which the need for Federal funding is less than $100,000. Processing under advance consultation procedures is not deemed appropriate.

Part 1812 of Chapter XVIII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Section 1812.1, *Applicability*, is amended by addition of a concluding sentence, reading as follows:

§ 1812.1 Applicability.

* * * In it are prescribed procedures, criteria, terms, and conditions which are in addition to those prescribed in 32 CFR 1801 and in detailed guidance material which is promulgated over the signature of the Director, Defense Civil Preparedness Agency (DCPA), distributed to each State, and made available to each participating political subdivsion.

2. Section 1812.2 is revised to read as follows:

§ 1812.2 Preapplication.

Except as may otherwise be specifically required or permitted under written criteria and procedures promulgated over the signature of the Director, Defense Civil Preparedness Agency, which are distributed to each State and made available to each participating political subdivision, preapplication shall be made for each construction project for which the need for Federal funding exceeds $1,000. The standard form, "Preapplication for Federal Assistance" (No. 80-R-0187, Exhibit M-1, OMB Circular A-102) shall be used.

3. Section 1812.16 is revised to read as follows:

§ 1812.16 Records retention and inspection.

Records for a facility constructed with the assistance of Federal funds shall be retained and made available for three years after its final disposition. This requirement is in addition to: (a) regular records retention and inspection requirements prescribed for all DCPA contributions projects, in accordance with OMB Circular A-102; and (b) the provisions of the equal opportunity and labor standards clauses set forth in Part 12, Subpart H and Part 1808 of Title 32 of the Code of Federal Regulations, requiring the maintenance and availability of payrolls, books, accounts, and other records of contractors and subcontractors.

(Sec. 401(g), 201(1), 205, 64 Stat. 1245-1257, (50 U.S.C. App. 2251-2297), Reorganization Plan No. 1 of 1958, 72 Stat. 1799; Executive Order 10952, "Assigning Civil Defense Responsibilities to the Secretary of Defense and Others," July 20, 1961; order of the Secretary of Defense establishing the Defense Civil Preparedness Agency as an agency of the Department of Defense, FR Doc. 72-15636, filed September 13, 1972, 37 FR 18636.)

(Catalog of Federal Domestic Assistance Programs: No. 12.305, Civil Defense—Emergency Operating Centers; No. 12.315, Civil Defense—Personnel and Administrative Expenses; No. 12.321, Civil Defense—State and Local Supporting Systems Equipment.)

Dated October 4, 1973.

These amendments are effective immediately.

JOHN E. DAVIS,
Director,
Defense Civil Preparedness Agency.

[FR Doc.73-21955 Filed 10-15-73;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER XIII—ENERGY POLICY OFFICE

EPO REG. 1—MANDATORY ALLOCATION PROGRAM FOR MIDDLE DISTILLATE FUELS

OCTOBER 12, 1973.

Hearings were held in Washington, D.C., June 11-14, 1973, on mandatory allocation of crude oil and petroleum products. On August 9, 1973, the Energy Policy Office announced a proposed regulation for the mandatory allocation of crude oil, refined petroleum products, and liquefied petroleum gas. The proposed program was published on August 13, 1973, in the FEDERAL REGISTER (38 FR 21797). After consideration of the comments received during these hearings and in writing, the Director of the Energy Policy Office is issuing the following regulations for the mandatory allocation of middle distillates. No other fuels are covered by this regulation.

Because of the emergency nature of this regulation due to the possibility of present and prospective shortages of middle distillates, it is necessary that this program shall go into effect as soon as practicable; it has been determined that this regulation shall go into effect on November 1, 1973.

A new Chapter XIII is added to Title 32A CFR consisting of the following EPO Reg. 1:

EPO REG. 1—MANDATORY ALLOCATION PROGRAM FOR MIDDLE DISTILLATE FUELS

Sec.

AUTHORITY: Sec. 203(a)(3) of the Economic Stabilization Act as amended by Pub.

L. 93-28; (12 U.S.C. 1904) (Note): EO 11695, 38 FR 1473; COLC Order 39, 38 FR 22909.

Section 1 Purpose and intent.

It is the intent of this program to distribute middle distillate fuel products among wholesale purchasers equitably and to provide for a state reserve for alleviating exceptional end-user hardships. The Federal Government, through the Department of the Interior, will administer directly that portion of the program which ensures equitable distribution to the wholesale purchaser. It is intended that allocations will be made by suppliers consistent with normal regional patterns through customary distribution networks. Wholesale purchasers of middle distillate fuels will be allocated 100% of the quantities purchased in calendar year 1972, or, if these quantities are not available, a proportional share of the supplier's allocable supplies. Wholesale purchasers not in business during the entire base period, or who have had substantial increases in fuel requirements from base period supply levels, may petition the Department of the Interior to be assigned a supplier or to receive increased allocations. State governments may recommend redirection of future deliveries of middle distillates within their states from one or a number of wholesale purchasers to other wholesale purchasers to alleviate exceptional hardships of end-users. Redirection of distillate supplies will be authorized by a representative of the Department of Interior located within the state that makes the recommendation. The Federal Government is not publishing a priority list for the allocation of middle distillates as virtually all uses of distillates (diesel fuel and home heating oil) are important. It is intended that the state and Federal Governments, working together, will respond efficiently to all valid needs for distillates and that all end-users such as homeowners, agricultural users, and emergency services will receive a fair share of available fuel. The amount redirected, known as the state reserve, may not exceed 10% of any wholesale purchaser's total allocation. The state reserve must be determined and redirected if necessary, on a monthly basis. All wholesale purchasers affected will be restored to their total allocation as soon as possible. The state reserve is not a set-aside; it may not be accumulated or deferred. Implicit in this program is the obligation of all wholesale purchasers who engage in retail sales to supply their customers equitably on a voluntary basis.

It is also intended to implement this program in a manner which supports our national environmental goals. Regulations and procedures established pursuant to the Clean Air Act will continue to be the primary means of achieving environmental objectives. Nothing in this regulation is intended to relieve suppliers of their legal obligations to comply with State sulfur regulations. To the extent feasible, any reallocation actions will be consistent with applicable sulfur regulations. In addition, authority granted under this program will be used, to the extent feasible, to help insure that violations of the health related air quality standards are minimized.

Sec. 2 Definitions.

"Adjusted base period supply volume" is the amount which is assigned by the Department of the Interior to a wholesale purchaser in lieu of the wholesale purchaser's actual base period sales or usage and which a supplier must use as a base for calculating allocations.

"Allocable suppliers" are supplier's total supply of each middle distillate product covered by this program, less any exempt volumes.

"Allocation fraction" is a fraction calculated as described in the program regulations, which each supplier will use to apportion his allocable supplies for each middle distillate product among all his wholesale purchasers based on their base period supply volumes or adjusted base period supply volumes.

"Assigned customer" is a wholesale purchaser who is assigned a supplier by the Department of the Interior and whom the supplier must supply for the duration of this program.

"Base period" is the equivalent month of 1972.

"Base period supply volume" is a wholesale purchaser's monthly base purchases or usage during 1972. A supplier's base period supply volume will equal the sum of the base period monthly supply volumes and the adjusted monthly base period supply volumes of his wholesale purchasers and his own retail outlets.

"Exempt volumes" are those supplies of each middle distillate fuel available to a supplier that are in excess of his base period supply volume, and therefore, are not subject to allocation.

"Middle distillate fuels" are for the purpose of this regulation, any derivatives of petroleum, such as kerosene, jet fuel, home heating oil, range oil, stove oil, diesel fuel, and gas oil, which have a fifty percent boiling point in the ASTM D86 standard distillation test falling between 350° F and 700° F.

"Proportional allocation" is utilized if the 1972 supply levels are not available; it is equal to the product of the supplier's allocation fraction and the wholesale purchaser's base period supply volume or adjusted base period supply volume.

"State reserve" is up to 10% of each wholesale purchaser's total allocation which may be redirected to alleviate end-user cases of exceptional hardship on the basis of a recommendation by the designated state office. This reserve represents a call on future supplies and does not constitute a set-aside from current supplies.

"State office" means, with respect to each of the 50 states, the District of Columbia, the commonwealths, possessions, and territories within the Customs Territory of the United States, the office designated by its governor or chief executive to handle requests for assistance from the state reserve.

"Supplier" is any refiner, wholesale marketer, jobber, distributor, terminal operator, person, firm or corporation (including any broker) who supplies middle distillate fuels in bulk at the wholesale level. A supplier may also be a wholesale customer or purchaser.

"Total allocation" is an amount equal to 100% of a wholesale purchaser's base or adjusted base period supply volume, or, if the supplier does not have sufficient supplies, a proportional allocation.

"Wholesale customer or purchaser" is a person, firm, corporation, cooperative, or governmental unit that purchases middle distillate fuels in bulk at the wholesale level, including refiners, distributors, independent, branded and unbranded jobbers or dealers, public utilities, industries, or large volume users.

Sec. 3 Coverage of program.

(a) The program established under this regulation will cover middle distillates produced in or imported into all states, the District of Columbia, territories, commonwealths, and possessions within the Customs Territory of the United States.

(b) Suppliers will operate separate programs for District I–IV and for District V. However, normal supply patterns that cross district boundaries will be continued. For the purpose of this program, retail outlets normally supplied across district lines will be considered to be in the district from which they are supplied.

(c) The program applies to all refiners, gas plant operators, wholesale marketers, jobbers, distributors, and terminal operators, or any person, firm or corporation supplying or purchasing middle distillates in bulk at the wholesale level.

Sec. 4 Basis for proportional allocations.

(a) Each wholesale purchaser entitled to receive allocations under this program will be supplied by his supplier(s) of record during the corresponding month of 1972. For the duration of this program, each supplier will be required to provide supplies of middle distillates to the customers (including firms which have undergone a change in ownership) which he served during 1972.

(b) Each wholesale purchaser's base period supply volume in any month will be the amount purchased from all suppliers during the corresponding month of 1972.

(c) A supplier will be required to allocate supplied to each wholesale purchaser based on his records of sales during 1972. It will be each wholesale purchaser's responsibility to notify his supplier of his base period supply volume within 30 days if it differs from the amounts determined by the supplier. The supplier may, if he so desires, request that the notification be on a Department of Interior form which requires certification. When a supplier does not receive notification from a wholesale purchaser, he should assume that the wholesale purchaser's volume is the same as his sales to that purchaser during the base period. The Department of the Interior may investigate such cases and depending upon its findings, may adjust any future allocations by restoring part or all of the correct base period supply volume

plus any underage in supply to the purchaser that may result during the time the base period supply volume is reduced, or penalize the purchaser for his overage during the initial periods of oversupply. If the violation warrants, the Department of the Interior may impose sanctions on the wholesale supplier or purchaser.

(d) Any wholesale purchaser who did not have a supplier during 1972 may apply to the Department of the Interior and be assigned a supplier. Any customer so assigned must be accepted by the supplier for the duration of the program. The Department of the Interior will develop and publish a set of criteria under which such applications will be considered. The criteria will include consideration of unusual conditions or misfortunes in the base period, new investments, sales experience of comparable purchasers, etc.

(e) Suppliers and purchasers may agree among themselves to either borrow on future allocations or defer current allocations within the level of the total allocation for the year, as long as such arrangements do not result in an involuntary reduction in allocations to other purchasers. Similarly, suppliers may borrow or swap products among themselves.

(f) If a supplier has insufficient supplies to provide each of the wholesale purchasers which he supplied in 1972 (including those purchasers assigned by the Department of the Interior) with a quantity equal to the 1972 base or adjusted base period supply level, the supplier will allocate based on proportional allocations. To determine monthly proportional allocations to his wholesale purchasers, each supplier shall determine his allocation fraction for the coming month. Each supplier's allocation fraction (calculated separately for each product category within regions I–IV and V) shall be equal to his adjusted allocable supplies for that month, divided by the sum of the monthly base period supply volumes of all his wholesale purchasers, including his own retail outlets. A supplier's adjusted allocable supplies shall be equal to his total estimated allocable supplies for the coming month plus or minus any adjustments to compensate for the difference between the previous month's estimated supplies and actual supplies.

(g) Each purchaser's total allocation for each month shall be equal to the supplier's allocation fraction multiplied by the wholesale purchaser's base period supply volume (or adjusted base period supply volume).

(h) In the event that a supplier's allocable supplies exceed the sum of the total allocation for all purchasers, the supplier may distribute any surplus supplies at his discretion.

(i) To allow suppliers flexibility to meet regional imbalances in normal demand, any supplier may vary his monthly allocation fraction to wholesale purchasers in different areas or regions by as much as five percent, provided that all customers in any local area receive allocations based on an identical allocation fraction, and that the total of all proportional allocations remains unchanged. It is intended that suppliers shall use this privilege sparingly.

Sec. 5 Use of state reserve.

(a) Any wholesale purchaser may apply to the designated state office to obtain supplies to alleviate exceptional hardships by any end-users, including the wholesale purchaser, by certifying that these or like products will not be diverted from such uses. A Department of Interior form or a similar state form may be used for this purpose. Use of the state reserve is primarily intended to remedy temporary hardships; permanent changes in a wholesale purchaser's total allocation will be accomplished in accordance with the provisions of § 4.

(b) Suppliers may be directed, on the basis of recommendations by state officials, to distribute future allocations of middle distillate fuels in quantities different than prescribed in § 4 to any wholesale purchasers or any end-users to alleviate exceptional hardships. No more than 10% of any wholesale purchaser's total allocation may be directed on the basis of recommendations by state officials.

(c) The state reserve is intended for use by the states in meeting exceptional hardship cases. If, in any month, the states do not recommend use of any or all of the state reserve for such needs, the wholesale purchaser will automatically receive all of the balance of his total allocation. All wholesale purchasers should be returned to a supply level equal to their total allocation as soon as practicable.

(d) The state reserve may not be accumulated or deferred.

(e) Actions recommended by state officals may not restrict or in any way interfere with the distribution in interstate commerce of middle distillate fuels. The allocation recommendations of a state shall extend only to the state reserve. State recommendations may not be implemented if they would result in discrimination against non-residents in favor of residents for any middle distillate fuels.

(f) Each state that elects to participate in this program shall designate a state official who may recommend redirection of quantities of middle distillate fuels to alleviate end-user hardships within the state. The Federal Government shall designate a Federal official in each state to consider the state recommendations and issue such orders as he considers necessary and appropriate to carryout the objectives of this program.

Sec. 6 Timing of program and report requirements.

(a) This program shall become effective on November 1, 1973.

(b) Each supplier must notify his wholesale purchasers of their period supply volume for each product for each month prior to November 1, 1973.

(c) Wholesale purchasers without a supplier should, as soon as possible, file a form with the Department of the Interior in order to be assigned a supplier (available from the Washington, D.C., and regional offices of the Department of the Interior).

(d) Each supplier selling middle distillate fuels to wholesale purchasers will be required to file a monthly and yearly report with the Department of the Interior. Requirements for these and other data may be modified as published in subsequent Department of Interior orders and operating procedures. Failure to comply with reporting requirements will subject the supplier to sanctions.

(e) Each supplier selling middle distillate fuels to wholesale purchasers will be required to advise the designated state office monthly of estimated total quantities of the supplier's products (for each product) that will be available within the respective states.

Sec. 7 Adjustments in program.

(a) In order to meet imbalances in supply that may arise from unusual weather conditions, or from supply disruptions, the Department of Interior may order the transfer of middle distillates from one region to another to the extent possible with existing transportation facilities and may allocate middle distillates among suppliers when such an allocation could help alleviate imbalances. Under these circumstances, the allocation fraction for individual suppliers may vary from state to state or from region to region.

(b) The Department of Interior may reassign wholesale purchasers, require a transfer of some wholesale purchasers among suppliers, or make other adjustments as may be necessary to achieve a more equitable balance of assigned sales among suppliers. The Department of the Interior shall make such adjustments sparingly and may seek the advice of designated state offices and of the affected companies concerning how to make such adjustments with minimum cost and minimum effect upon commerce and competition.

(c) In the implementation of this program, the Department of the Interior may specify quality characteristics, such as sulfur content, of fuel supplies when practicable.

(d) Suppliers may make arrangements to supply purchasers to whom they have an allocation responsibility through other suppliers providing that price and other non-price contract provisions are comparable and that the same quantity is supplied.

Sec. 8 Prices.

The prices at which middle distillate fuels shall be sold by suppliers to each class of wholesale customers in a market area, in compliance with this program, shall be subject to Cost of Living Council Regulations and bear a normal and reasonable relationship to the price at which such products are sold to each other class of customers in each market area or the nearest market area, after adjustment for normal and reasonable costs of transportation between market areas. Whether a price bears a "normal

and reasonable relationship" to other prices shall be determined by the Department of the Interior, in cooperation with the Cost of Living Council, except that in the exercise of this authority, the Department of the Interior shall have no power to compel sale at below cost.

Sec. 9 Normal business practices.

It is the intent of the program that suppliers will deal with wholesale purchasers according to normal business practices. Nothing in this program shall be construed to require suppliers to sell to wholesale purchasers who do not arrange proper credit or payment for products. However, a supplier may not require or impose discriminatorily more stringent credit terms or payment schedules on wholesale purchasers than the supplier's normal business practice during the first half of 1972.

Sec. 10 Compliance provisions.

(a) Each supplier of middle distillate fuels must allocate all available supplies not exempt from allocation in accordance with the provisions of this program or face penalties or sanctions.

(b) Wholesale purchasers failing to comply with reporting requirements of the program face possible loss of or reductions in allocations by their suppliers. Willful misrepresentations in reports to suppliers will be grounds for total or partial exclusion from the benefit of allocations under the program.

Sec. 11 Relationship with other governmental programs.

(a) No provision of this program is intended to conflict with the rules and regulations of the Cost of Living Council, the Mandatory Oil Import Program, or the Clean Air Act.

(b) Proof that any wholesale purchaser is willfully violating Cost of Living Council regulations shall provide grounds for total or partial exclusion of the purchaser from the benefit of allocations under this program.

(c) The Cost of Living Council may initiate a complaint against any supplier or wholesale purchaser violating its regulations and request appropriate action by the Department of the Interior under this program to help obtain compliance.

(d) The Department of the Interior will assist the states in establishing their programs for use of state reserve in alleviating exceptional hardship cases.

Sec. 12 Exceptions.

If the results of some aspects of this program are contrary to its stated intent, the person affected may request the Department of the Interior to grant an exception on the basis of unintended results.

Sec. 13 Precedence over private contract obligations.

Compliance with this regulation or rules or orders issued pursuant to this regulation may not be excused on the basis of any private contractual obligation.

Sec. 14 Discrimination.

No supplier shall discriminate against any wholesale purchaser by failing to make allocations as described under this program, or under any rule, regulation or directive issued pursuant thereto; by charging higher prices; or by imposing terms or conditions on sales upon any single purchaser other than those imposed upon all other purchasers at an equivalent level of trade, except as may be lawful and normal in general practice.

Sec. 15 Preemption.

For the allocation program to be successful, it is imperative that supplies of middle distillate fuels be distributed on a coordinated basis. The provisions of this program preempt the regulations of any State, territory, commonwealth, insular possession or local community which are not in accord with this regulation.

Sec. 16 Termination.

This program will continue until terminated by the Director of the Energy Policy Office or by expiration of the Economic Stabilization Act.

Sec. 17 Voluntary allocation program.

Upon commencement of this program, all requests for assistance with the supply of middle distillate fuels under the voluntary allocation program then pending in the Department of the Interior will be voided.

Sec. 18 Sanctions; criminal fine and civil penalty.

(a) Any person who willfully violates any order or regulation under this chapter shall be subject to a fine of not more than $5,000 for each violation.

(b) Any person who violates any order or regulation under this chapter shall be subject to a civil penalty of not more than $2,500 for each violation.

Sec. 19 Injunctions and other relief.

Whenever it appears to the Secretary of the Interior, or his delegate, that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any order or regulation under this chapter, the Secretary, or his delegate, may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation and restitution of money received in violation of any such order or regulation.

Sec. 20 Procedures.

Procedural regulations relating to this regulation shall be set forth in a separate chapter on procedure.

JOHN A. LOVE,
Assistant to the President.

[FR Doc.73-22155 Filed 10-12-73;4:20 pm]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methoxychlor

A petition (PP 9F0768) was filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for residues of the insecticide methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane) in milk fat at 1.25 parts per million reflecting negligible residues in milk.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerance is being established.

2. The established tolerance for residues in meat is adequate to cover residues resulting from the proposed and established uses.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended as follows:

1. In § 180.120, by deleting the paragraph "Zero in milk" and adding the new paragraph "1.25 parts per million * * *" after the paragraph "2 parts per million * * *", as follows:

§ 180.120 Methoxychlor; tolerances for residues.

* * * * *

1.25 parts per million in milk fat reflecting negligible residues in milk.

* * * * *

§ 180.319 [Amended]

2. In § 180.319 *Interim tolerances*, by deleting the item "Methoxychlor * * *" from the list of items in the table.

Any person who will be adversely affected by the foregoing order may at any time on or before November 15, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to

justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on October 16, 1973.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)).)

Dated October 10, 1973.

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

[FR Doc.73-22006 Filed 10-15-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Simazine

A petition (PP 3F1378) was filed by CIBA-GEIGY Corp., Agricultural Division, Ardsley, NY 10502 (now Post Office Box 11422, Greensboro, NC 27409), in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide simazine (2-chloro-4,6-bis(ethylamino)-*s*-triabine) in or on the raw agricultural commodity pecans at 0.1 part per million.

Based on consideration given the data submitted in the petition and relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.213 is amended by adding the new paragraph "0.1 part per million * * *," following the paragraph "0.25 part per million * * *," as follows:

§ 180.213 Simazine; tolerances for residues.

* * * * *

0.1 part per million (negligible residue in or on pecans.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before November 15, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 3902A, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on October 16, 1973.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)).)

Dated October 10, 1973.

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

[FR Doc.73-22005 Filed 10-15-73;8:45 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Chlorpyrifos

A petition (PP 3F1370) was filed by Dow Chemical U.S.A., P.O. Box 1706, Midland, MI 48640, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the insecticide chlorpyrifos (*0,0*-diethyl *0*-(3,5,6- trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodity bananas at 0.25 part per million of which not more than 0.05 part per million (negligible residue) shall be present in the pulp after the peel is removed and discarded.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended as follows:

1. In § 180.3(e)(5) by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item as follows:

§ 180.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

Chlorpyrifos (*0,0*-diethyl *0*-(3,5,6-trichloro-2-pyridyl) phosphorothioate).

* * * * *

2. In Subpart C, by adding a new section as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

A tolerance is established for combined residues of the insecticide chlorpyrifos (*0,0*-diethyl *0*-(3,5,6-trichloro-2-pyridyl) phosphorothioate and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodity bananas at 0.25 part per million of which not more than 0.05 part per million (negligible residue) shall be present in the pulp after the peel is removed and discarded.

Any person who will be adversely affected by the foregoing order may at any time on or before November 15, 1973, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th and M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on October 16, 1973.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)).)

Dated October 10, 1973.

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

[FR Doc.73-22007 Filed 10-15-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

CHANGES IN A.I.D. PROCUREMENT

Miscellaneous Amendments

This amendment incorporates changes to the A.I.D. Procurement Regulations which were previously published as AIDPR Notices 72-1 (37 FR 2521), 73-1 (37 FR 24184), and 73-2 (38 FR 12804). In addition, it deletes or clarifies various sections which were superfluous or unclear. Also, several contract clauses in Part 7-7 have been updated to reflect current Agency policies.

The major modifications effected hereby are:

1. Changes in the authorities contained in the regulations to reflect internal changes within the agency.

2. Establishment of procedures to assist U.S. small businesses to participate equitably in the furnishing of supplies and services for Foreign Assistance activities. (Previously established under AIDPR notice dated February 8, 1972.)

3. Delineation of circumstances in which there may be a departure from general requirements for competitive procurement. (Previously established

under AIDPR notice dated November 3, 1972.)

Part 7–1 of title 41 is amended as set forth below.

PART 7–1—GENERAL

1. The Contents of Part 7–1 are amended by revising Subparts 7–1.1, 7–1.2, 7–1.3, 7–1.4, 7–1.7, and 7–1.10 as follows:

AUTHORITY: Sec. 621, 72 Stat. 445, as amended; (22 U.S.C. 2381) E.O. 10973, November 3, 1961, 26 FR 10469; 3 CFR 1959–63 Comp.

Subpart 7–1.1—Introduction

§§ 7–1.102 and 7–1.103 [Amended]

2. Delete "Assistant Administrator for Administration" in § 7–1.102 and insert "Assistant Administrator for Program and Management Services".

3. Delete "Office of Administrative Services, A/AS" in § 7–1.103(b) and insert "Office of Management Operations".

§ 7–1.104–2 [Deleted]

4. § 7–11.104–2, Internal, is deleted.

§ 7–1.104–4 [Amended]

5. Delete "Assistant Administrator for Administration" in § 7–1.104–4 and insert "Assistant Administrator for Program and Management Services".

6. Revise § 7–1.104–5 to read:

§ 7–1.104–5 Responsibility.

Responsibility for the development and maintenance of AIDPR is assigned to the Assistant Administrator for Program and Management Services, and under him, to the Director, Office of Contract Management, or such other office as the Assistant Administrator may designate. Amendments and revisions will be prepared in coordination with the General Counsel, and such other offices as may be appropriate.

7. § 7–1.105–1 is revised as follows:

§ 7–1.105–1 Citation.

Any section of the AIDPR may be identified by "AIDPR" followed by the section number. Since the AIDPR is published in the FEDERAL REGISTER, any section may be incorporated into contracts by reference, using the citation "41 CFR" followed by the section number, as "41 CFR 7–1.105–1."

§ 7–1.106 [Amended]

8. In § 7–1.106, delete "Office of Procurement" and insert "Office of Contract Management".

9. Amend § 7–1.107–3 to read as follows:

§ 7–1.107–3 Procedure.

(a) Deviation from FPR or AIDPR affecting one contract or transaction.

(1) Deviations which affect only one contract or procurement will be made only after prior approval by the head of the procuring activity. Deviation requests containing the information listed in paragraph (c) of this section shall be submitted sufficiently in advance of the effective date of such deviation to allow adequate time for consideration and evaluation by the head of the procuring activity.

(2) Requests for such deviations may be initiated by the responsible AID Contracting Officer who shall obtain clearance and approvals as may be required by the head of the procuring activity. Prior to submission of the deviation request to the head of the procuring activity for approval, the Contracting Officer shall obtain written comments from the Office of Contract Management, Support Division. The Support Division shall normally be allowed at least five working days prior to the submission of the deviation request to the head of the procuring activity to review the request and to submit comments. If the exigency of the situation requires more immediate action, the requesting office may arrange with the Support Division for a shorter review period. In addition to a copy of the deviation request, the Support Division shall be furnished any background or historical data which will contribute to a more complete understanding of the deviation. The comments of the Support Division shall be made a part of the deviation request file which is forwarded to the head of the procuring activity.

(3) Coordination with the Office of General Counsel, as appropriate, should also be effected prior to approval of a deviation by the head of the procuring activity.

(b) * * *

(2) Class deviations from the FPR shall be considered jointly by AID and GSA (FPR 1–1.009–2) unless, in the judgment of the head of the procuring activity, after due consideration of the objective of uniformity, circumstances preclude such joint effort. The head of the procuring activity shall certify on the face of the deviation the reason for not obtaining GSA coordination. In such cases, the Office of Contract Management, Support Division, shall be responsible for notifying GSA of the class deviation.

(3) * * *

(i) The request shall be processed in the same manner as paragraph (a) of this section, except that the Office of Contract Management, Support Division shall be allowed at least ten working days prior to the submission of the deviation request to the head of the procuring activity to effect the necessary coordination with GSA and to submit comments. If the exigency of the situation requires more immediate action, the requesting

office may arrange with the Support Division for a shorter review and coordination period. The comments of GSA and the Support Division shall be made a part of the deviation request file which is forwarded to the head of the procuring activity.

* * * * *

(d) *Register of deviations.* Separate registers shall be maintained by the procuring activities of the deviations granted from FPR and AIDPR. Each deviation shall be recorded in its appropriate register and shall be assigned a control number as follows: The symbol of the procuring activity, the abbreviation "DEV", the fiscal year, the serial number (issued in consecutive order during each fiscal year) assigned to the particular deviation and the suffix "c" if it is a class deviation, e.g. CM–DEV–73–1, CM–DEV–73–2c. The control number shall be embodied in the document authorizing the deviation and shall be cited in all references to the deviation.

(e) *Central record of deviations.* Copies of approved deviations shall be furnished promptly to the Office of Contract Management, Support Division, who shall be responsible for maintaining a central record of all deviations that are granted.

(f) *Semiannual report of class deviations.*

(1) AID Contracting Officers shall submit a semiannual report to the Office of Contract Management, Support Division of all contract actions effected under class deviations to FPR and AIDPR which have been approved pursuant to paragraph (b) of this section.

* * * * *

Subpart 7–1.2—Definition of Terms

10. Revise § 7–1.204 as follows:

§ 7–1.204 Head of the agency.

"Head of the agency" means, for A.I.D., the Administrator, the Deputy Administrator and the Assistant Administrator for Program and Management Services.

11. Revise § 7–1.205 as follows:

§ 7–1.205 Procuring activity.

The procuring activities within A.I.D. are (1) the A.I.D./Washington procuring activities, which are the Office of Contract Management, Office of Management Operations, Office of Public Safety, and the Office of International Training; and (2) the overseas field activities (including Missions) which have been delegated procurement authority.

12. Revise § 7–1.206 as follows:

§ 7–1.206 Head of the procuring activity.

The heads of the procuring activities within A.I.D. are (1) the Assistant Administrator for Program and Management Services, (2) the Director, Office of Contract Management, and (3) the Mission Directors or other officers in charge of overseas field activities who have been delegated procurement authority.

§§ 7–1.209, 7–1.253 and 7–1.254 [Deleted]

13. § 7–1.209 *Procurement,* is deleted.

14. § 7–1.253 *Assistant Administrator,* is deleted.

15. § 7–1.254 *Borrower, grantee, borrower/grantee,* is deleted.

Subpart 7–1.3—General Policies

16. Revise § 7–1.305–3 as follows:

§ 7–1.305–3 Deviations from federal specifications.

Deviations from federal specifications will be handled as provided in AIDPR 7–1.107. The head of the procuring activity is responsible for assuring compliance with the policies stated in the Federal Procurement Regulations. The Director, Office of Contract Management, will coordinate A.I.D. efforts and activities in this regard and will provide a central liaison with the General Services Administration. Except as the head of the procuring activity directs otherwise, the procedure in FPR 1–1.305–3 is not to be followed for cases which fall within the exceptions described in AIDPR 7–1.305–2 as well as in FPR 1–1.305–2.

§§ 7–1.310–7, 7–1.310–10, 7–1.311, and 7–1.313 [Amended]

17. Delete "Office of Small Business" in §§ 7–1.310–7 and 7–1.310–10 and insert "Small Business Office".

18. § 7–1.311 *Priorities, allocations and allotments,* is deleted.

19. § 7–1.313 *Record of contract actions,* is deleted.

Subpart 7–1.4—Procurement Responsibility and Authority

20. Delete "Assistant Administrator for Administration" in § 7–1.451–2 and insert "Director, Office of Contract Management".

21. Revise § 7–1.451–3 as follows:

§ 7–1.451–3 A.I.D./Washington procuring activities.

The procuring activities located in Washington are the Office of Contract Management, Office of Management Operations, Office of International Training, and Office of Public Safety. Subject to delegations of authority, the procuring activities are responsible for procurement related to programs and activities for their areas. The Office of Management Operations, which reports to the Assistant Administrator for Program and Management Services, is responsible for administrative and program support procurements. The Offices of International Training and Public Safety have limited authority for the procurement of training for participants. The Office of Contract Management, which also reports to the Assistant Administrator for Program and Management Services, is responsible for procurements which do not fall within the responsibility of other procuring activities or which are otherwise assigned to it. General delegation to A.I.D./Washington procuring activities are published in the FEDERAL REGISTER and in Chapter 100 of the A.I.D. Manual.

22. Revise § 7–1.451–4 as follows:

§ 7–1.451–4 Overseas field procuring activities.

Mission Directors (as defined in AIDPR 7–1.258) and specified subordinate individuals may be redelegated procurement authority by the Assistant Administrator for Program and Management Services or his designee based on the recommendation, and with the concurrence, of the regional bureau involved. Mission Directors request a redelegation of authority through the appropriate regional bureau, A.I.D./W. The request should contain the amount desired and justification for this amount. The individual, if other than the Mission Director, who will actually exercise this authority must be named, along with his qualifications (See FPR 1–1.404–1). When such designated individual leaves the post, the designation of a replacement as a Contracting Officer will require concurrence by A.I.D./Washington in accordance with the delegation to the Mission.

§§ 7–1.453–1, 7–1.453–2 [Amended]

23. Delete "Assistant Administrators who are responsible for operations" in § 7–1.453–1 and insert "heads of the procuring activities".

24. Delete "Assistant Administrator for Administration" in the title and text of § 7–1.453–2 and insert "Assistant Administrator for Program and Management Services".

Subpart 7–1.6—Debarred, Suspended and Ineligible Bidders

§§ 7–1.602, 7–1.604, 7–1.605–3, 7–1.605–4, and 7–1.606 [Amended]

25. Delete "Office of Small Business" in § 7–1.602 and insert "Small Business Office".

26. Delete "Assistant Administrator for Administration" in §§ 7–1.604, 7–1.605–3, 7–1.605–4, and 7–1.606, and insert "Assistant Administrator for Program and Management Services".

Subpart 7–1.7—Small Business Concerns

27. Subpart 7–1.7 is revised as follows:

§ 7–1.702 Small business policies.

(a) In keeping with section 602 of the Foreign Assistance Act of 1961 (22 U.S.C. 2352), as amended, A.I.D. shall, insofar as practicable and to the maximum extent consistent with the accomplishment of the purposes of said Act, assist United States small business to participate equitably in the furnishing of supplies and services for Foreign Assistance activities.

(b) It is the policy of A.I.D. to:

(1) Fully endorse and carry out the Government's small business program for placing a fair proportion of its purchases and contracts for supplies, construction (including maintenance and repair), research and development, and services (including personal, professional,

and technical services) with small business, including minority small business concerns; and

(2) Increase their participation in A.I.D. procurement.

(c) In furtherance of this policy:

(1) Program/project officers shall make positive efforts (see AIDPR 7-1.704-5) to identify potentially qualified small and minority business firms during pre-contract development of programs/projects and shall, with the responsible contracting officers, assure that such firms are given full opportunity to participate equitably;

(2) Small business set-asides shall be made for all contracts to be executed in A.I.D./Washington which qualify for small business set-aside action under Subpart 1-1.7 of the Federal Procurement Regulations; and

(3) Consideration shall be given in appropriate cases to the award of the contract to the Small Business Administration for subcontracting to small business firms pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(d) This program shall be implemented by all A.I.D./Washington procuring activities in order to attain these policy objectives. In accordance with AIDPR 7-1.704, all A.I.D./Washington direct-procurement requirements which exceed $2,500.00 shall be screened for small business opportunities by the Small Business Office except those:

(1) Set-aside unilaterally or by class set-aside;

(2) Where the Contracting Officer certifies in writing that the public exigency will not permit the delay incident to screening;

(3) That will result in an institution building contract (see AIDPR 7-1.704-6 (a)(3)), with an educational or non-profit institution;

(4) Involving PIO/Ps and PIO/Ts for the payment of tuition and fees covering participant training at academic institutions; or

(5) Involving the acquisition of personal services by contract (see Manual Order 417.5, "Direct A.I.D. Contracts with U.S. Citizens for Personal Services Abroad").

(e) Where practicable and desirable, small business and minority business enterprise award goals will be established for the respective A.I.D./Washington procuring activities to provide incentive for contracting personnel to increase awards to small firms. The goals will be set by the Small Business Office after consultation with the respective head of the procuring activity (see AIDPR 7-1.-206).

(f) In the event of a disagreement between the Small Business Office and the Contracting Officer concerning (1) a recommended set-aside, or (2) a request for modification or withdrawal of a class or individual set-aside, complete documentation of the case including the reasons for disagreement shall be transmitted within five working days to the head of the procuring activity (see AIDPR 7-1.704-6(e)) for a decision. Procurement action shall be suspended pending a decision.

(g) The above suspension shall not apply where the Contracting Officer:

(1) Certifies in writing, with supporting information, that in order to protect the public interest award must be made without delay;

(2) Promptly provides a copy of said certification to the Small Business Office; and

(3) Includes a copy of the certification in the contract file.

(h) The Small Business Office shall be the Small Business Advisor and Minority Business Procurement Policy Manager for all A.I.D./Washington procuring activities.

(i) The details on the agency's direction and operation of the small business program are set forth in AIDPR 7-1.704.

(j) No decision rendered, or action taken, under the coverage set forth in AIDPR 7-1.704 shall preclude the Small Business Administration from appealing directly to the A.I.D. Administrator as provided for in Subpart 1-1.7 of the Federal Procurement Regulations.

(k) The Small Business Office may delegate the responsibilities set forth in AIDPR 7-1.704-2(b) (8), (9), and (17) to the Director, Office of Management Operations with the power to redelegate. The delegation shall cover only supplies and services authorized to be procured by the Office of Management Operations. Responsibilities not delegated are reserved to the Small Business Office.

§ 7-1.703 [Reserved]

§ 7-1.704 Agency program direction and operation.

§ 7-1.704-1 General.

The purpose of this section is to prescribe responsibilities and procedures for carrying out the small business program policy set forth in § 1-1.702 of the Federal Procurement Regulations and § 7-1.702 of this Subpart. Small minority business enterprises (see the definition in § 1-1.1310-2 of the Federal Procurement Regulations) are included in the term "small business" when used in this Subpart. Specific reference to minority business enterprises is for added emphasis.

§ 7-1.704-2 The A.I.D. Small Business Office.

(a) The Small Business Office is responsible for administering, implementing, and coordinating the Agency's small business (including minority business enterprises) program.

(b) The A.I.D. Small Business Office, which is headed by the Special Assistant for Small Business, who also serves as the Minority Business Procurement Manager, shall be specifically responsible for:

(1) Developing policies, plans, and procedures for a coordinated Agency-wide small business and minority business enterprise procurement program;

(2) Advising and consulting regularly with A.I.D./Washington procuring activities on all phases of their small business program, including, where practicable and desirable, the establishment of small business and minority business enterprise award goals;

(3) Collaborating with officials of the Small Business Administration (SBA), other Government Agencies, and private organizations on matters affecting the Agency's small business program;

(4) Developing and maintaining a Contractor's Index of bidders/offerors (annotated to identify small business and minority business enterprise firms) capable of furnishing services for use by the AID procuring activities;

(5) Cooperating with contracting officers in administering the performance of contractors subject to the Small Business and Minority Business Enterprises Subcontracting Program clauses (see §§ 1-1.710-3(b) and 1-1.1310-2(b) of the Federal Procurement Regulations);

(6) Developing a plan of operation designed to increase the share of contracts awarded to small business concerns, including small minority business enterprises;

(7) Establishing small business class set-asides for types and classes of items or services where appropriate;

(8) Reviewing each procurement requisition (PIO/T, PIO/C or other requisitioning document) to make certain individual or class set-asides are initiated on all suitable A.I.D./Washington proposed contract actions in excess of $2,500.00 which are subject to screening (see AIDPR 7-1.704-6);

(9) Maintaining a program designed to:

(i) Locate capable small business sources for current and future procurements through GSA and other methods.

(ii) Utilize every source available to determine if an item is obtainable from small business, and

(iii) Develop adequate small business competition on all appropriate procurements;

(10) Taking action to assure that unnecessary qualifications, restrictive specifications, or other features (such as inadequate procurement leadtime) of the programming or procurement process, which may prevent small business participation in the competitive process, are modified to permit such participation where an adequate product or service can be obtained;

(11) Recommending that portions of large planned procurements or suitable components of end items or services be purchased separately so small firms may compete;

(12) On proposed non-competitive procurements, recommending to the Contracting Officer that the procurement be made competitive when, in the opinion of the Small Business Office, there are small businesses or minority business enterprises believed competent to furnish the required goods or services, and supplying the Contracting Officer a list of such firms;

(13) Assisting small business concerns with individual problems;

(14) Promoting increased awareness by the technical staff of the availability of small business firms;

(15) Making available to GSA copies of solicitations when so requested;

(16) Counseling non-responsive or non-responsible small business bidders/

offerors to help them participate more effectively in future solicitations; and

(17) Examining bidders lists to make certain that small business firms are appropriately identified and adequately represented for both negotiated and advertised procurements.

§ 7–1.704–3 A.I.D. Contracting Officers.

With respect to procurement activities within their jurisdiction, Contracting Officers are responsible for:

(a) Being thoroughly familiar with Subpart 1–1.7 of the Federal Procurement Regulations and this subpart dealing with the small business program;

(b) Screening abstracts of bids and other award data to determine set-aside potential for future procurements;

(c) Assuring that small business concerns and minority business enterprises are appropriately identified on source lists and abstracts of bids or proposals by an "S" and "M", respectively, or other appropriate symbol;

(d) Reviewing types and classes of items and services to determine where small business set-asides can be applied;

(e) Recommending that portions of large planned procurements or suitable components of end items or services be purchased separately so small firms may compete;

(f) Making a unilateral determination for total or partial small business set-asides in accordance with § 1–1.706 of the Federal Procurement Regulations;

(g) Submitting propose procurement actions (PIO/Ts, PIO/Cs, or other requisitioning documents) for A.I.D./Washington contracts to the Small Business Office for screening (see AIDPR 7–1.704–6);

(h) Taking action to assure that unnecessary qualifications, restrictive specifications or other features (such as inadequate procurement leadtime) of the programming or procurement process which may prevent small business participation in the competitive process are modified to permit such participation where an adequate product or service can be obtained;

(i) Prior to rendering a final decision on a proposed non-competitive procurement action, and as part of his findings and determination, the Contracting Officer shall consider the recommendations, if any, of the Small Business Office together with the latter's list of additional sources;

(j) As appropriate, referring small business concerns, including small minority business enterprises, to the Small Business Office for information and advice;

(k) Promoting increased awareness by the technical staff of the availability of small business concerns;

(l) Making available to the Small Business Office copies of solicitations when requested;

(m) Assisting the Small Business Office in counseling non-responsive or non-responsible small business bidders/offerors to help them to participate more effectively in future solicitations; and

(n) Including the Small Business and Minority Business Enterprises Subcontracting Program clauses in all contracts which meet the conditions prescribed in § 1–7.710–3(b) and § 1–1.1310–2(b) of the Federal Procurement Regulations.

§ 7–1.704–4 Heads of procuring activities.

In order for the Agency small business program to be effective, the active support of top management is required. The heads of the procuring activities shall be responsible for:

(a) Rendering decisions in cases resulting from non-acceptances by their Contracting Officers of set-aside recommendations made by the Small Business Office;

(b) Consulting with the Small Business Office in establishing small business and minority business enterprise award goals, where practicable and desirable; and

(c) Assuring that program/project officers discharge their responsibilities set forth in AIDPR 7–1.704–5.

§ 7–1.704–5 Program/Project Officers.

Since the procurement process starts with the establishment of a program/project requirement, the actions of the program/project officers can affect the opportunity of small business to participate equitably; therefore, each program/project officer shall, during the formulation of programs/projects which will require contractual implementation:

(a) Consult with the Small Business Office on the availability and capabilities of small business firms to permit making a tentative set-aside determination where appropriate; and

(b) Provide sufficient procurement leadtime in the program/project implementation schedule to allow potential small business participation.

§ 7–1.704–6 Small business screening procedure.

(a) General. All A.I.D./Washington proposed contract actions (PIO/Ts, PIO/Cs, or other requisitioning documents) in excess of $2,500.00 shall be screened by the Small Business Office, with the exception of:

(1) Class set-asides and those unilaterally set-aside by Contracting Officers (AIDPR 7–1.704–3(f));

(2) Those where the Contracting Officer certifies in writing that the public exigency will not permit the delay incident to screening (AIDPR 7–1.704–7(b));

(3) Contracts with educational or nonprofit institutions, the object of which is "institution building", i.e., the development of a counterpart capability in the host country by the educational or nonprofit institution;

(4) Those involving the payment of tuition and fees for participant training at academic institutions; and

(5) Personal services contract requirements (see AIDPR 7–1.702(d)(5)).

(b) Preparation of AID Form 1410–14 (see AIDPR 7–16.850 and 7–16.960).

(1) The Contracting Officer shall prepare the subject form in an original and 3 copies and forward the original and 2 copies to the Small Business Office within one working day of receipt by his procuring activity of a procurement requisition (PIO/T, PIO/C, or other requisitioning document). (NOTE: An approved Non-capital Project Paper (PROP) may be substituted for the PIO/T or PIO/C if required by the urgency of the procurement.)

(2) The Contracting Officer will attach to his transmittal a complete copy of the procurement request and a copy of the recommended source list as furnished by the technical office and supplemented by him.

(3) The Contracting Officer shall complete Blocks 2, 3, 4, 5, 9, and 10 (when appropriate) prior to submittal to the Small Business Office.

(c) Screening of AID Form 1410–14 by the Small Business Office.

(1) The Small Business Office will screen the Contracting Officer's recommendations on set-aside potential, small business subcontracting opportunities, and section 8(a) subcontracting, and furnish him with either a written concurrence in his recommendations or written counter-recommendations on the original and duplicate copy within five working days from receipt of the form from the Contracting Officer.

(2) The Small Business Office will complete Blocks 1, 6, 7, 8, 11, and 12 (when appropriate) prior to returning the screened form to the Contracting Officer.

(d) Concurrence or rejection procedure.

(1) The Contracting Officer shall complete Block 13 upon receipt of the original and duplicate copy of the screened form from the Small Business Office.

(2) If the Contracting Officer rejects a Small Business counter-recommendation, he shall return the original and duplicate forms with his written reasons for rejection to the Small Business Office within two working days.

(3) Upon receipt of the Contracting Officer's rejection, the Small Business Office may (i) accept, or (ii) appeal, the rejection. In the case of acceptance of the Contracting Officer's rejection, the Small Business Office shall annotate Block 14 when it renders a decision and return the original form to the Contracting Officer within two working days.

(e) Appeal procedure.

(1) When informal efforts fail to resolve the set-aside disagreement between the Contracting Officer and the Small Business Office, the latter official may appeal the Contracting Officer's decision to the head of the procuring activity. Such an appeal will be made within five working days after receipt of the Contracting Officer's rejection.

(2) In the case of an appeal, the Small Business Office will send the original and duplicate form, with the appeal noted in Block 14, directly to the head of the procuring activity with its written reasons for appealing. The Contracting Officer will be notified of the Small Business Office's appeal by means of a copy of the written reasons for appealing.

(3) The head of the procuring activity shall render a decision on the appeal (complete Block 15) within three working days after receipt of same and return the original to the Small Business Office and the duplicate to the Contracting Officer.

§ 7–1.704–7 Reports on procurement actions that are exempted from screening.

(a) *Unilateral and class set-asides.* The Contracting Officer shall prepare AID Form 1410–14 as stated in AIDPR 7–1.704–6, but forward only the duplicate copy with the documentation required by Block 5 of the form to the Small Business Office. The original will be filed in the contract file.

(1) If, upon review of the material submitted under AIDPR 7–1.704–7(a) above, the Small Business Office concludes that it would be practicable to accomplish all or a portion of the procurement involved under section 8(a) subcontracting, it shall so advise the Contracting Officer in writing within five days after receipt of such material.

(2) Such advice shall be considered a counter-recommendation and shall be processed in accordance with AIDPR 7–1.704–6 (d) and (e).

(b) *Public exigency exemption.* The Contracting Officer shall prepare AID Form 1410–14 as stated in AIDPR 7–1.704–6, but forward only the duplicate copy with the documentation required by Block 5 of the form to the Small Business Office. In addition to the documentation called for in AIDPR 7–1.704–6, the Contracting Officer shall furnish a copy of his written determination exempting the procurement from screening. The determination shall cite the pertinent facts which led to his decision. This exemption is not intended to be used as a substitute for good procurement planning and leadtime; the Small Business Office will report abuses of this exemption to the head of the procuring activity for appropriate action in accordance with AIDPR 7–1.704–4(c).

(c) *Institution building contract (IBC) exemption.* The Contracting Officer shall prepare AID Form 1410–14 as stated in AIDPR 7–1.704–6, but forward only the duplicate copy with the documentation required by Block 5 of the form to the Small Business Office.

(d) *Personal services contract exemption.* The Contracting Officer shall prepare AID Form 1410–14 as stated in AIDPR 7–1.704–6, but forward only the duplicate copy with the documentation required by Block 5 of the form to the Small Business Office.

Subpart 7–1.10—Publicizing Procurement Actions

§§ 7–1.1001, 7–1.1003 and 7–1.1003–2 [Amended]

28. Delete "Office of Small Business" in § 7–1.1001(b) and insert "Small Business Office".

29. § 7–1.1003 *Synopsis of proposed procurement actions,* is deleted.

30. § 7–1.1003–2 *General requirements,* is deleted.

PART 7–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 7–2.4—Opening of Bids and Award of Contract

31. Delete "Assistant Administrator for Administration" in §§ 7–2.406–3 and 7–2.406–4 and insert "Assistant Administrator for Program and Management Services".

PART 7–3—PROCUREMENT BY NEGOTIATION

32. The Contents of Part 7–3 are amended by revising Subparts 7–3.1, 7–3.2, 7–3.3, 7–3.7, and 7–3.8 as follows:

Subpart 7–3.1—Use of Negotiation

Sec.
7–3.101 General requirements for negotiation.
7–3.101–50 Exceptions to normal negotiation procedures.
7–3.102 Factors to be considered in negotiating contracts.
7–3.102–50 Adaptability to overseas conditions.
7–3.103 Dissemination of procurement information.

Subpart 7–3.2—Circumstances Permitting Negotiation

7–3.200 Scope of subpart.
7–3.200–50 Negotiation authority.
7–3.204 Personal or professional services.
7–3.205 Services of educational institutions.
7–3.211 Experimental, developmental, or research work.
7–3.212 [Reserved]
7–3.213 [Reserved]
7–3.215 Otherwise authorized by law.

Subpart 7–3.3—Determinations, Findings, and Authorities

7–3.302 Determinations and findings required.
7–3.305 Form and requirements of determinations and findings.
7–3.308 Preservation of data.

Subpart 7–3.7—Negotiated Overhead Rates

7–3.705 Procedure.

Subpart 7–3.8—Price Negotiation Policies and Techniques

7–3.805 Selection of offerors for negotiation and award.
7–3.805–1 General.
7–3.807–2 [Reserved]
7–3.807–3 Requirements for cost or pricing data.

AUTHORITY: Sec. 621, 72 Stat. 445, as amended (22 U.S.C. 2381); E.O. 10973, November 3, 1961, 26 FR 10469; 3 CFR 1959–63 Comp.

Subpart 7–3.1—Use of Negotiation

33. 7–3.101–50 is revised to read as follows:

§ 7–3.101–50 Exceptions to normal negotiation procedures.

Competition should be obtained in negotiated procurements whenever possible. However, there are four types of exceptions to normal negotiation procedures which authorize departures from ordinary competitive practices as follows:

(a) The requirements of FPR 1–3.101 for the solicitation of proposals from the maximum number of qualified sources consistent with the nature of and requirements for the supplies or services to be procured shall be deemed satisfied when the selection of the contractor for Architect-Engineer services has been made pursuant to the procedures prescribed in AIDPR Subpart 7–4.2.

(b) Negotiation without the solicitation of proposals from more than one offeror may be undertaken for the types of contracts listed below. In each of these cases, however, consideration of as many sources as is practicable, including informal solicitation to the maximum extent practicable, is required. In each case the contract file will include appropriate explanation and support.

(1) Procurements to be performed by the contractor in person.

(2) Procurements by an overseas procuring activity which do not exceed $25,000.

(3) Procurements from State or local governmental agencies.

(c) Negotiation without solicitation of proposals from more than one offeror or informal solicitation may be undertaken for contracts for which one institution or firm has exclusive or predominate capability by reason of experience, specialized facilities or technical competence to perform the work within the time required and at reasonable prices. In such a circumstance, the initiating technical office may recommend, for approval by the contracting officer, that a proposal be solicited only from this one institution or firm. This recommendation shall be in writing and will be contained in a separate document entitled "Justification for Noncompetitive Procurement" which shall set forth full and complete justification for the selection. Specifically the "Justification" shall explain with particularity the exclusive or predominant capability the proposed contractor possesses which meets the requirements of the procurement, shall cite any other circumstances which operate to make competitive negotiation impracticable and shall reflect the degree of consideration which has been given to other sources in the particular field and the reasons they lack the capability of the proposed contractor. The following illustrations represent factors which should be considered, as appropriate, in preparing the "Justification":

(1) What capability does the proposed contractor have which is important to the specific effort and makes him clearly more desirable than another firm in the same general field?

(2) What prior experience of a highly specialized nature does he possess which is vital to the proposed effort?

(3) What facilities or equipment does he have which are specialized and vital to the effort?

(4) Does he have a substantial investment of some kind which would have to be duplicated at Government expense by another source entering the field?

(5) If time schedules are involved, why are they critical and why can the proposed contractor best meet them?

(6) Does the proposed contractor have personnel considered predominant experts in the particular field?

Each "Justification" shall contain, in the first sentence of the document, an appropriate recommendation (e.g., "I recommend that we negotiate only with the (Name of Entity) for the (Item or services being procured)").

(d) Negotiation without solicitation of proposals or informal solicitation and without consideration of other competitive sources may be undertaken for the types of contracts listed below. In each case the contract file will include appropriate explanation and support.

(1) Contracts based on unsolicited research and development proposals to be awarded to a qualified offeror upon the appropriate determination by the cognizant Assistant Administrator pursuant to AIDPR 7-4.5301.

(2) Contract amendments which provide for the continuation of activities or assistance which in the judgment of the contracting officer are designed to meet a goal which is the same as or substantially similar to the goal stated in the original contract.

(3) Procurements for which the contracting officer determines that the property or services can be obtained from only one person or firm (sole source of supply). See FPR 1-3.210(a)(1).

(4) Procurements for which the Assistant Administrator having primary responsibility for the program (this authority is not delegable except to his chief deputy) makes a written determination, with supporting findings (including the degree of consideration, if any, given to other sources in the particular field) that procurement from another source would impair foreign assistance objectives and would be inconsistent with fulfillment of the foreign assistance program. A copy of the determination and findings shall be included in the contract file.

Subpart 7-3.2—Circumstances Permitting Negotiation

34. § 7-3.200-50, is revised as follows:

§ 7-3.200-50 Negotiation authority.

All negotiated A.I.D. contracts are negotiated under the authority of section 633 of the Foreign Assistance Act of 1961, as amended, and Executive Order 11223, May 12, 1965, 30 FR 6635 (see FPR 1-3.215). Contracts will not be negotiated, however, unless they fall within one of the circumstances permitting negotiation enumerated in FPR 1-3.201 through 1-3.214.

35. § 7-3.205 is revised as follows:

§ 7-3.205 Services of educational institutions.

Notwithstanding the requirements of FPR 1-3.205, prior negotiation authorization must be obtained for contracts with educational institutions in connection with "Development Research" under Sec. 241 of the Foreign Asssitance Act of 1961, as amended, in accordance with AIDPR 7-3.211(a).

36. § 7-3.211 is revised as follows:

§ 7-3.211 Experimental, developmental or research work.

(a) In addition to the requirements of FPR 1-3.211, prior negotiation authorization must be obtained from the Administrator for contracts in connection with "Development Research" programs under sec. 241 of the Foreign Assistance Act of 1961, as amended. However, pursuant to FPR 1-3.303 the authority has been delegated to the Assistant Administrator for Technical Assistance to authorize negotiation of contracts under the Small Projects Research Program; provided, that each such contract does not exceed $25,000.

(b) Prior negotiation authorization by a head of the agency (see AIDPR 7-1.204) is required for experimental, developmental or research work not covered by sec. 241 of the Foreign Assistance Act of 1961, as amended.

§§ 7-3.212 and 7-3.213 [Amended]

37. § 7-3.212 *Purchases not to be publicly disclosed*, is deleted.

38. § 7-3.213 *Technical equipment requiring standardization and interchangeability of parts*, is deleted.

39. New § 7-3.302 is added as follows:

§ 7-3.302 Determinations and findings required.

The requirement of FPR 1-3.302(b) shall not apply to negotiated amendments to cost reimbursement contracts. The original determination and findings justifying the initial use of a cost reimbursement-type contract shall be deemed applicable to all subsequent amendments to said contracts.

§ 7-3.604-5 [Amended]

40. Delete "Office of Administrative Services" in § 7-3.604-5 and insert "Office of Management Operations".

Subpart 7-3.7—Negotiated Overhead Rates

41. Add new § 7-3.105 as follows:

§ 7-3.705 Procedure.

Negotiated indirect cost rates may be established in a Negotiated Indirect Cost Rate Agreement (Form AID 1420-47) as set forth in AIDPR 7-16.9, executed by both parties. Such Agreement is automatically incorporated in each contract or grant or other agreement between the parties and shall specify (a) the final rate(s), (b) the base(s) to which the rate(s) apply, (c) the period(s) for which the rate(s) apply, (d) the items treated as direct costs, and (e) the contracts and/or grants and/or other agreements to which the rate(s) apply. The Negotiated Indirect Cost Rate Agreement shall not change any monetary ceiling, obligation, or specific cost allowance or disallowance provided for in each contract or grant or other agreement between the parties.

Subpart 7-3.8—Price Negotiation Policy and Techniques

§ 7-3.807-2 [Amended]

42. § 7-3.807-2 *Requirements for price or cost analysis*, is deleted.

43. § 7-3.807-3 is revised as follows:

§ 7-3.807-3 Requirements for cost or pricing data.

(a) The requirements of FPR 1-3.807-3(a) need not be applied to contracts with nonprofit educational institutions for overseas technical assistance services and research work; such contracts will be treated in the same manner as basic research contracts with educational institutions (see AIDPR 7-16.806).

(b) The head of the Agency includes those officials specified in AIDPR 7-1.204.

Subpart 7-3.9—Subcontracting Policies and Procedures

44. § 7-3.903-2 is revised as follows:

§ 7-3.903-2 Review and approval of subcontracts.

(a) Unless the prime contractor's purchasing or subcontracting procedure has been approved in accordance with paragraph (b) of this section, each individual purchase order was $2,500 and each subcontract shall be approved in writing by the oCntracting Officer prior to its execution.

(b) When a substantial amount of purchasing or subcontracting is anticipated under a prime contract, the Contracting Officer may approve use of the contractor's established purchasing or subcontracting procedure in lieu of individual approvals as provided in paragraph (a) of this section. Unless otherwise stated, the approval shall apply only to subcontracts and purchase orders under the single prime contract. In approving the procedure, the Contracting Officer may impose any dollar limitations which, in his discretion, are necessary to protect the interests of the Government. Any subcontract or purchase order over this dollar limitation shall require individual approval. Each cost-type subcontract, regardless of the amount, shall also be approved on a case-by-case basis, even if the contractor's subcontracting procedure has been approved in accordance with this paragraph.

PART 7-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 7-4.2—Architect-Engineer Services

§ 7-4.202 [Amended]

45. Delete "Office of Small Business" in § 7-4.202 and insert "Small Business Office".

46. Revise § 7-4.203-1(b) to read:

§ 7-4.203-1 Selection panel.

* * * * *

(b) Offices which have an interest will be invited to observe and participate in the deliberations of the panel, if they desire, through a non-voting representative.

§ 7-4.203-2 [Amended]

47. Delete "Director, Office of Procurement" in § 7-4.203-2(b) and insert "Office of Contract Management".

Subpart 7-4.53—Procurement Under the A.I.D. Research and Analysis Program

§ 7-4.5300 [Amended]

48. Delete "Office of Procurement, Contract Services Division" in § 7-4.5300 (b) and insert "Office of Contract Management, Central Operations Division".

49. Revise the last sentence of § 7-4.5300(c) to read: "The procuring activity to which these programs are assigned is the Office of Contract Management, Regional Operations Division."

50. Revise § 7-4.5301(d) to read as follows:

§ 7-4.5301 Unsolicited research and analysis proposals.

* * * * *

(d) * * *

(1) For research and analysis into the fields of education, economics, political, social and institutional development, and planning and administration: Bureau for Program and Policy Coordination.

(2) For research and analysis into the field of housing: Office of Housing.

(3) For research and analysis into the field of population: Bureau for Population and Humanitarian Assistance.

(4) For research and analysis concerned with only one geographic region (as applicable):

(i) Bureau for Asia;

(ii) Bureau for Africa;

(iii) Bureau for Latin America; and

(iv) Bureau for Supporting Assistance.

(5) For research and analysis into the fields of international training: Office of International Training.

(6) For research and analysis into fields other than those cited in paragraphs (d)(1) through (d)(5) of this section e.g., agriculture, health, nutrition and food from the sea: Bureau for Technical Assistance.

PART 7-7—CONTRACT CLAUSES

51. The Contents of Part 7-7 are amended by revising Subparts 7-7.1, 7-7.50, 7-7.51, 7-7.52, 7-7.53 and 7-7.54 as follows:

Subpart 7-7.1—Fixed Price Supply Contracts

Subpart 7-7.50—Clauses for Cost Reimbursement Type Contracts

Subpart 7-7.51—Clauses for Basic Ordering Agreement for Engineering Services

Subpart 7-7.52—Clauses for Basic Ordering Agreement for Participant Training

AUTHORITY: Sec. 621, 72 Stat. 445, as amended (22 U.S.C. 2381); E.O. 10973, November 3, 1961, 26 FR 10469; 3 CFR 1959–63 Comp.

Subpart 7–7.1—Fixed Price Supply Contracts

§ 7–7.101 [Amended]

52. § 7–7.101 *Clauses*, is redesignated as § 7–7.102, Required clauses.

53. § 7–7.101–1 *Definitions*, is redesignated as § 7–7.102–1 and paragraph (a) is amended as follows:

§ 7–7.102 Definition.

(a) The term "head of the Agency", "Secretary", or "Administrator", as used herein means the Administrator, Deputy Administrator, or Assistant Administrator for Program and Management Services of the Agency for International Development; and the term "his duly authorized representative" means any person or persons or board (other than the contracting officer) authorized to act for the head of the Agency.

* * * * *

54. § 7–7.101–14 is deleted and replaced by new § 7–7.102–14 as follows:

§ 7–7.102–14 Buy American Act.

The clause set forth in FPR 1–7.102–14 is not generally included in A.I.D. contracts when more stringent source requirements are stated in the contract or when inclusion is not appropriate under FPR § 1–6.104–5. (See Executive Order No. 11223, dated May 12, 1965, 30 FR 6635.) Clauses setting forth the A.I.D. source restrictions are included in AIDPR 7–7.

§ 7–7.101–19 [Amended]

55. § 7–7.101–19 *Officials not to benefit*, is amended by redesignating it as 7–7.102–17 and substituting "1–7.102–17" for "1–7.101–19" in the text.

§ 7–7.101–22 [Amended]

56. § 7–7.101–22 *Federal, State and local taxes*, is redesignated as § 7–7.102–10.

§ 7–7.101–34 [Amended]

57. § 7–7.101–34 *Workmen's compensation insurance (Defense Base Act)*, is redesignated as § 7–7.103–22.

§ 7–7.103 [Amended]

58. A new title, "§ 7–7.103 *Clauses to be used when applicable*" is added.

Subpart 7–7.50—Clauses for Cost Reimbursement Type Contracts

§§ 7–7.5001–5(a) and 7–7.5001–5(b) [Amended]

59. § 7–7.5001–5(a) is amended to add the word "not" before "continuous with travel" in the first sentence.

60. § 7–7.5001–5(b) is amended by changing the reference to the Standardized Government Travel Regulations from "Section 6.12" to "Section 7.2".

61. § 7–7.5001–9(h) is revised as follows:

§ 7–7.5001–9 Allowable cost, fixed fee and payment.

* * * * *

(h) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver an assignment and a release using A.I.D. Forms 1420–40 or 1420–44, as appropriate, as required in AIDPR 7–16.851.

* * * * *

62. § 7–7.5001–10 is revised as follows:

§ 7–7.5001–10 Negotiated overhead rates.

NEGOTIATED OVERHEAD RATES (NOV. 1973)

(a) Notwithstanding the provisions of the clause of this Contract entitled "Allowable Cost, Fixed Fee, and Payment", the allowable indirect costs under this Contract shall be obtained by ap-

plying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than ninety (90) days after the close of each of his fiscal years during the term of this Contract, shall submit to the Contracting Officer with copies to the cognizant audit activity, the A.I.D. Auditor General, and the A.I.D. Overhead and Special Cost Branch, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of final overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with Subpart 1-15.2 (Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts with Commercial Organizations) of the Federal Procurement Regulations as in effect on the date of this Contract.

(d) The Results of each negotiation shall be set forth in a written overhead rate agreement, executed by both parties. Such agreement is automatically incorporated in this Contract upon execution and shall specify (1) the agreed final rates, (2) the bases to which the rates apply, (3) the periods for which the rates apply, and (4) the items treated as direct costs. The overhead rate agreement shall not change any monetary ceiling, contract obligation, or specific cost allowance or disallowance provided for in this Contract.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the Contract or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, and to apply either retroactively or prospectively, (1) provisional rates may, at the request of either party be revised by mutual agreement, and (2) billing rates may be adjusted at any time by the Contracting Officer. Any such revisions of negotiated provisional rates specified in the Contract shall be set forth in a modification to this Contract.

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute within the meaning of the "Disputes" clause of this contract and shall be disposed of in accordance therewith.

63. § 7-7.5001-12 is revised as follows:

§ 7-7.5001-12 Examination of records by Comptroller General.

Insert the clause set forth in FPR 1-7.103-3.

64. § 7-7.5001-16 is amended to delete "(PPC/PTIS/ARC)" in paragraph (d) and to add new paragraph (e) as follows:

§ 7-7.5001-16 Reports.

* * * * *

(e) In preparing reports the Contractor shall refrain from using elaborate art work, multicolor printing and expensive paper and binding, unless it is specifically authorized in the Schedule. Wherever possible, pages should be printed on both sides using single spaced type.

65. A new paragraph (d) is added to § 7-7.5001-18 as follows:

§ 7-7.5001-18 Subcontracts and purchase orders.

* * * * *

(d) Contracting Officer approval obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

§§ 7-7.5001-20, 7-7.5001-28, and 7-7.5001-35 [Amended]

66. § 7-7.5001-20 is revised to delete "Office of Small Business" wherever it appears and insert "Small Business Office".

67. Delete the reference to "FPR 1-7.101-13" in § 7-7.5001-28 and substitute "FPR 1-7.103-4".

68. Delete the reference to "FPR 1-7.101-19" in § 7-7.5001-35 and substitute "FPR 1-7.102-17".

69. § 7-7.5001 is amended by adding three new sections as follows:

* * * * *

§ 7-7.5001-40 Utilization of Minority Business Enterprises.

Insert the clause set forth in FPR 1-1.1310-2(a).

§ 7-7.5001-41 Listing of Employment Openings.

Insert the clause set forth in FPR 1-12.1102-2.

§ 7-7.5001-42 Payment of Interest on Contractor's Claims.

Insert the clause set forth in FPR 1-1.322(b).

§ 7-7.5002-3 [Amended]

70. § 7-7.5002-3(f) is revised to add the following sentence at the end of the paragraph: "If the dependent is eligible for educational travel pursuant to the General Provisions entitled "Allowances", time spent away from post resulting from educational travel will be counted as time at post."

71. The fourth paragraph of § 7-7.5002-3(i)(2)(ii) is revised as follows:

Reimbursement to the contractor for the cost of such travel shall be subject to a "deductible" (for each round trip) of $100 if the employee's base salary rate is less than the minimum scheduled rate for FSR-6 Agency personnel, or $200 if the employee's annual salary is more than the aforesaid rate.

72. A new paragraph (3) is added to § 7-7.5002-3(i) as follows:

(i) * * *

(3) If a regular employee does not complete one full year at post of duty (except for reasons beyond his control), the costs of going to and from the post of assignment are not reimbursable hereunder. If the employee serves more than one year but less than the required service in the Cooperating Country (except for reasons beyond his control), the costs of going to the post of duty are reimbursable hereunder but the costs of going from the post of duty to the United States or other location are not reimbursable under the contract.

73. 7-7.5002-3(k) is revised as follows:

(k) *Transportation of household goods, personal effects and motor vehicles.* (1) Transportation of Personal Effects and Household Goods.

Transportation, including packing and crating costs, will be paid for shipment by surface from point of origin in the United States (or other location as approved by the Contracting Officer) to post of duty in the Cooperating Country and return to point of origin in the United States (or other location as approved by the Contracting Officer) of (i) personal effects, and (ii) household goods of each regular employee not to exceed the following limitations:

BASIC HOUSEHOLD FURNITURE (POUNDS NET WEIGHT)

	Not supplied	Supplied
Regular employee with dependents in cooperating country	7,500	2,500
Regular employee without dependents in cooperating country	4,500	1,500

NOTE.—For the purpose of this clause, "net weight" and "gross weight" are defined and determined in accordance with the provisions of section 162.1 of the Uniform State/AID/USIA Foreign Service Travel Regulations.

The cost of transporting household goods shall not exceed the cost of packing, crating, and transportation by surface.

(2) *Unaccompanied baggage.* In addition to the weight allowance shown above for household effects, each regular employee and each authorized dependent may ship a maximum of 175 pounds gross weight of unaccompanied personal effects. This unaccompanied baggage may be shipped as air freight by the most direct route between authorized points of origin and destination regardless of the modes of travel used.

Unaccompanied baggage is considered to be those personal belongings needed by the traveler immediately upon arrival at destination. To permit the arrival of baggage to coincide with the arrival of regular employees and dependents, consideration should be given to advance shipments of unaccompanied baggage.

The foregoing provision concerning "unaccompanied baggage" is also applicable to home leave travel. The foregoing provision concerning "unaccompanied baggage" is also applicable to short-term employees when these are authorized by the terms of this contract.

(3) *Transportation of motor vehicles.* Costs of transporting privately owned

automobiles are allowable subject to the conditions set forth in section 165 of the Uniform State/AID/USIA Foreign Service Travel Regulations, as in effect on the date of this contract.

74. § 7–7.5002–3(m)(3) is deleted and "[Reserved]" substituted therefor.

75. § 7–7.5002–3(n) is revised as follows:

(n) *Reduced rates on U.S. Flag Carriers.* Reduced rates on United States flag carriers are in effect for shipments of household goods and personal effects of A.I.D. contract personnel. These reduced rates are available provided the shipper states on the bill of lading that the cargo is "Personal property—not for resale—payment of freight charges is at U.S. Government (A.I.D.) expense and any special or diplomatic discounts accorded this type cargo are applicable." The Contractor will not be reimbursed for shipments of household goods or personal effects in amounts in excess of the reduced rates available in accordance with the foregoing.

76. New § 7–7.5002–3(o) is added as follows:

(o) *Home leave travel.* The Contractor shall be reimbursed for the cost of travel performed by regular employees and dependents for purposes of home leave provided such reimbursement does not exceed that authorized by the Uniform State/AID/USIA Foreign Service Travel Regulations.

§ 7–7.5002–5 [Amended]

77. Delete "Office of Small Business" wherever it appears in § 7–7.5002–5 and insert "Small Business Office".

78. § 7–7.5002–6(c) is revised as follows:

§ 7–7.5002–6 Personnel.

* * * * *

(c) *Employment of dependents.* If any person who is employed for services in the Cooperating Country under this contract is either (1) a dependent of an employee of the Government working in the Cooperating Country, or (2) a dependent of a Contractor employee working under a contract with the Government in the Cooperating Country, such person shall continue to hold the status of a dependent and be entitled and subject to the Contract provisions which apply to dependents except as they apply to employees. He or she shall be entitled to salary for the time services are actually performed in the Cooperating Country, and differential and allowances as established by the Standardized Regulations (Government Civilians, Foreign Areas).

79. § 7–7.5002–12 is revised as follows:

§ 7–7.5002–12 Post privileges.

Insert the clause set forth in AIDPR 7–7.5502–7.

Subpart 7–7.51—Clauses for Basic Ordering Agreement for Engineering Services

§ 7–7.5101–5 [Amended]

80. § 7–7.5101–5(a)(2) is amended by changing the reference to the Standardized Government Travel Regulations from "Section 6.12" to "Section 7.2".

81. The third paragraph of § 7–7.5101–5(b)(7)(ii)(II) is revised as follows:

Reimbursement to the contractor for the cost of such travel shall be subject to a "deductible" (for each round trip) of $100 if the employee's base salary rate is less than the minimum scheduled rate for FSR–6 Agency personnel, or $200 if the employee's annual salary is more than the aforesaid rate.

82. A new paragraph (iii) is added to § 7–7.5101–5(b)(7) as follows:

(iii) If a regular employee does not complete one full year at post of duty (except for reasons beyond his control), the cost of going to and from the post of assignment are not reimbursable hereunder. If the employee serves more than one year but less than the required service in the Cooperating Country (except for reasons beyond his control), the costs of going to the post of duty are reimbursable hereunder but the costs of going from the post of duty to the United States or other location are not reimbursable under the contract.

83. Delete § 7–7.5101–5(b)(8)(iii) and substitute "[Reserved]" therefor.

84. § 7–7.5101–5(b)(9) is revised as follows:

(9) *Reduced rates on U.S. flag carriers.* Reduced rates on United States flag carriers are in effect for shipments of household goods and personal effects of A.I.D. contract personnel. These reduced rates are available provided the shipper states on the bill of lading that the cargo is "Personal property—not for sale—payment of freight charges is at U.S. Government (A.I.D.) expense and any special or diplomatic discounts accorded this type cargo are applicable." The Contractor will not be reimbursed for shipments of household goods or personal effects in amounts in excess of the reduced rates available in accordance with the foregoing.

85. § 7–7.5101–20(h) is revised as follows:

§ 7–7.5101–20 Method of payment.

* * * * *

(h) The Contractor agrees that any refunds, rebates, credits or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been paid by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver an assignment and a release using A.I.D. Forms 1420–40 or 1420–44 as required in AIDPR 7–16.851 as appropriate.

86. § 7–7.5101–23 is revised as follows:

§ 7–7.5101–23 Examination of records by Comptroller General.

Insert the clause set forth in FPR 1–7.103–3.

87. § 7–7.5101–27 is amended to delete "(PPC/PTIS/ARC)" in paragraph (d) and to add new paragraph (e) as follows:

§ 7–7.5101–27 Reports.

* * * * *

(e) In preparing reports the Contractor shall refrain from using elaborate art work, multicolor printing and expensive paper and binding, unless it is specifically authorized in the Schedule. Wherever possible, pages should be printed on both sides using single spaced type.

§ 7–7.5101–35 [Amended]

88. Delete "FPR 1–7.101–13" in § 7–7.5101–35, and substitute "FPR 1–7.103–4".

§ 7–7.5101–42 [Amended]

89. Delete "FPR 1–7.101–19" in § 7–7.5101–42, and substitute "FPR 1–7.102–17".

§ 7–7.5101 [Amended]

90. § 7–7.5101 is amended by adding four new sections as follows:

§ 7–7.5101–49 Utilization of Minority Business Enterprises.

Insert the clause set forth in FPR 1–1.1310–2(a).

§ 7–7.5101–50 Listing of Employment Openings.

Insert the clause set forth in FPR 1–12.1102–2.

§ 7–7.5101–51 Payment of Interest on Contractors' Claims.

Insert the clause set forth in FPR 1–1.322(b).

§ 7–7.5101–52 Post Privileges.

Insert the clause set forth in AIDPR 7–7.5502–7.

Subpart 7–7.52—Basic Ordering Agreement for Participant Training

91. §7–7.5201–5 is revised as follows:

§ 7–7.5201–5 Transcripts.

At the end of each academic grading period, the Contractor shall send to the Director (or to such other address as the Director may specify) one copy of an official transcript showing all work by the student at the Contractor's institution until withdrawal or graduation. When the Contractor's published policy requires a student's written authorization to release academic records, the student shall not begin training until the student's written authorization has been filed with the office designated in the Contractor's published policy.

92. § 7–7.5201–8 is revised as follows:

§ 7–7.5201–8 Examination of records by Comptroller General.

Insert the clause set forth in FPR 1–7.103–3.

§ 7–7.5201–18 [Amended]

93. Delete "FPR 1–7.101–19" in § 7–7.5201–18 and substitute "FPR 1–7.102–17".

§ 7–7.5201 [Amended]

94. § 7–7.5201 is amended by adding three new subsections as follows:

* * * * *

§ 7–7.5201–24 Utilization of Minority Business Enterprises.

Insert the clause set forth in FPR 1–1.1310–2(a).

§ 7–7.5201–25 Listing of employment openings.

Insert the clause set forth in FPR 1–12.1102–2.

§ 7–7.5201–26 Payment of interest on contractors' claims.

Insert the clause set forth in FPR 1–1.322(b).

Subpart 7–7.53—Contracts for Participant Training

95. § 7–7.5301–8 is revised as follows:

§ 7–7.5301–8 Examination of records by Comptroller General.

Insert the clause set forth in FPR 1–7.103–3.

§ 7–7.5301–17 [Amended]

96. Delete "FPR 1–7.101–19" in § 7–7.5301–17 and substitute "FPR 1–7.102–17".

§ 7–7.5301 [Amended]

97. § 7–7.5301 is amended by adding three new subsections as follows:

* * * * *

§ 7–7.5301–23 Utilization of Minority Business Enterprises.

Insert the clause set forth in FPR 1–1.1310–2(a).

§ 7–7.5301–24 Listing of employment openings.

Insert the clause set forth in FPR 1–12.1102–2.

§ 7–7.5301–25 Payment of interest on contractors' claims.

Insert the clause set forth in FPR 1–1.322(b).

Subpart 7–7.54—Clauses for Fixed Price Type Contracts for Technical Services

98. § 7–7.5401–10 is revised as follows:

§ 7–7.5401–10 Examination of records by Comptroller General.

Insert the clause set forth in FPR 1–7.103–3.

§§ 7–7.5401–16 and 7–7.5401–24 [Amended]

99. Delete "FPR 1–7.101–19" in § 7–7.5401–16 and substitute "FPR 1–7.102–17".

100. Delete "FPR 1–7.101–13" in § 7–7.5401–24 and substitute "FPR 1–7.103–4".

§ 7–7.5401 [Amended]

101. § 7–7.5401 is amended by adding four new subsections as follows:

§ 7–7.5401–30 Utilization of Minority Business Enterprises.

Insert the clause set forth in FPR 1–1.1310–2(a).

§ 7–7.5401–31 Listing of Employment Openings.

Insert the clause set forth in FPR 1–12.1102–2.

§ 7–7.5401–32 Payment of Interest on Contractors' Claims.

Insert the clause set forth in FPR 1–1.322(b).

§ 7–7.5401–33 Pricing of Adjustments.

Insert the clause set forth in FPR 1–7.102–20.

102. § 7–7.5402–4 is revised as follows:

§ 7–7.5402–4 Post Privileges.

Insert the clause set forth in FPR 7–7.5502–7.

Subpart 7–7.55—Clauses for Cost Reimbursement Contracts With Educational Institutions

103. § 7–16.5501–8(h) is revised as follows:

(h) The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver an assignment and a release using A.I.D. Forms 1420–40 or 1420–44, as appropriate, as required in AIDPR 7–16.851.

104. § 7–7.5501–9(f) is revised as follows:

§ 7–7.5501–9 Negotiated overhead rates—post determined.

* * * * *

(f) Any failure by the parties to agree on any final rate or rates under this clause shall be considered a dispute within the meaning of the "Disputes" clause of this Contract and shall be disposed of in accordance therewith.

§§ 7–7.5501–11 and 7–7.5501–13 [Amended]

105. Delete "FPR 1–7.101–10" in § 7–7.5501–11 and substitute "FPR 1–7.103–3".

106. § 7–7.5501–13 is amended to add the following sentence at the end of paragraph (d): "The title page of all reports forwarded to the A.I.D. Reference Center, pursuant to this paragraph (d) shall include the contract number, project number and project title as set forth in the schedule of this contract."

107. § 7–7.5501–13 is further amended to add a new paragraph (e) as follows:

(e) In preparing reports the Contractor shall refrain from using elaborate art work, multicolor printing and expensive paper and binding, unless it is specifically authorized in the Schedule. Wherever possible, pages should be printed on both sides using single spaced type.

108. § 7–7.5501–15(b)(2) is revised as follows:

§ 7–7.5501–15 Training of foreign country nationals.

* * * * *

(b) * * *

(2) The Contractor shall prepare and submit to the A.I.D. Office of International Training (SER/IT), three (3) copies of form A.I.D. 1380–9, "Monthly Report of Participants under Contract", on the last day of each month. On the basis of report, SER/IT will provide coverage and pay premiums under the A.I.D. Health and Accident Insurance Program.

* * * * *

109. § 7–7.5501–21 is revised as follows:

§ 7–7.5501–21 Termination for convenience of the government.

Insert the clause set forth in FPR 1–8.704–1 and the following paragraph (i):

(i) With regard to paragraph (e) above, in the event that this contract is terminated by A.I.D. or in the event that an employee's services are terminated by the Contractor at the request of A.I.D. for reasons other than misconduct, Contractor will be reimbursed for salary payments (excluding overseas incentive, differential and allowances, if any) to employees to the extent such payments are reasonable and to the extent Contractor is liable to make such payments under its agreements with such employees, subject to the following:

(1) The employee is not otherwise gainfully employed or, if gainfully employed, but at a lesser compensation, payments will be made to equalize the difference between such lesser compensation and the employee's salary (excluding overseas incentive, differential and allowances, if any); and

(2) Such payments shall not extend beyond the date the employee's contract would have expired, or 1 year from the date of the employee's termination, or the date on which this contract would have expired but for termination, whichever is earlier.

(3) Contractor agrees to exert its best efforts to minimize costs under this provision, including the expeditious return of its employees to their points of origin in order to facilitate the employee in locating gainful employment.

§§ 7–7.5501–24 and 7–7.5501–32 [Amended]

110. Delete "FPR 1–7.101–13" from § 7–7.5501–24 and substitute "FPR 1–7.103–4".

111. Delete "FPR 1–7.101–19" from § 7–7.5501–32 and substitute "FPR 1–7.102–17".

112. § 7–7.5502 is revised as follows:

§ 7–7.5502 Additional clauses.

These additional clauses are mandatory for cost reimbursement type contracts with educational institutions which will be performed in whole or in part outside the United States. (These clauses are in addition to the clauses set forth in § 7–7.5501.)

113. § 7–7.5502–3(c) is revised as follows:

§ 7–7.5502–3 Personnel.

* * * * *

(c) *Employment of Dependents.* If any person who is employed for services in the cooperating country under this Contract is either (1) a dependent of an employee of the Government working in the cooperating country, or (2) a dependent of a Contractor employee working under a contract with the Government in the cooperating country, such person shall continue to hold the status of a dependent and be entitled and subject to the Contract provisions which apply to dependents except as they apply to employees. He or she shall be entitled to salary for the time services are actually performed in the cooperating country, and differential and allowances as established by the Standardized Regulations (Government Civilians, Foreign Areas).

114. § 7–7.5502–7 is revised as follows:

§ 7–7.5502–7 Post privileges.

POST PRIVILEGES (NOV. 1973)

(a) Health room services are generally available for Contractor employees at the post of duty. These services do not include hospitalization, or predeparture or end of tour medical examinations. The services do include such medications as may be available; immunizations and preventive health measures; diagnostic examinations and advice; emergency treatment; and home visits as medically indicated.

(b) Privileges such as the use of APO, PX's, commissaries, and officer's clubs are established at posts abroad pursuant to agreements between the U.S. and cooperating governments. These facilities are intended for and usually limited to members of the official U.S. establishment including the Embassy, A.I.D. Mission, U.S. Information Service, and the Military. Normally, the agreements do not permit these facilities to be made available to nonofficial Americans. However, where available the Contractor will assist its employees and their dependents in obtaining access to these facilities.

115. Paragraph (4) in § 7–7.5502–9(i) is revised as follows:

§ 7–7.5502–9 Travel expenses

* * * * *

(i) * * *

(4) If a regular employee does not complete one full year at post of duty (except for reasons beyond his control), the costs of going to and from the post of duty are not reimbursable hereunder. If the employee serves more than one year but less than the required service in the cooperating country (except for reasons beyond his control), the costs of going to the post of duty are reimbursable hereunder but the costs of going from post of duty to the United States or other location are not reimbursable under this contract.

116. § 7–7.5502–9(j) is revised as follows:

(j) *Home leave travel.* The Contractor shall be reimbursed for the cost of travel performed by regular employees and dependents for purposes of home leave provided such reimbursement does not exceed that authorized by the Uniform State/AID/USIA Foreign Service Travel Regulations.

117. New paragraph (c)(4) is added to § 7–7.5502–10 as follows:

§ 7–7.5502–10 Transportation and storage expenses.

* * * * *

(c) * * *

(4) Reduced Rates on U.S. Flag Carriers.

Reduced rates on United States flag carriers are in effect for shipments of household goods and personal effects of A.I.D. contract personnel. These reduced rates are available provided the shipper states on the bill of lading that the cargo is "Personal property—not for resale—payment of freight charges is at U.S. Government (A.I.D.) expense and any special or diplomatic discounts accorded this type cargo are applicable." The Contractor will not be reimbursed for shipments of household goods or personal effects in amounts in excess of the reduced rates available in accordance with the foregoing.

§ 7–7.5502–17 [Amended]

118. Delete "Office of Small Business" from § 7–7.5502–17 and substitute "Small Business Office".

119. The first sentence of §7–7.5503–4(f) is revised as follows:

§ 7–7.5503–4 Negotiated overhead rates—predetermined.

* * * * *

(f) Any failure by the parties to agree on any predetermined overhead rate or rates under this clause shall not be considered a dispute within the meaning of the "Disputes" clause of this contract. * * *

§ 7–7.5503–7 [Amended]

120. § 7–7.5503–7 is amended to add the phrase "* * * to the Contract or any of the items handled under the Contract, * * *" after "Limited Official Use")" in paragraph (a).

PART 7–8—TERMINATION OF CONTRACTS

Subpart 7–8.2—General Principles Applicable to the Termination for Convenience and Settlement of Fixed-Price and Cost-Reimbursement Type Contracts

§§ 7–8.211–1 and 7–8.211–2 [Amended]

121. Delete "Assistant Administrator for Administration" wherever it appears in §§ 7–8.211–1 and 7–8.211–2(b) and insert "Assistant Administrator for Program and Management Services".

122. Delete "Office of Procurement, A/PROC" in § 7–8.211–2(c) and insert "Office of Contract Management".

PART 7–10—BONDS AND INSURANCE

Subpart 7–10.1—Bonds

§ 7–10.106 [Amended]

123. Delete "PROC/CSD" at the end of § 7–10.106(b), and insert "Office of Contract Management".

Subpart 7–10.3—Insurance—General

§ 7–10.302 [Amended]

124. Delete "Office of Procurement" at the end of § 7–10.302, and insert "Office of Contract Management".

PART 7–12—LABOR

Subpart 7–12.8—Equal Opportunity in Employment

§ 7–12.805–5 [Amended]

125. Delete "Office of Procurement" in §§ 7–12.805–1 and 7–12.805–5 and insert "Office of Contract Management".

PART 7–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 7–15.1—Applicability

126. Revise § 7–15.107 as follows:

§ 7–15.107 Advance understandings on particular cost items.

(a) The General Provisions of A.I.D. contracts generally enumerate the rules and principles governing the reimbursement of compensation, travel, transportation and a number of "fringe benefit" costs associated with overseas operations.

(b) However, as a substitute for, or in addition to, the General Provisions, an agreement setting forth advance understandings on selected costs may be negotiated with Agency contractors by the Overhead and Special Cost Branch, Support Division, Office of Contract Management. Such advance understandings will be applicable to all contracts with that contractor.

Subpart 7–15.2—Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts With Commercial Organizations

§ 7–15.205–6 [Amended]

127. § 7–15.205–6(b)(1) is amended to delete the phrase "nor may they be employed for more than ninety (90) days in any twelve month period" from the second sentence in the paragraph.

Subpart 7–15.3—Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts With Educational Institutions

128. Revise § 7–15.307–4 as follows:

§ 7–15.307–4 Predetermined fixed rates for indirect costs.

Section 635(k) of the Foreign Assistance Act of 1961, as amended, authorizes A.I.D. to use predetermined fixed rates in determining the indirect costs applicable under contracts with educational institutions.

PART 7–16—PROCUREMENT FORMS

129. The Contents of Part 7–16 are revised as follows:

AUTHORITY: Sec. 621, 72 Stat. 445, as amended; (22 U.S.C. 2381) E.O. 10973, November 3, 1961, 26 FR 10469; 3 CFR 1959–63 comp.

Subpart 7–16.2—Forms for Negotiated Supply Contracts

Subpart 7–16.2 [Deleted]

130. Subpart 7–16.2 is deleted in its entirety.

Subpart 7–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction)

131. New § 7–16.557 is added as follows:

§ 7–16.557 Negotiated indirect cost agreement.

This form is for use in establishing indirect cost rates for Agency contracts.

Subpart 7–16.8—Miscellaneous Forms

132. Subpart 7–16.8 is added as follows:

Subpart 7–16.8—Miscellaneous Forms

§ 7–16.800 Scope of subpart.

This subpart prescribes miscellaneous forms, other than procurement contract forms, for use in connection with the procurement of supplies or services. Illustrations of these forms are contained in Subpart 7–16.9 of this part.

§ 7–16.806 Contract pricing proposals.

(a) The following forms are prescribed for use in meeting the requirements of § 1–3.807–3 of this title:

(1) *Hardware and Supplies.* Use Optional Form 59 as prescribed in § 1–3.807–3(a) and § 1–16.806 of this title when procuring hardware and supplies.

(2) *Research and Development.* Use Optional Form 60 as prescribed in § 1–3.807–3(a) and § 1–16.806 of this title when procuring research and development, except that A.I.D. Form 1420–18 may be used for research and development involving overseas performance.

(3) *Technical Services.* Use A.I.D. Form 1420–18 (see § 7–16.955) when procuring technical services.

(b) The offeror must also submit any supplementary information required by the "Instructions to the Offeror" or notes" sections of the forms set forth in paraggraph (a) of this section.

(c) Contractors may, however, submit the necessary information in a format different from that required by paragraph (a) of this section where (1) the contractor's accounting system makes the use of a particular form impracticable, or (2) when required for a more effective and efficient presentation of cost or pricing information. In either instance, the alternate format must be acceptable to the Contracting Officer and the information furnished should include pertinent details as to the cost elements for the specific statements, authorizations, and authentications required by the form.

§ 7–16.850 Small Business/Minority Business Enterprise Procurement Review Form.

A.I.D. Form 1410–14 (Small Business/Minority Business Enterprise Procurement Review Form) is prescribed for use in accordance with § 7–2.704–6.

§ 7–16.851 Release and assignment forms.

(a) The forms set forth below are required for use in complying with the Contractor's release and assignment responsibilities under the final payment coverage in any of the clauses, entitled: (1) "Allowable Cost, Fixed Fee, and Payment", (2) "Method of Payment", and (3) "Allowable Cost and Payment", of A.I.D.'s cost-reimbursement contracts and agreements.

(b) The forms shall be completed in accordance with the instructions contained thereon and submitted to the Contracting Officer administering the contract.

§ 7–16.851–1 Contractor's release and/or assignment of refunds, rebates, credits, and other amounts.

A.I.D. Form 1420–40 (Contractor's Release and/or Assignment of Refunds, Rebates, Credits, and Other Amounts) is the form for the Contractor's release and assignment required by the clauses cited in § 7–16.851(a) above.

§ 7–16.851–2 Assignee's release and/or assignment of refunds, rebates, credits, and other amounts.

A.I.D. Form 1420–44 (Assignee's Release and/or Assignment of Refunds, Rebates, Credits, and Other Amounts) is the form for the Assignee's release and assignment required by the clauses cited in § 7–16.851(a).

Subpart 7–16.9—Illustrations of Forms

§§ 7–16.954–1 and 7–16.954–2 [Amended]

133. Delete "Office of Procurement, Contract Services Division" from the "Authorized Ordering Activity" blocks in §§ 7–16.954–1 and 7–16.954–2 and insert "Office of Contract Management, Central Operations Division".

134. § 7–16.955, Form for Offeror's analysis of Cost Proposal [1] is amended to (a) amplify Footnote 2, (b) add cost line item XI coverage on "Royalty" costs, and (c) add a footnote explaining line item XI.

[1] Form filed as part of the original document.

§ 7–16.956–1 [Amended]

135. Delete "Office of Procurement, Contract Services Division" from the "Authorized Ordering Activity" block in § 7–16.956–1 and insert "Office of Contract Management, Central Operations Division".

136. New § 7–16.959 is added as follows:

§ 7–16.959 Negotiated Indirect Cost Rate Agreement.

NOTE.—Form AID 1420–47 (4–73) filed as part of the original document.

137. New § 7–16.960 is added as follows:

§ 7–16.960 Small Business/Minority Business Enterprise Review form (A.I.D. Form 1410–14).

NOTE.—Form (A.I.D. 1410–14) filed as part of the original document.

138. New § 7–16.961 is added as follows:

§ 7–16.961 Contractor's release and/or assignment of refunds, rebates, credits, and other amounts (A.I.D. Form 1420–10).

NOTE.—Form 1420–10 filed as part of the original document.

139. New § 7–16.962 is added as follows:

§ 7–16.962 Assignee's release and/or assignment of refunds, rebates, credits and other amounts. (A.I.D. Form 1420–44).

NOTE.—Form 1420–44 filed as part of the original document.

PART 7–30—CONTRACT FINANCING

Subpart 7–30.4—Advance Payments

140. Section 7–30.400 is revised as follows:

§ 7–30.400 Scope of subpart.

References to non-profit contracts with non-profit educational or research institutions for experimental, research and development work include non-profit contracts with non-profit institutions for: (1) Technical assistance services provided to or for another country or countries, and (2) projects which concern studies, demonstrations and similar activities related to economic growth or the solution of social problems of developing countries.

Subpart 7–30.45—Federal Reserve Letter of Credit Method of Disbursing Advances to Nonprofit Institutions

141. Section 7–30.4501–2 is amended by deleting subparagraphs (a) 1.C, (a) 2.B, and (a) 2.C, and adding the following as subparagraph (a) (2) B.

§ 7–30.4501–2 Procedure to establish Federal Reserve Letter of Credit.

(a) * * *

B. Such other data as may be required to conform to the Controller's current requirements: E.g., copy of the contractor's latest available balance sheet, and income and expense statement.

* * * * * *

142. The format of the report set forth in § 7–30.4502 D.9. is revised as follows:

STATUS OF FUNDING REPORT

Federal Reserve Letter of Credit (FRLC) No. ------

Period from ------ through ------

A. *Letter of Credit Position*

1. Current amount of FRLC (including amendments) through reporting period $------
2. Payment Vouchers on Letter of Credit presented (Form TUS–5401):
   a. Credited prior to reporting period $------
   b. Credited during reporting period via TUS–5401 Voucher Nos. ------ through ------ inclusive $------
   c. Presented but not credited during report period via TUS–5401's numbered ------ through ------ inclusive $------
3. Total of all Payment Vouchers against FRLC credited or presented $------
4. Balance of FRLC not drawn or requested this reporting period $------

B. *Cash Position*

1. Cash on hand at beginning of period $------
2. Plus: cash drawn during period $------
3. Plus: refunds, rebates or other amounts received, to the extent allocable to disbursements charged against this FRLC $------
4. Total cash available (sum of 1, 2, and 3) $------
5. Less: disbursement during period $------
6. Balance of cash on hand at close of reporting period $------
7. Estimated number of days requirements covered by balance on hand (Item 6 above) Days: ------

Cancellation.—This amendment incorporates AIDPR Notices 72–1 (37 FR 3521), 73–1 (37 FR 24184) and 73–2 (38 FR 12804), which are hereby cancelled.

Effective date.—This amendment is effective on November 30, 1973, but may be observed earlier.

Dated September 13, 1973.

WILLARD H. MEINECKE,
Deputy Assistant Administrator for Program and Management Services.

[FR Doc.73–21934 Filed 10–15–73;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amendment G–27]

PART 101–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Loss and Damage

Subpart 101–40.7 is amended to prescribe procedures and regulations for reporting and adjusting discrepancies in shipments moving on the Standard Form 1196, Short Form U.S. Government Bill of Lading; reflect changes in procedures for the filing and collection of loss and damage claims; reflect procedures with respect to compromise, suspension, or termination of collection action; revise requirements for the use of Standard Form 361, Discrepancy in Shipment Report; and provide for the use of Standard Form 363, Discrepancy in Shipment Confirmation.

Subpart 101–40.49 is amended to reflect the current address for obtaining GSA forms and to illustrate Standard Form 363 and related guidelines for preparation.

The table of contents for Part 101–40 is amended to include new and revised entries as follows:

Sec.

101–40.702–3	Preparation of a discrepancy report.
101–40.711–2	Claims against ocean and international air carriers.
101–40.712	Referral of claims to the General Accounting Office or to the Department of Justice.
101–40.4906–6	Standard Form 363, Discrepancy in Shipment Confirmation.
101–40.4906–7	Guidelines for preparation of of Standard Form 363, Discrepancy in Shipment Confirmation.

Subpart 101–40.7—Reporting and Adjusting Discrepancies in Government Shipments

1. Section 101–40.700 is revised as follows:

§ 101–40.700 Scope of subpart.

This subpart prescribes regulations for reporting overages, shortages, damages, and other discrepancies in the quantity or condition of property received from commercial carriers as compared with that shown on the covering bill of lading or other transportation document. It also prescribes regulations for adjusting such discrepancies when they are determined to be the liability of the carrier.

2. Section 101–40.701 is amended as follows:

§ 101–40.701 Receipt of shipment from carrier.

On accepting delivery of a shipment from the carrier, a careful inspection and check shall be made as to the quantity and condition of the property received; and an accurate record shall be made and kept of any discrepancies or variations between the data shown on the covering bill of lading or other transportation document and the quantity and condition of property actually received. In instances of visible damage to the property, care should be taken to preserve original packing pending completion of inspection by the carrier. Where applicable, the following actions shall be taken in checking and documenting delivery conditions:

(a) When a shipment is received in a closed conveyance, a record shall be made of the identification and condition of the seals on the carrier's conveyance (i.e., the numbers and whether intact, broken, or missing) and whether the shipment was properly loaded, stowed, blocked, and braced.

(b) On shipments other than in bulk, the number of pieces or packages in the shipment shall be physically counted

and recorded by means of a stroke tally or other appropriate method.

(c) A record shall be made of the condition of the car, truck, or other conveyance (e.g., whether sound, clean, safe) with particular reference to any circumstance that might contribute to loss or damage. When there is suspicion or evidence of damage in an ocean shipment, the ocean carrier or his agent shall be requested to furnish details concerning stowage of the shipment aboard the vessel.

(d) If a shipment is received in apparent bad order (e.g., the load is shifted or jumbled, or containers are broken or leaking), photographs of the condition shall be made, whenever possible, for use as documentary evidence in the event of a claim. Each photograph shall be marked indelibly with the Government or commercial bill of lading number, the ocean or international air bill of lading number and/or the carrier's delivery receipt number, the vehicle identification number or vessel's name, and the date the photograph was taken. Photographs of damaged shipments delivered by ocean carriers shall be made at the carrier's terminal prior to accepting the shipment.

3. Section 101–40.702 is revised as follows:

§ 101–40.702 Reporting discrepancies.

§ 101–40.702–1 Exception on carrier's delivery receipt.

(a) Before signing the carrier's delivery receipt, the Government consignee (or representative) shall note on the receipt details of the nature and extent of all apparent overages, shortages, visible damages, or other discrepancies in the quantity and condition of property received as compared with that shown on the covering bill of lading or other transportation document. Any notation placed on the carrier's delivery receipt shall also be shown on the consignee's copy of the delivery receipt or freight bill. Notations shall be signed by the consignee, and the carrier's driver or representative shall be requested to also sign the notation.

(b) In the instance of an ocean shipment, placing an exception on the carrier's delivery receipt is not necessary if the condition of the shipment has been the subject of a joint survey or inspection; that is, if representatives of the carrier and the consignee jointly surveyed or inspected the shipment while it was still in the possession of the carrier, and a copy of the joint report signed by both representatives is in the possession of the consignee (46 U.S.C. 1303 (6)).

§ 101–40.702–2 Exception on Government bill of lading.

(a) *Regular Government bills of lading.* In the instance of a shipment moving on a Standard Form 1103, U.S. Government Bill of Lading (or having moved on a commercial bill of lading converted to a Government bill of lading), or moving on a Standard Form 1131, U.S. Government Transit Bill of Lading, the Report of Loss, Damage, or Shrinkage section on the reverse of the Government bill of lading shall be prepared accurately and in detail and shall be properly signed at the time the document is accomplished.

(b) *Short form Government bill of lading.* In the instance of a shipment moving on a Standard Form 1196, Short Form-U.S. Government Bill of Lading, the Record of Loss, Damage, or Shrinkage section on the reverse of the "Consignee Copy" (Copy No. 3) shall be prepared accurately and in detail and shall be properly signed.

§ 101–40.702–3 Preparation of a discrepancy report.

(a) When the total value of the loss and/or damage on a single bill of lading exceeds $15, the receiving activity shall prepare a written report. Suspected pilferage or loss during transit of narcotics and related substances or ammunition, explosives, and other dangerous articles (hazardous materials as listed in 49 CFR Part 172) shall be reported regardless of dollar value. (See paragraphs (b) and (c) of this section.) Standard Form 361, Discrepancy in Shipment Report (see § 101–40.4906–3), or Standard Form 363, Discrepancy in Shipment Confirmation (see § 101–40.4906–6), may be used for this purpose. Guidelines for preparation of these standard forms are in §§ 101–40.4906–4 and 101–40.4906–7, respectively. Specific requirements for reporting discrepancies in shipments from GSA supply distribution facilities or directed by GSA from other sources are set forth in § 101–26.307.

(b) When theft or loss occurs in a shipment of narcotics or related substances, a copy of the discrepancy report shall be forwarded to the nearest regional office of the Bureau of Narcotics and Dangerous Drugs, Department of Justice (21 CFR 301.74(e)).

(c) When theft or loss occurs in a shipment of ammunition, explosives, or other dangerous articles (hazardous materials), a copy of the report shall be forwarded to: Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590.

4. Sections 101–40.703–1, 101–40.703–2 (a) and (c), and 101–40.703–3 are revised as follows:

§ 101–40.703–1 Notice of shortage.

Normally, it is sufficient to notify a carrier of a shortage in a shipment by noting the shortage on the carrier's delivery receipt and on the reverse of the Government bill of lading. Whenever possible, however, notification of a shortage valued in excess of $15 on a single bill of lading shall be made promptly by telephone in order that the delivering carrier will have an opportunity to verify the reported shortage (if verification is indicated as being required) before the delivery receipt and the Government bill of lading are received in the carrier's billing office. In the instance of concealed shortage or where there is evidence of tampering, possible pilferage, or shortage of an entire shipment, regardless of dollar value, the carrier shall be notified by telephone, followed by a prompt, written notification of the discrepancy and of intent to claim for the loss resulting therefrom. Use of Standard Form 363, Discrepancy in Shipment Confirmation, is recommended for this purpose. When the entire shipment is short or the discrepancy is in a shipment which moved on a Standard Form 1196, Short Form-U.S. Government Bill of Lading, notification of the discrepancy shall be furnished to the origin carrier.

§ 101–40.703–2 Notice of visible damage.

(a) The delivering carrier (origin carrier when the shipment moves on a Standard Form 1196) shall be notified and requested to perform an inspection in all instances of damage except in those instances involving domestic carriers where it is known that the total amount of loss and/or damage on a single bill of lading does not exceed $15. Use of Standard Form 363 is recommended for this purpose. In the instance of international shipments by ocean and international air carriers, the notice must be made in writing before the property is removed from the carrier's possession except as provided in § 101–40.702–1(b). Such written notice may be in the form of an exception placed on the document of transportation or on the receipt given the carrier when taking delivery of the shipment. If the carrier waives the opportunity to perform an inspection, the responsible Government employee shall make a written record of such waiver, including the date the request for inspection was made and the name of the carrier representative who was contacted and waived inspection.

* * * * *

(c) In the instance of domestic shipments, if the damaged property is nonperishable, the property shall be held for a reasonable time (normally, 5 workdays after notification is sufficient) to allow the carrier time to complete inspection.

§ 101–40.703–3 Notice of concealed loss or damage.

(a) *Domestic carriers.* When loss or damage that was not apparent at the time of delivery from the carrier is subsequently discovered when the packages are opened, the carrier shall be notified promptly and requested to make an inspection of the property involved except in those instances where it is known that the total amount of loss and/or damage on a single bill of lading does not exceed $15. (See § 101–40.702–3). Unless there are extenuating circumstances, the notification and request for inspection shall be made not later than 15 calendar days from date of receipt of the shipment and shall be made by telephone, followed by a written confirmation. Such confirmation shall include the date the request was made and the name of the carrier representative who was contacted. A copy of such notification

and request shall be retained for claim purposes. Use of Standard Form 363 is recommended for this purpose. Wrappings and packing materials and any unopened packages shall be retained for the carrier's inspection. A copy of the carrier's inspection report shall be requested for use in determining liability or preparing a claim; or if the carrier fails to make an inspection within a reasonable time (normally, within 5 workdays after date of notification) or waives the opportunity to perform an inspection, the carrier shall be requested, in writing, to furnish a written waiver.

(b) *Ocean or international air carriers.* In the instance of international shipments, when loss or damage that was not apparent at the time of removal of the property from the carrier's possession is subsequently discovered when the packages are opened, the carrier shall be notified promptly in writing of the loss or damage. When an ocean carrier is involved, the written notice shall be given to the carrier or his agent at the port of discharge within 3 calendar days of delivery (46 U.S.C. 1303(6)). When an international air carrier is involved, the written notice shall be given within 7 calendar days of receipt of the property (Article 26 of the Warsaw Convention; 49 Stat. 3020). Ocean and international air carriers shall be given a nominal period of time to inspect concealed loss or damage, and the period of time shall be set forth in the letter of notification.

5. Section 101–40.704–2 is revised as follows:

§ 101–40.704–2 Transportation for account of the supplier.

In instances where the transportation is performed by the carrier for the supplier rather than for the Government (e.g., where property is purchased f.o.b. destination), proper notations shall be made on the carrier's delivery receipts to assist the supplier in filing claims for transportation losses, and prompt notification shall be made to the supplier with a request for advice as to disposition of damaged property. (See § 101–26.307 in connection with damage to stock or nonstock items procured from GSA for direct delivery.)

6. Section 101–40.707–1 is revised as follows:

§ 101–40.707–1 Transportation for account of the supplier.

In instances where the transportation is performed by the carrier for the supplier rather than for the Government (e.g., where property is purchased f.o.b. destination), determination of liability for the discrepancies in shipment shall be left to the discretion of the carrier and the supplier. However, in such instances the Government receiving activity shall make accurate notations of discrepancies on the carrier's delivery receipt and shall furnish a report of the discrepancies to the supplier or the agency contracting officer, as the individual agency regulations may provide, to assist the supplier in resolving the discrepancies.

7. Section 101–40.710 is revised as follows:

§ 101–40.710 Processing claims against carriers.

When it has been determined that the carrier is responsible for loss and/or damage to a Government shipment, a claim shall be prepared on Standard Form 362, U.S. Government Freight Loss/Damage Claim (see § 101–40.4906–5), and forwarded in duplicate with the necessary supporting documents to the appropriate carrier except as otherwise provided in §§ 101–40.711 and 101–40.712. (See 49 CFR Part 1005 and § 1056.17 (a) and (b) for additional regulations concerning claims against carriers subject to the Interstate Commerce Act.) The appropriate carrier is (a) the origin carrier in the case of shipments moving on Standard Form 1196, Short Form–U.S. Government Bill of Lading; (b) usually the origin carrier on ocean or international air shipments; and (c) usually the destination line-haul carrier (not the drayage company or switching carrier performing the delivery service for the destination line-haul carrier) in the instance of domestic shipments moving on a Standard Form 1103, U.S. Government Bill of Lading, Standard Form 1131, U.S. Government Transit Bill of Lading, or on a commercial bill of lading to be converted to a Government bill of lading. Where it is known, conclusively, on which carrier's line the loss or damage occurred, the claim may be filed against that carrier; however, in cases where no part of the shipment has been delivered, the claim should ordinarily be filed against the origin carrier who receipted for the shipment.

8. Section 101–40.711 is revised as follows:

§ 101–40.711 Collection of claims.

§ 101–40.711–1 Claims against domestic carriers.

Formal claims (SF 362 with supporting documents) for amounts exceeding $15 shall be presented to rail carriers, motor carriers, inland water carriers, domestic freight forwarders, and other carriers subject to the Interstate Commerce Act; and 120 calendar days (and an equitable amount of additional time when requested by the carrier in writing) shall be allowed the carriers for payment of such claims or for furnishing evidence of nonliability before collection is effected by setoff; that is, by withholding payment from amounts otherwise due and payable to carriers for transportation and related services. Exceptions to this provision may be made where it is known that the carrier is involved in a bankruptcy, insolvency, or reorganization proceeding, and it is clearly in the Government's interest to effect earlier collection by setoff. (See 4 CFR Parts 102, 103, and 104.) Agencies shall absorb losses of $15 or less.

§ 101–40.711–2 Claims against ocean and international air carriers.

Regulations of the General Accounting Office (5 GAO 5040.21) require that:

(a) When a loss or damage for which the carrier is administratively determined to be liable has occurred in an ocean or international air shipment, effort should be made to withhold an amount sufficient to reimburse the Government for the loss or damage from the carrier's bill covering the charges for the transportation or related services on the same shipment. If this is not possible, the withholding should be made from a payment due the carrier on an unrelated account. Notice to the carrier of withholding should request the carrier's consent to such action.

(b) If the carrier does not consent to the withholding action prescribed in (a), above, or if the claim is not otherwise compromised or withdrawn in accordance with 4 CFR Part 103 or 104 (5 GAO 5040.15), referral of the matter shall be made to the Department of Justice for consideration of the need for suit to reduce the Government's claim to judgment. Such referral shall be made at least 90 calendar days prior to the expiration of the 1-year period for bringing suit against ocean carriers (46 U.S.C. 1303(6)) and prior to the expiration of the 2-year period for bringing suit against international air carriers (Article 29 of the Warsaw Convention; 49 Stat. 3021).

9. Section 101–40.712 is revised as follows:

§ 101–40.712 Referral of claims to the General Accounting Office or to the Department of Justice.

Claims which cannot be collected, compromised, suspended, or terminated in accordance with 4 CFR Parts 102, 103, and 104 shall be determined uncollectible and reported to the General Accounting Office or the Department of Justice for appropriate action under the criteria established in 5 GAO 5040.25 through 5040.36.

10. Section 101–40.713 is revised as follows:

§ 101–40.713 Clearing carriers of liability.

When, through investigation or evidence submitted by a carrier, it is determined that loss or damage incident to a Government shipment is not the responsibility of the carrier, necessary steps shall be taken to clear the carrier of liability for such loss or damage. This shall include clearance of any exception which had been noted on the reverse of the Government bill of lading and the withdrawal of any claim which may have been filed for recovery of losses sustained. While no precise format is prescribed, the document which is used to accomplish this purpose should be prepared in sufficient detail to identify the shipment and to show the basis for relieving the carrier of liability. This includes: (a) A reference to the Government bill of lading number or other transportation document, (b) a detailed description of the property shipped, (c) reference to the exception taken to the quantity or condition of the property delivered, (d) number and date of any claim which has been filed with the carrier, and (e) basis on

which the exception or claim is being withdrawn. The original form or document shall be forwarded to the carrier against whom the claim has been filed (or, in case the claim has not yet been filed, to the carrier billing for the transportation or related services); and a copy shall be attached to the original bill of lading, with additional copies to meet agency needs.

Subpart 101–40.49—Forms, Formats, and Agreements

1. Sections 101–40.4901(b) and 101–40.4902 are revised as follows:

§ 101–40.4901 GSA forms.

* * * * *

(b) Agency field offices should submit requirements to their Washington headquarters office which will forward consolidated annual requirements to the General Services Administration, (BRAF), Washington, DC 20405.

§ 101–40.4902 Standard forms.

(a) The standard forms in this Subpart 101–40.49 should be requisitioned from the nearest General Services Administration supply distribution facility.

(b) Guidelines for preparation of Standard Forms 361 and 363, in §§ 101–40.4906–4 and 101–40.4906–7, respectively, will not be printed or supplied.

2. Sections 101–40.4906–6 and 101–40.4906–7 are added as follows:

§ 101–40.4906–6 Standard Form 363, Discrepancy in Shipment Confirmation.

NOTE.—The form and instructions are filed as part of the original document and do not appear in the FEDERAL REGISTER.

§ 101–40.4906–7 Guidelines for preparation of Standard Form 363, Discrepancy in Shipment Confirmation.

NOTE.—The form and instructions are filed as part of the original document and do not appear in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).)

Effective date.—These regulations are effective October 1, 1973.

Dated October 5, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73–21963 Filed 10–15–73;8:45 am]

Title 50—Wildlife and Fisheries

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

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

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Open seasons and daily bag and possession limits for certain migratory game birds for the 1973–74 hunting season were published in the FEDERAL REGISTER on August 31, 1973 (38 FR 23524, FR Doc. 73–18361).

The Michigan duck season is open October 10–November 23, 1973, and the bag limit is governed by the point system as described in § 20.105(g).

Michigan has agreed to participate in the Bureau's iron and lead shot field testing experiment on State-owned lands and waters of the Shiawassee River State game area. To facilitate this experiment during the 1973–74 hunting season, it is desirable to change the bag limits for the Shiawassee River State game area by allowing a daily bag limit of 4 ducks of any species or sex for all persons participating in the iron and lead shot field testing experiment, providing that such persons are accompanied during their hunt by certified representatives or designated employees of the Michigan Department of Natural Resources, and that said persons shall hunt only on assigned shooting posts. The participants will be issued a permit by the Michigan Department of Natural Resources to transport their daily bag of ducks from the Shiawassee area to their place of residence if their bag exceeds the legal daily bag limit permitted under the Statewide point system.

Since immediate change of the daily bag limit at the Shiawassee River State game area is desirable to obtain full benefit from the Bureau's lead and iron shot field testing experiment, it is determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest. Accordingly, Part 20, Subpart K of Title 50, Code of Federal Regulations, is amended as follows:

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

* * * * *

(c) *Atlantic, Mississippi, and Central Flyways:* In the table of States under the Mississippi Flyway, the reference to footnote 5 is added after footnote (4) after the State of Michigan, so that the footnote references for Michigan read as follows:

Michigan:			
Ducks	Oct. 10–Nov. 23	(4)	(4) [5]

* * * * *

Footnote 5 is added to the table of footnotes to read as follows:

[5] On the State-owned lands and waters of the Shiawassee River State game area, in Sections 13, 24, 26, 27, 34, 35, and 36, Township 11 North, Range 3 East, and in Sections 2 and 3, Township 10 North, Range 3 East, posted "State game area—hunting by permit only," in addition to those rules and regulations established by the Michigan Natural Resources Commission previously, the hunting of waterfowl shall be regulated as follows: the daily bag limit shall be 4 ducks of any species and/or sex for all persons participating in the iron and lead shot field testing experiment. All hunting parties participating in the experiment shall be accompanied during their hunt by a certified person or designated employee of the Michigan Department of Natural Resources. Said hunters shall hunt only on their assigned shooting posts. A permit shall be issued by the Michigan Department of Natural Resources for a participant to transport his daily bag of ducks from the Shiawassee area to his place of residence, if the makeup of his daily bag is greater than the legal bag permitted under the Statewide point system.

Effective date. These amendments are effective October 16, 1973.

(40 Stat. 744; (16 U.S.C. 703 et seq).)

F. M. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

OCTOBER 11, 1973.

[FR Doc.73–22033 Filed 10–15–73;8:45 am]

PART 32—HUNTING

Horicon National Wildlife Refuge, Wisc.

The following special regulation is issued and is effective on October 16, 1973.

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

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the area designated by signs as open to hunting, during the period November 17 through November 25, 1973, with designated firearms, and during the period December 1 through December 31, 1973 with bow and arrow. The open area, comprising 20,700 acres, is delineated on maps available at refuge headquarters, Mayville, Wisconsin, 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.

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

ROBERT G. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wisconsin.

OCTOBER 5, 1973.

[FR Doc.73–21964 Filed 10–15–73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Allocation and Apportionment of Deductions; Extension of Time for Comments

Proposed amendments to the regulations under sections 861, 863, and 905 of the Internal Revenue Code of 1954, relating to allocation and apportionment of deductions, appear in the FEDERAL REGISTER for Monday, June 18, 1973 (38 FR 15840).

Written comments or suggestions pertaining to the proposed amendments were required to be submitted by August 17, 1973, but this date was extended to October 17, 1973, by a notice published in the FEDERAL REGISTER for Friday, July 20, 1973 (38 FR 19417). The time for submission of written comments pertaining to the proposed regulations is hereby further extended to November 15, 1973.

LAWRENCE B. GIBBS,
Acting Chief Counsel.

[FR Doc.73-22167 Filed 10-15-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 282]

[General Order 22, Rev.]

MARITIME CARRIERS

Uniform System of Accounts Requirements

Notice is hereby given that the Maritime Subsidy Board (the "Board") acting pursuant to section 204(b) and 801 of the Merchant Marine Act, 1936, as amended (the "Act", 46 U.S.C. 1114 and 1211, respectively), and authority delegated to the Board by Reorganization Plan No. 21 of 1950 (46 Stat. 1237), Reorganization Plan No. 7 of 1961 (75 Stat. 840), and Department of Commerce Organization Order 10-8 (July 5, 1973), is considering revising the "Uniform System of Accounts" (46 CFR Part 282).

The Uniform System of Accounts was originally published on November 21, 1950 (15 FR 7935), and subsequently amended through Amendment 6 (32 FR 20777, December 23, 1967). Every operating differential subsidy contractor, except those engaged in the carriage of raw bulk and processed agricultural commodities from the U.S. to the U.S.S.R. pursuant to Part 294 of this chapter, is now required to keep his books, records and accounts in a manner prescribed in the Uniform System of Accounts.

Section 801 of the Act (46 U.S.C. 1211) provides that all contracts executed by the Maritime Administration under titles VI and VII of the Act contain provisions requiring operators to keep books, records and accounts relating to the maintenance, operation and servicing of vessels, services, routes and lines covered by such contracts in such form and under such regulations as may be prescribed by the Maritime Administration. Such books, records, accounts, and prescribed financial statements must be made available to the Maritime Administration, enabling it to meet its statutory responsibilities to determine the financial resources of subsidized operators (section 601(a)(3) of the Act), to investigate the operation of ocean services, routes and lines essential to the foreign commerce of the United States and costs related thereto (section 211 of the Act), and to prepare its annual report to the Congress (section 208 of the Act).

The proposed revision of the Maritime Administration's Uniform System of Accounts has resulted from several considerations:

1. The new technology of the industry employing barges, containers and related equipment requires the creation of accounts which do not exist in the present accounting system and which were not envisioned in 1950 when that system was published.

2. Accounts have been reorganized to reflect specific cost centers: Vessels, ports, containers and barges, idle periods and administrative and general expenses. This reorganization results in a more logical accumulation of cost information and will permit a more useful analysis of such data.

3. A general review and up-dating of the entire system of accounts has resulted in a system of accounts that will provide more useful information both to the Maritime Administration and to affected operators.

This publication contains a substantial revision of the Uniform System of Accounts now in effect. Significant changes from that system are presented below:

1. Accounts have been renumbered and reordered. The Code of Federal Regulations' prefix, "282", has been eliminated from the accounts and financial statements for the sake of brevity. Traditional Code of Federal Regulation organization remains to identify introductory sections, balance sheet items, revenue and expense items, and financial statements. Within each such identified section, accounts are presented with a three-digit designation.

2. Vessel revenue and expense items are initially included in terminated voyage accounts. Presently, revenues and expenses are initially included in account 500, "Deferred revenues-unterminated voyages" and account 200, "Deferred expenses-unterminated voyages", and transferred to account 600, "Vessel revenue" and the 700 series of expense accounts upon the termination of a voyage. The proposed system would record all revenue and expense items initially in the terminated voyage accounts (accounts 600 and 700 respectively). At the close of an accounting period, those revenue and expense items associated with unterminated voyages would then be transferred to accounts 500 and 200. Thus, only those items associated with voyages not yet terminated at the close of an accounting period would be transferred from the terminated voyage accounts to the unterminated voyage accounts. This constitutes a simple and more efficient method of maintaining financial records.

3. The language defining extraordinary items (paragraph 282.2(K) of this proposed revision, paragraph 282.0-11 of the presently effective regulations) has been modified to reflect the more recent recommendations of the Accounting Principles Board, as expressed in Opinion 30 dated June 1973. No substantive change in method of accounting is intended.

4. Ordinary delayed items are to be charged or credited currently. If items eligible for subsidy are involved, the item is recorded as current income or expense and posted against the vessel and voyage which gave rise to the item. If items are involved which are not eligible for subsidy, the posting shall be made against the vessel and voyage in progress at the time the item is recognized. This change results in a simple and more efficient system of recognizing delayed items and is also consistent with preferred accounting principles.

5. The expense accounts have been substantially revised. This constitutes the major change in the proposed regulations.

(a) The practice of terminated voyage accounting requires that the indirect costs of barges, containers and terminals incurred as a result of operating be allocated to appropriate vessels. Accounts 790, "Allocated container and barge expense—contra" and 890, "Allocated port expenses—contra" contain lists of those items which are to be allocated to voyages. These allocated expenses will be carried in accounts 750 and 755. Voyage expenses are so organized as to permit an operator to maintain records on a terminated voyage or period basis.

(b) For purposes of effective managerial and cost accounting, detailed coding will be required to maintain subsidiary accounts as to cargo carriage technology type (i.e. barge, container, bulk, breakbulk, or ro/ro), as to whether military, non-military preference or non-preference cargo is carried, as between refrigerated and non-refrigerated cargoes, and as to vessel, voyage and voyage leg.

(c) Expense accounts have been rewritten and reorganized to facilitate a cost-center accounting method of expense recognition.

(d) In keeping with the new cost-center accounting method, depreciation attributable to vessels during idle periods is treated as an idle period expense and included in proposed account 835.

(e) For purposes of cost accounting, depreciation and amortization are included as expenses chargeable to the appropriate cost-center. For purposes of financial reporting they are grouped together as deductions from income on the Income Statement (282.8(B)) and on the Waterline Operating Revenue and Expense Statement (282.8(C)).

6. Clearance accounts have been eliminated. Accounts 001 to 095, as listed in paragraph 282.00 of the currently effective regulations have been placed among the regular accounts in this proposed system.

7. Amortization of leaseholds is presently reflected as a charge to account 972 and a direct credit to account 385. The original cost of acquiring the leasehold and of making improvements thereto is lost as amortization allowance is taken. The revised regulation established accumulated amortization accounts, 356 and 358, which will permit the retention of the original book value of the asset.

An amortization account for intangible assets is established, permitting a write-off of the cost of acquiring or developing a patent, copyright, license or operating right while still maintaining the original cost of acquisition or development.

8. Separate accrued payroll accounts have been created, accounts 440 and 441. Presently, accrued payroll liabilities are carried in account 459, "Other accrued accounts payable."

9. Retained earnings accounts 598 and 599, have been altered somewhat. Presently, retained earnings are divided as between those appropriated for sinking fund purposes and contingencies and those unappropriated. The revised regulations require separate accounts for retained earnings restricted from distribution as dividends by agreement with others, and for retained earnings not so restricted. The concept of appropriated sinking fund reserves has been eliminated.

10. Pre-operating expenses are to be carried as part of the cost of acquiring the asset. Presently both organizational and pre-operating expenses are carried together in account 386. In the proposed system, account 385 will carry only expenses incurred in the formation and development of the business while pre-operating expenses will be charged to specific asset accounts labeled to reflect their function. For example, a vessel's pre-operating expenses will be included in proposed account 331, "Floating equipment, vessels". As a result of this change, the various operators will have bases in their vessels (and other assets) which are more comparable to each other for purposes of competitive bidding on the carriage of military cargo.

11. Spare parts on which construction-differential subsidy has been paid are required to be maintained in a separate account from other spare parts, pursuant to the Board's action on December 6, 1972. Accounts 362 and 363 reflect this requirement.

12. Deferred Federal income taxes are to be maintained in a newly created account 563. Presently, operators are posting deferred Federal income taxes to account 564, "Miscellaneous deferred credits."

13. An additional financial statement entitled "Vessel Operating Statement" is proposed as 282.8(D). This new statement details revenue and expense items which constitute "terminated voyage results." "Terminated voyage results," in turn, is the top-line entry on the "Waterline Operating Revenue and Expense Statement," presently numbered as 282.0–40 and herein numbered 282.8(C).

14. A one-year period is to be allowed during which operators are to modify their accounting system in accordance with this revision. During the operator's fiscal year beginning on or after January 1, 1974, the operator may employ presently existing accounts and merely convert its account numbers to conform to this revision. Thereafter accounts must reflect completely the requirements of this part. Thus, for the fiscal year beginning in 1974, an operator would be able to continue internal coding using present account numbers and simply convert accounts to the proposed account numbers for reporting purposes. This would permit operators a year to complete conversion to the new system.

While the rulemaking procedure relating to the administration of public contracts under titles VI and VII of the Merchant Marine Act, 1936, as amended, are exempt from the notice and hearing requirements of 5 U.S.C. 553, this revised System of Accounts is hereby published in proposed form. Comments by interested parties are solicited and will be considered before final publication of the revised accounting system. Comments should be submitted, in 5 copies, to Secretary, Maritime Subsidy Board, Washington, D.C. 20230 (Attention: L&R 282–2) on or before November 5, 1973. Questions on the proposed accounting system which require resolution or matters that require clarification before comments can be submitted should be directed to Chief, Office of Financial Analysis, Maritime Administration, Washington, D.C. 20230, phone (202) 967–3800.

PART 282—UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

Sec.
282.1 In general.

General Instructions

(A) Definitions.
(B) Records.
(C) Accrued items.
(D) Submission of questions.
(E) Voyage accounts.
(F) Balance-sheet accounts.
(G) Conversion of securities.
(H) Contingent assets and liabilities.
(I) Revenue accounts.
(J) Expense accounts.
(K) Extraordinary and prior period items.

Balance Sheet Accounts

(A) Asset Accounts

Account	
100	Cash.
101	Cash on deposit—domestic.
106	Cash on deposit—foreign.
111	Imprest and petty cash funds.
114	Cash on hand and in transit.
115	Special cash deposits.
120	Marketable securities.
121	United States Government marketable securities.
122	State, county and municipal marketable securities.
125	Other domestic marketable securities.
126	Foreign marketable securities.
129	Discounts and premiums on marketable securities.
130	Note receivable.
140	Notes and accounts receivable—affiliates.
150	Accounts receivable.
151	Traffic accounts receivable—Government.
152	Traffic accounts receivable—commercial.
155	Claims receivable.
160	Maritime Administration; accounts receivable—operating-differential subsidy.
161	Maritime Administration; accounts receivable — construction-differential subsidy.
162	Maritime Administration; accounts receivable—other.
165	Accounts receivable—miscellaneous.
169	Accrued accounts receivable.
170	Inventories—shoreside.
171	Vessels stores, supplies, and equipment ashore.
172	Other shipping inventories.
173	Non-shipping inventories for sale.
174	Non-shipping inventories for consumption.
175	Miscellaneous inventories.
180	Inventories aboard vessels.
181	Bar inventory.
182	Slop chest inventory.
183	Vessels stores, supplies and equipment.
190	Other current assets.
191	Prepaid current insurance.
192	Other prepaid current expenses.
193	Cash advances to crew for allotments.
194	Cash advances to agents and branches.
195	Cash advances to masters and pursers.
199	All other current assets.
200	Deferred expenses—unterminated voyages.
300	Special funds and deposits.
301	Capital reserve fund.
302	Capital construction fund.
303	Construction reserve fund.
304	Insurance funds.
306	Debt retirement funds.
307	Escrow funds.
308	Construction funds.
309	Other special funds.
310	Restricted funds.

Sec.
312 Special and guaranty deposits.
315 Investments.
316 Securities of affiliated companies.
320 Non-current receivables—affiliated companies.
325 Cash value of life insurance.
328 Other investments.
330 Property and equipment.
331 Floating equipment—vessels.
332 Accumulated depreciation—vessels.
335 Floating equipment—barges.
336 Accumulated depreciation—barges.
337 Other floating equipment.
338 Accumulated depreciation—other floating equipment.
341 Containers.
342 Accumulated depreciation—containers.
343 Refrigerated containers.
344 Accumulated depreciation—Refrigerated containers.
345 Containers related equipment.
346 Accumulated depreciation—containers related equipment.
347 Chassis equipment.
348 Accumulated depreciation—chassis equipment.
349 Terminal property and equipment.
350 Accumulated depreciation—terminal property and equipment.
351 Other shipping property and equipment.
352 Accumulated depreciation—other shipping property and equipment.
353 Non-shipping property and equipment.
354 Accumulated depreciation—non-shipping property and equipment.
355 Office leaseholds and leasehold improvements.
356 Accumulated amortization—office leaseholds and leasehold improvements.
357 Terminal leaseholds and leasehold improvements.
358 Accumulated amortization—terminal leaseholds and leasehold improvements.
359 Construction work in progress.
360 Other assets.
361 Claims pending.
362 Spare parts on which construction-differential subsidy has been paid.
363 Spare parts—other.
364 Notes and accounts receivable from officers and employees.
365 Interest accruals for deposit in statutory funds.
367 Deferred operating-differential subsidy receivable.
368 Other non-current notes and accounts receivable.
369 Estimated allowance for doubtful notes and accounts receivable.
370 Maritime Administration allowance for obsolete vessels.
374 Miscellaneous other assets.
375 Deferred charges and prepaid expenses.
376 Prepaid long-term insurance.
380 Advance to employees for expenses.
384 Debt discount and expense.
385 Organization expenses.
389 Deferred prepayments and other deferred charges.
390 Goodwill and other intangible assets.
391 Goodwill.
398 Other intangible assets.
399 Accumulated amortization—other intangible assets.

(B) Liability Accounts

ACCOUNT

400 Notes payable.
401 Bank loans.
410 Insurance notes.
414 Other short-term notes.
415 Notes and accounts payable—affiliated companies.
420 Accounts payable.
421 Accounts payable—trade.
422 Accounts payable—traffic.
428 Accounts payable—officers and employees.
430 Accounts payable—Maritime Administration.
438 Dividends payable.
439 Accounts payable—miscellaneous.
440 Accrued voyage payrolls.
441 Accrued payrolls—other.
442 Accrued liability for Federal income taxes.
443 Accrued liability for state and local taxes.
444 Accrued liability for foreign taxes.
445 Accrued liability for payroll taxes.
446 Accrued liability for other taxes.
459 Other accrued accounts payable.
479 Other current liabilities.
489 Advance ticket sales and deposits.
500 Deferred revenues—unterminated voyages.
525 Long-term debt.
526 Mortgage notes—Maritime Administration.
527 U.S. Government insured or guaranteed Merchant Marine bonds and notes.
530 Other bonds and debentures.
534 Other long-term debt.
540 Other long-term liabilities.
541 Non-current payables—affiliated companies.
549 Non-current notes and accounts payable—officers and employees.
550 Recapturable profits—Maritime Administration.
553 Pension and welfare funds payable.
554 Miscellaneous other liabilities.
555 Deferred credits.
556 Premium on funded debt.
563 Deferred Federal income taxes.
564 Miscellaneous deferred credits.
565 Estimated operating allowances.
566 Estimated allowances for repairs.
570 Estimated allowances for insurance.
579 Estimated operating allowances—miscellaneous.
580 Owner's equity.
581 Capital stock.
585 Capital stock subscribed.
587 Discount on capital stock.
590 Additional paid-in capital.
598 Retained earnings—restricted.
599 Retained earnings—unrestricted.

Revenue Accounts

(A) Ordinary Items

ACCOUNT

600 Vessel revenue.
601 Freight—foreign.
605 Freight—coastwise and intercoastal.
606 Bar revenue.
607 Slop chest revenue.
608 Passenger—foreign.
612 Passenger—coastwise and intercoastal.
615 U.S. mail—foreign.
616 U.S. mail—coastwise and intercoastal.
617 Foreign mail.
619 Ad valorem.
620 Charter revenue.
624 Other voyage revenue.

(B) Subsidies

ACCOUNT

625 Operating-differential subsidy.

(C) Other Shipping Revenue

ACCOUNT

640 Collections from pools.
645 Revenue from terminal operations.
650 Revenue from cargo handling operations.
655 Revenue from tug and lighter operations.
660 Revenue from other shipping operations.
670 Agency fees, commissions, and brokerage earned.

(D) Other Revenue Accounts

ACCOUNT

675 Interest Income.
676 Interest income on cash on deposit.
677 Interest income on notes and accounts receivable—affiliated companies.
678 Interest income on notes and accounts receivable—others.
679 Interest income on marketable securities.
680 Interest income on special funds and deposits.
681 Interest income on investments in affiliated companies.
682 Interest income on other investments.
684 Miscellaneous interest income.
685 Dividend income.
686 Dividend income on marketable securities.
687 Dividend income on special funds and deposits.
688 Dividend income on investments in affiliated companies.
689 Miscellaneous dividend income.
690 Miscellaneous other income.
691 Release of premium on long-term debt.
695 Income from non-shipping operations.

Operating Expenses

(A) Direct Vessel Expenses

ACCOUNT

701 Crew wages.
703 Crew fringe benefits.
705 Domestic subsistence.
706 Foreign subsistence.
710 Domestic consumable stores, supplies and equipment.
711 Foreign consumable stores, supplies and equipment.
715 Vessel fuel.
720 Other maintenance expense.
725 Vessel repairs—domestic.
726 Vessel repairs—foreign.
730 Insurance—hull and machinery.
732 Insurance—protection and indemnity.
734 Insurance—other marine-risk.
735 Depreciation—vessels.
740 Time and trip charter hire.
741 Time and trip charter hire—affiliates.
742 Short-term bareboat charter hire.
743 Short-time bareboat charter hire—affiliates.
744 Long-term bareboat charter hire.
745 Long-term bareboat charter hire—affiliates.
749 Other vessel expense.

(B) Allocated Voyage Expenses

ACCOUNT

750 Allocated container and barge expense.
755 Allocated port expenses.

(C) Container and Barge Expenses

ACCOUNT

760 Container rental and lease expense.
761 Container rental and lease expense—affiliates.
762 Refrigerated container rental and lease expense.
763 Refrigerated container rental and lease expense—affiliates.
764 Barge rental and lease expense.
765 Barge rental and lease expense—affiliates.
770 Depreciation—containers.
771 Depreciation—refrigerated containers.
772 Depreciation—barges.
780 Other expense—containers.
781 Other expense—refrigerated containers.
782 Other expense—barges.
790 Allocated container and barge expense—contra.

(D) IDLE VESSEL EXPENSES

ACCOUNT

Sec.
801 Crew wages.
803 Crew fringe benefits.
805 Subsistence.
810 Consumable stores, supplies and equipment.
815 Vessel fuel.
820 Other maintenance expense.
825 Vessel repairs—idle period.
830 Insurance—hull and machinery.
832 Insurance—protection and indemnity.
834 Insurance—other marine-risk.
835 Depreciation—idle vessels.
840 Time and trip charter hire.
841 Time and trip charter hire—affiliates.
842 Short-term bareboat charter hire.
843 Short-term bareboat charter hire—affiliates.
844 Long-term bareboat charter hire.
845 Long-term bareboat charter hire—affiliates.
849 Other vessel expense.

Port Expenses

ACCOUNT

850 Cargo handling labor—loading discharging.
851 Cargo handling labor—loading/discharging barges.
852 Cargo handling labor—container yard.
853 Cargo handling labor—container freight consolidation.
854 Cargo handling labor—conventional cargo operations.
855 Cargo handling labor—other expense.
856 Other cargo expense.
860 Terminal operations expense.
861 Terminal occupancy expense.
862 Purchased terminal services.
863 Purchased terminal services—affiliates.
864 Purchased off-dock container freight consolidation services.
865 Chassis rental and lease expense.
866 Chassis rental and lease expense—affiliates.
867 Other chassis expense.
868 Container related equipment rental and lease expense.
869 Container related equipment rental and lease expense—affiliates.
870 Port transportation expense—commercial.
871 Port transportation expense—military.
872 Inland transportation expense—commercial.
873 Inland transportation expense—military.
874 Substituted service transportation expense—commercial.
875 Substituted service transportation expense—military.
876 Operating expenses of tug and other barge operations.
877 Maintenance expense of tug and other barge operations.
880 Wharfage and dockage.
881 Other port expense.
882 Port costs of passenger operations.
885 Depreciation—other floating equipment.
886 Depreciation—chassis equipment.
887 Depreciation—terminal property and equipment.
888 Depreciation—container related equipment.
889 Amortization—terminal leaseholds and leasehold improvements.
890 Allocated port expense—contra.

Administrative and General Expenses

ACCOUNT

901 Compensation of officers and directors.
902 Salaries and wages of employees.
903 Fringe benefits.
905 Legal fees.
906 Accounting and auditing fees.
907 Other professional fees.
910 Rental expense.
912 Utilities.
915 Communication expense.
920 Office expense.
923 Data processing expense.
925 Dues and subscriptions.
926 Donations and contributions.
927 Entertainment and solicitation.
928 Travel expense.
930 Insurance expense.
935 Repairs and maintenance.
940 Management fees and commissions—affiliates.
941 Management fees and commissions—other.
945 Advertising—passenger.
946 Advertising—other.
950 Freight brokerage.
951 Passenger brokerage.
952 Agency fees and commissions.
955 Contributions to pools.
960 Interest expense.
961 Interest expense—affiliates.
965 Doubtful notes and accounts receivable.
970 Depreciation—other shipping property and equipment.
971 Depreciation—non-shipping property and equipment.
975 Amortization—office leasehold and leasehold improvements.
976 Amortization—debt discount and expense.
977 Amortization—organization expense.
979 Miscellaneous amortization expense.
980 Expense of non-shipping operations.
985 Federal income taxes.
986 State and local income taxes.
987 Foreign income taxes.
989 Other taxes.
990 Miscellaneous expense.
995 Extraordinary items.

Financial Statements

(A) Balance sheet statement.
(B) Income statement.
(C) Waterline operating revenue and expense statement.
(D) Vessel operating statement.

AUTHORITY: Sec. 204, 49 Stat. 1987, as amended; (46 U.S.C. 1114); Sec. 801, 49 Stat. 2011, as amended (46 U.S.C. 1211).

282.1 In general.

(a) *Purpose.* The purpose of this part is to provide a Uniform System of Accounts for Maritime Carriers to be follower by certain designated operators.

(b) *Scope.* Operators of all vessels receiving operating-differential subsidy pursuant to Title VI of the Merchant Marine Act, of 1936, as amended (Sections 601–606, 608–610; 49 Stat. 2001–2007 (46 U.S.C. 1171—1180), shall be required to keep books, records and accounts relating to such subsidized vessels as prescribed in this part, except operators receiving operating-differential subsidy for the carriage of bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics pursuant to Part 294 of this chapter. Operators under Part 294 which otherwise are not receiving operating-differential subsidy shall not be required to follow the requirements of this part, except as prescribed in § 294.16 of this chapter. Other operators may be required by contract or regulation to conform to the accounting system prescribed by this part.

(c) *Effective date.* The Uniform System of Accounts for Maritime Carriers prescribed herein shall become effective on January 1, 1974, and shall be adopted by affected operators at the start of their Fiscal Year beginning on or after January 1, 1974. During the operator's fiscal year beginning on or after January 1, 1974, the operator may employ presently existing accounts and merely convert its account numbers to conform to this revision. Thereafter, accounts must reflect completely the requirements of this part.

(d) *Other requirements.* The books, records and accounts referred to in this section shall be retained in accordance with the provisions of § 380.24 of this chapter.

General Instructions

(A) Definitions.

(1) "Additions" means structures, facilities, or equipment added to those in serv-

(1) "Additions" means structures, facilities, or equipment added to those in service and not replacing property or equipment previously in service.

(2) "Affiliated companies" or "affiliates" means companies or persons that directly, or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with, the accounting carrier. Where reference is made to control (in referring to a relationship between any person or persons and other person or persons), such reference shall be construed to include actual as well as legal control, whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation, through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means; and to include the power to exercise control.

(3) "Barge" means a cargo carriage technology type known as a lighter, used in the operation of LASH, SEABEE or similar operation to hold bulk, break bulk, and containerized cargo, and which may be stowed in holds or on deck, and which has the capability of floating on water and being towed from one location to another.

(4) "Break-bulk" means a cargo carriage technology type referring to cargo which is unitized by bagging, drumming, palletizing, or some other similar method, and is transported in holds of vessels without benefit of containers or barges.

(5) "Bulk" means a cargo carriage technology type referring to cargo which is not palletized, bagged, drummed, or otherwise unitized, and is transported in holds of vessels without benefit of containers or barges. Bulk cargo is considered barge cargo when it is placed in barges.

(6) "Cargo carriage technology type (CCTV)" means the classification of cargo for accounting purposes by its mode of carriage, including:

(i) Barge, and
(ii) Break-bulk, and
(iii) Bulk, and
(iv) Container, and

(v) Roll-on, roll-off trailers.

(7) "Container" means a cargo carriage technology type referring to cargo carrying receptacle, either refrigerated, dry, open top, flat rack, or of other configuration, which may be stowed in vessels or on deck, but which is not used as a floating vehicle which may be towed from one location to another.

(8) "Current assets" means cash other than cash held in special funds, as well as those assets that are readily convertible into cash, held for current operation, and other amounts accruing to the carrier and subject to settlement within one year from date of the balance sheet including amounts currently receivable from the Maritime Administration.

(9) "Current liabilities" means those obligations the amounts of which are definitely determined or can be closely estimated and which are either matured at the date of the balance sheet or become due upon demand or within one year from the date of the balance sheet.

(10) "Debt expense" means all expense in connection with the issuance and sale of evidences of long-term debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other evidences of debt; fees paid trustees; specific cost of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing evidences of debt; fees and expenses of listing on exchanges; and other like costs.

(11) "Discount" as applied to securities issued or assumed by the carrier, means the excess of the par or face value of the securities, over the cash value of the consideration received from the sale, plus interest or dividends accrued to the date of the sale.

(12) "Nonshipping property" means property neither used in nor held for use by the carrier in the context of its shipping operation.

(13) "Port expense" means an expense incurred as a direct result of maintaining and operating facilities in ports to receive and husband vessels, including ownership costs, lease costs, rental costs, and agency costs as appropriate, as well as fixed and variable labor costs associated with loading and discharging vessels and cleaning and preparing containers, barges, and holds in preparation for loading.

(14) "Premiums" as applied to securities issued or assumed by the carrier, means the excess of the cash value of the consideration received at their sale over the sum of their par or face value plus interest or dividends accrued to the date of sale.

(15) "Roll-on, roll-off trailers" means a cargo carriage technology type referring to cargo carrying receptacles mounted on wheeled chassis which can be towed.

(16) "Shipping property" means property which is used or held for use by the carrier in the conduct of its shipping operations.

(17) "Vessel expense" means an expense incurred as a direct result of owning and operating vessels in the carriage of cargo or passengers in domestic or foreign trade, whether the vessel is in port or at sea.

(B) Records.

(1) The carrier's records shall be kept in sufficient detail to show fully the facts pertaining to all entries in its accounts.

(2) Where the general book entries do not contain complete information they shall be supported by other detailed records, and cross-referenced for ready identification.

(3) All records shall be filed and readily accessible for examination.

(4) All accounts kept shall conform in number and title to those prescribed in this part.

(5) Accounts included in this system may be subdivided if such subaccounts do not impair the integrity of the accounts or records prescribed in this part.

(6) Transactions shall be recorded currently so that whenever possible all transactions applicable to each month are identifiable to that month.

(C) Accrued items.

(1) When it is known that a transaction has occurred but the amount involved and its effect upon the accounts cannot be determined with absolute accuracy, the amount thereof shall be estimated and included in the appropriate revenue, expense, and balance sheet accounts. Any such estimate shall be adjusted as soon after the actual amount is determined as is practicable.

(2) Accruals shall not be recorded for purely speculative items, but shall be limited to reasonable estimates based on reliable information of transactions that have been consummated.

(D) Submission of questions.

To promote and maintain uniformity of accounting, carriers shall submit all questions of doubtful interpretation of the accounting regulations for consideration and decision to the agency having jurisdiction over the carrier's accounts.

(E) Voyage accounts.

(1) The carrier shall keep its records in a manner that will report with respect to operating revenue, operating expense, and other accounts affected, the revenues accrued and the expenses incurred for each terminated voyage of its vessels operated.

(2) The revenues and expenses applicable to unterminated voyages at the end of an accounting period shall be transferred to account 500, "Deferred revenues—unterminated voyages" and account 200, "Deferred expenses—unterminated voyages."

(F) Balance-sheet accounts.

The balance-sheet accounts are intended to disclose the financial condition of the carrier as of a given date by showing the assets, liabilities, and owner's equity.

(G) Conversion of securities.

Journal entries which record the retirement of capital stock or funded debt securities by issuing in exchange the carrier's capital stock or funded debt shall be submitted to the Interstate Commerce Commission for approval before being recorded upon the books by carriers reporting to that Commission.

(H) Contingent assets and liabilities.

Contingent assets and liabilities shall not be recorded in the accounts; however, appropriate footnote disclosures shall be included as an integral part of the financial statements in order to present fairly the financial position of the carrier at the balance sheet date. Disclosure of lease commitments by lessee shall include information required by opinion number 31 of the Accounting Principles Board with respect to total rental expense, minimum rental commitments, present value of commitments and additional disclosures.

(I) Revenue accounts.

(1) The revenue accounts are designed to show the amount of revenue which the carrier becomes entitled to receive from furnishing of transportation service, including service incidental thereto.

(2) The accounting for operating revenues shall be coincident with the transactions which create them. For the purpose of meeting this requirement, the carrier shall account for revenues upon an accrual basis.

(J) Expense accounts.

(1) The expense accounts are designed to show expenses of the carrier in furnishing transportation service and services incidental thereto including the expenses of utilization (repairs and depreciation) of the property used in such service.

(2) The accounting for expenses shall be coincident with the transactions which create them; expenses and revenues shall be matched. For the purpose of meeting this requirement, the carrier shall account for expenses upon an accrual basis.

(K) Extraordinary and prior period items.

(1) *In general* — (i) *Extraordinary items.* All items of revenue and expense recognized during the year are includable in ordinary income unless the evidence clearly supports its classification as an extraordinary item as defined in authoritive accounting pronouncements. Such items are rare and should be classified separately in the income statement if material in relation to income before extraordinary items or to the trend of annual earning before extraordinary items or if material by other appropriate criteria. Circumstances which give rise to extraordinary items are those such as an act of God, an expropriation or a prohibition under a newly enacted law or regulation, provided such events clearly meet the criterion of being both unusual in nature

and infrequent in occurrence. The characteristics of the particular business environment must be taken into account in determining extraordinary items. Items so excludable from ordinary income are to be entered, less applicable income taxes, directly in the account provided for extraordinary items upon approval or direction of the Maritime Administration.

(ii) *Prior period items.* Adjustments related to prior periods—and thus excluded in the determination of net income for the current period—are limited to those material adjustments which: (A) Can be specifically identified with and directly related to the business activities of particular prior periods, (B) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, (C) depend primarily on determination by persons other than management and (D) were not susceptible of reasonable estimation prior to such determination.

(iii) *Materiality.* Material items are those which, unless excluded from ordinary income, would distort the accounts and impair the significance of ordinary income for the year. In determining materiality, the effects of related transactions arising from a single specific and identifiable event or plan of action that meet the criteria for an extraordinary item should be aggregated; otherwise an extraordinary item should be considered individually. As a general standard, an item to qualify for inclusion as an extraordinary or prior period item, shall exceed 1 percent of total waterline operating revenues and 10 percent of ordinary income for the year.

(2) Ordinary delayed items and adjustments eligible for subsidy and arising during the current year which are applicable to voyages terminated in prior years or which are otherwise related to transactions of prior years shall be included as current income and expense but recorded against the vessel and voyage to which they relate. Nonsubsidizable voyage expenses shall be included in current vessel-voyage accounts. Ordinary delayed items exclude items of the character described in subparagraph (1) of this paragraph.

Balance Sheet Accounts

A. Assets Accounts

ACCOUNT

100 Cash.

(a) This account shall include the amount of current funds available for use on demand in the hands of financial officers or deposited in banks or trust companies including cash in transit for which agents or others have received credit. Cash appropriated for replacement, debt retirements, funded reserves, etc., and cash on deposit to guarantee performance of agreements shall be carried in appropriate accounts numbered 115 and 301 to 312, inclusive. If the withdrawal of any portion of the cash included in this account is restricted for any purpose whatsoever, the balance sheet must carry an appropriate notation to that effect.

(b) This account shall be subdivided into the following sub-accounts; 101, 106, 111, and 114.

101 Cash on deposit—domestic.

This account shall include all cash on deposit in banks in the United States and available for general purposes.

106 Cash on deposit—foreign.

This account shall include all cash on deposit in foreign banks and available for general purposes.

111 Imprest and petty cash funds.

This account shall include cash funds maintained at fixed amounts to be used in making change or in the nature of revolving funds for minor disbursements requiring immediate payment, the funds being regularly reimbursed from the general cash. Subsidiary accounts shall be maintained by agents or employees.

114 Cash on hand and in transit.

This account shall include cash in the hands of financial officers; cash transfers between banks; and cash in transit from agents, branch houses, and employees.

115 Special cash deposits.

(a) This account shall include the amounts of cash on special deposit (other than in special funds or deposits as elsewhere provided) for the payment of dividends, interest, and other debts of a current nature, when such payments are due one year or less from date of deposit; also amounts of cash deposited to insure the performance of contracts to be performed within one year from date of deposit; and other cash deposits of a special nature not provided for elsewhere.

(b) This account shall also include cash realized from the sale of the carrier's securities and deposited with trustees to be held until disbursed for the purpose for which the securities were sold: *Provided,* That cash held for such purposes, including cash held for redemption of securities, shall be included in the appropriate special funds unless the liability for the disbursement is included under current liabilities.

(c) Cash on deposit in special bank accounts where the funds are available for current requirements shall be included in account 100, "Cash."

120 Marketing securities.

(a) This account shall include the cost of government securities and temporary investments in other readily marketable securities which are available for general purposes of the business. Securities issued or assumed by the carrier or by a related company shall not be included in this account.

(b) This account shall be divided into the following sub-accounts:

121 United States Government—marketable securities.
122 State, county, and municipal—marketable securities.
125 Other domestic—marketable securities.
126 Foreign marketable securities.

129 Discounts and premiums.

This account may be charged with accumulation of any discount and may be credited with amortization of any premium on marketable securities, at the time of accrual or collection of interest thereon, with contra entry in Account 679, "Interest income—marketable securities" if it is the practice of the carrier to adjust that account to a yield basis. When the securities are disposed of, any balance applicable thereto in this account shall be transferred to the account in which the cost of such securities is recorded.

130 Notes receivable.

(a) This account shall include the amount of all collectible obligations in the form of short-term notes receivable, or other similar evidences (except interest coupons) of money receivable on demand or within one year from date of issue, except notes receivable from related companies subject to current settlement, which shall be included in account 140, "Notes and accounts receivable—affiliates."

(b) This account shall be divided into the following sub-accounts:

131 Miscellaneous notes receivable.
135 Subscriptions to capital stock.

140 Notes and accounts receivable—affiliates.

(a) This account shall include the amounts receivable from related companies which are subject to current settlement, such as balances in open accounts for services rendered, materials furnished, traffic accounts, rents for use of property, and similar items; also interest, dividends, loans, notes, and drafts for which related companies are liable.

(b) Items which are not subject to current settlement shall be included in account 320, "Non-current receivables—affiliates."

(c) Subsidiary accounts shall be maintained by companies and shall show all essential detail.

150 Accounts receivable.

This account shall be divided into the following sub-accounts: 151, 152, 155, 160, 161, 162, 165, and 169.

151 Traffic accounts receivable—U.S. Government.

(a) This account shall include accounts receivable from U.S. Government agencies arising incident to the carriage of passengers, excess baggage, freight, and mail.

(b) Subsidiary accounts shall be maintained by individual agencies and by vessels and voyages subdivided as between (1) prepaid freight outward and collect freight inward, (2) collect freight outward and prepaid inward (when agents are required to remit in full) (3) connecting carriers.

152 Traffic account receivable—other.

(a) This account shall include accounts receivable from shippers, consignees, connecting carriers, and others (excluding related companies) arising

incident to the carriage of passengers, excess baggage, freight, and mail.

(b) Subsidiary accounts shall be maintained by individual debtors or by vessels and voyages subdivided as between (1) prepaid freight outward and collect freight inward, (2) collect freight outward and prepaid inward (when agents are required to remit in full), (3) connecting carriers, (4) passengers and brokers, and (5) non-Federal government agencies.

155 Claims receivable.

(a) This account shall include claims transferred from account 361, "Claims pending" and other adjusted claims collectible within one year.

(b) Subsidiary accounts shall be maintained in the names of the insurance underwriters, connecting carriers, or other entities with whom the claim has been filed and detailed as to the identity of the claims outstanding within each subsidiary account.

160 Maritime Administration; accounts receivable — operating-differential subsidy.

This account shall include operating-differential subsidy accruals.

161 Maritime Administration; accounts receivable—construction-differential subsidy.

This account shall include construction-differential subsidy accruals.

162 Maritime Administration; accounts receivable—other.

This account shall include all other current receivables that may arise from transactions between the carrier and the Maritime Administration.

165 Accounts receivable—miscellaneous.

(a) This account shall include all accounts receivable from other than related companies for which no other account is specifically provided, including all amounts receivable from officers, employees and others, which are collectible in the ordinary course of business within one year.

(b) Subsidiary accounts shall be maintained alphabetically by names of debtors.

169 Accrued accounts receivable.

(a) This account shall be used for periodic accruals of unmatured receivables such as interest, rents, dividends and charter-hires. *Provided*, The collection thereof is reasonably assured by past experience, anticipated provisions, or otherwise.

(b) This account shall not be charged with accrued interest on securities on deposit in account 301 "Capital reserve fund" and account 302 "Capital construction fund," with accrued receivables from related companies, which are chargeable to account 140 "Notes and accounts receivable—related companies," or with dividends or other returns on securities issued by the company.

170 Inventories—shoreside.

(a) This account shall include the cost of all unissued and unapplied materials, articles in process of manufacture by the carrier, fuel, tools, stationery, and other stores and supplies, but excluding fuel, stores, and supplies on board vessels, and spare parts includible in account 362 "Spare parts on which construction-differential subsidy has been paid" and account 363 "Spare parts—other."

(b) The costs chargeable to this account are the actual costs of the material and supplies at point of free delivery, plus custom duties, sales and other taxes, insurance, inspection, special tests, loading and unloading, and transportation charges paid from the free point of delivery to the carrier's line. No charge shall be made to this account for the cost of transporting material and supplies when performed by the carrier.

(c) An annual inventory of material and supplies shall be taken, except in instances where inventories are waived by the Interstate Commerce Commission or the Maritime Administration, and the necessary adjustments made to bring this account into harmony with the actual inventory balance. In effecting such adjustments, differences for important classes of material shall be equitably assigned among the accounts to which such classes are ordinarily chargeable.

(d) This account shall be divided into the following sub-accounts: 171, 172, 173, 174, and 175.

171 Vessels stores, supplies, and equipment ashore.

(a) This account shall include the cost of all stores, supplies, and equipment held for delivery to vessels at some future date, including quantity purchases warehoused and delivered to vessels as required.

(b) Subsidiary accounts shall be so maintained as to show location of inventories.

172 Other shipping inventories.

(a) This account shall include the cost of all stores, supplies, and equipment held for use in the conduct of the shipping business, including terminal, cargo handling, tug and lighters, and other incidental shipping operations, for which no other account is specifically provided.

(b) Subsidiary accounts shall be maintained to show location of inventories.

173 Non-shipping inventories for sale.

This account shall include inventories of merchandise for sale by firms engaged in non-shipping enterprises and shall be maintained so as to show separately the major classes of inventory such as raw materials, work in process, and finished goods.

174 Non-shipping inventories for consumption.

This account shall include the cost of all stores, supplies and equipment, held for use in the conduct of non-shipping enterprises, other than merchandise for sale.

175 Miscellaneous inventories.

This account shall include the cost of all stores, supplies and equipment acquired for use in the conduct of the business which cannot be allocated as between shipping and non-shipping enterprises.

130 Inventories—aboard vessels.

(a) This account shall include the cost of all bar, slop chest and other vessel stores, supplies and equipment aboard vessels.

(b) This account shall be divided into the following sub-accounts: 181, 182 and 183.

181 Bar inventory.

This account, maintained by individual vessel and voyage, shall be charged with inventories of bar supplies aboard the vessels at the beginning of each voyage for sale to passengers, and with all purchases of such supplies during the voyage. At the termination of each voyage, the account will be credited with the cost of bar inventory used on that voyage and with the inventory of bar supplies on hand at the end of that voyage.

182 Slop chest inventory.

This account, maintained by individual vessel and voyage, shall be charged with inventories of slop chest supplies aboard the vessels at the beginning of each voyage for sale to members of the crew and with all purchases of such supplies during the voyage. At the termination of each voyage, the account will be credited with the cost of slop chest inventory used on that voyage and with the inventory of slop chest supplies on hand at the end of that voyage.

183 Stores, supplies and equipment aboard vessels.

(a) Where inventories of stores, supplies and equipment aboard vessels are not taken and priced at the end of each voyage, the value of such inventories shall be charged to this account at the beginning of each contract period and at the beginning of each subsequent accounting period. The account should also be credited with the value of inventories of stores, supplies and equipment at the end of each accounting period, after which any balance therein shall be charged or credited, as the case may be, to the last terminated voyage of each vessel during the accounting period.

(b) The accounts will not be used in instances where inventories of stores, supplies and equipment are taken and priced at the end of each voyage.

190 Other current assets.

This account shall be divided into the following sub-accounts: 191, 192, 193, 194, 195, and 199.

191 Prepaid current insurance.

This account shall include the unexpired amount of insurance premiums prepaid, or recorded as a liability in advance of payment, but only to the extent that such premiums apply to the period

within one year of the date of the balance sheet and are properly chargeable within that period to appropriate 700 or 800 series of accounts or other accounts appropriate for insurance expenses. This account shall be subdivided to show separately prepayments on the several classes of insurance.

192 Other prepaid current expenses.

This account shall include the amount of prepaid current expenses, such as interest, taxes, rentals, advertising, charter hire, and similar expense not otherwise specifically provided for, but only to the extent that such prepayments apply to the period within one year from the date of the balance sheet and are properly chargeable within that period to apropriate 700 or 800 series of accounts or other accounts apropriate for such expenses. Minor items may be charged directly to the appropriate expense accounts.

193 Cash advances to crews for allotments.

This account shall be charged with payments made to allottees of crews and shall be credited with deductions made therefor on vessels' payrolls.

194 Cash advances to agents and branches.

(a) This account shall be charged with cash advances to agents and branch houses, and with freight and other voyage revenue collectible by the agent or branch houses in instances where arrangements are made with them to disburse to vessels. Freight and other voyage revenues collectible by agents who are required to remit in full shall be recorded in account 151 or 152 as appropriate. This account shall be credited with remittances by the agents or branch houses, and with approved disbursements made for the account of the carrier.

(b) Subsidiary accounts shall be maintained alphabetically by names of agents or branch houses.

195 Cash advances to masters and pursers.

(a) This account shall be charged with amounts advanced to or collected by masters and pursers. The account shall be credited with the net amount of vessels' payrolls, with cash advances to members of the crew, with allowable expenses incurred, with endorsed travelers checks, and with unexpended cash balances returned.

(b) Subsidiary accounts shall be maintained alphabetically by masters and pursers, and a separate account maintained for each vessel and voyage.

199 All other current assets.

This account shall include the amount of assets of a current nature not includible in any of the foregoing current asset accounts. Subsidiary accounts shall be maintained so as to show separately each class of other current assets.

200 Deferred expenses—unterminated voyages.

The expense of voyages in progress at the end of an accounting period shall be transferred to this account from the related voyage expense accounts. Detail coding shall be maintained by individual vessel and related voyage.

300 Special funds and deposits.

This account shall be divided into the following sub-accounts: 301–304, 306, 309, 310, and 312.

301 Capital reserve fund.

This account shall be subdivided as follows:

(a) *301–1 Cash and securities, non-trust.* This account shall be charged with cash and the value of securities approved for deposit in this fund, and shall be credited with withdrawals therefrom in accordance with the provisions of section 607(b) of the Merchant Marine Act, 1936, as amended, in effect prior to the enactment of Pub. L. 91–4691 (34 Stat. 1018) and under such rules and regulations as the Maritime Administration may issue from time to time. Subsidiary accounts are to be subdivided as to depositories or trustees, as the case may be, and further subdivided to show the amount of (1) cash and (2) marketable securities.

(b) *301–2 Discounts and premiums, non-trust.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in account 680 "Interest income on special funds and deposits," if it is the practice of the carrier to adjust that account to a yield basis. When such securities are disposed of, any balance applicable thereto in this account shall be transferred to account 301–1.

(c) *301–3 Common stock trust.* This account shall be charged with the amount of the non-trust portion of the capital reserve fund transferred to the capital reserve fund—common stock trust, the acquisition cost of common stock in which the trust is invested, the income, capital gains, and other principal, and shall be credited with withdrawals therefrom and capital losses in accordance with the provisions of section 607(d) of the Merchant Marine Act, 1936, as amended, in effect prior to the enactment of Public Law 91–469 (84 Stat. 1018) and under such rules and regulations as the Maritime Administration may issue. Subsidiary accounts of the capital reserve fund—common stock trust are to be maintained to record cash, common stocks, and other principal.

302 Capital construction fund.

This account shall be subdivided as follows:

(a) *302–1 Cash and securities.* This account shall be charged with cash and the value of securities deposited in this fund as determined in accordance with 26 CFR 3.2(g) and shall be credited with withdrawals therefrom in accordance with the provisions of section 607 of the Merchant Marine Act, 1936, as amended, and under such rules and regulations as the Martime Administration may issue either independently to or together with the Internal Revenue Service. Subsidiary accounts are to be subdivided as to depositories or trustees, as the case may be, and further subdivided to show the amount of (1) cash and (2) marketable securities, and further subdivided in accordance with subparagraph 607(e)(1) of the Act—namely, (i) capital account, (ii) capital gain account, (iii) ordinary income account.

(b) *302–2 Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in account 680 "Interest income—special funds and deposits," if it is the practice of the carrier to adjust that account to a yield basis. When such securities are disposed of, any balance applicable thereto in this account shall be transferred to account 302–1.

303 Construction reserve fund.

(a) This account shall be charged with cash and the cost of approved securities deposited in such fund, and shall be credited with withdrawals therefrom in accordance with the provisions of section 511 of the Merchant Marine Act, 1936, as amended, and section 112(b) of the Internal Revenue Code, and other Internal Revenue Acts. It shall also include accretions on investments in such fund when retained therein.

(b) Subsidiary accounts are to be maintained as described in account 301.

304 Insurance funds.

(a) This account shall include cash, marketable securities, and other quick assets placed on deposit or in the hands of trustees to guarantee the satisfaction of obligations for losses in instances where the carrier is a self-insurer in whole or in part.

(b) Subsidiary accounts shall be maintained by depositories or trustees, as the case may be, and further subdivided as to (1) cash and (2) marketable securities.

306 Debt retirement funds.

(a) This account shall include cash, marketable securities, and other quick assets placed on deposit or in the hands of trustees as a sinking fund to meet obligations maturing in the future, or to carry out such operations as the retirement of preferred stock or the purchase of serial bonds.

(b) Subsidiary accounts shall be maintained by depositories or trustees, further subdivided to show cash or marketable securities and purposes of the fund.

307 Escrow funds.

This account shall be charged with the amounts required to be deposited in the Escrow fund and credited with disburse-

ments therefrom, in connection with the insurance or guarantee of loans and mortgages financed by sale of U.S. Federally insured or guaranteed merchant marine bonds, pursuant to the provisions of section 1111 of the Merchant Marine Act, 1936, as amended, the provisions of contracts or agreements entered into and regulations published by the Assistant Secretary of Commerce for Maritime Affairs. These funds shall be reported separately and maintained in accordance with such rules and regulations as the Assistant Secretary for Maritime Affairs may issue.

308 Construction funds.

This account shall be charged with the amounts required to be deposited therein, representing the difference between the principal of insured or guaranteed bonds and the principal amount required to be deposited in the Escrow fund or such other amounts required by contracts or agreements, and shall be credited with authorized disbursements therefrom. These funds shall be reported separately and maintained in accordance with such rules and regulations as the Assistant Secretary of Commerce for Maritime Affairs may issue.

309 Other special funds.

(a) This account shall include cash, marketable securities, and other quick assets appropriated for replacement of unsubsidized vessels (except instances where account 303 "Construction reserve fund" is applicable), to fund reserves for pensions and any other special funds for which no specific account is provided.

(b) Subsidiary accounts shall be maintained for each class of fund by depositories or trustees, and further subdivided to show (1) cash and (2) marketable securities.

310 Restricted funds.

This account shall be established at the time of the first deposit required therein, and shall be charged with deposits pursuant to the provisions of contracts or agreements. This account shall be credited with authorized withdrawals therefrom. These funds shall be reported separately and maintained in accordance with such rules and regulations as the Assistant Secretary of Commerce for Maritime Affairs may issue.

312 Special and guaranty deposits.

(a) This account shall include cash and marketable securities deposited to guarantee the performance of conference and similar agreements; also deposits in lieu of mortgaged property sold, and other trust deposits, to be held until equivalent property is acquired or pending other disposition. This account shall also include deposits on oil drums, ammonia cylinders and similar equipment.

(b) Subsidiary accounts shall be maintained by depositories.

315 Investments.

This account shall be divided into the following sub-accounts: 316, 320, 325, 328, and 329.

316 Securities of affiliated companies.

This account shall include the investment in securities issued by related companies.

320 Non-current receivables—affiliated companies.

(a) This account shall include all loans, advances, and other receivables from affiliated companies for other than services rendered, supplies furnished, and other transactions customarily subject to current settlement.

(b) Subsidiary accounts shall be maintained by companies and shall show all essential detail.

325 Cash value of life insurance.

This account shall include the cash surrender value of life insurance policies, under which the carrier is the beneficiary, less the amount of any loans which have been obtained on such policies and not repaid.

328 Other investments.

This account shall include the investment in securities of other than related companies, including investment advances to companies and individuals, and miscellaneous investments not provided for elsewhere.

329 Estimated allowance for revaluation of investments.

(a) This account shall be credited at the close of each accounting period with amounts necessary to reflect the decline in value of securities and other assets held as investments, where there appears to be a permanent impairment in their value, by contra charge to account 990 "Miscellaneous expense" or account 995 "Extraordinary items," as appropriate.

(b) When securities are disposed of, the reserve balance in this account applicable to such securities shall be charged hereto.

330 Property and equipment.

(a) This account shall include the cost of acquisition or construction, including additions and betterments, of property and equipment owned by the carrier.

(b) This account shall be divided into the following sub-accounts: 331, 332, 335–338, 341–359.

331 Floating equipment—vessels.

(a) This account shall include the cost of construction or acquisition, including additions and bettermans, of vessels and of appurtenance, furniture, and fixtures necessary to equip them for service, including inspection, trial runs and tests. This account also includes those costs, if capitalized for Federal income tax determination directly incurred in placing the vessel into active service, limited to the direct vessel operating expense during the period from delivery of the vessel to arrival at the first loading berth.

(b) Capitalizable costs must be determined in accordance with applicable orders, rules and regulations prescribed or adopted by the Maritime Administration. Subsidiary accounts shall be maintained in such manner as to show by vessels the original cost to the carrier and cost of additions and betterments.

332 Accumulated depreciation—vessels.

(a) This account shall be credited with all depreciation on vessels charged to accounts 735 "Depreciation—vessels" and 835 "Depreciation—idle vessels."

(b) Credit to this account applicable to subsidized vessels shall be computed on an estimated useful life of twenty-five years, except in instances where some other basis is specifically authorized by the Maritime Administration, with such allowances for residual values as approved by that Administration, and in accordance with applicable orders, rules and regulations prescribed or adopted by the Maritime Administration. Subsidiary accounts shall be maintained by individual vessel.

335 Floating equipment—barges.

(a) This account shall include the cost of construction or acquisition, including additions and betterments of barges carried aboard vessels (e.g., LASH, Seabee or other) and of appurtenances and fixtures necessary to equip them for service, including inspection, trial runs and tests.

(b) Subsidiary accounts shall be maintained by the various types of barges.

336 Accumulated depreciation—barges.

(a) This account shall be credited with all depreciation charged to account 772 "Depreciation—barges."

(b) Subsidiary accounts shall be maintained by the various types of barges.

337 Other floating equipment.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of other floating equipment, such as tugs, barges (other than barges carried aboard vessels which are included in account 335 "Floating equipment—barges"), scows, launches, lighters, floating cranes, etc., and of appurtenances, furniture, and fixtures necessary to equip for service including inspection, trial runs and tests.

(b) Subsidiary accounts shall be maintained in such manner as to show the foregoing information by the various types of other floating equipment.

338 Accumulated depreciation—other floating equipment.

This account shall be credited with all depreciation charged to account 885 "Depreciation—other floating equipment." Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 337.

341 Containers.

(a) This account shall include the cost of construction or acquisition of all types of containers except refrigerated containers used for the shipping of cargo.

(b) Subsidiary accounts shall be maintained by the various types of containers within this category.

342 Accumulated depreciation—containers.

(a) This account shall be credited with all depreciation on containers which is charged to account 770 "Depreciation—containers."

(b) Subsidiary accounts shall be maintained by the various types of containers within this category.

343 Refrigerated containers.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of all types of refrigerated containers used for the shipping of cargo.

(b) Subsidiary accounts shall be maintained by the various types of containers within this category.

344 Accumulated depreciation—refrigerated containers.

(a) This account shall be credited with all depreciation on refrigerated containers which is charged to account 771 "Depreciation—refrigerated containers."

(b) Subsidiary accounts shall be maintained by the various types of containers within this category.

345 Container related equipment.

This account shall include the cost of construction or acquisition, including additions and betterments, of all types of container related equipment, including container cranes, yard container movement equipment, and similar equipment.

346 Container related equipment—accumulated depreciation.

This account shall be credited with all depreciation on container related equipment which is charged to account 888 "Depreciation—container related equipment."

347 Chassis equipment.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of chassis equipment used in the local drayage and inland movement of cargo and cargo carrying equipment.

(b) Subsidiary accounts shall be maintained by the various types of chassis equipment within this category.

348 Accumulated depreciation—chassis equipment.

(a) This account shall be credited with all depreciation on chassis equipment which is charged to account 886 "Depreciation—chassis equipment."

(b) Subsidiary accounts shall be maintained by the various types of chassis equipment.

349 Terminal property and equipment.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of terminal, land, buildings, stevedoring, and other cargo handling gear, repair yards, shore cranes, appurtenances, furniture and fixtures, and other terminal gear and equipment.

(b) Subsidiary accounts shall be subdivided between the various types of property and equipment, and shall be maintained in such manner as to show port location, original cost, and cost of additions and betterments.

350 Accumulated depreciation—terminal property and equipment.

(a) This account shall be credited with all depreciation on terminal property and equipment which is charged to account 887 "Depreciation—terminal property and equipment."

(b) Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 349.

351 Other shipping property and equipment.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of land and buildings, appurtenances, furniture and fixtures, transportation equipment other than barges, containers and chassis, and any other property and equipment used exclusively in shipping and auxiliary operations which are not properly chargeable to accounts 331, 335, 337, 341, 343, 347, and 349.

(b) Subsidiary accounts shall be subdivided between the various types of property and equipment and maintained in such manner as to show location, original cost and cost of additions and betterments.

352 Accumulated depreciation—other shipping property and equipment.

(a) This account shall be credited with all depreciation on other shipping property and equipment (as described in account 351) which is charged to account 970, "Depreciation—other shipping property and equipment."

(b) Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 351.

353 Non-shipping property and equipment.

(a) In instances where companies are engaged in non-shipping enterprises, cost of all property and equipment which can be directly assigned to such non-shipping enterprises shall be included in this account, including cost of additions, betterments, fixtures, furniture and appurtenances.

(b) Subsidiary accounts shall be subdivided between the various types of non-shipping property and equipment, and maintained in such manner as to show location, original cost, and cost of additions and betterments.

354 Accumulated depreciation—non-shipping property and equipment.

(a) This account shall be credited with all depreciation on non-shipping property and equipment which is charged to account 971 "Depreciation—non-shipping property and equipment."

(b) Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 353.

355 Office leaseholds and leasehold improvements.

(a) This account shall include the cost of acquiring long-term leases of office facilities and the cost of alterations thereto and fixtures installed in leased property.

(b) Subsidiary accounts shall be subdivided between the various types of property and equipment and maintained in such manner as to show location, original cost, and cost of additions and betterments.

356 Accumulated amortization—office leaseholds and leasehold improvement.

This account shall be credited with all amortization on office leaseholds and leasehold improvements to which is charged to account 975 "Amortization—office leaseholds and leasehold improvements."

357 Terminal leaseholds and leasehold improvements.

(a) This account shall include the cost of acquiring long-term leases of terminals, the cost of alterations thereto and the cost of fixtures installed in leased terminal property.

(b) Subsidiary accounts shall be maintained by individual terminal.

358 Accumulated amortization—terminal leaseholds and leasehold improvements.

(a) This account shall be credited with all amortization on terminal leasehold and leasehold improvements which is charged to account 889 "Amortization—terminal leasehold and leasehold improvements."

(b) Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 357.

359 Construction work in progress.

(a) This account shall be charged with all payments incident to the costs on vessels or other transportation property in process of construction which are capitalized in accordance with generally accepted accounting procedure.

(b) Subsidiary accounts shall be subdivided as between the various kinds of construction, and maintained in such manner as to show type of construction and location. When the construction is completed, the cost thereof shall be credited to the account and charged to the appropriate property accounts.

360 Other assets.

This account shall be divided into the following sub-accounts: 361–365, 367, 368, 370, and 374.

361 Claims pending.

(a) This account shall include any claims in litigation, and insurance claims in process of compilation or adjustment. After adjudication of claims in litigation, or adjustment of insurance claims, this account shall be credited and a charge made to account 155 "Claims receivable." Deductible average insurance losses (if policies provide deductibles)

should at the same time be transferred to account 570 "Estimated allowance for insurance."

(b) Subsidiary accounts shall be subdivided as between hull underwriters, Protection and Indemnity underwriters, general average claims connecting carriers, and such further classes as may be necessary. Each group of subsidiary accounts shall be maintained by vessels and voyages supported by sufficient detail to permit ready identification and analysis of each claim.

362 Spare parts on which construction-differential subsidy has been paid.

This account shall include the acquisition cost (or other applicable basis) of shore side spare parts and equipment upon which construction-differential subsidy has been paid, such as propellers, propeller blades, tail shafts, pumps, rudders, hoisting engines, generators, rotors, anchors, etc., held for future installation of vessels of the carrier, the individual minimum gross book value of which is not less than $1,000.

363 Spare parts—other.

This account shall include the acquisition cost (or other applicable acquisition basis) of shore side spare parts and equipment for which construction-differential subsidy has not been paid, such as propellers, propeller blades, tail shafts, pumps, rudders, hoisting engines, generators, rotors, anchors, etc., held for future installation on vessels of the carrier, the individual minimum gross book value of which is not less than $1,000.

364 Notes and accounts receivable from officers and employees.

This account shall include all amounts due from officers, directors, and employees other than (a) unpaid subscriptions to capital stock and (b) amounts collectible in the ordinary course of business within one year. Records supporting entries to this account and subsidiary accounts shall be maintained as to show separately such major classes as officers' personal accounts, employees' salary advances, and amounts due for such items as group insurance, and retirement annuity deposits. The records referred to in this section shall be retained in accordance with the provisions of § 380.24 of this chapter.

365 Interest accruals for deposit in statutory funds.

This account shall include the periodic (not less frequent than annual) accruals of interest on cash and securities on deposit in account 301 "Capital reserve fund" and account 302 "Capital construction fund" with corresponding credit to account 680, "Interest income on special funds and deposits."

367 Deferred operating-differential subsidy receivable.

This account shall include that part (if any) of accrued operating-differential subsidy receivable, the payment of which is withheld by the Maritime Administration pursuant to Public Law 862, 80th Congress, or any subsequent legislation having the same or substantially similar force and effect.

368 Other non-current notes and accounts receivable.

(a) This account shall include all non-current receivables from other than officers, employees, or related companies, which, by agreement, are not collectible within one year.

(b) Subsidiary accounts shall be maintained by indivdual debtors.

369 Estimated allowances for doubtful notes and accounts receivables.

This account shall be credited at the close of each accounting period with the amount charged to account 965 "Doubtful notes and accounts receivable" to provide for estimated uncollectible notes and accounts. For balance sheet purposes, the balance in this account shall be segregated between current and non-current items.

370 Maritime Administration allowance for obsolete vessels.

This account shall include the gross amounts allowed by the Maritime Administration for obsolete vessels traded in, except where the obsolete vessel is retained under a Use Agreement, in which case this account is charged with the net trade-in allowance. Credit this account and charge account 359 "Construction work in progress" with the amount of progress payments on new construction made by the Maritime Administration for the account of the purchaser (operator).

374 Miscellaneous other assets.

This account shall include the estimated value of salvage recoverable from property retired when the recovery of the salvage is deferred for any reason; funds on deposit with closed banks; and all other deferred items not covered by other deferred asset accounts.

375 Deferred charges and prepaid expenses.

This account shall be divided into the following sub-accounts: 376, 380, 384, 385, and 389.

376 Prepaid long-term insurance.

This account shall include the cost of insurance premiums prepaid or recorded as a liability in advance of payment, but only to the extent that such premiums apply to a period more than one year following the date of the balance sheet. The proportions of the same premium properly chargeable to expenses prior to such period are provided for in account 191 "Prepaid current insurance." This account shall be subdivided to show separately prepayments on the several classes of insurance.

380 Advances to employees for expenses.

(a) This account shall include all amounts advanced to officers and employees for travel, entertainment, and similar expenses, from which such expenses are to be paid and accounted for. This account shall not include imprest and petty cash funds in fixed amounts held by employees and branch offices for the purpose of making minor expenditures.

(b) Subsidiary accounts shall be maintained by employees, agents or branch offices.

384 Debt discount and expense.

(a) This account shall include all discount and expense for all classes of funded debt. The debt and expense shall be amortized periodically over the respective lives of the securities by charge to account 976 "Amortization—debt discount and expense."

(b) When an issue of funded debt, or any part thereof, is refunded and at the date of refunding there is a balance of unamortized discount and expense relating to such issue, such balance, together with any premium paid in retiring such issue, shall be charged to account 990 "Miscellaneous expense" or to account 995 "Extraordinary items," as may be appropriate, in accordance with the text of these accounts.

385 Organization expenses.

This account shall include the unamortized balance of expenses incurred in the formation and development of the business. The balance of this account shall be amortized by annual charges to account 977 "Amortization—organization expense."

389 Deferred prepayments and other deferred charges.

This account shall include the amount of prepaid expenses such as interest, taxes, rentals, advertising, charter hire, and similar expense not otherwise specifically provided for in accounts 380, 384, and 385, but only to the extent that such prepayments apply to a period more than one year following the date of the balance sheet. The proportions of the prepayments and other deferred charges in this account, properly chargeable to expenses prior to such period are provided for in account 192 "Other prepaid current expenses." Minor items and nominal payments covering such expenses may be charged directly to the appropriate expense accounts, even though they relate to periods in excess of one year.

390 Goodwill and other intangible assets.

This account shall be divided into the following sub-accounts: 391, 398, and 399.

391 Goodwill.

This account shall include only Goodwill actually purchased in taking over assets, trade name, etc., calculated to enhance future profits of the business.

398 Other intangible assets.

This account shall include the purchase price or cost of development of such intangible assets as patents, copyrights, operating rights, etc.

399 Accumulated amortization—other intangible assets.

This account shall be credited with all amortization on other intangible assets

which is charged to account 979 "Miscellaneous amortization expense."

B. LIABILITY ACCOUNTS

ACCOUNT

400 Notes payable.

(a) This account shall include the face value of notes, drafts, and other evidences of indebtedness issued by the carrier (except interest coupons) which are payable on demand or within one year.

(b) This account shall be divided into the following sub-accounts: 401, 410, and 414.

401 Bank loans.

Subsidiary accounts shall be subdivided by lender to show separately (a) amount secured and (b) amount unsecured.

410 Insurance notes.

This account shall include the face amount of notes issued by the company to cover deferred payments of insurance premiums. This account shall be maintained by creditor to show (a) notes secured and (b) notes unsecured.

414 Other short-term notes.

This account shall include notes payable within one year, for which no other account is specifically provided, but excluding notes issued to related companies. This account shall be maintained by creditor to show (a) notes secured and (b) notes unsecured.

415 Notes and accounts payable—affiliated companies.

(a) This account shall include notes and accounts payable to affiliated companies which are subject to settlement within one year, such as credit balances in open accounts for services rendered, materials furnished, traffic accounts, claims, rents, and for interest, dividends, loans, notes, and drafts.

(b) No amount representing dividends payable shall be included in this account unless they have been declared.

(c) Items which are not subject to current settlement shall be included in account 541 "Non-current payables—affiliated companies."

(d) Subsidiary accounts shall be maintained by companies and shall show all essential detail.

420 Accounts payable.

This account shall be divided into the following sub-accounts: 421, 422, 428, 430, 438–446, and 459.

421 Accounts payable—trade.

This account shall include all liabilities currently due to trade creditors for services rendered and supplies furnished in the general conduct of the business.

422 Accounts payable—traffic.

This account shall include exchange orders and other amounts due connecting carriers, freight and passenger brokerage, amounts due for hotel reservations and sightseeing tours, custodian funds payable such as head taxes, freight and passenger manifest stamp taxes, consular fees; advance, prepaid beyond, and transshipping charges, and claims payable, but excluding amounts due related companies.

428 Accounts payable—officers and employees.

This account shall include amounts due to officers, directors, individual stockholders, and employees, which are payable within one year.

430 Accounts payable—Maritime Administration.

This account shall include all current accounts payable to the Maritime Administration, including accrued interest, that arise from transactions with that agency.

438 Dividends payable.

This account shall include the amount of dividends declared on actually outstanding capital stock, unpaid at the date of the balance sheet except dividend payable to related companies which shall be reflected in account 415 "Notes and accounts payable—related companies."

439 Accounts payable—miscellaneous.

This account shall include all current accounts payable to other than related companies, including unclaimed wages, taxes withheld or collected from others for the account of taxing agencies, and other items for which no other account is specifically provided.

440 Accrued voyage payrolls.

This account shall include the accruals of voyage wages payable.

441 Accrued payrolls—other.

This account shall include the accruals of all other wages payable.

442 Accrued liability for Federal income taxes.

This account shall include the accruals for Federal corporate income taxes payable.

443 Accrued liability for state and local taxes based upon income.

This account shall include the accruals for State and local income taxes payable based upon income.

444 Accrued liability for foreign taxes.

This account shall include the accruals for foreign taxes payable.

445 Accrued liability for payroll taxes.

This account shall include the accruals for the employer's portion of payroll taxes payable.

446 Accrued liability for other taxes.

This account shall include the accruals for all other taxes payable for which no other account has been specifically provided.

459 Other accrued accounts payable.

(a) This account shall include periodical accruals of amounts payable other than taxes.

(b) Subsidiary accounts shall be maintained as between (1) interest, (2) rentals, and (3) such other items as frequently occur.

479 Other current liabilities.

(a) This account shall include all current liabilities for which no other account has been specifically provided.

(b) Subsidiary accounts shall be maintained to show separately each class of current liability.

489 Advance ticket sales and deposits.

(a) Gross passenger ticket sales and deposits, including those for future reservations, hotel accommodations, shore excursions, passenger taxes, etc., shall be credited to this account.

(b) As transportation is furnished to passengers by vessels of the carrier, this account shall be charged and account 600, "Operating revenue—terminated voyage" credited. Deposits or collections for other purposes, including commissions earned or payable incident thereto, shall be cleared from this account as soon as practicable to appropriate accounts.

(c) Subsidiary accounts shall be maintained in sections corresponding to the classifications shown on the daily ticket sales report, such as: Prepaid orders, one-way tickets, roundtrip tickets, exchange orders, railroad fares, hotel reservations, sightseeing tours, head tax, U.S. Government stamp tax, foreign government passenger taxes, commissions due agents and brokers, and commissions earned.

500 Deferred revenues—unterminated voyages.

The revenue of voyages in progress at the end of an accounting period shall be transferred to this account from the related voyage revenue accounts. Detail coding shall be maintained by individual vessel and related voyage.

525 Long-term debt.

This account shall be divided into the following sub-accounts: 526, 527, 530, and 534.

526 Mortgage notes—Maritime Administration.

(a) This account shall include all mortgage notes payable to the Maritime Administration.

(b) Subsidiary accounts shall be maintained by vessel.

527 U.S. Government insured or guaranteed merchant marine bonds and notes.

This account shall include all U.S. Government insured or guaranteed merchant marine bonds and notes issued pursuant to the provisions of contracts or agreements. Subsidiary accounts shall be maintained by vessel.

530 Other bonds and debentures.

This account shall include the face amount of bonds and debentures not provided for in other accounts and shall be maintained to show full particulars in respect to each issue outstanding. Reacquired bonds and debentures shall be charged to this account at face amount.

534 Other long-term debt.

This account shall include all long-term obligations, excluding amounts due related companies, for which no other account has been specifically provided, and shall be subdivided to show separately long-term obligations secured by capital assets and unsecured long-term debt.

540 Other long-term liabilities.

This account shall be divided into the following sub-accounts: 541, 549, 550, 553, and 554.

541 Noncurrent payables — affiliated companies.

(a) This account shall include all loans, advances, and other payables to related companies not subject to current settlement.

(b) Subsidiary accounts shall be maintained by companies and shall show all essential detail.

549 Noncurrent notes and accounts payable—officers and employees.

This account shall include all short-term notes and accounts payable to officers, directors, individual stockholders, and employees, which by arrangement become due later than one year from the balance sheet date.

550 Recapturable profits—Maritime Administration.

If excess profits accrue to the Maritime Administration under the "recapture" provisions of sections 606 and 607 of the Merchant Marine Act, 1936, as amended, in effect prior to the enactment of Pub. L. 91-469 (84 Stat. 1018), such profits shall be credited to this account at the close of each accounting period within a recapture period, adjusted so as to reflect the net amount of such excess profits accrued to the Maritime Administration as at that date.

553 Pension and welfare funds payable.

This account shall include the liability of the carrier for the amount of assets (whether contributed by the carrier, by the employees, or by others) in the hands of the treasurer or of a trustee or manager as the administrator of employees' pension, savings, relief, hospital, or other association funds.

554 Miscellaneous other liabilities.

This account shall include all liabilities for which no other account has been specifically provided.

555 Deferred credits.

This account shall be divided into the following sub-accounts: 556, 563, and 564.

556 Premium on funded debt.

(a) This account shall include premiums for all classes of funded debt which are to be amortized periodically over the respective lives of the securities by credit to account 691 "Release of premium on long-term debt."

(b) When an issue of funded debt or any part thereof is refunded and at the date of refunding there is a balance of unamortized premium relating thereto, the amount of such balance shall be credited to account 690 "Miscellaneous other income" or account 995 "Extraordinary items," as may be appropriate.

563 Deferred Federal income taxes.

This account shall include all deferred Federal income taxes.

564 Miscellaneous deferred credits.

This account shall include all deferred income and unadjusted credits for which no other account is specifically provided.

565 Estimated operating allowances.

This account shall be divided into the following sub-accounts: 566, 570, 571, and 579.

566 Estimated allowances for repairs.

(a) This account shall be credited and account 725 "Vessel repairs—domestic" charged, when allowances are provided for equalization of domestic repairs to vessels. As actual domestic repair expenses are incurred, they shall be charged to this account. At the end of the accounting year, after all repair expenses incurred and all commitments against terminated voyages have been recorded, any balance in this account, applicable to terminated voyages shall be distributed equally to such voyages in account 725.

(b) Subsidiary accounts shall be maintained by vessel and consecutively by voyage.

(c) Repair expenses incurred at foreign ports shall be charged directly to account 726 "Vessel repairs—foreign."

570 Estimated allowances for insurance.

(a) Agreed amounts for Marine and P&I Insurance deductibles (if provided in the policies) should be charged to each voyage in the appropriate vessel insurance expense account and the corresponding credits posted to this account. When the amount within the deductibles average chargeable against each voyage is determined, it should be transferred from account 361 "Claims pending" as a charge to this account.

(b) This account may also be used for equalization of other insurance risks assumed by the carrier, as for example, self-carried workmen's compensation, and public liability insurance. At the end of each accounting year, any balance in this account applicable to voyages, terminated during the preceding accounting year, in those instances where the records indicate that all claims have been settled, shall be transferred to the appropriate insurance expense account, consistent with paragraph (j) of the General Instructions.

(c) Subsidiary accounts shall be maintained by the various classes of insurance for which provisions are made and shall be arranged by vessel and consecutively by voyage.

579 Estimated operating allowances—miscellaneous.

(a) This account shall include all provisions for the equalization of operating expenses for which no other allowance account is specifically provided.

(b) Subsidiary accounts shall be maintained by the various classes of expense arranged by vessels and consecutively by voyages, or by other accounting units.

580 Owners' equity.

This account shall be divided into the following sub-accounts: 581, 585, 587, 590, 595, 598, and 599.

581 Capital stock.

(a) This account shall include the par value, or for stock without par value the stated money value of the consideration received, of capital stock or other form of proprietary interest in the carrier which has been issued to purchasers and has not been reacquired and canceled. It shall also include stock issued representing appropriations of surplus for stock dividends. When capital stock is retired, this account shall be charged with the book value at which such stock is recorded herein. Capital stock reacquired and held for resale or investment shall be charged to this account at book value. The book value of no-par stock reacquired shall be determined by prorating the amount recorded for shares of the particular subclass of stock of which the shares reacquired are a part actually outstanding immediately prior to acquisition on the same ratio as the reacquired shares bear to the total number of outstanding shares of the particular subclass of stock outstanding immediately prior to the acquisition.

(b) The credits hereto shall be divided as follows:

(1) *Preferred stock.* Stock having a preference or priority in respect to dividend participation.

(2) *Common stock.* Stock entitled to a dividend, if any, after preferred stock.

(c) A separate record shall be kept for each subclass of stock showing the number of shares authorized by the articles of incorporation and amendments, the number of shares issued, the number of shares reacquired, the number of shares canceled, the number of shares outstanding, and their book value.

585 Capital stock subscribed.

This account shall include the amount of subscriptions to capital stock of the carrier. It shall be credited with the par value, or with the subscription price of stock without par value, exclusive of dividends, if any. Concurrently, account 135 "Subscriptions to capital stock" shall be debited with the agreed price and any discount or premium shall be included in the appropriate account. When properly executed stock certificates are issued, this account shall be debited and account 581 "Capital stock" credited.

587 Discount on capital stock.

(a) This account shall include the discount incurred in connection with the sale of capital stock. Records supporting the entries to this account shall be maintained to show the discount and commissions on each class and series of capital stock.

(b) When capital stock is reacquired, the amount in this account with respect

to the shares reacquired shall be credited hereto.

590 Additional paid-in capital.

(a) This account shall include the amount of capital donated or paid-in as additional capital (including premiums and assessments on capital stock) and also gains from reacquired or donated share of capital stock, from forfeiture of subscriptions and from reduction of the par or recorded value of capital stock.

598 Retained earnings—restricted.

(a) Retained earnings restricted from distribution by agreement with others shall be credited to this account with a corresponding charge to account 599 "Retained earnings—unrestricted."

(b) Subsidiary accounts shall be maintained by classes of restrictions.

599 Retained earnings—unrestricted.

(a) All nominal accounts at the end of the accounting year shall be closed to this account.

(b) Any part of retained earnings restricted from payment as dividends shall be charged to this account, including excess profits accruing to the the Maritime Administration under the "recapture" clauses in sections 606 and 607 of the Merchant Marine Act, 1936, as amended, in effect prior to the enactment of Pub. L. 91-469 (84 Stat. 1018), which shall be credited to account 550 "Recapturable profits—Maritime Administration."

(c) This account shall include other adjustments, net of assigned Federal income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Maritime Ad-expense."

Revenue Accounts

A. Ordinary Items

ACCOUNT

600 Vessel revenue.

(a) This account shall be credited with all revenue from vessel operations. Revenue items applicable to voyages in progress at the end of each accounting period shall be transferred to account 500 "Deferred revenues—unterminated voyages." Revenue items arising in connection with voyages terminated in prior years shall be accounted for as ordinary delayed items pursuant paragraph (k) of the General Instructions.

(b) Subsidiary accounts shall be maintained by vessels and consecutively by voyages, according to the classification of revenues, as shown in the chart of accounts. Subsidiary accounts shall be subdivided according to:

(1) Cargo carriage technology type;

(2) Refrigerated and nonrefrigerated cargoes;

(3) Military, non-military preference and non-preference cargoes;

(4) Outward, intermediate and inward voyage legs.

(c) For purposes of postings in subsidiary accounts, coastwise and intercoastal service shall be deemed to be all commerce conducted by vessels between points in the United States, including Districts, Territories and possessions thereof embraced within the coastwise laws, and foreign commerce shall be deemed to be all commerce conducted by vessels over the seas other than coastwise and intercoastal commerce. Operators receiving operating-differential subsidy shall expand the subdivision in their subsidiary accounts to show, separately, revenue earned on coastwise and intercoastal legs of voyages as described in section 605(a) of Title VI of the Merchant Marine Act, 1936, as amended, as well as commerce between points in the United States including Districts, Territories, and possessions thereof embraced within the coastwise laws.

(d) The same subsidiary ledger forms may be used for both account 500 and account 600, and the sheets may be physically transferred or the totals by classification transferred to new sheets, as the carrier elects.

(e) This account shall be divided into the following sub-accounts: 601, 605-608, 612, 615-617, 619, 620, and 624.

601 Freight—foreign.

(a) This account shall include all revenue accruing from the transportation of freight based upon tariff rates or in the absence of tariff provisions on basis of contracts.

(b) It will also include the surcharge on freight revenue.

(c) It shall be charged with refunds due to errors in classification or computation of rates and charges; refunds due to errors in routing or shipping freight to the extent not reimbursed by insurance refunds and uncollectible charges on lost, damaged or destroyed freight shipments; and with refunds of overcharges assumed by the carrier under the voucher minimum.

605 Freight—coastwise and intercoastal.

(a) This account shall include all revenue accruing from the transportation of freight based upon tariff rates or in the absence of tariff provisions on the basis of contracts.

(b) It will also include the surcharge on freight revenue.

(c) It shall be charged with refunds due to errors in classification or computation of rates and charges; refunds due to errors in routing or shipping freight; refunds and uncollectible charges on lost, damaged or destroyed freight shipments to the extent not reimbursed by insurance and with refunds of overcharges assumed by the carrier under the voucher minimum.

606 Bar revenue.

This account, maintained by individual vessel and voyage, shall be credited with all revenues from ships bar sales and charged with the cost of bar inventories used. For unterminated voyages, the balance in this account shall be transferred to account 500 "Deferred revenues—unterminated voyages."

607 Slop chest revenue.

This account, maintained by individual vessels and voyage, shall be credited with all revenues from ships slop chest sales and charged with the cost of slop chest inventories used. For unterminated voyages, the balance in the account shall be transferred to account 500 "Deferred revenues—unterminated voyages."

608 Passenger—foreign.

(a) This account shall include all revenue accruing from the transportation of passengers based upon tariff rates. It shall include the revenue from transportation of passengers, the rental of staterooms, berths, or living accommodations and the furnishing of meals.

(b) The credits to this account shall be subdivided as follows among (1) revenue from passenger fares, (2) revenue from staterooms, (3) revenue from meals, and (4) revenue that cannot be separated among subparagraphs (1), (2), and (3) of this paragraph.

612 Passenger coastwise and intercoastal.

(a) This account shall include all revenue accruing from the transportation of passengers based upon tariff rates. It shall include the revenue from transportation of passengers, the rental of staterooms, berths, or living accommodations, and the furnishing of meals.

(b) The credits to this account shall be subdivided as follows among (1) revenue from passenger fares, (2) revenue from staterooms, (3) revenue from meals, and (4) revenue that cannot be separated among subparagraph (1), (2), and (3) of this paragraph.

615 U.S. mail—foreign.

This account shall include revenue from the transportation of United States mail between foreign ports and between domestic and foreign ports, and shall be charged with mail penalties imposed upon the carrier.

616 U.S. mail—coastwise and intercoastal.

This account shall include revenue from the transportation of United States mail between the ports of the fifty United States, and shall be charged with mail penalties imposed upon the carrier.

617 Foreign mail.

This account shall include revenue from the transportation of mail of countries other than the United States. It shall be charged with mail penalties imposed upon the carrier.

619 Ad valorem.

This account shall include transportation of cargo revenue, which is based on a percentage of the cargo's invoiced value, such as bullion, currency, precious metals, etc.

620 Charter revenue.

This account shall include revenue from the charter of vessels to others when the amount receivable for charter is not directly related to and dependent upon the commodities and volume transported, such as bareboat and time charters. Compensation is usually based upon daily or monthly hire of the vessel.

624 Other voyage revenue.

This account shall include all revenue accruing from other services by and activities aboard vessels, not otherwise provided for, such as:

Advances, prepaid beyond and manifest transactions, net credit.
Assisting vessels in distress or salvage.
Barber shop and other services to passengers aboard vessels.
Concessions aboard vessels granted to others.
Demurrage and dispatch.
Excess baggage.
Parcel rooms aboard vessels.
Radio service aboard vessels.
Refrigeration aboard vessels.
Rent from steamer chairs and other equipment to passengers.
Sale of periodicals and newsstand supplies to passengers.
Transportation and care of animal pets.
Refreshment, weighing and all other vending machines aboard vessels.

B. SUBSIDIES

ACCOUNT

625 Operating-differential subsidy.

(a) This account shall be credited with sums accruing to the carrier under the subsidy provisions of the Operating-differential subsidy agreement.

(b) Subsidiary accounts shall be maintained by vessel and voyage and by category of subsidy paid.

C. OTHER SHIPPING REVENUES

ACCOUNT

640 Collection from pools.

(a) This account shall be credited with collections for each accounting period in accordance with pooling agreements.

(b) This account shall be maintained to show separately transactions under each pooling agreement and accounting period.

645 Revenue from terminal operations.

(a) This account shall include all revenue derived from the rental, lease, or use by others of the carrier's terminal facilities, including dockage, side wharfage, top wharfage, storage, doorways, lights, water, protective service, refrigeration, precooling, and similar service.

(b) Subsidiary accounts shall be maintained to show separately for each terminal the different kinds of revenues earned.

650 Revenue from cargo handling operations.

(a) This account shall include all revenue derived from the performance by the carrier for others of stevedoring and other cargo handling services, such as checking, tallying, receiving, delivering, coopering, loading, and discharging cargo; also use of gear, equipment, etc.

(b) Subsidiary accounts shall be maintained to show separately for each port the different kinds of revenues earned.

655 Revenue from tug and lighter operations.

(a) This account shall include all revenue derived from services performed for others by the carrier's tugs, lighters, barges, scows, launches, floating cranes and other equipment, including rental and charter hire for use of such equipment.

(b) Subsidiary accounts shall be maintained to show separately for each port the different kinds of revenues earned.

660 Revenue from other shipping operations.

(a) This account shall be credited with gross revenue derived from the performance of repairs, and any other services or operations for others which are incidental to the shipping business and for which no other account is specifically provided.

(b) Subsidiary accounts shall be maintained to show separately for each port the different kinds of revenues earned.

670 Agency fees, commissions, and brokerage earned.

(a) This account shall include revenues received from others covering gross agency fees, commissions, and brokerage, less amounts paid to sub-agents therefrom.

(b) Subsidiary accounts shall be maintained by offices, and postings shall show sources of earnings and classification thereof such as agency fees, management and operating commissions, freight brokerage, passenger brokerage, and names of sub-agents in instances where such payments are charged to this account.

D. OTHER REVENUE ACCOUNTS

ACCOUNT

675 Interest income.

This account shall be credited with all interest accrued. This account shall be charged with amortization of any premium and shall be credited with accumulation of any discount on securities at the time of accrual or collection of interest thereon.

(b) Interest shall not be credited before actual collection unless its payment is reasonably assured by past experience, guaranty, anticipated provisions, or otherwise.

(c) This account shall not include interest on securities issued or assumed and owned by the carrier.

(d) This account shall be divided into the following sub-accounts:

676 Interest income on cash on deposit
677 Interest income on notes and accounts receivable—affiliated companies
678 Interest income on notes and accounts receivable—others
679 Interest income on marketable securities
680 Interest income on special funds and deposits
681 Interest income on investments in affiliated companies
682 Interest income on other investments
684 Miscellaneous interest income

685 Dividend income.

(a) This account shall be credited with all dividends received. Dividends may be credited prior to actual collection if their payment is reasonably assured by past experience, guaranty, anticipated provisions, or otherwise. This account shall not include dividends on the carrier's own capital stock.

(b) This account shall be divided into the following sub-accounts:

686 Dividend income on marketable securities
687 Dividend income on special funds and deposits
688 Dividend income on investments in affiliated companies
689 Miscellaneous dividend income

690 Miscellaneous other income.

(a) This account shall include all income not provided for elsewhere, such as:

Cash discounts
Gain from conversion of foreign currencies
Fees collected in connection with exchange of coupon bonds for registered bonds
Gain from sale of securities
Gain from sale of shipping and nonshipping property
Gain from company bonds reacquired.

(b) When the gain from the sale of property, equipment or securities, or from reacquisition of the company's own bonds is of an amount sufficiently large to constitute an extraordinary item, pursuant to paragraph (k) of the General Instructions, such gain shall be credited to account 995 "Extraordinary items."

691 Release of premium on long-term debt.

This account shall include for each fiscal period such proportion of the premium on funded debt as is transferred from account 556 "Premium on funded debt."

695 Income from non-shipping operations.

(a) This account shall include the gross income derived from ventures other than shipping and shipping auxiliary operations.

(b) Separate accounts shall be maintained for each enterprise and location.

Operating Expenses

A. Direct vessel expenses.

(a) These accounts, 701–749, shall be charged with all direct expenses of operation and maintenance of all vessels, for terminated and unterminated voyages.

(b) Expenses incurred for vessels in idle status shall be included in the 800 series accounts.

(c) Subsidiary accounts shall be maintained by vessels and consecutively by voyages, according to the classification of expense as shown in the chart of accounts.

(d) The same subsidiary ledger forms may be used for both account 200 and account 700, and the sheets may be physically transferred or the totals, by classifications, transferred to new sheets, as the carrier elects.

(e) At the conclusion of the accounting period, all items relating to unterminated voyages shall be transfered to account 200, "Deferred expenses, unterminated voyages."

(f) Expenses shall be charged according to the provisions of paragraph (k) of the General Instructions.

701 Crew wages.

This account shall include salaries and wages of masters, officers, pursers, radio

operators relief crews and other members of crews of vessels including:

(a) Regular wages.
(b) Overtime.
(c) Split wages (overlap).
(d) Bonus.
(e) Shifting allowance.
(f) Extra wages.
(g) Travel wages.
(h) Accrued wage adjustments.
(i) Crew transportation.
(j) Non-watch pay.
(k) Board and lodging.

703 Crew fringe benefits.

This account shall include all compensation to crew members other than salaries and wages. Such compensation will include, but is not limited to, vacation pay, employer's payroll tax contributions, sick leave, retirement and pension, group insurance, welfare plans, quid pro quo payments, medical center contributions, and joint committee payments.

705 Domestic subsistence.

This account shall include the cost (including sales taxes and delivery and inspection charges thereon) of all edibles (but not bar and slop chest supplies and water) purchased in the United States and its territories and possessions except the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam (excluding purchases out of bond), for consumption by passengers, officers, and crews of vessels.

706 Foreign subsistence.

This account shall include the cost (including sales taxes and delivery and inspection charges thereon) of all edibles (except bar and slop chest supplies and water) purchased in foreign countries or in the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam, or purchased in the United States out of bond, for consumption by passengers, officers and crew of vessels.

710 Domestic consumable stores, supplies and equipment.

This account shall include the cost (and related sales taxes) of all consumable stores and supplies and expendable equipment (other than edibles, bar and slop chest supplies, fuel, and water) purchased in the United States and its territories and possessions, except the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam (excluding purchases out of bond), for use aboard vessels. The term "expendable equipment" includes all tools, utensils, instruments, small machinery, and paraphernalia of a portable or removable nature, as distinguished from "permanent equipment" fastened to the vessel or installed as an integral part thereof, and spares required by the classification societies. The cost of such permanent equipment and spares shall be included in account 725, "Vessel Repairs—Domestic," or account 726 "Vessel Repairs—Foreign."

711 Foreign consumable stores, supplies and equipment.

This account shall include the cost (including related sales taxes) of all consumable stores and supplies and expendable equipment (other than edibles, bar and slop chest supplies, fuel, and water) purchased in foreign countries or in the Virgin Islands, America Samoa, Wake Island, Midway Island, Kingman Reef and the Island of Guam, or purchased in the United States out of bond, for use aboard vessels.

715 Vessel fuel.

This account shall include the cost of fuel and of services and facilities incident to delivery, inspection and trimming thereof.

720 Other maintenance expense.

This account shall include such expenses as laundry and pressing services; wages of shoregang labor for cleaning, painting, scraping, or other vessel-upkeep services usually performed by the crew; inspection service charges; and the cost of maintaining expendable equipment, such as adjusting compasses, rating chronometers, retinning utensils, mending linens, upholstering chairs, repairing typewriters, and other such expenses.

725 Vessel repairs—domestic.

This account shall include the cost of repairs (not recoverable from insurance) directly attributable to replacement by duplication of, or restoration to satisfactory condition of, damaged or worn parts of vessels, machinery, and equipment which are integral parts of vessels, including the purchase of permanent equipment and spares required by the classification societies, in the United States and its territories and possessions, except the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam. The cost of repairing or servicing expendable equipment shall be included in account 720 "Other maintenance expenses."

726 Vessel repairs—foreign.

This account shall include the cost of repairs (not recoverable from insurance) directly attributable to replacement by duplication of, or restoration to satisfactory condition of, damaged or worn parts of vessels, machinery and equipment which are integral parts of vessels, including the purchase of permanent equipment and spares required by the classification societies, in foreign countries or in the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam.

730 Insurance—hull and machinery.

This account shall include the cost of hull and machinery insurance, such as premiums, deductibles, and provision for deductible average losses.

732 Insurance—protection and indemnity.

This account shall include the costs of protection and indemnity insurance, such as premiums, personal injury claims, illness claims, cargo claims, provision for deductible average losses, and Second Seamen's insurance premiums.

734 Insurance other marine risk.

This account shall include the premiums on all classes of marine-risk coverage carried by the carrier which are not properly chargeable to account 730 "Insurance—Hull and Machinery," and account 732 "Insurance—Protection and Indemnity."

735 Depreciation—vessels.

This account shall include the accrual of depreciation of vessels owned by the carrier with a corresponding credit to account 332 "Accumulated depreciation—vessels."

740 Time and trip charter hire.

This account shall include the charter payments for hiring vessels from non-affiliated companies on a time or trip basis.

741 Time and trip charter hire—affiliates.

This account shall include the charter payments for hiring vessels from affiliated companies on a time or trip basis.

742 Short-term bareboat charter hire.

This account shall include the rental or lease payments for hiring vessels from non-affiliated companies on a bareboat basis for periods of one year or less.

743 Short-term bareboat charter hire—affiliates.

This account shall include the rental or lease payments for hiring vessels from affiliated companies on a bareboat basis for periods of one year or less.

744 Long-term bareboat charter hire.

This account shall include the rental or lease payments for hiring vessels from non-affiliated companies on a bareboat basis for periods of over one year.

745 Long-term bareboat charter hire—affiliates.

This account shall include the rental or lease payments for hiring vessels from affiliated companies on a bareboat basis for periods of over one year.

749 Other vessel expense.

This account shall include all miscellaneous expenses directly incident to the operation of vessels which are not properly chargeable to other vessel account classifications, such as:

(a) Expenses of masters.
(b) Expenses of pursers.
(c) Radio equipment rental.
(d) Seaworthy certificate.
(e) Vessel communications.
(f) Water.

(g) Canal tolls (Panama Canal, Suez Canal, and Saint Lawrence Seaway) (See account 881).

B. Allocated voyage expenses.

(a) The practice of terminated voyage accounting requires the allocation of indirect costs to a voyage incurred as a result of operating and maintaining containers and barges as well as ports. The following accounts represent the container and barge expense and the indirect port expenses allocated to terminated and unterminated voyages.

(b) Subsidiary accounts shall be maintained by vessel and consecutively by voyage.

ACCOUNT

750 Allocated container and barge expense.

(a) This account shall be maintained by those operators engaged in the practice of terminated voyage accounting and shall be charged for all container and barge expenses allocated to vessels and related voyages with a corresponding credit to account 790 "Allocated container and barge expense—contra."

(b) Subsidiary accounts shall be maintained by vessel and consecutively by voyage.

755 Allocated port expense.

(a) This account shall be charged with all indirect port expenses allocated to vessels and related voyages with a corresponding credit to account 890 "Allocated expense—contra."

(b) Subsidiary accounts shall be maintained by vessel and consecutively by voyage.

C. Container and barge expenses.

(a) These accounts shall be charged with all expenses related to the use of containers and those barges which are carried aboard vessels. Such costs do not include the labor for loading and unloading nor the transportation charges for moving containers and barges; instead such excluded expenses shall be charged to the appropriate port cost center expense accounts.

ACCOUNTS

760 Container rental and lease expense.

This account shall include the rental and lease payments to nonaffiliated companies for containers.

761 Container rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for containers.

762 Refrigerated container rental and lease expense.

This account shall include the rental and lease payments to non-affiliated companies for refrigerated containers.

763 Refrigerated container rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for refrigerated containers.

764 Barge rental and lease expense.

This account shall include the rental and lease payments to non-affiliated companies for barges carried aboard vessels, such as LASH and Seabee barges.

765 Barge rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for barges carried aboard vessels, such as LASH and Seabee barges.

770 Depreciation—containers.

This account shall include the accrual of depreciation of dry containers, with a corresponding credit to account 342 "Accumulated depreciation—containers."

771 Depreciation—refrigerated containers.

This account shall include the accrual of depreciation of refrigerated containers, with a corresponding credit to account 344 "Accumulated depreciation—refrigerated containers."

772 Depreciation—barges.

This account shall include the accrual of depreciation of barges carried aboard vessels with a corresponding credit to account 336 "Accumulated Depreciation—Barges."

780 Other expense—containers.

This account shall include the costs of containers other than depreciation and rental and lease payments, such as insurance, taxes, and maintenance and repairs. Costs relating to the handling of containers will be charged to the appropriate cargo handling or terminal operations account.

781 Other expense—refrigerated containers.

This account shall include the costs of refrigerated containers other than depreciation and rental and lease payments, such as insurance, taxes, maintenance and repairs. Costs relating to the handling of refrigerated containers will be charged to the appropriated cargo handling or terminal operations account.

782 Other expense—barges.

This account shall include the costs of barges carried aboard vessels, other than depreciation and rental and lease payments, such as insurance, taxes, and maintenance and repairs. Costs relating to the handling of barges will be charged to the appropriate cargo handling or terminal operations account.

790 Container and barge expense—contra.

This account shall be credited with the allocation of container and barge expenses to terminated and unterminated voyages with a corresponding charge to account 750 "Allocated container and barge expense," the expenses for which are included in the following accounts:

Account 760 Container rental and lease expense.
Account 761 Container rental and lease expenses—affiliates.
Account 762 Refrigerated container rental and lease expense.
Account 763 Refrigerated container rental and lease expense—affiliates.
Account 764 Barge rental and lease expense.
Account 765 Barge rental and lease expense—affiliates.
Account 780 Other expense—containers.
Account 781 Other expense—refrigerated containers.
Account 782 Other expense—barges.

D. Idle vessel expenses.

(a) These accounts shall include all expenses incurred during periods of idleness or inactivity between voyages.

(b) Subsidiary accounts shall be maintained by vessel and by related idle period.

ACCOUNT

801 Crew wages.
803 Crew fringe benefits.
805 Subsistence.
810 Consumable stores, supplies and equipment.
815 Vessel fuel.
820 Other maintenance expense.
825 Vessel repairs.
830 Insurance—hull and machinery.
832 Insurance—protection and indemnity.
834 Insurance—other marine-risk.
835 Depreciation—idle vessels.
840 Time and trip charter hire.
841 Time and trip charter hire—affiliates.
842 Short-term bareboat charter hire.
843 Short-term bareboat charter hire—affiliates.
844 Long-term bareboat charter hire.
845 Long-term bareboat charter hire—affiliates.
849 Other vessel expense.

Port Expenses

(a) These accounts shall be charged with all direct expenses of the operation and maintenance of ports and terminals. Subsidiary accounts shall be maintained by individual port and in some cases by cargo carriage technology type.

(b) Additional detail coding shall be maintained to facilitate terminated voyage accounting by individual vessel and related voyages with respect to accounts 850, 851, 862, 863, 880, 881, and 882, and any other port expense account which can be specifically identified directly to voyages. All other accounts except accounts 885–889 shall be allocated to vessel and related voyages using contra account 890.

ACCOUNT

850 Cargo handling labor—loading/discharging.

(a) This account shall include the labor cost of removing and handling break bulk, bulk, container, and vehicle cargo from the pier or in pier sheds, or from cars, barges, lighters, scows, or booms alongside, and stowing the same in or on any part of the vessel, and the cost of discharging cargo from any part of the vessel into the pier or into pier sheds, or into or on cars, lighters, scows, or booms alongside the vessel and piling the same on the pier or in pier sheds, such as:

(1) Straight time.
(2) Overtime.
(3) Extra labor.
(4) Fringe benefits.
(5) Union contributions.
(6) Detentions.
(7) Transportation, travel & meals.
(b) Detail coding shall be maintained by cargo carriage technology types.

851 Cargo handling labor—loading/discharging barges.

This account shall include the labor costs of loading and discharging barges into and from vessels, including:
(a) Straight time.
(b) Overtime.
(c) Extra labor.
(d) Union.
(e) Detentions.
(f) Transportation—travel and meals.

852 Cargo handling labor—container yard.

This account shall include all the labor costs directly incident to the handling of containers within a yard which are not properly assigned to account 850, "Cargo Handling Labor—Loading/Discharging", as above defined.

853 Cargo handling labor—container freight consolidation.

This account shall include all the labor costs directly incident to the stuffing and unstuffing of containers used for cargo consolidation. In addition, this account shall include the labor costs directly incident to receiving, delivery and warehousing of such cargo at the container freight consolidation facility.

854 Cargo handling labor—conventional cargo operations.

This account shall include all the labor costs associated with receiving, warehousing, and delivery of bulk and break bulk cargo at a terminal which are not properly assigned to account 850, "Cargo Handling Labor—Loading/Discharging." Detail coding shall be maintained by cargo carriage technology type.

855 Cargo handling labor—other expense.

This account shall include all other labor costs incident to the handling of cargo which are not properly assigned to accounts 850 through 853, such as:
(a) Guaranteed annual income.
(b) Tonnage assessment.
(c) Unassigned stevedoring labor expense.
(d) Inspections.
(e) Cleaning holds and tanks.
(f) Checking and tallying.
(g) Cartage of baggage and mail.
(h) Cargo surveys.
(i) Measuring cargo.
(j) Watching.

856 Other cargo expense.

This account shall include all expenses directly incident to the handling of cargo, other than labor, such as dunnage, pallets, stevedoring gear, and other such expenses.

860 Terminal operations expense.

This account shall include all costs directly related to the operations of terminals by a carrier, other than terminal occupancy expense and those expenses charged to accounts 850 through 885, including:
(a) Supervision salaries.
(b) Equipment.
(c) Supplies.
(d) Maintenance and repairs.
(e) Security.

861 Terminal occupancy expense.

This account shall include all overhead costs, other than depreciation and amortization, related to occupancy of terminals operated by a carrier, such as:
(a) Facility rental.
(b) Property taxes.
(c) Insurance.
(d) Utilities.

862 Purchased terminal services.

This account shall include all services, other than wharfage and dockage, purchased from a non-affiliated contractor operating an independent terminal under commodity rates or other arrangements. Detail coding shall be maintained by cargo carriage technology type.

863 Purchased terminal services—affiliates.

This account shall include all services, other than wharfage and dockage, purchased from an affiliated company operating a terminal under commodity rates or other arrangements. Detail coding shall be maintained by cargo technology type.

864 Purchased off-dock container freight consolidation services.

This account shall include the costs of off-dock container freight consolidation services purchased.

865 Chassis rental and lease expense.

This account shall include the rental and lease payments to nonaffiliated companies for chassis.

866 Chassis rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for chassis.

867 Other chassis expense.

This account shall include the costs of chassis, other than depreciation and rental and lease payments, such as insurance, taxes, and maintenance and repairs. Costs relating to the handling of chassis will be charged to the appropriate cargo handling or terminal operations account.

868 Container related equipment rental and lease expense.

This account shall include the rental and lease payments to nonaffiliated companies for container related equipment, such as container cranes and yard container movement equipment.

869 Container related equipment rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for container related equipment, such as container cranes and yard container movement equipment.

870 Port transportation expense—commercial.

This account shall include the costs of transporting containers and LASH and Seabee type barges being used for commercial cargo within the port area for vessel convenience and local pick-up and delivery, such as: Drayage, tug hire, fees and duties, miscellaneous charges, and other such expenses. Detail coding shall be maintained by cargo carriage technology type.

871 Port transportation expense—military.

(a) This account shall include the costs of transporting containers and LASH and Seabee type barges being used for military cargo within the port area for vessel convenience and local pick-up and delivery, such as: Drayage, tug hire, fees and duties, miscellaneous charges, and other such expenses.
(b) Detail coding shall be maintained by cargo carriage technology type.

872 Inland transportation expenses—commercial.

This account shall include the cost of transporting containers and LASH and Seabee type barges being used for commercial cargo out of the port area to inland terminals or locations, overland or upriver, and to other marine terminals, such as: Rail charges, truck charges, handling charges, tug towage, and other such expenses. Detail coding shall be maintained by cargo carriage technology type.

873 Inland transportation expense—military.

This account shall include the cost of transporting containers and LASH and Seabee type barges being used for military cargo out of the port area to inland terminals or locations, overland or upriver, and to other marine terminals, such as: Rail charges, truck charges, handling charges, tug towage, and other such expenses. Detail coding shall be maintained by cargo carriage technology type.

874 Substituted service transportation expense—commercial.

This account shall include the cost of transporting full or partially full containers and LASH and Seabee type barges being used for commercial cargo from one port area to another port area(s) when such land transportation facilitates the avoidance of a vessel call at the latter port(s), such as: Rail charges, truck charges, handling charges, tug towage, and other such expenses. Detail coding shall be maintained by

cargo carriage technology type and by the port avoided by use of the substituted service.

875 Substituted service transportation expense—military.

This account shall include the cost of transporting full or partially full containers and LASH and Seabee type barges being used for military cargo from one port area to other port area(s) when such land transportation facilitates the avoidance of a vessel call at the latter port(s), such as: Rail charges, truck charges, handling charges, tug towage, and other such expenses. Detail coding should be maintained by cargo carriage technology type and by the port avoided by use of the substituted service.

876 Operating expenses of tug and barge operations.

This account shall include the expense incurred in the operation by the carrier of tugs, other barges, scows, launches, floating cranes, and similar floating equipment. Detail coding shall be maintained by port.

877 Maintenance expense of tug and other barge operations.

This account shall include the expense incurred in the maintenance by the carrier of tugs, other barges, scows, launches, floating cranes, and similar floating equipment and will be identified to a port.

880 Wharfage and dockage.

This account shall include the cost of wharfage and dockage.

881 Other port expenses.

This account shall include port service charges, dues, taxes, and other such expense, such as:

(a) Pilotage.
(b) Vessel towage.
(c) Launch hire.
(d) Anchor dues.
(e) Canal tolls other than Panama Canal, Suez Canal and Saint Lawrence Seaway (see account 749).
(f) Cargo dues.
(g) Entry dues and fees.
(h) Handling lines.
(i) Port dues and taxes.
(j) Dispatch.
(k) Stowage plan.
(l) Demurrage.
(m) Customs.

882 Port costs of passenger operations.

This account shall include all port costs of passenger vessels (vessels which carry more than twelve passengers) that would otherwise be charged to accounts 880, "Wharfage and dockage" and 881, "Other port expense."

885 Depreciation—other floating equipment.

This account shall include the accrual of depreciation of tugs, barges, scows, launches, floating cranes, and similar floating equipment with a corresponding credit to account 338, "Accumulated depreciation—other floating equipment."

886 Depreciation—chassis equipment.

This account shall include the accrual of depreciation of chassis and other transportation equipment, with a corresponding credit to account 348, "Accumulated depreciation—chassis equipment."

887 Depreciation—terminal property and equipment.

This account shall include the accrual depreciation of terminal buildings, cranes, trucks, furniture and fixtures, cargo handling gear, and equipment, tools and other terminal gear, and equipment with a corresponding credit to account 350, "Accumulated depreciation—terminal property and equipment."

888 Depreciation—container related equipment.

This account shall include the accrual of depreciation of container related equipment, such as container cranes and yard container movement equipment, with a corresponding credit to account 346, "Accumulated depreciation—container related equipment."

889 Amortization—terminal leaseholds and leasehold improvements.

This account shall include the amortization of the cost of acquiring long-term leases, and the cost of alterations to, and fixtures installed in, leased terminal property, with a corresponding credit to account 357, "Terminal leaseholds and leasehold improvements."

890 Allocated port expense—contra.

This account shall be credited with the allocation of port expenses to vessels and related voyages which cannot be directly assigned, with a corresponding charge to account 755, "Allocated port expense," the expenses for which are included in the following accounts:

Account 852 Cargo handling labor—container yard.
Account 853 Cargo handling labor—container freight consolidation.
Account 854 Cargo handling labor—conventional cargo operations.
Account 855 Cargo handling labor—other expense.
Account 856 Other cargo expense.
Account 860 Terminal operations expense.
Account 861 Terminal occupancy expense.
Account 864 Purchased off-dock container freight consolidation services.
Account 865 Chassis rental and lease expense.
Account 866 Chassis rental and lease expense—affiliates.
Account 867 Other chassis expense.
Account 868 Container related equipment rental and lease expense.
Account 869 Container related equipment rental and lease expense—affiliates.
Account 870 Port transportation expense—commercial.
Account 871 Port transportation expense—military.
Account 872 Inland transportation expense—commercial.
Account 873 Inland transportation expense—military.
Account 874 Substituted service transportation expense—commercial.
Account 875 Substituted service transportation expense—military.
Account 876 Operating expense of tug and other barge operations.
Account 877 Maintenance expense of tug and other barge operations.

Administrative and General Expenses

These accounts shall include all administrative and general expenses incurred in the operation of the business for which no other specific accounts have been provided. Additional Detail coding shall be maintained by vessel and consecutively by voyage to facilitate terminated voyage accounting, with respect to accounts 950, 951 and 952.

901 Compensation of officers and directors.

This account shall include the compensation of officers and directors, including salaries, bonuses, fees and other payments for services.

902 Salaries and wages of employees.

This account shall include the compensation of all employees performing administrative and service functions that benefit overall operations other than compensation of officers and directors.

903 Fringe benefits.

This account shall include the cost of all fringe benefits of administrative and general personnel, such as:

(a) Vacation pay.
(b) Sick leave.
(c) Payroll taxes (employer's portion).
(d) Workmen's compensation.
(e) Group insurance.
(f) Pension and retirement.
(g) Health and welfare.
(h) Profit-sharing.
(i) Other.

905 Legal fees.

This account shall include fees, retainers, and other expenses for professional services of attorneys, including cost of law books, legal forms, testimony, notarial and witness fees, law and court expenses, and lawsuits.

906 Accounting and auditing fees.

This account shall include fees and other expenses for accounting or independent audit services rendered.

907 Other professional fees.

This account shall include fees and other expenses for professional services other than legal, accounting or auditing.

910 Rental expense.

This account shall include the rental costs for use of office buildings, general offices and storage space.

912 Utilities.

This account shall include the cost of utilities, such as:

(a) Heat.
(b) Light.
(c) Power.
(d) Water.
(e) Waste removal.

915 Communication expense.

This account shall include all communication expense, such as the cost of

telephone, cables, telegrams, radio, postage, telex, and teletype.

920 Office expense.

This account shall include the cost of office supplies, printing, equipment rental and all other general expenses relating to the operation of offices.

923 Data processing expense.

This account shall include costs of data processing including equipment rental, purchased services, data transmission lines, and supplies.

925 Dues and subscriptions.

This account shall include membership dues and fees in associations and subscriptions to periodicals and newspapers.

926 Donations and contributions.

This account shall include the cost of donations and contributions.

927 Entertainment and solicitation.

This account shall include all entertainment expenses and expenses of canvassing and solicitation in connection with the procurement of cargo.

928 Travel expense.

This account shall include all traveling expenses of officers and employees on official business of the company.

930 Insurance expense.

This account shall include premiums on insurance such as burglary, theft, robbery, premiums on fidelity bonds on officers and employees, and other such expenses.

935 Repairs and maintenance.

This account shall include the cost of repairing and maintaining general office buildings and equipment, furniture, and machines.

940 Management fees and commissions—affiliates.

This account shall include all commissions paid or payable to affiliated companies for general and financial management services.

941 Management fees and commissions—others.

This account shall include commissions paid or payable to persons or concerns other than affiliated companies acting as managing agents of the carrier. It does not include the customary agency fees and commissions paid to general and sub-agents at out-ports. Such fees should be charged to account 952, "Agency fees and commissions."

945 Advertising—passenger.

This account shall be charged with the cost of all passenger advertising.

946 Advertising—other.

This account shall be charged with all other advertising costs of the carrier.

950 Freight brokerage.

This account shall include commissions paid to brokers for procuring cargo.

951 Passenger brokerage.

This account shall include commissions paid to brokers and booking agencies for procuring passenger business.

952 Agency fees and commissions.

This account shall include agency fees, attendance fees, and commissions for services performed by agents at outports. This account shall not include reimbursements to agents for those expenses incurred in the administration and supervision of port activities. Such expense shall be charged to the appropriate port expense account.

955 Contributions to pools.

This account shall be charged with contributions and other related expenses incurred with participation in pooling agreements.

960 Interest expense.

This account shall include all interest expense, other than amounts to affiliates which shall be charged to account 961, "Interest expense—affiliates", paid or payable. It shall not include interest on obligations issued and assumed and owned by the carrier.

961 Interest expense—affiliates.

This account shall include all interest paid or payable to affiliated companies.

965 Doubtful notes and accounts receivable.

This account shall be charged with provisions for reserves against all notes and accounts receivable considered doubtful of collection.

970 Depreciation—other shipping property and equipment.

This account shall include the accrual of depreciation of property and equipment incident to shipping and its auxiliary operations for which no other account has been specifically provided, with a corresponding credit to account 352, "Accumulated depreciation—other shipping property and equipment."

971 Depreciation—non-shipping property and equipment.

This account shall include the accrual of depreciation of property and equipment used in ventures other than shipping and shipping auxiliary operations, with a corresponding credit to account 354, "Accumulated depreciation—non-shipping property and equipment."

975 Amortization—office leaseholds and leasehold improvements.

This account shall include the amortization of the cost of acquiring long-term leases, and the cost of alterations to, and fixtures installed in, leased office property, with a corresponding credit to account 355, "Office leaseholds and leasehold improvements."

976 Amortization—debt discount and expense.

This account shall include for each fiscal period such proportion of debt discount and expense on funded debt as is transferred from account 384, "Debt discount and expense."

977 Amortization—organization expense.

Amortization of expenses incurred in the formation or development of the business shall be charged to this account as transferred from account 385, "Organization expense."

979 Miscellaneous amortization expense.

Amortization of any deferred charges for which no other account is specifically provided shall be included in this account.

980 Expenses of non-shipping operations.

This account shall include the gross expense other than depreciation incurred in ventures other than shipping and shipping auxiliary operations.

985 Federal income taxes.

This account shall be charged with accrued provision for Federal income taxes. Such taxes shall be net of applicable tax credits such as the foreign tax credit and the investment tax credit. Income taxes which are refundable or reduced as the result of carry-back or carry-forward of an operating loss shall be credited to this account, if a carry-back, in the year in which the loss occurs, or, if a carry-forward, in the year in which such loss is applied to reduce taxes.

986 State and local income taxes.

This account shall be charged with the accrued provision for state and local income taxes and franchise taxes based on income.

987 Foreign income taxes.

This account shall be charged with the accrued provision for foreign income taxes.

989 Other taxes.

(a) This account shall include all taxes other than income taxes, sales taxes, and taxes computed on basis of payrolls such as old age benefits, unemployment compensation, and similar social security taxes.

(b) Sales taxes and taxes assessed against carriers for electrical energy, telegraph, telephone, radio, cables, checks, rental and safe deposit boxes, motor vehicle licenses, and other such expenses, shall be included in the respective accounts to which the cost of the material or services is charged. Social security taxes are to be included in the respective accounts to which other fringe benefits are charged.

(c) This account shall also be charged with the costs of business licenses.

990 Miscellaneous expense.

This account shall include all expenses of a general character for which no other account is provided including expenses from conversion of foreign currencies.

995 Extraordinary items.

This account shall include extraordinary items accounted for during the current fiscal year in accordance with generally accepted accounting principles.

Financial Statements

(A) Balance Sheet

Account Nos.	ASSETS
	Current assets:
100	Cash.
115	Special cash deposits.
120	Marketable securities (net).
130	Notes receivable.
140	Notes and accounts receivable—affiliates.
150	Accounts receivable.
369	Less: Estimated allowance for doubtful notes and accounts receivable.
170	Inventories—shoreside.
180	Inventories—aboard vessels.
190	Other current assets
	Total current assets.
	Voyages in progress (when a net debit balance).
200	Deferred expenses; unterminated voyages.
500	Less: Deferred revenues; unterminated voyages.
	Special funds and deposits:
301	Capital reserve fund.
302	Capital construction fund.
303	Construction reserve fund.
304	Insurance funds.
306–312	Other special funds and deposits.
	Total special funds and deposits.
	Investments:
316	Securities of affiliated companies.
320	Non-current receivables—affiliated companies.
325	Cash value of life insurance.
328	Other investments.
	Total investments.
329	Less: Estimated allowance for revaluation of investments.
	Total investments after allowance for revaluation.
	Property and equipment:
331	Floating equipment vessels.
332	Less: Accumulated depreciated—vessels.
335	Floating equipment—barges.
336	Less: Accumulated depreciation—barges.
337	Other floating equipment.
338	Less: Accumulated depreciation—other floating equipment.
341	Containers.
342	Less: Accumulated depreciation—containers.
343	Refrigerated containers.
344	Less: Accumulated depreciation—refrigerated containers.
345	Container related equipment.
346	Less: Accumulated depreciation—container related equipment.
347	Chassis equipment.
348	Less: Accumulated depreciation—Chassis equipment.
349	Terminal property and equipment.
350	Less: Accumulated depreciation—terminal property and equipment.
351	Other shipping property and equipment.
352	Less: Accumulated depreciation—Other shipping property and equipment.
353	Non-shipping property and equipment.
354	Less: Accumulated depreciation—Non-shipping property and equipment.
355	Office leaseholds and leasehold improvements.
356	Less: Accumulated amortization—office leaseholds and leasehold improvements.
357	Terminal leaseholds and leasehold improvements.
358	Less: Accumulated amortization—terminal leaseholds and leasehold improvements.
359	Construction work in progress.
	Total property and equipment after accumulated allowances.
	Other assets:
361	Claims pending.
362	Spare parts on which construction-differential subsidy has been paid.
363	Spare parts—other.
364	Notes and accounts receivable from officers and employees.
365	Interest accruals for deposit in statutory funds.
367	Deferred operating-differential subsidy receivable.
368	Other non-current notes and accounts receivable.
370	Maritime Administration allowance for obsolete vessels.
374	Miscellaneous other assets.
	Total other assets.
375	Deferred charges and prepaid expenses.
391	Goodwill.
398	Other intangible assets.
399	Less: Accumulated amortization—other intangible assets.
	Total assets.
	LIABILITIES
	Current Liabilities:
400	Notes payable.
415	Notes and accounts payable—affiliated companies.
420	Accounts payable.
479	Other current liabilities.
489	Advance ticket sales and deposits.
526	Mortgage notes—Maritime Administration.
527	U.S. merchant marine notes and bonds.
530	Other bonds and debentures.
534	Other long-term debt.
	Total current liabilities.
	Voyages in progress (when a net credit balance).
500	Deferred revenues; unterminated voyages.
200	Less: Deferred expense; unterminated voyages.
	Long-term debt (due after one year):
526	Mortgage notes—Maritime Administration.
527	U.S. merchant marine notes and bonds.
530	Other bonds and debentures.
534	Other long-term debt.
	Total long-term debt.
	Other liabilities:
541	Non-current payables—related companies.
549	Non-current notes and accounts payable—Officers and employees.
550	Recapturable profits: Maritime Administration.
553	Pension and welfare funds payable.
554	Miscellaneous other liabilities.
	Total other liabilities.
	Deferred credits:
556	Premium on funded debt.
563	Deferred Federal income taxes.
564	Miscellaneous deferred credits.
	Estimated Operating Allowances:
566	Estimated allowances for repairs.
570	Estimated allowances for insurance.
579	Estimated operating allowances—miscellaneous.
	Total operating allowances.
	Total liabilities.
	Owners' equity:
	Capital stock.
581	Issued and outstanding.
585	Subscribed.
587	Less: Discount on capital stock.
	Total capital stock.
590	Additional paid-in capital.
	Retained earnings:
598	Restricted.
599	Unrestricted.
	Total stockholder's equity.
	Total liabilities and equity.

(B) Income Statement

Account Nos.	
	Shipping operations:
601–670	Waterline operating revenue.
701–989	Waterline operating expense.
	Gross profit (loss) from shipping operations.
	Other income:
675	Interest income.
685	Dividend income.
690	Miscellaneous other income.
691	Release of premium on long-term debt.
	Other deductions from income:
960	Interest expense.
961	Interest expense affiliates.
965	Doubtful notes and accounts receivable.
975	Amortization—office leaseholds and leasehold improvements.
976	Amortization—debt discount expense.
977	Amortization — organization expense.
979	Miscellaneous amortization expense.
990	Miscellaneous expense.
	Net income from shipping operations.
	Nonshipping operations:
695	Revenue from nonshipping operations.
980	Expense of nonshipping operations.
	Gross profit (loss) from nonshipping operations.

Account Nos.	
971	Depreciation: nonshipping property and equipment.
	Net income (loss) from nonshipping operations.
	Income (loss) before income taxes and extraordinary items.
	Taxes on income:
985	Federal income Taxes.
986	State and local income taxes.
987	Foreign income taxes.
	Total income taxes.
	Income (loss) before extraordinary items.
995	Extraordinary items.
	Net income (loss).

(C) WATERLINE OPERATING AND EXPENSE STATEMENT

Account Nos.		Revenue	Expense	Net
	Shipping operations			
	Terminated voyage results (from section 282.8(D))			
801-849	Idle vessel expense			
840, 955	Collections from and contributions to pools			
	Gross profit (loss) from vessel operations before subsidy			
625	Operating-differential subsidy			
	Gross profit (loss) from vessel operations after subsidy			
645	Revenue from terminal operations			
650	Revenue from cargo handling operations			
655	Revenue from tug and lighter operations			
660	Revenue from other shipping operations			
670	Agency fees, commissions and brokerage earned			
	Gross profit (loss) from shipping operations before overhead, amortization and depreciation			
	Overhead			
901-935	Administration and general expenses			
940	Management fees and commissions—affiliates			
941	Management fees and commissions—other			
945	Advertising—passenger			
946	Advertising—other			
989	Other taxes			
	Gross profit (loss) from shipping operations before amortization and depreciation			
	Depreciation—Shipping property and equipment			
735	Depreciation—vessels			
770	Depreciation—containers			
771	Depreciation—refrigerated containers			
772	Depreciation—barges			
835	Depreciation—idle vessels			
885	Depreciation—other floating equipment			
886	Depreciation—chassis equipment			
887	Depreciation—terminal property and equipment			
888	Depreciation—container related equipment			
970	Depreciation—other shipping property and equipment			
889	Amortization—Terminal leaseholds and leasehold improvements			
	Total waterline revenue and expenses			
	Gross profit (loss) from shipping operations			

(D) VESSEL OPERATING STATEMENT

VESSEL REVENUE

Account Nos.	
601	Freight—foreign.
605	Freight—coastwise and intercoastal.
606	Bar revenue.
607	Slop chest revenue.
608	Passenger—foreign.
612	Passenger—coastwise and intercoastal.
615	U.S. mail—foreign
616	U.S. mail—coastwise and intercoastal.
617	Foreign mail.
619	Ad valorem.
620	Charter revenue.
624	Other voyage revenue.
	Total vessel voyage operating revenue.

OPERATING EXPENSE—TERMINATED VOYAGES

Account Nos.	
701-749	Vessel expense.
701	Crew wages.
703	Crew fringe benefits.
705	Domestic subsistence.
706	Foreign subsistence.
710	Domestic consumable stores—supplies and equipment.
711	Foreign consumable stores—supplies and equipment.
715	Vessel fuel.
720	Other maintenance expense.
725	Vessel repairs—domestic.
726	Vessel repairs—foreign.
730	Insurance—hull and machinery.
732	Insurance—protection and indemnity.
734	Insurance—other marine-risk.
740	Time and trip charter hire.
741	Time and trip charter hire—affiliates.
742	Short-term bareboat charter hire.
743	Short-term bareboat charter hire—affiliates.
744	Long-term bareboat charter hire.
745	Long-term bareboat charter hire—affiliates.
749	Other vessel expense.
	Total vessel expense.

CONTAINER AND BARGE EXPENSES

Account Nos.	
750	Allocated container and barge expenses.

PORT EXPENSES

Account Nos.	
755	Allocated port expense.
850	Cargo handling labor—loading/discharging.
851	Cargo handling labor—loading/discharging barges.
862	Purchased terminal services.
863	Purchased terminal services—affiliates.
880	Wharfage and dockage.
881	Other port expense.
882	Port costs of passenger operations. Brokerage expense and agency fees and commissions.
950	Freight brokerage.
951	Passenger brokerage.
952	Agency fees and commissions.
	Total voyage expense ------
	Total vessels operating expense ------
	Terminated voyage results ------

Dated October 9, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.
Secretary.

[FR Doc.73-21845 Filed 10-15-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 102]

RESTRUCTURED FOODS

Proposal To Establish Common or Usual Names

Correction

In FR Doc. 73-15695 appearing at page 20746 in the issue of Thursday, August 2, 1973, make the following changes:

1. In § 102.14, the 5th line reading "tions and breaded shall be 'Fish Made' ", should read "tions and breaded shall be 'Fish ------ Made' ".

2. In § 102.16, the word "compiles" in the 8th line from the end should read "complies".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-GL-46]

TRANSITION AREA

Proposed Alteration

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

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before November 14, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for

consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Crookston Municipal Kirkwood Field Airport, Crookston, Minnesota, and the present procedure has been revised. Accordingly, it is necessary to alter the Crookston, Minnesota transition area to adequately protect the aircraft executing the new approach procedure.

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

In § 71.181 (38 FR 435), the following transition areas is amended to read:

CROOKSTON, MINN.

That airspace extending upward from 700 feet above the surface with a 5½-mile radius of the Crookston Municipal Kirkwood Field Airport (latitude 47°50'30" N., longitude 96° 37'15" W.); within 3 miles each side of the 303° bearing from the airport extending from the 5½-mile radius area to 8 miles northwest of the airport; within 3 miles each side of the Grand Forks VORTAC 108° radial extending from the 5½-mile radius area to 7½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 55 mile arc southeast of the Grand Forks VORTAC between V430 and V171 excluding the portion which overlies the Grand Forks, ND transition area.

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

Issued in Des Plaines, Illinois on September 26, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.73-21931 Filed 10-15-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-GL-36]

CONTROL ZONE AND TRANSITION AREA

Withdrawal of Alteration

On page 23419 of the FEDERAL REGISTER dated August 30, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Pellston, Michigan.

The instrument approach procedure which required the change in the controlled airspace cannot meet flight check requirements. Consequently, the proposed alteration is withdrawn.

Issued in Des Plaines, Illinois, on September 26, 1973.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.73-21930 Filed 10-15-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 25875; PSDR-37A]

CHARTER SERVICES BETWEEN UNITED STATES AND EUROPE

Supplemental Notice of Proposed Policy Statement Concerning Rates; Correction

The final paragraph on page 2 of the above supplemental notice, FR Doc. 21601, published at page 28080 in the issue of Thursday, October 11, 1973, inadvertently stated that the time for submitting comments was being extended to October 19, 1973. The final paragraph is hereby corrected to read as follows:

"Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to October 29, 1973, and for submitting responsive comments to November 13, 1973."

Dated October 5, 1973.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates.

OCTOBER 10, 1973.

[FR Doc.73-22034 Filed 10-15-73;8:45 am]

DELAWARE RIVER BASIN COMMISSION

[18 CFR Part 401]

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Hearing

INTRODUCTION

In November 1970 the Delaware River Basin Commission adopted regulations requiring preparation of environmental impact statements for certain classes of water resources projects subject to review by the Commission under section 3.8 and Article 11 of the Delaware River Basin Compact, 75 Stat. 708. This requirement is contained in section 2-3.5.2 of the Commission's Rules of Practice and Procedure (Administrative Manual, Part II).

The Commission now proposes to amend its Rules of Practice and Procedure so as to delete all of section 2-3.5.2 and substitute therefor an entire new section, the text of which is set forth in this notice. The proposed new regulation reflects Commission experience gained in preparing and reviewing environmental impact statements under the National Environmental Policy Act, and is in response to revised guidelines issued by the Council on Environmental Quality on August 1, 1973. A public hearing on the proposed new regulation has been called by the Commission for October 31, 1973. The hearing will be held in Room 603, City Hall Annex, Juniper and Filbert Streets in Philadelphia, Pa., beginning at 2 p.m. Persons wishing to testify at the hearing are requested to register with the Secretary to the Commission no later than noon on October 30. Written statements may be submitted in lieu of oral testimony and will be made a part of the record if received by the Commission prior to November 29. When adopted by the Commission as a final regulation, this amendment will be renumbered to conform to the style of 18 CFR Part 401.

As a supplement to the proposed regulation a manual of guidance[1] for the preparation of environmental reports has been prepared by the Commission to assist sponsors of water resources projects subject to Commission project review regulation. The manual is designated "Supplemental Manual, Part I, Guidelines as to Content of Environmental Reports, Assessments and Environmental Impact Statements," dated September 1973. Official copy of the supplemental manual is on file with the National Archives and Records Service. Copies may be obtained without charge upon request to Mr. Robert L. Mann, Head, Environmental Unit, Delaware River Basin Commission, P.O. Box 360, Trenton, N.J. 08603—telephone 609-883-9500.

W. BRINTON WHITALL,
Secretary.

OCTOBER 4, 1973.

2-3.5.2 *Environmental Statement*

a. General.

(1) *Purpose.* The National Environmental Policy Act of 1969 implemented by Executive Order 11514, mandates that all Federal agencies, to the fullest extent possible, direct their policies, plans and programs so as to meet national environmental goals. Section 105 of the Act provides that "The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies". Section 102(2)(C) of the Act and the Council on Environmental Quality's Guidelines of April 23, 1971 (36 FR), require that all Federal agencies prepare environmental statements on all major Federal actions significantly effecting the quality of the environment. The objective of the Act is to build into the agency decisionmaking process, beginning at the earliest possible point, an appropriate and careful consideration of the environmental aspects of proposed actions and to assist agencies in implementing the policies as well as the letter of the Act.

(2) *Policy.* The Delaware River Basin Commission will, in consultation with other appropriate Federal, State and local agencies and the public, assess the environmental impacts of any proposed action concurrent with initial technical and economic studies in order that adverse effects will be avoided, and environmental quality will be maintained, restored or enhanced, to the fullest extent practicable. In particular, alternative actions that will minimize adverse impacts will be explored and both the long and short range implications to man, his physical and social surroundings, and to nature, will be evaluated in order to avoid, to the fullest extent practicable, undesirable consequenses as they relate to the quality of the human environment. This assessment shall take place as early as possible and in all cases prior to any decision that may significantly effect the environment and, where required, a draft environmental impact statement will be prepared and circulated in accordance with these regulations.

(3) *Definitions.*

(i) *Action* is a project, program (administrative), or legislation where the Delaware River Basin Commission has sufficient control and responsibility to take an unofficial action. The action must be a major action

[1] Guidelines filed with original document.

that significantly affects the quality of the human environment directly or indirectly. Inclusion of the action in Comprehensive Plan prior to January 1, 1970, does not exempt the action from an Environmental Impact Statement.

(ii) *Applicant* is proposed action's sponsor.

(iii) *Environment* for the purposes of this regulation is the major natural, manmade or affected environment as implied by the National Environmental Policy Act of 1969.

(iv) *Environmental Assessment* is an analysis, by the Commission, of an Environmental Report or of a Commission sponsored action to determine whether the action proposed will have a significant effect involving the quality of the human environment.

(v) *Environmental Impact Statement* is a document, prepared by the Delaware River Basin Commission, which identifies and analyzes in detail the environmental impacts of a major action by the Delaware River Basin Commission having significant effects involving the quality of the human environment.

(vi) *Environmental Report* is a document submitted by those Applicants proposing an action which requires an Environmental Assessment. It is the basis for the Assessment and, when required, for an Environmental Impact Statement.

(vii) *Negative Declaration* is the documentation of facts and information supporting the determination by the Executive Director that a proposed action will not require an Environmental Impact Statement.

(viii) *Notice of Intent* is an announcement to other Federal, State, and local agencies and to the public that the Commission will be preparing an Environmental Impact Statement for a given action.

(ix) *Responsible Official* is the Executive Director of the Delaware River Basin Commission.

(x) *Significant Effect* is intended to imply threshold of importance and impact upon the quality of the human environment, either by directly affecting human beings or by indirectly affecting human beings through adverse effects upon the environment.

b. Procedure for Processing Environmental Impact Statements.

(1) *Actions Requiring an Environmental Report.* Not later than the completion of preliminary engineering or feasibility studies, the Applicant for a project within any of the following classifications shall submit an environmental report together with and as part of the application: (Environmental Reports prepared for another Federal, State or local agency will be acceptable).

(i) All projects requiring an Environmental Impact Statement.

(ii) Major projects the Commission may wish to construct or sponsor.

(iii) Inclusions into the Commission's Comprehensive Plan of the following: (a) major policy or regulations significantly effecting the quality of the human environment; and (b) master plans or sequence of the contemplated projects.

(iv) When requested by the Executive Director based upon an environmental review of the action.

(2) *Applicant's Environmental Report.* Upon receipt of the report, the Executive Director shall prepare an Environmental Assessment of the action. Additional information, studies, maps, etc. may be requested from the Applicant. The Environmental Assessment will be the basis for the determination of the need for an environmental impact statement. A supplemental guideline covering the substantive contents of an environmental report, will be made available to all applicants. In brief, an environmental report will include the following:

(i) A description of the proposed action.

(ii) A description of the existing environmental setting without the proposed action.

(iii) The probable anticipated environmental impact of the proposed action and the basis for the conclusions.

(iv) All alternatives to the proposed action that have been considered including that of no action.

(v) An evaluation of environmental benefits, costs, and risks weighing the proposed action and the alternatives considered against the quality of the human environment.

(3) *Environmental Assessment.* An environmental review will be made for those actions requiring an environmental report. The assessment is made to identify and evaluate the expected and potential environmental impacts of the action and the alternatives considered. The assessment will determine whether significant impact upon the environment can be anticipated from the proposed action. The results of an environmental assessment will be either the preparation of the environmental impact statement or a negative declaration. The contents of an environmental assesament will include the following:

(i) Description of the project.

(ii) Analysis of significant impacts.

(iii) Summation of any objections.

(iv) Agencies consulted and their concerns, if any. The Environmental Protection Agency will be consulted in all instances.

(v) Conclusions.

(4) *Negative Declaration.* (i) A negative declaration may be issued by the Executive Director prior to taking any official action on a project which, as a result of an environmental assessment, has been determined will not cause significant environmental impacts. The assessment will become a part of the project's records and be available for public inspection.

(ii) The negative declaration will include the environmental assessment, copies of any relevant correpondence and the official determination by the Executive Director that the proposed action is not a major action significantly effecting the quality of the human environment.

(iii) Once a negative declaration has been made the proposed project may immediately proceed to Commission action.

(iv) When a negative declaration has been made for a proposed action normally requiring the preparation of an environmental impact statement, the declaration, complete with the environmental assessment, will be made available to the public.

(5) *Actions Requiring an Environmental Impact Statement.* The following list of general classifications which may require an environmental impact statement is based upon the reviewable projects activity of the Commission. These actions have been identified by an analysis of environmental impacts typically associated with the principal types of Commission action. Where an environmental impact statement is prepared for a master plan or program having a chain of contemplated projects, subsequent statements on major components will be required only where significant impacts were not adequately evaluated in the overview statement. Actions identified as requiring an environmental impact statement include the following:

(i) Any project, plan, regulation or policy identified via the process of an environmental assessment as having significant effect upon the quality of the human environment.

(ii) Major large-scale programs or master plans involving a sequence of contemplated projects including new towns, watershed programs, waste water and water supply plans and recreation plans;

(iii) Impoundments;

(iv) Diversions;

(v) Fossil-fueled electric generating stations;

(vi) Liquid petroleum products pipelines;

(vii) Draining or filling or otherwise altering marshes or wetlands;

(viii) Substantial encroachments upon a stream or upon the 100 year flood plain of the Delaware River or its tributaries:

(ix) Any other action which the Executive Director, in his discretion, determines is a major action which may have a significant effect upon the quality of human environment and/or environmental impact of which is substantially controversial.

(6) *Lead Agency.* The Executive Director shall review the proposed action with other Federal agencies to determine whether DRBC should be the lead agency for the preparation of the environmental impact statement. Cooperative and/or joint agency efforts will be taken whenever practicable. When any action requiring an environmental impact statement under these regulations is also required to have an environmental impact statement by regulations of another Federal agency, the Executive Director will consult with such agency and establish appropriate lead agency arrangements that will meet the requirements of the National Environmental Policy Act and the revised (June 1973) Council on Environmental Quality Guidelines, to avoid duplication.

If another Federal agency, in its role as lead agency, has determined that, after an environmental assessment, any project listed in these regulations does not require an environmental impact statement, the Executive Director shall request from the lead agency a letter to that effect and after a review of the project, may exempt the project from this section of the rules.

(7) *Early Notice.* Once the determination has been made that a project requires an environmental impact statement, a public announcement, hereinafter called Notice of Intent, shall be issued to the Council on Environmental Quality, appropriate Federal, State and municipal agencies, and be publicly posted in the Commission headquarters. The Notice of Intent shall also be sent to citizens and citizens organizations identified as having an interest in the project. The Notice of Intent shall define the Commission as lead agency and request comments which may be helpful in the preparation of the draft statement. A current list of administrative actions for which environmental impact statements are being prepared will be available for public inspection upon request.

(8) *Pre-draft Consultation with Appropriate Agencies.* (i) Consultation with Federal agencies. When the Commission is considering an action requiring an environmental impact statement, it will, prior to the preparation of the draft statement, consult with Federal agencies having jurisdiction over reasonable alternatives to the proposed action or jurisdiction by law or special expertise with respect to the environmental impacts of the proposed action and reasonable alternatives.

(ii) Consultation with State and local agencies. In every case in which implementation of the proposed action or its reasonable alternatives would require exercise of authority by a State or local agency, that agency will be consulted prior to the preparation of the draft statement. Use will be made of the State and local A-95 clearinghouses.

(9) *Draft Environmental Impact Statement.* The Executive Director shall prepare a substantive draft environmental impact statement as soon as practicable after the decision that the statement is necessary. Where a plan or program has been developed, the relationship between the plan and the subsequent projects or phases encompassed by it shall be evaluated to determine the preferable and most meaningful point in

time for preparing a statement. Where practicable the statement will be drafted for the total program at the completion of the overall planning stage. Individual actions included in the plan will not require separate statements except where significant change has occurred. A supplemental statement will be issued covering only that change.

The discussion of alternatives to the proposed action and their impact on the environment will accompany the proposed action through the Commission's entire review process. Generally the content of an environmental impact statement will include the following: (Substantive description of the content is available in supplemental guidelines upon request.)

(i) Summary.

(ii) Description of the proposed action and its components in detail commensurate for an assessment of potential environmental impact.

(iii) A succinct description of the environmental setting without the proposed action.

(iv) The relationship of the proposed action to water and land use plans, policies, and controls for the affected area.

(v) The probable impact of the proposed action on the environment, including secondary or indirect, as well as primary or direct, consequences.

(vi) Any probable adverse environmental effects which cannot be avoided, summarizing those effects discussed in (v) above that are adverse and unavoidable.

(vii) All alternatives to the proposed action that have been considered including that of no action, with an objective evaluation of the environmental impacts from each.

(viii) An evaluation of the proposed action in relation to short-term use of man's environment and the maintenance and enhancement of long-term productivity.

(ix) Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented.

(x) An indication of other interests and considerations of Federal policy thought to offset the adverse environmental effects of the proposed action.

(xi) When determined by the Executive Director as necessary, an evaluation of environmental benefits, costs and risks of the proposed action compared to the alternatives considered against the quality of the human environment.

(10) *Processing the Draft Environmental Impact Statement.*

(i) The Executive Director shall distribute ten (10) copies of the draft environmental impact statement and two (2) completed National Technical Information Service (NTIS) accession notice cards to the Council on Environmental Quality.

(ii) The Executive Director shall announce to other agencies and the general public via the Federal Register and in accordance with other chapters and sections of the Administrative Manual, both the availability of the draft environmental impact statement and the date of a public hearing on environmental factors which will be held not less than 15 days after the draft environmental impact statement has been made available to the public.

(iii) Concurrent with the announcement of availability, the Executive Director shall provide copies of the draft environmental impact statement to the Environmental Protection Agency and to appropriate field offices of reviewing Federal agencies that have special expertise or jurisdiction by law with respect to any impacts involved as listed in Appendix II of the Council on Environmental Quality. At the same time, copies shall also be made available to the appropriate State and local agencies and to interested organizations and persons.

(iv) All comments made upon the draft environmental impact statement should be submitted to DRBC within 45 days after the date of publication in the Federal Register announcing the availability of the draft. Extensions of review time will be at the discretion of the Executive Director.

(11) *Final Environmental Impact Statement.* Following receipt of comments on the draft environmental impact statement and public hearing, the Executive Director shall prepare a final environmental impact statement responding to written and/or recorded suggestions, criticisms, and comments raised through the review of the draft statement. Distribution will be to the Council on Environmental Quality, to the Environmental Protection Agency, to those who responded to the draft statement and to written requests.

(12) *Public Availability of Statements.* All draft and final environmental impact statements, including comments received thereon, shall be available for public examination as per the Freedom of Information Act in the Commission's offices and such other offices as the Executive Director may designate.

(13) *Earliest Date for Commission Action.* As directed by the Commission the Executive Director will forward the final environmental impact statement to the Council on Environmental Quality. The Commission will act upon a project that is subject to the requirements of this section not less than 90 days after a draft environmental impact statement has been released for public comment and not less than 30 days after the final environmental impact statement has been received by the Council on Environmental Quality. The Commission will include or refer to the environmental assessment or the environmental impact statement, and will make specific findings and conclusions with respect to the environmental effects of the project.

(14) *Emergency Circumstances.* In the event of emergency circumstances those projects requiring an environmental impact statement as provided for in section 2-3.9 of these Rules, the Executive Director will consult with the Council on Environmental Quality with respect to waiver, suspension or deferment of the requirements of this section before any action is taken.

(15) *Adequacy of Draft and Final Environmental Impact Statements.* The draft and final environmental impact statements will represent the Commission's independent evaluation of the environmental impacts of the action and the appropriate alternatives to the proposed action. Redraft statements will be prepared if, prior to the submission of a final statement to the Council on Environmental Quality, the original draft is inadequate because significant information relevant to the total action was omitted from the original draft or only came to light after circulation of the original draft. All redraft statements shall be circulated for comment in the same manner as original draft environmental impact statements.

c. Procedure for Commenting Upon Environmental Impact Statements.

(1) Comments prepared on draft Environmental Impact Statements authored by other agencies will be based upon the relationship of the action proposed to the Commission's Comprehensive Plan.

(2) Comments will be organized consistent with the structure of the draft statement.

(3) Five (5) copies of all comments made thereon will be furnished to the Council on Environmental Quality.

W. BRINTON WHITALL,
Secretary.

OCTOBER 4, 1973.

[FR Doc.73-21653 Filed 10-15-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 584]

[No. 73-1377]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposed Transactions With Affiliates by Service Corporation Subsidiaries of Subsidiary Insured Institutions

SEPTEMBER 19, 1973.

The Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, considers it desirable to propose an amendment to Part 584 of the regulations for Savings and Loan Holding Companies (12 CFR Part 584) for the purposes described below.

Section 408(d) of the National Housing Act, as amended, prohibits, or prohibits except with prior approval of the Corporation, subsidiary insured institutions from engaging in certain transactions with affiliates. This section is implemented in § 584.3 of said Part 584. In order to prevent evasions of these prohibitions, the Board proposes to extend these prohibitions to service corporation subsidiaries of subsidiary insured institutions. The prohibitions would not be extended to transactions by such service corporations with their subsidiaries or with parent subsidiary insured institutions. For example, such service corporations would be prohibited from making loans to any non-insured affiliate.

In the Board's view transactions of the type prohibited by section 408(d) by a holding company's subsidiary service corporation with its non-insured affiliates rarely are for a purpose other than evading the section 408(d) prohibitions. The proposal allows for exceptions to this prohibition upon application to the Corporation. The application would have to demonstrate that the purpose of the transaction was not to evade the section 408(d) prohibitions.

Accordingly, the Board hereby proposes to amend § 584.3 by adding a new paragraph (h) thereto, to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by November 16, 1973, as to whether these proposals should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 584.3 Transactions with affiliates.

* * * * *

(h) *Transactions by service corporations.* Except with the prior written approval of the Corporation, no service corporation subsidiary of a subsidiary insured institution shall engage, directly or indirectly, in any of the transactions set forth in paragraph (a) (1), (2), (3), (4), (5), and (6) of this section other

than with its subsidiaries or with any subsidiary insured institution of which it is a subsidiary. In applying for Corporation approval under this paragraph, the service corporation shall provide information showing that the proposed transaction would not violate § 584.2(a).

(Sec. 402, 48 Stat. 1256, as amended § 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 FR 4981, 3 CFR 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-22046 Filed 10-15-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 409]

SUGAR PROCESSING CATEGORY; BEET SUGAR PROCESSING

Correction Notice Extending Comment Period

There was published in the October 11, 1973 issue of the FEDERAL REGISTER (38 FR 28081) a notice extending the date for submission of comments in response to the notice of proposed rule making with respect to effluent limitations and guidelines, standards of performance and pretreatment standards for the beet sugar processing category of point sources under sections 301, 304(b), 306 (b), and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251) (38 FR 22610; August 22, 1973). Because of a clerical error, the extension date was stated in the notice to be October 15, 1973. EPA intended to extend the comment period to and including October 23, 1973. However, in view of the error and consequent delay in publishing the extension notice, the date for submission of comments is hereby extended to and including October 26, 1973.

Dated: October 12, 1973.

JOHN QUARLES,
Deputy Administrator.

[FR Doc.73-22172 Filed 10-15-73;9:51 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

Customs Service

[T.D. 73-293; Customs Delegation Order No. 1, (Rev. 1) amended]

ASSISTANT COMMISSIONER OF CUSTOMS, OFFICE OF REGULATIONS AND RULINGS, ET AL.

Performance of Functions

OCTOBER 10, 1973.

1. By virtue of the authority vested in me by Treasury Department Order No. 165, Revised (T.D. 53654, 19 FR 7241), as amended, Customs Delegation Order No. 1 (Revision 1) (T.D. 69-126, 34 FR 8208) is hereby amended as follows:

A. Paragraph 1.A is amended to read as follows:

A. *Assistant Commissioner of Customs, Office of Regulations and Rulings.* Decisions with respect to any claim (including claim for liquidated damages), fine, or penalty (including forfeiture) now delegated to the Commissioner of Customs by paragraph (h) of Treasury Department Order No. 165, Revised, as amended, (supra), decisions denying or approving requests for information under 5 U.S.C. 552, and decisions and functions relating to all matters in which authority also is delegated by this Order to the Director, Classification and Value Division, the Director, Entry Procedures and Penalties Division, and the Director, Carriers, Drawback and Bonds Division.

B. Subparagraph 1.A(b)(2) is amended by substituting "$50,000" for "$20,000".

2. This order shall take effect on October 16, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-21984 Filed 10-15-73;8:45 am]

[T.D. 73-290]

CERTAIN STEEL CYLINDERS

Instruments of International Traffic

OCTOBER 9, 1973.

It has been established to the satisfaction of the U.S. Customs Service that four types of steel cylinders ranging in size from approximately 30 to 45 inches in height, approximately 24 to 55 inches in length and approximately 8 to 29 inches in diameter and marked "DOT 4BA240," "DOT 4BW240," "DOT 4BA300," and "DOT 4BW300," are substantial, suitable for and capable of repeated use, and are used in significant numbers in international traffic for the transportation of various chemicals.

Under the authority of § 10.41a(a)(1), Customs Regulations (19 CFR 10.41a(a)(1)), I hereby designate the stel cylinders so marked as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These units may be released under the procedures provided for in § 10.41a, Customs Regulations.

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

[FR Doc.73-21985 Filed 10-15-73;8:45 am]

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Notice of Meetings

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that meetings will be held in Washington on October 23 and 24, 1973, of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee.
Securities Industry Association, Government Securities and Federal Agencies Committee.

The agenda for the meetings will include briefings for the advisory committees by Treasury staff on current debt management problems on October 23, separate deliberations by the two committees on October 23, and separate reports to the Secretary of the Treasury and Treasury staff on the morning of October 24.

A determination as required by section 10(d) of the Act has been made that these meetings are concerned with matters listed in section 552(b) of title 5 of the United States Code, and that the meetings will not be open to the public.

[SEAL] PAUL A. VOLCKER,
Under Secretary for Monetary Affairs.

[FR Doc.73-21986 Filed 10-15-73;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

[ER 1105-2-509]

IMPACTS OF CIVIL WORKS ACTIONS

Statement of Findings; Summary

1. This Engineer Notice provides general guidance to Corps of Engineers reporting officers on preparation, content, and format of a "Statement of Findings" (SOF) relating to the economic, social, environmental and other impacts of civil works actions.

2. The SOF will be included in all Corps of Engineers reports on preauthorization surveys and post-authorization Phase I Design Memorandums. (The latter review the formulation, siting, and justification of authorized projects preliminary to undertaking engineering design and preparation of contract plans and specifications.) The SOF will also be attached to the final Environmental Impact Statement, EIS) on all actions, including legislation and permits, for which an EIS is prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190). The SOF also reflects the assessments required under section 122 of the River and Harbor and Flood Control Act of 1970 (Pub. L. 91-611) and the directive of the Congressional Conference Report on H.R. 9270, 92d Congress.

3. The SOF sets out in a logical manner the variety of factors which led the reporting officer to his conclusions and recommendations. It states his professional and personal concern in serving the public interest, and notes his efforts to draw the soundest possible conclusions from the investigation. It will be reviewed, approved, and commented on by the Division Engineer, and the Director of Civil Works as appropriate, and will be part of the permanent record.

4. The notice is published in final form at this time, without preliminary publication for public comment, since notices of proposed rule making in the Federal Register are not required for rules of agency procedure.

For the Chief of Engineers:

RUSSELL J. LAMP,
Colonel, Corps of Engineers Executive.

PLANNING STATEMENT OF FINDINGS ON IMPACTS OF CIVIL WORKS ACTIONS

1. *Purpose.* This notice gives general guidance on preparation, content, and format of a "Statement of Findings" (SOF) relating to economic, social, environmental, and other impacts of Civil Works actions.

2. *Applicability.* This notice applies to all OCE elements and all field operating agencies having Civil Works responsibilities requiring preparation of an environmental impact statement (EIS).

3. *References.*

a. ER 1105-2-105, Guidelines for Assessment of Economic, Social, and Environmental Effects of Civil Works Projects. (Sec. 122, Pub. L. 91-611, 83 Stat. 852.)

b. ER 1105-2-507, Preparation and Coordination of Environmental Statements. (Sec. 102(2)(C), Pub. L. 91-190, 84 Stat. 1823.)

4. *Objectives of the Statement of Findings.* The SOF set out in a logical manner for the public record the factors which led the reporting officer to his conclusions and recommendations. It reflects the assessments required under section 102(2)(C) of Pub. L. 91-190 (environmental impact statement). It also reflects the concerns of section 122 of Pub. L. 91-611 as well as the directive of the Conference Report on H.R. 9270, 92d Con-

gress. The last directs that ". . . in addition to the environmental effects of an action, all required reports from departments, agencies, or persons shall also include information, as prepared by the agency having responsibility for administration of the program, project or activity involved, on the economy, including employment, and other economic impacts."

5. *Policy.* In the Statement of Findings the reporting officer should clearly state his professional and personal concern in serving the public interest. He should note his effort to draw the soundest possible conclusions from the studies, observations, and consultations made in the investigation. He should note any other factors bearing on his decision on the action proposed. He should summarize the rationale for his conclusions and recommendations, and the environmental, social, engineering, economic, and other tradeoffs considered or accepted. Drawing on appropriate documents and investigations, he thus seeks to state the compelling factors that led him to his conclusions and recommendations.

6. *Functions of SOF*

a. *Planning reports.* The SOF will be included in all reports on pre-authorization surveys, special continuing authorities, and post-authorization Phase I General Design Memoranda (GDM). The SOF, adapted to report tone, will precede the Conclusions and Recommendations and the signature of the reporting officer. When the SOF is so incorporated in reports, it will not be signed or indorsed separately.

b. *Separate SOF.* An SOF extracted from a report will be identified by the full name of the reporting officer and by the authority for the basic report. Such an SOF will follow the format of para 7, including signatures. It may include parts or all of the report sections on conclusions and recommendations, when the information or perspective therein would clarify the final EIS. The SOF will accompany the final Environmental Impact Statement (EIS) on all actions for which an EIS is prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 and the provisions and exceptions of para 9, ER 1105-2-507.

c. *Other uses.* For projects for which construction funds are being requested or have been appropriated, the SOF accompanying an EIS will be signed at each level of review, indicating concurrences or changes, and will be returned to the reporting officer for his action file. For regulatory permit actions requiring an EIS, the SOF will be signed at all levels up to the decision level, and, after decision, will be filed through channels with CEQ.

7. *Format of SOF.* Write the SOF in the first person. The suggested tone is illustrated in Appendix A. Tailor its length and scope, depending on whether it is part of a report on a pre-authorization study, a post-authorization Phase I GDM, an addendum to a completed survey or GDM, or an attachment to a final EIS. Do not exceed four to six pages in length for a separate SOF. Address the following specific subjects as required to serve the objectives stated in para 4.

a. *Purpose of SOF.* State briefly in the opening paragraph the reason for the action under consideration. If relevant, quote the key elements in the Congressional authorization for a study, and assess briefly the degree of compliance therewith.

b. *Evaluation of Methodology.* Summarize briefly the nature and overall adequacy of the conduct of the study, the techniques used, the data available, and public and interagency relations and communication. Summarize number and dates of public meetings and workshops. Summarize the distribution made of the printed materials which discussed all viable alternatives. Note the nature and extent of other agency and citizen response. Refer to supporting documents for details.

c. *Rationale and Discussion.* State the rationale for the selection of one alternative and rejection of the other viable alternatives under consideration.

(1) Summarize each viable alternative in a separate paragraph, identified by a brief title. Describe specific modifications to the best solutions that would be necessary to achieve other objectives.

(2) Summarize clearly and concisely the substantive aspects of issues considered under environmental, economic, engineering, and social well-being impacts. These matters should have already been developed at considerable length in other sections of the report, or other accompanying documents, such as GDMs. Include an assessment of total impacts as well as the incremental tradeoffs. Summarize the consideration given to the costs and the means of eliminating, reducing, or compensating for possible adverse economic, environmental, social and other effects. (See references, para 3.)

(3) Revise the basic report or GDM, if not in print, to be consistent with the SOF.

d. *Conclusions.* Conclude with a brief summary statement identifying the recommended alternative or action.

e. *Signatures.* Except when the SOF is included in signed reports, it will be signed and dated by the reporting and reviewing officers.

8. *Timing.* The Statement of Findings requires careful consideration of all relevant facts and viewpoints.

a. The SOF section of a report or other similar document must reflect the attitudes of the public and of other public agencies. However, it cannot be completed pending receipt of responses upon public release of the draft EIS. A separate SOF will accompany the EIS on a survey report when transmitted to the Division Engineer for release of the public notice.

b. On other actions, except regulatory permits, prepare the SOF after review of agency and public comments on the draft EIS. Include the SOF with the EIS, revised as warranted, when forwarded to the Division Engineer.

c. Except for regulatory actions (para 6c), include a copy of the SOF with the final EIS submitted to the Council on Environmental Quality and with all copies of the EIS made available to the public. Note changes or concurrences thereon by the Division Engineer and the Director of Civil Works.

9. *Revision of SOF.* Revise the SOF whenever new or supplementary information substantially affects or requires revision of the EIS. Indicate the changes made in the SOF from the preceding version.

10. *Review of SOF procedures.* Reporting officers are requested to inform HQDA (DAEN-CWZ-P) WASH., DC 20314 of problems involving adequacy of basic studies, public communications and response, and related matters. The procedure is in the formative stages, and suggestions for improvement are expected.

For the Chief of Engineers:

RUSSELL J. LAMP,
Colonel, Corps of Engineers,
Executive.

APPENDIX A—ILLUSTRATION—STATEMENT OF FINDINGS

The format of the Statement of Findings should follow the general outline in the ER and the general tone below, expanding on the items in parantheses and as stated in the regulation.

TITLE

"1. I have reviewed and evaluated, in light of the overall public interest, the documents concerning the proposed action, as well as the stated views of other interested agencies and the concerned public, relative to the various practicable alternatives in accomplishing (specify objective of investigation).

"2. The possible consequences of these alternatives have been studied for environmental, social well-being, and economic effects, including regional and national economic development and engineering feasibility. Other factors bearing on my review include—(add other elements as applicable, such as specific public needs, defense, etc).

"3. In evaluation of the selected and other viable alternatives, the following points were considered pertinent:

a. Environmental considerations . . .
b. Social well-being considerations . . .
c. Engineering considerations . . .
d. Economic considerations . . .
e. Other public interest considerations . . .

"4. I find that the action proposed, as developed in the Conclusions and Recommendations,[1] is based on thorough analysis and evaluation of various practicable alternative courses of action for achieving the stated objectives; that wherever adverse effects are found to be involved they cannot be avoided by following reasonable alternative courses of action which would achieve the congressionally specified purposes; that where the proposed action has an adverse effect, this effect is either ameliorated or substantially outweighed by other considerations of national policy; that the recommended action is consonant with national policy, statutes, and administrative directives; and that on balance the total public interest should best be served by the implementation of the recommendation."

Date /S/.....
District Engineer

Approval or comment (if any)
Date /S/.....
Division Engineer

Approval or comment (if any)
Date /S/.....
Director of Civil Works

[FR Doc.73-21954 Filed 10-15-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 8920]

OREGON

Designation of Little Sink Research Natural Area

OCTOBER 9, 1973.

Pursuant to the authorities in 43 CFR Part 2070 and 43 CFR 6225.0-5a, and the authorization from the Director dated August 17, 1973, I hereby designate the following revested Oregon and California Railroad grant land as the Little Sink Research Natural Area:

WILLAMETTE MERIDIAN

T. 8 S., R. 6 W.,
sec. 33, W½NW¼.

The area described contains 80 acres.

The Little Sink Research Natural Area is a "Class IV—Outstanding Natural Area" under the Bureau of Outdoor Recreation system of classification.

ARCHIE D. CRAFT,
State Director.

[FR Doc.73-21988 Filed 10-15-73;8:45 am]

[1] Cite other reference, if appropriate.

Office of Oil and Gas

COMMITTEE ON PETROLEUM STORAGE CAPACITY NATIONAL PETROLEUM COUNCIL

Notice of Meeting

Pursuant to Executive Order 11686, notice is hereby given of the following meeting:

The Committee on Petroleum Storage Capacity of the National Petroleum Council will meet at 10:a.m. on October 18, 1973, in the National Petroleum Council's Conference Room in Washington, D.C. The agenda will include discussion of an outline, the organizational structure and a work schedule to carry out the petroleum storage capacity study requested by the Secretary of the Interior on July 12, 1973.

The purpose of the National Petroleum Council is solely to advise, inform and make recommendations to the Secretary of the Interior on any matter relating to petroleum or the petroleum industry. The meeting is open to the public to the extent that facilities permit.

Dated October 12, 1973.

J. ROY GOODEARLE,
Associate Director.

[FR Doc.73-22074 Filed 10-12-73;11:12 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet October 23, 1973, at 9:00 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

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. Approval of minutes from Technical Advisory Committee meeting of July 25, 1973.
2. Presentation of papers or comments from the public.
3. Report from chairmen of subgroups and associated discussion.
   a. I/O Equipment Subgroup—I. Wieselman.
   b. Memory Equipment Subgroup—P. Harding.
   c. Test Equipment Subgroup—J. Hubbs.
4. Executive session:
   a. Report from chairmen of subgroups and associated discussion.
      (1) I/O Equipment Subgroup—I. Wieselman.
      (2) Memory Equipment Subgroup —P. Harding.
      (3) Test Equipment Subgroup
   b. Discussion on future assignments.
5. Adjournment.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was established January 3, 1973, and consists of technical experts from a representative cross section of the industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1-3, and a limited number of seats—approximately 25—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 committee. Interested persons are also invited to file written statements with the committee.

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 Pub. L. 92-463, that this agenda item should be exempt from the provision 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 Rauer H. Meyer, Director, Office of Export Control, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4293).

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 October 11, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc.73-22052 Filed 10-15-73;8:45 am]

Office of the Secretary

IMPORTERS' TEXTILE ADVISORY COMMITTEE

Notice of Change of Date of Public Meeting

OCTOBER 15, 1973.

On October 11, 1973, there was published in the FEDERAL REGISTER (38 FR 28091) a notice announcing that a meeting of the Importers' Textile Advisory Committee would be held on October 18, 1973, at 2:00 p.m., Room 6802, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230. The purpose of this notice is to advise that the date of that meeting has been changed to October 19, 1973. The time and location of the meeting remain the same.

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

[FR Doc.73-22193 Filed 10-15-73;10:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BASF WYANDOTTE CHEMICALS CORP.

Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7J2178) has been filed by BASF Wyandotte Corp., 1609 Biddle Avenue, Wyandotte, Mich. 48192, proposing that § 121.1235 *Copolymer condensates of ethylene oxide and propylene oxide* (21 CFR 121.1235) be amended to provide for the safe use of α-hydro-*omega*-hydroxypoly (oxyethylene) /poly (oxypropylene) (51-57 moles) /poly(oxyethylene) block copolymer, having an average molecular weight of 14,000 and a cloud point above 100° C. in 1 percent aqueous solution, as a dough conditioner in yeast-leavened bakery products.

Dated October 3, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-21924 Filed 10-15-73;8:45 am]

[DESI 5897]

FOLIC ACID PREPARATIONS, ORAL AND PARENTERAL FOR THERAPEUTIC USE

Drugs for Human Use; Drug Efficacy Study Implementation; Amendment

Correction

In FR Doc. 73-15699 appearing on page 20750 in the issue of Thursday, August 2, 1973, in the last paragraph of the section headed "Dosage and Administration", the word "pregnancy" should be inserted in the first line between the words "alcoholism" and "hemolytic".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-196]

ALBERMARLE SHORES

Order of Suspension

In the matter of Albermarle Shores, Administrative Proceedings Division File No. Z-215.

Notice is hereby given that: On June 21, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a Notice of Proceedings and Opportunity for Hearing,

pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. Vacation Properties, Inc., hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in North Carolina (OILSR) No. 0-1367-38-20), which became effective on February 10, 1971, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on June 21, 1971, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of publication of this Order of Suspension in the FEDERAL REGISTER. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., October 10, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-21993 Filed 10-15-73;8:45 am]

[Docket No. N-73-198]

COLONY HILL

Order of Suspension

In the matter of Colony Hill, OILSR No. 0-1069-25-5, Administrative Proceedings Division File No. Z-169.

Notice is hereby given that:

On June 22, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a Notice of Proceedings and Opportunity for Hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said Notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. Marshall J. Stewart, hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.) and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in Massachusetts (OILSR No. 0-1069-25-5), which became effective May 6, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on June 22, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of publication of this Order of Suspension in the FEDERAL REGISTER. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., October 10, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-21995 Filed 10-15-73;8:45 am]

[Docket No. N-73-199]

KOFFA HILLS ESTATES

Order of Suspension

In the matter of Koffa Hills Estates, OILSR No. 0-1770-02-341, Administrative Proceedings Division File No. Z-293.

Notice is hereby given that:

On June 25, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a Notice of Proceedings and Opportunity for Hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. Heath and Associates, Inc., hereinafter referred to as the Developer, being

subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision located in Arizona (OILSR No. 0-1770-02-341), which became effective on July 14, 1971, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on June 25, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of publication of this Order of Suspension in the FEDERAL REGISTER. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., October 10, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-22047 Filed 10-15-73;8:45 am]

[Docket No. N-73-200]

MAPLE RIDGE RANCHETTES

Order of Suspension

In the matter of Maple Ridge Ranchettes, OILSR No. 0-1054-43-14, Administrative Proceedings Division File No. Z-163.

Notice is hereby given that:

On June 25, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a Notice of Proceedings and Opportunity for Hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. Standard Investment Company, hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.) and the Rules and Regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in Oregon (OILSR No. 0-1054-43-14), which became effective on June 10, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on June 25, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of publication of this Order of Suspension in the FEDERAL REGISTER. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing Regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., October 10, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-22048 Filed 10-15-73;8:45 am]

[Docket No. N-73-197]

PATRICIAN SHORES

Order of Suspension

In the matter of Patrician Shores, OILSR No. 0-1141-34-17, Administrative Proceedings Division File No. Z-179.

Notice is hereby given that:

On June 22, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a Notice of Proceedings and Opportunity for Hearing, pursuant to 44 U.S.C. 1508 informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. Patrician Shores, Inc., hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.) and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in New Hampshire (OILSR No. 0-1141-34-17), which became effective June 30, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on June 22, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of publication of this Order of Suspension in the Federal Register. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing regulations.

Any sales or offers to sell made by the Developer of its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., October 10, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-21994 Filed 10-15-73;8:45 am]

[Docket No. N-73-201]

RAINBOW HEIGHTS

Order of Suspension

In the matter of Rainbow Heights, OILSR No. 0-1090-03-38, Administrative Proceedings Division File No. Z-174.

Notice is hereby given that:

On June 21, 1973, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, published in the FEDERAL REGISTER a Notice of Proceedings and Opportunity for Hearing, pursuant to 44 U.S.C. 1508, informing the Developer of alleged untrue statements or omissions of material facts in the Developer's Statement of Record. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of said notice. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Order of Suspension is being issued as follows:

ORDER OF SUSPENSION

1. Kerco, Inc., hereinafter referred to as the Developer, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.) and the rules and regulations lawfully promulgated thereto pursuant to 15 U.S.C. 1718, has filed its Statement of Record covering its subdivision, located in Arkansas (OILSR No. 0-1090-03-38), which became effective on June 1, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said Statement is still in effect.

2. Pursuant to lawful delegation, as authorized by 15 U.S.C. 1715, the authority and responsibility for administration of the Interstate Land Sales Full Disclosure Act has been vested in the Interstate Land Sales Administrator.

3. Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), if it appears to the Interstate Land Sales Administrator at any time that a Statement of Record, which is in effect, includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statement therein not misleading, the Administrator may, after notice, and after an opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record.

4. A Notice of Proceedings and Opportunity for Hearing was published in the FEDERAL REGISTER on June 21, 1973, pursuant to 44 U.S.C. 1508, informing the Developer of information obtained by the Office of Interstate Land Sales Registration showing an untrue statement of a material fact or an omission of a material fact required to be stated therein or necessary to make the statements therein not misleading in the above-specified Statement of Record. The Developer was notified of his right to request a hearing and that if he failed to request a hearing he would be deemed in default and the proceedings would be determined against him, the allegations of which would be determined to be true. The Developer has failed to request a hearing pursuant to 24 CFR 1720.160 within 15 days of publication of said Notice of Proceedings and Opportunity for Hearing.

Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Statement of Record filed by the Developer covering its subdivision is hereby suspended, effective as of the date of publication of this Order of Suspension in the FEDERAL REGISTER. This Order of Suspension shall remain in full force and effect until the Statement of Record has been properly amended as required by the Interstate Land Sales Full Disclosure Act and the implementing regulations.

Any sales or offers to sell made by the Developer or its agents, successors, or assigns while this Order of Suspension is in effect will be in violation of the provisions of said Act.

Issued in Washington, D.C., October 10, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-22049 Filed 10-15-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

VERMONT

Notice of Proposed Action Plan

The Vermont Department of Highways has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Vermont Department of Highways, State Administration Buildng, 133 State Street, Montpelier, Vermont 05602.

2. Vermont Division Office—FHWA, Federal Building, 87 State Street, P.O. Box 568, Montpelier, Vermont 05602.

3. FHWA Regional Office—Region 1, 4 Normanskill Boulevard, Delmar, New York 12054.
4. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building, Room 3246, 400 7th Street SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before November 5, 1973.

Issued on October 10, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-21982 Filed 10-15-73;8:45 am]

Federal Railroad Administration

HIGH SPEED GROUND TRANSPORTATION ADVISORY COMMITTEE

Notice of Open Meeting

This is to give notice pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, that the High Speed Ground Transportation Advisory Committee will conduct an open meeting on October 23, 1973, at the Department of Transportation/Federal Railroad Administration High Speed Ground Test Center, Pueblo, Colorado, beginning at 9:00 a.m.

The High Speed Ground Transportation Advisory Committee is a seven-member committee established by Public Law 89-220, and extended by Pub. L. 92-348. The Committee is to advise the Secretary of Transportation with respect to research, development and demonstrations under the High Speed Ground Transportation Act in order to determine the contribution which high-speed ground transportation could make to a more efficient and economical system of intercity transportation.

The agenda will consist of a review of the High Speed Ground Test Center capabilities and a tour of the test facilities between 9:00 a.m. and 11:30 a.m.

Any member of the public who wishes to do so may file a written statement with the Committee either before or after the meeting. To the extent that the time available for the meeting permits, members of the public may also be permitted by the Chairman to present oral statements at the meeting.

Interested persons may request information concerning the October 23, 1973, meeting by writing the Executive Secretary, High Speed Ground Transportation Advisory Committee, Federal Railroad Administration, Room 4214, 2100 Second Street SW., Washington, D.C. 20590, or by calling A/C 202 426-0850.

Dated October 12, 1973.

JOHN W. INGRAM,
Federal Railroad Administrator.

[FR Doc.73-22156 Filed 10-15-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Order Extending Completion Date

Power Authority of the State of New York (the applicant) is the holder of Provisional Construction Permit No. CPPR-71 issued by the Commission on May 20, 1970, for construction of the James A. FitzPatrick Nuclear Power Plant, a 2436 thermal megawatt boiling water nuclear reactor presently under construction on the southeast shore of Lake Ontario in the town of Scriba, Oswego County, New York, approximately 3000 ft. east of the Nine Mile Point Nuclear Station, Unit 1 of the Niagara Mohawk Power Corporation.

On August 17, 1973, the applicant filed a request for an extension of the completion date because construction has been delayed. The original letter has been supplemented by additional information contained in letters from the applicant dated September 10 and September 25, 1973. It has been determined that construction of the facility could not be completed on schedule principally because of (1) the need for additional design effort, delay in procurement, and difficulty of installation of required piping restraints in the containment drywell; (2) late delivery of the turbine-generator owing to a strike at the supplier's manufacturing plant; (3) a shortage of qualified welders and electricians at the FitzPatrick site; and (4) labor strikes at the plant site. The Director of Regulation having determined that this action involves no significant hazards consideration, and good cause having been shown, the bases for which are set forth in a memorandum dated September 28, 1973, from V. A. Moore to A. Giambusso.

It is hereby ordered, That the latest completion date for Construction Permit No. CPPR-71 is extended from September 30, 1973 to July 31, 1974, with the earliest completion date being January 1, 1974.

Date of Issuance October 9, 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-21957 Filed 10-15-73;8:45 am]

[Docket Nos. 50-327 and 50-328]

TENNESSEE VALLEY AUTHORITY

Order Extending Completion Dates

Tennessee Valley Authority is the holder of Provisional Construction Permits No. CPPR-72 (as amended) and CPPR-73 (as amended), issued by the Commission on May 27, 1970, for the construction of two 3411 megawatts (thermal) pressurized water nuclear reactors designated as the Sequoyah Nuclear Plant, presently under construction on TVA's site in Hamilton County, Tennessee.

On August 30, 1973, Tennessee Valley Authority filed a request for an extension of the completion dates because construction has been delayed due to extensive design modifications and reduced construction productivity.

The Director of Regulation having determined that this action involves no significant hazards considerations, that good cause has been shown, and that the requested extension is for a reasonable period, the bases for which are set forth in a Staff Evaluation dated September 28, 1973:

It is hereby ordered, That the latest completion date for CPPR-72 (as amended) is extended from October 1, 1973, to December 1, 1975, and CPPR-73 (as amended) is extended from April 1, 1974, to August 1, 1976.

For the Atomic Energy Commission.

Date of issuance October 5, 1973.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-21956 Filed 10-15-73;8:45 am]

DUKE POWER CO.

Memorandum and Order; Prehearing Conference Notice

In the matter of Duke Power Company, Docket No. 50-296A; 270A; 287A; 369A; 370A; (Oconee Units 1, 2, and 3) (McGuire Units 1 and 2).

The Duke Power Company, Applicant in this proceeding, has filed a motion to stay the commencement of depositions pending review of the issues in light of the recent ruling of the Atomic Energy Commission in the Louisiana Power and Light Company proceeding (Waterford, AEC Docket No. 50-382A), and has further moved to convene a prehearing conference.

The Boarl agrees that there is a need for a prehearing conference at an early date to consider all the pending matters, including the above identified decision. Accordingly, a prehearing conference is hereby scheduled for 10:00 a.m., local time, October 23, 1973, in Courtroom No. 1, U.S. Tax Court, 1111 Constitution Avenue NW., Washington, D.C.

The Broad does not agree that there is any need to stay any depositions scheduled to occur on or before October 22, 1973. However, any depositions scheduled to occur on or after the prehearing conference on October 23, 1973, are hereby stayed pending further order from this Board. The conduct of the parties at any deposition now scheduled is, of course, governed by the Commission's recent ruling in the above cited Waterford case.

It is so ordered.

Issued at Washington, D.C., this 12th day of October, 1973.

THE ATOMIC SAFETY AND LICENSING BOARD.
WALTER W. K. BENNETT,
Chairman.

[FR Doc.73-22194 Filed 10-15-73;11:13 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Addition to Procurement List 1973

Notice of proposed addition to Procurment List 1973, March 12, 1973 (38 FR 6742) was published in the FEDERAL REGISTER on August 7, 1973 (38 FR 21325).

Pursuant to the above notice the following service is added to Procurement List 1973.

SERVICE

Industrial Class 7399	*Price*
Microfilm Stripping (GI) Defense Logistics Service Center Battle Creek, Michigan	
Stripping and Cleaning	$0.052 per cartridge
Film Disposal	9.98 per 10,000 cartridges
Pick-up and delivery	4.68 per hour

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-21965 Filed 10-15-73;8:45 am]

PROCUREMENT LIST 1973

Notice of Proposed Deletion From Procurement List 1973

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed deletion of the following commodity from Procurement List 1973, March 12, 1973 (38 FR 6742).

CLASS 1005

Sling, Gun, MI (Nylon)
1005-654-4058

Comments and views regarding this proposed deletion may be filed with the Committee not later than November 14, 1973. Communications should be addressed to the Executive Director, Committe for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-21966 Filed 10-15-73;8:45 am]

PROCUREMENT LIST 1973

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following commodity to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITY

CLASS 8105

Bag, Plastic
8105-655-8284
8105-655-8285
8105-655-8286

Comments and views regarding these proposed additions may be filed with the Committee not later than November 14, 1973. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-21967 Filed 10-15-73;8:45 am]

PROCUREMENT LIST 1973

Addition to Procurement List 1973

Notice of proposed addition to the Initial Procurement List August 26, 1971 (36 FR 16982), was published in the FEDERAL REGISTER on December 14, 1972 (37 FR 26628).

Pursuant to the above notice the following service is added to Procurement List 1973, March 12, 1973 (38 FR 6742).

SERVICE

Industrial Class 7399	*Price*
Keypunch and Verification (JO) GSA, Region 2, Automated Data Management Services Division "overflow" requirements.	List of prices available from GSA, Region 2, FSS.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-21968 Filed 10-15-73;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PETITION FOR COMMENCEMENT OF PROCEEDING FOR THE ISSUANCE OF A CONSUMER PRODUCT SAFETY RULE FOR TOYS

Notice of Denial of Petition

On June 10, 1973, the Consumer Product Safety Commission received a petition submitted on behalf of the Toy Manufacturers of America (TMA) requesting that pursuant to sections 30(d) and 10(a) of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.), the Commission commence a proceeding for the issuance of a consumer product safety rule for toys in accordance with the provisions of the Consumer Product Safety Act, rather than continue to regulate toys in accordance with the provisions of the Federal Hazardous Substances Act, (15 U.S.C. 1261 et seq.).

TMA contends that the petition should be granted for the following reasons:

1. The Consumer Product Safety Act provides for uniform safety standards and certification and labeling while the Federal Hazardous Substances Act provides for the banning of hazardous toys;

2. The Consumer Product Safety Act preemption clause minimizes conflicting state and local safety requirements while the preemption clause of the Federal Hazardous Substances Act only relates to conflicting state and local precautionary labeling requirements;

3. The Consumer Product Safety Act has enforcement and remedial provisions which are more effective than those provided in the Federal Hazardous Substances Act;

4. The Consumer Product Safety Act provides for more effective regulation of imported toys;

5. The Consumer Product Safety Act provides for private enforcement rights while the Federal Hazardous Substances Act has no such provision; and

6. TMA has developed a voluntary standary for toys which, under provisions of the Consumer Product Safety Act, could be proposed as a consumer product safety standard.

Under section 30(d) of the Consumer Product Safety Act, the sole issue for consideration by the Commission in determining whether to proceed under a transferred act or the Consumer Product Safety Act is whether action taken under the transferred act would eliminate or reduce to a sufficient extent a risk of injury which is associated with the consumer products. Although in an individual case the Consumer Product Safety Act may prove to be more efficient than one of the transferred acts, the Commission concludes that this, as well as the evidence presented in the petition, is not sufficient to permit it to make the statutory determination that the risks of injury from all categories of toys could not be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act.

Annexed to TMA's petition is a document entitled "Safety Standard for Toys—Proposed Voluntary Product Standard TS 215." Inasmuch as the Commission has concluded that there is insufficient evidence to justify making the required section 30(d) finding with regard to toys as a class, it is not appropriate for the Commission to grant a section 10 petition under the Consumer Product Safety Act to institute rulemaking for toys as a class. Accordingly, the petition is denied.

A copy of the petition may be seen during working hours, 8:30 a.m. to 5:00 p.m. Monday through Friday, in the Of-

fice of the Secretary, Consumer Product Safety Commission, Room 701E, 7315 Wisconsin Avenue, Bethesda, Maryland.

Dated October 3, 1973.

SAYDE E. DUNN,
Secretary,
Consumer Product Safety Commission.

[FR Doc.73-22113 Filed 10-15-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 669]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

OCTOBER 9, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATION ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20326-C2-P-74—Quick-Tel Communications, Inc. (New). C.P. for a new two-way station to operate on 454.125 MHz to be located 0.2 mile south of Mountain and Eagle Nest Road intersection, Wurtsboro, N.Y.

20327-C2-P-74—Radiofone Corp. of New Jersey (KEC746). C.P. for additional facilities to operate on 152.21 MHz located off Highway 9, approximately 1 mile north of Cape May, N.J.

20328-C2-P-74—Northwestern Telephone Systems, Inc. (KFL914). C.P. for additional facilities to operate on 152.54 MHz located on North Main Street, Kalispell, Mont.

20329-C2-P-(4)-74—Baltimore Mobile Telephone Co. (New). C.P. for a new two-way station to operate on 454.075, 454.200, 454.275, and 454.350 MHz to be located at 21 First Place NW., Washington, D.C.

20330-C2-P-(3)-74—Ohio Bell Telephone Co. (KQA440). C.P. for additional facilities to operate on 152.78 MHz; replace transmitters operating on 152.69 and 152.57 MHz and change antenna system located at 215 West Second Street, Dayton, Ohio.

20331-C2-P-74—Project Mutal Telephone Cooperative (New). C.P. for a new one-way station to operate on 152.84 MHz to be located at 638 Fifth Street, Rupert, Idaho.

20332-C2-TC-74—General Communications Service, Inc. (KUO575). Consent to transfer of control from Clayton E. Niles, et al., transferors to Communications Industries, Inc., transferee. Station: KUO575, Coconino, Ariz.

20333-C2-P-74—Minnesota Communications Corp. (New). C.P. for a new one-way station to operate on 35.58 MHz to be located at 821 Marquette Avenue, Minneapolis, Minn.

20334-C2-P-74—Mobile Radio Telephone Service, Inc. (KAQ606). C.P. to add antenna location No. 4 operating on 35.58 MHz to be located at 1061 West 99th Street, North Glenn, Colo.

20335-C2-P-74—Portable Communications, Inc. (New). C.P. for a new two-way station to operate on 152.09 MHz to be located at 819 David Road, East Aurora, N.Y.

20336-C2-P-74—Portable Communications, Inc. (New). C.P. for a new one-way station to operate on 158.70 MHz located at 740 Werner Road, Attica, N.Y.

20337-C2-P-(6)-74—Radiofone Corp. of New Jersey (KGI778). C.P. to add six antenna locations to operate on 454.275 MHz at new sites described as: Location No. 3: North Shore Towers, 270-10 Grand Central Parkway, Glen Oaks, N.Y.; location No. 4: 0.72 miles south-southeast of Old Country Road and Long Island Expressway intersection, Melville, N.Y.; location No. 5: Long Island Expressway and Blydenburgh Road, Hauppauge, N.Y.; location. No. 6: 3 miles southeast of Manorville off Eastport Manor Road near Manorville, N.Y.; location No. 7: Charles Road, Mount Kisco, N.Y.; and location No. 8: 1841 Central Park Avenue, Yonkers, N.Y.

20338-C2-P-(2)-74—Wisconsin Telephone Co. (KSC882). C.P. to change antenna system and location operating on 152.81 MHz and replace transmitter operating on 152.78 MHz to be located at 222 West College Avenue, Appleton, Wis.

20339-C2-P-(3)-74—Pennsylvania Radio Telephone Corp. (New). C.P. for a new two-way station to operate on 454.200, 454.225, and 454.325 MHz to be located top of Mount Penn, Reading, Pa.

20340-C2-P-(8)-74—Southern Bell Telephone Co. (KIA959). C.P. to change antenna system and location operating on 152.54, 152.66, 152.81, 152.51, 152.60, 152.69, 152.75, and 152.63 MHz located at 51 Ivy Street NE., Atlanta, Ga.

20341-C2-P-74—Thorntown Telephone Co. (New). C.P. for a new one-way station to operate on 158.10 MHz to be located at 115 East Bow Street, Thorntown, Ind.

20342-C2-P-74—RCC of Virginia, Inc. (New). C.P. for a new one-way paging station to operate on 152.24 MHz to be located at Carter's Mountain, 1.5 miles south of Charlottesville, Va.

20343-C2-P-74—Capitol Paging Service (New). C.P. for a new one-way station to operate on 35.58 MHz to be located at 535 Church Street, Nashville, Tenn.

20344-C2-P-74—Lebanon Mobilfone (KSV 940). C.P. to change antenna location operating on 152.09 MHz to be located at 25 Naple Street, Lebanon, Pa.

20345-C2-P-74—Buckeye Communications Co. (KLP500). C.P. to change antenna system operating on 454.200 MHz and for additional facilities to operate on 454.100 MHz located at Fiberglass Tower, 1 Levis Square, Toledo, Ohio.

20346-C2-P-74—Port Arthur Mobile Phone (KRS642). C.P. for additional facilities to operate on 152.21 MHz located at Goodhoe Hotel, Port Arthur, Tex.

20347-C2-P-74—Jacksonville Radio Dispatch Service (KLF632). C.P. to change antenna system and location and replace transmitter operating on 158.70 MHz at location No. 4: 373 Dobbs Road, St. Augustine, Fla.

20348-C2-P-(2)-74—Midland Telephone Co. (KOE55). C.P. for repeater facilities to operate on 459.40 MHz at 6 miles west-southwest of Monticello, Abajo Peak, Utah, and control facilities to operate on 454.40 MHz to be located at a new site described as location No. 2: 62 East Center Street, Monticello, Utah.

20349-C2-P-74—Office Associates Telephone Answering (New). C.P. for a new one-way station to operate on 43.22 MHz to be located at 2100 Dryden Road, Dayton, Ohio.

20350-C2-P-74—Capital Answering Service (KON921). C.P. to replace transmitter operating on 152.15 MHz and establish standby on same located at Lewis & Clark City, 605 Second Street, Helena, Mont.

20351-C2-P-(2)-74—General Telephone Co. of the Southeast (KIY396). C.P. for additional facilities to operate on 454.500 and 454.650 MHz and change antenna system operating on 152.78 MHz located at 3.3 miles southwest of the intersection of U.S. 41 and 76 in Dalton, Ga.

20352-C2-P-74—Pacific Northwest Bell Telephone Co. (New). C.P. for a new one-way station to operate on 152.84 MHz to be located at 611 Sixth Street, Bremerton, Wash.

MAJOR AMENDMENTS

20152-C2-P-74—Southwestern Communications Service (New), Brackettville, Tex. Amend to change the base frequency to 152.15 MHz. All other particulars are to remain the same as reported on PN No. 662 dated August 20, 1973.

4611-C2-P-73—Santa Cruz Telephone Answering & Radio Service (KMD683). Amend to change antenna location to 3½ miles southeast of Santa Cruz, (near De Laveaga Park), Calif. All other particulars to remain as reported in PN No. 629 dated January 2, 1973.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

CALIFORNIA

Robert C. Crabb d/b as Mount Shasta Radiotelephone Co. (New), 4950-C2-P-(10)-72.

Radio Electronics Products Corp. (KMD687), 7251-C2-P-(3)-72.

INDIANA (454.05 MHz)

Lake Shore Communications (KJU804), 1955-C2-P-73.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (part 21 of the rules).

Mobile Radio Communications of Gary (KSD311), 3985-C2-P-73.

RURAL RADIO SERVICE

60067-C-TC-74—General Communications Service, Inc. Consent to transfer of control from Clayton E. Niles, et al., Transferors to Communications, Industries, Inc., Transferee. Station: WSN20, Dinasaur City, Ariz.

Renewal of licenses expiring November 1, 1973; term: November 1, 1973 to November 1, 1978:

Licensee	*Call sign*
Allen Gun Club	KVH44
Arrowhead Business Radio, Inc	WGI65
Blue Mountain Mobile Phone Company	KVD62
Chesapeake and Potomac Telephone Co. of Maryland	WAN46
General Telephone Company of Alaska	KXR30
General Telephone Company of California	WSN35
Gopher State Telephone Company	KAM26
Same as above	KAN20
Same	KBC89
Same	KBH69
Same	KBH70
Same	KBI95
Same	KBI96
Same	KTF63
Illinois Bell Telephone Co	KSN44
Mobilfone of Kansas	KAK29
New England Telephone & Telegraph Co	KCB75
Same as above	KCD71
Same	KCE77
Same	KZA20
Same	WDD65
Same	WHB49
Same	KCJ81
Same	KCJ82
Same	KCL97
Pioneer Telephone Association, Inc	KBC91
RCA Alaska Communications, Inc	KXQ28
Same as above	WGF23
Same	WGF24

RCA Alaska Communications, Inc	WGF25	Same	WGF72
		Same	WGF73
		Same	WGF74
		Same	WGF75
Same as above	WGF26	Same	WGF76
		Same	WGF77
Same	WGF27	Same	WGF78
Same	WGF28	Same	WGF79
Same	WGF30	Same	WGF80
Same	WGF31	Same	WGF81
Same	WGF32	Same	WGF82
Same	WGF33	Same	WGF83
Same	WGF34	Same	WGF84
Same	WGF35	Same	WGF99
Same	WGF36	Same	WGG20
Same	WGF37	Same	WGG21
Same	WGF38	Same	WGG22
Same	WGF39	RCA Alaska Comm., Inc	WGG22
Same	WGF40		
Same	WGF41		
Same	WGF42	Same as above	WGG23
Same	WGF43		
Same	WGF44	Same	WGG24
Same	WGF45	Same	WGG25
Same	WGF46	Same	WGG26
Same	WGF47	Same	WGG27
Same	WGF48	Same	WGG28
Same	WGF49	Same	WGG29
Same	WGF50	Same	WGG30
Same	WGF51	Same	WGG31
Same	WGF53	Same	WHB52
Same	WGF69	Same	WHB53
Same	WGF70	Same	WJL41
Same	WGF71	Same	WJL42

Licensee	*Call sign*
Same	WJL43
Same	WJL44
Same	WJL45
Same	WJL46
Same	WJL47
Same	WJL48
Same	WJL49
Same	WJL50
Same	WJL51
Same	WJL52
Same	WJL53
Same	WJL54
Same	WJL55
Same	WJL56
Same	WJL57
Same	WJL58
Same	WJL59
Same	WJM90
Same	WJM91
Same	WJM92
Same	WJM93
Same	WOG23
Same	WOG24
Same	WOG25
Same	WOG26
Same	WOG27
Same	WOG40
Same	WOG41
Same	WOG42
Same	WOG43
Same	WOG44
Same	WOG45
Same	WOG47
Same	WOG48
Same	WOG49
Same	WOG51
Same	WOG61
Same	WOG83
Somerset Tel. Co	KCD77
Same	KCE39
Same	KCE40
Same	KCK74
Same	KCK75
Souris River Tel Co	KCD77
Aid Corporation	KAX56
Southern Bell Tel. & Tel.	KGP59
Same	KIN91
Same	KIO25
Same	KIO33
Same	KIW74
Same	KJA61
Same	KJE56
Same	KJE57
Same	KKT56
Same	KOB22
Same	KYN92
Same	KBO91
Same	WJM74
Same	WOG80
TwoWay Radio Comm. Co. of Kansas, Inc	KAB75

POINT-TO-POINT MICROWAVE RADIO SERVICE

928-C1-MP-74—New England Telephone and Telegraph Company (KCK84), 7 Currier Street, White River Junction, Vermont. Lat. 43°38'54" N., Long. 72°19'14" W. Mod. of C.P. to delegate freq. 11,075.0 MHz toward Hartford, Vt., and change polarization from Vertical to Horizontal on freq. 11,155.0 MHz toward Hartford, Vt.

929-C1-MP-74—Same (KCK82) On Hurricane Hill, 1 Mile SW of Hartford, Vermont. Lat. 43°39'14" N., Long. 72°21'29" W. Mod. of C.P. to delete freq. 11,525.0 MHz toward White River Jct., Vt., and change polarization from Vertical to Horizontal on freq. 11,605.0 MHz toward White River Jct., Vt.

1028-C1-P-74—Data Transmission Company (New) C.P. to add new station at 3.6 Miles SE of House Springs, Missouri. Lat. 38°23'18" N., Long. 90°30'29" W. Freq. 6123.1V MHz towards Belleville, Ill., on azimuth 74°39'.

1029-C1-P-74—Same (New) 3.5 Miles SW of Belleville, Illinois. Lat. 38°29'5" N., Long. 90°03'26" W. C.P. for a new station on freqs. 6375.2V MHz toward House Springs, Mo., on azimuth 254°56' and 6286.2V MHz toward Kuhn, Ill. on azimuth 23°41'.

1030-C1-P-74—Same (New) 0.8 Mile North of Kuhn, Illinois. Lat. 38°47'38" N. Long. 89°53'2" W. C.P. for a new station on freqs. 6034.2H MHz toward Belleville, Ill., on azimuth 203°47' and 6123.1V MHz toward Mt. Olive, Ill., on azimuth 3°43'.

1031-C1-P-74—Same (New) 3.2 Miles NE of Divernon, Illinois. Lat. 39°31'24" N., Long. 89°39'19" W. C.P. for a new station on freqs. 6375.2H MHz toward Kuhn, Ill., on azimuth 205°16' and 6286.2V MHz toward Divernon, Ill., on azimuth 3°43'.

1032-C1-P-74—Same (New) 2.3 Miles South of Divernon, Illinois. Lat. 39°31'24" N., Long 89°39'19" W. C.P. for a new station on freqs. 6034.2H MHz toward Mt. Olive, Ill., on azimuth 183°45'; freq. 6152.8V MHz toward Mechanicsburg, Ill. on azimuth 42°58'.

1033-C1-P-74—Same (New) 5.4 Miles East of Mechanicsburg, Illinois. Lat. 39°49'24" N., Long. 89°17'32" W. C.P. for a new station on freqs. 6404.8V MHz toward Divernon, Ill., on azimuth 223°12' and 6286.2V MHz toward Rowell, Ill., on azimuth 39°6'.

1034-C1-P-74—Same (New) Rowell, Illinois. Lat. 40°4'22" N., Long. 89°1'41" W. C.P. for a new station on freqs. 6034.2V MHz toward Mechanicsburg, Ill., on azimuth 219°16' and 6053.8H MHz toward Leroy, Ill., on azimuth 30°37'.

1035-C1-P-74—Data Transmission Company (New) 3.7 Miles North of Leroy, Illinois. Lat. 40°24'35" N., Long. 88°46'1" W. C.P. for a new station on freqs. 6315.9H MHz toward Rowell, Ill., on azimuth 210°47' and 6404.8V MHz toward Sibley, Ill., on azimuth 72°4'.

1036-C1-P-74—Same (New) 5.3 Miles SE of Sibley, Illinois. Lat. 40°30'53" N., Long. 88°20'20" W. C.P. for a new station on freqs. 6152.8V MHz towards Leroy, Ill., on azimuth 252°20' and 6123.1H MHz towards Woodworth, Ill., on azimuth 26°26'.

1037-C1-P-74—Same (New) 3.7 Miles NW of Woodworth, Illinois. Lat. 40°40'55" N., Long. 87°54'34" W. C.P. for a new station on freqs. 6375.2H MHz towards Sibley, Ill., on azimuth 243°5' and 6404.8V MHz towards St. Anne, Ill., on azimuth 26°26'.

1038-C1-P-74—Same (New) 4.8 Miles NE of St. Anne, Illinois. Lat. 41°4'39" N. Long. 87°38'58" W. C.P. for a new station on freqs. 6152.8V MHz towards Woodworth, Ill., on azimuth 206°36' and 6152.8H MHz towards Brunswick, Ill., on azimuth 17°6'.

1039-C1-MP-74—Mountain States Telephone & Telegraph Co. (KPR79) Mountain Home AFB, 10.3 Miles SW of Mountain Home, Idaho. Lat. 43°02'55" N., Long. 115°51'44" W. Mod. of C.P. to change power, replace transmitter and change freqs. from 5997.1 and 5937.8 MHz to 11,055H and 10,855V MHz toward new point of communication at Mountain Home, Idaho, on azimuth 54°13'.

1040-C1-MP-74—Same (KYS30) 7.6 Miles NE of Mountain Home, Idaho. Lat. 43°12'19" N., Long. 115°33'52" W. Mod. of C.P. to change antenna system and add freqs. 11,265H and 11,465V MHz toward new point of communication at Mountain Home AFB, Idaho on azimuth 234°25'.

1041-C1-P-74—Western Tele-Communications, Inc. (New) C.P. for a new station 2 Miles WNW of Lucien, Oklahoma. Lat. 36°17'08" N., Long. 97°29'18" W. Freqs. 3750H and 3830H MHz, via power split, toward Kremlin, Okla., on azimuth 325°15'.

1042-C1-P-74—Same (New) C.P. for a new station 4.8 Miles WNW of Hunter, Oklahoma. Lat. 36°35'08" N., Long. 97°44'48" W. Freqs. 3710H and 3790H MHz toward Wakita, Okla., on azimuth 337°53'.

1043-C1-P-74—Same (New) C.P. for a new station 1 Mile NE of Wakita, Oklahoma. Lat. 36°53'38" N., Long. 97°54'10" W. Freqs. 3750V and 3830V MHz toward Conway Springs, Kans., on azimuth 17°51'.

1044-C1-P-74—Western Tele-Communications, Inc. (New) C.P. for a new station 3 Miles WSW of Conway Springs, Kansas. Lat. 37°22'44" N., Long. 97°42'25" W. Freqs. 11,325H and 11,565H MHz toward Willowdale, Kans., on azimuth 289°54'.

1045-C1-P-74—Same (New) C.P. for a new station 2.3 Miles NE of Willowdale, Kansas. Lat. 37°32'39" N., Long. 98°16'32" W. Freq. 11,155H and 10,915H MHz toward Cullison, Kans., on azimuth 280°19'.

1046–C1–P–74—Same (New) C.P. for a new station 2.8 Miles East of Cullison, Kansas. Lat. 37°37'35'' N., Long. 98°51'10'' W. Freqs. 11,685V and 11,445V MHz toward Hodges, Kans., on azimuth 288°57'.

1047–C1–P–74—Same (New) C.P. for a new station 3.0 Miles SSW of Hodges, Kansas. Lat. 37°46'45'' N., Long. 99°25'06'' W. Freqs. 10,935V and 11,095V MHz toward Dodge City, Kans., on azimuth 270°02'.

1048–C1–P–74—Same (New) C.P. for a new station 2.2 Miles NW of Dodge City, Kansas. Lat. 37°46'40'' N., Long. 100°03'41'' W. Freqs. 11,325H and 11,565H MHz toward Pierceville, Kans., on azimuth 279°40'. (NOTE.—A waiver of Section 21.701(1) is requested by Western.)

1049–C1–P–74—Mountain Microwave Corp. (KZ139), 6.0 Miles SSE of Garden City, Kansas. Lat. 37°52'49'' N., Long. 100°50'25'' W. C.P. to add freqs. 10,995H and 11,155H MHz toward Holly, Kans., on azimuth 271°18'; change antenna system.

1050–C1–P–74—Same (KZI38) 12 Miles SW of Syracuse, Kansas. Lat. 37°53'42'' N., Long. 101°57'06'' W. C.P. to add freqs. 5945.2V and 6,123.1V MHz toward Eads, Colo., on azimuth 302°44'.

1051–C1–P–74—Same (KBI23) 12 Miles WSW of Eads, Colorado. Lat. 38°24'29'' N., Long. 102°58'29'' W. C.P. to add freqs. 6241.7H and 6301.0H MHz toward Almargre, Colo., on azimuth 283°38'. (NOTE.—A waiver of Section 21.701(1) is requested by Mountain Microwave.)

1052–C1–P–74—Same (KBI22) 8 Miles West of Broadmoor, Colorado. Lat. 38°46'25'' N., Long. 104°59'30'' W. C.P. to add freqs. 10,975V and 10,895V MHz toward Colorow Hill, Colo., on azimuth 348°16'; change antenna system.

1053–C1–P–74—Same (KOB37) 2 Miles SW of Golden, Colorado. Lat. 39°43'54'' N., Long. 105°14'58'' W. C.P. to add freqs. 11,425V and 11,465H MHz toward Denver, Colo., on azimuth 80°24'.

1054–C1–ML–74—Virginia Telephone & Telegraph Company (KJK25), Front Royal, Virginia. Mod. of License to change antenna system, power and replace transmitter on freqs. 6026.7H and 6145.3H MHz toward Luray, Va., via Passive Reflector.

1055–C1–ML–74—Virginia Telephone & Telegraph Company (KJK26), Luray, Virginia. Mod. of License to change power and replace transmitter on freqs. 6249.1H and 6367.7H MHz toward Front Royal, Va., via Passive Reflector.

1056–C1–P–74—Southern Bell Telephone & Telegraph Company (KIX68), 36 N.E. 2nd Street, Miami, Florida, Lat. 25°-46'32'' N., Long. 80°11'36'' W. C.P. to add freqs. 3930V, 4010V, 4170V, and 4190H MHz toward Miller, Fla., on azimuth 251°55'; replace (3) Collins, MW–109E with (4) Western Electric, TD–3D transmitters.

1057–C1–P–74—Same (KZI54) Miller Drive, Approx. 1,000' west of S.W. 127th Avenue, Miami, Florida. Lat. 25°42'49'' N., Long. 80°24'08'' W. C.P. to add freqs. 3800 V, 3970V, and 4130V MHz toward Miami, Fla., on azimuth 71°49'; replace (3) Collins, MW–109E with (3) Western Electric, TD–3D transmitters; add freq. 5974.8H MHz toward Tamiami, Fla., on azimuth 287°31'.

1058–C1–P–74—Same (KZI55) Near Miami, on U.S. Hwy. No. 41, 23 Miles West of Miami, Florida 25°45'34'' N., long. 80°-33'47'' W. C.P. to add freq. 6226.9H MHz toward Miller, Fla., on azimuth 107°26' and freq. 6226.9V MHz toward Seminole, Fla., on azimuth 270°30'.

1059–C1–P–74—Same (KZI56) Near Miami, on U.S. Hwy. No. 41, 35 Miles West of Miami, Florida. Lat. 25°45'39'' N., Long. 80°-45'08'' W. C.P. to add freq. 5974.8V MHz toward Tamiami, Fla., on azimuth 90°25' and freq. 5974.8V MHz toward Pinecrest, Fla., on azimuth 271°04'.

1067–C1–P–74—New England Telephone and Telegraph Company (KCL84) 2.5 Miles South of Goffstown, New Hampshire. Lat. 42°59'00'' N., Long. 71°35'23'' W. C.P. to change antenna system and add freqs. 6004.5H and 6123.1H MHz toward Northwood, N.H., on azimuth 55°23'.

1068–C1–P–74—Same (KCL86) On Saddleback Mountain, 3.0 Miles WSW of Northwood, New Hampshire. Lat. 43°10'34'' N., Long. 71°12'25'' W. C.P. to change antenna system and add freqs. 6375.2H, and 6256.5H MHz toward Portsmouth, N.H., on azimuth 107°48'; freq. 6375.2H and 6256.5H MHz toward Goffstown, N.H., on azimuth 235°38'.

1069–C1–P–74—Same (KTR40) 56 Islington Street, Portsmouth, New Hampshire. Lat. 43°04'19'' N., Long. 70°46'04'' W. C.P. to change antenna system, change freq. from 11,285.0 and 11,325.0 MHz to 11,245.0V and 11,365.0H MHz toward Dover, N.H., on azimuth 331°16'; replace (2) Western Electric, TL–2 with (2) Collins, MW–618 transmitters; and add freqs. 6004.5H and 6123.1H MHz toward Northwood, N.H., on azimuth 288°06'.

1070–C1–P–74—New England Telephone & Telegraph Company (KZ137) On Garrison Hill, 1.1 Miles NNE of Dover, New Hampshire. Lat. 43°12'35'' N., Long. 70°52'16'' W. C.P. to change freq. from 11,075.0 and 11,115 MHz to 10,795.0V and 10,915.0H MHz toward Portsmouth, N.H., on azimuth 151°-11'; replace (2) and Western Electric, TL–2 with (2) Collins, MW–618 transmitters.

1082–C1–R–74—American Telephone & Telegraph Company (KEF72) Within Continental Limits of the USA. Application for Renewal of License for Term: From November 1, 1973, to November 1, 1974.

1083–C1–P–74—Same (KEA77) 0.8 Mile North of Cherryville, New Jersey. Lat. 40°34'18'' N., Long. 74°54'22'' W. C.P. to add freq. 3750H MHz toward Sayreville, N.J., on azimuth 103°52'.

1084–C1–P–74—Same (KEM72) 1.75 Miles West of South Amboy, New Jersey. Lat 40°-27'18'' N., Long. 74°17'46'' W. C.P. to add freq. 3710H MHz toward Cherryville, N.J., on azimuth 284°16'; freq. 3710H MHz toward Newark, N.J., on azimuth 17°46'.

1085–C1–P–74—Same (KEG63) 95 William Street, Newark, New Jersey. Lat. 40°44'04'' N., Long. 74°10'42'' W. C.P. to add freq. 3750H MHz toward Sayreville, N.J., on azimuth 197°51'.

1086–C1–P–74—CPI Satellite Telecommunications, Inc. (New) Dallas, Texas. Lat. 32°-46'49'' N., Long. 96°48'07'' W. C.P. for a new station to be colocated with WPE35 on freqs. 11,345V, 11,585V, and 11,425V MHz toward Mesquite, Tex., on azimuth 92°37'.

1087–C1–P–74—Same (New) Mesquite, Texas. Lat. 32°46'27'' N., Long. 96°38'45'' W. C.P. for a new station on freqs. 10,815H, 11,-135H, 10,895H, and 10,975H MHz toward Dallas, Tex., on azimuth 272°42'; freqs. 10,855V, 11,095V, and 10,935V MHz toward Murphy, Tex., on azimuth 4°02'.

1088–C1–P–74—Same (New) Murphy, Texas. Lat. 32°59'52.5'' N., Long. 96°37'37.5'' W. C.P. for a new station on freqs. 11,545V, 11,225V, 11,305V, and 11,385V MHz toward Mesquite, Tex., on azimuth 184°09'.

1089–C1–P–74—Transportation Microwave Corporation (New) Denniss Terrace, Colonie, New York. Lat 42°43'54'' N., Long. 73°52'56'' W. C.P. for a new station on freqs. 6825H MHz toward Duanesburg, N.Y., on azimuth 287°30'.

1090–C1–P–74—Same (New) Duanesburg, Approx. 9½ Miles West of Schenectady, New York. Lat 42°48'06'' N., Long. 74°10'-39'' W. C.P. for a new station on freq. 6705H MHz toward Colonie, N.Y., on azimuth 107°30'.

1093–C1–MP–74—Hawaiian Telephone Company (KUQ80) 89–210 Farrington Highway, Kaneohe, Hawaii, Lat. 21°22'58'' N., Long. 158°08'45'' W. Mod. of C.P. to change antenna system and change freq. from 6056.4 and 6145.3 MHz to 10,755.0H and 10,995.0H MHz toward Mauna Kapu N., Hawaii, on azimuth 62°29'.

1094–C1–MP–74—Same (KZS32) Mauna Kapu, North, 6.3 Miles ESE of Waianae P.O., Hawaii, Lat. 21°24'17'' N., Long. 158°-06'03'' W. Mod. of C.P. to change antenna system, delete freqs. 6308.4 and 6397.4 MHz toward Nanakuli; re-route freqs. 11,285.0H and 11,525.0H MHz toward new point of communication at Nanakuli, Hawaii, on azimuth 242°30'.

1095–C1–P–74—South Central Bell Telephone Company (New) 401 Madison Street, Corinth, Mississippi. Lat. 34°56'02'' N., Long. 88°31'00'' W. C.P. for a new station on freq. 3770V MHz toward Blackland, Miss., on azimuth 211°27'.

1096–C1–P–74—Same (New) 3.5 Miles West of Blackland, Mississippi. Lat. 34°38'42'' N., Long. 88°43'49'' W. C.P. for a new station on freq. 3730V MHz toward Tupelo, Miss., on azimuth 176°53'; freq. 3730V MHz toward Corinth, Miss., on azimuth 31°19'.

1097–C1–P–74—Same (KLR71) 337 North Broadway, Tupelo, Mississippi, Lat. 34°-15'38'' N., Long. 88°42'18'' W. C.P. to change antenna system, replace existing tower and add freq. 3730V MHz toward a new point of communication at Blackland, Miss., on azimuth 356°53'.

1098–C1–P–74—Southeastern Telephone Company (KJB43) Forrest Beach, Florida. Lat. 30°22'42'' N., Long. 86°18'48'' W. C.P. to delete path to Westbay; to change freqs. from 6204.7 and 6323.3 MHz to 3750V and 3830V MHz toward Fort Walton Beach, Fla., on corrected azimuth 277°01'; and freqs. 3750V and 3830V MHz toward a new point of communication at Bruce, Fla., on azimuth 78°58'.

1099–C1–P–74—Same (KIQ66) Fort Walton Beach, Florida. Lat. 30°24'32'' N., Long. 86°36'08'' W. C.P. to add alarm center and change freqs. 5952.6 and 6100.9 MHz to 3710V and 3790V MHz toward Forrest Beach, Fla., on corrected azimuth 96°52'.

1100–C1–P–17—Same (New) 6.7. Miles SW of Bruce, Florida. Lat. 30°25'34'' N., Long. 86°01'40'' W. C.P. for a new station on freqs. 3710V and 3790V MHz toward Forrest Beach, Fla., on azimuth 259°07'; freqs. 3710V and 3790V MHz toward Lullwater Beach, Fla., on azimuth 145°29'.

1101–C1–P–74—Mountain States Telephone & Telegraph Company (KLF82) 4.5 miles SE of White Oaks, New Mexico. Lat. 33°-41'54'' N., Long. 105°41'28'' W. C.P. to change antenna system and power on freqs. 3750V and 3910V MHz toward Manzano, N. Mex.; freqs. 3750V, 3910V, 4090H and 4170H MHz toward Tinnie, N. Mex.; freqs. 4110H and 4190H MHz toward Alto Vista, N. Mex.

1102–C1–P–74—Mountain States Telephone & Telegraph Company (KLF83) 4.3 Miles North of Tinnie, New Mexico. Lat. 33°25'57'' N., Long. 105°13'45'' W. C.P. to change antenna system and power on freqs. 3710V, 3870V, 3950H, and 4030H MHz toward Roswell, N. Mex.; freqs. 3710V, 3870V, 3970H, and 4050H MHz toward White Oaks, N. Mex.

1103–C1–P–24—Same (KLF84) 311 North Richardson Street, Roswell, New Mexico. Lat. 33°23'44'' N., Long. 104°31'24'' W. C.P. to change antenna system and power on freqs. 3750V, 3910V, 4110H, and 4190H MHz toward Tinnie, N. Mex.

1104–C1–P–74—Same (KLF34) 4.5 Miles NW of Manzano, New Mexico. Lat. 34°41'17' N., Long. 106°24'32'' W. C.P. to change antenna system and power on freqs. 3710V and 3870V MHz toward Albuquerque, N. Mex.; freqs. 3710V and 3870V MHz toward White Oaks, N. Mex.

1105-C1-P-74—Same (KLC49) 120 4th Street NW., Albuquerque, New Mexico. Lat. 35°05'06" N., Long. 106°39'03" W. C.P. to change antenna system and power on freqs. 3750H and 3910H MHz toward Manzano, N. Mex.

1106-C1-MP-74—Same (WPX84) Ord Street and Cheyenne Avenue, Grover, Colorado. Lat. 40°52'06" N., Long. 104°13'28" W. Mod. of C.P. to change polarization from V to H on freq. 2112.0 MHz toward Briggsdale, Colo.

1107-C1-P-74—Transportation Microwave Corporation (New), 418 Duncan Ave., Jersey City, New Jersey. Lat. 40°43'58" N., Long. 74°05'13" W. C.P. for a new station on freq. 6685H MHz toward World Trade Center-South Tower at New York, N.Y., on azimuth 111°2'.

1108-C1-P-74—Same (New), World Trade Center, South Tower, New York, New York. Lat. 40°42'40" N., Long. 74°00'49" W. C.P. for a new station on freq. 6825H MHz toward Jersey City, N.J., on azimuth 291°2'.

1109-C1-P-74—United Video, Inc. (New), Bloomington, Illinois. Lat. 40°28'59" N., Long. 88°59'32" W. C.P. for a new station on freqs. 11,425.0V and 11,385.0V MHz toward Minier, Ill., on azimuth 260°28'; freqs. 11,425.0V and 11,385.0V MHz toward Ellsworth, Ill., on azimuth 108°51'.

1110-C1-P-74—Same (New) 3 Miles WNW of Minier, Illinois. Lat. 40°26'52" N., Long. 89°15'53" W. C.P. for a new station on freqs. 10,815.0V and 10,895.0V MHz toward Peoria, Ill., on azimuth 312°35'; freq. 10,895.0V MHz toward Lincoln, Ill., on azimuth 198°57'.

1111-C1-P-74—Same (New) 3.2 Miles SSE of Ellsworth, Illinois. Lat. 40°24'20" N., Long. 88°41'48" W. C.P. for a new station on freqs. 10,856.0V and 11,015.0V MHz toward Gibson City, Ill., on azimuth 74°18'.

1112-C1-P-74—United Video, Inc. (New), Peoria, Illinois. Lat. 40°41'56" N., Long. 89°37'00" W. C.P. for a new station on freqs. 11,385.0V and 11,545.0V MHz toward Canton, Ill., on azimuth 251°22'.

1113-C1-P-74—Same (New), 1.5 Miles NW of Lincoln, Illinois. Lat. 40°09'46" N., Long. 89°23'32" W. C.P. for a new station on freq. 11,465.0H MHz toward Springfield, Ill., on azimuth 199°10'.

1091-C1-P-74—American Television & Communications Corp. (New) Downer, Minnesota. Lat. 47°45'29" N., Long. 96°35'45" W. C.P. to add freq. 6219.5H MHz, via power split, toward Moorhead (Lat. 46°51'30" N., Long. 96°44'16" W.), Minnesota, on azimuth 289°43'.

1092-C1-P-74—Same (New) Crookston, Minnesota. Lat. 47°45'29 N., Long. 96°35'45" W. C.P. to add freq. 6219.5H MHz, via power split, toward East Grand Forks (Lat. 47°57'47" N., Long. 97°03'12" W.), Minnesota, on azimuth 203°50'. (NOTE.—ATC proposes to restore points of communication at Moorhead and East Grand Forks which were severed from two applications, file nos. 1940 and 1942-C1-P-71. Accordingly, these applications (file nos. 1091 and 1092-C1-P-74) are not subject to 30-day public notice.).

Major Amendments

2269-C1-P-73—Data Transmission Company (New) 1.0 Mile West of Brunswick, Illinois. Lat. 41°22'41" N., Long. 87°31'36" W. C.P. for a new station on freq. 6404.8H MHz on azimuth 197°11' toward a new point of communication at St. Anne. Change frequency and azimuth towards Posen to 6375.2V MHz and 338°11'.

2270-C1-P-73—Same (New) 0.2 Mile NE of Posen, Illinois. Correct coordinates to Lat. 41°38'5" N., Long. 87°39'49" W. C.P. for a new station on freq. 10,875.0H MHz on azimuth 6°25' towards new point of communication at Chicago. Change frequency and azimuth towards Brunswick to 6123.1H MHz and 158°6'. Change azimuth towards Elmhurst to 323°14'.

3066-C1-P-70—Same (New) 875 N. Michigan Blvd., Chicago, Illinois. Lat. 41°53'55" N., Long 87°37'26" W. C.P. for a new station to add points of communication on 11,325.0H MHz on azimuth 186°27' towards Posen. Delete point of communication on 10,815.0V MHz on azimuth 274°41' toward Elmhurst.

1469-C1-P-73—RCA Alaska Communications, Inc. (New) Proposed station at Dillingham, Alaska, amended to change coordinate to Lat. 59°02'30" N., Long 158°27'22" W. (All other particulars same as reported in Public Notice, dated September 11, 1972.)

Corrections

INFORMATIVE: The following application was erroneously entered on Public Notice #654, dated 6-25-73. The changes made did not necessitate appearance on Public Notice.)

9211-C1-P-73—Southern Bell Telephone & Telegraph Company (KIB25) DELETE: C.P. to change antenna system and antenna location on freqs. 11405V MHz toward Waycross, Ga., and freqs. 5945.2H and 6063.8H MHz toward Nicholls, Ga.

Multipoint Distribution Service: Correction

50009-C5-MP-74—Micro TV, Inc., (WPE97) CORRECT to Read: Modification of C.P. to increase power from 100 to 1000 watts. (All other particulars remain same as reported in Public Notice #667, dated 9-24-73.)

[FR Doc.73-21902 Filed 10-15-73;8:45 am]

FEDERAL MARITIME COMMISSION

CANADIAN-AMERICAN WORKING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 5, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq.
Suit 631
17 Battery Place
New York, New York 10004

Agreement No. 10090, among the North Atlantic United Kingdom Freight Conference, the North Atlantic Westbound Freight Association, the Continental Canadian Westbound Freight Conference, the Continental North Atlantic Westbound Freight Conference, the North Atlantic Continental Freight Conference, the Canada-United Kingdom Freight Conference, the Canadian North Atlantic Westbound Freight Conference, the Canadian Continental Eastbound Freight Conference, the North Atlantic French Atlantic Freight Conference, and their respective member lines enclusively:

(1) Provides for the member conferences to undertake to modify their organic agreement to require their respective member lines to become associate members of their counterpart U.S. or Canadian Conference provided they are not regular members of such conference; (2) obligates both the associate and regular members of the various member conferences to transport and handle shipments originating or terminating in Canada or that part of the U.S. east of the 76th meridian according to the rules, regulations, tariffs and agreement of the conference agreement governing the traffic to or from the ports of the North American country in which the movement originates or terminates; (3) subjects all movements to the self-policing machinery of the conference serving the U.S. or Canadian gateway through which such shipments pass; and (4) establishes administrative details pursuant to effecting the above.

Dated October 11, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-22036 Filed 10-15-73;8:45 am]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before

November 5, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 8210–23, among the member lines of the above-named conference, (1) modifies the basic agreement to allow members of Canadian conferences serving the same European ports as the Continental North Atlantic Westbound Freight Conference, and who are not otherwise eligible for full membership in the Continental North Atlantic Westbound Freight Conference, to become associate members thereof, and (2) obligates these associate members to observe the Continental North Atlantic Westbound Freight Conference rates, rules, and regulations when undertaking to transport cargo destined for points in the United States east of 76° W., whether moving through Canadian ports or conference ports.

Dated October 11, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–22037 Filed 10–15–73;8:45 am]

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 5, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 7100–15, among the member lines of the above-named conference, (1) modifies the basic agreement to allow members of Canadian conferences serving the same European ports as the North Atlantic United Kingdom Freight Conference, and who are not otherwise eligible for full membership in the North Atlantic United Kingdom Freight Conference to become associate members thereof, and (2) obligates these associate members to observe the North Atlantic United Kingdom Freight Conference rates, rules, and regulations when undertaking to transport cargo originating in the United States east of 76° W., whether moving through Canadian ports or conference ports.

Dated October 11, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–22038 Filed 10–15–73;8:45 am]

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 5, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 5850–24, among the member lines of the above-named conference, (1) modifies the basic agreement to allow members of Canadian conference serving the same European ports as the North Atlantic Westbound Freight Association, and who are not otherwise eligible for full membership in the North Atlantic Westbound Freight Association to become associate members thereof, and (2) obligates these associate members to observe the North Atlantic Westbound Freight Association rates, rules, and regulations when undertaking to transport cargo destined for points in the United States east of 76° W., whether moving through Canadian ports or conference ports.

Dated October 11, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73–22039 Filed 10–15–73;8:45 am]

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 5, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or

detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esq.
Suite 631
17 Battery Place
New York, New York 10004

Agreement No. 7770–11, among the member lines of the above-named conference, (1) modifies the basic agreement to allow members of Canadian conferences serving the same European ports as the North Atlantic French Atlantic Freight Conference, and who are not otherwise eligible for full membership to become associate members thereof, and (2) obligates these associates members to observe the North Atlantic French Atlantic Freight Conference rates, rules, and regulations when undertaking to transport cargo originating in the United States east of 76° W., whether moving through Canadian ports or conference ports.

Dated October 11, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-22040 Filed 10-15-73;8:45 am]

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 5, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Agreement No. 9214–11, among the member lines of the above-named conference, (1) modifies the basic agreement to allow members of Canadian conferences serving the same European ports as the North Atlantic Continental Freight Conference, and who are not otherwise eligible for full membership in the North Atlantic Continental Freight Conference to become associate members thereof, and (2) obligates these associate members to observe the North Atlantic Continental Freight Conference rates, rules, and regulations when undertaking to transport cargo originating in the United States east of 76° W., whether moving through Canadian ports or conference ports.

Dated October 11, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-22041 Filed 10-15-73;8:45 am]

PRUDENTIAL-GRACE LINES, INC. AND COMPANHIA DE NAVEGACUO LLOYD BRASILEIRO

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 5, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Harold T. Quinn, Esq.
Barrett, Smith, Shapiro & Simon
26 Broadway
New York, New York 10004

Agreement No. 9873–1 will extend the term of the revenue pooling arrangement between the two lines listed above from January 1, 1974, until December 31, 1977, unless terminated by either party upon 90 days' notice to the other. In addition, the "carrying rate," i.e., the cargo handling sum each line is entitled to retain prior to pooling, is reduced from 60 percent to 50 percent of the average revenue per revenue ton. Agreement No. 9873 applies to cargo transported by the two lines from Pacific Coast ports of the United States to Brazilian ports in the Rio de Janeiro/Porto Alegre range, both included.

Dated October 10, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-22042 Filed 10-15-73;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2628]

ALABAMA POWER CO.

Notice of Availability of Staff Modified Draft Environmental Impact Statement

OCTOBER 15, 1973.

Notice is hereby given in the captioned Project, that on October 15, 1973, as required by § 2.81(b) of Commission Order No. 415–C, a modified draft environmental statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with the environmental impact of an application for license filed by Alabama Power Company for the proposed Crooked Creek Project, pursuant to the Federal Power Act.

The draft environmental statement was noticed on December 5, 1972. This modified draft is being circulated to fully comply with the Commission's regulations issued by Order No. 415–C subsequent to that date. Persons commenting on the modified draft environmental statement should indicate that any additional comments made in response to this notice either supersede or supplement previous comments.

This statement has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, and at its Atlanta Regional Office. Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151, and the Commission's Office of Public Information, Washington, D.C. 20426.

The project would be located in the Counties of Clay and Randolph in Alabama on the Tallapoosa River.

The project would consist of: (1) A concrete dam about 140 feet high and 956 feet long, including a gated spillway section and a non-overflow section containing the headworks for the powerhouse; (2) an earth and rockfill dike section extending from each abutment of the concrete dam; (3) a 10,661 acre, 24-mile long reservoir having a normal operating range between elevations 793 feet and 785 feet (USC&GS datum); (4) a powerhouse integral with the dam, containing two generators each rated at 67,500 kw; (5) recreational development; and (6) appurtenant facilities.

Any person who wishes to do so may file comments on the staff modified draft statement for the Commission's consideration. All comments must be filed on or before November 29, 1973.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.18 (c) of Order No. 415–C.

All petitions to intervene must be filed on or before November 29, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–22018 Filed 10–15–73;8:45 am]

[Docket No. RI73–222]

AMOCO PRODUCTION CO.

Hearing and Suspension of Proposed Change in Rate

OCTOBER 4, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (a) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's Rules of Practice and Procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(b) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and section 154.102 of the Regulations thereunder.

(c) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–22025 Filed 10–15–73;8:45 am]

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI73–222	Amoco Production Co.	220	10	West Texas Gathering Co. (Emperor Field, Winkler County, Tex. R.R. No. 8) (Permian Basin).	$457,475	9–4–73		9–5–73	24.04	28.105	RI73–222
RI73–222	do	463	9	do	186,868	9–4–73		9–5–73	24.04	28.105	RI73–222

* The pressure base is 14.65 psia.
[1] Opinion No. 662 area rate as adjusted by Applicant's estimated quality adjustments.

Amoco filed proposed increased rates which were suspended prior to the issuance of Opinion No. 662 for a period beyond the effective date of that opinion. These rates are in excess of the just and reasonable rates established in Opinion No. 662 (Permian II).[1] Amoco has filed herein rate increases from the rate level permitted under Opinion No. 662 back up to its previously suspended rate levels. Amoco's current filings are suspended in the same proceeding applicable to its previously suspended rates for one day from the date of filing with waiver of the 30 day notice period granted.

[FR Doc.73–22025 Filed 10–15–73;8:45 am]

[Docket No. E–8418]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Purchase Agreement

OCTOBER 4, 1973.

Take notice that the Connecticut Light and Power Company (CL&P) on September 27, 1973, tendered for filing a rate schedule consisting of a purchase agreement (Agreement) with respect to CL&P's Montville Unit No. 6 dated as of the 1st day of May 1973, between CL&P and Public Service Company of New Hampshire (PSCNH). The Agreement provides for sales to PSCNH of specified percentages of capacity and energy from the Montville generating unit during the period from November 1, 1973, through April 30, 1974, together with related transmission service. The parties propose to make the rate schedule filed herewith effective as of November 1, 1973.

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 wtih sections 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 19, 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.73–22009 Filed 10–15–73;8:45 am]

[Docket No. RP73–115]

CONSOLIDATED GAS SUPPLY CORP.

Order Accepting for Filing and Suspending Tendered Tariff Sheet and Permitting Withdrawal of Other Tariff Sheet

OCTOBER 9, 1973.

On June 14, 1973, Consolidated Gas Supply Corporation (Consolidated) tendered for filing revised tariff sheets and its FPC Gas Tariff, First Revised Volume No. 1. Consolidated requests that the tendered sheet become effective October 8, 1973. On August 8, 1973, we rejected—without prejudice to its refiling—one of the tendered tariff sheets[1] because it contained a fixed cost recovery adjustment provision, and accepted for filing and suspended the remainder. Thereafter, on September 7, 1973, Consolidated

[1] Amoco's proposed increased rates for sales in Permian in Docket No. RI73–222 to the extent they did not exceed the ceiling in Opinion No. 662 became effective as of August 7, 1973, without refund obligation.

[1] The rejected sheet was designated First Revised Sheet No. 51–C.

filed a Substitute First Revised Sheet No. 51–C in which the prohibited provision had been eliminated. Accordingly, the tendered sheet will be accepted for filing, but suspended.

Consolidated also requests that Original Sheet No. 51–D, one of the sheets accepted for filing on August 8, 1973, be withdrawn upon our acceptance of the tendered revised sheet. The request to withdraw should be granted inasmuch as the provisions therein have been incorporated into substitute First Revised Sheet No. 51–C.

The Commission finds.

(1) Substitute First Revised Sheet No. 51–C to Consolidated's FPC Gas Tariff, First Revised Volume No. 1, has not been shown to be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful or preferential, or other

(2) Good cause exists to accept for filing the tendered tariff sheet referred to in finding paragraph (1) above, that that sheet be suspended and the use thereof deferred, all as hereinafter ordered.

(3) Good cause exists to permit Consolidated to withdraw Original Sheet. No. 51–D to its FPC Gas Tariff, First Revised Volume No. 1.

The Commission orders.

(A) Substitute First Revised Sheet No. 51–C to Consolidated's FPC Gas Tariff, First Revised Volume No. 1 is hereby accepted for filing.

(B) Consolidated is hereby permitted to withdraw Original Sheet No. 51–D to its FPC Gas Tariff, First Revised Volume No. 1.

(C) Pending the hearing in this proceeding, the tendered tariff sheet designated in ordering paragraph (A) above is hereby suspended for one day until October 10, 1973, and until such further time as it is made effective pursuant to the Natural Gas Act.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73–22032 Filed 10–15–73;8:45 am]

EAST TENNESSEE NATURAL GAS CO.

Notice of Customer Election To Change Rate Schedules

OCTOBER 4, 1973.

Take Notice that East Tennessee Natural Gas Company (East Tennessee) on September 7, 1973, tendered for filing a gas sales contract dated November 1, 1973, applicable to service rendered to United Cities Gas Company (Lynchburg, Maryville-Alcoa, Columbia and Shelbyville Service Areas) and requested the Commission to permit such contract to become effective November 1, 1973. East Tennessee states that United Cities Gas Company has elected to purchase its presently certificated contract volumes under the provisions of East Tennessee's CR–1 Rate Schedule effective November 1, 1973, pursuant to the provisions of Article 17 of the General Terms and Conditions of East Tennessee's FPC Gas Tariff, 6th Revised Volume No. 1.

Any person desiring to be heard or to protest said filing should file a petition to intervene, unless such petition has been filed previously, or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 19, 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–22016 Filed 10–15–73;8:45 am]

[Docket No. RP74–22]

EL PASO NATURAL GAS CO.

Notice of Proposed Change In Rates

OCTOBER 5, 1973.

Take notice that El Paso Natural Gas Company ("El Paso"), on September 24, 1973, tendered for filing a notice of change in rates under its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, applicable to service rendered to its Southern Division System customers. Such change in rates is proposed to become effective on October 25, 1973. According to El Paso, the proposed rate change is submitted for the purpose of compensating El Paso only for increases in the cost of gas utilized in its Southern Division System operations which are attributable to increases in the unit amounts per mcf which may be due and payable to owners of "special overriding royalty interests is presently estimated acquired by El Paso or by its Northwest Division System predecessor prior to October 7, 1969.

The annualized increase in El Paso's Southern Division System cost of gas, which is attributable to increases in the unit amount per mcf which may be due and payable to owners of overriding royalty interests is presently estimated by El Paso as aggregating $17,106,100. When applied to El Paso's Southern Division System total sales volumes for the test period ended January 31, 1973, this amount equates to the increase of 1.42¢ per mcf for which notice is given by the instant filing and which El Paso proposes to place into effect October 25, 1973.

El Paso states that, given the many uncertainties—both factual and legal—which exist and will continue to exist until final resolution of the many matters associated with settlement with the special overriding royalty owners, El Paso would propose that all monies collected by it attributable to the increase in rates proposed be placed in escrow. Upon ultimate resolution of all of such matters, evidenced by final orders no longer subject to judicial review, the escrowed amounts would either be paid, in whole or in part, to the special overriding royalty interest owner or refunded, in whole or in part, to the Southern Division System customers.

As an alternative to collecting the full amount of the 1.42¢ per mcf increase, El Paso tendered Original Sheet Nos. 67–F, 67–G, 67–H, 67–I, 67–J and 67–K. These sheets contain a new Article 21, Special Overriding Royalty Gas Cost Adjustment Provision, proposed to be included in the General Terms and Conditions which provides a two-part mechanism to implement the alternative procedure; namely, (i) a tracking procedure which would enable El Paso to translate into its rates the annualized cost of increases in the unit amount per mcf paid special overriding royalty interest owners and (ii) a deferred accounting and surcharge procedure which (similar to the procedure provided by Original Sheet Nos. 67–L, 67–M and 67–N discussed below) would enable El Paso to recoup any increases which may become effective prior to rate adjustment dates, but not prior to the effective date of the instant filing following any suspension. The proposed effective date of these sheets is October 25, 1973.

El Paso also included in its filing, Original Tariff Sheet Nos. 67–L, 67–M and 67–N, with a proposed effective date of October 25, 1973. These tariff sheets contain a new Article 22, Overriding Royalty Cost Surcharge Adjustment Provision, also proposed to be included in the General Terms and Conditions of its Original Volume No. 1 Tariff. This new provision is designed to permit El Paso to utilize deferred accounting and a surcharge adjustment to recover those increases to which it may be exposed prior to the effective date of its instant proposal, in a manner which would be synchronized with and made effective coincidentally with surcharge adjustments under section 19, Purchased Gas Cost Adjustment Provision, of the Original Volume No. 1 Tariff.

Any person desiring to be heard or to protest said notice 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 sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before October 17, 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. El Paso's proposed tariff sheets and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–22008 Filed 10–15–73;8:45 am]

[Docket Nos. RP74-8, RP74-23]

EL PASO NATURAL GAS CO.

Notice of Proposed Change in Rates and Withdrawal of Tariff Filing

OCTOBER 3, 1973.

Take notice that El Paso Natural Gas Company (El Paso) on September 24, 1973, gave notice pursuant to § 1.11(d) of the Commission's Rules of Practice and Procedure, of the withdrawal of its tariff filing of August 1, 1973, styled Docket No. RP74-8. Take notice also that on September 24, 1973 El Paso tendered for filing pursuant to Section 4 of the Natural Gas Act and Part 154 of the Commission's Regulations thereunder, a notice of change in rates under its FPC Gas Tariff, First Revised Volume No. 3, applicable to service rendered to its Northwest Division System customers. Such change in rates is proposed to become effective on October 25, 1973. El Paso claims the proposed rate change is submitted for the purpose of compensating it for increases in the cost of gas utilized in its Northwest Division System operations which are attributable to increases in the unit amounts per mcf which may be due and payable to owners of special overriding royalty interests attributable to leases acquired by El Paso or by its Northwest Division System predecessor, Pacific Northwest Pipeline Corporation, prior to October 7, 1969. The annualized increase in El Paso's Northwest Division System cost of gas attributable to increases in unit amounts per mcf which may be due and payable to owners of overriding royalty interests is presently estimated by El Paso as aggregating $3,316,656. When applied to the Northwest Division System's total sales volumes for the test period ended January 31, 1973, El Paso calculates that this amount equates to the increase of 0.067¢ per therm (0.70¢ per mcf) for which notice is given by the filing.

As an alternative to collecting the full amount of the 0.067¢ per therm (0.70¢ per mcf) increase, El Paso tendered Original Sheet Nos. 59-B, 59-C, 59D, 59E, 59F, and 59G. These sheets contain a new Article 17, Special Overriding Royalty Gas Cost Adjustment Provision, proposed to be included in the General Terms and Conditions which provides a two-part mechanism to implement the alternative procedures; namely, (1) A tracking procedure which would enable El Paso to translate into its rates the annualized cost of increases in the unit amounts per mcf paid special overriding royalty interest owners and (2) A deferred accounting and surcharge procedure which would enable El Paso to recoup any increases which may become effective prior to rate adjustment dates, but not prior to the effective date of the instant filing following any suspension. The proposed effective date of these sheets is October 25, 1973.

El Paso also included in its filing Original Tariff Sheets Nos. 59-H, 59-I and 59-J, with a proposed effective date of October 25, 1973. These tariff sheets contain a new Article 18, Overriding Royalty Cost Surcharge Adjustment Provision, also proposed to be included in the General Terms and Conditions of its First Revised Volume No. 3 Tariff. El Paso states that this new provision is designed to permit El Paso to utilize deferred accounting and a surcharge adjustment to recover those increases to which it may be exposed, prior to the effective date of its instant proposal, in a manner which would be synchronized with and made effective coincidentally with surcharge adjustments under section 16, Purchased Gas Cost Adjustment Provision, of the First Revised Volume No. 3 Tariff.

Any person desiring to be heard or to protest said notice should, on or before October 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or 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 15.10). 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 the notice are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22026 Filed 10-15-73;8:45 am]

[Docket No. RP73-4]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Revised Tariff Sheets

OCTOBER 5, 1973.

Take notice that Great Lakes Gas Transmission Company (Great Lakes) on September 14, 1973, tendered for filing Sixth Revised Sheet No. 57 (Fifth Revised PGA-1) to its FPC Gas Tariff, First Revised Volume No. 1. Great Lakes requests an effective date of November 1, 1973.

Great Lakes states that there is a purchased gas cost surcharge also to be effective November 1, 1973, and that the surcharge results from maintaining an unrecovered purchased gas cost account from March 1, 1973, through August 31, 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 Sections 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 18, 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.73-22013 Filed 10-15-73;8:45 am]

[Project No. 2726]

IDAHO POWER CO.

Notice of Application for License for Constructed Project

OCTOBER 5, 1973.

Public notice is hereby given that application for a major license was filed November 21, 1972, and supplemented April 23, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Idaho Power Company (Correspondence to: Mr. James E. Bruce, Secretary Idaho Power Company, 1220 Idaho Street, P.O. Box 70, Boise, Idaho 83707) for constructed Project No. 2726, known as the Upper Malad and Lower Malad Project, located near the town of Gooding, Gooding County, Idaho, on the Malad River.

The project, which has an installed capacity of 20,700 kw, consists of two plants: the Upper Malad plant and the Lower Malad plant.

The Upper Malad plant consists of: (1) A concrete diversion dam approximately 150 feet long, with two 24 feet wide and one 15 feet wide tainter gates; (2) an open concrete conduit approximately 4600 feet long, 15 feet wide, and 9½ feet high (a siphon spillway is located approximately 300 feet above the penstock intake); (3) a welded steel plate penstock 10 feet in diameter and 230 feet long; (4) a reinforced concrete powerhouse containing one 7,200 kw vertical outdoor-type generator; and (5) all other facilities and interests appurtenant to the operation of the plant.

The Lower Malad plant consists of: (1) A wood crib, rock-filled and concrete diversion dam approximately 160 feet long; (2) an open concrete conduit approximately 5450 feet long, 17 feet wide, and varying in height from 11½ feet at the upper end to 15½ feet at the lower end (an overflow spillway with a crest length of 250 feet is located approximately 240 feet above the penstock intake); (3) a welded steel plate penstock 12 feet in diameter and 287 feet long; (4) a reinforced concrete powerhouse containing one 13,500 kw vertical outdoor-type generator; and (5) all other facilities and interests appurtenant to operation of the plant.

Recreational features of the project include two picnic areas. One picnic site is located on the banks of the Snake River and is used primarily by local people and fishermen. The other picnic site is located beside U.S. Highway 30 and is used by local people and highway travelers. There is also fishing in the Malad and Snake Rivers, both of which run through project land.

A maximum of 300 cfs of water can be diverted into a siphon near the Lower Malad penstock intake as needed for ir-

rigation purposes by the King Hill Irrigation District.

The power generated at the project will be distributed in Applicant's service area, which includes Idaho, Oregon, Nevada and Wyoming.

Any person desiring to be heard or to make protest with reference to said application should on or before December 10, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22023 Filed 10-15-73;8:45 am]

[Docket No. RP74-11]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Corrections

OCTOBER 5, 1973.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), on September 17, 1973, tendered for filing corrections to its filing of August 31, 1973, where First Revised Sheet Nos. 23 and 24 and Fourth Revised Sheet No. 16 were to become a part of Kansas-Nebraska's FPC Gas Tariff, second Revised Volume No. 1.

According to Kansas-Nebraska, it has come to their attention that Fourth Revised Sheet No. 16 omitted the appropriate reference to the Winter Period Service under Rate Schedule WPS-2. Also, Kansas-Nebraska states that the First Revised Sheet No. 23 contained a typographical error which appears on line 5 of subparagraph (b) where the word "user" should be "uses".

Kansas-Nebraska states that the second page of Statement Q contains a typographical error on lines 2 and 4 of Paragraph 111. The rate of return on page 2 is shown to be 9.72 percent rather than 9.78 percent.

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 sections 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 23, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection. Parties who have already filed petitions to intervene in this docket need not file an additional petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22024 Filed 10-15-73;8:45 am]

[Docket No. CP74-77]

LOUISIANA-NEVADA TRANSIT CO.

Notice of Application

OCTOBER 4, 1973.

Take notice that on September 21, 1973, Louisiana-Nevada Transit Company (Applicant), 821 17th Street, Denver, Colorado 80202, filed in Docket No. CP74-77 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation for a minimum of six months of compression facilities to be located downstream from the Hope Lateral in Hempstead County, Arkansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct a 500 horsepower compression facility to make additional deliveries possible during the 1973-1974 winter heating season. Applicant estimates that the proposed facility, operated at a normal discharge pressure of 255 psig, permit the delivery through the 8-inch line of an additional 2,000 Mcf per day of gas made available to customers at the North end of Applicant's system at Okay, Arkansas.

Applicant states the total estimated cost of the proposed facility, including six months rent, is $49,000 which will be financed from cash-on-hand or from a short-term loan from Applicant's parent company, Ideal Basic Industries.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 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 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.73-22028 Filed 10-15-73;8:45 am]

[Docket No. RP72-149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Changes In Rates and Charges

OCTOBER 9, 1973.

Take notice that on September 26, 1973, Mississippi River Transmission Corporation (Mississippi) tendered for filing Substitute Thirteenth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective November 1, 1973.

Mississippi had previously tendered on September 17, 1973, a rate change filing to give effect to the increased cost of gas purchased by Mississippi from Natural Gas Pipeline Company of America (Natural) as reflected in a rate change filing of Natural. Mississippi's September 17, 1973, filing was proposed to become effective November 1, 1973. Mississippi states that the instant filing is made to reflect an additional rate change adjustment of Natural's relating to the cost of service effect of Advance Payments for gas at Docket No. RP72-132 together with a reduction in the rate level of Natural's previously filed PGA rate adjustment.

In its current filing, Mississippi requests that Substitute Thirteenth Revised Sheet No. 3A be substituted for the corresponding sheet originally included in its filing of September 17, 1973, and that such sheet be permitted to become effective November 1, 1973.

Copies of the filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois, and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission 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 19, 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 unless such petition has previously been filed. Copies of the filing are

on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-22045 Filed 10-15-73;8:45 am]

[Docket No. CP70-161]

MISSOURI EDISON CO. AND PANHANDLE EASTERN PIPELINE CO.

Order on Remand in Compliance with Mandate of Court Order Approving Application with Conditions

OCTOBER 4, 1973.

In Opinion No. 614, 47 FPC 849 (1972), Opinion No. 614-A, 47 FPC 1112 (1972), and order issued June 12, 1972, 47 FPC 1496, the Commission denied the application of Missouri Edison Company for an order pursuant to section 7(a) of the Natural Gas Act for an allocation of up to 15,000 Mcf per day under Panhandle's I-2 Rate Schedule for service to Hercules, Inc. at Louisiana, Missouri. Hercules presently is served directly by Panhandle on a month-to-month basis after the expiration of a firm direct sale contract of 500 Mcf per day and interruptible deliveries of up to 14,500 Mcf/d, or a total of up to 15,000 Mcf per day.

On March 20, 1973, the United States Court of Appeals for the District of Columbia Circuit in Missouri Edison Co. v. FPC, 479 F. 2d 1185 (D.C. Cir. 1973), reversed the decision of the Commission, vacated its order, and remanded the matter for the entry of an order approving the application, in accordance with the Court's opinion, with conditions therein enumerated. On May 9, 1973, the Court denied the petitions for rehearing and reaffirmed its order requiring conditional approval of Missouri Edison's application.

The Commission's principal concern with the application of Missouri Edison was that it would be unwise to encourage direct interruptible industrial customers to migrate to distributors since this may result in increased use of natural gas for industrial purposes and might undermine the essential need of pipeline companies to maintain flexibility during the period of gas supply shortage (47 FPC at 852-853). The Commission further stated its policy that "it is our conviction that a failure to recognize that gas is now in short supply, and that industrial consumption of any part of the remaining finite supply must not be encouraged would, in and of itself, be an abuse of discretion, arbitrary and capricious in nature." (47 FPC at 1113). The Commission found it could not eliminate the basic defect of Missouri Edison's voluntary proposal by inserting a condition in the order requiring Panhandle to deliver gas to it under the same conditions that it serves its direct sale customers, because the proposed condition did not prevent Missouri Edison from purchasing its full contract demand, and thereby augmenting deliveries to Hercules from its "valley gas" at times when Panhandle would be curtailing its direct sale customers (47 FPC at 1115).

On June 12, 1972, the Commission reaffirmed its prior decision, after rejecting Missouri Edison's offer to restrict its use of gas from Panhandle under its G-2 Rate Schedule entitlement so as not to augment deliveries to Hercules when Panhandle's direct industrial customers and other Rate Schedule I-2 deliveries were in curtailment. Panhandle responded to the offer of Missouri Edison that it would not be practical for it to assume complete control over Missouri Edison's gas distribution operations which would be necessary to make certain that Missouri Edison would not sell "valley gas" to Hercules on days of curtailment of deliveries of industrial customers in order to offset curtailment of I-2 gas. The Commission agreed with Panhandle that no practical method existed on controlling deliveries under G-2 and I-2 Rate Schedules to accomplish the objective sought by Missouri Edison. The Court of Appeals held (479 F. 2d at 1188) the Commission in error not to accept Missouri Edison's offer to condition its application so that it could not use other gas, which it might otherwise be entitled under Panhandle's Rate Schedule G-2, to augment deliveries to Hercules when direct industrial and Rate Schedule I-2 deliveries were in curtailment. The Court held that a condition on sale of I-2 Rate Schedule gas by Panhandle to Missouri Edison could be such that it would be identical to Panhandle's current direct sales to Hercules. The Court held that under its disposition of this case the power of curtailment, in the event of gas supply shortages on Panhandle's system would not be affected by the conversion of Hercules' contract from a direct pipeline sale to an indirect one (479 F. 2d at 1188-1189). The Court further found that under Missouri Edison's contract the same amount of gas would be furnished to Hercules as was presently permitted under the Panhandle arrangement and would be delivered under the same conditions and subject to curtailment requirements and exercise of control by Panhandle. The Court further stated that in the event Hercules intended to switch from coal to gas fired boilers, the Commission could easily prevent this by requiring Missouri Edison's contract to prohibit such increases in gas consumption.

The Court stated that the Commission may approve the application by permitting Missouri Edison to use its available "valley-gas" in filling the Hercules contract, supplemented by sufficient I-2 Rate Schedule gas to meet Hercules' needs, provided Missouri Edison agrees to a condition in its contract that if and when Panhandle gives notice that I-2 Rate Schedule gas is being curtailed, Missouri Edison will accordingly curtail deliveries of both G-2 and I-2 Rate Schedule gas to Hercules so that at all times such deliveries will be limited to the same extent as under Panhandle's present contract with Hercules (479 F. 2d at 1189-90).

The purpose of this order is to comply with the mandate of the Court of Appeals and to promptly conclude the proceeding by issuance of an appropriate order.

In Panhandle Eastern Pipeline Company, Docket No. RP71-119, order issued November 4, 1971 (46 FPC 1142), the Commission approved interim curtailment plans on Panhandle's system, pending the final outcome of proceedings on Panhandle's proposed curtailment plan in that docket. On June 20, 1972, the Commission issued an order, 47 FPC 1567, approving a further interim settlement agreement on curtailment procedures for operation of Panhandle's system during periods of gas supply shortage for the period through October 31, 1973. The proceedings in Docket No. RP71-119 are presently pending before the Administrative Law Judge. Specifically, additional data collection on use of gas and the record are being considered for purpose of supplementing evidence in accordance with the Commission's directions set forth in Order No. 467. This instant order should be brought to the attention of the parties therein so that allocations of gas to Hercules and Missouri Edison are, in the future, consistent with the conditions on Missouri Edison's sale to Hercules.

In Panhandle's Annual Report No. 16 to the Commission for the year 1973-1974, it is indicated that curtailment of G-2 and I-2 Rate Schedule deliveries will be made, so that it will be necessary for the Commission to condition the order granting the application of Missouri Edison to accomplish the directives of the Court of Appeals.

Panhandle has made direct sales to Hercules of 3,222,065 Mcf in 1971, and 3,395,375 Mcf in 1972 (Form 2 Reports, page 519). Panhandle also reports that it made sales of 1,558,764 Mcf in 1971, and 1,581,790 Mcf in 1972 to Missouri Edison for resale (Form 2 Reports, page 521). Panhandle has supplied the following information to the Commission on its Form 17 reports of curtailments. Hercules curtailments have been 57,225 Mcf in November, 104, 477 in December 1972, 128,777 in January, 164,251 in February, 88,840 Mcf in March, and 81,293 Mcf in April 1973. Panhandle stated on April 9, 1973, that it estimated curtailments would resume in November 1973.

Under the present formula, gas supply shortage provisions on Panhandle's system, Section 16 of the Tariff, Curtailment and Interruption, Interim Second Revised Sheet Number 42, Original Volume No. 1, Panhandle's FPC Gas Tariff subsection 16.1(a), provide that the daily volume to be curtailed shall be proportioned by classes ⅓ to Panhandle's direct industrial, export and I Rate Schedule purchases and ⅔ to Panhandle's resale customers (46 FPC at 1143), Section 16.1(b) bases customers' applicable curtailment percentage on the aggregate industrial usage for the class in the base period month. The industrial load curtailment percentage apportioned to Hercules will continue to be governed by the provisions of § 16.1(b)(3), and revisions and superseding rules thereto.

which include direct industrial and I Rate Schedule purchasers, for the purpose of computing future curtailment percentages once the Hercules load has been transferred to Missouri Edison. The allocation of gas for use by Hercules through sale to Missouri Edison may be subject to further orders in the curtailment proceeding and future relevant proceedings.

The Commission agreed with Panhandle that the pipeline should not be required to control the operation of Missouri Edison's distribution system in order to assure that Missouri Edison's "valley gas" under the G–2 Rate Schedule is not used to offset curtailment required under the aforesaid curtailment proceedings or those curtailment procedures which may supersede the interim arrangements. The Commission is of the view section 6 of Panhandle's Rate Schedule G–2, and § 16.5 of Panhandle's Tariff, General Terms and Conditions, which provides for payment of $10 per Mcf for unauthorized takes of gas in excess of the volumes permitted under the contract demand and curtailment provisions of the tariff, and other compliance provisions, will properly provide the necessary control by Missouri Edison of its own takes of natural gas, pursuant to instructions of the load dispatchers of the pipeline. The conditions set forth herein for calculating the entitlement of Hercules to gas during times of curtailment, and restriction on the use of "valley gas" by Missouri Edison, together with the operating fact that Hercules is and will be served solely from a single delivery point of Panhandle, will provide all parties concerned with the necessary data to continuously assure compliance with this order.

In its order of June 12, 1972, the Commission stated that (47 FPC at 1497): "The only way the I–2 and G–2 purchases can operate is for Panhandle to bill all gas taken in excess of MoEd's full G–2 entitlement at the I–2 rates." The Commission also found that (47 FPC at 1498): "The Commission cannot find it desirable or necessary in the public interest to require Panhandle to serve MoEd with only I–2 gas for resale to Hercules * * *." The Commission will therefore order the billing of all gas sold to Missouri Edison on Days of curtailment at the G–2 rates up to Missouri Edison's daily contract demand, and volumes over that level at the I–2 rate, even though, pursuant to this order, Missouri Edison is not permitted to use any of its available "valley gas" under the G–2 contract demand entitlement to offset I–2 rate schedule curtailment on Hercules' use of gas. Under this provision of the Commission's order, the operation of Panhandle's rate schedules will remain nonpreferential and non-discriminatory. Moreover, as previously found, the responsibility for compliance with the special condition attached to the approval of this order and Panhandle's other tariff provisions remains with the management of Missouri Edison.

The Commission finds.

(1) Panhandle Eastern Pipeline Company, a Delaware Corporation having its principal place of business in Kansas City, Missouri, is a "natural-gas company", within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of September 23, 1942, in Docket Nos. G–200 and G–207 (3 FPC 273).

(2) Missouri Edison Company, a customer of Panhandle Eastern Pipeline Company, is a person in the State of Missouri authorized to engage in the local distribution in natural gas to the public.

(3) Hercules Inc.'s existing manufacturing plant located in Louisiana, Missouri has natural gas requirements in excess of the ability of Missouri Edison to deliver from its present available gas supply.

(4) The sale and delivery of up to 15,000 Mcf per day of interruptible natural gas by Panhandle to Missouri Edison for resale to Hercules in accordance with the terms and conditions of this order are and will be necessary and desirable in the public interest.

(5) The ability of Panhandle to render service to its existing customers will not be impaired by sale and delivery by said company to Missouri Edison of up to 15,000 Mcf per day of natural gas on an interruptible basis in accordance with the terms and conditions of this order.

(6) The application in Docket No. CP 70–161 for an order of the Commission under section 7(a) of the Natural Gas Act should be granted.

The Commission orders.

(A) Panhandle Eastern Pipeline Company is hereby directed to extend its transportation facilities to establish and maintain a physical connection of its transportation facilities with the distribution system of Missouri Edison Company in or near Louisiana, Missouri, and to deliver and sell to Missouri Edison up to 15,000 Mcf per day for resale to Hercules, Inc., subject to the hereinafter enumerated conditions.

(B) Panhandle shall have constructed and placed in operation the facilities referred to in paragraph (A) above at such time as Missouri Edison gives written notice that it is prepared to receive delivery of said gas for resale to Hercules. Panhandle shall report to the Commission in writing the date of commencement of interruptible service to Missouri Edison.

(C) The application by Missouri Edison which is granted by paragraph (A) above is subject to the following conditions:

(1) The allocation of 15,000 Mcf per day shall go into effect upon completion by Missouri Edison of such facilities as are necessary for the receipt of gas from Panhandle for the purpose of initiating its resale to Hercules.

(2) The allocation of gas granted herein is limited to its use in the existing plant, and such equipment replacement as is necessary, in gas burning and consuming facilities of Hercules' plant in Louisiana, Missouri.

(3) Missouri Edison Company may not permit Hercules to convert any existing fuel burning facilities to natural gas use or to install new natural gas burning facilities without first obtaining the approval of the Federal Power Commission through modification of this order.

(4) During periods of gas shortage on the system of Panhandle, the daily allocation of natural gas for ultimate use by Hercules shall be the identical daily allocation as if Hercules were a direct sale customer of Panhandle.

(5) During periods of curtailment and interruption by Panhandle of its direct industrial, export and I Rate Schedule customers, Missouri Edison is to be billed for its total purchases from Panhandle under the effective G–2 rate schedule up to Missouri Edison's maximum daily contract demand; all volumes in excess thereof are to be billed under the effective I–2 rate schedule.

(6) During periods of curtailment and interruption by Panhandle of its direct industrial, export and I Rate schedule customers, Missouri Edison may not use its "valley gas" entitlement under its G–2 contract demand for offsetting reduction in deliveries for use by Hercules. (Valley gas is defined as the difference between Missouri Edison's daily maximum contract demand in its G–2 service agreement and the requirements of its customers, except Hercules, and company use volumes.)

(7) Missouri Edison through a responsible official submits to the Commission within 15 days of this order its acceptance, properly verified, of the terms and conditions attached to this grant of its application.

(D) The Secretary is directed to have this order published in the Federal Register and to serve a copy thereof on the Presiding Administrative Law Judge and all parties to the proceeding in Panhandle Eastern Pipeline Company, Docket No. RP71–119.

(E) All of the other provisions of Panhandle's tariff remain fully effective.

(F) Issuance of the order herein is without prejudice to any order the Commission may hereinafter issue in this or any related proceeding pursuant to the provisions of the Natural Gas Act and the rules and regulations thereunder.

By the Commission.

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

[FR Doc.73-22031 Filed 10-15-73;8:45 am]

[Docket No. RP72-132]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Unit Adjustment

OCTOBER 5, 1973.

Take notice that Natural Gas Pipeline Company of America (Natural) on September 14, 1973, tendered for filing Fifth Substitute Ninth Revised Sheet No. 5, Third Revised Volume No. 1.

According to Natural the unit adjustment, effective November 1, 1973, reflects the cost of service effect of Advance Payments for Gas made by September 14, 1973, all as computed in accordance with

the provisions of Articles V, VII, and IX of Docket No. RP72-132 settlement agreement approved by Federal Power Commission order issued July 18, 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 Sections 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 18, 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 desiring 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.73-22010 Filed 10-15-73;8:45 am]

[Docket No. RP72-132]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Substitute Tariff Sheets

OCTOBER 5, 1973.

Take notice that Natural Gas Pipeline Company of America (Natural) on September 21, 1973, tendered for filing Fourth Substitute Ninth Revised Sheet No. 5 in substitution for Fourth Substitute Ninth Revised Sheet No. 5. According to Natural, the former was issued on September 20, 1973, and the latter, August 23, 1973.

Natural states that the purpose of the requested substitution is to reduce the level of Natural's PGA unit adjustment filed to track the rate increases effective October 1, 1973, of Colorado Interstate Gas Company (Colorado), a pipeline supplier to Natural. Natural further states that the PGA unit adjustment has been recomputed to reflect the effect of the rate levels filed by Colorado Interstate under its motion of September 14, 1973, at Docket Nos. RP73-93 and RP72-122.

Natural requests that Fifth Substitute Ninth Revised Sheet No. 5, issued on September 20, 1973, according to Natural, be substituted for the corresponding tariff sheet issued on September 14, 1973. Natural states that this substitution is required in order to record the PGA unit adjustment on Natural's tariff sheet filed on September 14, 1963, to be effective November 1, 1973, to track advance payments for gas under the provision of the RP72-132 rate settlement.

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., in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before October 18, 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22014 Filed 10-15-73;8:45 am]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Notice of Proposed PGA Rate Adjustment

OCTOBER 4, 1973.

Take notice that North Penn Gas Company (North Penn) on September 17, 1973, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. North Penn states that the filing contains a surcharge of 0.119¢ to reflect the effect of amounts accumulated in the unrecovered purchased gas account for the period March 1, 1973, through August 31, 1973. North Penn further states that the surcharge is proposed to be in effect for a six-month period, December 1, 1973, through May 31, 1973, and will increase North Penn's revenues for that period by approximately $12,000. North Penn states that a copy of the filing was mailed to each of its jurisdictional customers and to interested state commissions.

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, Washington, D.C. 20426, in accordance with Sections 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 17, 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.73-22017 Filed 10-15-73;8:45 am]

[Docket No. CP74-74]

NORTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 4, 1973.

Take notice that on September 20, 1973, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-74, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with and the sale of natural gas to Kansas-Nebraska Gas Company, Inc. (Kansas-Nebraska), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states it has contracted to purchase approximately 5,000 mcf per day of natural gas from Hoover & Bracken at the wellhead of the Bradstreet No. 1 well which is situated 10.5 miles from Applicant's existing Hemphill County, Texas, gathering system. Applicant proposes under the terms of a June 4, 1973, agreement with Kansas-Nebraska to deliver said gas to Kansas-Nebraska's Buffalo Wallow System which is located near the Bradstreet No. 1 well. The application further states that 75 percent of such gas will be redelivered to Applicant in Seward County, Kansas, and the remaining 25 percent will be purchased by Kansas-Nebraska. Applicant is to pay Kansas-Nebraska approximately 7.5 cents per mcf for all gas treated, transported and redelivered to Applicant and Kansas-Nebraska is to pay for each mcf of "sale gas" the same price Applicant pays Hoover & Bracken plus the cost of dehydration.

Applicant states that no new facilities are required and that the proposed arrangement will allow Applicant to avoid the expenditure associated with the installation of 10.5 miles of pipeline.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 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 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.73-22027 Filed 10-15-73;8:45 am]

[Project No. 2067 California]

OAKDALE IRRIGATION DISTRICT AND SOUTH SAN JOAQUIN IRRIGATION DISTRICT

Notice of Application for Change in Land Rights

OCTOBER 5, 1973.

Public notice is hereby given that application was filed June 8, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the Oakdale Irrigation District and the South San Joaquin Irrigation District (Correspondence to: Mr. Keith F. Chrisman, Executive Secretary, P.O. Box 188, Oakdale, California 95361) for change in land rights for Project No. 2067, known as the Tulloch Project, located on the Stanislaus River in Calaveras and Tuolumne Counties near Sonora, Angels Camp, and Columbia, California.

The Applicant proposes to sell approximately 14 acres of project land on the shoreline of Lake Tulloch to the Lake Tulloch Corporation for the purpose of developing a private lake front community. Homes built on the shoreline lots would be permitted to extend over the water between the 480 and 515 foot contour lines. Licensee proposes to convert the land presently held in fee to a perpetual flooding easement so that the sale of the land would not interfere or impair the operation of the project.

Any person desiring to be heard or to make protest with reference to said application should on or before November 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-22021 Filed 10-15-73;8:45 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO. AND MICHIGAN SEAMLESS TUBE CO.

Order Fixing Date for Hearing, Establishing Procedures and Granting Interventions

OCTOBER 4, 1973.

On August 24, 1973, Michigan Seamless Tube Company (Michigan Seamless) filed a Petition for Extraordinary Relief and an opportunity to be heard pursuant to § 1.7(b) of the Commission's rules of practice and procedure in connection with deliveries of natural gas provided to it by its supplier Panhandle Eastern Pipe Line Company (Panhandle).

In its petition, Michigan Seamless alleges that it is a corporation engaged in the manufacture and sale of cold drawn seamless steel tubing and that approximately twelve percent of its production is used by the energy industry. Its principal place of business is in the community of South Lyon, Michigan, where it employs approximately 560 persons.

Michigan Seamless entered into a 3-year contract with Panhandle for the direct purchase of natural gas from that pipeline on an interruptible basis. It uses this natural gas in virtually all of its operations, including manufacturing process, plant protection, and heat requirements. Michigan Seamless has historically required 2600 Mcf of natural gas per day to meet all of these needs.

Michigan Seamless further contends that while it has limited alternate fuel capability for some operations, which it intends to substantially increase over the course of the next year, the complete interruption of natural gas for any appreciable period during the 1973 through 1974 heating season will necessitate a drastic curtailment of plant operations with consequent loss of employment and other irreparable damages.

It alleges that any drastic curtailment would require it to shut down its entire South Lyon's operation and points to the fact that it has undertaken an extensive program aimed at maximizing its alternate fuel capability in view of the current shortage of natural gas. This program will enable it to convert approximately 50 percent of its facilities to fuel oil by October 1, 1973, and approximately 84 percent of its facilities to fuel oil by August 1, 1974. However, Michigan Seamless contends that 16 percent of its facilities must continue to utilize natural gas, because of the nature of certain of its operations.

Hence, it alleges that it will require a minimum of 1,355 Mcf per day for its operations from October 1, 1973, to August 1, 1974, and that, thereafter, it will require only 425 Mcf of gas per day, because of its current program aimed at providing its facility at South Lyon with alternate fuel capability.

Michigan Seamless argues that the Commission's Policy Statement issued on January 8, 1973, as amended on March 2, 1973, in Order No. 467–B, Docket No. R–469 have grave potential implications as far as it is concerned, and that under the recommended curtailment priorities set forth in that order, it will be subject to 100 percent natural gas curtailment on or about October 31, 1973. It contends that such a curtailment will result in irreparable damage to both it and its employees. It urges that the priority guidelines set forth in Order No. 467–B, though they may establish basic policy, may not be totally inflexible. It, therefore, requests that it be granted a hearing on this matter by the Commission pursuant to § 1.7(b) of its rules of practice and procedure in order to purchase a minimum volume of 1,355 Mcf of natural gas per day from Panhandle for the period from October 1, 1973, to August 1, 1974, and 425 Mcf per day, thereafter.

The following petitioners have filed petitions to intervene specifically in connection with Michigan Seamless' Petition for Extraordinary Relief filed in this proceeding:

Petitioners	*Date*
Caterpillar Tractor Company	September 21, 1973
Columbia Gas Transmission Corporation	September 21, 1973
Michigan Gas Storage Company	September 24, 1973

The following persons filed answers or responses in opposition to Michigan Seamless' Petition for Extraordinary Relief: City of Indianapolis d/b/a Citizens Gas & Coke Utility, General Motors Corp., General Service Customer Group (composed of 14 distributors), Michigan Consolidated Gas Co., Michigan Gas Storage Co., and Ohio Valley Gas Corp.

The Commission in its Notice issued on September 12, 1973, in connection with Michigan Seamless' Petition for Extraordinary Relief did not specifically require that those parties previously granted intervention herein to resubmit petitions to intervene in connection with the request made by Michigan Seamless for extraodinary relief. The Commission will, therefore, permit the aforementioned petitioners, in addition to all other parties who have been previously permitted to intervene in this proceeding, to fully participate in the hearing to be scheduled in connection with Michigan Seamless' petition. The Commission will, therefore, order that a hearing be held in connection with the issues presented by the filing made by Michigan Seamless for extraordinary relief.

The Commission finds.

(1) The public convenience and necessity requires that the issues raised by Michigan Seamless' Petition for Extraordinary Relief in the proceeding entitled Panhandle Eastern Pipe Line Company in Docket No. RP71–119 be set for formal hearing.

(2) It may be in the public interest to permit the petitioners specifically noted above and all other parties previously permitted to intervene in this proceeding to participate in the hearing to be held with respect to Michigan Seamless' Petition for Extraordinary Relief.

The Commission orders.

(A) A hearing will be convened on October 31, 1973, in the proceeding entitled Panhandle Eastern Pipe Line Company in Docket No. RP71–119, with respect to matters noted in this Order, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, at 10:00 a.m., e.s.t. The Chief Administrative Law Judge will designate an appropriate Administrative Law Judge of the Commission to preside at this hearing pursuant to the Commission's Rules of Practice and Procedure.

(B) Michigan Seamless Tube Company, and any party supporting its Petition for Extraordinary Relief, will serve

their direct case on all parties to the proceeding including the Commission Staff on or before October 15, 1973.

(C) The above-named petitioners seeking permission to intervene in the proceeding entitled Panhandle Eastern Pipe Line Company in Docket No. RP71–119, insofar as it relates to the Petition for Extraordinary Relief filed by Michigan Seamless Tube Company, and all other parties previously granted intervention therein are hereby permitted to intervene and participate in the hearing in this proceeding relating to the aforementioned Petition for Extraordinary Relief filed by Michigan Seamless Tube Company, as indicated above, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters effecting rights and interest specifically set forth in their petitions to intervene: *And provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that such interveners might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

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

[FR Doc.73–22030 Filed 10–15–73;8:45 am]

[Docket No. RP71–119]

PANHANDLE EASTERN PIPE LINE CO. AND PIONEER—HI-BRED CORN CO. OF ILLINOIS

Notice of Petitions for Extraordinary Relief

OCTOBER 9, 1973.

On September 27, 1973, Pioneer—Hi-Bred Corn Company of Illinois (Pioneer) filed two petitions with the Commission for extraordinary relief pursuant to § 1.7 of the Commission's rules of practice and procedure requesting that its Champaign, Illinois seed drying plant and its Morton-Illinois seed drying plant be exempted from Panhandle Eastern Pipeline Company's (Panhandle) currently effective interim curtailment plan and other curtailment plans that may subsequently be approved by the Commission for that company.

Pioneer purchases natural gas under a seasonal contract from Illinois Power Company (Illinois Power) and from the City of Morton (Morton). The latter two distributors are in turn, supplied by Panhandle. Natural gas is used by Pioneer at these plants for seed corn drying. Pioneer's Champaign plant consumes approximately 16,000 Mcf of natural gas and its Morton plant consumes approximately 25,000 Mcf of natural gas during the critical 60-day period prior to November 15th of each year when seed corn must be dried.

Pioneer requests that Panhandle's curtailment plan be waived and modified to the extent necessary to permit that pipeline company to make additional deliveries to the City of Morton and to Illinois Power for its use on whatever days are necessary in order to enable it to complete its harvest. It will require 1,000 Mcf/d of natural gas to operate its Morton Plant.

It appears reasonable and consistent with the public interest in this proceeding 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 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) on or before October 18, 1973. The notices and petitions for intervention previously filed in this proceeding will not operate to make those parties interveners or protestants with respect to the instant filing. 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 in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73–22019 Filed 10–15–73;8:45 am]

[Docket No. E–8176]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Cancellation of Rate Schedule

OCTOBER 9, 1973.

Take notice that Southern California Edison Company (SCE) on September 10, 1973, tendered for filing a notice of cancellation of its FPC Rate Schedule No. 19, which attaches a copy of its letter dated September 7, 1973, giving notice to Anza Electric Cooperative, Inc. of termination of its Contract for Electric Power Service dated December 11, 1952. SCE states that while the contract will be terminated as of December 7, 1973, the Company will continue to provide service to Anza after that date under rate schedules then, and from time to time, on file with the Commission.

SCE states that the reason for termination of the contract is the Company's need to substantially increase rates to cover substantial increases in its cost of service and the Commission's determination in order issued August 29, 1973, that the Company, under terms of said contract, may make increased rates effective as to Anza only after a Commission order approving a rate increase unless notice of termination has been given by the Company pursuant to the contract provisions.

A copy of the notice has been served on Anza.

Any person desiring to be heard or to protest said filing should file a petition to intervene unless such petition has been filed or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions should be filed on or before October 19, 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 available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73–22043 Filed 10–15–73;8:45 am]

[Docket No. CP74–72]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

OCTOBER 4, 1973.

Take notice that on September 17, 1973, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP74–72 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of up to 25,000 mcf per day of natural gas for Natural Gas Pipeline Company of America pursuant to an agreement dated June 15, 1973, all as more fully set forth in the application which is on file and open to public inspection.

Applicant states that pursuant to the agreement dated June 15, 1973, Applicant proposes to receive deliveries of up to 25,000 mcf per day of natural gas from reserves committed to Natural from Blocks 257 and 286, East Cameron Area, Offshore Louisiana, subject to Applicant's ability to transport said gas for Natural's account by means of Applicant's Cameron Offshore pipeline. Applicant further states that it will deliver equivalent volumes of gas to Natural at the existing point of interconnection of their respective pipeline systems in Brazoria County, Texas, or at such points, including delivery points with others, as may be mutually agreed to. The application states that receipts and deliveries of gas are to be in substantially equal daily quantities which are to be balanced at the end of each thirty-day period.

Applicant states that no additional facilities are required on its Cameron Offshore pipeline and estimates the cost of construction of the tap at the Brazoria County delivery point as $15,000, which will be reimbursed by Natural. Applicant proposes to charge Natural a rate of 10.7 cents per mcf for the transportation service, which rate, Applicant states, is in conformity with a like cost of service rate proposed for a transportation service for Mobile Oil Corporation under Applicant's proposed Rate Schedule X–61. Applicant further states that it will recompute the payments to conform with the applicable rate finally approved by

the Commission for Applicant's Rate Schedule X-61.

Applicant states he requested authorization is necessary as Natural is presently curtailing sales to its customers and the instant proposal will enable Natural to make gas available to its customers without waiting for the construction of additional pipeline facilities proposed by Stingray Pipeline Company in Docket No. CP73-27.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 29, 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 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.73-22029 Filed 10-15-73;8:45 am]

[Docket No. RP74-25]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Changes In FPC Gas Tariff

OCTOBER 9, 1973.

Take notice that Texas Gas Transmission Corporation (Texas Gas) on October 1, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2. According to Texas Gas, the proposed changes would increase revenues from jurisdictional sales and service by approximately $31,000,000 based on the 12 month period ending June 30, 1973, as adjusted.

Texas Gas states that the principal reasons for the proposed rate increase are: (1) The need for an increase in the composite rate of depreciation to 5.25 percent, excluding general plant; (2) increased costs associated with a proposed plan for husbanding gas; (3) the need for an increase in rate of return to 9.35 percent; (4) acquisition of coal properties related to future gas supplies; and (5) increases in operating expenses.

Texas Gas proposes as to the husbanding of gas, in accordance with § 10.2 of its FPC Gas Tariff, Third Revised Volume No. 1, to curtail deliveries in graduated stages over the next three years in order to augment its ability to continue deliveries of gas for high priority uses which otherwise would be sold to customers for lower priority uses. Texas Gas further proposes, under the curtailment and husbanding plan, that curtailment be invoked which would reduce the deliveries below the presently effective Quantity Entitlements as follows:

(1) Beginning April 1, 1974, Quantity Entitlements would be reduced by an average of 100 million cubic feet per day. Texas Gas anticipates that this stage of curtailment would affect deliveries under Priorities, 9, 8 and 7.[1]

(2) Beginning April 1, 1975, Quantity Entitlements would be reduced by an average of 200 million cubic feet per day. Texas Gas anticipates that this stage of curtailment would affect deliveries under Priorities 9, 8, 7 and 6.

(3) Beginning April 1, 1976, Quantity Entitlements would be reduced by an average of 300 million cubic feet per day. Texas Gas anticipates that this stage of curtailment will affect deliveries under Priorities 9, 8, 7, 6, 5 and 4.

Texas Gas states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions, and requests an effective date of November 1, 1973.

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 1.8, 1.10). All such petitions or protests should be filed on or before October 19, 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.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-22044 Filed 10-15-73;8:45 am]

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[1] Texas Gas states that the priorities are set forth on First Revised Sheet No. 91; Third Revised Sheet No. 92 and First Revised Sheet No. 92-A of Texas Gas' FPC Gas Tariff, Third revised Volume No. 1, which became effective on June 18, 1973, per Commission order issued on June 15, 1973, in Docket No. RP72-64.

[Docket No. R-430]

UNIFORM SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES, LICENSEES AND NATURAL GAS COMPANIES AND REPORT FORMS

Order Denying Reconsideration

OCTOBER 9, 1973.

By Order No. 490, issued in this docket on August 22, 1973, the Commission eliminated Account No. 271, Contributions in Aid of Construction, from the uniform systems of accounts, prescribed disposition of the remaining balances, and prescribed accounting treatment for amounts of contributions in aid of construction (CIAC) in the future.

On September 5, 1973, a Petition for Reconsideration was filed by Robert E. Stromberg (Petitioner) wherein the Petitioner states that * * * "(t)he problem your petitioner has with FPC Order No. 490 is its complete failure, with respect to Public Utilities and Licensees in particular, where the major share of ratemaking jurisdiction frequently rests in State regulatory bodies rather than in FPC, to recognize that some State regulatory bodies do not follow the same practices with respect to ratemaking treatment of contributions in aid of construction that FPC intends itself to follow in the future. Indeed, some State regulatory bodies may agree fully with FPC as to the best treatment in this regard but still not be able to follow the ideas of FPC because they must follow binding court decisions on the subject in their states."

The Petitioner states that the Commission has, in its own accounting regulations, precedents for making such regulations flexible enough to accommodate more than a single ratemaking treatment of an item. As an example, the Petitioner points out that * * * "in its Order No. 454 issued July 6, 1972, in its Docket No. R-427 (37 FR 14225, July 18, 1972), FPC amended its account 411.3, Investment Tax Credit Adjustments, to include language which in pertinent part states . . ., 'except to the extent that all or part of such (investment) credits are to be passed on to customers currently, either as a result of the election of the company, or a *directive of a state regulatory Commission* * * * (emphasis supplied)'." The Petitioner states that he does not believe companies should be given a right of election but that ratemaking decisions of a state regulatory commission should be the only occasion for deviation from an FPC accounting rule.

While it may be true that some state regulatory bodies do not follow the same practices as this Commission with respect to ratemaking treatment of CIAC, we do not believe that this fact is alone sufficient to justify permitting entirely different ratemaking treatment of CIAC for certain utilities. The August 22 order clearly sets forth the Commission's ratemaking treatment of CIAC:

"Since the CIAC represents construction and property acquisition at no cost to the company it does not seem equitable that

customers should pay, as now allowed through depreciation, a recovery of investment not belonging to stockholders. This elimination does nothing to prevent such stockholders from earning upon the actual dollars that they invested." [1]

It is the Commission's intention that this ratemaking treatment apply equally to all public utilities, licensees, and natural gas companies under its jurisdiction. We shall, therefore, deny this Petition for Reconsideration.

The Commission finds

The Petition for Reconsideration filed by Robert E. Stromberg presents no new facts or points of law which were not considered by the Commission in the formulation of its Order issued August 22, 1973, or which warrants modification of that order, and the Petition should therefore be denied.

The Commission orders

The Petition for Reconsideration is denied.

By the Commission.

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

[FR Doc.73-22020 Filed 10-15-73;8:45 am]

[Docket No. RP73-94]

VALLEY GAS TRANSMISSION, INC.

Order Accepting Settlement Agreement

OCTOBER 5, 1973.

On March 30, 1973, Valley Gas Transmission, Inc. (Valley Gas) tendered for filing a proposed increase in its currently effective rates to 21.32 cents per Mcf, which the Company states will affect its jurisdictional sales under its FPC Gas Tariff, Original Volume No. 1. According to the Company, the proposed increase will recover approximately $400,000 annually. Also tendered for filing by Valley Gas were amendments to Gas Purchase Contracts between Valley Gas, as seller, and Iroquois Gas Corporation (Iroquois), Tennessee Gas Pipeline Company (Tennessee) and United Gas Pipeline Company (United), as buyers, as supplements to said rate schedules. In addition, Valley Gas filed a proposed purchased gas cost adjustment provision to be incorporated in its tariff. The proposed effective date for the change in rate was May 14, 1973.

By order of May 14, 1973, the Commission suspended the proposed increases for one day or until May 15, 1973, permitted petitioners to intervene in the proceeding,[1] and rejected Valley Gas' proposed PGA provisions without prejudice to the Company refining sheets which conform to Commission Order Nos. 452, 452A and 452B.

On May 23, 1973, Valley Gas filed a proposed purchased gas adjustment provision to be added to its tariff in substitution for the originally filed clause. This filing was noticed on May 29, 1973, and by order of June 22, 1973, the Commission accepted the revised PGA clause to become effective May 16, 1973, with the base tariff rates subject to final determination in the proceeding in this docket.

On July 9, 1973, the procedural dates set forth in the Commission's May 14 order were extended upon motion of Staff. On August 13, 1973, a conference was held, after notification to all parties. As a result of this conference, an agreement was reached which purportedly resolves all outstanding issues in the proceeding. Following a motion filed by Valley Gas, an advancement of the date of the pre-hearing conference was granted, and at this conference on September 10, 1973, Valley Gas offered for transcription in the record a "Motion to Terminate Proceeding" and a "Stipulation and Agreement" and moved that the record be certified to the Commission. On September 11, 1973, such certification was effected, and notice of certification was issued September 19, 1973, with comments due on or before September 28, 1973. Staff comments urging Commission approval of the Stipulation and Agreement were filed on September 24, 1973.

The Stipulation and Agreement states that although Valley Gas and the Commission Staff disagree as to the proper rate of return and capitalization for the Company, the parties nevertheless recognize that Valley Gas' rates as filed have been adequately supported by a summary cost of service.[2] A further point in the Agreement is that the Company shall file, within two years from the date the Stipulation and Agreement is approved by the Commission, a Company-wide gas reserve determination study similar to the studies furnished by Valley to the Staff in this proceeding.

Our review of the Stipulation and Agreement and the record certified to the Commission indicates that the Agreement would resolve all outstanding issues in this proceeding and would be in the public interest. We shall, therefore, grant Valley Gas' motion, approve the proffered Stipulation and Agreement, and accept Valley Gas' rates as filed to be effective without being further subject to refund, and upon compliance with this order, terminate this proceeding.

The Commission finds

Approval, as hereafter ordered, of the settlement in these proceedings on the basis of the Stipulation and Agreement certified on September 11, 1973, is just and reasonable and in the public interest in carrying out the provisions of the Natural Gas Act and should be made effective.

The Commission orders

(A) Valley Gas' motion to approve the proposed Stipulation and Agreement is accepted and the proceeding is terminated, except as provided below.

(B) Pursuant to the terms of the Stipulation and Agreement, Valley Gas shall file, within two years from the date of the issuance of this order, a Company-wide gas reserve determination study.

(C) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

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[1] See Commission Order No. 490 issued August 22, 1973, at page 3.

[1] Iroquois, Tennesse, United, and the Public Service Commission for the State of New York.

[2] See Appendix A for a summary cost of service and Appendix B for Staff's view of the Company's capitalization.

APPENDIX A

VALLEY GAS TRANSMISSION, INC. COST OF SERVICE 12 MONTHS ENDED DECEMBER 31, 1972, ADJUSTED

Line No.	Description	Company total as adjusted	Staff adjustments	Staff total as adjusted
	(a)	(b)	(c)	(d)
1	Cost of gas purchased—annualized	$2,712,632		$2,712,632
2	Other operating expenses	300,169		300,169
3	Depreciation and amortization expenses—annualized	336,018		336,018
4	Taxes other than income	31,569		31,569
5	Federal income taxes	130,854	($9,372)	121,482
6	Return @ (Company—9.3 percent. Staff—8.38 percent)	146,588	(14,982)	131,606
7	Subtotal	3,657,830	(24,354)	3,633,476
8	*Revenues deducted from cost of service*			
9	Operating revenues	46,246		46,246
10	Sales credited	42,418	(29,573)	[1] 12,845
11	Total cost of service	3,569,166	5,219	3,574,385
12	Gathering cost based on 16,604,317 Mcf sales cents per Mcf	5.13		5.16

[1] Correction to schedule N-10A by company letter dated June 25, 1973.

APPENDIX B

RATE OF RETURN RECOMMENDATION FOR VALLEY GAS TRANSMISSION, INC., DOCKET NO. RP73-94

Capital Structure (June 30, 1973)[1] Valley Gas Transmission (Houston Natural Gas Corporation)

Class of capital	Amount	Percent	Cost or allowance (percent)	Weighted component (percent)
Debt	$218,061,000	53.98	7.158	3.86
Preferred stock	14,047,000	3.48	4.65	.16
Common equity	171,841,000	42.54	10.25	4.36
	$403,949,000	100.00		
Recommended overall return				8.38

[1] Computations are based on the capital structure of the parent company (Houston Natural Gas Corporation) as the applicant (Valley Gas Transmission, Inc.) is a wholly owned subsidiary with no public debt outstanding. Statement O, page 2 of 2.

[FR Doc.73-21877 Filed 10-15-73;8:45 am]

[Rate Schedule Nos. 261 et al.]

SUN OIL CO. ET AL.

Rate Change Filings

Correction

In FR Doc. 73-21866 appearing on page 28593 of the issue for Monday, October 15, 1973, the appendix to the document was inadvertently omitted. The appendix should read as follows:

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Sept. 20, 1973	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	261	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Sept. 21, 1973	do	33	do	Do.
Do	Texaco Inc., P.O. Box 52332, Houston, Tex. 77052	91	Natural Gas Pipeline Co. of America.	Do.
Sept. 24, 1973	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.	1	Texas Eastern Transmission Corp.	Other southwest area.
Do	do	2	do	Do.
Do	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	74	United Gas Pipe Line Co.	Do.
Do	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	54	Arkansas Louisiana Gas Co.	Do.
Sept. 26, 1973	Murphy Oil Corp., 200 Jefferson Ave., El Dorado, Ark. 71730.	5 5	Mississippi River Transmission Corp.	Do.

FEDERAL RESERVE SYSTEM

BANCOHIO CORP., COLUMBUS, OHIO

Order Approving Acquisition of Citizens National Bank of Ironton, Ironton, Ohio

BancOhio Corporation, Columbus, Ohio (Applicant), a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval of the Board of Governors of the Federal Reserve System under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire up to 100 percent, less directors' qualifying shares, of the voting shares of the Citizens National Bank of Ironton, Ironton, Ohio (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been received.

Applicant is the second largest banking organization and the largest bank holding company in Ohio.[1] It controls 38 banks with total deposits of $2.4 billion as of December 31, 1972, representing 9.03 percent of the commercial banking deposits in the State. Applicant's acquisition of Bank, with year-end 1972 deposits of $20 million, would increase its share of State-wide deposits by only .83 percent, and would not affect its ranking among banking organizations. Bank ranks eleventh of the eighteen banking organizations headquartered in the Huntington, West Virginia-Ashland, Kentucky-Ironton, Ohio banking markets, and held 3.5 percent of the total deposits in this market as of December 31, 1972.

The nearest office of any subsidiary bank of Applicant is located 20 miles to the northwest of Bank in an adjacent county. Neither the subsidiary bank nor Bank derives a significant amount of business from the market served by the other. The subsidiary bank is prevented from branching into Ironton (Lawrence County) by Ohio law. In view of this and the lack of economic growth and sparse population in the intervening area, the likelihood of increased competition developing between the banks is slight. The remaining subsidiary banks of Applicant are all at least 40 miles from the closest office of Bank and none compete in the relevant banking market. De novo entry into the market by Applicant is not considered to be feasible in view of the sparsely populated nature and relatively poor economic prospects of Lawrence County. Accordingly, there would be no adverse effect upon competition.

Acquisition of Bank by Applicant would enable Bank to make larger loans to local area businesses through loan participation arrangements with other subsidiaries of Applicant. In addition, trust services and equipment leasing would be added to the present range of services currently being offered by Bank. Accordingly, the convenience and needs factors are consistent with approval of the proposed transaction.

The financial and managerial factors, as they pertain to Applicant and its present subsidiaries, are considered satisfactory and consistent with approval of the application and, as they pertain to Bank, lend weight toward approval. It is expected both the asset condition and managerial resources of Bank would be strengthened under the leadership of Applicant.

On the basis of the record, as summarized above, the Federal Reserve Bank of Cleveland approves the application. 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 or by this bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Cleveland, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective October 2, 1973.

[SEAL] WILLIS J. WINN, *President.*

[FR Doc.73-21940 Filed 10-15-73;8:45 am]

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Barnett Bank of North Pensacola, Pensacola, Florida ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Florida and the second largest in the Pensacola Banking Market (approximated by Escambia and Santa Rosa Counties), controls 45 banks with aggregate deposits of $1.4 billion which represents approximately 7 percent of the total deposits of commercial banks in the State.[1] Since Bank is a proposed new bank, consummation of the proposed acquisition would neither eliminate existing competition nor increase immediately Applicant's share of com-

[1] Includes acquisitions approved as of August 31, 1973, but excludes approved formations of two bank holding companies with aggregate deposits of $2.6 billion.

[1] All banking data are as of December 31, 1972 and reflect holding company acquisitions approved through August 27, 1973.

merical bank deposits either in Florida or in the Pensacola market.

Bank would become the seventeenth bank serving the Pensacola market. While the Pensacola market's growth between 1960 and 1970 (19.5 percent) was exceeded by Florida's overall growth (37.1 percent), it compared favorably with the growth rate of the U.S. (13.3 percent). North Pensacola, the area in which Pensacola Bank is to be located, is experiencing strong economic growth. However, Bank can be expected to encounter strong competition from existing banks and from other de novo banks, should applications by other banking organizations in Bank's projected service area be approved. Accordingly, the Board concludes that consummation of the proposed transaction will not adversely affect competition in the relevant market nor have any adverse effects on competing banks therein.

Recently, Applicant completed a public stock offering and injected capital into several of its subsidiary banks. In view of these actions, the Board believes that the financial condition and managerial resources of the Applicant and its subsidiaries are satisfactory and prospects for the proposed Bank are favorable.

There is no evidence that the banking needs of the community are not being served; however, the addition of another bank will improve the market's ratio of people per banking office which is now considerably higher than the average ratio for the State. Therefore, considerations relating to convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Barnett Bank of North Pensacola, Pensacola, Florida, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective October 4, 1973.

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

[FR Doc.73-21942 Filed 10-15-73;8:45 am]

CITIZENS COMMERCIAL CORPORATION

Order Approving Formation of Bank Holding Company

Citizens Commercial Corporation, Flint, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of the successor by merger to Citizens Commercial & Savings Bank, Flint, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized by officials of Bank for the sole purpose of acquiring Bank, which has aggregate deposits of approximately $557 million.[1] Applicant has no present operations or subsidiaries and consummation of the proposal would not adversely affect existing or potential competition.

Since Applicant is a newly formed corporation, its more immediate prospects depend upon those of Bank. The financial condition, managerial resources, and prospects of Bank appear generally satisfactory and, therefore, Applicant's prospects also appear favorable. These considerations are consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also consistent with approval of the application.

The Board has noted that Bank presently owns shares of Georgia Land Development, Inc. ("Georgia") which operates a small hotel and apartment complex near downtown Flint. These shares were acquired in satisfaction of a debt previously contracted, and Bank has been unable thus far to dispose of these shares. Applicant has agreed that within a period of two years from Applicant's acquisition of the shares of Bank, Applicant will dispose of the shares of Georgia or sell off its assets.

It is the Board's judgment that the proposed transaction would be in the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. 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 or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective October 4, 1973.

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

[FR Doc.73-21944 Filed 10-15-73;8:45 am]

FIDELITY AMERICAN BANKSHARES, INC.

Acquisition of Bank

Fidelity American Bankshares, Inc., Lynchburg, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The Peoples Bank of Buena Vista, Virginia, Inc., Buena Vista, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any 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 24, 1973.

Board of Governors of the Federal Reserve System, September 28, 1973.

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

[FR Doc.73-21936 Filed 10-15-73;8:45 am]

FIRST BANCSHARES OF FLORIDA, INC.

Order Approving Acquisition of Beacon Leasing Corporation

First Bancshares of Florida, Inc., Boca Raton, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to acquire 90 percent or more of the voting shares of Beacon Leasing Corporation, North Palm Beach, Florida ("Beacon Leasing"), a company that engages in the activity of leasing personal property and equipment whereby the lessor recovers its full acquisition cost during the initial term of the lease from (1) rentals, (2) estimated tax benefits, and (3) estimated salvage value. Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(6)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 21959). The time for filing comments and views has expired and none has been timely received.

Applicant is the 15th largest bank holding company in Florida and controls ten banking subsidiaries, concentrated in Palm Beach County, with aggregate deposits of $289 million, representing 1.5

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan and Holland. Absent and not voting: Chairman Burns and Governor Bucher.

[1] All banking data are as of December 31, 1972.

[2] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, and Holland. Absent and not voting: Chairman Burns and Governor Bucher.

percent of the total deposits in commercial banks in Florida.[1]

Beacon Leasing, organized in 1971, operates out of a single office located in North Palm Beach, Florida, and is presently engaged in leasing office furniture and equipment, apartment appliances, hospital and medical equipment, accounting machines, construction equipment, and automobiles and trucks. Such leases, with the exception of a few auto leases, are consistent with the requirements of a full payout lease, as Beacon Leasing recovers in full its acquisition cost of leased equipment through rentals alone during the initial term of the lease (12 CFR 225.4(a)(6)).[2] During calendar year 1972, Beacon Leasing originated lease receivables of $1.1 million. The major share of Beacon Leasing's activity is conducted in Palm Beach and Broward Counties. While Applicant's banking subsidiaries are concentrated in Palm Beach County, such subsidiaries are not engaged in any leasing activities. In its markets, Beacon Leasing competes with over 20 leasing companies. It appears that the overall market for leasing of personal property in Palm Beach County is highly competitive and acquisition of Beacon Leasing would not cause Applicant to acquire a dominant position in any market area. It is unlikely that the proposed acquisition would have any significant adverse effect on competition in the market.

It is anticipated that Applicant's acquisition of Beacon Leasing would benefit the public by providing access to Applicant's greater financial resources, thereby aiding Beacon Leasing's growth. At the same time, Applicant will enter the leasing area on a small scale without assuming the risks associated with de novo entry. There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved subject to Applicant's undertaking to dispose of its non full-payout automobile leases within 60 days from consummation of the acquisition. This determination is subject further to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be consummated not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta, pursuant to delegated authority granted herewith.

By order of the Board of Governors,[3] effective October 4, 1973.

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

[FR Doc. 73-21945 Filed 10-15-73;8:45 am]

[1] All banking data are as of December 31, 1972, and reflect bank holding company formations and acquisitions approved by the Board through August 31, 1973.

[2] These leases, therefore, are of a type different from those considered by the Board in the application of Centran Bancshares Corporation to acquire Peoples Investment Company (1973 Federal Reserve *Bulletin* 471-472).

FIRST BANCSHARES OF FLORIDA, INC.

Order Approving Acquisition of Banks

First Bancshares of Florida, Inc., Boca Raton, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of the following three banks: (1) American National Bank and Trust Company of Fort Lauderdale ("Fort Lauderdale Bank"); (2) Sunrise American National Bank of Fort Lauderdale ("Sunrise Bank"); and (3) Southport American National Bank of Fort Lauderdale ("Southport Bank").

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been received.

Although each of the applications has been separately considered, because of the facts and circumstances common to the three applications, this Order contains the findings and conclusions of the Federal Reserve Bank of Atlanta with respect to all three applications.

Applicant is the fifteenth largest bank holding company in the State and controls six banks with aggregate deposits of $224.7 million.[1] In addition, the Federal Reserve Bank of Atlanta, acting under delegated authority, has approved Applicant's acquisition of three proposed new banks and the acquisition of Fidelity National Bank, South Miami, Florida, an existing bank. The Board of Governors has also granted approval for the acquisition of First National Bank of Fort Pierce, Fort Pierce, Florida. Applicant's acquisition of Fort Lauderdale Bank (deposits of $102.3 million), Sunrise Bank (deposits of $27.6 million), and Southport Bank (deposits of $2.7 million)[2] would increase its share of Statewide deposits by slightly less than one percent and change its rank among bank holding companies in Florida to thirteenth. Approval of the proposed acquisitions would not result in any significant increase in the concentration of banking resources in Florida.

The three banks involved are located in Fort Lauderdale and serve the North Broward banking market, which consists of the area from Fort Lauderdale up to and including Deerfield Beach, Florida. Applicant has no subsidiaries in North Broward County, and its closest existing subsidiary bank is located in Boca Raton, approximately 17 miles from the market area involved. Due to the distance separating the institutions, the different markets they serve, and the number of banks in the intervening area, there is no present competition between Applicant's subsidiaries and the subject banks.

There is no present competition among the subject banks due to common share ownership, common management and interlocking director relationships among them.

Future competition between Applicant and subject banks would, however, be eliminated by the approval of these applications. This future competition could develop in any of the following ways: (1) The banks could retain their independent status; (2) the subject banks have the size and management capability to serve as the nucleus of a new holding company; or (3) the subject banks could be acquired by a regional holding company not represented in southeast Florida. However, there are other factors present which largely overcome the negative aspects just described. Approval would serve to strengthen Applicant's ability to compete and should serve to create a base from which Applicant could expand to other regions of Florida. In addition, it does not seem likely that competition in Florida banking markets, including the North Broward banking market, would be strongly increased by the creation of an additional holding company in Florida. Therefore, on balance, it is believed that the positive aspects of approval largely outweigh the negative aspects and that the loss of any future competition developing between Applicant and subject banks is only slightly adverse.

The financial and managerial resources of Applicant, its existing subsidiary banks, and subject banks are consistent with approval.

The present banking needs of the communities involved are being met by existing banks. However, affiliation with Applicant should enable the subject banks to compete for larger commercial and real estate loans and both Applicant's and subject banks' ability to compete should be strengthened by this affiliation. In addition, the Applicant should serve as an additional source of capital for subject banks at lower costs. Therefore, considerations relating to the convenience and needs of the community are consistent with and lend some weight toward approval of the applications.

In summary, it is this Federal Reserve Bank's judgment that the proposed

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, and Holland. Absent and not voting: Chairman Burns and Governor Bucher.

[1] As of December 31, 1972.

[2] As of March 28, 1973.

transactions are in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. However, the transactions shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than six months after the date of this Order, unless such period is extended for good cause by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective October 4, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.73-21939 Filed 10-15-73;8:45 am]

FIRST WAGONER CORP.

Formation of Bank Holding Company

First Wagoner Corporation, Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90.88 percent or more of the voting shares of First Wagoner Bank and Trust Company, Wagoner, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than October 30, 1973.

Board of Governors of the Federal Reserve System, October 4, 1973.

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

[FR Doc.73-21937 Filed 10-15-73;8:45 am]

FLORIDA BANCORP, INC.

Order Approving Acquisition of Bank

Florida Bancorp, Inc., Pompano Beach, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Lighthouse Point Bank, Lighthouse Point, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls three banks with aggregate deposits of $65.5 million, representing less than one percent of the total deposits in commercial banks in Florida, and is the twenty-sixth largest bank holding company in the State. (All banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved by the Board through March 28, 1973.) Acquisition of Bank ($17.8 million of deposits) would not result in a significant increase in the concentration of banking resources in Florida.

The Department of Justice filed comments with regard to the proposed acquisition of Bank concluding that Applicant's acquisition of Bank would have a significantly adverse effect on competition in the Greater Pompano Beach Area. The Department takes the position that the Greater Pompano Beach Area is concentrated (the four leading organizations control about 78 percent of the area's deposits) and that acquisition by Applicant (the second largest banking organization with 16.9 percent of area deposits) of Bank would further increase banking concentration (Applicant's share of area deposits would increase to 21.5 percent). The Department also states that the facts support a conclusion that the affiliation between Applicant and Bank is not so strong as to preclude probable future competition.

Based upon all of the relevant facts* the Board finds the relevant market area is approximated by the northern two-thirds of Broward County. There are nineteen banking organizations in the market operating forty banks. Applicant presently controls 5.5 percent of market deposits and is the sixth largest banking organization in this market where it competes with three of Florida's ten largest banking organizations.[1] Acquisition of Bank would increase Applicant's market share to only 7 percent and thus would not substantially increase Applicant's share of deposits. There would be no adverse effect upon existing competition; in fact, the acquisition should strengthen Applicant and enable it to compete more effectively in a market that is concentrated.[2]

Furthermore, consummation of the proposal would eliminate no significant existing competition between Applicant's subsidiaries and Bank due to their affiliation. Management of Applicant's lead bank was instrumental in the formation of Bank, and Applicant's lead bank and another subsidiary bank and Bank have been affiliated through common stock ownership and interlocking directors. Within the past sixteen months the chairman of the board of Applicant and Bank was elected president of Bank, and it appears that the relationship between Applicant and Bank has been strengthened to the point that disaffiliation appears unlikely. Due to the strength of this affiliation, consummation of the proposal would not have a significant adverse effect on potential competition in the relevant market.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are generally satisfactory and consistent with approval of the application. There is no evidence that the banking needs of the community are not being met. However, the proposed acquisition will result in internal efficiencies accruing to Bank which will enable it to compete more effectively in its own service area. In addition, as previously noted, the proposal should enhance Applicant's ability to compete in the market. Therefore, the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective October 4, 1973.

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

[FR Doc.73-21941 Filed 10-15-73;8:45 am]

MANUFACTURERS NATIONAL CORP.

Acquisition of Bank

Manufacturers National Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Manufacturers Bank of Livonia, Livonia, Michigan, a proposed new bank. 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 Reserve Bank to be received not later than October 31, 1973.

Board of Governors of the Federal Reserve System, October 5, 1973.

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

[FR Doc.73-21938 Filed 10-15-73;8:45 am]

*Dissenting Statement of Governors Mitchell and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[1] Proposed acquisitions in this market by two other of the ten largest bank holding companies in the State have been approved by the Board but not consummated.

[2] The four largest banking organizations control 66 percent of the market deposits.

[3] Voting for this action: Chairman Burns and Governors Daane, Sheehan, and Holland. Voting against this action: Governors Mitchell and Brimmer. Absent and not voting: Governor Bucher.

UNITED BANKSHARES, INC.

Acquisition of Bank

United Bankshares, Inc., Green Bay, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of East Bank, Green Bay, Wisconsin, a proposed new bank. 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 Reserve Bank to be received not later than October 31, 1973.

Board of Governors of the Federal Reserve System, October 5, 1973.

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

[FR Doc.73-21935 Filed 10-15-73;8:45 am]

UNION PLANTERS CORPORATION

Order Approving Merger of Bank Holding Companies

Union Planters Corporation, Memphis, Tennessee ("Union Planters"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with Tennessee National Bancshares, Inc., Maryville, Tennessee ("Tennessee Bancshares"), under the charter and title of Union Planters.[1]

Notice of receipt of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Union Planters controls one bank, Union Planters National Bank of Memphis, Memphis, Tennessee ("Union National"), with deposits of $1.2 billion, representing 9.7 percent of deposits in commercial banks in the State, and is the second largest banking organization in Tennessee. (Banking data are as of December 31, 1972 and reflect holding company formations and acquisitions approved by the Board through August 31, 1973.) Tennessee Bancshares is the smallest multibank holding company in the State and controls two banks, The Blount National Bank of Maryville, Maryville ("Blount National") and Merchants and Farmers Bank, Greenback ("Greenback Bank"), with aggregate deposits of $56.3 million, representing 0.5 percent of deposits in commercial banks in the State. Consummation of the proposed merger would increase Union Planters' share of total State deposits approximately one-half percentage point and it would remain the second largest banking organization in Tennessee.

Union Planters' sole banking subsidiary is located in Memphis, some 400 miles west of Maryville and Greenback areas, and is the largest of 14 banking organizations in the Memphis banking market with 37.7 percent of total market deposits. The two banking subsidiaries of Tennessee Bancshares are located in the eastern portion of the State; Blount National (deposits of $50.9 million) is the seventh largest of twelve banking organizations in the Knoxville banking market[2] with 5.4 percent of total deposits in the market; Greenback Bank (deposits of $5.4 million) serves a small area in southeastern Loudon county and the Vonore area of northern Monroe county. In view of the distances between the banking subsidiaries of the proposed merging bank holding companies, as well as the State's restrictive branching laws, it appears that there is no significant existing competition between them and that none is likely to develop in the future. Union Planters' nonbank subsidiaries (a credit card company and a mortgage banking firm, both of which are subsidiaries of Union National) do not compete with any subsidiary of Tennessee Bancshares. Consummation of this proposal will enable both of Tennessee Bancshares' subsidiary banks to compete more effectively in their respective areas. In light of the above, the Board concludes that competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Union Planters, Tennessee Bancshares, and their respective banking subsidiaries are considered to be satisfactory and prospects for all appear favorable in view of Union Planters' intention to increase the capital account of Union National. There is no evidence in the record that the banking needs of the areas are not being adequately served. However, Union Planters plans to expand and improve trust and other services presently offered by the banking subsidiaries of Tennessee Bancshares and to make available various specialized services not presently offered which include automated accounting services, specialized loan services such as accounts receivable financing, and investment advisory services. Accordingly, considerations relating to the convenience and needs of the communities to be served are regarded as consistent with approval. It is the Board's judgment that consummation of the proposed merger is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The § 4(c)8 application to acquire voting shares of Maryville Savings and Loan Corporation is dismissed as moot. (See footnote 1.) The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[3] effective October 4, 1973.

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

[FR Doc.73-21943 Filed 10-15-73;8:45 am]

[1] Under separate application, Union Planters applied for the Board's approval under § 4(c)(8) of the Act to acquire 90 percent or more of the voting shares of Maryville Savings and Loan Corporation, Maryville, Tennessee, during the time the Board was processing a § 4(c)(8) application by Tennessee Bancshares for Board approval to acquire the same firm. By Order dated August 21, 1973, the Board denied the application of Tennessee Bancshares. In light of that denial and Union Planters' stated intention to acquire Maryville Savings and Loan Corporation only through its proposed merger with Tennessee Bancshares, the aforementioned Union Planters' § 4(c)(8) application has become moot.

[2] The Knoxville banking market is approximated by the Knoxville SMSA which consists of Anderson, Blount, and Knot counties.

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan and Holland. Absent and not voting: Chairman Burns and Governor Bucher.

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content; Correction

In FR Doc. 73-29681 appearing at pages 26161-62 in the issue of Tuesday, September 18, 1973, the tar content for Parliament king size, filter cigarettes listed at 14 is hereby corrected to read 15.

By direction of the Commission dated October 9, 1973.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-22011 Filed 10-15-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee's Act, Pub. L. 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meetings.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold meetings on October 17-18, 1973 at the office of the National Association of Securities Dealers, Inc., 1735 K St. NW., Washington, D.C. The meetings will commence at 9:00 a.m., local time.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an

industry guide for the broker-dealer community. Assisted by this Committee's work, the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after the meeting or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

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

OCTOBER 9, 1973.

[FR Doc.73-21951 Filed 10-15-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE

Notice of Suspension of Trading

OCTOBER 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 7, 1973 through October 16, 1973.

By the Commission.

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

[FR Doc.73-21958 Filed 10-15-73;8:45 am]

[File No. 500-1]

HOME-STAKE PRODUCTION CO.

Notice of Suspension of Trading

OCTOBER 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 7, 1973 through October 16, 1973.

By the Commission.

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

[FR Doc.73-21960 Filed 10-15-73;8:45 am]

[File No. 500-1]

KORACORP INDUSTRIES, INC.

Notice of Suspension of Trading

OCTOBER 5, 1973.

The common stock of Koracorp Industries, Inc. being traded on the New York Stock Exchange and the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Koracorp 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;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from October 7, 1973 through October 16, 1973.

By the Commission.

GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.73-21962 Filed 10-15-73;8:45 am]

[File No. 500-1]

STRATTON GROUP LTD.

Notice of Suspension of Trading

OCTOBER 5, 1973.

The common stock of Stratton Group Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group Ltd. 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 exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from October 7, 1973 and continuing through October 16, 1973.

By the Commission.

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

[FR Doc.73-21959 Filed 10-15-73;8:45 am]

[File No. 500-1]

TELEPROMPTER CORP.

Notice of Suspension of Trading

OCTOBER 5, 1973.

The common stock of TelePrompTer Corp. being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of TelePrompTer 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 exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from October 7, 1973 and continuing through October 16, 1973.

By the Commission.

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

[FR Doc.73-21961 Filed 10-15-73;8:45 am]

[70-5392]

CENTRAL AND SOUTH WEST CORP., ET AL.

Notice of Proposed Issue and Sale of Short-Term Notes To Banks and/or Commercial Paper To A Dealer In Commercial Paper, Loans By Parent To Subsidiaries and Exception From Competitive Bidding

Central and South West Corp., 300 Delaware Avenue, Wilmington, Delaware 19899; Central Power and Light Company, 120 North Chaparral Street, Corpus Christi, Texas 78403; Public Service Company of Oklahoma, 600 South Main Street, Tulsa, Oklahoma 74102; Southwestern Electric Power Company, 428 Travis Street, Shreveport, Louisiana 71102; Transok Pipe Line Company, 712 Petroleum Club Building, Tulsa, Oklahoma 74101; West Texas Utilities Company, 1062 North Third Street, Abilene, Texas 79604.

Notice is hereby given That Central and South West Corporation ("Central"), a registered holding company, and five of its public-utility subsidiary companies, Central Power and Light Company ("CP&L"), Public Service Company of Oklahoma ("Public Service"), Southwestern Electric Power Company ("Southwestern"), West Texas Utilities Company ("West Texas"), and Transok Pipe Line Company ("Transok") (collectively referred to as "subsidiaries"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, 12(b) and 12(f) thereof and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration,

which is summarized below, for a complete statement of the proposed transactions.

Central proposes to issue and sell its commercial paper in an aggregate face amount of not to exceed $90,000,000 outstanding at any one time to A. G. Becker & Co. Incorporated ("Becker"). The proceeds from the sale of commercial paper will be added to Central's treasury funds and, together with other internal cash resources, will be loaned by Central from time to time to, or invested in, its subsidiaries in an aggregate principal amount not to exceed $90,000,000 at any one time outstanding, all in the manner hereinafter described.

The proposed bank notes will have varying maturities of not more than nine months from the date of issue, exclusive of days of grace, will bear interest at the prime commercial bank rate in effect at the lending bank on the date of issue, will be in varying denominations of not less than $25,000 and not more than $1,000,000 each, and may be issued and sold by Central from time to time prior to July 1, 1975. Such notes will be issued and sold by Central directly to Becker at a discount rate which will not be in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity sold by issuers thereof to commercial paper dealers and at an interest cost which will not exceed the effective cost of money for unsecured prime commerical bank loans prevailing on the date of issue of such commercial paper.

The commercial paper will be reoffered to not more than 200 identified and designated customers in a list prepared in advance by Becker. Central's commercial paper notes are expected to be held by customers to maturity, except that if customers wish to sell such notes prior thereto, Becker, pursuant to oral repurchase agreement, will repurchase such notes and reoffer the same to others in the group of 200 customers.

Central believes that the use of commercial paper will facilitate the making of loans by it to its subsidiaries generally at rates below the prime commercial bank rate in effect from time to time and will give the subsidiaries greater flexibility in timing their permanent financing. In the event that borrowings from banks at the prime rate of interest would produce a lower cost of money to Central than the issue of its commercial paper, Central proposes to borrow from banks from time to time prior to July 1, 1975, an amount not to exceed $50,000,000 at any one time outstanding, such outstanding notes to banks, together with the principal amount of its outstanding commercial paper issued to Becker, shall not exceed $90,000,000 at any one time outstanding. Such borrowings will be made from the following named banks and, as to each such bank, shall not exceed the maximum principal amount at any time outstanding noted below:

Name of bank:	*Maximum principal amount*
Bankers Trust Co., New York, N.Y.	$12,000,000
Bank of Delaware, Wilmington, Del.	4,000,000
Continental Illinois National Bank & Trust Co. of Chicago	5,000,000
First National Bank in Dallas, Dallas, Tex.	10,000,000
Harris Trust & Savings Bank, Chicago	5,000,000
The First National Bank of Chicago	15,000,000
Total	51,000,000

Central proposes to issue from time to time its promissory notes to evidence such borrowings from banks. Each of such notes will be dated the date each such borrowing is made, will mature on a date not more than twelve months from the date thereof, will bear interest from the date thereof to maturity at an interest cost to Central which will not exceed the prime rate of interest prevailing at such bank, and will be subject to prepayment by Central in whole at any time or in part from time to time, without premium or penalty, upon payment of the principal amount thereof to be prepaid and the interest then accrued on such amount. None of the notes will be issued nor will any of the proposed borrowings be made under a credit agreement or contract. At final maturity, the notes will be repaid by Central from the repayment of loans made to the subsidiaries and from other internal sources.

Central proposes to advance funds, as it may determine, to the subsidiaries in varying amounts from time to time, prior to July 1, 1975, as required and requested by the subsidiaries; such loans not to exceed $90,000,000 in principal amount at any one time outstanding. Such loans will bear the interest to maturity of the prime rate of interest in effect from time to time at The First National Bank of Chicago. The maximum principal amount of borrowings proposed to be made by each of the subsidiaries from Central at any one time outstanding and as herein limited in the aggregate are as follows:

Subsidiaries:	*Maximum principal amount of loans to be outstanding*
Central Power & Light Co.	$40,000,000
Public Service Co. of Oklahoma	40,000,000
Southwestern Electric Power Co.	35,000,000
West Texas Utilities Co.	15,000,000
Transok Pipe Line Co.	15,000,000
Total	145,000,000

The proposed borrowings by the subsidiaries from Central will temporarily finance a part of the costs of the construction programs of the subsidiaries for the year 1974 ($222,000,000) and the first six months of 1975 ($95,000,000).

Central requests the Commission to except the issuance and sale of the commercial paper from the requirements of competitive bidding under Rule 50 pursuant to paragraph (a)(5)(B) of said rule since it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as Central are published daily in financial publications. Central also requests authority to file certificates of notification under Rule 24 in respect to the sale of its commercial paper on a quarterly basis.

It is represented that no fees or commissions, except incidental services, estimated at $500, will be paid or incurred, in connection with the proposed transactions. It is further represented that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given That any interested person may, not later than October 31, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should 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 applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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 Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.73-21948 Filed 10-15-73;8:45 am]

[812-3518]

INVESTMENT CO. OF AMERICA

Notice of Application for an Order Exempting Proposed Transactions

Notice is hereby given, That The Investment Company of America, 611 West

Sixth Street, Los Angeles, California 90017, a Delaware corporation ("Applicant"), registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 6(c) of the Act for exemption from section 22(d) of the Act and Rule 22c–1 thereunder to permit a public offering of Applicant's shares in Japan to Japanese and other non-United States nationals in accordance with Japanese law and regulations, but under terms and with sales charges which differ from the terms and charges described in the prospectus of Applicant that is used in the United States. 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.

Section 22(d) of the Act provides, in substance, that no registered investment company may sell any redeemable security issued by it except either to or through a principal underwriter for distribution or at a current public offering price described in its prospectus. Such current public offering price includes the sales charge and is subject to such terms and options as rights of accumulation and purchases under a letter of intent as described in the prospectus.

Rule 22c–1 under the Act provides, in pertinent part, that a redeemable security may be sold only at a price based on the current net asset value of the security which is next computed after receipt of an order to purchase such security.

The application states that with respect to each block offering of Applicant's shares in Japan, the Nomura Securities Co., Ltd. of Japan ("Nomura") would purchase shares from Applicant at the net asset value next computed in accordance with Rule 22c–1 and subsequently, within a short time (approximately five days), resell these shares in Japan solely to non-United States nationals. The purchase price on resale would be the lesser of the price at which Nomura purchased such shares from Applicant or the then prevailing current net asset value, i.e., the net asset value determined as of the close of the market on the previous day, plus a sales charge not in excess of the sales charge permitted under applicable Japanese regulations. The sale of these shares in Japan will be subject to Japanese regulations and Japanese marketing practices, and differences in the sales charges and related terms and conditions are described as necessary as a practical matter for Applicant's entry into the Japanese capital market.

The application also states that under Japanese regulations, in order for Nomura to make an initial block offering, Nomura must make sales at a known price, and it is for this reason that the sales price initially will be based upon a previously determined net asset value. After a block offering, it is contemplated that Nomura will continue to offer shares of Applicant in Japan upon the same terms described herein, but at a price based upon the net asset value of the shares next computed by Applicant in accordance with Rule 22c–1.

The application further states that the maximum sales charge to be charged to purchasers of shares of Applicant in Japan will be less than the sales charge in effect in the United States, and the reduced charges for larger quantities will be different from those applying to sales in the United States. A different minimum purchase requirement will be applicable to Japanese purchases. The application represents that permissible sales charges in Japan are determined by the various securities dealers associations as a matter of self-regulation. Nomura, in consultation with the Japanese Securities Dealers Association ("JSDA"), has determined that sales charges imposed on sales of foreign funds in Japan should be fairly closely related to those currently prevailing for similar Japanese mutual funds. The JSDA has reviewed the charges proposed for the sale of Applicant and has found them acceptable. No objection will be raised with respect to those charges. Although the JSDA position does not have the formal stature of a decree or regulation, members must comply with it as a practical matter. Applicant has been advised by Nomura that the imposition of the same schedule of sales charges used by Applicant in the United States would not be appropriate.

Applicant states that such privileges as rights of accumulation, aggregation of purchases by "any person" under Rule 22d–1, and purchases under a letter of intent, would not be available under the proposed offering in Japan at the present time, and that it is not the present practice in Japan to permit a lower sales charge on the basis of letters of intention or shares previously purchased by an investor. Therefore, the present practice in that country does not encompass such rights.

The following table included in the application compares the sales charges and break points applicable to sales of the Applicant's shares in the United States to the proposed sales charges and break points expected to be applicable in Japan:

U.S. Sales Charges and Break Points

On individual sales of—	Sales charge as a percentage of the sales price
Less than $15,000	8.5
$15,000 or more but less than $25,000	7.5
$25,000 or more but less than $50,000	6.0
$50,000 or more but less than $100,000	4.5
$100,000 or more but less than $250,000	3.5
$250,000 or more but less than $500,000	2.5
$500,000 or more but less than $1,000,000	2.0
$1,000,000 or more but less than $2,000,000	1.5
$2,000,000 or more	1.0

Proposed Japanese Sales Charges and Break Points

Amount of Purchase:	*Sales charge as a percentage of the sales price*
¥500,000 but less than ¥5 million	6.10
¥5 million but less than ¥10 million	5.21
¥10 million but less than ¥100 million	4.31
¥100 million and over	3.38

The current dollar to yen exchange rate is approximately 1:265.

Japanese investors will be provided with Applicant's periodic reports to shareholders translated into the Japanese language and in the form required by Japanese regulations. They will also be provided with proxy material in the Japanese language.

Section 6(c) of the Act permits the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that the exemption of said proposal from the provisions of section 22(d) of the Act and Rule 22c–1 thereunder, pursuant to section 6(c), is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given That any interested person may, not later than October 30, 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 of 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. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address 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 will be issued as of course following said date unless the Commission thereafter orders a hearing 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 postponement thereof.

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

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

[FR Doc.73-21950 Filed 10-15-73;8:45 am]

[812-3510]

LOEB, RHOADES & CO.

Notice of Filing of Application for An Order of Exemption

Notice is hereby given That Leob, Rhoades & Co., 42 Wall Street, New York, New York, 10005, ("Applicant"), a registered broker-dealer, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicant and its co-underwriters in a proposed offering of shares of common stock of Precious Metals Holdings, Inc. ("Company"), a registered, closed-end, nondiversified management investment company, from section 30(f) of the Act, to the extent that such section adopts section 16 of the Securities Exchange Act of 1934 ("Exchange Act"), with respect to their transactions incidental to the distribution of the Company's shares. 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.

Applicant is the prospective representative ("Representative") of a group of underwriters ("Underwriters") being formed in connection with the proposed public offering.

The Company has an authorized capital stock consisting of 10,000,000 shares of commonstock, par value $1.00 per share. Shares of the Company are to be purchased by the Underwriters pursuant to an Underwriting Agreement to be entered into between the Underwriters, represented by the Representative, and the Company. It is intended that the several Underwriters will make a public offering of all the Company's shares, which Underwriters are to purchase under the Underwriting Agreement at the price therein specified, as soon after the effective date of the Company's Registration Statement on Form S-4 ("Registration Statement") as the Representative deems advisable. Such shares are initially to be offered to the public at the per share public offering price which shall include the underwriting commissions to be specified in the prospectus which shall be a part of the Registration Statement at the time the Registration Statement becomes effective under the Securities Act of 1933. The Company has granted the Underwriters an option to purchase additional shares of such common stock to cover over-allotments, if any.

Applicant states that it is possible that the underwriting commitment of any one or more of the Underwriters, including the Applicant, will exceed 10 percent of the aggregate number of shares of the Company's common stock to be outstanding after the purchase by the several Underwriters pursuant to the Underwriting Agreement or upon the completion of the initial public offering or at some iterim time. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act with respect to transactions in the securities of the Company, such Underwriter or Underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them, to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof. Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial public distribution of shares of the Company. Applicant contends that such purchases and sales, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2. However, Rule 16b-2(a)(3) states that to qualify for such exemption the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act must be at least equal to the participation of persons receiving the exemption under Rule 16b-2. Applicant states that it is possible that one or more of the Underwriters may not be exempted from section 16(b) of the Exchange Act by the operation of Rule 16b-2 thereunder since it is possible that the Underwriters who may each purchase more than 10 percent of the shares of the Company may in the aggregate purchase more than 50 percent of the shares of the Company.

In addition to purchases from the company and sales of shares to customers, there may be the usual transactions of purchases or sales incident to a distribution such as stabilizing purchases, purchases to cover over-allotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Since the Company's assets include only a small amount of cash and certain organizational and deferred expenses, Applicant contends, that, to the best of its knowledge, no inside information regarding the Company exists. Jack M. Barbour, Vice Chairman of the Board and a Director of the Company and a consultant to John P. Chase, Inc., the Company's investment adviser ("Adviser"), is manager of the Corporate Finance Department of Wedbush, Noble, Cooke, Inc., which may be an Underwriter. No other director, officer or employee of any Underwriter is a director, officer or employee of the Company or the Adviser.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted cannot lend themselves to the practices which section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to prevent.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, securities or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, That any interested person may, not later than October 29, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this 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. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address 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. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 29, 1973, unless the Commission thereafter orders a hearing 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 Company Regulation, pursuant to delegated authority.

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

[FR Doc.72-21946 Filed 10-15-73;8:45 am]

[70-5396]

NARRAGANSETT ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Issue and Sale of Common Stock To Holding Company

Notice is hereby given That New England Electric System ("NEES") 20 Turn-

pike Road, Westborough, Massachusetts 01581, a registered holding company, and The Narragansett Electric Company ("Narragansett"), one of its electric utility subsidiary companies, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Narragansett proposes to issue and sell to NEES, its sole common stockholder, 200,000 additional shares of common stock, $50 par value per share, and NEES proposes to acquire such shares for cash at par, or a total consideration of $10,000,000. Upon such issuance and sale, Narragansett will have outstanding 1,132,487 shares of common stock of an aggregate par value of $56,624,350.

As of September 19, 1973, Narragansett has outstanding $13,500,000 of short-term notes payable to banks. The proceeds from the issue and sale of the additional common stock will be applied to the payment of then outstanding short-term notes payable evidencing borrowings made for capitalizable construction expenditures or to reimburse the treasury therefor.

Expenses in connection with the proposed issuance and sale of common stock are estimated at $13,000 for Narragansett and $200 for NEES. It is stated that the proposed issuance and sale of the common stock require authorization by the Division of Public Utilities and Carriers, Department of Business Regulation, of Rhode Island, and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given That any interested persons may, not later than November 5, 1973, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should 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-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. 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 Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.73-21947 Filed 10-15-73;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

OCTOBER 9, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 10, 1973 and continuing through October 19, 1973.

By the Commission.

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

[FR Doc.73-21949 Filed 10-15-73;8:45 am]

TARIFF COMMISSION

[TEA-I-EX-9]

INVESTIGATION OF PROBABLE EFFECT OF TERMINATION OF INCREASED TARIFFS ON CERTAIN PIANOS

Rescheduling of Hearing Date

Notice is hereby given that the hearing in Investigation No. TEA-I-EX-9, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10:00 a.m., e.s.t., on October 30, 1973, has been rescheduled for 10:00 a.m., e.s.t., on October 31, 1973. Notice of institution of the investigation and the ordering of the hearing was published in the FEDERAL REGISTER on September 5, 1973 (38 FR 23995).

Issued October 10, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-22035 Filed 10-15-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 11, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed by October 31, 1973.

FSA No. 42759—*Beet or Cane Sugar to Fairbanks, Texas.* Filed by Southwestern, Freight Bureau, Agent (No. B-434), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from points in Louisiana, to Fairbanks, Texas.

Grounds for relief—Rate relationship.

Tariff—Supplement 80 to Southwestern Freight Bureau, Agent, tariff 72-H, I.C.C. No. 4886. Rates are published to become effective on November 16, 1973.

FSA No. 42760—*Joint Water-Rail Container Rates—American President Lines, Ltd.* Filed by American President Lines, Ltd. (No. 6), for itself and interested rail carriers. Rates on general commodities, between ports in Singapore and the Federation of Malaya, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

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

[FR Doc.73-22050 Filed 10-15-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 104-A, Amdt. 1]

GREEN MOUNTAIN RAILROAD CORP.

Rerouting or Diversion of Traffic

Correction

In FR Doc. 73-19262 appearing on page 24939 in the issue of Tuesday, September 11, 1973, the agency bracket should read as set forth above.

[Notice No. 364]

Assignment of Hearings

OCTOBER 11, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of

hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 125820 Sub 7, Elk Valley Freight Line, Inc., now assigned October 29, 1973, will be held at the Landmark Inn, 205 Goldthwaite Street, Montgomery, Ala., instead of the Aronov Bldg.

MC-127418 Sub 7, Trop-Artic Refrigerated Service Inc., now assigned October 15, 1973, at Atlanta, Ga., is cancelled and the application is dismissed.

MC-C-8041, Garrett Freight Lines, Inc., Et Al. v. Puget Sound Truck Lines, Inc., now assigned October 15, 1973, at Olympia, Wash., is postponed indefinitely.

MC 92642 Sub 9, Five Transportation Company, now assigned November 26, 1973, will be held at the Ramada Inn, U.S. 17A at Foot of Senator Talmadge Bridge, Savannah, Ga.

MC-C-8069, Cloquet Transfer Company v. Century Motor Freight, Inc., now assigned November 5, 1973, will be held in Courtroom No. 4, Federal Bldg., 316 N. Roberts St., St. Paul, Minn.

MC-127834 Sub 86, Cherokee Hauling & Rigging, Inc., now assigned November 5, 1973, will be held in Room 914, Federal Bldg., 167 N. Main Street, Memphis, Tenn.

MC-113861 Sub 51, Wooten Transports, Inc., Extension Memphis, Tenn., now assigned November 6, 1973, will be held in Room 914, Federal Bldg., 167 N. Main St., Memphis, Tenn.

MC-103993 Sub 727, Morgan Drive-Away, Inc., Extension-Monroe County, Ark., now assigned November 8, 1973, will be held in Room 914, Federal Bldg., 167 N. Main Street, Memphis, Tenn.

MC-F-11768, Lee Way Motor Freight, Inc.—Control and Merger—Loving Truck Lines, Inc., dba Loving Truck Line, FD 27294, Lee Way Motor Freight, Inc., Notes, now assigned November 12, 1973, will be held in Room 914, Federal Bldg., 167 N. Main St., Memphis, Tenn.

MC-78786 Sub 268, Pacific Motor Trucking Co., Extension of Common Carrier Operations, is continued to January 15, 1974 (3 weeks), at San Francisco, Calif., in a hearing room to be later designated.

MC 136581 Sub 1, All Freight Distribution Co., Inc., now being assigned hearing December 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136987 Sub 4, Remington Freight Lines, Inc., now being assigned hearing December 6, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 30513 Sub 14, North State Motor Lines, Inc., now being assigned hearing December 10, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 127834 Sub 90, Cherokee Hauling & Rigging, Inc., now being assigned hearing December 11, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128273 Sub 141, Midwestern Express, Inc., now being assigned hearing December 12, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 29886 Sub 294, Dallas & Mavis Forwarding Co., Inc., now being assigned December 12, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-22051 Filed 10-15-73;8:45 am]

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TUESDAY, OCTOBER 16, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 199

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

WATER PROGRAMS

Guidelines Establishing Test Procedures for Analysis of Pollutants

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

PART 136—GUIDELINES ESTABLISHING TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS

Notice was published in the FEDERAL REGISTER issue of June 29, 1973 (38 FR 17318) at 40 CFR 130, that the Environmental Protection Agency (EPA) was giving consideration to the testing procedures required pursuant to section 304(g) of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816, et seq., Pub. L. 92-500 (1972)) hereinafter referred to as the Act. These considerations were given in the form of proposed guidelines establishing test procedures.

Section 304(g) of the Act requires that the Administrator shall promulgate guidelines establishing test procedures for the analysis of pollutants that shall include factors which must be provided in: 1, any certification pursuant to section 401 of the Act, or 2, any permit application pursuant to section 402 of the Act. Such test procedures are to be used by permit applicants to demonstrate that effluent discharges meet applicable pollutant discharge limitations, and by the States and other enforcement activities in routine or random monitoring of effluents to verify effectiveness of pollution control measures.

These guidelines require that discharge measurements, including but not limited to the pollutants and parameters listed in Table I, be performed by the test procedures indicated; or under certain circumstances by other test procedures for analysis that may be more advantageous to use, when such other test procedures have the approval of the Regional Administrator of the Region where such discharge will occur, and when the Director of an approved State National Pollutant Discharge Elimination System (NPDES) Program (hereinafter referred to as the Director) for the State in which such discharge will occur has no objection to such approval.

The list of test procedures in Table I is published herein as final rulemaking and represents major departures from the list of proposed test procedures which was published in 38 FR 17318, dated June 29, 1973. These revisions were made after carefully considering all written comments which were received pertaining to the proposed test procedures. All written comments are on file and available for public review with the Quality Assurance Division, Office of Research and Development, EPA, Washington, D.C.

The principal revisions to the proposed test procedures are as follows:

1. Where several reliable test procedures for analysis are available from the given references for a given pollutant or parameter, each such test procedure has been approved for use for making the measurements required by sections 401 and 402 and related sections of the Act. Approved test procedures have been selected to assure an acceptable level of intercomparability of pollutants discharge data. For several pollutants and parameters it has still been necessary to approve only a single test procedure to assure this level of acceptability. This is a major departure from the proposed test procedures which would have required the use of a single reference method for each pollutant or parameter.

2. Under certain circumstances a test procedure not shown on the approved list may be considered by an applicant to be more advantageous to use. Under guidelines in §§ 136.4 and 136.5 it may be approved by the Regional Administrator of the Region where the discharge will occur, providing the Director has no objections. Inasmuch as there is no longer a single approved reference method against which a comparison can be made, the procedures for establishing such comparisons that were required by the proposed test procedures in § 130.4(b) have been deleted from this final guideline for test procedures for the analysis of pollutants.

3. A mechanism is also provided to assure national uniformity of such approvals of alternate test procedures for the analysis of pollutants. This is achieved through a centralized, internal review within the EPA of all applications for the use of alternate testing procedures. These will be reviewed and approved or disapproved on the basis of submitted information and other available information and laboratory tests which may be required by the Regional Administrator.

As deemed necessary, the Administrator will expand or revise these guidelines to provide the most responsive and appropriate list of test procedures to meet the requirements of sections 304(g), 401 and 402 of the Act, as amended.

These final guidelines establishing test procedures for the analysis of pollutants supersede the interim list of test procedures published in the FEDERAL REGISTER on April 19, 1973 (38 FR 9740) at 40 CFR Part 126 and subsequent procedures published on July 24, 1973 (38 FR 19894) at 40 CFR Part 124. Those regulations established interim test procedures for the submittal of applications under section 402 of the Act. Because of the importance of these guidelines for test procedures for the analysis of pollutants to the National Pollution Discharge Elimination System (NPDES), the Administrator finds good cause to declare that these guidelines shall be effective October 16, 1973.

JOHN QUARLES,
Acting Administrator.

OCTOBER 3, 1973.

PART 136—TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS

Sec.

AUTHORITY: Sec. 304(g) of Federal Water Pollution Control Act Amendments of 1972 86 Stat. 816, et seq., Pub. L. 92-500).

§ 136.1 Applicability.

The procedures prescribed herein shall, except as noted in § 136.5, be used to perform the measurements indicated whenever the waste constituent specified is required to be measured for:

(a) An application submitted to the Administrator, or to a State having an approved NPDES program, for a permit under section 402 of the Federal Water Pollution Control Act as amended (FWPCA), and,

(b) Reports required to be submitted by dischargers under the NPDES established by Parts 124 and 125 of this chapter, and,

(c) Certifications issued by States pursuant to section 401 of the FWPCA, as amended.

§ 136.2 Definitions.

As used in this part, the term:

(a) "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1314, et seq.

(b) "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

(c) "Regional Administrator" means one of the EPA Regional Administrators.

(d) "Director" means the Director of the State Agency authorized to carry out an approved National Pollutant Discharge Elimination System Program under section 402 of the Act.

(e) "National Pollutant Discharge Elimination System (NPDES)" means the national system for the issuance of permits under section 402 of the Act and includes any State or interstate program which has been approved by the Administrator, in whole or in part, pursuant to section 402 of the Act.

(f) "Standard Methods" means *Standard Methods for the Examination of Water and Waste Water*, 13th Edition, 1971. This publication is available from the American Public Health Association, 1015 18th St. NW., Washington, D.C. 20036.

(g) "ASTM" means *Annual Book of Standards, Part 23, Water, Atmospheric Analysis, 1972*. This publication is available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pennsylvania 19103.

(h) "EPA Methods" means *Methods for Chemical Analysis of Water and Wastes*, 1971, Environmental Protection Agency, Analytical Quality Control Laboratory, Cincinnati, Ohio. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Stock Number 5501-0067).

§ 136.3 Identification of test procedures.

Every parameter or pollutant for which an effluent limitation is now specified pursuant to sections 401 and 402 of the Act is named together with test descriptions and references in Table I. The discharge parameter values for which reports are required must be de-

termined by one of the standard analytical methods cited and described in Table I, or under certain circumstances by other methods that may be more advantageous to use when such other methods have been previously approved by the Regional Administrator of the Region in which the discharge will occur, and providing that the Director of the State in which such discharge will occur does not object to the use of such alternate test procedures.

Under certain circumstances the Regional Administrator or the Director in the Region or State where the discharge will occur may determine for a particular discharge that additional parameters or pollutants must be reported. Under such circumstances, additional test procedures for analysis of pollutants may be specified by the Regional Administrator or Director upon the recommendation of the Director of the Methods Development and Quality Assurance Research Laboratory.

TABLE I—LIST OF APPROVED TEST PROCEDURES

Parameter and units	Method	References		
		Standard methods	ASTM	EPA methods
General analytical methods:				
1. Alkalinity as $CaCO_3$ mg $CaCO_3$/liter.	Titration: electrometric, manual or automated method—methyl orange.	p. 370	p. 143	p. 6. p. 8.
2. B.O.D. five day mg/liter.	Modified winkler or probe method	p. 480		
3. Chemical oxygen demand (C.O.D.) mg/liter.	Dichromate reflux	p. 495	p. 219	p. 17.
4. Total solids mg/liter	Gravimetric 103-105° C	p. 535		p. 280.
5. Total dissolved (filterable) solids mg/liter.	Glass fiber filtration 180° C			p. 275.
6. Total suspended (nonfilterable) solids mg/liter.	Glass fiber filtration 103-105° C	p. 537		p. 278.
7. Total volatile solids mg/liter.	Gravimetric 550° C	p. 536		p. 282.
8. Ammonia (as N) mg/liter.	Distillation—nesslerization or titration automated phenolate.			p. 134. p. 141.
9. Kjeldahl nitrogen (as N) mg/liter.	Digestion + distillation—nesslerization or titration automated digestion phenolate.	p. 489		p. 149. p. 157.
10. Nitrate (as N) mg/liter.	Cadmium reduction; brucine sulfate; automated cadmium or hydrazine reduction.	p. 458 p. 461	p. 124	p. 170. p. 173. p. 185.
11. Total phosphorus (as P) mg/liter.	Persulfate digestion and single reagent (ascorbic acid), or manual digestion, and automated single reagent or stannous chloride.	p. 526 p. 532	p. 42	p. 235. p. 246. p. 250.
12. Acidity mg $CaCO_3$/liter	Electrometric end point or phenolphthalein end point.		p. 148	
13. Total organic carbon (TOC) mg/liter.	Combustion—infrared method [1]	p. 257	p. 702	p. 221.
14. Hardness—total mg $CaCO_3$/liter.	EDTA titration; automated colorimetric atomic absorption.	p. 179	p. 170	p. 78. p. 78.
15. Nitrite (as N) mg/liter.	Manual or automated colorimetric diazotization.			p. 185. p. 195.
Analytical methods for trace metals:				
16. Aluminum—total [2] mg/liter.	Atomic absorption	p. 210		p. 98.
17. Antimony—total [2] mg/liter.	Atomic absorption [4]			
18. Arsenic—total mg/liter.	Digestion plus silver diethyldithiocarbamate; atomic absorption. [3]	p. 65 p. 62		p. 13.
19. Barium—total [2] mg/liter.	Atomic absorption [4]	p. 210		
20. Beryllium—total [2] mg/liter.	Aluminon; atomic absorption	p. 67 p. 210		
21. Boron—total mg/liter	Curcumin	p. 69		
22. Cadmium—total [2] mg/liter.	Atomic absorption; colorimetric	p. 210 p. 422	p. 692	p. 102.
23. Calcium—total [2] mg/liter.	EDTA titration; atomic absorption	p. 84	p. 892	p. 102.
24. Chromium VI mg/liter.	Extraction and atomic absorption; colorimetric.	p. 429		p. 94.
25. Chromium—total [2] mg/liter.	Atomic absorption; colorimetric	p. 210 p. 426	p. 692 p. 808	p. 104.
26. Cobalt—total [2] mg/liter.	Atomic absorption [4]		p. 892	
27. Copper—total [2] mg/liter.	Atomic absorption; colorimetric	p. 210 p. 430	p. 692 p. 439	p. 106.
28. Iron—total [2] mg/liter	do	p. 210 p. 433	p. 692 p. 152	p. 108.
29. Lead—total [2] mg/liter	do	p. 210 p. 436	p. 692	p. 110.
30. Magnesium—total [2] mg/liter.	Atomic absorption; Gravimetric	p. 210 p. 416 p. 201	p. 692	p. 112.
31. Manganese—total [2] mg/liter.	Atomic absorption	p. 210	p. 692	p. 114.
32. Mercury—total mg/liter.	Flameless atomic absorption [3]			
33. Molybdenum—total [2] mg/liter.	Atomic absorption [4]			
34. Nickel—total [2] mg/liter.	Atomic absorption; colorimetric [4]	p. 443	p. 692	
35. Potassium—total [2] mg/liter.	Atomic absorption; colorimetric; flame photometric.	p. 283 p. 285	p. 326	p. 118.
36. Selenium—total mg/liter.	Atomic absorption [3]			
37. Silver—total [2]	Atomic absorption [4]	p. 210		
38. Sodium—total [2] mg/liter.	Flame photometric; atomic absorption	p. 317	p. 326	p. 118.
39. Thallium—total [2] mg/liter.	Atomic absorption [4]			
40. Tin—total [2] mg/liter	do			
41. Titanium—total mg/liter.	do			
42. Vanadium—total [2] mg/liter.	Atomic Absorption; [4] Colorimetric	p. 157		
43. Zinc—total [2] mg/liter	Atomic Absorption; Colorimetric	p. 220 p. 444	p. 692	p. 130.
Analytical methods for nutrients, anions, and organics:				
44. Organic nitrogen (as N) mg/liter.	Kjeldahl nitrogen minus ammonia nitrogen.	p. 498		p. 149.
45. Ortho-phosphate (as P) mg/liter.	Direct single reagent; automated single reagent or stannous chloride.	p. 532	p. 42	p. 235. p. 246. p. 250.
46. Sulfate (as SO_4) mg/liter.	Gravimetric; turbidimetric; automated colorimetric—barium chloranilate.	p. 331 p. 334	p. 51 p. 82	p. 268. p. 288.
47. Sulfide (as S) mg/liter.	Titrimetric—iodine	p. 551		p. 294.
48. Sulfite (as SO_3) mg/liter.	Titrimetric; iodide-iodate	p. 337	p. 261	
49. Bromide mg/liter	do			p. 216.
50. Chloride mg/liter	Silver nitrate; mercuric nitrate; automated colorimetric-ferricyanide.	p. 96 p. 97	p. 23 p. 21	p. 29. p. 31.
51. Cyanide—total mg/liter.	Distillation—silver nitrate titration or pyridine pyratolone colorimetric.	p. 397	p. 536	p. 41.
52. Fluoride mg/liter	Distillation—SPADNS	p. 171 p. 174	p. 191	p. 64.
53. Chlorine—total residual mg/liter.	Colorimetric; amperometric titration	p. 382	p. 239	
54. Oil and grease mg/liter.	Liquid-Liquid extraction with trichlorotrifluoroethane.	p. 254		
55. Phenols mg/liter	Colorimetric, 4 AAP	p. 502	p. 445	p. 232.
56. Surfactants mg/liter.	Methylene blue colorimetric	p. 339	p. 619	p. 131.
57. Algicides mg/liter	Gas chromatography [5]			
58. Benzidine mg/liter	Diazotization—colorimetric [7]			
59. Chlorinated organic compounds (exsept pesticides) mg/liter.	Gas chromatography [6]			
60. Pesticides mg/liter	Gas chromatography [8]			
Analytical methods for physical and biological parameters:				
61. Color platinum-cobalt units or dom inant wave-length, hue, luminance, purity.	Colorimetric; spectrophotometric	p. 140 p. 302		p. 38.
62. Specific conductance mho/cm at 25° C.	Wheatstone bridge	p. 323	p. 183	p. 284.
63. Turbidity jackson units.	Turbidimeter	p. 350	p. 467	p. 308.

See Note at end of Table I

Parameter and units	Method	References		
		Standard methods	ASTM	EPA methods
64. Fecal streptococci bacteria number/100 ml.	MPN; membrane filter; plate count	p. 689 p. 690		
65. Coliform bacteria (fecal) number/100 ml.	MPN: Membrane filter	p. 691 p. 669 p. 684		
66. Coliform bacteria (total) number/100 ml.	do	p. 664 p. 679		
Radiological parameters:				
67. Alpha—total pCi/liter.	Proportional counter; scintillation counter	p. 598	p. 509	
68. Alpha—counting error pCi/liter.	do	p. 598	p. 512	
69. Beta—total pCi/liter.	Proportional counter†	p. 598	p. 478	
70. Beta—counting error pCi/liter.	do	p. 598	p. 478	
71. Radium—total pCi/liter.	Proportional counter; scintillation counter	p. 611 p. 617	p. 674	

[1] A number of such systems manufactured by various companies are considered to be comparable in their performance. In addition, another technique, based on Combustion-Methane Detection, is also acceptable.

[2] For the determination of total metals the sample is not filtered before processing. Choose a volume of sample appropriate for the expected level of metals. If much suspended material is present, as little as 50-100 ml of well-mixed sample will most probably be sufficient. (The sample volume required may also vary proportionally with the number of metals to be determined.)

Transfer a representative aliquot of the well-mixed sample to a Griffin beaker and add 3 ml of concentrated distilled HNO_3. Place the beaker on a hotplate and evaporate to dryness making certain that the sample does not boil. Cool the beaker and add another 3 ml portion of distilled concentrated HNO_3. Cover the beaker with a watch glass and return to the hotplate. Increase the temperature of the hotplate so that a gentle reflux action occurs. Continue heating, adding additional acid as necessary until the digestion is complete, generally indicated by a light colored residue. Add (1:1 with distilled water) distilled concentrated HCl in an amount sufficient to dissolve the residue upon warming. Wash down the beaker walls and the watch glass with distilled water and filter the sample to remove silicates and other insoluble material that could clog the atomizer. Adjust the volume to some predetermined value based on the expected metal concentrations. The sample is now ready for analysis. Concentrations so determined shall be reported as "total".

[3] See D. C. Manning, "Technical Notes", Atomic Absorption Newsletter, Vol. 10, No. 6 p. 123, 1971. Available from Perkin-Elmer Corporation, Main Avenue, Norwalk, Connecticut 06852.

[4] Atomic absorption method available from Methods Development and Quality Assurance Research Laboratory, National Environmental Research Center, USEPA, Cincinnati, Ohio 45268.

[5] For updated method, see: Journal of the American Water Works Association 64, No. 1, pp. 20-25 (Jan. 1972) or ASTM Method D 3223-73, American Society for Testing and Materials Headquarters, 1916 Race St., Philadelphia, Pa. 19103.

[6] Interim procedures for algicides, chlorinated organic compounds, and pesticides can be obtained from the Methods Development and Quality Assurance Research Laboratory, National Environmental Research Center, USEPA, Cincinnati, Ohio 45268.

[7] Benzidine may be estimated by the method of M.A. El-Dib, "Colorimetric Determination of Aniline Derivatives in Natural Waters", El-Dib, M.A., Journal of the Association of Official Analytical Chemists, Vol. 54, No. 6, Nov., 1971, pp. 1383-1387.

†As a prescreening measurement.

§ 136.4 Application for alternate test procedures.

(a) Any person may apply to the Regional Administrator in the Region where the discharge occurs for approval of an alternative test procedure.

(b) When the discharge for which an alternative test procedure is proposed occurs within a State having a permit program approved pursuant to section 402 of the Act, the applicant shall submit his application to the Regional Administrator through the Director of the State agency having responsibility for issuance of NPDES permits within such State.

(c) Unless and until printed application forms are made available, an application for an alternate test procedure may be made by letter in triplicate. Any application for an alternate test procedure under this subchapter shall:

(1) Provide the name and address of the responsible person or firm making the discharge (if not the applicant) and the applicable ID number of the existing or pending permit, issuing agency, and type of permit for which the alternate test procedure is requested, and the discharge serial number.

(2) Identify the pollutant or parameter for which approval of an alternate testing procedure is being requested.

(3) Provide justification for using testing procedures other than those specified in Table I.

(4) Provide a detailed description of the proposed alternate test procedure, together with references to published studies of the applicability of the alternate test procedure to the effluents in question.

§ 136.5 Approval of alternate test procedures.

(a) The Regional Administrator of the region in which the discharge will occur has final responsibility for approval of any alternate test procedure.

(b) Within thirty days of receipt of an application, the Director will forward such application, together with his recommendations, to the Regional Administrator. Where the Director recommends rejection of the application for scientific and technical reasons which he provides, the Regional Administrator shall deny the application, and shall forward a copy of the rejected application and his decision to the Director of the State Permit Program and to the Director of the Methods Development and Quality Assurance Research Laboratory.

(c) Before approving any application for an alternate test procedure, the Regional Administrator shall forward a copy of the application to the Director of the Methods Development and Quality Assurance Laboratory for review and recommendation.

(d) Within ninety days of receipt by the Regional Administrator of an application for an alternate test procedure, the Regional Administrator shall notify the applicant and the appropriate State agency of approval or rejection, or shall specify the additional information which is required to determine whether to approve the proposed test procedure. Prior to the expiration of such ninety day period, a recommendation providing the scientific and other technical basis for acceptance or rejection will be forwarded to the Regional Administrator by the Director of the Methods Development and Quality Assurance Research Laboratory. A copy of all approval and rejection notifications will be forwarded to the Director, Methods Development and Quality Assurance Research Laboratory, for the purposes of national coordination.

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PART III

FEDERAL COMMUNICATIONS COMMISSION

■

RENEWAL OF BROADCAST LICENSES

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19153—FCC 73-1037]

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

Renewal of Broadcast Licenses

Final report and order. In the matter of formulation of rules and policies relating to the renewal of broadcast licenses, Docket No. 19153 (RM-1737).

1. The Commission has before it (1) a notice of inquiry and notice of proposed rulemaking (36 FR 3902) adopted February 17, 1971, (2) comments, reply comments, and other materials filed in response to the Notice,[1] (3) an Interim Report and Order adopted May 1, 1973, and (4) a revised Section IV-B of Form 303 and a new Annual Programming Report (Form 303-A), both of which have been approved by the Office of Management and Budget. The proposals in the Notice were set out in four separate sections. This Final Report and Order treats each of the sections separately and in the same sequence as they appeared in the Notice.

2. All of the matters raised in comments and reply comments were reviewed in detail and those that related to more than one section of the Notice were fully considered with respect to each relevant section. We have not, however, attempted to address ourselves to each and every comment and our treatment of questions by categories encompasses consideration of all of the individual variations set forth in the separate comments.

I. Proposed Rulemaking To Require the Broadcasting of Notices Regarding the Manner in Which the Public May Express Opinions About Broadcast Service and the Maintenance of a Local Public File of Opinions Received by Licensees

THE COMMISSION PROPOSAL

3. In the first portion of the notice, the Commission proposed to amend Part 73, Subpart H of its rules, by adding as § 73.1202 a requirement that all commercial broadcast stations air a notice to the public informing them of their interest in station performance and of the appropriate manner in which to express their satisfaction or complaints with station operation. The Commission indicated that the purposes of these announcements were to ensure that: (1) The licensee would remain conversant with and attentive to community problems and needs throughout the license period; (2) the licensee would make known to the public his responsibility to continually ascertain the most significant problems and needs of his service area and to present programs designed to deal with these problems and needs; (3) the public would be continually encouraged by the licensee to make comments, complaints and suggestions regarding the operation of the station; (4) any complaints regarding the operation of a station would be communicated to the licensee immediately and every effort would be made during the license period by both the complainant and the licensee to resolve differences and problems through discussion on the local level. New § 73.1202 of the Commission's rules would read as follows:

Section 73.1202 Public notice of licensee obligations. Each licensee of a commercial AM, FM, or television station, except international or television translator stations, shall make an announcement informing the public of the licensee's obligation to the public and of the appropriate method for individuals to express their opinions of the station's operation. Such announcement shall be given at least once every eighth day throughout the license period except during the period from six months prior to expiration of the license to 30 days prior to expiration, during which time the renewal application notices in § 1.580 of the Commission's rules shall be broadcast. Such announcements shall be aired during the following time periods:

(1) For commercial television broadcast stations, between 8:00 p.m. and 10:00 p.m.

(2) For commercial AM and FM broadcast stations, between 7:00 a.m. and 9:00 a.m., but if such stations do not operate during these hours, then between 4:00 p.m. and 7:00 p.m.

In the case of commercial television broadcast stations, such notices shall be broadcast orally with camera focused on the announcer; at the end of the notice, a signboard with the licensee's address for receiving complaints shall be shown.

The announcement shall contain the following information:

For Commercial Radio Stations:

(a) The station's call letters.

(b) A statement that the frequency on which the station operates is public property and that the station was granted on (give date of last renewal grant) a three year license by the Federal Communications Commission in Washington, D.C., to serve the public interest, convenience and necessity.

(c) A statement that the Commission has indicated that service in the public interest obligates the broadcaster to make a continuing, diligent effort to determine the most significant problems and needs in his service area and to provide programming to help meet those problems and needs.

(d) A statement that to remain informed of the adequacy of its performance, the station requests its viewers or listeners to inform it of their opinions, criticisms or suggestions.

(e) A request that comments regarding the station's performance be as specific as possible.

(f) The appropriate name and address to which comments should be mailed.

(g) A statement indicating that comments may also be sent to the Federal Communications Commission, Washington, D.C. 20554.

For Commercial Television Stations:

(a) The station's call letters.

(b) A statement that the frequency on which the station operates is public property and that the station was granted on (give date of last renewal grant) a three year license by the Federal Communications Commission in Washington, D.C. to serve the public interest, convenience and necessity.

(c) A statement that the station is required to submit an annual filing with the Commission indicating what the licensee considered during the past year to be the most significant problems and needs of the public which he served and what programs the station aired during the year that were addressed to those problems and needs.

(d) A statement that the above filing is available for public inspection at the station's business office (or station's main location) during regular business hours. Give address and business hours.

(e) A statement that to remain informed of the adequacy of its performance, the station requests its viewers or listeners to inform it of their opinions, criticisms or suggestions.

(f) A request that comments regarding the station's performance be as specific as possible.

(g) The appropriate name and address to which comments should be mailed.

(h) A statement indicating that comments may also be sent to the Federal Communications Commission, Washington, D.C.

During the period between 30 days prior to expiration of the license and the date of license renewal, stations shall broadcast the appropriate announcement herein, except for the mention of the date of the last renewal grant. Commencing on the eighth day following the date of renewal, the regular announcement shall be resumed and be broadcast every eighth day thereafter.

All written comments and suggestions received by the licensee concerning operation of the station shall be maintained in a local file, available for inspection by the public, except when the person making the comment or suggestion has specifically requested that his communication not be made public or where the licensee feels that it should be excluded from availability for public inspection because of the special nature of its content, such as a defamatory or obscene letter. In accordance with § 1.526 of the Commission's Rules such file shall be kept for seven years. Licensees shall be required to separate written comments by subject categories to facilitate inspection by members of the public. Subject categories shall include comments on technical operation; comments on advertising; comments regarding employment practices; comments complimentary of programming; comments adversely critical of programming; and comments suggesting new programming. If comments in one letter relate to more than one subject category, the correspondence shall be filed under the category which, in the licensee's judgment, receives the most attention in the letter.

The Commission included in the Notice the following sample announcements for commercial radio and television stations which incorporate all of the requirements of proposed § 73.1202.

SAMPLE ANNOUNCEMENT FOR TELEVISION

The channel on which this station operates is public property. On (date of last renewal grant), we were granted a three year license by the Federal Communications Commission to operate this channel in the public interest.

[1] Approximately 65 parties participated in the proceeding. They are listed in Appendix A. If a "party" consisted of two or more entities making a joint filing, the names of the entities are listed under the name of the lead entry. The short designation of every party referred to in the present document appears in parenthesis following the full name in Appendix A.

Each year we are required to submit to the Commission a list of what we consider to have been the most significant problems and needs of this community during the past year and the programs we aired during the year that were addressed to those problems and needs. This filing is available for public inspection at our business office (address ----------) during our regular business hours of ---- a.m. to ---- p.m., Monday through Friday.

In order that Station -------- may better serve our viewers, we request that you inform us of any opinions, criticisms or suggestions you may have regarding our station operation. Comments or suggestions should be as specific as possible and should be mailed to (name and mailing address ---------- ----------). Your letters will be available for public inspection at our business office unless otherwise requested. Comments may also be sent to the Federal Communications Commission, Washington, D.C. 20554.

SAMPLE ANNOUNCEMENT FOR RADIO

The frequency on which this station operates is public property. On (date of last renewal grant), we were granted a three year license by the Federal Communications Commission to operate this frequency in the public interest. We are obligated to make a continuing, diligent effort to determine the most significant problems and needs of this community and to provide programming to help meet those problems and needs.

In order that Station -------- may better serve the needs and interests of our listeners, we request that you inform us of any opinions, criticisms or suggestions you may have regarding our station operation. Comments or suggestions should be as specific as possible and should be mailed to (name and mailing address ---------- --------). Unless otherwise requested, your letter will be made available for public inspection at our business office (address ---- --------) during our regular business hours of ---- a.m., to ---- p.m., Monday through Friday. Comments may also be sent to the Federal Communications Commission, Washington, D.C. 20554.

COMMENTS OPPOSING ANY ANNOUNCEMENTS

4. A number of parties express opposition to any requirement of airing broadcast notices informing the public of their interest in station performance and encouraging listeners to communicate their opinions regarding station operation. This opposition is primarily based on three general assertions: first, the announcements are unnecessary; second, the announcements will have undesirable effects; and third, the announcements will not have the effects desired by the Commission. Only NAB maintains that the Commission lacks the authority to require licensees to make the announcements, claiming that the announcements are neither authorized by specific provision of the Communications Act nor by broad powers bestowed by sections 4(i) or 303(r).

5. Those parties calling the announcements unnecessary contend that licensees are not guilty of ignoring the public or of failing to maintain a dialogue with or concern for listeners, and/or they maintain that the public already knows that it can complain to the station or the Commission. Basic, for example, argues that it is simply not true that licensees spend two out of every three years blithely ignoring their publics' voices. Such a course would be completely economically dysfunctional, for when a station ceases to continuously ascertain and serve community needs and interests, people will stop watching and listening. Moreover, says Basic, broadcasters are professionals who take pride in their work. Part of that pride is the meeting of obligations to keep abreast of needs and interests of the service area and then fashioning programs which satisfy those needs.

6. Many stations emphasize in their filings that they are communicating with their community on a continuing basis and have no need of more regulations. Metromedia submits that when viewed in the light of its station's extensive day-to-day effort to maintain a continuous useful exchange of ideas, the Commission's assumption of a lack of continuing dialogue is incredible. KWNA maintains that if a station did not meet community needs, it would soon be out of business and Fetzer believes there is practically no chance any successful licensee could isolate himself from opinions and desires of the local community and expect to be a socially effective force within that community. McClatchy suggests that responsible broadcasters keep informed of problems and needs on their own initiative and if any initiative is needed for others, the Commission already requires a specific program of ascertainment. McClatchy claims there is no evidence existing procedures have broken down.

7. Others maintain the announcement is also unnecessary because the public already knows it can complain to the station and/or the Commission. NAB states the public already knows where to direct comments regarding broadcasting and does not have to be told of its right to complain or to compliment Group W agrees and says that many people already freely exercise their privilege. Thus the announcements would only repeat what is generally known or assumed by the public and little would be gained by their repeated broadcast. Westinghouse feels the announcements to be particularly unnecessary in light of the notices concerning the filing of the renewal applications proposed in Part III of the Notice, while Paducah believes annual reporting proposed in Part IV of the Notice makes the announcements less necessary for television licensees.

8. North Carolina contends that the increase in "strike applications," informal objections and petitions to deny in recent years clearly suggests the public is fully informed about the right to comment on station performance and to bring matters to the Commission. CBS also notes a perceptive increase in communications from the public and claims there is no need to stimulate these further. Gill maintains there is no reason to believe an increased number of responses would provide more information than is presently being received by licensees, since Gill believes that the comments it has been receiving from the public already present the views of a cross-section of the community.

9. Undesirable effects of the announcements upon listeners and/or licensees are predicted by various parties, although BEST in Reply Comments contends that there are no facts available upon which to base a reasoned analysis of the quantity or nature of the comments that will be generated by the announcements. Louisiana, Kansas, NBC, ABC, GE, KAKC, Metromedia and Paducah expect the announcements to prove an annoyance and irritation to the general public. Paducah says this will be particularly true if the announcements are made as frequently as every eighth day and repeated in the same time period. ACLU feels the announcements would probably be heard as abrasive and condescending rhetoric to some who are offended and discouraged by media insensitivity to their needs and interests.

10. Others fear the announcements would generate crank calls and letters, thereby squandering the staff, resources and time of the licensee and distracting him from his primary task of programming in response to community needs. North Carolina, for example, contends that staffs will be bogged down with frivolous complaints and Corinthian says licensees will drain their energies in fruitless exchanges with dissident, nonrepresentative, irresponsible groups and individuals. WGAL fears broadcasters may feel compelled to yield to organized pressure groups without regard to the merits of their complaints. WRAD and WASA suggest that the burden resulting from the eighth day notices will be particularly great for small stations with their limited staff and resources, while Storer estimates that in the top 22 markets, 165,000 letters a year will be received, thus ensuring that responding to letters will prove a tremendous burden for the large stations as well. Sonderling submits that if the announcements should prove effective in stimulating communications from listeners and viewers, the increased volume of letters received by a station would make the prospects for developing new and meaningful dialogue exceedingly slim. Rather, what could be reasonably expected is that the volume of letters could not be effectively handled.

11. Several parties discuss the financial burden that would be imposed by the airing of the announcements in lieu of commercials. Carter indicates the loss of advertising revenues would jeopardize the ability of its stations to improve or even maintain their public service capability. Paducah calculates that in 1971–72, during five of the seven evenings of the week. NBC affiliates will have as few as three and a maximum of five opportunities for any kind of local announcements between 8:00 and 10:00 p.m., and at most, only two or three opportunities for local sixty second announcements.

12. Undesirable effects of the announcements upon the Commission's workload are also projected. Storer maintains that the number of complaints sent to the Commission as a result of the invitation to do so contained in the proposed announcements might run in the

millions. North Carolina says the Commission would be bogged down with frivolous complaints. Louisiana and Kansas note that according to the yearly reports of the Commission's Complaints and Compliance Division, only 50 of the approximately 60,000 complaints sent to the Commission in 1970 warranted a full investigation. Metromedia fears the increased burden on the Commission's staff would result in increased license fees, while Norbertine is concerned that the burden on Commission staff would result in letters not being forwarded to the licensee in time to permit effective changes in policy and programming.

13. In addition to comments predicting various undesirable effects of the announcements, comments were received predicting the announcements would have no effect and thus would not achieve the Commission's objectives. The Commission indicated in the notice that one of the main purposes of the announcements was to promote resolution of complaints at the local level as they arise through discussion between complainant and the licensee rather than through Commission inquiry. The effectiveness of the announcements in achieving this goal was questioned by some parties who claim citizen groups will continue to wait until renewal time to air their complaints because this has proved a successful tactic. WGN notes that those groups who time their protests to correspond with renewal filings because they realize it is then that the broadcaster is most vulnerable, will still be under no obligation to communicate with broadcasters during the license period. NAB maintains that groups use the tactic of avoiding continuing dialogue because the objectives of these groups are not to settle complaints but to stockpile them. The announcements will not contribute to the establishment of a dialogue between stations and local ephemeral groups which are directed and motivated by outside forces. Nor will the announcements reduce or affect the submission of petitions to deny license renewals which are the result of a nationally co-ordinated movement to restructure broadcasting. United Church and BEST say groups have often waited until renewal time to press their complaints because complaints in the middle of the license period generally go unheeded. United Church says that as in collective bargaining, significant changes are discussed only when expiration of control is imminent. Urban Law submits that the Commission offers no verification that licensees would respond to complaints in the absence of an impending renewal and petition to deny.

14. NBC alleges that the existing notice of the filing of renewal applications is ineffective in stimulating dialogue with the community; thus doubts are cast on the advisability of requiring additional announcements throughout the license period. GE, ABC, WSAU–TV and KAKC contend that the existing renewal announcements have not produced meaningful or significant dialogue because dialogue is created through more personal, direct and informal means. Corinthian maintains that the proposed eighth day announcements will be of no more interest to the public than the legal notices of renewal filings now published in the newspapers. Plough states that it has been asking for complaints and suggestions in five radio markets since Spring of 1970 and has received few responses. Plough claims this is because (a) it is easier to switch the dial, (b) because over-the-air comments do not result in comments from listeners, (c) because the public is lethargic, and (d) because only groups are interested in responding; KGUD says it has aired the sample announcement for radio proposed in the Notice as a test. It received one post card and many crank calls.

15. *Conclusions.* With regard to the contention that we lack the authority to require the announcements, we consider new § 73.1202 of the Commission's rules (Appendix C of this Report and Order) to be a particularization of the licensee's basic public interest obligation to serve as an outlet for local expression. (See the statutory provisions cited in paragraph 213).

16. As to the necessity of the announcements, we note with some concern that since the issuance of the Notice in February 1971, the number of formal petitions to deny broadcast license renewal applications has continued to increase. The most common complaint raised in recent petitions relates to an alleged failure of the licensee to adequately respond to the problems and needs of at least a significant segment of his service area. In most cases, the specific points raised in these filings were not communicated to the licensee during the first two and one-half years of the license period and little or no dialogue occurred between petitioner and licensee prior to the filing of the renewal application. In requiring the announcements, we are not passing judgments on the merits of the complaints raised in the petitions, nor do we mean to imply any criticism of either licensees or citizen groups. We recognize that, as several parties suggest, rapid social change rather than any irresponsibility, failure or indifference of broadcasters may well have been the major cause of the increase in the number of petitions. But we believe the events of the past two years have merely re-emphasized the need both to ensure that licensees remain conversant with and attentive to community problems throughout the license period, and citizens are encouraged to engage in more continuous dialogue with licensees in order to promote local resolution of complaints as they arise. This is the purpose of the announcements and this is why we believe them to be necessary.

17. Whether the announcements will have the effect desired by the Commission or whether they will have some undesirable effects can only be determined by actual experience. However, given the comments of various broadcasters regarding the importance of knowing the problems and needs of the service area for maintaining a successful station operation, we believe at least some good will result from the announcements. As for some of the projected ill-effects, the changes in the scheduling of the announcements discussed in paragraphs 28 and 31 will reduce the financial burden of airing the announcements and the risk that they will prove an annoyance and irritation to the public. The elimination of the reference in the announcements to sending comments directly to the Commission (see paragraph 38) will reduce the possibilities of the predicted undesirable effects upon the Commission's workload. It will also reduce the danger of letters being unduly delayed in Washington and not being sent to the licensee in time to permit effective changes in policy.

18. The fear that reacting to frivolous and crank comments received from listeners and viewers responding to the announcements will squander the resources of licensees and distract them from their primary task of programming to meet community needs, assumes that comments received will hamper rather than aid the licensee in better determining the problems and needs of his service area and/or the programming which can best deal with those problems and needs. While it is reasonable to assume that some listener and viewer comments generated by the announcements will be of a nature that might generally be classified as frivolous, to think that the majority of the responses will be of that nature is to cast grave doubts on the intelligence of the general citizen and his ability to communicate his opinions. We do not feel such a conclusion is justified; and, we assume that those licensees whose programming includes programs or program segments in which listeners participate or letters from listeners are read and discussed on the air, as well as those licensees who have long solicited comments from listeners or viewers through various on-air announcements, would agree.

19. We do not believe that either the new renewal announcements proposed in Part III of the notice or the initiating of annual reporting for television licensees proposed in Part IV of the notice make the announcements less necessary. The annual listing of problems and needs will, however, provide the interested viewer with a more current and better understanding of the licensee's conception of the problems and needs of the service area and his efforts to meet those problems and needs. This hopefully will in turn lead to more informed and relevant audience feedback, increased dialogue between viewer and licensee regarding problems and needs of the community, and the local resolution of complaints as they arise.

20. Finally, if there is a danger that broadcasters may feel compelled to yield to organized pressure groups without regard to the merits of their complaints, we suggest the danger is more real under present circumstances. With little or no dialogue occurring with potential petitioners until renewal time and with gen-

eral audience feedback often not being continually solicited and received, it would seem more difficult to evaluate the representativeness of a complaint raised by a group who claims to speak for a significant segment of the community.

THE ANNOUNCEMENT AS A MEANS OF ASCERTAINMENT

21. Various parties assume it was the Commission's intention that the mere airing of the proposed announcements would totally fulfill the licensee's obligation to ascertain the problems, needs and interests of the community. Thus, for example, McClatchy says that replacing the familiar and natural methods of ascertainment with mandatory and artificial announcements will not contribute to meaningful dialogue. BEST maintains that while the announcement requirement is a satisfactory supplement to the ascertainment requirements of the Primer[2] it is not a satisfactory substitute. While the Primer requires the licensee to ferret out views and display initiative in seeking two-way communication, with the announcement requirement replacing the Primer requirement the licensee becomes merely a suggestion box. Urban Law thinks eliminating the Primer and substituting the announcements is to shift the burden of initiating and maintaining dialogue from licensee to community. Urban League maintains that abandoning the requirement that licensees demonstrate ascertainment of community problems would be to reverse a policy of many years standing and would be to seriously weaken, if not destroy the means by which the community can control the use to be made of the public airwaves. Lebanon feels that using the announcements as the only or major means of ascertainment is to destroy the Primer concept of continuing awareness.

22. NOW contends that elimination of the existing ascertainment requirements of the Primer would be particularly crippling to women, since under the Primer, recognition of women as a significant group to be ascertained is practically guaranteed. Urban Law, United Church and Baldwin consider the requirement of submitting complaints and suggestions to the stations in writing to discriminate against the illiterate and the disadvantaged, and to make it unlikely that the busy community leader will spend time communicating with licensees. NAB argues that relying on reaction to such announcements would tend to undermine the random sampling feature of the Primer. CBS suggests that the Commission wait and see how things work under the Primer before instituting the announcement requirement, because direct contact of licensees with leaders and members of the public is to be preferred.

23. *Conclusions.* In proposing the announcement rule we never intended to imply that the airing of the announcements would totally fulfill the licensee's long standing obligation to make a positive, diligent and continuing effort to ascertain the tastes, needs and desires of the public in his service area (En Banc Inquiry re: Programming, 25 F.R. 7295 (1960). We did in Part IV of the Notice propose a revision of the system by which a television licensee reports on the problems and needs of his community, a revision which would eliminate existing Part I of section IVB of Form 303. However, the inclusion of Questions 3 and 6 in the proposed new section IV B of Form 303 for television renewal applicants which was presented in the Notice (and the absence of any proposed new Section IVA of Form 303 for radio renewal applicants) reflected our intention that the announcements would be only one means by which television licensees ascertained community needs. Thus Question 3 of the proposed new section IVB of Form 303 asked the television renewal applicant to describe the methods by which during the past three years he determined the problems and needs of the public served by his station, while Question 6 asked if the applicant planned during the next renewal period to change the methods described in the answer to Question 3 for determining problems and needs, and, if so, to describe these changes.

24. We agree with the objections to relying on the announcements as the sole method of ascertainment raised in the filings. Such reliance would indeed shift the burden of initiating and maintaining dialogue from licensee to community and would reverse a policy of many years standing. Such reliance would also result in a bias in the sample of the community whose views were ascertained, such bias to include discrimination against the illiterate. And, as CBS indicates, direct face-to-face contact between licensee and leaders and members of the public is certainly to be preferred. Thus, we cannot emphasize too strongly that the announcements are designed to supplement and not replace the existing means by which community problems and needs are presently being determined, including face-to-face contacts. Further discussion regarding ascertainment requirements for television licensees may be found in section IV of this Report and Order in paragraphs 122–131, 177–185. Radio licensees are, pending the outcome of our formal Inquiry regarding ascertainment (Docket 19715), still subject to the requirements of Part I of section IVA of Form 303 and the Primer on Ascertainment of Community Needs issued in February 1971.

TIME OF DAY OF THE ANNOUNCEMENTS

25. In the Notice the Commission specifically welcomed comments on the appropriate time periods for airing the announcements and on whether all or merely a substantial percentage of the announcements should be required within the proposed specified periods (8–10 p.m. for television and 7–9 a.m. for radio) of maximum viewing or listening. Several parties suggest that the time periods now used for announcements notifying the public of the filing of renewal applications (7–10 p.m. for television and 7–10 a.m. for radio) be used for the eighth day announcements. CBS recommends 6–11 p.m. for television and 6–10 a.m. for radio while Dempsey & Koplovitz suggests 6–11 p.m. for television with rotating 2 hours segments (e.g., 6–8 p.m., then 7–9 p.m., then 8–10 p.m., then 9–11 p.m. and then start again with 6–8 p.m.). Corinthian suggests 6–11 p.m. for television and North Carolina recommends 6–11 p.m. for television and 7–10 a.m. or 4–7 p.m. for radio.

26. Other parties suggest that a certain percentage of the announcements be aired during non-prime time hours. NBC recommends that at least 50 percent of the announcements be aired between 6–11 p.m. for television and 7–10 a.m. or 3–7 p.m. for radio, and the remainder be aired anytime between 8 a.m. and 1 a.m. Cohn & Marks favors 50 percent between 5:30 p.m. and midnight for television and 7–9 a.m. for radio, and the rest anytime between 5 a.m.–midnight. McClatchy suggests that a certain percentage (e.g., one-third) of the announcements be in prime time and the rest anytime. Plough says that only "a certain percentage" should be aired during prime time. Baldwin recommends that every fourth or fifth television announcement be in daytime or late evening. Paducah submits that the announcements should be scattered throughout the day on a rotating basis 9–11 a.m., 11 a.m.–1 p.m., 1–3 p.m., etc.) KRGV–TV recommends that the announcements be aired on a Run of Schedule (ROS) basis from sign-on to sign-off. BEST suggests that one-half of the announcements should be in prime time and one-half in the remaining hours, allocated among the time periods set forth in station rate cards. In Reply Comments, Sonderling specifically opposes this suggestion.

27. Fetzer, McClatchy, Gill and Paducah cite the need for the eighth day announcement rule to contain provisions for emergencies or pre-emption by special programming. WRVB–FM believes special consideration should be given to non-profit religious stations.

38. *Conclusions.* We consider it desirable to both scatter the announcements throughout the day and yet ensure a substantial percentage of the announcements are aired during the periods of maximum viewing or listening. Thus, as indicated in new § 73.1202 of the Commission's rules (included as Appendix C of this Report and Order), we have decided on the following time periods for airing the announcements:[3]

(a) For commercial television stations—the announcements shall alternate between the 6 p.m. to 11 p.m. time period (5 p.m. to 10 p.m. Central and Mountain Time) and the following two-hour time periods in the following rotating order: 7 a.m. to 9 a.m., 9 a.m. to 11 a.m., 11 a.m. to 1 p.m., 1 p.m. to 3 p.m., 3 p.m. to 5 p.m., 5 p.m. to 7 p.m., 10 p.m. to midnight.

(b) For commercial radio stations—the announcements shall alternate be-

[2] Primer on Ascertainment of Community Needs, 27 FCC 2d 650 (1971) (36 FR 4092).

[3] At a future date each licensee will receive a copy of the appropriate schedule below in the form of a chart which could be placed in convenient studio location (i.e., a bulletin board in a control room) for easy reference.

tween the 7 a.m. to 9 a.m. and/or 4 p.m. to 6 p.m. time periods and the following two hour time periods in the following rotating order: 5 a.m. to 7 a.m., 9 a.m. to 11 a.m., 11 a.m. to 1 p.m., 1 p.m. to 3 p.m., 5 p.m. to 7 p.m., 7 p.m. to 9 p.m., 9 p.m to 11 p.m., 11 p.m. to 1 a.m. For stations which neither operate between 7 a.m. to 9 a.m. nor between 4 p.m. to 6 p.m., the announcements shall alternate between the first two hours of broadcast operation and every other two-hour time period during the broadcast day in rotating order beginning with sign-on.

29. We agree with those parties who cite the need for the announcement rule to contain provision for emergencies and thus have included in § 73.1202 a provision that if an emergency arises which precludes the airing of the announcement at the scheduled time, the announcement shall be aired on the day following the ending of such emergency at the identical time or during the time period which the rotating order specified in the rule required. We do not believe, however, that any special consideration for non-profit religious stations is necessary or warranted.

FREQUENCY OF THE ANNOUNCEMENTS

30. A number of parties think that every eighth day is too often to air the announcements, while several others feel the announcements should be aired more frequently than every eighth day. Recommended alternatives range from announcements four times a year (CBS would broadcast them weekly during a single month while Cohn & Marks would broadcast them every three months) to announcements every third day (proposed "at least at the outset" by BEST and specifically opposed by Sonderling in Reply Comments). Various parties recommend once a month or every 30 days. NBC suggests every 60 days, KUTV every two months and Corinthian twice a month. KRSN submits that a requirement of once a week to cover every day of the week would be easier to comply with than every eighth day, while Flower City recommends the announcements be required the 10th, 20th, and 30th days of each month. Storer proposes that only eight 30-second spots be aired each year, these during the two-week period following the filing of the Annual Report. Basic and Fetzer maintain the frequency of the announcements should be a matter of licensee discretion. Plough says the Commission could prescribe a minimum number of announcements each month with a requirement of a certain percentage in prime time, and then leave the rest of the scheduling to the individual station. NBC maintains that up to 25 percent of the announcements should be permitted to be by publication in a local newspaper in lieu of broadcasting announcements on that day or during that week.

31. *Conclusions.* After careful consideration of the options available and the comments received, we have decided to require the announcements every fifteenth day, rotated among the various time periods specified in paragraph 28. We believe this frequency of announcements will be sufficient to ensure that the announcements are heard by the vast majority of listeners and viewers, with enough redundancy to stimulate dialogue between audience and licensee.

TEXT OF THE ANNOUNCEMENTS

32. Various parties think the proposed sample announcements [4] are too lengthy, but there is considerable disagreement regarding just how long it takes to read them. The estimates range from 60 seconds to 120 seconds. Several alternative texts are submitted, most of which include changes discussed below.

33. STATIC and United Church recommend longer announcements which would emphasize particular aspects of a station's public interest obligations, including fairness, equal employment and solicitation of public service announcements. These longer announcements would be designed to educate the public rather than to merely ask for their comments and suggestions.

34. Some parties maintain the text of the announcements should be a matter of licensee discretion. BEST suggests that the Commission permit broadcasters to experiment and put their minds to producing interesting announcements. It contends that packaging spots or allowing community groups to present the announcements would prove more effective than repeating the identical announcement on all stations over a long period of time. Sonderling submits that the full, formal repetition proposed will make the audience mentally tune out but, in Reply Comments, opposes BEST's suggestion regarding experimentation. Plough maintains that the text is a bureaucrat's dream, but it won't sell.

35. BEST says the announcements should indicate the last renewal application is also available for public inspection. Dempsey & Koplovitz want the announcements to clarify the period covered by the last Annual Report. Gill, KRGV–TV and Nebraska feel the tone of the sample announcements suggests only criticism, and ask the Commission to make it clear in the announcement that compliments as well as criticisms and suggestions are welcomed.

36. A number of parties urge the deletion of the reference to "public property." Cohn & Marks does not think the phrase gives significant information. Lebanon and others maintain the phrase may be interpreted by some in a manner which would precipitate undesirable and even violent actions. NAB, NBC, Dempsey & Koplovitz and KUTV believe the phrase raises complex legal questions regarding the ownership of the ether and implies broadcasters are common carriers. Other parties ask that the reference to sending complaints and suggestions directly to the Commission be deleted because it contradicts the Commission's aim of promoting local resolution of differences between a licensee and members of the local community.

37. Baldwin notes that viewers are not invited to discuss or comment on the list of problems and needs that television licensees will be required to submit in the Annual Report. He is among several parties to suggest that both radio and television announcements be geared to the community dialogue and ascertainment issues rather than to matters of programming preference. Sonderling and Dempsey & Koplovitz, for example, recommend that the requirement in (d) for radio and (e) for television in the proposed rule be amended to clarify that the "adequacy of performance" refers to performance in meeting responsibilities to ascertain problems and needs and to program to meet them. Baldwin suggests that licensees be encouraged to adjust programming based upon the feedback received from the announcements, otherwise they may be reluctant to deviate from promises made in the last renewal application because of fear of promise vs. performance criticism. Baldwin also recommends pre-testing of the announcements before the announcement Rule is finalized.

38. *Conclusions.* New § 73.1202 and the sample announcements contained in the rule (see Appendix C) have incorporated many of the changes suggested in the filings. The required announcement for television licenses now clarifies the time period covered by the annual listings of problems and needs. The announcements for both radio and television more clearly solicit favorable as well as unfavorable feedback by inviting "suggestions or comments" rather than "opinions, criticisms or suggestions." The invitation to send comments directly to the Commission has been deleted in order to further promote local resolution of complaints and differences. The phrases "adequacy of performance" and "public property" have also been deleted in order to eliminate possible confusion regarding their meaning.

39. We agree with Baldwin that licensees should carefully evaluate the feedback received from the announcements, and, whenever they deem it appropriate, consistent with their overall ascertainment efforts (see paragraph 24), should not refrain to implement any useful recommendation that may have been suggested by viewers or listeners solely because of a fear of "promise vs. performance" criticism. We do not, however, think Baldwin's suggestion of pretesting the announcements is practical, given the problems of deciding which stations should have to air the announcements, for how long, and how and by whom their effectiveness is to be measured and evaluated.

40. With respect to the recommendation that the text of the announcements should be a matter of licensee discretion and that licensees should be allowed to experiment with the announcements, we point out and emphasize that the sample announcements included in the rule are nothing more than sample announce-

[4] Sample announcements incorporating the information required by the proposed eighth day announcement rule were included in the Notice. Most parties who commented on the text of the announcements assumed that stations would air the sample announcements as written.

ments which incorporate the requirements of § 73.1202. Should any or all licensees wish to compose other wording and experiment with the method of presentation in order to help make the announcement "sell" or to convey additional information, they are encouraged to do so, as long as the requirements of § 73.1202 are met.

COMMENTS AND SUGGESTION FILE

41. While various parties, including the NAB, specifically indicate they are not totally opposed to the concept of retaining a comments and suggestion file, other parties express total opposition. NBC, Basic and Fetzer maintain the Commission should give a more precise rationale before imposing such a requirement, especially since the letters would be retained as part of a public file which is not presently being used or examined. WRAG says it has never had a request to see its public file, while Corinthian cites a NAB survey of 1236 stations which found that during a given year a total of only 65 requests was received by all stations to see local public files.

42. CBS thinks it is the attention paid to letters and the station's responses that may contribute to a desired dialogue between citizen groups and licensees, not the mere retention of letters in a public file. NBC and CBS suggest the only conceivable purpose of the file would be to facilitate license challenges and petitions to deny by providing a discovery procedure to licensees' business files, and Plough contends that the file would give a challenger an undue advantage in a comparative hearing. NBC, CBS, and Plough are joined by Metromedia and Heart O'Wisconsin in expressing a fear that the file would deter stations from airing programs responsive to problems and needs. Because such programs often deal with controversial issues and attract far more correspondence than would something more bland, some broadcasters will decide upon bland programming to avoid a tremendous volume of letters in the station file. Plough predicts licensees will begin to solicit "orchid" letters to balance out any complaints received.

43. Some parties maintain the file may inhibit communications between licensee and public. CBS says the importance of anonymity for a free flow between licensee and public is recognized in the Primer, and fears that the supposedly private letters could be used for harassment of citizens. McClatchy feels that comments and complaints should remain matters solely between the licensee and the writer and it is not the public's role to second guess licensee judgment in the handling of such matters. Flower City expects people to be reluctant to write without assurances of confidentiality.

44. CBS and NBC argue that placing letters in the public file would constitute publication in violation of the authors' rights. CBS submits that under common law copyright the writer should have the exclusive right to permit copying of the letter, but under the proposed rule, anyone could copy the letter from the public file. NBC contends the average writer would not be aware that he must specifically request confidentiality to retain his author's rights and thus he would not ask for same. Plough, Basic, McClatchy and Fetzer point out that complaints sent to the Commission and resolved there are placed in a private file and are not available for public inspection.

45. The burden of maintaining the proposed comments and suggestion file is emphasized in a number of filings. Reference is made to the burden upon personnel, space, equipment (including duplicating facilities needed for duplicating letters while they are being circulated), and finances. CBS, for example, submits that WCBS–TV might receive 37,000 letters a year while Metromedia contends that any major market station could reasonably expect 60,000 letters a year. Storer maintains that if correctly done, an average of only 30–50 letters can be classified and summarized in a day. Lebanon is among several parties who feel the retention of the file would prove especially burdenson for small radio stations. WUAB cites the particular need for relief for UHF telecasters from administrative burdens.

46. A seven-year retention period for comments and suggestions is considered too long by various parties. ABC, WSAU–TV and KAKC think a two year retention period would be sufficient since complaints over two years old are dated, stale and essentially irrelevant. Plough recommends retention for only the past license period (a maximum of three years) while Corinthian recommends retention for one year or until the grant of the next renewal, whichever is longer. NBC maintains that even a one year retention period would prove much too burdensome.

47. NBC also suggests it is unclear just when the communication would have to be placed in the public inspection file and asks the Commission to clarify whether a copy of the letter has to go into the file immediately or only after reading, circulation and action has taken place. Basic, Fetzer, McClatchy and Plough fear that internal memoranda would have to be included in the public file in order to present a complete picture of issues raised in complaints or comments. The first three parties also are concerned that the proposed rule does not exclude business correspondence, as opposed to comments from the public, from being placed in the public file.

48. Comments regarding the requirement of breaking down the letters into subject categories were also received. Some parties suggest the requirement is unnecesary. NBC, for example, says that putting the letters into chronological order would facilitate public inspection and would be preferable to a complex system of categories which would be a rather unreasonable burden. Flower City suggests that filing by categories would be solely for the convenience of the public even though the purpose of the letters is to help the licensee to respond to community needs. BEST, however, supports categorization of the letters and submits that six categories may not be exhaustive and thus a seventh "miscellaneous" category should be added. BEST also thinks there should be a cross-referencing system to facilitate public inspection of the comments.

49. United Church, BEST and Baldwin oppose the Commission's proposal to exempt obscene and defamatory letters from being placed in the file. Baldwin says giving broadcasters the opportunity to exclude letters they feel should be excluded because of "the special nature of its content" would enable them to make self-serving deletions by arbitrarily labeling derogatory letters obscene. United Church maintains there is little risk of social injury from the file since children are unlikely to review it, and since the file would have little appeal for those of prurient interests. Presumably there would be no great audience for defamatory matter and republication will not be privileged under libel laws.

50. Urban Law thinks licensees should be required to respond promptly and completely to all comments, should be required to propose meetings between interested correspondents and representatives of the licensee and should be required to maintain in the public file records of action taken in response to particular letters.

51. *Conclusion.* As will be discussed in Section IV of this Report and Order (paragraph 188) we have eliminated from new Section IV of Form 303 the proposed question regarding the comments and suggestions file. We have decided, however, after considerable discussion (focused primarily on the matter of retention of letters by radio licensees) to require radio and television licensees to retain in their public file written comments and suggestions received concerning operation of the station. (The requirement for radio will be on an experimental basis. At some appropriate time, probably about one year after the retention requirement has taken effect, we will ask our re-regulation task force to evaluate the usefulness of the requirement as it pertains to radio, and to recommend its continuation, modification or elimination.) Although this file would not normally be subjected to Commission scrutiny, it would be available to permit an interested member of the public to better determine the nature of community feedback being received by the licensee and to have a better indication of the extent to which his opinions regarding community problems and needs and/or the licensee's broadcast operation might be shared by other members of the community. We certainly share the contention of CBS that it is the attention paid to letters and the station's answers that may contribute to the desired dialogue rather than the mere retention of letters in a public file. But in order for members of the public and in certain instances, as for example, if a petition to deny is filed, for the Commission to have some better idea of the nature of the station's response to community feedback, the nature of the feedback must be available.

52. We do not think we should refrain from requiring stations to retain a file of comments received from listen-

ers or viewers on the grounds that such a requirement would deter stations from airing programs to meet problems and needs because of the fear of controversy. There is no evidence to indicate that this would happen and we do not believe broadcasters would avoid their long-standing responsibilities of dealing with significant issues of public importance and with the problems and needs of the community merely because of the fear of receiving and being required to retain some critical letters.

53. The concern that the file may, in certain instances, inhibit communications between licensee and members of the public because of a citizen's possible desire for anonymity and fear of harassment was the reason for our including in § 73.1202 a statement to the effect that the listener's or viewer's letter would not be made publicly available if the listener or viewer wished the communication to remain private. We do not think that placing letters in the public file constitutes violation of the author's rights, especially with the existence of an option available to the author of having his letter put in the public file or having it remain confidential.

54. The potential undue burden of retaining an indeterminate number of letters for seven years coupled with the fact that comments over three years old are usually at least somewhat dated, has led us to shorten the required retention period from seven years to three years. We have, however, retained a requirement that television licensees (who presumably will receive far more letters than radio licensees) file the letters into two subject categories: programming and non-programming. This should be more useful than mere chronological filing to anyone examining the television file, yet should not be as burdensome to the television licensee as would be the filing of letters into seven subject categories. A cross-reference system is not being required because we believe it is not essential and would place an unreasonable burden on the licensee.

55. We do not consider it necessary, at least until experience suggests otherwise, to specify exactly when letters must be placed in the public file, but we would expect letters would be placed in the file within a reasonable period of time from the date on which they were received. It was not our intention to require either internal memoranda or business correspondence to be placed in the file and § 73.1202 has been clarified to provide that only written comments received from members of the public must be retained. We do not think that inclusion of internal communication in the file would ordinarily be necessary to present a complete picture of issues raised by listeners or viewers, but should licensees consider otherwise, they, of course, have the option of putting such materials in the file.

56. We have retained the exemption for obscence and defamatory letters and leave it to the good faith judgment of the licensee as to whether the letter is defamatory or obscene. If, however, a licensee is found to be making self-serving deletions by arbitrarily labeling derogatory letters obscene, we will deem the rule to have been violated.

57. With regard to Urban's Law, recommendations that licensees be required to respond promptly and completely to all comments, to maintain in the public file records of actions taken in response to particular letters, and to propose meetings between interested correspondents and licensee representatives, we believe imposition of such requirements to be both inappropriate and unenforceable. But we again encourage licensees to carefully evaluate all feedback received from their audiences and to continually engage in dialogue with members of their communities concerning the problems and needs of the community and the kind of broadcast services which can help meet those problems and needs.

II. PROPOSED RULEMAKING TO AMEND §§ 1.516(E) (1), 1.539(A), 1.580(I) AND 1.580(J) OF THE COMMISSION'S RULES RELATING TO THE TIME FOR FILING APPLICATIONS FOR RENEWAL OF BROADCAST STATION LICENSES, PETITIONS TO DENY SUCH APPLICATIONS, OPPOSITIONS TO SUCH PETITIONS AND REPLIES TO SUCH OPPOSITIONS

THE COMMISSION PROPOSAL

58. In Section Two the Commission proposed (a) to change the deadline for filing applications for renewal of broadcast station licenses from 90 days prior to the expiration date of the license to four months before that date, (b) to not grant extensions of time in which to file petitions to deny renewal applications unless all parties concerned, including the renewal applicant, consent to such request or unless a compelling showing can be made of unusual circumstances warranting deviation from that policy, and (c) to lengthen the time for filing oppositions to petitions to deny to 30 days after the petition to deny is filed and for filing replies to oppositions to 20 days after the opposition is filed. The Commission stated that the earlier filing of the renewal application and the retention of a cut off date for filing petitions to deny of the first day of the last full calendar month of the expiring license[*] will provide community groups interested in the performance of local stations with ample time to examine renewal applications, to discuss problems with licensees, and, if desired, to file timely petitions to deny. This will eliminate the necessity for seeking last minute extensions of time which are disruptive of the Commission's processes and make it possible for the Commission to adopt a policy of not granting requests for extensions based on a claim of negotiations with the station unless all parties concerned consent to such requests. The Commission stated that this course, coupled with the notices of filing of renewal applications proposed in Part Three of the notice, appears to represent a reasonable balance between necessary safeguards for the expression of the public interest by community groups and the need for orderly application processing. The amendment of § 1.580(j) of the rules to give more adequate time for the presentation of oppositions to petitions to deny and replies to oppositions had been urged on various occasions by licensees and citizen groups. The Commission indicated that such amendments seemed warranted, but in the interest of avoiding unnecessary delay in renewal processing, the expanded time for filing replies to oppositions will commence from the date of the filing of the opposition rather than (as provided in the present rules) from the date on which oppositions are due.

[*] In the case of late filed applications, the cut off date would be the 90th day after the Commission gives public notice of acceptance of the filing of the application.

THE CHANGE OF FILING DATES

59. Fetzer and McClatchy maintain that a four-month filing period is too long, that under the new plan stations could be judged on the basis of obsolete information and would be faced with the necessity of frequent and perhaps costly amendments to the application, and that the additional thirty days given for examination of the renewal application would not affect the practice of citizen groups waiting until the last minute to begin negotiations with stations. They recommend that the Commission require renewal notices to begin two or three months before the renewal expiration date (rather than five months before, as proposed) and retain the present filing date. KRGV–TV feels three months is adequate time for someone conscientious to file a petition to deny and that the extra month will simply invite "malcontents" to comment against stations and against society in general.

60. Corinthian and Flower City believe that the new filing dates should be accompanied by an earlier announcement of the composite week. This will give February 1 licensees sufficient time to complete their application by their new October 1st filing deadline. Flower City suggests an announcement in June or July. Corinthian mentions no specific date but contends that even with the present filing deadlines, the Commission should announce the composite week at an earlier date. United Church states that merely lengthening the period for examining renewal applications is not enough. The proposal would, however, be workable if the Commission adopted the rulemaking requested by the National Citizens Committee (RM–1475) to make certain program records available, including some logs. Groups would then be able to compile data well in advance of filing dates and negotiate knowledgeably and concretely. If a petition to deny were then filed, it would be supported by detailed facts as the Commission has ruled is necessary (Black Identity Education Association, 21 RR2d 746). United Church contends that groups are unable to provide such facts or negotiate effectively without increased data regarding station performance.

61. United Church also asks the Commission to require licensees to furnish copies of specified parts of public records

within 24 hours, at a cost not to exceed 5 to 10 cents per page. Past problems with obtaining copies of renewal applications are outlined with United Church maintaining it takes a minimum of two to three weeks to get a copy of a renewal application from Washington. BEST supports a requirement for duplicating materials at cost, suggesting that the requirement be limited only to those stations which have duplicating facilities on the premises. Sonderling in Reply Comments opposes such a requirement.

62. Opposition to the Commission's intention not to grant extensions for filing petitions to deny unless all parties, including the renewal applicant, consent or unless a compelling showing can be made of unusual circumstances justifying the extension is raised by BEST, United Church, Urban Law and NAEB. BEST argues that the Act is concerned with the public interest, not with the licensee's rights to a prompt renewal or the Commission's orderly processes; that no concrete showing has been made of a disruption of the Commission's practices by granting extensions; that in the vast majority of cases where extensions have been granted, the result has been to avoid petitions and litigation and to reach amicable accords that usually contain provisions to assure continuing dialogue in the future; that requiring community groups to obtain consent is an unlawful discrimination against groups since no other type of petitioner is required to obtain such a consent as a matter of law; and that the Commission is illegally delegating de facto authority to licensees to make a determination as to regulatory matters which the Act says are the Commission's responsibilities, and is thus putting the licensee in a conflict of interest position. Urban Law contends that the inconvenience caused to the licensees by processing delays are far from sufficient to justify a procedure which would endanger the rights of communities to be heard.

63. In its Reply Comments NAEB supports the contention of BEST and Urban Law that the Commission should not permit the licensee or any other party to "the suit" to determine whether a request for an extension should be treated favorably by the Commission. NAEB contends that the Commission should decide upon extension requests on the basis of the facts of specific cases, not by a flat proscription. Thus a preferable procedure would be to merely establish a cut off date and make ad hoc judgments regarding whether good cause is shown for an extension. The Commission might wish to set forth the particular standards that it proposes to apply in rendering its ad hoc decision, so that all parties would be alerted to criteria that must be satisfied.

64. United Church recommends a blanket rule or policy of automatically granting a thirty-day extension whenever written statements or affidavits are filed before the cut off date notifying the Commission of an intention to file a petition to deny. This would provide a thirty-day "cooling off period" similar to that in labor-management disputes and would permit negotiations to take place right up to the cut off date, thus increasing the chances of mutual understanding and settlement. United Church claims that its experience disproves the Commission's contention that if parties are engaged in good faith negotiations, licensees will consent to extensions. BEST in Reply Comments says the United Church proposal is preferable to the Commission proposal. Sonderling in its Reply Comments suggests the Commission retain its current 60-day filing deadline and adopt the United Church proposal of an automatic 30-day extension upon the submission of a verified notice of intention to file a petition to deny from a "party of interest" who is engaged in good faith negotiations with the licensee.

65. Several parties spoke to the question of the cut off point. NBC suggests the cut off be 45 days prior to expiration rather than 30 days because the new 30-day period for oppositions and 20 days for replies will mean that, allowing for mailing time, the period for pleading will terminate almost one month after date of expiration. Metromedia notes the same problem and says the Commission should consider the advisability of changing the cut off date so that if a petition to deny is filed, all pleadings will have been filed by the license expiration date. Gill, Storer and Cohn & Marks recommend the Commission amend § 1.587 to provide that the cut off date for formal petitions be applied to informal petitions, absent good cause. Cohn & Marks suggest there is even more reason to apply a cut off date for informal comments which require no expertise and can be readily prepared and timely mailed. Storer and Gill also recommend a rule change to make it unnecessary for the Commission to consider late filed petitions as informal objections.

66. No comments oppose the lengthening of the period for filing oppositions to petitions to deny from 10 days to 30 days. With regard to lengthening the time for filing replies to 20 days, however, Dempsey & Koplowitz suggests that 10 days, or at most 15 days would be sufficient time for filing replies, while BEST submits that the Commission might wish to permit 30 days, especially if it is going to become more strict in its application of the cut off date for filing petitions and if it is going to require the consent of the opposing party before granting extensions to file oppositions and replies. KAKC, GE, WSAU–TV, ABC, Urban Law and BEST indicate that extensions for filing oppositions and replies should be granted for good cause.

67. BEST and Urban Law argue that replies should be due 20 days from the date on which oppositions are due, not 20 days from the date on which the opposition is filed. BEST contends that otherwise the licensee would have undue control of the timing, as for example, by filing during holiday periods or holy days. Urban says such a change would cause little inconvenience to the broadcaster, and little time would be lost since few oppositions would be filed much before the deadline date.

68. Plough suggests that the Commission rules should provide for something analogous to a motion to dismiss for failure to state a claim. After examining the renewal application and the petition to deny the Commission could either grant the motion or dismiss it. Only after the petition were dismissed would the full pleading cycle (including replies and oppositions)' need to be followed.

69. *Conclusions.* We believe it desirable to implement the proposed change of filing dates for renewal applications from 90 days prior to the expiration date to four months before that date. As stated in the Notice this will provide community groups interested in the performance of local stations with ample time to examine renewal applications, to discuss any problems with licensees, and, if desired, to file timely petitions to deny. After careful re-examination of the appropriate renewal forms, we do not think the filing of renewal applications thirty days earlier than at present will result in stations being evaluated on the basis of obsolete information. The dates by which the composite week will be announced each year and on which the Annual Programming Report in Appendix D will be due from commercial television licensees (See section IV of this Report and Order) will be announced at a future date.

70. The National Citizen Committee's petition for rulemaking (referred to by United Church) to make certain program records, including program logs, available to the public is the subject of a notice of proposed rulemaking issued January 8, 1973 (Docket 19667). The Notice refers to the possibility of obtaining from a convenient local depository, such as the local public library, copies of program logs and related station documents. While no decision has been reached regarding the making of all program logs publicly available, we have determined that the logs for the annual composite week for commercial television licensees which will be used in the compilation of statistics for the Annual Programming Report should be placed in the public file with the Annual Programming Report. (See Appendix B). Licensees will, however, only send to Washington logs for one composite week each renewal period. These logs will be sent at renewal time with section IV–B of Form 303 and will be for the most recent composite week.

71. With respect to the objections of several parties regarding our intention not to grant extensions for filing petitions to deny unless all parties, including the renewal applicant, consent or unless a compelling showing can be made of unusual circumstances, we think it appropriate to restate our thinking regarding extensions for filing petitions to deny which was outlined in the Notice.

72. It seems to us reasonable to assume that regardless of when we fix the deadlines for filing renewal applications and for filing petitions to deny, we will probably continue to receive requests

from citizen groups for extensions of time to file petitions to deny. Presumably these requests will continue to be based either on the grounds that negotiation is taking place and agreement will soon be reached which will eliminate the need for filing a petition, or that unusual circumstances have arisen which make it impossible for an interested party to timely file. Given these realities we have decided that the most reasonable and proper course for us to pursue is to do the following: (1) To encourage continuous dialogue between community and licensee throughout the license period through the new announcements required by new § 73.1202. (2) In the case of television, to provide the public with increased information regarding station programming and each licensee's conception of problems and needs by requiring annual reporting of composite week programming and the annual listing of problems and needs. (These requirements were proposed in Part IV of the Notice and are discussed in section IV, paragraphs 99–155 of this Report and Order). (3) To require licensees to file their renewal applications four months prior to the expiration of their licenses and three months prior to the cut off date for filing petitions to deny. This will ensure adequate time for any interested party to (a) examine a renewal application, (b) discuss any problems with licensees and determine if negotiation is desirable and possible, and (c) decide to file a timely petition to deny, to not file a petition, or to come with the licensee to the Commission and request an extension of time to continue negotiations. (4) To remind interested parties of the pending renewal and the filing of the renewal application through the pre-filing and post-filing renewal announcements discussed in Part III of the Notice and this Report and Order. (5) To continue to consider on an individual ad hoc basis requests for extensions of time to file a petition to deny on the grounds of compelling unusual circumstances preventing timely filing, but to make it clear that the circumstances must, in fact, be compelling and unusual before the extension is granted. (6) To grant extensions of time for filing petitions to deny on the grounds that negotiations are taking place and settlement is near only when both licensee and potential petitioner both affirm that, in fact, negotiation is taking place and settlement is near. If one party claims that negotiations have broken down or never have begun and thus settlement is unlikely, we do not see how we can grant an extension based on entirely the opposite premise since negotiation and successful settlement requires the constructive participation of both licensee and potential petitioner.

73. We do not consider requiring agreement of all parties that negotiation is in fact taking place and therefore an extension of time for filing a petition to deny is warranted to be discriminatory against citizen groups any more than it is discriminatory against licensees. Nor do we believe requiring such agreement means we have delegated to the parties our authority to grant extensions. As we have indicated in paragraph 72, we think it makes little sense to grant extensions on the grounds that negotiations are taking place and settlement is near, without agreement and acknowledgement from both parties that this is in fact true.

74. As to NAEB's suggestion that we merely establish a cut off date and make ad hoc judgments regarding whether good cause is shown for an extension, we repeat that this is what we will continue to do with requests for extensions based on unusual compelling circumstances. But, we will no longer continue to make ad hoc judgments that extensions are warranted because negotiation is taking place and settlement is near without affirmation and agreement from all concerned parties that this is in fact true.

75. United Church suggests a thirty-day "cooling off" period in addition to the proposed earlier filing date for renewal applications, thus giving citizen groups four months from the filing of the renewal application to file a petition to deny instead of two months as at present. We believe that the proposed three month period is long enough for community groups to examine the renewal application; to discuss problems with licensees and to determine if negotiations are desirable and possible; and to decide to file a timely petition to deny, to not file any petition or to come with the licensee to the Commission and request an extension of time in which to negotiate. Thus we will not adopt the United Church suggestion. Nor will we adopt Sonderling's counter-suggestion of a thirty-day "cooling off" period without an earlier filing date for renewal applications. This would mean continuation of the present situation whereby groups will have only sixty days between filing date and the deadline for filing petitions, and less than that for deciding whether negotiations which may have been undertaken are going to be successful and whether drafting a petition is necessary. Experience has demonstrated that the present situation is not satisfactory and changes are needed.

76. To move up the cut off date, as NBC suggests, from thirty days before expiration to forty-five days before expiration would negate the full effectiveness of moving up the date for filing renewal applications. Under the NBC proposal, groups would have only seventy-five days instead of ninety days between renewal filing and the cut off date. Thus we will not adopt the NBC recommendation and will retain the cut off date of the first day of the last full calendar month prior to expiration. We will also not apply a cut off date for informal comments because we want to be able to hear from the public at any time and because the filing of informal comments has not proven to be any problem.

77. With respect to lengthening the periods for oppositions to petitions to deny and replies to oppositions, we consider the proposals of thirty days for oppositions and twenty days for replies to be reasonable. But in the interests of consistency with other Commission filing requirements, § 1.580(j) will provide that replies will be due twenty days from the date on which the opposition is due or from the date on which it is filed, whichever is longer. The change from our proposal should be of little consequence since few oppositions are filed much before the filing date.

78. Finally, we will not adopt Plough's suggestion of something analogous to a motion to dismiss for failure to state a claim since little time would be saved by the process if the motion were upheld and time would actually be lost if the motion were not upheld, and since we would normally be reluctant to make a finding regarding a petition to deny without benefit of replies and oppositions.

DATES ON WHICH NEW FILING DATES SHOULD TAKE EFFECT

79. The Commission invited comments as to which should be the first group of renewal applications to which the new filing deadlines should apply. Basic, McClatchy and Fetzer suggest that if the announcements provided in Part One of the notice are not adopted, six months notice would be adequate, but if they are adopted, one year notice should be given to permit testing the effectiveness of the announcements which are the premise for the rules under discussion. Corinthian says the Commission should provide at least six months notice, while BEST merely indicates that the Commission should make it clear that application of the rule would be prospective and would not affect extension requests already pending at time of adoption. Urban Law says the Commission should not apply the rule to applications now before it or applications being challenged on appeal, otherwise the entire backlog of pending applications would be delayed and substantial revisions of petitions to deny would be necessary.

80. *Conclusions.* The new filing dates will apply first to renewal applicants whose licenses expire on December 1, 1974, and to all renewal applicants thereafter.

III. PROPOSED RULEMAKING TO AMEND § 1.580(c), (d), AND (m) AS TO NOTICES OF THE FILING OF RENEWAL APPLICATIONS

THE COMMISSION PROPOSAL

81. In section three of the notice the Commission proposed to amend § 1.580 (c), (d), and (m) of the Commission's rules to provide the following:

During the period beginning on the first day of the sixth full calendar month prior to the expiration of a broadcast station license to the date on which the renewal application is filed, all applicants for the renewal of station licenses shall broadcast the following announcement every eighth day.

The frequency/channel on which this station operates is public property. On (date of last renewal grant) we were granted a three year license by the Federal Communications Commission to operate this frequency/channel in the public interest, convenience and necessity.

Pursuant to the provisions of the Communications Act of 1934, as amended, notice is hereby given that the broadcast license of Station (*call letters, city, and state*) will expire on (*date of expiration*) and that we are required to file with the Federal Communications Commission, no later than (*a date 120 days prior to the expiration date*), an application for license renewal.

A copy of this application will, upon filing with the Commission, be available for public inspection at our business office (*address*) during our regular business hours of ____a.m. to ____p.m. Monday through Friday. The renewal application will include reports by this station regarding its performance during the last three years, analysis of complaints and suggestions we have received from the public during the past three years, and projections of our programming during the next three years.

Members of the public who desire to bring to the attention of the Federal Communications Commission facts concerning whether this station has operated in the public interest and/or facts relating to our renewal application will have until (*date thirty days before expiration*) to file formal comments and petitions. The Commission welcomes informal comments at any time.

Further information regarding the Commission's process of renewing broadcast licenses and deadlines for relevant filings by both broadcasters and the public is available at our business office (*address*) or may be obtained from the Federal Communications Commission, Washington, D.C. 20554.

During the period beginning on the date in which the renewal application is filed to the first day of the last full calendar month prior to the expiration of the license, all applicants for the renewal of station licenses shall broadcast the following announcement every eighth day:

The frequency/channel on which this station operates is public property. On (*date of last renewal grant*) we were granted a three year license by the Federal Communications Commission to operate this frequency/channel in the public interest, convenience and necessity.

Pursuant to the provisions of the Communications Act of 1934, as amended, notice is hereby given that the broadcast license of Station (*call letter, city and state*) will expire on (*date of expiration*) and that we have filed with the Federal Communications Commission an application for license renewal.

A copy of this application is available for public inspection at our business office (*address*) during our regular business hours of ____ a.m. to ____ p.m. Monday through Friday. The renewal application includes reports by this station regarding its performance during the last three years, analysis of complaints and suggestions we have received from the public during the past three years, and projections of our programming during the next three years.

Members of the public who desire to bring to the attention of the Federal Communications Commission facts concerning whether this station has operated in the public interest and/or facts relating to our renewal application have until (*date thirty days before expiration*) to file formal comments and petitions. The Commission welcomes informal comments at any time.

Further information regarding the Commission's process of renewing broadcast licenses and deadlines for relevant filings by both broadcasters and the public is available at our business office (*address*) or may be obtained from the Federal Communications Commission, Washington, D.C. 20554.

Both announcements shall be made during the following time periods:

(a) For commercial television stations, between 8:00 p.m. and 10:00 p.m.

(b) For commercial radio stations, between 7:00 a.m. and 9:00 a.m., but if such stations do not operate during these hours, then between 4:00 p.m. and 7:00 p.m.

(c) For noncommercial educational stations, at the same time as commercial stations, except that such stations need not broadcast the announcement during any month during which the station does not operate.

In the case of television broadcast stations and noncommercial educational television stations, such notices will be broadcast orally with camera focused on the announcer; at the end of the notice, a signboard with the licensee's address and the Commission's Washington address will be shown.

During the period beginning on the first day of the sixth full calendar month prior to the expiration of the license up to the first day of the last full calendar month prior to renewal, the public notice requirements proposed in section I of this docket shall be waived.

82. The Commission noted that under the proposed amendments, the renewal applicant would no longer be required to publish in a newspaper a notice of his renewal filing. At the time of filing his renewal application, the licensee would, however, be required to submit a statement setting forth the date and times at which the proposed pre-filing notice had been broadcast and the proposed post-filing notice would be broadcast.

The Commission indicated that the statement in the proposed announcements that further information concerning the Commission's renewal processes is available at the station reflected its intention to publish a booklet explaining renewal procedures and to require licensees to have a legible copy of the booklet available for public inspection. The Commission said it assumed that the booklet would be ready for distribution by the time the rulemaking in the Notice was completed and that it would, without another notice of proposed rulemaking, amend § 1.526 of its rules to require that one copy of the booklet be readily available to the public at any time during the station's regular business hours.

SCHEDULING OF THE RENEWAL ANNOUNCEMENTS

83. WGBF, Basic, McClatchy and Fetzer oppose beginning the renewal announcements five months prior to filing. All maintain that the announcements should begin no earlier than three months prior to filing.

84. Several parties commented on the proposed time of day of the announcements, 8 p.m.–10 p.m. for television stations and 7 a.m.–9 a.m. for radio stations. KAKC, WSAU–TV and GE recommend that the Commission retain the time periods used for the existing broadcast notices of the filing of renewal applications, 7–10 a.m. for radio and 7–10 p.m. for television. Westinghouse proposes 6 p.m.–11 p.m. for television and 6 a.m.–10 a.m. for radio, while North Carolina supports 6 p.m.–11 p.m. and 7 a.m.–10 a.m.

85. Four parties suggest that not all announcements be made during the same time period. NBC recommends that at least 50 percent of the television announcements be made between 6 p.m.–11 p.m. and at least 50 percent of the radio announcements be made between 7 a.m.–10 a.m. and/or 3 p.m.–7 p.m. in any combination, and the remainder of the radio and television announcements any time between 8 a.m.–1 a.m. BEST thinks half of the announcements should be in "prime time" and the other half at other times as determined by reference to the time periods on the station's rate card. Corinthian speaks in terms of half the television announcements being made between 6 p.m.–11 p.m. and the rest at other hours. CBS says that only some of the announcements should be aired between 6 p.m.–11 p.m.

86. NAB, NBC, Dempsey & Koplovitz, Corinthian, KAKC, WSAU–TV and GE maintain that every eighth day is too often. All recommend similar alternatives of twice a month, every two weeks or every 15 days. Dempsey & Koplovitz notes that there has been no claim of insufficiency of the present number of announcements and emphasizes that announcements every 15 days over 5 months far exceeds existing requirements of four on air announcements and four newspaper announcements. NAB also contends that no justification has been given for the increase in broadcast renewal notices and contends that whether nineteen or twenty announcements would be better than four or forty-six announcements is a subjective determination. The fact is that irrespective of the number of announcements, only a portion of the audience will hear them, and Congress in enacting Section 311(a) of the Act never intended to ensure that all members of the listening and viewing public would receive actual notice of renewal filings. BEST and Urban Law, on the other hand, argue that announcements should be aired more frequently than every eighth day. BEST maintains that at the "outset" the requirement be every three days. Urban states that they "deplore the infrequency," but give no alternative recommendation.

87. *Conclusions.* After careful consideration of the options available and the comments received, we have decided to require that the notices of filing of renewal applications be aired at the same intervals as the notices required by new § 73.1202—that is, every fifteenth day. In order to scatter the announcements throughout the day, yet ensure that a substantial percentage of the announcements are aired during the periods of maximum viewing or listening, the notices of filing renewal applications will be aired at the following time periods (the text of amended § 1.580(c), (d) and (m), is in Appendix B of this Report and Order):

PRE-FILING ANNOUNCEMENTS

(a) For commercial television stations—at least two of the announcements between 6 p.m. and 11 p.m. (5 p.m.–10 p.m. Central and Mountain Time).

(b) For commercial radio stations—at least two of the announcements between 7 a.m. and 9 a.m. and/or 4 p.m. and 6 p.m. For stations which neither operate between 7 a.m. and 9 a.m. nor between 4 p.m. and 6 p.m., at least two of the announcements shall be aired during the first two hours of broadcast operation.

(c) For noncommercial educational stations—at the same time as commercial stations, except that such stations need not broadcast the announcement during any month which the station does not operate.

POST-FILING ANNOUNCEMENTS

(a) For commercial television stations—at least three of the announcements between 6 p.m. and 11 p.m. (5 p.m.–10 p.m. Central and Mountain Time), at least one announcement between 9 a.m. and 1 p.m., at least one announcement between 1 p.m. and 5 p.m. and at least one announcement between 5 p.m. and 7 p.m.

(b) For commercial radio stations—at least three announcements between 7 a.m. and 9 a.m. and/or 4 p.m. and 6 p.m., at least one announcement between 9 a.m. and 12 p.m., at least one announcement between 12 p.m. and 4 p.m., and at least one announcement between 7 p.m. and midnight. For stations which neither operate between 7 a.m. and 9 a.m. nor between 4 p.m. and 6 p.m., at least three of the announcements shall be made during the first two hours of broadcast operation.

(c) For noncommercial educational stations—at the same time as commercial stations except that such stations need not broadcast the announcement during any month during which the station does not operate.

ELIMINATION OF THE NEWSPAPER PUBLICATION REQUIREMENT

88. No objections were raised regarding this proposal and, in fact, a number of parties specifically endorsed the change. NBC does, however, suggest that the licensee be *permitted* to have up to to 25 percent of his required announcements in a local newspaper in lieu of being broadcast.

89. *Conclusions.* The newspaper publication requirement will be eliminated because we believe, as apparently do a number of parties filing comments in this proceeding, that announcements regarding broadcast matters should be broadcast. For this reason we will not permit stations to have a certain percentage of their required renewal announcements placed in a local newspaper in lieu of being broadcast.

THE TEXT OF THE RENEWAL ANNOUNCEMENTS

90. Some parties maintain the proposed announcements are too long, although there is some disagreement regarding how long it takes to read them. One filing, for example, estimated 90 seconds, while another estimated 120 seconds. CBS recommends that both the eighth day announcement and the renewal announcement be one minute. NBC and Corinthian suggest that the first paragraph of the proposed announcement (including the reference to a three year license and the date of last renewal) be dropped. Dempsey & Koplovitz supports the elimination of the last paragraph and the sentence in the fourth paragraph which describes the inclusion of reports that accompany the renewal applications. Flower City thinks the material in the first three paragraphs can be condensed and Baldwin feels the announcements contain too many complex and lengthy sentences. Several parties submitted shorter alternative texts, but BEST and Urban Law suggest that broadcasters be allowed to experiment with the text of the announcements.

91. In addition to the objections to the phrase "public property" which were reviewed in the discussion regarding the text of the notices required by new § 73.1202 (see paragraph 36), objections to other phrases or statements in the renewal announcements were received. Sonderling contends the reference to the right of the public to file formal comments and petitions should be deleted and the phrase in the present renewal announcement advising the public of their right to file letters setting forth "specific facts concerning the operation of the station" should be retained. Cohn and Marks and Gill recommend deletion of the statement "The Commission welcomes informal comments at any time." Cohn & Marks argues that the statement practically guarantees future litigation regarding the meaning of the notice and the question of whether late filed comments require consideration. The statement should be revised to say that the cut off date applies to all comments, informal as well as formal. This would be consistent with the Commission's desire to encourage timely submission with minimum disruption of Commission processes which might result from last minute informal comments. Gill submits that the phrase is made unnecessary by the announcements required by § 73.1202 which invite the public to write the Commission during the license period. Gill also notes that the proposed text of the announcements refers to the cut off date as the "date thirty days before expiration." This is inconsistent with §§ 1.539(a) and 1.516 (1) of the Commission's rules which refer to the first day of the last full month prior to the month of expiration. Gill suggests that the text of the announcements be revised accordingly.

92. Urban Law points out that although Part III of the notice states that announcements required by § 73.1202 would be waived during a period ending on the first day of the last full calendar month "prior to renewal," Part I of the Notice states that the announcements would be waived during a period ending on the first day of the last full calendar month "prior to expiration" (during which time the renewal announcements would be aired). Urban Law emphasizes that the period between the date of expiration and the date of renewal may be of considerable duration and urges the Commission to revise the wording of the renewal announcement rule to read "prior to expiration." Westinghouse suggests that the renewal announcement rule eliminate the requirement that the television notice be read by an on-air announcer. Westinghouse contends that a visual signboard is equally effective and stations should be given their choice of methods.

93. Several parties suggest additions to the text of the renewal announcements. Cohn and Marks recommends that the public be encouraged to first submit comments to the station and then, if satisfaction is not obtained, comments and petitions could be sent to the Commission. Urban Law submits that announcements should incorporate information regarding the public's right to have its needs and problems heard and met just as the eighth day announcements do. BEST says the announcements should inform the public that special appointments may be made for members of the public to view the station's public file.

94. *Conclusions.* As indicated in Appendix B we have incorporated some of the changes in the text of the renewal announcements that were recommended in the filings. The text has been shortened and its language simplified. Moreover, the existing requirement that the television notices be read by an on-air announcer has been eliminated.

95. We have substituted a reference to "public trustee" for "public property" as we did in new § 73.1202, and in the interests of avoiding possible confusion in the minds of the listener or viewer we have deleted the statement "The Commission welcomes informal comments at any time." But as has been indicated in paragraph 76 and for the reasons stated therein, we do not accept the recommendation of Cohn & Marks to apply a cut off date for the filing of informal comments. Inconsistencies cited by Gill regarding the cut off date and by Urban Law regarding the period during which the announcements required under new § 73.1202 would be waived, have been corrected.

96. The renewal notices, unlike the announcements required by new § 73.1202, are intended to inform the public of the station's upcoming or recent renewal filing and to apprice the public of the appropriate time for filing comments with the Commission regarding the renewal application. Thus we have not adopted the suggestion of Cohn and Marks that the public be encouraged to submit comments to the station before sending them to the Commission. Regarding BEST's suggestion that the announcements should inform the public that special appointments may be made to view the station's public file, we do not think it reasonable to require all licensees to provide for special appointments as long as the public file is avail-

able during the week as is now required. We would, however, encourage licensees who are asked to arrange such appointments to do so whenever possible.

CERTIFICATION

97. Basic, McClatchy and Fetzer recommend that licensees be permitted to continue to submit certification after the post-filing notices. These parties say no purpose would be served by altering the existing post-broadcast requirements, and procedures would be optimally simple if the present system were retained.

98. *Conclusions.* Licensees will be required to submit a statement with their renewal application that the required pre-filing announcements have been aired and the required post-filing announcement will be aired.

IV. INQUIRY AND PROPOSED RULEMAKING TO AMEND SECTION IV–B OF FORM 303 APPLICATION FOR RENEWAL OF TELEVISION STATION LICENSE AND ADOPTION OF ANNUAL REPORTING FORM FOR TELEVISION STATION LICENSEES

THE COMMISSION PROPOSAL

99. In this section of the Notice the Commission proposed an Annual Reporting Form for commercial television licensees and a revised Section IV–B of Form 303 for commercial television renewal applicants. In introducing the revised section IV–B the Commission noted that while some questions in the present form had been eliminated, questions which solicit specific quantitative information had been retained and refined. Licensees would, for example, be required to enumerate composite week programming of "News," "Public Affairs" and "Other" during the 6 p.m.–11 p.m. time period. In addition, new questions were added; other existing questions revised, and licensees would be asked to indicate which, if any, network public affairs programs were offered to them but were not carried and, if not carried, what programs were aired instead.

100. In proposing the Annual Reporting Form the Commission suggested that a more appropriate method than Part I of section IV–B for commercial television stations to report on ascertainment might be for them to submit an annual listing of what the licensee considers to have been the most significant problems and needs in his service area during the preceding twelve months, and a listing of the programs televised during that period designed to help meet those problems and needs. The new television announcements proposed in Part I of the notice would refer to the annual listings and would invite viewers to examine the lists and make comments and suggestions to the licensee. This would encourage continuous dialogue between the licensee and members of the public concerning what both consider to be the major problems and needs of the community.

101. In addition to annually listing significant problems and needs and programs aired which were designed to help meet those problems and needs, television licensees would be required to annually submit statistics regarding program performance in specified program categories during the composite week announced by the Commission each July or early August. This information would be included on the Annual Reporting Form which would be submitted to the Commission each year before September 1st. The Commission stated that the purposes of the annual filings of statistics would be: First, to provide the Commission with yearly statistics regarding nationwide television programming on commercial stations during a given composite week—statistics which are not now available to the Commission but which would be valuable in shaping any new policies in this area and in making the Commission, Congress and any other interested parties better informed; Second, to enable the Commission to make a more complete evaluation of programming performance of the licensee during the past renewal period; and Third, to enable the Commission, in a comparative hearing involving a renewal applicant (where upgrading during the last year of the renewal period would not be to minimal service—see 22 FCC 2d 2040), to more readily ascertain if programming during the first two years of the license period differed significantly from programming during the third year.

102. The Commission had also indicated in the Introduction to the Notice that it intended to use the statistics derived from the Annual Reporting Form in compiling a nationwide data base. When this data base became available each television station would be placed within a yet to be determined grouping of stations (grouping to be by market, revenues, or by a combination of factors) and then annually ranked within that grouping in several critical categories, including percentage of total programming devoted to "News," "Public Affairs" and "Other" and percentage of total programming devoted to local "News," "Public Affairs" and "Other." The staff would then be instructed to closely scrutinize the renewal applications of all those stations whose ranking within their respective grouping falls below a specified level (as, for example, the bottom 10th percentile) and make a summary report of those renewal applications.

103. The Commission emphasized that initiation of annual reporting would not constitute the initiation of an annual renewal process, and that barring exceptional circumstances, evaluation of the station's performance by the Commission would still take place only once every three years.

104. The definition used for "News," "Public Affairs," "Other programs" and "Local programs," in both the Annual Reporting Form and the revised Section IV–B of Form 303 would remain the same as those now in use. These definitions read:

(a) "News programs" (N) include reports dealing with current local, national, and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis and sports news.

(b) "Public Affairs programs" (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(c) "Other programs" (O) include all other programs excluding entertainment and sports.

(d) A "Local program" (L) is any program originated or produced by the station, or for the production of which the station is substantially responsible, and employing live talent more than 50 percent of the time. Such a program, taped, recorded, or filmed for later broadcast shall be classified by the station as local. A local program fed to a network shall be classified by the originating station as local. All non-network news programs may be classified as local. Programs primarily featuring syndicated or feature films, or other non-locally recorded programs shall be classified as "Recorded" (REC) even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a feature film program a non-network 2-minute news report is given and logged as a news program, the report may be classified as local).

105. The Commission invited comments on the above definitions in light of its proposal and specifically raised the issue of whether the news and public affairs categories should be viewed together as a single category.

106. The Annual Reporting Form and revised section IV–B of Form 303 proposed in the Notice follows:

ANNUAL PROGRAMMING REPORTING FORM

1. Using the form below list what you consider to be the most significant problems and needs of your service area during the past twelve months. (DO NOT LIST MORE THAN 10). Indicate (1) the number of programs or program segments excluding ordinary news inserts. (By news inserts, we refer to the daily or ordinary news coverage of breaking newsworthy events; an insert in a newscast that is not merely coverage of breaking events but rather seeks to deal in more depth or analysis with some problem should be counted); (2) the amount (hours and minutes) of program time; and (3) the amount (hours and minutes) of local programming devoted during the past twelve months to each of these problems or needs.

1. List what you consider the most significant problems or needs of your service area during the 12 months ended July 30. Do not list more than 10. Complete columns 2, 3 and 4 for each item listed.

	PROBLEM OR NEED (Do not list more than 10) (1)	Programs Devoted to This Problem or Need Broadcast During the 12 Months Ended July 30 1/			Leave Blank
		No. of Programs or Program Segments 2/ (2)	Total Program Time (In Hrs. & Min) (3)	Local Program Time Included in Col. 3 (In Hrs. & Min) (4)	
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

1/ If the report does not cover the full 12 month period, indicate period covered: _____, 19__ to _____, 19__.

2/ Do not count ordinary news inserts.

2. As Exhibit No. ____ give for each problem or concern listed in Form I a brief description of each program or program segment aired by the applicant during the past twelve months that addressed itself to that problem or need. Identify each program by source and indicate the time of broadcast.

3. State the total hours of operation during the composite week: _____

4. Using the form below state the amount of time (rounded to the nearest minute) the applicant devoted in the composite week to the categories (see Definitions) listed. Commercial matter within a program segment should be excluded in computing time devoted to that particular program segment (e.g., a 15-minute news program containing 3 minutes of commercial matter shall be counted as a 12-minute news program).

Composite Week Data (1)	All Programs		Local Programs Only	
	Minutes (2)	% of Total Time Operating 1/ (3)	Minutes (4)	% of Total Time Operating 1/ (5)
Total time operating		100%		1/
News		1/		1/
Public Affairs		1/		1/
All Other (exclusive of entertainment and sports)		1/		1/

1/ All percentages are of the total time found at the top of Column 2 in the check box

5. Using the form below state the amount of time (rounded to the nearest minute) the applicant devoted in the composite between the hours of 6–11 p.m. to the categories (see Definitions) listed. Commercial matter within a program segment would be excluded in computing time devoted to that particular program segment.

Composite Week Data for 6 - 11 PM Time Period	All Programs		Local Programs Only	
	Minutes	% of Total Time Operating	Minutes	% of Total Time Operating 11/
Total time operating during 6 - 11 PM		100%		11/
News during 6 - 11 PM				11/
Public Affairs during 6 - 11 PM				11/
All Other (exclusive of entertainment and sports) during 6 - 11 PM				11/

11/ All percentages are of the total time operating between 6 - 11 PM, found at the top of Column 2 in the check box

6. If the applicant was affiliated with one or more national television networks during the past year, specify which and list all of the individual network public affairs programs during that period that the applicant was offered but never carried and indicate what programs were aired instead. If an entire network public affairs series* was not carried, the applicant may so indicate without having to list each individual program within that series, but still having to indicate what programs or program series were aired instead.

*e.g. *Face the Nation, Meet the Press, Issues and Answers*

III. The Proposed New Renewal Form

A. The proposed new renewal form included in the notice

1. Using the form below, list what you consider to be the most significant problems and needs of your service area during the

past twelve months (DO NOT LIST MORE THAN 10). Indicate (1) the number of programs or program segments (excluding ordinary news inserts*), (2) the amount (hours and minutes) of program time and (3) the amount (hours and minutes) of local programming devoted during the past twelve months to each of these problems or needs.

2. As Exhibit No. ____, give for each problem or need listed in Form I a brief description of each program or program segment aired by the applicant during the past twelve months that addressed itself to that problem or need. Identify each program by source and indicate the time of broadcast.

3. State in Exhibit No. ____ the methods by which the applicant during the past three years determined the problems and needs of the public served by his station.

4. Does the applicant anticipate any significant new problems and needs in his service area during the next renewal period? Yes ____, No. ____.

If yes, indicate in Exhibit No. ____ the new problems and needs.

5. Does the applicant expect to air during the next renewal period any new programs or program services devoted to significant problems and needs of his service area? Yes ____ No ____.

If Yes, indicate in Exhibit No. ____ the new program or program services and briefly describe these.

6. Does the applicant, during the next renewal period, plan to change the methods described in his answer to Question 3 for determining the problems and needs of the public served by his station. Yes ____, No ____.

If Yes, describe in Exhibit No. ____ the changes planned by the applicant.

7. In Exhibit No. ____ summarize and comment upon the complaints and suggestions received by the applicant from members of the public during the past renewal period in each of the following categories: (1) Technical operations, (2) advertising, (3) employment practices, (4) criticisms of programming, (5) compliments on programming, (6) suggested programming.

8. State the total hours of operation during the most recent composite week: ____.

9. Using the form below state the amount of time (rounded to the nearest minute) the applicant devoted in the most recent composite week to the categories (see Definitions) listed. Commercial matter within a program segment should be excluded in computing time devoted to that particular program segment (e.g., a 15-minute news program containing 3 minutes of commercial matter shall be counted as a 12-minute program).

	PROBLEM OR NEED (Do not list more than 10) (1)	Programs Devoted to This Problem or Need: No. of Programs or Program Segments 2/ (2)	Total Program Time (In Hrs. & Min.) (3)	Local Program Time Included in Col. 3 (In Hrs. & Min.) (4)	Leave Blank
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

1/ If the report does not cover the full 12 month period, indicate period covered: _____, 19__ to _____, 19__.

2/ Do not count ordinary news inserts.

Composite Week Data (1)	All Programs: Minutes (2)	All Programs: % of Total Time Operating 1/ (3)	Local Programs Only: Minutes (4)	Local Programs Only: % of Total Time Operating 1/ (5)
Total time operating		100%		1/
News		1/		1/
Public Affairs		1/		1/
All Other (exclusive of entertainment and sports)		1/		1/

1/ All percentages are of the total time found at the top of Column 2 in the check box

10. Using the form below state the amount of time (rounded to the nearest minute) the applicant devoted to the most recent composite week between the hours of 6–11 p.m. to the categories listed. Commercial matter within a program segment should be excluded in computing time devoted to that particular program segment.

Attach as Exhibit No. ____ a brief description of each program included in each category. Indicate the source (see Definitions) and the number of minutes of all programs listed as News, Public Affairs and all other programs, exclusive of entertainment and sports.

*By news inserts, we refer to the daily or ordinary news coverage of breaking newsworthy events; an insert in a newscast that is not merely coverage of breaking events but rather seeks to deal in more depth or analysis with some problem should be counted.

Composite Week Data for 6 - 11 PM Time Period	All Programs		Local Programs Only	
	Minutes	% of Total Time Operating	Minutes	% of Total Time Operating 1/
Total time operating during 6 - 11 PM		100%		1/
News during 6 - 11 PM				1/
Public Affairs during 6 - 11 PM				1/
All Other (exclusive of entertainment and sports) during 6 - 11 PM				1/

1/ All percentages are of the total time operating between 6 - 11 PM, found at the top of Column 2 in the check box

Attach as Exhibit No. ____ a brief description of each program included in each category. Indicate the source and the number of minutes of all programs listed as News, Public Affairs and all other programs, exclusive of entertainment and sports.

11. State (a) the total number of public service announcements, (b) the number of public service announcements involving local organizations and (c) the number of public service announcements aired between 8 a.m.–11 p.m. during the most recent composite week.

12. State the number of 60-minute segments of the most recent composite week (beginning with the first clock hour of each broadcast day) containing the following amounts of commercial matter.

A. Up to and including 8 minutes.. _____
B. Over 8 and up to and including 12 minutes.. _____
S. Over 12 and up to and including 16 minutes..
D. Over 16 minutes.. _____

List each segment in category D above, specifying the amount of commercial time in the segment, and the day and time broadcast.

13. If the applicant was affiliated with one or more national television networks during the past year, specify which and list all of the individual network public affairs programs during that period that the applicant was offered but never carried and indicate what programs were aired instead. If an entire network public affairs series* was not carried, the applicant may so indicate without having to list each individual program within that series, but still having to indicate what programs or program series were aired instead.

14. In the applicant's judgment does the information supplied in Questions 8 through 13 adequately reflect its past programming: Yes _____ No _____

If "no," applicant may attach as Exhibit No. _____ such additional information as may be necessary to describe accurately and present fairly its program service.

15. State the proposed total hours of operation during a typical week: _____

16. State the minimum amount of time the applicant proposes to devote normally each week to the categories listed below. Commercial matter within a program segment shall be excluded in computing time devoted to that particular program segment.

	Total minutes	Percent of total time on air	Local minutes	Percent of total time on air
(1) News				
(2) Public affairs				
(3) All other programs, exclusive of entertainment and sports				
(4) Local (total local programming, including local programs in (1), (2), and (3)				

17. State the minimum amount of time the applicant proposes to devote normally each week between the hours of 6–11 p.m. to the categories listed below.

	Total minutes	Percent of total 6-11 p.m.	Local minutes	Percent of total 6-11 p.m.
(1) News				
(2) Public affairs				
(3) All other programs, exclusive of entertainment and sports				
(4) Local (total local programming, including local programs in (1), (2), and (3)				

18. State (a) the minimum total number of public service announcements, (b) the minimum number of public service announcements involving local organizations and (c) the minimum number of public service announcements aired between 8 a.m.–11 p.m. which the applicant proposes to present during a typical week.

19. What is the maximum amount of commercial matter in any 60-minute segment which the applicant proposes normally to allow? _____ If applicant proposes to permit this amount to be exceeded at times, state under what circumstances and how often this is expected to occur, and the limits that would then apply.

OPPOSITION TO THE INITIATION OF ANNUAL REPORTING

107. WSAU–TV, ABC, Sonderling, and North Carolina maintain that the Commission would be in violation of the Communications Act if it really intends to file the Annual Reporting Form "without evaluation at that time", because requiring information not directly material to considerations that affect granting or denial of applications is a violation of section 307(d) of the Act.

108. Several parties fear the filing of the Annual Reporting Form will turn into *de facto* annual renewal. NAB argues that the new procedures could easily evolve into an annual review as groups and individuals receive an open invitation to pressure stations to increase their percentages to meet self-conceived levels of programming. The Commission would inevitably be dragged into such questions and in many instances would be forced to make yearly determinations as to the validity of the objections to the station's programming performance. WSAU–TV, GE and ABC suggest annual reports will require an annual community survey. WGN says the Commission would be forced to evaluate the annual listing of problems and needs as groups take exception to stations' good faith analysis of their communities' needs and interests.

109. The burden upon licensees that would be imposed by annual reporting is discussed in various filings. NAB says that the compiling of the programming percentages each year is a substantial undertaking which cannot be passed off as a routine station chore. Corinthian, McClatchy and Basic contend the new requirements would necessitate manpower additions. Nebraska, Sonderling and Fetzer claim that compiling the list of programs that were directed to problems and needs and breaking the programs down by time, source, etc., would be a tremendous task. Nebraska estimates that programs or program segments addressed to agriculture on a Nebraska station might run into the hundreds or even thousands each year, while Sonderling calculates that if one program segment each day was directed to each of 10 problems, the station would have to annually extract the amount of time devoted to 3,650 different entries. Metromedia says the time spent in compiling the Annual Report will rob the broadcaster of time needed to conduct continuing dialogue with the community and to program creatively to respond to viewer needs.

110. Some filings attack the three justifications given by the Commission for requiring annual reporting of programming statistics. Various parties contend that the first justification—to provide the Commission with heretofore unavailable yearly nationwide statistics regarding television programming during a given composite week, which would be valuable in shaping new policies and in making the Commission, Congress or other interested parties more informed—is insufficient to warrant the burden imposed by the annual reporting. ABC, GE, WSAU–TV, Sonderling, Corinthian and Metromedia all maintain that the statistics now available to the Commission adequately reflect television programming performance and are adequate for shaping new policies. McClatchy, Basic and WJBF–TV argue that the need for data for some unspecified possible future

*e.g. Issues and Answers, Face the Nation, Meet the Press.

policy decisions hardly justifies the new requirement. Flower City suggests that if the collection of yearly statistics is the primary justification for yearly reports, then there is no need to include in those reports the list of problems and needs and programs directed to those problems and needs. These listings are not conducive to being tabulated in statistical form.

111. Other comments attack the second justification given by the Commission for requiring annual reporting of programming statistics—to enable the Commission to make a more complete evaluation of programming performance of the licensee during the past renewal period. Several parties, including WGN and WJBF–TV, suggest that the Commission could achieve the same purpose by expanding its composite week showing every three years to include days from all three years, as for example, by having a 21 day composite week which would include 7 days from each of the 3 years in question. Sonderling, Corinthian, Stuart, KUTV, and Flower City question the need for the Commission to have any more statistics in order to make a public interest determination.

112. The third justification given by the Commission for requiring annual reporting of programming statistics—to enable it in a comparative hearing to more readily ascertain if programming during the first two years of the license period differed significantly from programming during the third year—was also attacked in various filings. WSAU–TV, ABC, Sonderling, McClatchy, Basic, Corinthian, and Flower City all contend it is unnecessary or unjust to require every licensee to file an annual report just to enable the Commission to assess "upgrading" in a handful of comparative hearing cases. WGN and WJBF–TV say the Commission could achieve its objectives by broadening the scope of the composite week in the triennial showing.

113. *Conclusions.* As will be discussed in later paragraphs, we have decided that certain materials included in the proposed Annual Reporting Form need not be compiled annually, and that other materials proposed in the form need to be compiled each year for inclusion in the public inspection file, but need not be sent to the Commission until renewal time. We will, however, require that the statistics which were to be obtained from proposed Questions 3 and 4 of the Annual Reporting Form be sent to the Commission each year as the Annual Programming Report. These composite week programming statistics will be directly material to considerations affecting granting or denial of renewal applications, just as composite week programming statistics have been in the past.

114. The annual filing of the programming statistics will not result in de facto annual renewal any more than the annual filing of financial information (Form 324) has resulted in an annual evaluation and determination of whether the licensee is financially qualified. Form 324's have been traditionally used in determining financial qualifications only at renewal time, and only in conjunction with other information filed with the renewal application, as for example, the licensee's balance sheet. Similarly, the information submitted by the licensee in his Annual Programming Reports will be considered in our public interest determinations regarding the renewal of his license only at renewal time, and only in conjunction with other relevant information regarding the licensee's programming, as, for example, the annual listing of programs aired to help meet significant problems and needs of the service area and the responses to various questions in new Section IV–B of Form 303. It is possible that members of the public may try to influence stations to increase their programming percentages each year, but we will not let ourselves "be dragged into such questions" during the renewal period any more than we have been or intend to be "forced" into a yearly evaluation of how well a station is ascertaining and meeting the problems and needs of his service area.

115. As will be indicated in paragraphs 128, and 141–146, we have decided that licensees need only list typical and illustrative programs in their annual listing of significant problems and needs of the service area and programs aired to help meet them. This should considerably reduce the burden placed upon licensees by our new requirements. After detailed consideration, however, we have determined that the burden of compiling and submitting programming percentages each year should be retained. The process by which we made that determination is outlined in the following paragraphs.

116. We first re-affirmed a conclusion reached prior to the issuance of the Notice; that while the statistical approach of using a composite week to reflect the past programming of licensee was sound, the data base (seven days every three years) being used to implement that approach was insufficient and should be expanded to seven days every year. We then considered the question of whether to announce each year the seven days which would constitute one of the licensee's composite weeks, or to adopt the approach of announcing every three years an expanded twenty-one day composite week. Currently, we announce each summer a composite week which is used by all licensees whose licenses expire during the following calendar year, and is ignored by all other licensees. One alternative would be for us to continue this practice, and merely announce each summer an expanded twenty-one day composite week which would be used by all licensees whose licenses expire during the following calendar year, and would be ignored by all other licensees. This would, however, necessitate our limiting the number of months which would be used in selecting the twenty-one day composite week, and result in the twenty-one day composite week being selected from a twenty month period, rather than from a thirty-six month period. For example, if we issued on August 1, 1974,* a Public Notice announcing the twenty-one day composite week which would be used by all licensees whose licenses expired in 1975, our twenty-one day composite week could not begin before December 1, 1972 (the first day of the current license period for December 1, 1975 renewal applicants) and could not extend beyond July 1, 1974 (in order to ensure that 1975 renewal applicants did not know beforehand that a specific day was to be included in the composite week).

117. We could eliminate the problem referred to in paragraph 116 by having a different twenty-one day composite week for each group of renewals—that is, by having one twenty-one day composite week to be used by licensees whose licenses expire in February, 1975, a second twenty-one day composite week for April, 1975 renewal applicants and so forth. This would, of course necessitate our selecting six different composite weeks each year and sending out six different Public Notices annually. We would be willing to assume those additional burdens if the ultimate benefits that accrued to licensees, the Commission and the public warranted it. But we question whether real benefits would accrue from such an approach. Broadcasters would still have to compile (all at one time) programming statistics based on twenty-one days of programming. Moreover, these statistics would have to be compiled at the same time as licensees would be compiling information to complete Form 303, and at the same time as the latest annual listing of significant problems and needs of the service area and programs aired to help meet those problems and needs was being finalized for placement in the public inspection file.

118. In fact, in one important way the broadcaster would be at a distinct disadvantage if an expanded twenty-one day composite week announced every three years were adopted in lieu of a yearly seven day composite week announced annually. In receiving his renewal grant a licensee makes certain representations regarding the non-entertainment and local programming he will broadcast during a typical week during the license period. The basic measure of the extent to which those representations have been fulfilled is the programming broadcast during the composite week. With a yearly seven day composite week announced annually, unlike an expanded twenty-one day composite week announced at renewal time, the licensee would be able to know at periodic intervals during the license period whether promise versus perfomance problems are suggested by some of the composite week programming statistics, and would be able to immediately take whatever ap-

* With the changes of filing dates discussed in Part Two of this Report and Order, February 1, 1975 applicants would be filing their renewal applications by October 1, 1974 and would want to know by at least early August, 1974 the twenty-one days to be included in their expanded composite week.

propriate action is necessary to ensure that such problems are not suggested in the remaining composite week statistics for the license period.

119. On the other hand, we believe there are distinct advantages of announcing over a three year period three seven day composite weeks, rather than announcing at renewal time one twenty-one day composite week. The burden of compiling the statistics would be spread out over three years rather than concentrated at renewal time when other burdens are concentrated. The licensee would have an indication relatively early in the license period of whether at least a portion of his composite week statistics[1] might reflect any deviations between promise and performance, and whether alterations in his program schedule might be appropriate to ensure that his representations made in his last renewal application match the composite week statistics that will appear as a part of his next renewal application. Then too, interested members of the public would be able to have more information during the license period regarding the licensee's programming. Hopefully, this increased information coupled with the annual listing of problems and needs and programs aired to help meet them will lead to more continuous, informed, and constructive dialogue between viewers and listeners throughout the license period.

120. Having determined the desirability of annually informing all licensees of a seven day composite week, we then considered the merits of having all licensees use the identical seven days as their composite week and requiring that the composite week statistics be submitted annually rather than at renewal time. Several distinct advantages would seem to accrue to the Commission from annual submission by all licensees of programming information from a uniform composite week. Annual statistical information from the Annual Programming Report could be computerized and tabularized in a variety of ways, much as is the annual financial information obtained from Form 324. This information would not only be of general use in revealing industry trends, it would also have specific applications to specific areas of inquiry and policy. For example, if Annual Programming Reports (and accompanying exhibits containing brief descriptions of non-entertainment and local programming) had been filed in the past several years, we would now be able to much more easily and readily determine the impact of the prime time access rule on the amount, nature and placement of prime-time non-entertainment and local programming on all commercial television stations. Similarly, regression analysis of information obtained from the Annual Programming Reports and Form 324's as well as from other sources of annual industry statistics would aid us in better determining important variables affecting programming diversification in television. This knowledge would, of course, be of significant value in evaluating and predicting the implications and impact of various Commission policies.

121. Annual Statistics reflecting programming aired by all licensees during an identical seven day composite week would also be useful in the compilation of annual statistical profiles of individual stations in order to see how the programming of renewal applicants compared during the license period with the programming of similar stations (similar in terms of market size, presence or absence of network affiliation, and so forth) around the nation during the identical period. In any such comparison the advantage of having all stations using the same composite week would be offset if we did not require simultaneous annual filing of the statistics which would permit rapid simultaneous annual processing and analysis of the comparable data. While we are not adopting a ranking procedure such as that proposed in the notice which would automatically determine which renewal applications would continue to be processed and approved solely by the staff under delegated authority and which would only be approved by the Commission, we recognize that on occasion, demands of staff and resources may well prevent the Broadcast Bureau from devoting all the attention it would like to devote to each renewal application in a given renewal group. In such circumstances, the annual statistical profiles of individual stations in the renewal group used in conjunction with statistics indicating the programming of all other similar stations during the identical period, might well be used by the staff in rapidly selecting those applications which would receive the greatest amount of time and attention.

THE NEW APPROACH TO REPORTING ON ASCERTAINMENT AND THE MEETING OF COMMUNITY NEEDS

122. Support for the new approach is expressed or implied in various filings. Westinghouse says the revision is appropriate because (a) the focus will now be an actual programming performance, (b) the new method recognizes that ascertainment is a continual process, and (c) the retrospective reporting method should enable licensees to provide more precise and reliable data. NAB and KAKC believe the method of listing problems and needs to be much preferable to the Primer and ask the Commission to apply the new approach to radio at the same time as it is applied to television. But NAB opposes a yearly filing of problems and needs and says that a filing every three years would be sufficient. A similar position is held by North Carolina and WJBF-TV. Flower City commends the Commission for abandoning the Primer-type survey, and CBS, ABC, WSAU-TV, and GE request that the Commission make it clear that the Primer requirements would not be applicable to the annual reporting of problems and needs. Paducah says the Commission's approach is a superior avenue for encouraging station community activities and provides a more realistic basis for review of local involvement than the mere examination of comments inspired by the announcements proposed in Part One of the Notice.

123. Opposition to the new approach, particularly the anticipated termination of the applicability of the Primer for renewal applicants, is raised by citizen groups. ACLU claims that disposing of the Primer would eliminate the most important feature of the whole ascertainment procedure—the incentive to apply the modern techniques of the social scientist to uncover the actual demographic conditions of the communities to be served. BEST contends that the Annual Report, even when coupled with the announcements proposed in Part One of the Notice will not be as successful as the Primer in promoting or sustaining a continuing dialogue. BEST says that with the new approach all case law regarding ascertainment procedures disappears and is replaced by uncertainty as to what constitutes a positive, continuing effort. BEST maintains that under the new system grounds for a hearing should exist whenever a prima facie showing can be made that (a) the licensee had not engaged in dialogue with leaders and/or the public in arriving at his list of needs; or (b) that a major need was not reported; or (c) that a need was reported but was not listed as one of the ten most significant problems, even though a cross-section or random sample of leaders and/or the public believe the need was greater than some of the needs that were so listed. Otherwise, according to BEST, we are back to the "good faith" judgments of broadcasters that may be based on nothing more than personal predilection. NOW submits that with the new approach the broadcaster's subjective judgment of needs would no longer be measured against the judgments of representative community leaders and the broadcaster would no longer be required to seek information from representatives of the public prior to formulation of program plans. NOW submits that without the Primer requirements, most of the officially filed evidence of broadcaster efforts or lack thereof to determine the composition of the community and its needs would be eliminated, and without such records, women would find it difficult to prove their needs were overlooked.

124. United Church argues that there has been a vast improvement in the quality of community surveys since the Primer was adopted, and the virtue of the present situation is that the community itself provides ascertainable standards by which program service can be measured. Under the new approach, the licensee is

[1] Due to the staggered expiration dates, a portion of the composite week in one of the years of the renewal period will, in varying degrees, overlap with another license period. With the aid of the program descriptions (including the date of the program) which accompany the Annual Programming Report, however, we will be able to distinguish programs aired during another license period, should that ever be deemed necessary.

invited to define community needs, not as a guide in planning future programs, but rather as a rationalization of his past performance. According to United Church, the Supreme Court decision in *Red Lion Broadcasting Company v. FCC* (395 U.S. 367 (1969)) made it clear stations may not be used simply to deal with community problems as seen by the broadcasters. They should deal with problems as seen by responsible leaders representing all elements of the community. Urban League contends that however ill-reasoned, ill-perceived or unfounded the applicant's conception of needs, the mere fact he had this conception would fulfill the Commission's requirements. Moreover, the licensee would simply have to say what he thought the needs were rather than be required to show what they were. Urban League maintains that section 308(b) of the Act requires applicants to set forth facts the Commission may require, not opinion or speculation. If opinion is expressed, the facts on which it is based should be set forth.

125. Alternatives to either retaining existing requirements or adopting the proposal outlined in the Notice are suggested in several filings. United Church outlines a "compromise" solution whereby the Primer would be retained but detailed survey information need only be kept at the station as part of the public file, and need not be sent to Washington. United Church claims that while it is impracticable to expect the Commission to undertake a detailed review of survey information, it is not too much to expect stations every three years to review the most recent demographic data and re-open contact with leaders representative of all the significant groups in the community. If there are deficiencies in the surveys, the public can bring those deficiencies to the Commission's attention. BEST in Reply Comments says it would not object to the licensee not being requirement to submit to the Commission the information supporting his ascertainment, providing such information is available at the local level for inspection and duplicating facilities are available at nominal cost, and providing that all back-up material, including individual interview sheets (unless the licensee can produce a request for confidentiality signed by the interviewee and unsolicited by the licensee), are also available. Foley in Reply Comments says United Church has a good suggestion since formal ascertainment is desirable but, as his study of 1971 renewal applications indicates, some stations are presently filing with the Commission hundreds of pages of unanalyzed and untabulated data. Only about one-third of the 1971 applications examined by Foley presented any sort of tabulation summarizing even a part of the data collected in the ascertainment. Only about one-tenth of the applications showed any attempt to relate the needs to the findings of the surveys. Yet Foley contends the Commission should at least require some summary and analysis of the data to be sent to Washinton, even if raw data would remain at the station and even if no evaluation of the data was required.

126. ABC, WSAU–TV and GE recommend the Commission eliminate the requirement for submitting detailed survey information of methods and results, but not substitute anything for that requirement until matters relating to Docket 19154 (36 FR 3939) are resolved. Nebraska, McClatchy and Basic suggest the Commission eliminate the Primer requirements entirely and forget about the Annual Report approach. Nebraska argues that licensees should be free to adopt their own ascertainment methods and that annual reporting of programs to meet needs would be an almost impossible task which would put naked pressure on quantity versus quality. McClatchy and Basic suggest that the Commission eliminate the Primer requirements and forget about annual reporting, and merely ask the renewal applicant to describe in detail in his renewal application his ascertainment procedures, the problems and needs of his community, and the programs he has aired or proposed to air to meet those problems and needs.

127. *Conclusions.* In proposing that commercial television licensees annually list the problems and needs of their communities and the programs they aired during the year directed to those problems and needs, our intention was to develop a mechanism by which the licensee's conception of current significant community problems and needs and his efforts to meet them could be made available to the public on a continuing basis. The television announcements proposed in Part One of the Notice would serve to remind the public of the annual listings and to invite examination of and comment on them. Our hope was that in this manner continuous dialogue between licensees and members of the public concerning what both consider to be the major problems and needs of the community would be encouraged, so that any dissatisfaction with a licensee's conception of community problems and needs or his efforts to meet them would be immediately communicated to the licensee, resulting in local resolution of such dissatisfaction as it arises, and eliminating the need for the filing of a petition to deny license renewal.

128. As indicated earlier, the number of petitions to deny that have been filed since the proposals in the Notice were issued in February 1971 have significantly risen. One of the most common complaints raised in these petitions relates to allegations that the licensee in question has failed to meet the problems and needs of the community, a fact which seems to confirm the desirability of the annual listings. Thus we have decided to adopt a requirement that all commercial television licensees annually compile a list of significant problems and needs of his service area during the past twelve months, and typical and illustrative programs aired during that period that were designed to help meet them. Since, as indicated in the Notice, we would not normally examine these annual listings during the license period, we will not require these listings to be sent to Washington until renewal time. Licensees will, however, be required each year to place the new listings in their local public inspection files on the anniversary date on which renewal applications are due. The three annual listings for the current license period (including the lists to be placed in the public inspection file upon filing of the renewal application) will be required to be submitted as part of the renewal application. (See Appendix B and Question 1 of revised Section IVB of Form 303 in Appendix E).

129. There still remain the questions of how adequate ascertainment of problems and needs can best be assured and the manner in which commercial television licensees should report on their ascertainment efforts. Positive, continuing, and diligent efforts by licensees to ascertain the needs of the community has long been a basic Commission policy. (En Banc Inquiry re: Programming, 25 FR 7291, 7295 (1960).) To clarify our policies and provide guidelines for meeting our requirements with respect to ascertainment we adopted in February 1971 (on the same day as the Notice in this proceeding was adopted), at the request of the Federal Communications Bar Association, the Primer on Ascertainment of Community Needs (27 FCC 2d 650) (36 FR 4092) applicable to all commercial licensees. In releasing the Primer we expressed our belief it would "aid broadcasters in being more responsive to the problems of their communities, add more certainty to their efforts in meeting Commission standards, make available to other interested parties standards by which they can judge applications for stations licensed to their community, and aid our staff in applying standards uniformly." We indicated, however, that with respect to renewal applicants the Primer was to serve "as an interim measure until other standards are adopted."

130. In March 1973 we issued a Notice of Inquiry in the Matter of Ascertainment of Community Problems by Broadcast Applicants (Docket 19715). The purpose of the Inquiry is to determine "whether present ascertainment requirements serve the public interest in the most effective way possible and, if not (to determine) what improvements could be made to accomplish that objective." After evaluating the comments received in response to the Notice, we will decide what, if any, changes in the present methods of ascertainment should be proposed in the form of a Notice of Proposed Rulemaking.

131. As to the matter of the licensee's reporting on his ascertainment efforts, we will no longer require the commercial television renewal applicant to submit as part of his renewal application details regarding methods by which the significant problems and needs of his community were ascertained. We will, however, require such applicants to represent in their renewal applications that he has followed the Commission's current guidelines (presently, the Primer) in ascertaining the problems and needs of his service area. The renewal applicant will also be asked to represent that upon re-

newal filing, all relevant materials regarding his ascertainment during the current license period have been placed in the station's local public inspection file.

(See Question 1B of revised section IV B of Form 303 in Appendix E). We may, of course, from time to time request to see these materials. Normally this would occur because a specific question has been raised regarding the adequacy of ascertainment by a particular licensee. On other occasions it might occur because we have decided to reassure ourselves that all commercial television licensees are undertaking adequate ascertainment of community needs and have picked at random several commercial television renewal applicants whose ascertainment materials we will examine.

COMMENTS DIRECTED TO SPECIFIC QUESTIONS OF THE PROPOSED ANNUAL REPORTING FORM—QUESTIONS 1 AND 2

132. Several parties discuss the first part of Question 1, the listing of problems and needs. Sonderling recommends the Commission clarify the scope of the phrase "significant problems and needs." Is the Commission thinking of a broad subject, as, for example, pollution, or one more narrowly defined, as for example, air pollution, water pollution or noise abatement. NBC says the Commission should make it clear that problems and needs include problems of national and international significance. BEST submits that the geographic range of needs is uncertain. Presumably, the primary obligation of the licensee will remain to his city of license with lesser obligations to other parts of his service area, but this is unclear.

133. BEST wonders why the list is limited to ten problems, since the number bears no relationship to the number of pressing needs that may exist. BEST notes that Question 19 of the Primer says if an applicant for a construction permit or transferee uncovers only a few problems, he must redouble his efforts to discover more community problems. Urban Law, Storer, and Fetzer agree with BEST's contention that limiting the list to ten problems makes the listing too general and of no value. Foley in Reply Comments, however, suggests that while the stations will be general in defining the needs, the variety of programs and program segments listed under each of the needs would illustrate the depth to which the station is meeting the needs it has identified. Foley maintains that his study of 1971 renewal applications indicates it is presently impossible to determine how well an applicant's programming meets the needs he identifies. Proposed Question 1 should help solve this problem by clearly linking programming to the ten major needs.

134. CBS, Fetzer and BEST are concerned that all program development and nonentertainment programming will be channeled only towards the ten current community problems. Baldwin expects stations to determine ten categories after reviewing their programming during the preceding twelve months and then list those ten as the most significant problems and needs. He thinks it would be more realistic to ask for the number of programs, amount of time, and amount of local time devoted to major problems and needs treated by the station. Sonderling predicts serious logging problems caused by the necessity to list problems and needs. It wonders how the traffic department can discern in October what will be the most significant problems and needs of the following August.

135. In comments regarding the second part of Question 1 (columns 2, 3, and 4 of the form) and Question 2, Urban Law notes that the present renewal form asks for a listing of programs to meet problems and needs while Question 1 of the proposed Annual Report asks for programs devoted to problems and needs and Question 2 asks for programs directed to problems and needs. Urban Law claims there is a significant difference. NBC and Westinghouse think the Commission should delete the requirement of indicating the source of the programs dealing with problems and needs. NBC argues that the substance rather than the source of the program is what matters to the public, and the licensee should be permitted discretion as to the manner in which he will serve needs and the various sources of programs he will utilize. Westinghouse says the requirement is unnecessary since other Questions, especially those on the three year form, will provide quantitative and descriptive programming information.

136. Several parties maintain that the Commission should not exclude "ordinary news inserts" from being listed in answering the second part of Question 1 and Question 2, especially without giving a justification for the exclusion. CBS submits that ordinary news inserts constitute an important part of any station's exploration and coverage of significant community problems. To exclude news inserts would be to discriminate against the news format, in favor of the less effective public affairs format. Mt. Mansfield argues that analysis is uniformly recognized by responsible professional journalists as having no place within the body of a newscast. The Commission's proposed policy forces a station to deviate from established practices and principles and insert analysis in newscasts in order to have more items to list in answer to Question 1. Mt. Mansfield also fears that excluding news stories will curb a desirable trend to longer local news programs. Corinthian suggests that in Docket 19154 the Commission recognizes that routine news coverage serves the function of informing the public of problems and needs as does public affairs programming. Flower City cites Question 33 of the Primer which says news programming can be considered as programming to meet community needs.

137. CBS and BEST note that Question 4 of the existing section IV-B of Form 303 asks for a description of programs to include source, type, times broadcast and extent, if any, to which community leaders or groups are involved, and suggest that the new Question 2 should ask for similar descriptions. BEST asks that in answering new Question 2, stations be required to include all aspects of the description of programs in the current Question 4. CBS recommends that this be done in lieu of the requirement to answer the second part of proposed Question 1; that is, instead of having to list the number of programs, the amount of program time and the amount of local programming devoted to each of the (up to ten) problems and needs listed. CBS contends that the information called for in the second half of Question 1 (columns 2, 3 and 4 of the form) is extremely burdensome if not impossible to compile, and would in any case be grossly unreliable, especially the time measurements. CBS says its approach would avoid the implication that each program or program segment is to answer only one specific problem, an implication which would inhibit exploration of new program ideas and other problems. CBS argues that a representative listing (as opposed to a listing of each program segment) in Question 2 would be adequate for the Commission's purposes.

138. With regard to Question 2, NBC agrees with CBS that a sample showing of program or program segments aired for each problem or need should be all that is required. NBC refers to the record keeping and recording burden that would be imposed by the Commission's proposal, especially on those licensees carrying substantial amounts of public affairs. NBC says the Commission could always ask for further information if it were needed.

139. CBS, Mt. Mansfield and Sonderling ask that if the Commission decides to exclude ordinary news inserts from being listed, it should further clarify what is meant by "ordinary news inserts." CBS doubts a distinction can be made between ordinary "coverage of breaking news" and "news that seeks to deal in more depth and analysis." Mt. Mansfield asks if a carefully prepared documentary with only factual expository material without analysis could be listed; if so, why not a carefully prepared news story? Sonderling wonders if a station which listed IndoChina as one of the most significant problems, in answering Question 2, would be able to include as a program or program segment President Nixon's address regarding the China trip, or a segment of a newscast at 11:00 p.m. which either summarized the President's remarks or played back his address in toto.

140. NBC and Storer contend that the Commission should allow public service announcements (PSA's) devoted to significant problems and needs to be listed. NAB refers to Questions 28 and 30 of the Primer which indicate that announcements may be relied upon at least as a partial means of meeting problems and needs. Storer also refers to Question 28 of the Primer and recommends that licensees, at least on an optional basis, be allowed to list PSAs. Sonderling wonders whether a station which has listed race relations as one of the most significant problems of his community could

list *Lilies of the Field, A Patch of Blue,* or *Guess Who's Coming to Dinner* in answering Question 2.

141. *Conclusions.* As indicated in paragraph 128, licensees will be required each year to compile a list of significant problems and needs of their service area and typical and illustrative programs or program segments aired to help meet those problems and needs. These lists are to be placed in the local public inspection file on the anniversary date on which renewal applications are due. Upon filing of the renewal application, all renewal applicants are to forward to the Commission the three annual listings for the current license period (See Appendix B and Question 1 of new section IVB of Form 303 in Appendix E).

142. Licensees will be asked to limit their lists to ten problems and needs. As Foley suggests, this will make it possible for us to obtain detailed information regarding the programming aired to help meet each of the problems and needs listed. We have also restated the requirement so that licensees are to list (up to ten) "significant problems and needs" of the service area rather than "the most significant problems and needs". This will perhaps result in a greater total number of significant problems and needs being listed (and hopefully met) by the total number of licensees in a given service area.

143. To eliminate the inconsistency cited by Urban Law (See Paragraph 135), the questions now refer to "programming to help meet problems and needs." Identification of the source of each program or program segment is still required, although we would expect that programs aired to meet significant problems and needs of the service area would be primarily local.

144. The exclusion of ordinary news inserts will be retained. This is not to deny the value of such inserts or to discriminate against the news format. On the contrary, news programming has long been regarded as one of the most significant means of contributing to an informed electorate and helping to meet community problems and needs, and has therefore, been included as one of the four major programming categories in the new Annual Programming Report. But proposed Questions 1 and 2 were designed to supplement general information regarding composite week programming of "News," "Public Affairs," and "Other" that would be obtained each year from proposed Questions 4 and 5.

145. With respect to the problems of defining "ordinary news insert," we recognize that situations may well arise where there is some question regarding whether a program is or is not an ordinary news insert. But it is not our intention to evaluate stations merely on the basis of the number of programs or program segments or the amount of program time listed. Nor do we think that the problem of definition of "ordinary news inserts" will be crucial to evaluation of a licensee's efforts to help meet local problems and needs, since we doubt licensees would put themselves in a position where the only programs or program segments which were listed each year were those that were on the borderline of being ordinary news inserts.[8] By the same token, while we will allow licensees to list *Lilies of the Field* and *A Patch of Blue* as helping to meet the problem of race relations, we doubt that licensees who list race relations as one of the significant problems and needs of their service area will want to have no other programs or program segments listed as helping to meet the problem. PSAs, however, should not be listed since new Section IV–B of Form 303 has specific questions concerning PSAs.

146. The burden of record keeping referred to in various filings should be considerably reduced by our decision to require that only typical and illustrative programs be listed opposite each significant problem and need. We also have decided to impose a page limitation of five pages on the listing of problems and needs and typical and illustrative programs aired to help meet them. Licensees will, however, be able (at their option) to supplement these listings by placing in their public inspection file additional material, identified as a continuation of the listings and subject to Commission inspection. (see paragraph 212).

QUESTIONS 3, 4, AND 5

147. Several parties commenting on Questions 3, 4 and 5 of the proposed Annual Reporting Form (which correspond to Questions 8, 9, and 10 of the proposed new section IV–B of Form 303) think that the proposed 6–11 p.m. prime time classification should be expanded beyond 6–11 p.m. WSAU–TV recommends 4:30–11 p.m., while ABC and GE recommend 5–11 p.m. All three parties state the changes would enable stations who wished to continue to counter-program by offering news at earlier hours, to do so without being penalized. Moreover, the public would be better off by having some stations offering news from 5–6 p.m. Corinthian opposes the separate 6–11 p.m. classification or any separate classification. Cohn & Marks recommends 5:30–11:30 p.m. It argues that those stations now programming news at 5:30 p.m. would, under the Commission's 6–11 p.m. classification, be forced to move the news to 6 p.m. whether that served the public interest or not. WSAU–TV says the 6–11 p.m. classification should be responsive to the different time zones.

148. BEST recommends that the 6–11 p.m. classification for local programming devoted to "News", "Public Affairs" and "Other" be joined by two other classifications—8 a.m.–6 p.m. and All Other Hours. BEST notes that Question 5 of the existing form has local programming divided into three categories: 8 a.m.–6 p.m., 6 p.m.–11 p.m. and All Other Hours. It submits these three categories should be included in both the Annual Reporting Form and the new Section IV–B of Form 303 in the enumeration of "News", "Public Affairs" and "Other".

[8] If, of course, experience suggests a more precise definition of "ordinary news inserts" is required, we can always draft and release such a definition.

149. As indicated in paragraph 106, the Commission asked for comments regarding the adequacy of the present definitions of "News", "Public Affairs", "Other" and "Local" and asked whether "News and Public Affairs" should be viewed together as one category. WSAU–TV, GE and ABC believe that existing definitions are adequate, while Westinghouse thinks the definition of "local program" should be revised by eliminating the requirement of employing live talent in more than 50 percent of the program. Westinghouse submits that valuable programs, including locally produced documentaries, are created and produced locally by stations which employ no live on camera talent. Corinthian and Flower City ask the Commission to keep in mind that the new source classifications exclude commercial time which may well cause confusion in comparing promise vs. performance. Flower City says that the difference between gross time (present Section IV B of Form 303) and net time (proposed section IV–B of Form 303) may be as much as 20 percent, depending on the amount of commercial matter carried. Flower City recommends the Commission keep the total programming time approach of the present section IV–B.

150. Westinghouse, Gill, McClatchy, Basic, Corinthian and Flower City contend that "News" and "Public Affairs" should be combined into one category. These parties argue that combining the categories will eliminate the necessity for making "hairline" and often arbitrary distinctions in classifying programs which essentially serve the same functions. Flower City gives three examples of the present difficulty of classifications: (1) Live coverage of a Presidential news conference; (2) an interview during a news program with SALT talk Ambassadors, each stating his own country's position; (3) a report by the Vice President on the Vietnam War.

151. On the other hand, Urban Law and BEST oppose combining "News" and "Public Affairs" into one category. Urban Law says combining the categories would remove the licensee's incentive to provide imaginative, in-depth coverage of matters of public concern and would greatly complicate the already difficult task of examining a licensee's commitment to provide more than mere news coverage. BEST says that combining the categories would provide an incentive for licensees to program more cursory coverage associated in news programming and avoid the less profitable, but more detailed treatment that can be accorded in the public affairs format. BEST notes that licensees generally include relatively long lists of public affairs programming in providing qualitative analysis in their applications, while qualitative information regarding news programs are not included. NAB feels the question of combining "News" and "Public Affairs" should be delayed until resolution of Docket 19154.

152. *Conclusions.* As indicated in paragraphs 113–121 and for the reasons stated therein, we have decided to require that the yearly composite week

programming statistics which were to be obtained from Questions 3, 4, and 5 of the proposed Annual Reporting Form be sent to the Commission each year. We will also require (as is now required in section IV–B of Form 303 and was proposed in Questions 9 and 10 of the proposed new Section IV–B) that basic information regarding each program included in each category ("News," "Public Affairs," and "Other") be submitted with the statistics.

153. After evaluating our experience with the classification of time periods in the current Section IV–B of Form 303, analyzing available relevant data concerning national television viewing habits and audience levels, and reviewing both the comments filed in response to the Notice and those made at the July 11, 1973, OMB meeting (see footnote 11 on page 62) we have decided that the Annual Programming Report should classify programming in three time periods: 6 a.m. to Midnight; 6 p.m. to 11 p.m.;* and Midnight to 6 a.m. The first classification could be considered a "standard broadcast day", the second classification has proven to be useful in current Section IV–B, and the third classification will provide information that will not be provided by either of the first two classifications.

154. The present definitions of "News", "Public Affairs", "Other" and "Local" will be retained. We recognize that some valuable programs may be locally created and produced without employing live on camera talent and have ensured there is adequate provision in the new section IV–B of Form 303 for licensees to indicate that such programs have been aired. (See especially Question 7B of new section IV–B of Form 303 in Appendix E). We have decided, however, to *include* commercial time in the source of classifications used in the Annual Programming Report and new section IV–B.

155. Although we may wish to reevaluate our decision at some future date, we will continue for the present to separate "News" and "Public Affairs". We understand that it is sometimes difficult to distinguish between the two types of programming, but past experience with the definitions indicates that normally the distinction can be made. Moreover, the licensee will be required to briefly describe the composite week programming he has classified as "Public Affairs" in his Annual Programming Report. These program descriptions will help reveal the fact that a program segment listed by the licensee as "Public Affairs" could be categorized by another licensee and/or the Commission as "News".

QUESTION 6

156. Support for Question 6 of the proposed Annual Reporting Form (which corresponds to Question 13 of the proposed new section IV–B of Form 303) comes from ABC, United Church and BEST. BEST thinks the question would be a vast improvement over the only question in present Section IV–B dealing with network affiliation. But other parties oppose the question and recommend its deletion. NBC says that while it believes affiliates should carry network public affairs programs, stations failing to carry them are not ipso facto failing to serve viewer's needs, nor should they be called by the Commission to account for their failure in each and every case. NBC also objects to the implication that stations must make a direct substitution of some comparable program if it pre-empts a network public affairs series. The affiliate may wish to program a local public affairs series at some other hour. WGBF argues that service should be evaluated on programs carried, not upon programs available and not carried. McClatchy notes that the Commission's 1960 Policy Statement says licensees should not be required to record and justify their individual programming decisions in terms of anything other than an overall operation in the public interest.

157. Several filings claim the question will have the effect of compelling affiliates to carry network public affairs programs because no station will be willing to assume the risk of being criticized for not carrying them. Cohn & Marks claims that promoting the views of those who control and direct network public affairs programming rather than promoting the dissemination of the widest possible gamut of views would be contrary to the public interest as reflected in the First Amendment. Corinthian maintains that Question 5 is inconsistent with the emphasis on local programming in Docket 19154. Mt. Mansfield urges the Commission to clarify the purpose of the question and to explain why it is interested in the programs which the licensee substitutes for network programs he judges to be unsatisfactory.

158. Three parties suggest expansion of Question 6. Baldwin thinks the question should be expanded to determine if network public affairs was carried on a delayed basis, and if so, when it was originally scheduled and when it was aired. Baldwin submits that the proposed question does not distinguish between programs carried at the same time as they were aired by the network and programs carried on a delayed basis, perhaps at very inconvenient hours for the majority of viewers. ABC recommends the question be expanded to require affiliates to report on clearance of network news programs, and if such programs were carried on a delayed basis, to require the licensee to explain why this was done. United Church feels the question should be expanded to require licensees to report on clearance of all network programs, including entertainment. United Church refers to criticism raised by minorities after pre-emptions of certain network entertainment programs featuring such entertainers as Sammy Davis, Jr.

159. *Conclusions.* While we have decided not to require the detailed information proposed regarding each network news or public affairs program never carried and the programs aired instead, we agree with ABC that some information regarding clearance of network news as well as network public affairs would be useful. Thus we have included as Question 5 of new section IV–B of Form 303 the following:

5. A. If during the license period the applicant was affiliated with one or more national television network, indicate below the name of the network or networks and the dates of affiliation.

B. If a network affiliate, did the the applicant regularly carry (i.e., carry more than 50 percent of the programs offered during the current license period) available network (news and public affairs):

	Yes	No
(a) News	☐	☐
(b) Public Affairs	☐	☐

160. In including the revised question, we do not suggest that stations failing to carry a majority of the network news or public affairs programming offered them are ipso facto failing to serve viewers' needs. Nor do we wish to imply that the carriage of any particular network news or public affairs program is necessarily in the public interest. This Commission has long recognized the principle that a licensee can, and indeed must, make his own judgments as to whether a particular program or series should or should not be presented over his facilities, irrespective of the source of the preferred material. Further, we agree that service should primarily be evaluated on the basis of programs carried rather than on those not carried, and that the overall operation of the station should be the determining factor at renewal time. The fact remains, however, that public affairs and news programming has long been recognized as contributing to an informed electorate and as an important element of program service, and the proposed question provides relevant information regarding programming of public affairs and news. The information obtained from the question will supplement information obtained from the annual quantification and description of composite week public affairs and news programming, and information regarding public affairs and news programming contained in the annual listing and description of programs and program segments directed to help meet significant local problems and needs of the service area. The sum total of information will enable both the public and the Commission to make a much more informed evaluation than is now possible regarding a renewal applicant's decision during the current license period with respect to the programming of public affairs and news.

RECOMMENDED ADDITIONAL QUESTIONS ON THE ANNUAL REPORTING FORM

161. Westinghouse thinks the Annual Reporting Form should have a question enabling stations to submit additional information if they consider the composite week data for the year in question to be unrepresentative of overall performance in that year. Such a question would correspond with Question 14 of the current Section IV–B of Form 303. ACT rec-

*Stations in the Central Time Zone and Mountain Time Zone shall use 5–10 PM rather than 6–11 PM.

ommends and United Church supports the addition of the following questions to both the Annual Reporting Form and revised section IV–B of Form 303.

1. Did the licensee provide news or informational programs aimed at children? State the names of such programs, a brief description and the time aired.

2. At what time and how often did the licensee provide talks, discussions or documentaries designed specifically to meet the interests of children of a specific age group?

3. What programs were aired to entertain children? What age groups were the programs designed for and at what times of day where they aired?

4. What locally produced children's programs were presented by the licensee? At what times of day were they aired?

162. ACT claims that a definition of children's programs can be agreed upon. It notes that all three networks have Vice Presidents in Charge of Children's Programs and assume that the networks thus know what is meant by "children's programs." ACT indicates it considers the Commission's definition of children's programs included in its Notice of Inquiry and Proposed Rulemaking regarding the ACT petition (Docket 19142) to be acceptable.

163. *Conclusions.* Licensees will be given the opportunity at renewal time to submit additional information if they consider data from license period composite weeks in the Annual Reporting Form to be unrepresentative of overall performance during the year in question (see Question 7B in new section IV–B in Appendix E). But as we stated in the Notice we do not intend to evaluate the licensee's overall program performance until renewal time and we are not initiating an annual renewal process. In order to prevent any possible confusion regarding our intention, we will not add a question on the Annual Programming Report enabling stations each year to supply additional information if they consider the composite week data they are submitting to be unrepresentative of overall performance during the year.

164. To underline our interest in children's programming aired on television (see Notice of Inquiry and Notice of Proposed Rulemaking in the matter of the ACT Petition, Docket 19142). We have added as Question 6 of the new Section IV–B of Form 303 the following (See Appendix E):

Attach as Exhibit ____ a brief description of programs, program segments or program series aired during the license period that were primarily directed to children twelve years old and under. Indicate the source, time and day of broadcast, duration and program type.

FILING DATES OF THE ANNUAL REPORTING FORM

165. Dempsey and Koplovitz recommends that stations file on the first day of the sixth month preceding the anniversary of the expiration date, because data related to the expiration date would be substantially less burdensome to compile and would provide more meaningful year-to-year comparisons. Storer contends that the first Annual Reporting Form after license renewal should cover the 12-month period beginning with the anniversary of the license period. NBC submits that the Commission should allow 2 or 3 months between announcement of the composite week and the filing of the Annual Reporting Form, and that at least 2 of these months should not be in July or August which are vacation months for both the Communications Bar and station personnel. Gill recommends no less than 60 days between announcement of composite week and filing date of the Annual Reporting Form, while CBS suggests at least 12 weeks.

166. Several parties argue that in the year in which a station files his renewal application (Form 303), the station should not be required to also file an Annual Reporting Form. NBC and Sonderling talk about the duplication that would result from two filings the same year, duplication that would violate Section 307(d) of the Act. CBS, Dempsey, & Koplovitz and Storer maintain that the third year report will be, in effect, included in the renewal application. On the other hand, BEST says Annual Reporting Forms should be required from stations filing renewal applications that year since failure to file the form in the renewal year would leave a gap in data. BEST notes that Questions 1 and 2 of the Annual Reporting Form are framed in terms of the preceding 12 months and Questions 3, 4, and 5 of the form are framed in terms of the composite week.

167. *Conclusions.* As we have previously indicated, we have decided that the only information which licensees will be required to send annually to Washington will be composite week data regarding programming of "News," "Public Affairs" and "Other." With respect to the matter of duplicative questions, we note that no questions on the Annual Programming Report we are adopting duplicates or is duplicated by a Question in the new section IV–B of Form 303 found in Appendix E.

168. As has also been previously indicated, we will require that the annual listings of significant problems and needs and programs aired to help meet those problems and needs be placed in the licensee's public inspection file each year on the anniversary date on which renewal applications are due. Upon renewal filing the three lists covering the current license period (including the list which is to be placed in the public inspection file when the renewal application is filed) will be forwarded to us. (See Question 1 in the new section IV–B of Form 303 in Appendix E.) These lists will not duplicate information required by other questions in new section IV–B.

GENERAL COMMENTS REGARDING THE PROPOSED NEW SECTION IV OF FORM 303

169. Three parties argue that the Commission should delay revising the renewal form until Docket 19154[10] is resolved. WGN says that it expects a new renewal form to result from Docket 19154, but that no useful purpose would be served by adopting a new form in the meantime. Storer contends that Dockets 19153 and 19154 must be considered together and their provisions coordinated. Storer is joined by NAB in maintaining that the *Citizens Communications Center v FCC* (Case No. 24,471 decided June 11, 1971) makes any proposed revision of the renewal form inappropriate.

170. Storer also submits that broadcasters should aid the Commission in drafting any revision of the renewal form because only broadcasters experienced with the preparation of Commission applications have the expertise necessary to evaluate the full practicability, burden and effect to the FCC program forms.

171. *Conclusions.* After a detailed review of the filings in Docket 19154 at a special Commission meeting in March 1972, and after hearing oral arguments en banc on Docket 19154 in May 1972, we have concluded that we should proceed with terminating this proceeding (Docket 19153) even though the issues in Docket 19154 are still outstanding. We believe the new section IV–B of Form 303 we have adopted today will provide the necessary information concerning the performance of television licensees, regardless of the final outcome of the attempt to establish criteria for defining "substantial" or "superior" service.

172. The new Section IV–B was, of course, subject to Office of Management and Budget (OMB) approval.[11] Broadcasters and other interested parties had an opportunity to comment on each individual question included in the new Section before a representative of OMB in open session. In addition, broadcasters and other interested parties were given more than five months to file comments in response to the section IV–B proposed in the notice, and these comments were carefully evaluated in considering revisions to that proposal and to the existing section IV–B. We did not, therefore, consider it necessary to have any additional conversations with broadcasters regarding new Section IV–B prior to our submission of the new section to OMB.

COMMENTS REGARDING INDIVIDUAL QUESTIONS IN PROPOSED SECTION IV–B OF FORM 303

GENERAL COMMENTS

173. Westinghouse and Mt. Mansfield state the Commission should delete those questions from proposed section IV–B of Form 303 which are included on the Annual Reporting Form (e.g., Questions 1, 2, 8, 9a, 10A and 13 of proposed section IV–B), because the information received would be redundant.

174. *Conclusions.* With the incorporation of the previously outlined changes

[10] Notice of Inquiry in the Matter of Formulation of Policies Relating to the Broadcast Renewal Applicant Stemming from the Comparative Hearing Process (36 FR 3939).

[11] On July 11, 1973, representatives of OMB conducted a hearing open to the public on revised Section IV–B of Form 303 and the new Annual Programming Report (Form 303–A). On September 20, 1973, the Commission re-submitted both forms to OMB after reconsidering various matters raised at the July 11th meeting. The Commission was later notified that OMB had approved both forms.

to our proposals in the Notice, there are no longer any questions in the new section IV–B which also appear in the Annual Programming Report. On September 26, 1973, the Commission was notified that OMB had approved both forms.

QUESTIONS 1 AND 2

175. Sonderling maintains that Questions 1 and 2 (concerning problems, needs and programs directed to them) should be deleted because they contain unnecessary information not directly material to considerations affecting granting or denial of the renewal and therefore violate section 307(d) of the Act.

176. *Conclusions.* As has been indicated, licensees will be required to annually list significant local problems and needs of their service area and programs aired to help meet those problems and needs. These lists will be placed in the public inspection file each year on the anniversary date on which renewal applications are due, and upon filing of the renewal application, the three lists covering the current license period (including the list placed in the public inspection file upon submission of the renewal application) will be sent to the Commission. These lists will provide information which is directly material to considerations affecting the granting or denial of renewal.

QUESTION 3

177. North Carolina and Dempsey and Koplovitz feel that Question 3 should be deleted. North Carolina argues that the question is inconsistent with the general spirit of the revisions in Docket 19153 because it emphasizes problems and programs rather than the method of ascertainment. The licensee is either aware or not aware of the needs of his community and does or does not program to meet them. How these needs were ascertained is, according to North Carolina, wholly irrelevant. Dempsey & Koplovitz contend that since the Commission has not stated any intention to make an evaluation of methods used, the question should be deleted as it incorporates vestigial remnants of a procedure which is no longer relevant.

178. Gill, NAB, Sonderling, Dempsey and Koplovitz, NOW, and Foley think the Commission should articulate standards expected of the applicant in answering Question 3, if Question 3 is retained. NAB submits that without the standards the question could be the starting point for a whole new series of interpretations as to the proper methods of ascertainment. Sonderling and NOW maintain the Commission must clarify whether or not licensees will be expected to conduct a formal survey of community leaders and representatives of the public. NOW suggests that such a survey should definitely be retained. Foley recommends the survey be retained and recommends that even if the Commission does not require an evaluation of the findings and of the relative importance of community problems, it should require some report and tabulation of the findings. Foley says his study of 1971 renewal application demonstrates most stations are not now including anything more than raw data.

179. On the other hand, Baldwin does not think the Commission should articulate standards expected of the applicant in answering Question 3. Baldwin submits research findings which indicate that the product of the various methods of studying communities varies in accordance with the nature of the community and the station. Baldwin believes the Commission should permit further experimentation by stations in arriving at appropriate means and recommends that the Commission, without specifying guidelines, merely indicate that stations should be responsible for the validity of the methods used.

180. *Conclusions.* As indicated earlier, we have determined that commercial television licensees should be asked to represent in their renewal applications that they have followed the Commission's current guidelines in ascertaining the problems and needs of the station's service area and, upon filing the renewal application, have placed all relevant materials regarding their ascertainment procedures in the local public inspection file. (See Question 1 of new section IV–B of Form 303 in Appendix E.) As we have also mentioned, the question of whether the existing ascertainment requirements (the Primer) should be revised is the subject of a recent Notice of Inquiry (Docket 19715).

181. As we have previously noted, the ascertainment reporting approach we have adopted today, including the annual listing of significant problems and needs and programs aired to help meet those problems and needs, emphasizes problems and needs and programs aired rather than methods of ascertainment of problems and needs. But it also recognizes that ascertainment is necessary and continuing ascertainment is to be encouraged; that guidelines for ascertainment are desirable; that members of the public have an interest in knowing how the licensee arrived at his conception of significant local problems and needs; and that the Commission might have cause to ask to see ascertainment support materials, either because a question regarding adequacy of ascertainment has arisen or because the Commission wants to reassure itself that (through examination of ascertainment support material of a random sample of stations) that proper ascertainment is taking place.

QUESTIONS 4 AND 5

182. Deletion of Question 4 is suggested by Sonderling, CBS, WGN, Corinthian, Flower City, Dempsey & Koplovitz and BEST. These parties maintain that the exhibits would be entirely speculative and would furnish no useful information. With regard to Question 5, WGN thinks the question should be deleted while Corinthian says the question is unduly confined if it is meant to cover only new program series as opposed to new individual programs within established program series. Dempsey & Koplovitz and BEST recommend that the Commission require identification of past programs that will be continued or resumed. BEST says Question 5 fails to determine if existing programs are being dropped. Thus a station could list in answering Question 5 a replacement for an existing program which was listed in answering Question 2, and there is no way for the public or the Commission to know this is being done.

183. *Conclusions.* After careful reevaluation of proposed Questions 4 and 5 and analysis of the answers we have received to Questions 1B and 1C in Part I of present Section IV–B of Form 303, we agree that asking the applicant to speculate on the problems and needs of the entire upcoming license period may result in information which is over speculative in nature. But we believe the renewal applicant should be given an opportunity to include in his renewal application an expression of intent in the immediate future to deal with a problem or need which was recently determined or called to his attention and was not included in his annual listing of problems and needs for the preceding twelve months. We therefore have decided in lieu of proposed Questions 4 and 5, to include as Question 2 of the new section IV–B the following:

2. As a result of his recent ascertainment efforts, does the applicant anticipate that his next annual list of problems and needs of his service area and programs broadcast to help meet them (which will be the first list for the new license period) will contain specific problems and needs and/or programs or program series not included in his most recent list? ☐ Yes ☐ No

If "Yes", indicate in Exhibit No.....the specific problems and needs and/or programs or program series.

QUESTION 6

184. Deletion of Question 6 is urged by Sonderling, Flower City and Dempsey & Koplovitz. Sonderling says the station might change its methods of ascertainment and yet not serve the public. Flower City thinks the licensee will merely set forth the current Commission standard, which is now the Primer. Dempsey & Koplovitz maintain that the question will not furnish useful or meaningful information to the Commission, especially in view of the elimination of the Primer requirements.

185. *Conclusions.* In view of the previously described change in the method of ascertainment reporting from what was proposed in the Notice, and our decision to retain the Primer (pending the outcome of our formal Inquiry regarding ascertainment), we have decided to eliminate proposed Question 6 from the new section IV–B.

QUESTION 7

186. A number of filings discuss Question 7. NBC, CBS, Westinghouse and others talk about the burden the question would impose upon licensees. NBC and North Carolina suggest that if the complainant wants to bring his complaint to the Commission's attention he may do so. CBS maintains that the requirement would probably be meaningless to the renewal processes and would impinge upon important First Amendment, copy-

right, privacy, and other rights. CBS also believes the requirement to be inconsistent with Question 24 in the Primer which says that the evaluation of needs need not be included in the application, and inconsistent with *Sioux Empire Broadcasting* (16 FCC (2d) 995) where the Commission indicated that its review of the applicant's evaluation will be by reviewing the broadcast matter proposed, rather than intruding on the licensee's "thought process". Gill contends the Commission must provide a justification for the question and must provide guidelines regarding the extent of the answer. Dempsey & Koplovitz predict that without clear guidelines the Commission will either receive boilerplate answers or an overwhelming amount of details. McClatchy and Basic submit that a thorough description of complaint handling procedures should be all that is required.

187. Others feel Question 7 should be strengthened. Urban Law recommends the Commission add a requirement that the licensee summarize and comment on complaints and suggestions received regarding the station's listing of problems and needs and programs devoted to them. BEST thinks Question 1D on the current form (asking the licensee to describe his procedures for considering and disposing of complaints and suggestions) should be added to proposed Question 7.

188. *Conclusions*. After careful consideration of the comments filed and reevaluation of the difficulties that would be encountered in providing general guidelines for licensees in answering the proposed Question 7, we have decided to eliminate the question from new section IV–B. But we have retained as Question 3, the current Question 1D which asks applicants to describe present and proposed procedures for considering and disposing of complaints and suggestions from members of the public. Licensees will, of course, also be required under new § 73.1202 of the Commission's rules (see Appendix C) to retain a file of letters from members of the public, and we could always ask individual renewal applicants to provide specifics regarding that file should such a request be deemed necessary.

QUESTIONS 8, 9, AND 10

189. Questions 8, 9 and 10 of the proposed new section IV of Form 303 correspond to Questions 3, 4 and 5 of the proposed Annual Reporting Form. Comments regarding these questions have been discussed in paragraphs 131–135 which review comments regarding Questions 3, 4 and 5 of the Annual Reporting Form.

190. *Conclusions*. To eliminate redundancy of information, proposed Questions 8, 9 and 10 have been eliminated from new section IV–B. The information that would have been obtained from these questions would have duplicated that obtained from the most recent Annual Programming Report.

QUESTION 11

191. Revision of Question 11 is recommended in several filings. NBC says that the requirement to give the number of PSAs involving local organizations should be dropped because it is the substance of the PSA rather than the source that is of consequence. Others contend that the phrase "involving local organizations" is ambiguous. Dempsey wonders whether it is the location of offices or the degree of local activity that is important. Sonderling asks if PSAs on behalf of the local Army recruiting station or local Chapter of the Red Cross would be considered to involve local organizations. Flower City questions why PSAs of less worthy local organizations should be preferred over more significant PSAs for national causes.

192. Three parties comment on the time periods indicated in Question 11. BEST recommends that the time categories be refined to show the number of PSAs aired in each time segment listed on the licensee's rate card. Sonderling objects to breaking down PSAs into any time segments and questions whether there is any empirical evidence to indicate a difference between PSAs aired between 8 a.m.–11 p.m. and PSAs aired between 11 p.m.–8 a.m. KRGV–TV says that stations cannot run all PSAs in prime time unless it's the annual United Fund Drive or something similar.

193. *Conclusions*. Proposed Question 11 has been included with some revisions as Question 4 in new section IV–B found in Appendix E. We believe the new question is a considerable improvement over Question 9 of the current section IV–B which merely asks for the total number of PSAs during the composite week. Examination of composite week logs furnished by renewal applicants suggests that similarities in the total number of PSAs for the week does not necessarily mean similarities in the nature of the PSAs or in the time of day in which they were aired. We do not mean to imply that all PSAs should be aired in prime time or between 8 a.m.–11 p.m. or that PSAs benefiting local organizations are necessarily to be preferred over PSAs that do not benefit local organizations. But we believe we should continue to solicit information regarding PSAs and the proposed Question is to be preferred as providing more information than the current Question.

194. The revisions to new Question 4 will hopefully alleviate several potential problems raised at the July 11th OMB meeting. The question now makes it clear that the primary beneficiary of the PSA is determinative as to whether or not the PSA is local rather than the location of either the producer of the announcement or the personality who may appear on the screen. The question now also recognizes (by including a third "mixed" category in part B and adding the phrase "in the licensee's judgment") that while some PSAs are clearly designed to benefit the activities of local organizations (e.g. a PSA promoting a local church function) and others are clearly designed to benefit the activities of non-local organizations (e.g. a PSA soliciting funds for Radio Free Europe or Project Hope), still other PSAs are difficult to categorize and there could be honest differences of opinions as to their proper categorization. It should be re-emphasized, however, that in soliciting information regarding programming of PSAs the Commission has never, and it is not now suggesting that there is a certain number of PSAs that should be aired each week or that a certain percentage of PSAs should be primarily designed to benefit organizations or organizational units in the local service area.

QUESTION 12

195. ACT recommends that the Commission require the licensee in Question 12 to state the total number of commercials and the total amount of time devoted to commercial content during the children's programming aired during the most recent composite week. ACT would, as in the case of its recommended questions to be added to the Annual Reporting Form, be willing to accept the Commission's definition of children's programming including in its Notice of Inquiry and proposed rulemaking regarding the ACT petition. (Docket 19142).

196. *Conclusion*. As indicated in paragraph 164, Question 6 has been added to new section IV–B to provide general information regarding programming aired by the renewal applicant during the current license period that was primarily directed to children twelve years old and under. We do not think, however, that Question 12 should be amended as ACT suggests prior to the resolution of the issues in the Notice of Inquiry and notice of proposed rulemaking regarding childern's programming (Docket 19142). One change that has been incorporated in revised section IV–B in order to obtain additional information regarding broadcasting of commercial matter (the subject of proposed Question 12) is the addition of questions concerning past and proposed programming of commercials between 6 p.m.–11 p.m. (See Questions 11 and 14 of new section IV–B of Form 303 in Appendix E.)

QUESTION 13

197. Proposed Question 13 of new section IV–B of Form 303 corresponds to proposed Question 6 of the Annual Reporting Form. Comments and Conclusions regarding this Question are discussed in paragraphs 156–160.

OBJECTIONS TO DELETION OF QUESTIONS TO PRESENT SECTION IV–B OF FORM 303

198. BEST argues that even though the Commission is not using certain questions in the present Section IV–B in determining if the public interest will be served by granting renewal, these questions should be retained because they provide information which could be of significant value to citizen groups. BEST objects to the elimination of Questions 10C and 19C of current section IV–B, claiming they are the only two questions that relate to promise vs. performance. Question 10C of current section IV–B provides the applicant with the opportunity to explain any substantial variations between the programming representations made in the last renewal ap-

plication and the programming practices revealed in the current application, and Question 19C of the current form asks the applicant to explain any substantial variations between the commercial representations made in his last renewal application and his commercial practices during the composite week.

199. Sonderling asks why the Commission dropped the questions in current Section IV–B regarding news staff, news facilities and overall staff (Questions 6, 14, and 25 of the current form). Sonderling thinks all three questions should be retained. BEST wonders why the questions regarding the amount of news devoted to and planned to be devoted to local and regional news were dropped, since the information is vital to assuring that local service really is local.

200. BEST maintains that most of Part VI of current Section IV–B should be retained in new section IV–B. BEST states that giving the names and positions of the people who determine the day-to-day programming of the station allows the public to know who has responsibility for various decisions, and Question 22 (asking the applicant to summarize his programming and advertising standards) provides information which is a matter of increasing concern to the public. BEST contends that Question 23 of current section IV–B (asking the applicant to state the methods by which he keeps informed of the requirements of the Act and the Commission's Rules and how he keeps his employees informed of same) is a relevant inquiry, and Question 26 (asking the applicant to give examples to illustrate a policy of broadcasting programs to meet needs, regardless of whether or not commercial sponsorship is available or appropriate, and a policy of pre-empting time to present special programs) is clearly a question which reveals performance in the public interest. Sonderling concurs in BEST's requests that Question 22 be retained in new section IV–B.

201. BEST notes that Questions 7 and 14 of current section IV–B asking the licensee to describe his present and proposed policies with respect to making time available for the discussion of public issues and his method of selecting subjects and participants were also dropped. BEST maintains that both on principles of law and on practicabilities of assuring citizen participation, the Commission should be requiring more information, not less, and in light of the increasing focus on the problem of access, deletion of the questions seems ill-advised.

202. *Conclusions.* We agree with BEST's contention that new section IV–B should retain questions permitting the licensee to explain any substantial variations that may exist between representations made in his last renewal application regarding programming or commercial practices, and the programming or commercial practices reflected in the current renewal application and the Annual Reporting Forms covering the current license period. For that reason we have included Questions 7C and 12C in new section IV–B to correspond with Questions 10C and 19C of the current Section IV–B.

203. We have not, however, retained any of the other questions which BEST and Sonderling suggest be retained because we have not always used them in making our public interest determination regarding the renewal applicant and thus requiring them might, in some instances, be in violation of section 307(d) of the Communications Act. Questions on the current form regarding news staff, for example, have sometimes provided unreliable information due to the variance in the definitions of news staff from station to station. Estimate of percentages of news coverage devoted to local and regional news have sometimes been unreliable for similar reasons. Moreover, we believe attempts to ensure that local service is in fact local will be far more realizable through analysis of the annual listing of programs and program segments aired to help meet the significant local problems and needs of the service area.

204. Experience with open ended questions regarding policy of pre-emptions, methods of keeping informed of Commission rules, policies regarding discussion of controversial issues, and programming and advertising standards, has demonstrated that without adequate guidelines for answering the question and without criteria as to how the answers are to be evaluated by the Commission staff, these answers cannot always be used in our public interest determination. And experience suggests that such guidelines and criteria cannot always be formulated to our satisfaction. Thus we will not retain these open ended questions in new section IV–B.[12] If, however, there is a question concerning an individual renewal applicant's policies regarding discussion of controversial issues, programming standards, methods of keeping informed of Commission regulations, etc., we will ask that applicant to respond to the specific question that may have arisen.

Recommended Additional Questions in New Section IV–B of Form 303

205. Recommendations for inclusion of additional questions in new section IV–B were received from ACT, BEST and United Church. As discussed in paragraph 161, ACT asks that a series of questions regarding children's programming be added to both the Annual Reporting Form and section IV–B. BEST recommends a question be added which relates to the present methods of ascertainment, because proposed Question 3 relates to the past and proposed Question 6 to the future. United Church recommends that a question be added to give licensees the opportunity to list entertainment programs they consider to be of special value. United Church notes that Red Lion speaks of the right of the public to receive suitable access to social, political, esthetic, moral and other ideas and experiences. The proposed form limits the data to social and political material. The new question would permit the licensee to distinguish the premiere of a new ballet or a children's program of recognized worth, from a cartoon or a rerun of a situation comedy.

206. *Conclusions.* As indicated in paragraph 164, we have included a question in new section IV–B concerning programming primarily directed towards children twelve years old and under. (See Question 6 in Appendix E). In response to the recommendation of United Church that renewal applicants be given the opportunity to list entertainment programs they consider to be of special value, Question 7B of new section IV–B has been rewritten to invite those licensees who wish to provide additional information to accurately and fairly present their program service, to list entertainment programs they consider to be of special merit.

The Use of Programming Statistics in the Notice in Processing Renewal Applications and the Proposed Ranking Procedure.

207. The Commission indicated that the nationwide annual programming statistics derived from the Annual Reporting Form would be used to compile a nationwide data base. When the data base became available, the Commission would rank each commercial television station within a yet to be determined grouping in each critical programming category, including "News," "Public Affairs," "Other" and "Local." The staff would then be instructed to closely scrutinize the renewal applications of those stations whose ranking fell below an appropriate level (as for example 10 percent) and make a summary report of those applications to the Commission. The Commission emphasized that it was not to be implied that all such applicants would be designated for hearing or even subjected to further inquiry. Rather, the purpose of the process was to ensure close scrutiny of all such applicants in order to delineate those whose performance was of such a borderline nature as to warrant inquiry and further showing. The grouping of stations and the levels below which stations would receive close scrutiny would, when determined by the Commission, be made a matter of public record. The Commission suggested that groupings might be determined by market, by revenues or by a combination of factors, and specifically asked for comments regarding appropriate groupings.

208. Comments were received regarding both the refinements in statistics that will result from the new questions in section IV–B and the Annual Reporting Forms, and the Commission's intention to group stations and focus particular attention on those applicants below a certain cut off point. BEST and United Church support the changes with certain

[12] In the Notice we indicated we would consider a revised renewal form for commercial radio licensees. At that time we will consider whether we should delete some of the open ended questions in section IV–A of Form 303 that correspond with those open ended questions in current section IV–B which are now being deleted.

reservations, and submit that the separation of local programming into "News," "Public Affairs" and "Other" during 6–11 p.m. is especially important. In discussing the grouping and cutoff point approach, BEST maintains that while it is reasonable to require an exhaustive inquiry for any station below the appropriate level, all stations should at least receive normal staff review at renewal time and there should be no presumption that licensees are serving the public interest simply because they are above the cut off point. Moreover, the extent of community dialogue, hiring policies, etc., should remain subject to challenge by a petition to deny. United Church supports refining statistics by time periods and annual ranking, but it cautions the Commission that a purely quantitative approach to evaluation of program service may not present the complete picture.

209. Various parties fear that the Commission's proposed approach unduly emphasizes quantity vs. quality. Gill, for example, says there is no easy way to evaluate programming and any quantitative approach can only delude people. NAB says the Commission's approach ignores the qualitative aspects of programming and thoroughly injects the Commission into areas of programming control precluded by section 326 of the Act. Corinthian and Storer both cite *Evening Star Broadcasting Co.* (27 FCC (2d) 316) in which the Commission stated that it has never made a public interest determination on the basis of comparative rankings and indicated such determination must be made on the basis of the licensee's individual performance, regardless of program percentages compiled by other local stations. AWRT claims that statistical measurement will necessarily be distorted if it does not deal generally with entertainment programming in determining how responsive a television station's programming is to community needs.

210. The Commission specifically asked for comments regarding the proper grouping of stations in any ranking procedure. Nebraska maintains that there is no way of grouping stations in an intelligent and equitable manner. KUTV says that regardless of how sensitive the grouping criteria are, it is inevitable that they will be arbitrary, and to a greater or lesser extent, chickens will be compared to geese and horses to mules. BEST contends it can make no meaningful suggestions until information regarding the financial structure of the industry is available to it. BEST argues that groupings must, at least in part, reflect revenues and profitability.

211. *Conclusions.* As has been indicated in paragraph 121, we are not adopting a ranking procedure such as that proposed in the Notice which would automatically determine which renewal applications would continue to be processed and approved solely by the staff under delegated authority and which would only be approved by the Commission. We recognize, however, that on occasion demands of staff and resources may well prevent the Broadcast Bureau from devoting all the attention it would like to devote to each renewal application in a given renewal group. In such circumstances the annual statistical profiles of individual stations in the renewal group used in conjunction with statistics indicating the programming of all other similar stations during the identical period might well be used by the staff in rapidly selecting those applications which would receive the greatest amount of time and attention.

THE LENGTH OF EXHIBITS

212. In our discussions regarding the adoption of the new section IV–B of Form 303 we have noted with some concern the continuing increase in the length of Exhibits filed with the Commission in conjunction with the current renewal form. We feel it would be desirable to reverse this trend, but we do not want to inhibit licensees from providing the public in their service area with more elaborate details regarding their programming efforts than we may deem necessary to make the requisite public interest finding. Such elaboration might promote the continuing dialogue between licensee and citizen which we have mentioned throughout this Report and Order. For this reason we have decided to impose a page limitation on the Exhibits submitted to the Commission, but to permit licensees (at their option) to supplement these Exhibits by placing in their public inspection file additional material, identified as a continuation of the information submitted to the Commission and subject to Commission inspection. Instructions to this effect will be included at the beginning of section IV–B of Form 303 (See the note at the top of the first page of Appendix E of this Report and Order.) The instructions will also make it clear that should the Commission be unable to make the requisite public interest finding on the basis of Exhibits initially submitted by a licensee, the licensee in question would be permitted to supplement his initial showing to the Commission by submitting any additional material which may be relevant, including (but not necessarily limited to) the additional material which may have already been placed in the public file.

AUTHORITY AND ORDERS

213. The authority for the adoption of the amendments contained in the Appendices below is set forth in sections 4(i) and (j), 303, 307, 308, 309, 311(a), 315(a), and 403 of the Communications Act of 1934, as amended.

214. Accordingly, effective January 1, 1974: *It is ordered,* That Parts 1 and 73 of the Commission's rules and regulations are amended as set forth in Appendices B and C hereto. Compliance with the rules is required in accordance with the following schedule:

Sec.
1.526(a)(6) and (7)—January 1, 1974
1.526(a)(8)—upon the first filing of new Form 303–A
1.526(a)(9)—on the month and day in 1974 which corresponds to the month and day in 1974–1976 on which the station's renewal application is due to be filed
1.539(a) and 1.580—applies to applications for renewal of licenses which expire on December 1, 1974, or thereafter
73.1202—January 1, 1974, except that prior to the compliance date of § 1.526(a)(9), television stations shall not be required to include in their notices information other than that which is required to be included by radio stations, and except that applicants for renewal of licenses which expire on February 1, April 1, and June 1, 1974, shall begin making the appropriate announcements required by § 73.1202(e) beginning on the second day of the calendar month prior to their expiration, and applicants for renewal of licenses which expire on August 1, 1974, shall continue to broadcast every fifteenth day the notice required by § 73.1202 until such time as notices required by current § 1.580 are broadcast and will begin broadcasting the notice required by § 73.1202(e) on July 2, 1974.

215. *It is further ordered,* That Form 303–A, the Annual Programming Report, is adopted as set forth in Appendix D below and that Form 303 is amended as set forth in Appendix E below and that both forms will be sent to licensees at dates to be announced. In the interim time period, current section IV–B of Form 303 will continue to be used by all applicants for renewal of commercial television licenses. A series of public notices will be issued at appropriate times to remind licensees and the public of approaching dates on which specific rules mentioned in paragraph 214 above will take effect. Petitions for reconsideration of this Final Report and Order may be filed by November 16, 1973: *It is further ordered,* That this proceeding is terminated.

(Sec. 4, 303, 307, 308, 309, 315, 403, 48 Stat., as amended, 1066, 1082, 1083, 1084, 1085, 1088, 1094, sec. 5(a), 74 Stat. 892 (47 U.S.C. 154, 303, 307, 308, 309, 311, 315, and 403).)

Adopted October 3, 1973.

Released October 11, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Acting Secretary.

APPENDIX A

PARTIES FILING COMMENTS

(*Indicates Reply Comments Also Filed)
(**Indicates Only Reply Comments Filed)

Action for Children's Television (ACT)
American Broadcasting Company (ABC)
American Civil Liberties Union (ACLU)
American Women in Radio and Television, Inc. (AWRT)
Anna Broadcasting Company, Inc. (WRAJ)
Basic Communications, Inc., et al. (Basic)
  Basic Communications, Inc.
  Belton Broadcasters, Inc.
  BFR Broadcasting
  Big C Broadcasting Corporation
  Broadcast Consultants Corporation
  Cox Broadcasting Corporation
  Daily Telegraph Printing Co.
  Guy Gannett Broadcasting Services
  Hearst Radio, Inc.
  Mid-America Television Company
  Midcontinent Broadcasting Co.

[1] Commissioner Robert E. Lee absent; Commissioners Johnson, H. Rex Lee, and Wiley concurring and issuing statements; Commissioner Reid concurring in the result.

Mount Hood Radio and Television Broadcasting Corporation
Mullins Broadcasting Co.
Multimedia, Inc.
Newhouse Broadcasting Corporation
Northeastern Indiana Radio, Inc.
Northwestern Publishing Co. Inc.
Palmer Broadcasting Co.
Quincy Broadcasting Co.
Radio Medford, Inc.
Radio Redding, Inc.
Rock Island Broadcasting Co.
Scranton Broadcasters, Inc.
Southern Wisconsin Radio, Inc.
Stauffer Publications
Truth Publishing Co.
Truth Radio Corporation
Turner Broadcasting Corporation
Unicom, Inc.
United Television, Inc.
Walter-Weeks Broadcasting, Inc.
WBNS-TV, Inc.
WCSC, Inc.
West Bend Broadcasting Co.
WHEC, Inc.
WHP, Inc.
The WHYN Stations, Corporation
WJAC, Incorporated
WLAC-TV, Inc.
WLOL-FM, Corporation
WOC Broadcasting Co.
WUNI, Inc.
Black Efforts for Soul in Television* (BEST)
Carter Publications, Inc. and Gulf Coast Broadcasting Company (Carter)
The Chesapeake Broadcasting Corporation (WASA)
Cohn & Marks, Law Offices of (Cohn & Marks)
Columbia Broadcasting System, Inc. (CBS)
Community Broadcasting Company (KRSN)
The Corinthian Stations and the Orion Stations (Corinthian)
Dempsey & Koplovitz, Law Offices of (Dempsey & Koplovitz)
Fetzer Television Corporation, *et al.* (Fetzer)
Fetzer Television Corporation
Cornhusker Television Corporation
Fetzer Broadcasting Company
Medallion Broadcasters, Inc.
Flower City Television Corporation, *et al.* (Flower City)
Flower City Television Corporation
Lee Enterprises, Inc.
Time-Life Broadcast, Inc.
WDSU-TV, Inc.
WKY Television System, Inc.
Professor Joseph M. Foley ** (Foley)
Robert S. Gelman (Gelman)
General Electric Broadcasting Co., Inc. (GE)
Gill Industries, *et al.* (Gill)
Gill Industries
Leake TV, Inc.
Pikes Peak Broadcasting Co.
Screen Gems Stations, Inc.
WAPA-TV Broadcasting Corporation
WBEN, Inc.
Heart O'Wisconsin Broadcasters, Inc. (Heart O'Wisconsin)
International Broadcasting Corp. and Southwestern Broadcasting Corp. (International)
KAKC, AM and FM, *et al.* (KAKC)
KAKC, AM and FM, Tulsa, Okla.
KFUN, Las Vegas, N.M.
WIOK, Normal, Ill.
WCCW, Traverse, Mich.
WBMJ, San Juan, P.R.
KVEC, San Luis Obispo, Calif.
KMBY, Monterey, Calif.
WBIP, Booneville, Miss.
KBOX, AM and FM, Dallas, Texas
WONE, AM and FM, Dayton, Ohio
WLTN Littleton, N.H.
KFAB, AM and FM, Omaha, Neb.
WEKR, Fayetteville, Tenn.
WWCA, Gary, Ind.
WLOI, AM and FM, LaPorte, Ind.
WJOR, South Haven, Mich.
WTUP, Tupelo, Miss.
KKUA, Honolulu, Hawaii
WOKJ, Jackson, Miss.
WBET, AM and FM, Brockton, Mass.
WGUS, North Augusta, S.C.
WPEA, Pensacola, Fla.
WSHO, New Orleans, La.
WFHR, AM and FM, Wisc. Rapids, Wisc.
WTUG, Tuscaloosa, Ala.
WTMT, Louisville, Ky.
KVGB, Great Bend, Kans.
WRAG, AM and FM, Carrollton, Ala.
WMAG, Forest, Miss.
WRUS, AM and FM Russellville, Ky.
WKIZ, WFYN-FM, Key West, Fla.
KRUS, AM and FM, Suston, La.
WXLI, AM and FM, Dublin, Georgia
KGMS, Sacramento, Calif.
WFDF, Flint, Mich.
KMMJ, Grand Island, Nebr.
KKIT, Taos, N.M.
KXXX, AM and FM, Colby, Kans.
WHBO, Tampa, Fla.
WOPI, AM and FM, Bristol, Tenn.
WVOJ, Jacksonville, Fla.
WMAD, AM and FM, Madison, Wisc.
KORS, AM and FM, Minneapolis, Minn.
WCMB, WSFM(FM), Harrisburg, Pa.
WMEN, Baton Rouge, La.
WKAU, AM and FM, Kaukauna, Wisc.
WGCM, WTAM(FM), Gulfport, Miss.
WBOP, AM and FM, Pensacola, Fla.
KRAK, Sacramento, Calif.
KFAX, San Francisco, Calif.
WHIE, Griffin, Ga.
WENO, Madison, Tenn.
WSAU, AM and FM, Wausau, Wisc.
Kansas Association of Broadcasters (Kansas)
KBMN Radio (KBMN)
KGUD, Inc. (KGUD)
KIIX
KRGV-TV
KUTV, Inc. (KUTV)
KWNA Radio (KWNA)
KWRO, Inc. (KWRO)
Lebanon Broadcasting Company (Lebanon)
Louisiana Association of Broadcasters (Louisiana)
McClatchy Newspapers (McClatchy)
Metromedia, Inc. (Metromedia)
Mt. Mansfield Television, Inc. (Mt. Mansfield)
National Association of Broadcasters (NAB)
National Association of Educational Broadcasters * * (NAEB)
National Broadcasting Company, Inc. (NBC)
National Organization for Women (NOW)
National Urban League (Urban League)
Norbertine Fathers (Norbertine)
North Carolina Association of Broadcasters, Inc. (North Carolina)
Paducah Newspapers, Inc. (Paducah)
Plough Broadcasting Company, Inc. (Plough)
Radio Station WGBF, Inc. (WGBF)
Radio Station WHAR (WHAR)
Ranchland Broadcasting Company, Inc. (Ranchland)
Sonderling Broadcasting Corporation, et al.* (Sonderling)
Sonderling Broadcasting Corporation
Nationwide Communications, Inc.
Midwest Radio-Television, Inc.
The Baltimore Radio Show, Inc.
North Alabama Broadcasters, Inc.
Gross Telecasting, Inc.
Gross Telecasting of Wisconsin, Inc.
Eagle Broadcasting Corporation
Key Television, Inc.
Triangle Broadcasting Corp.
Student Task Force Against Telecommunication Information Concealment (STATIC)
Storer Broadcasting Company (Storer)
Stuart Broadcasting Company (Stuart)
Television Station WJBF-TV (WJBF-TV)
Office of Communication of the United Church of Christ (United Church)
The Urban Law Institute of Antioch College (Urban Law)
Westinghouse Broadcasting Company, Inc. (Westinghouse)
WGAL Television, Inc. et al. (WGAL)
WGAL Television, Inc.
WGAL, Inc.
Associated Broadcasters Inc.
Delmarva Broadcasting Co.
WGN Continental Broadcasting Company (WGN)
WHAR Radio (WHAR)
Wilkes Broadcasting Company, et al. (Wilkes)
Wilkes Broadcasting Company
Sentinel Broadcasting Company
WDSL, Inc.
WRVB-FM
WSAU-TV, et al. (WSAU-TV)
WSAU-TV, Wausau, Wis.
KCAU-TV, Sioux City, Iowa
WTOK-TV, Meridian, Miss.
KMTV, Omaha, Nebr.
KGUN-TV, Tucson, Ariz.
KFIZ-TV, Fond du Lac, Wis.
WKRG-TV, Mobile, Ala.
WAFB-TV, Baton Rouge, La.
WTRF-TV, Wheeling, W. Va.
WKNX-TV, Saginaw, Mich.
KJEO-TV, Fresno, Calif.
WRAU-TV, Peoria, Ill.
WMTV, Madison, Wis.
WAKR-TV, Akron, Ohio
KMEX-TV, San Antonio, Tex.
KMEX-TV, Los Angeles, Calif.
WXTV, Paterson, N.J.
WLTV, Miami, Fla.
WICS-WICD, Springfield-Champaign, Ill.
WTVO, Rockford, Ill.
WHNB-TV, New Britain, Conn.
WSIL-TV, Harrisburg, Ill.
WDAM-TV, Laurel, Miss.
WCFT-TV, Tuscaloosa, Ala.
KZTV, Corpus Christi, Tex.
WCTV, Tallahassee, Fla.
KOAA-TV, Pueblo, Colo.
KTSB-TV, Topeka, Kans.
WUAB, Inc. (WUAB)

APPENDIX B

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

§ 1.516 [Amended]

1. In § 1.516(e)(1), the first proviso is amended by changing "60th" to "90th" where it appears.

2. In § 1.526, the introductory text of paragraph (a) is amended and subparagraphs (6), (7), (8), and (9) are added, and the introductory text of paragraph (e) is amended to read as follows:

§ 1.526 Records to be maintained locally for public inspection by applicants, permittees, and licensees.

(a) *Records to be maintained.* Every application for a construction permit for a new station in the broadcast services shall maintain for public inspection a file for such station containing the material in subparagraph (1) of this paragraph, every permittee or licensee of a station in the broadcast services shall maintain for public inspection a file for such station containing the material in subparagraphs (1), (2), (3), (4), (5), (6), and (7) of this paragraph, and every permittee or licensee of a commerical television station shall maintain for public inspection a file for such station containing the material in subparagraphs (8) and (9) of this paragraph: *Provided, however,* That the foregoing requirements shall not apply to applicants for or permittees or licensees of

television broadcast translator stations, FM broadcast translator stations, or FM broadcast booster stations. The material to be contained in the file is as follows:

* * * * *

(6) The Public and Broadcasting Procedural Manual (see FCC 72-829, 37 FR 20510, September 29, 1972).

(7) Letters received from members of the public as are required to be retained by § 73.1202.

(8) A copy of the Annual Programming Report (Form 303-A) containing programming information for a composite week selected by the Commission and the licensee's or permittee's program logs for that composite week.

(9) A copy of the current annual listing of what the licensee or permittee believes to have been significant problems and needs of the area served by the station during the preceding twelve months. No more than ten problems and needs are to be included in the listing. Opposite each problem or need listed, licensees or permittees shall indicate and briefly describe typical and illustrative programs or program segments, excluding news inserts (the daily or ordinary news coverage of breaking newsworthy events), broadcast during the preceding twelve months designed to help meet that problem or need. Such description shall include source and time of broadcast. Licensees or permittees are to place these listings in the public file each year on the anniversary date on which renewal applications are due: *Provided, however;* That upon filing a renewal application, the listings for the current license period, including the most recent listing which shall be simultaneously placed in the local file, shall be forwarded to the Commission as a part of the renewal application. The listings are not to exceed five pages but may be supplemented by additional material placed in the public inspection file, identified as a continuation of the information submitted to the Commission and subject to Commission inspection.

* * * * *

(e) *Period of retention.* The records specified in paragraph (a)(4) of this section shall be retained for the periods specified in §§ 73.120(d), 73.290(d), 73.590(d), and 73.657(d) of this chapter (2 years). The manual specified in paragraph (a)(6) of this section shall be retained indefinitely. The letters specified in paragraph (a)(7) of this section shall be retained for the period specified in § 73.1202 (3 years). The records specified in paragraph (a)(1), (2), (3), (5), (6), (7), (8), and (9) of this section shall be retained as follows:

* * * * *

3. Section 1.539(a) is amended to read as follows:

§ 1.539 Application for renewal of license.

(a) Unless otherwise directed by the Commission, an application for renewal of license shall be filed not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed, except that applications for renewal of license of an experimental or developmental broadcast station shall be filed not later than the first day of the second full calendar month prior to the expiration date of the license sought to be renewed. If any deadline prescribed in this paragraph falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter.

* * * * *

4. Section 1.580 is amended in paragraph (c) before the first colon of the introductory paragraph; in paragraph (d); in the first sentence of paragraph (i) wherein a colon is substituted for the period and a third proviso is added; in paragraph (j) and in paragraph (m). The amended text reads as follows:

§ 1.580 Local notice of the filing of broadcast applications, and timely filing of petitions to deny them.

* * * * *

(c) Except as otherwise provided in paragraph (e) of this section, an applicant filing any application or an amendment thereto which is subject to the provision of this section (except for applications for renewal of an operating broadcast station, applications for stations in the international broadcast service, television translator stations, FM translator stations, and FM booster stations) shall cause to be published a notice of such filing as follows: * * *

(d) If the application seeks modification, assignment or transfer of an operating broadcast station (except for applications for stations in the international broadcast service, television translator stations, FM translator stations and FM booster stations), or is an amendment of an application for renewal of a broadcast station license, the applicant shall, in addition to publishing a notice of such filing as provided in paragraph (c) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the second week immediately following the tendering for filing of such application, or in the second week immediately following notification by the Commission pursuant to §§ 1.571, 1.572, 1.573, or 1.578. In the case of applications for the renewal of broadcast station licenses, but not amendment thereof, during the period and beginning on the first day of the sixth full calendar month prior to the expiration of the license to the date on which the application is filed, all applicants shall broadcast the following announcement every fifteenth day (stations broadcasting primarily in a foreign language should broadcast the announcements in that language):

On (*date of last renewal grant*) (*Station's call letters*) was granted a three-year license by the Federal Communications Commission to serve the public interest as a public trustee.

Our license will expire on (*date*). We must file an application for license renewal with the FCC (*date four calendar months prior to expiration date*). When filed, a copy of this application will be available for public inspection during our regular business hours. It contains information concerning this station's performance during the last three years and projections of our programming during the next three years.

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the Commission by (*date first day of last full calendar month prior to the month of expiration*).

Further information concerning the Commission's broadcast license renewal process is available at (*address of location of the station's public inspection file*) or may be obtained from the FCC, Washington, D.C. 20554.

(1) This announcement shall be made during the following time periods:

(i) For commercial television stations—at least two of the required announcements between 6 p.m. and 11 p.m. (5 p.m. and 10 p.m. Central and Mountain Time).

(ii) For commercial radio stations—at least two of the required announcements between 7 a.m. and 9 a.m. and/or 4 p.m. and 6 p.m. For stations which neither operate between 7 a.m. and 9 a.m. nor between 4 p.m. and 6 p.m., at least two of the required announcements shall be made during the first two hours of broadcast operation.

(iii) For noncommercial educational stations, at the same time as commercial stations, except that such stations need not broadcast the announcement during any month during which the station does not operate.

(2) During the period beginning on the date in which the renewal application is filed to the first day of the last full calendar month prior to the expiration of the license, all applicants for the renewal of broadcast stations licenses shall broadcast the following announcement every fifteenth day (stations broadcasting primarily in a foreign language should broadcast the announcements in that language):

On (*date of last renewal grant*) (*Station's call letters*) was granted a three-year license by the Federal Communications Commission to serve the public interest as a public trustee.

Our license will expire on (*date of expiration*). We have filed an application for license renewal with the FCC.

A copy of this application is available for public inspection during our regular business hours. It contains information concerning this station's performance during the last three years and projections of our programming during the next three years.

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the Commission by (*date first day of last full calendar month prior to the month of expiration*).

Further information concerning the Commission's broadcast license renewal process is available at (*address of location of station's public inspection file*) or may be obtained from the FCC, Washington, D.C. 20554.

(3) This announcement shall be made during the following time periods:

(i) For commercial television stations—at least three of the required announcements between 6 p.m. and 11

p.m. (5 p.m. to 10 p.m. Central and Mountain Time), at least one announcement between 9 a.m. and 1 p.m., at least one announcement between 1 p.m. and 5 p.m., and at least one announcement between 5 p.m. and 7 p.m.

(ii) For commercial radio stations—at least three of the required announcements between 7 a.m. and 9 a.m. and/or 4 p.m. and 6 p.m., at least one announcement between 9 a.m. and 12 p.m., at least one announcement between 12 p.m. and 4 p.m., and at least one announcement between 7 p.m. and midnight. For stations which neither operate between 7 a.m. and 9 a.m. nor between 4 p.m. and 6 p.m., at least three of the required announcements shall be made during the first two hours of broadcast operation.

(iii) For noncommercial educational stations, at the same time as commercial stations, except that such stations need not broadcast the announcement during any month during which the station does not operate.

(4) In the case of television broadcast stations and noncommercial educational television stations, signboards with the licensee's address and the Commission's Washington address shall be shown when the addresses are being given by the announcer.

(5) During the period beginning on the first day of the sixth full calendar month prior to the expiration of the broadcast station license up to the first day of the last full calendar month prior to expiration, the public notice requirements under § 73.1202 of this chapter do not apply.

* * * * *

(i) * * *: *And provided further*, That requests for extension of time to file petitions to deny applications for renewal of license will not be granted unless all parties concerned, including the renewal applicant, consent to such requests, or unless a compelling showing can be made that unusual circumstances make the filing of a timely petition impossible and the granting of an extension warranted.

(j) The applicant may file an opposition to any petition to deny, and the petitioner a reply to such opposition in which allegations of fact or denials thereof shall be supported by affidavit of a person or persons with personal knowledge thereof. The times for filing such oppositions and replies shall be those provided in § 1.45 except that as to a petition to deny an application for renewal of license, an opposition thereto may be filed within 30 days after the petition to deny is filed, and the party that filed the petition to deny may reply to the opposition within 20 days after the opposition is due or within 20 days after the opposition is filed, whichever is longer:

* * * * *

(m) Paragraphs (a) through (k) of this section apply, without change, to major amendments to license renewal applications, to which § 1.578(a) applies.

(Sec. 5(a), 74 Stat. 892; (47 U.S.C. 311).)

APPENDIX C

Part 73, Subpart H, of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 73.1202 is added new to read as follows:

§ 73.1202 Public notice of licensee obligations.

(a) Each licensee of a commercial AM, FM or television station except international or television translator stations, shall make an announcement informing the public of the licensee's obligation to the public and of the appropriate method for individuals to express their opinions of the station's operation. Such announcements shall be aired at least once every fifteenth day throughout the license period except during the period beginning on the first day of the sixth full calendar month prior to expiration, and ending on the first day of the last full calendar month prior to expiration, during which time the renewal application notices in § 1.580(d) of this chapter shall be broadcast. Such announcements shall be aired during the following two-hour time periods in the following rotating order:

(1) For commercial television stations, the announcements shall alternate between the 6 p.m. to 11 p.m. time period (5 p.m. to 10 p.m. Central and Mountain Time) and the following two-hour time periods in rotating order: 7 a.m. to 9 a.m., 9 a.m. to 11 a.m., 11 a.m. to 1 p.m., 1 p.m. to 3 p.m., 3 p.m. to 5 p.m., 5 p.m. to 7 p.m., and 10 p.m. to 12 a.m.

(2) For commercial radio stations, the announcements shall alternate between the 7 a.m. to 9 a.m. and/or 4 p.m. to 6 p.m. time periods and the following two-hour time periods in rotating order: 5 a.m. to 7 a.m., 9 a.m. to 11 a.m., 11 a.m. to 1 p.m., 1 p.m. to 3 p.m., 5 p.m. to 7 p.m., 7 p.m. to 9 p.m., 9 p.m. to 11 p.m., 11 p.m. to 1 a.m. For stations which neither operate between 7 a.m. to 9 a.m. nor between 4 p.m. to 6 p.m., the announcements shall alternate between the first two hours of broadcast operation and every other two-hour time period during the broadcast day in rotating order, beginning with sign on.

(b) If an emergency arises which prevents the airing of the announcement at the scheduled time, the announcement shall be aired on the day following the ending of such emergency at the identical time or during the time period which the rotating order specified above requires.

(c) In the case of commercial television broadcast stations, a signboard with the licensee's address for receiving comments shall be shown when the announcer is giving that address.

(d) The notice shall contain the following information (stations broadcasting primarily in a foreign language should broadcast the announcements in that language):

(1) *For commercial radio stations.*

(i) The station's call letters.

(ii) A statement that on (*give date of last renewal grant*) the station was granted a three-year license by the Federal Communications Commission to serve the public interest as a public trustee.

(iii) A statement that the broadcaster is obligated to make a continuing, diligent effort to determine the significant problems and needs of his service area and to provide programming to help meet those problems and needs.

(iv) A statement that the station invites any specific suggestions or comments listeners may have regarding station operation and the licensee's programming efforts.

(v) The appropriate name and address to which comments should be mailed.

(vi) A statement that unless otherwise requested, all letters received will be made available for public inspection during regular business hours.

(2) *For commercial television stations.*

(i) The station's call letters.

(ii) A statement that on (*give date of last renewal grant*) the station was granted a three-year license by the Federal Communications Commission to serve the public interest as a public trustee.

(iii) A statement that (*give the anniversary date of the deadline for filing of the renewal application*) the station places in its public inspection file a list of what the licensee considered to have been some of the significant problems and needs of his service area during the preceding twelve months and some of the programs the station aired to help meet those problems and needs.

(iv) A statement that the station invites any specific suggestions or comments viewers may have regarding station operation and the licensee's programming efforts.

(v) The appropriate name and address to which comments should be mailed.

(vi) A statement that unless otherwise requested, all letters received will be available for public inspection during regular business hours.

(e) During the period beginning the second day of the last full calendar month prior to expiration of the license and until the date of license renewal, stations shall broadcast the appropriate announcement herein except for the mention of the date of the last renewal grant. Commencing on the fifteenth day following the date of renewal, the regular announcement shall be resumed and shall be broadcast every fifteenth day thereafter.

(f) All written comments and suggestions received from members of the public concerning operation of the station shall be maintained in a local file available for inspection by the public, except when the person making the comment or suggestion has specifically requested that his communication not be made public or where the licensee feels that it should be excluded from availability for public inspection because of the special nature of its content, such as a defamatory or obscene letter. Letters shall be retained in the local file for three years from the date on which they are received by the licensee. Letters received by television licensees shall be placed in one

of the following separated subject categories: Programming and non-programming. If comments in one letter relate to more than one subject category, the correspondence shall be filed under the category which, in the licensee's judgment, receives the most attention in the letter.

(1) *Sample announcement for radio.*

On (*date of last renewal grant*) (*Station's call letters*) was granted a three-year license by the Federal Communications Commission to serve the public interest as a public trustee. We are obligated to make a continuing, diligent effort to determine the significant problems and needs of our service area and to provide programming to help meet those problems and needs.

We invite listeners to send specific suggestions or comments concerning our station operation and programming efforts to (*name and mailing address*). Unless otherwise requested, all letters received will be available for public inspection during regular business hours.

(2) *Sample announcement for television.*

On (*date of last renewal grant*) (*Station's call letters*) was granted a three-year license by the Federal Communications Commission to serve the public interest as a public trustee. Each (*anniversary date of deadline for filing renewal application*) we place in our public inspection file a list of what we consider to have been some of the significant problems and needs of our service area during the preceding twelve months and some of our programming to help meet those problems and needs.

We invite viewers to send specific suggestions or comments concerning our station operation and programming efforts to (*name and mailing address*). Unless otherwise requested, all letters received will be available for public inspection during regular business hours.

APPENDIX D

FCC Form 303-A | Federal Communications Commission, Washington, D. C. 20554 | Form Approved OMB No.

ANNUAL PROGRAMMING REPORT

Instructions

1. The following dates will constitute the composite week for use in the preparation of the Annual Programming Report:

(Month) (Day of Month) (Year)

Sunday
Monday
Tuesday
Wednesday
Thursday
Friday
Saturday

2. The following definitions are to be followed in furnishing the information called for in the Annual Programming Report:

(a) News Programs includes reports dealing with current local, national and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis and sports news.

(b) Public Affairs programs include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national and international public affairs.

(c) All Others (excluding entertainment and sports) includes all other programs which are neither intended primarily as entertainment (e.g., music, drama, variety, comedy, quiz, etc.) nor include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news, or information (e.g. fishing opportunities, golfing instructions, etc.)

(d) A local program is any program originated or produced by the station, or for the production of which the station is substantially responsible, and employing live talent more than 50% of the time. Such a program, taped, recorded or filmed for later broadcast shall be classified by the station as local. A local program fed to a network shall be classified by the originating station as local. All non-network news programs may be classified as local. Programs primarily featuring syndicated or feature films, or other non-local recorded programs shall not be classified as local, even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a feature film program a non-network 2-minute news report is given and logged as a news program, the report may be classified as local).

3. Where information for the composite week is called for with respect to program type classifications in connection with network programs the applicant may rely on information furnished by the network.

4. Applicants are reminded that for each program included in the categories of "Public Affairs" and "all other," the date and time of broadcast, duration, source and a brief description should be filed with this form. For each program in the category of "News," the date and time of broadcast, duration and source should be filed with this form.

FCC Form 303-A

FORM APPROVED
OMB NO.

(19__)

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

ANNUAL PROGRAMMING REPORT

All commercial television licensees/permittees must file this form annually before September 1. Amount of time should be rounded to nearest minute. Commercial matter should be *included* for all entries in the "total time operating" line (line a.), and should be *included* in computing time devoted to the "news", "public affairs" and "all other" categories. (e.g. a 15-minute news program containing 3 minutes of commercial matter should be counted as 15 minutes of news time.)

"For each program included in the categories of 'public affairs,' and 'all other,' the date and time of broadcast, duration, source and a brief description should be filed with this form. For each program in the category of 'news,' the date and time of broadcast, duration and source should be filed with this form."

CERTIFICATE

I certify that I am _____
Official title

of _____
(Exact legal name of licensee or permittee)

that all the statements made in this report and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the report; that the statements contained in this report are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

_____ _____, 19__
(Signature)

Any person who willfully makes false statements on this report can be punished by fine or imprisonment. U. S. Code, Title 18, Section 1001.

CALL LETTERS	CHANNEL	LICENSEE'S NAME	STATION LOCATION (CITY, STATE)	NETWORK AFFILIATION	

MOST RECENT COMPOSITE WEEK DATA (1)	FROM 6AM TO MIDNIGHT				FROM 6PM TO 11PM (5PM TO 10PM CENTRAL AND MOUNTAIN TIME)				FROM MIDNIGHT TO 6AM			
	ALL PROGRAMS		LOCAL PROGRAMS ONLY		ALL PROGRAMS		LOCAL PROGRAMS ONLY		ALL PROGRAMS		LOCAL PROGRAMS ONLY	
	MINUTES OF OPERATION (2)	PERCENTAGE OF TOTAL TIME OPERATING (3)	MINUTES OF OPERATION (4)	PERCENTAGE OF TOTAL TIME OPERATING (5)	MINUTES OF OPERATION (6)	PERCENTAGE OF TOTAL TIME OPERATING (7)	MINUTES OF OPERATION (8)	PERCENTAGE OF TOTAL TIME OPERATING (9)	MINUTES OF OPERATION (10)	PERCENTAGE OF TOTAL TIME OPERATING (11)	MINUTES OF OPERATION (12)	PERCENTAGE OF TOTAL TIME OPERATING (13)
a. TOTAL TIME OPERATING		100%		1/		100%		2/		100%		3/
b. NEWS		1/		1/		2/		2/		3/		3/
c. PUBLIC AFFAIRS		1/		1/		2/		2/		3/		3/
d. ALL OTHERS (Exclusive of entertainment and sports)		1/		1/		2/		2/		3/		3/

1/ Percentages are of the total minutes of operation reported at the top of Column 2.
2/ Percentages are of the total minutes of operation reported at the top of Column 6.
3/ Percentages are of the total minutes of operation reported at the top of Column 10.

APPENDIX E

FCC Form 303 | Television | Revised Section IV-B

Instructions, General Information and Definitions

1. Applicants for renewal of license shall answer all questions in this Section IV-B except for Questions 7B, 7C, 12B and 12C which may be answered at the applicant's option. All Exhibits submitted in response to Questions 2, 3, 12B, 12C, 13 and 14 shall be no more than two pages. Exhibits submitted in response to Question 6 shall be no more than three pages. Exhibits which may be submitted in response to Questions 7B and 7C shall be no more than six pages. Licensees may (at their option) supplement information contained in these Exhibits by placing in their public inspection files additional material, identified as a continuation of the information submitted with Section IV-B and subject to Commission inspection. Should the Commission be unable to make the requisite public interest finding on the basis of information submitted in this Section IV-B, the applicant will be permitted to supplement the Exhibits he has submitted with any additional material may be relevant, including (but not necessarily limited to) additional material which may have already been placed in the public inspection file.

2. A. Where any of the information required is already on file with the Commission, such information need not be resubmitted, *provided* that the previous application or filing containing the information is specifically referred to and identified and the applicant states that there has been no change since the information was filed.

B. The replies to the following questions constitute representations on which the Commission will rely in considering this application. Thus time and care should be devoted to the replies so that they will reflect accurately applicant's responsible consideration of the questions asked. It is not, however, expected that the licensee will or can adhere inflexibly in day-to-day operation to the representations made herein.

C. Replies relating to future operation constitute representations against which the subsequent operation of the station will be measured. Accordingly, if during the license period the station substantially alters its programming format or commercial practices, the licensee should notify the Commission of such changes; otherwise it is presumed the station is being operated substantially as last proposed.

3. The applicant's attention is called to the Commission's "Report and Statement of Policy re: Commission En Banc Programming Inquiry." (25 Federal Register 7291; 20 Pike and Fischer Radio Regulations 1902; FCC 60-970), copies of which are available upon request to the Commission; and also to the material contained in Attachments A and B to this Section.

4. A legible copy of this Section IV-B and the exhibits submitted therewith shall be kept on file available for public inspection at any time during regular business hours. It shall be maintained at the main studio of the station or any other accessible place (such as a public registry for documents or an attorney's office) in the community to which the station is or is proposed to be licensed.

5. *Network Programs.* Where infomation for the composite week is called for herein with respect to commercial matter or program type classifications in connection with network programs the applicant may rely on information furnished by the network.

6. *Signature.*

This Section IV-B shall be signed in the space provided at the end hereof. It shall be personally signed by the applicant, if the applicant is an individual; by one of the partners, if the applicant is a partnership; by an officer of applicant, if a corporation or association. *SIGNING OF THIS SECTION IS A REPRESENTATION THAT THE PERSON IS FAMILIAR WITH THE CONTENTS OF THIS SECTION AND ASSOCIATED EXHIBITS, AND SUPPORTS AND APPROVES THE REPRESENTATIONS THEREIN ON BEHALF OF THE APPLICANT.*

Definitions

The definitions set out below are to be followed in furnishing the information called for by the questions of this Section IV-B. The inclusion of various types and sources of programs in the paragraphs which follow is not intended to establish a formula for station operation, but is a method for analyzing and reporting station operation.

7. *Sources* of programs are defined as follows:

(a) *A local program* (L) is any program originated or produced by the station, or for the production of which the station is substantially responsible, and employing live talent more than 50% of the time. Such a program, taped, recorded, or filmed for later broadcast shall be classified by the station as local. A local program fed to a network shall be classified by the originating station as local. All non-network news programs may be classified as local. Programs primarily featuring syndicated or feature films, or other non-locally recorded programs shall be classified as "Recorded" (REC) even though a station personality appears in connection with such material. However, identifiable units of such programs which are live and separately logged as such may be classified as local (e.g., if during the course of a feature film program a non-network 2-minute news report is given and logged as a news program, the report may be classified as local).

(b) *A network program* (NET) is any program furnished to the station by a network (national, regional or special). Delayed broadcasts of programs originated by networks are classified as network.

(c) *A recorded program* (REC) is any program not defined in (a) and (b) above, including without limitation, syndicated programs, taped or transcribed programs, and feature films.

8. *Types* of programs are defined as follows:

If a program contains two or more identifiable units of program material which constitute different program types as herein defined, each such unit may be separately logged and classified.

The definitions of the first eight types of programs, (a) through (h) are not intended to overlap each other, and these types will normally include all the programs broadcast. The programs classified under (i) through (k) will have been classified under the first eight and there may be further duplication among types (i) through (k).

Definitions - Cont.

(a) *Agricultural programs* (A) include market reports, farming or other information specifically addressed, or primarily of interest, to the agricultural population.

(b) *Entertainment programs* (E) include all programs intended primarily as entertainment, such as music, drama, variety, comedy, quiz, etc.

(c) *News programs* (N) include reports dealing with current local, national, and international events, including weather and stock market reports; and when an integral part of a news program, commentary, analysis and sports news.

(d) *Public Affairs programs* (PA) include talks, commentaries, discussions, speeches, editorials, political programs, documentaries, forums, panels, round tables, and similar programs primarily concerning local, national, and international public affairs.

(e) *Religious programs* (R) include sermons or devotionals; religious news; and music, drama, and other types of programs designed primarily for religious purposes.

(f) *Instructional programs* (I) include programs, other than those classified under Agricultural, News, Public Affairs, Religious or Sports, involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences; and programs devoted to occupational and vocational instruction, instruction with respect to hobbies, and similar programs intended primarily to instruct.

(g) *Sports programs* (S) include play-by-play and pre- or post-game related activities and separate programs of sports instruction, news, or information (e.g., fishing opportunities, golfing instruction, etc.).

(h) *Other programs* (O) include all programs not falling within definitions (a) through (g).

* * * * * * * *

(i) *Editorials* (EDIT) include programs presented for the purpose of stating opinions of the licensee.

(j) *Political programs* (POL) include programs which present candidates for public office or which give expression (other than in station editorials) to views on such candidates or on issues subject to public ballot.

(k) *Educational institution programs* (ED) include any program prepared by, in behalf of, or in cooperation with, educational institutions, educational organizations, libraries, museums, PTA's or similar organizations. Sports programs shall not be included.

9. *Commercial matter* (CM) includes commercial continuity (network and non-network) and commercial announcements (network and non-network) as follows:

(a) *Commercial continuity* is the advertising message of a program sponsor.

(b) *A commercial announcement* is any other advertising message for which a charge is made, or other consideration is received.

(1) Included are (i) "bonus" spots, (ii) trade-out spots, and (iii) promotional announcement of a future program where consideration is received for such an announcement or where such announcement identifies the sponsor of the future program beyond mention of the sponsor's name as an integral part of the title of the program, (e.g., where the agreement for the sale of time provides that the sponsor will receive promotional announcements, or when the promotional announcement contains a statement such as "TOMORROW SEE - - [NAME OF PROGRAM] - - BROUGHT TO YOU BY - - [SPONSOR'S NAME]")

(2) Other announcements including but not limited to the following are *not* commercial announcements:

(i) Promotional announcements, except as defined above;

(ii) Station identification announcements for which no charge is made;

(iii) Mechanical reproduction announcements;

(iv) Public service announcements;

(v) Announcements made pursuant to Section 73.654(d) of the Rules that materials or services have been furnished as an inducement to broadcast a political program or a program involving the discussion of controversial public issues;

(vi) Announcements made pursuant to the local notice requirements of Sections 1.580 (pre-grant) and 1.594 (designation for hearing) of the Rules.

10. *A public service announcement* (PSA) is any announcement (including network) for which no charge is made and which promotes programs, activities, or services of federal, state, or local governments (e.g., recruiting, sales of bonds, etc.) or the programs, activities or services of non-profit organizations (e.g., UGF, Red Cross blood donations, etc.), and other announcements regarded as serving community interests, excluding time signals, routine weather announcements and promotional announcements.

11. *A program* is an identifiable unit of program material, logged as such, which is not an announcement as defined above (e.g., if, within a 30-minute Entertainment program, a station broadcasts a one-minute news and weather report, this news and weather report may be separately logged and classified as a one-minute news program and the entertainment portion as a 29-minute program).

12. *Composite Week* - Seven days designated annually by the Commission in a Public Notice and consisting of seven different days of the week.

13. *Typical Week* - A week which an applicant projects as typical of his proposed weekly operation.

14. The "current guidelines" of the Commission referred to in Question 1B are found in the Primer on Ascertainment of Community Problems by Broadcast Applicants (27 FCC 2d 650, 21 RR 2d 1507, 36 Fed Reg 4092). The "appropriate materials" referred to in Question 1B are those materials which the Primer refers to as "showings" which must be made by the applicant.

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Name of Applicant

Call letters of station	City and state which station is licensed to serve

1. The applicant has familiarized himself with Section 1.526(a)(9) of the Commission's Rules and with the Commission's current requirements regarding the ascertainment of the problems and needs of his service area and in light of their provisions does hereby represent that:
   A. In accordance with Section 1.526(a)(9) he has placed in his public inspection file at the appropriate times his annual lists for the current license period of significant problems and needs of his service area and typical and illustrative programs broadcast to help meet each of these problems and needs, and he has submitted with this renewal application copies of each of these lists;
   B. He has made good faith efforts to ascertain the problems and needs of the public within his service area in accordance with the current guidelines of the Commission and upon the filing of this application, has placed in the station's public inspection file the appropriate materials regarding those ascertainment efforts.

2. As a result of his recent ascertainment efforts, does the applicant anticipate that his next annual list of problems and needs of his service area and programs broadcast to help meet them (which will be the first list for the new license period) will contain specific problems and needs and/or programs or program series not included in his most recent list?

   ____ Yes ____ No

   If "Yes", indicate in Exhibit No____the specific problems and needs and/or programs or program series.

3. Describe in Exhibit No _____ the procedures applicant has or proposes to have for the consideration and disposition of complaints or suggestions coming from the public.

4. A. State for the most recent composite week (a) the total number of public service announcements and (b) the number of public service announcements broadcast between 8AM-11PM.

   (a) _____ (b) _____

   B. Of the total number of public service announcements broadcast during the composite week state (a) the number which in the licensee's judgment were primarily designed to promote programs, activities or services of organizations or organizational units located in the service area, (b) the number which in the licensee's judgment were primarily designed to promote programs, activities or services of organizations or organizational units located outside of the service area and (c) the number which in the licensee's judgment either do not readily fall into either category (a) or (b) and/or are a combination of both.

   (a) _____ (b) _____ (c) _____

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5. A. Was the applicant affiliated with one or more national television networks during the past license period?

Yes_____ No_____

If "Yes", give name(s) of Network(s):_____

_____

If applicant had more than one such affiliation, which network was the principal source of network programs?

_____

B. If a network affiliate, did the applicant regularly carry (i.e. carry more than 50% of the programs offered during the current license period) available network (news and public affairs):

	Yes	No
(1) News	/ /	/ /
(2) Public Affairs	/ /	/ /

6. In Exhibit No._____give a brief description of programs, program segments or program series broadcast during the license period that were primarily directed to children twelve years old and under. Indicate the source, time and day of broadcast, frequency of broadcast, and program type.

7. A. In the applicant's judgment, does the information supplied in the Annual Programming Reports submitted during the current license period, the information supplied in the annual listings of programs and program segments broadcast to help meet significant problems and needs of the service area for the current license period, and the information supplied in Questions 4, 5 and 6 of this form adequately reflect his programming during the current license period?

Yes_____ No_____

B. If the answer to "A" is "No", the applicant may attach as Exhibit No._____ such additional information (including the listing of entertainment programs the applicant considers to be of special merit) as may be necessary to describe accurately and present fairly his program service.

C. If the applicant's programming reflected in the Annual Programming Reports submitted during the current license period varied substantially from the programming representations made in his last renewal application, the applicant may submit as Exhibit No._____a statement explaining the variations and the reasons therefor.

8. Indicate the minimum amount of time the applicant proposes to devote normally each week to the categories below. Commercial time should be included in all computations.

ANTICIPATED TYPICAL WEEK DATA	FROM 6AM TO MIDNIGHT				FROM 6PM TO 11PM (5PM to 10PM Central and Mountain Time)				FROM MIDNIGHT TO 6AM			
	ALL PROGRAMS		LOCAL PROGRAMS ONLY		ALL PROGRAMS		LOCAL PROGRAMS ONLY		ALL PROGRAMS		LOCAL PROGRAMS ONLY	
(1)	MINUTES OF OPERATION (2)	PERCENTAGE OF TOTAL TIME OPERATING (3)	MINUTES OF OPERATION (4)	PERCENTAGE OF TOTAL TIME OPERATING (5)	MINUTES OF OPERATION (6)	PERCENTAGE OF TOTAL TIME OPERATING (7)	MINUTES OF OPERATION (8)	PERCENTAGE OF TOTAL TIME OPERATING (9)	MINUTES OF OPERATION (10)	PERCENTAGE OF TOTAL TIME OPERATING (11)	MINUTES OF OPERATION (12)	PERCENTAGE OF TOTAL TIME OPERATING (13)
a. TOTAL TIME OPERATING		100%		1/		100%		2/		100%		3/
b. NEWS		1/		1/		2/		2/		3/		3/
c. PUBLIC AFFAIRS		1/		1/		2/		2/		3/		3/
d. ALL OTHERS (Exclusive of entertainment and sports)		1/		1/		2/		2/		3/		3/

1/ Percentages are of the total minutes of operation reported at the top of Column 2.
2/ Percentages are of the total minutes of operation reported at the top of Column 6.
3/ Percentages are of the total minutes of operation reported at the top of Column 10.

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9. A. State (a) the minimum total number of public service announcements and (b) the minimum number of public service announcements between 8AM-11PM the applicant proposes to broadcast during a typical week.

(a)_____ (b) _____

B. Of the total number of public service announcements which the applicant proposes to broadcast during a typical week state (a) the number which he expects will be primarily designed to promote programs, activities or services of organizations or organizational units located in the service area, (b) the number he expects will be primarily designed to promote programs, activities or services of organizations or organizational units located outside of the service area and (c) the number which he expects will either not fall readily into either category (a) or (b) and/or will be a combination of both.

(a)_____ (b) _____ (c) _____

PAST COMMERCIAL PRACTICES

10. State the number of 60-minute segments of the most recent composite week (beginning with the first full clock hour and ending with the last full clock hour of each broadcast day) containing the following amounts of commercial matter.

A. Up to and including 8 minutes _____

B. Over 8 and up to and including 12 minutes _____

C. Over 12 and up to and including 16 minutes _____

D. Over 16 minutes _____

List each segment in Category "D" above, specifying the amount of commercial time in the segment, and the day and time of broadcast.

Segment	Amount of Commercial Time in Segment	Day and Time Broadcast

If more space is needed continue in Exhibit No._____

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11. State the number of 60-minute segments in the 6PM-11PM (5 PM-10PM Central and Mountain Time) time period of the most recent composite week containing the following amounts of commercial matter.

A. Up to and including 8 minutes _____

B. Over 8 and up to and including 12 minutes _____

C. Over 12 and up to and including 16 minutes _____

D. Over 16 minutes _____

List each segment in category D above, specifying the amount of commercial time in the segment, and the day and time broadcast.

Segment	Amount of Commercial Time in Segment	Day and Time Broadcast

If more space is needed continue in Exhibit No._____

12. A. In the applicant's judgment, does the information supplied in Questions 10 and 11 for the composite week adequately reflect its commercial practices?

Yes_____ No _____

B. If "No", applicant may attach as Exhibit No._____ such additional material as may be necessary to describe adequately and present fairly its commercial practices.

C. If applicant's commercial practices for the period covered by Questions 10 and 11 varied substantially from the representations made in the applicant's last renewal application, the applicant may explain in Exhibit No._____ the variations and the reasons therefor.

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PROPOSED COMMERCIAL PRACTICES

13. What is the maximum amount of commercial matter in any 60-minute segment which the applicant proposes normally to allow?

_____

If the applicant proposes to permit this amount to be exceeded at times, state in Exhibit No._____ under what circumstances and how often this is expected to occur, and the limits that would then apply.

14. What is the maximum amount of commercial matter in any 60-minute segment between the hours of 6PM-11PM (5PM-10PM Central and Mountain Time) which the applicant proposes normally to allow?

_____

If the applicant proposes to permit this amount to be exceeded at times, state in Exhibit No _____ under what circumstances and how often this is expected to occur, and the limits that would then apply:

15 Certification

The undersigned has familiarized himself with paragraph 6 of the Instructions to Section IV-B concerning signature requirements and in light of its provisions does hereby:

A. Acknowledge that all the statements made in this Section IV-B and the attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application form; and

B. Certify that the statements herein are true, complete, and correct to the best of his knowledge and belief and are made in good faith.

SIGNED AND DATED this ..... day of ..... , 19 ..... .

.....
(NAME OF LICENSEE)

By: .....
(SIGNATURE)

.....
(PLEASE PRINT NAME OF PERSON SIGNING)

.....
(TITLE)

WILLFUL FALSE STATEMENTS MADE IN THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT. U. S. CODE, TITLE 18, SECTION 1001.

[FR Doc.73-21819 Filed 10-15-73;8:45 am]