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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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Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reg., 1970 and Subsequent Crops, Barley Supplement, Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Barley Loan and Purchase Program

ELIGIBLE BARLEY

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 F.R. 11166 and 11902, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of barley are further amended as follows:

Section 1421.51 is amended to specify that barley to be eligible for price support must not contain molds that produce toxins that are poisonous to man or animals.

§ 1421.51 Eligible barley.

(a) *General.* To be eligible for a loan or purchase, the barley must be merchantable for food or feed or for other uses, as determined by CCC, and must not contain mercurial compounds, toxin producing molds, or other substances poisonous to man or animals.

* * * * *

Since loans are now being made on the 1973 crop and the provisions of this amendment are needed to carry out the loan program more effectively, compliance with the notice of proposed rulemaking would be impracticable and contrary to public interest; therefore, this amendment is issued without compliance with such procedure.

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

Effective November 13, 1973.

Signed at Washington, D.C. November 5, 1973.

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

[FR Doc.73-24108 Filed 11-12-73;8:45 am]

[CCC Grain Price Support Regs, 1970 and Subsequent Crops, Dry Edible Beans Supp. Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Dry Edible Beans Loan and Purchase Program

ELIGIBLE BEANS

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 8537, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of dry edible beans are further amended as follows:

Section 1421.122, paragraph (a)(2) is amended to specify that dry edible beans to be eligible for price support must not contain molds that produce toxins that are poisonous to man or animals.

§ 1421.122 Eligible beans.

(a) *General.* * * *

(2) *Contamination and poisonous substances.* The beans must not be contaminated by rodents, birds, insects, or other vermin or contain mercurial compounds, toxin producing molds, or other substances poisonous to man or animals.

* * * * *

Since loans are now being made on the 1973 crop and the provisions of this amendment are needed to carry out the loan program more effectively, compliance with the notice of proposed rulemaking would be impracticable and contrary to public interest; therefore, this amendment is issued without compliance with such procedure.

(Sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b. Interpret or apply sec. 5 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.)

Effective November 13, 1973.

Signed at Washington, D.C. November 5, 1973.

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

[FR Doc.73-24103 Filed 11-12-73;8:45 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops, Flaxseed Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Flaxseed Loan and Purchase Program

ELIGIBLE FLAXSEED

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 11456, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of flaxseed are further amended as follows:

Section 1421.152 is amended to specify that flaxseed to be eligible for price support must not contain molds that produce toxins that are poisonous to man or animals.

§ 1421.152 Eligible flaxseed.

(a) *General.* To be eligible for a loan or for purchase, the flaxseed must be merchantable for crushing into oil and feed, as determined by CCC, and must not contain mercurial compounds, toxin producing molds, or other substances poisonous to man or animals.

* * * * *

Since loans are now being made on the 1973 crop and the provisions of this amendment are needed to carry out the loan program more effectively, compliance with the notice of proposed rulemaking would be impracticable and contrary to public interest; therefore, this amendment is issued without compliance with such procedure.

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, sec. 301, 401, 63 Stat. 1054; 15 U.S.C. 714 b and c, 7 U.S.C. 1421, 1447.)

Effective November 13, 1973.

Signed at Washington, D.C. November 5, 1973.

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

[FR Doc.73-24102 Filed 11-12-73;8:45 am]

[CCC Grain Price Support Regs. 1970 and Subsequent Crops, Grain Sorghum Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Grain Sorghum Loan and Purchase Program

ELIGIBLE GRAIN SORGHUM

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 10745, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of grain sorghum are further amended as follows:

Section 1421.211 is amended to specify that grain sorghum to be eligible for price support must not contain molds that produce toxins that are poisonous to man or animals.

§ 1421.211 Eligible grain sorghum.

(a) *General.* To be eligible for a loan or purchase, the grain sorghum must be merchantable for food or feed or for other uses, as determined by CCC, and must not contain mercurial compounds, toxin producing molds, or other substances poisonous to man or animals.

* * * * *

Since loans are now being made on the 1973 crop and the provisions of this amendment are needed to carry out the loan program more effectively, compliance with the notice of proposed rulemaking would be impracticable and contrary to public interest; therefore, this amendment is issued without compliance with such procedure.

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

Effective November 13, 1973.

Signed at Washington, D.C., November 5, 1973.

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

[FR Doc.73-24106 Filed 11-12-73;8:45 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops, Oat Supp., Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Oat Loan and Purchase Program

ELIGIBLE OATS

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 8340, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of oats are further amended as follows:

Section 1421.247 is amended to specify that oats to be eligible for price support must not contain molds that produce toxins that are poisonous to man or animals.

§ 1421.247 Eligible oats.

(a) *General.* In order to be eligible for loans or purchases, oats must be merchantable for food or feed or other uses, as determined by CCC, and must not contain mercurial compounds, toxin producing molds, or other substances poisonous to man or animals.

* * * * *

Since loans are now being made on the 1973 crop and the provisions of this amendment are needed to carry out the loan program more effectively, compliance with the notice of proposed rulemaking would be impracticable and contrary to public interest; therefore, this amendment is issued without compliance with such procedure.

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

Effective ———.

Signed at Washington, D.C., November 5, 1973.

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

[FR Doc.73-24107 Filed 11-12-73;8:45 am]

[CCC Grain Price Support Reg., 1970 and Subsequent Crops, Rice Supp., Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Rice Loan and Purchase Program

ELIGIBLE RICE

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 8443 and 8873, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of rice are further amended as follows:

Section 1421.302, paragraph (a) (3) is amended to specify that rice to be eligible for price support must not contain molds that produce toxins that are poisonous to man or animals.

§ 1421.302 Eligible rice.

(a) *General* * * *

(3) *Contamination and poisonous substances.* Rice must not be contaminated by rodents, birds, insects, or other vermin or contain mercurial, compounds, toxin producing molds, or other substances poisonous to man or animals.

* * * * *

Since loans are now being made on the 1973 crop and the provisions of this amendment are needed to carry out the loan program more effectively, compliance with the notice of proposed rulemaking would be impracticable and contrary to public interest; therefore, this amendment is issued without compliance with such procedure.

(Sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b. Interpret or apply secs. 5, 62 Stat. 1072, sec. 101, 401, 63 Stat. 1051, as amended; 1054 sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.)

Effective November 13, 1973.

Signed at Washington, D.C., November 5, 1973.

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

[FR Doc.73-24101 Filed 11-12-73;8:45 am]

[CCC Grain Price Support Reg., 1970 and Subsequent Crops, Rye, Supp., Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Rye Loan and Purchase Program

ELIGIBLE RYE

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 10355, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent corps of rye are further amended as follows:

Section 1421.337 is amended to specify that rye to be eligible for price support must not contain molds that produce toxins that are poisonous to man or animals.

§ 1421.337 Eligible rye.

(a) General. In order to be eligible for price support, the rye must be merchantable for food or feed or other uses, as determined by CCC, and must not contain mercurial compounds, toxin producing molds, or other substances poisonous to man or animals.

* * * * *

Since loans are now being made on the 1973 crop and the provisions of this amendment are needed to carry out the loan program more effectively, compliance with the notice of proposed rulemaking would be impracticable and contrary to public interest; therefore, this amendment is issued without compliance with such procedure.

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

Effective November 13, 1973.

Signed at Washington, D.C., November 5, 1973.

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

[FR Doc. 73-24104 Filed 11-12-73;8:45 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Corps, Soybean Supp., Amdt. 2]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Soybean Loan and Purchase Program

ELIGIBLE SOYBEANS

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR

13971 and 14501, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent corps of soybeans are further amended as follows:

Section 1421.367 is amended to specify that soybeans to be eligible for price support must not contain molds that produce toxins that are poisonous to man or animals.

§ 1421.367 Eligible soybeans.

(a) *General.* To be eligible for a loan or a purchase, the soybeans may be of any class but must be merchantable for food, feed, or other uses, as determined by CCC, and must not contain mercurial compounds, toxin producing molds, or other substances poisonous to man or animals.

* * * * *

Since loans are now being made on the 1973 crop, and the provisions of this amendment are needed to carry out the loan program more effectively, compliance with the notice of proposed rulemaking would be impracticable and contrary to public interest; therefore, this amendment is issued without compliance with such procedure.

(Sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 203, 301, 401, 63 Stat. 1054, as amended; 7 U.S.C. 1421, 1446(d), 1447.)

Effective November 13, 1973.

Signed at Washington, D.C., November 5, 1973.

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

[FR Doc.73-24105 Filed 11-12-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 100—REACTOR SITE CRITERIA

Seismic and Geologic Siting Criteria

On November 25, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 FR 22601) for public comment proposed amendments to 10 CFR Part 100, "Reactor Site Criteria," which would add an Appendix A, "Seismic and Geologic Siting Criteria for Nuclear Power Plants". The purpose of the criteria is to set forth the principal seismic and geologic considerations which guide the Commission in its evaluation of the suitability of proposed sites for nuclear power plants and the suitability of the plant design bases established in consideration of the seismic and geologic characteristics of the proposed sites in order to provide reasonable assurance that the nuclear power plant can be constructed and operated at a proposed site without undue risk to the health and safety of the public.

All interested persons were invited to submit comments or suggestions in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After consideration of the comments received in response to the notice of proposed rulemaking the Commission has decided to adopt the amendments in the form set out below. The amendments as adopted reflect the suggestions in a number of the comments. Major differences in Appendix A from the amendments published for comment are:

1. The Safe Shutdown Earthquake and the Operating Basis Earthquake have been defined in terms of geology and seismology.

The proposed rule defined the Safe Shutdown Earthquake and the Operating Basis Earthquake in terms of the effect of these earthquakes on structures, systems and components of the plant. This concept has been retained in these amendments, so that effects on plant structure as well as geologic and seismic considerations are required to adequately define each earthquake.

2. Advances in the state of the art of geologic investigations have been taken into account by giving more credit to three-dimensional investigations, such as those obtained from offshore geologic surveys, in determining the extent of the zone requiring detailed faulting investigations.

3. The selection of an Operating Basis Earthquake has been made mandatory and has been applied to those features of the plant that are safety related.

The proposed rule required that the Operating Basis Earthquake selected be related to the operability of those structures, systems and components necessary for power generation. Many of the comments questioned the legality of imposing safety requirements on portions of the plant which were not safety related. As a result of these comments, the definition of the Operating Basis Earthquake was made more restrictive.

Other significant changes which relate to specific sections of Appendix A are as follows:

1. Section I of Appendix A, entitled "Purpose," has been revised to reference General Design Criterion 2 of Appendix A to 10 CFR Part 50 which requires that nuclear power plant structures, systems, and components important to safety be designed to withstand the effects of natural phenomena without loss of capability to perform their safety function.

2. Section II of Appendix A, entitled "Scope," has been revised to:

a. Clarify the Commission's intent that the investigations described in Appendix A of 10 CFR Part 100 are considered to fall within the scope of § 50.10(c)(1) of 10 CFR Part 50.

b. Define in more precise terms when additional investigations or more conservative determinations or both are required.

c. State that the criteria do not address investigations of possible volcanism required for sites located in areas of volcanic activity and that investigations of the volcanic aspects of such sites will be determined on a case-by-case basis.

3. A number of definitions included in section III of Appendix A have been revises to define more frecisely the terms used in this appendix with respect to geology and seismicity, and their relationship to safety related structures, systems and components of a nuclear power plant.

The specific changes made to the definitions of section III are as follows:

a. Paragraph (c) of section III has been revised so that the Safe Shutdown Earthquake is that earthquake which i based upon an evaluation of the maximum earthquake potential considering the regional and local geology and seismology and the specific characteristics of local subsurface material.

b. In paragraph (d) of section III the definition of the Operating Basis earthquake has been revised by substituting for the definition of the earthquake which produces the vibratory ground motion for which those structures, systems and components necessary for power generation are designed to remain operable, the earthquake which produces vibrating ground motion for which those features of the nuclear power plant necessary for continued operation without undue risk to the health and safety of the public are designed to remain functional, and considering the regional and local geology and seismology and specific characteristics of local subsurface material, which could reasonably be expected to affect earthquake vibratory motion at the plant site during the operating life of the plant.

c. The term "active" fault has been replaced by the term "capable" fault throughout the appendix to eliminate the confusion which has existed between the Appendix A definition of an "active" fault and the other definitions of an active fault widely used by geologists. As used in the Appendix, a capable fault is a fault whose geologic history is taken into account in evaluating the fault's potential for causing vibratory ground motion and which is capable of causing surface faulting. An additional change has been made to paragraph III(g) in that the regional restriction concerning instrumentally determined macro-seismicity has been deleted from paragraph (g)(2) of section III. The definition now includes only the characteristics of macro-seismicity instrumentally determined with records of sufficient precision to demonstrate a direct relationship with the fault.

d. The definition of "zone requiring detailed faulting investigation" in paragraph (j) of section III has been revised to state more clearly the scope and types of investigations in the zone needed to demonstrate that the need to design for surface faulting does not exist, or that the design basis for surface has been properly determined.

4. Section IV, entitled "Required Investigations," has been revised as follows:

a. A statement has been added in paragraph (a) of section IV that the investigations for vibratory ground motion produced by the Safe Shutdown Earthquake are considered to provide an adequate basis for selection of an Operating Basis Earthquake.

b. Paragraph (a)(2) of section IV has been modified to require that investigations for vibratory ground motion and surface faulting include consideration of the possible effects of man's activities on the tectonic structures underlying the site and the region surrounding the site.

c. A new paragraph (b)(2) has been added to section IV to clarify that an evaluation of tectonic structures underlying the site with regard to their potential for causing surface displacement at or near the site is required and that such evaluation shall include consideration of the effects of man's activities on the tectonic structures underlying the site and the region surrounding the site.

d. A footnote has been added to paragraphs (a)(7) and (b)(7) of section IV to clearly state that in the absence of absolute dating, evidence of recency of movement of a fault may be obtained by applying relative dating techniques to rupture, offset warped or otherwise structurally disturbed surface or near surface material or geomorphic features.

e. A footnote has been added to paragraph (a)(7) and (b)(7) of Section IV to clarify that the applicant is to evaluate whether a fault is a capable fault with respect to the defined characteristics stated in paragraph IIIg by conducting a reasonable investigation using suitable geologic and geophysical techniques.

5. The following changes have been made to Section V, entitled "Seismic and Geologic Design Bases:"

a. Paragraph V(a) has been expanded to provide for determination of the design basis for the expected vibratory ground motion as well as the design basis for maximum vibratory ground motion.

b. A requirement has been added to paragraph (a)(1)(iv) of section V that, in the case where a causative fault is near the site, the effect of proximity of an earthquake on the spectral characteristics of the Safe Shutdown Earthquake shall be taken into account.

c. Paragraph (a)(2) of section V has been changed to require the applicant to specify the Operating Basis Earthquake. A requirement which reflects the seismic design bases for plants recently evaluated for construction permits that the maximum vibratory ground acceleration of the Operating Basis Earthquake shall be at least one-half the maximum vibratory ground acceleration of the Safe Shutdown Earthquake has been added.

d. Paragraph (b)(1) of section V has been revised to specify that more detailed three dimensional information such as that obtained from precise investigative techniques may justify the use of a narrower zone requiring detailed faulting investigations. This change has been made to give greater recognition to advances in the state of the art of geologic investigations. Examples of certain types of faults which may require an increase in the width of the zone also are given.

e. Paragraph (d)(1) of section V has been modified to include consideration of the loading effects of dams or reservoirs in the determination of soil stability.

f. Paragraph (d)(4) of section V requires that those structures which are not located in the immediate vicinity of the site, but which are safety related, be designed to withstand the effects of the Safe Shutdown Earthquake and the design basis for surface faulting, determined on a basis comparable to that of the nuclear power plant.

6. The following significant changes were made to section VI, entitled "Application to Engineering Design:"

a. Paragraphs (a)(1) and (a)(2) of section VI have been revised to permit the use of a suitable qualification test to demonstrate that structures, systems and components can withstand the seismic and other concurrent loads.

b. Paragraph VI(a)(1) has been changed to eliminate the requirement that safety related structures, systems, and components also be designed to withstand the effects of vibratory motion of at least fifty percent of the Safe Shutdown Earthquake in combination with other appropriate loads well within elastic limits. This requirement is now included as part of the determination of the Operating Basis Earthquake in paragraph (a)(2) of section V.

c. Paragraph (a)(2) of section VI has been modified to reflect the change made to the Operating Basis Earthquake definition and to define more precisely the stress and deformation limits within which all structures, systems, and components of the nuclear power plant necessary for continued operation without undue risk to the health and safety of the public shall be designed to remain functional.

d. A footnote has been added to the end of paragraph (a)(3) of section VI that the criteria do not address the need for instrumentation that would automatically shut down a nuclear power plant when an earthquake occurs which exceeds a predetermined intensity.

e. A footnote has been added to § 50.36 (c)(2) of 10 CFR Part 50 to assure that each power reactor licensee is aware of the limiting condition of operation which is imposed under these criteria. This limitation requires that if vibratory ground motion exceeding that of the Operating Basis Earthquake occurs, shut down of the nuclear power plant will be required. Prior to resuming operations, the licensee will be required to demonstrate to the Commission that no functional damage has occurred to those features necessary for continued operation without undue risk to the health and safety of the public.

The criteria describe the seismic and geologic investigations required to obtain information needed to determine the design basis for earthquake-produced vibratory ground motion and for seismically induced floods and water waves. They also describe investigations required to obtain information to determine whether and to what extent the nuclear power plant need be designed to withstand the effects of surface faulting.

The design basis for the maximum vibratory ground motion is determined, as described in the criteria, through evaluation of the seismology and geology and the geologic and seismic history of the site and the surrounding region. The most severe earthquakes associated with tectonic structures or tectonic provinces in the region surrounding the site are identified by considering those historically reported earthquakes that can be associated with these structures or provinces. If faults in the region surrounding the site are capable faults, the most severe expected earthquakes associated with these faults are determined by also considering their geologic history. Because of the limited historical data, the most severe earthquakes associated with these tectonic structures or tectonic provinces are determined in a conservative manner and are usually larger than the maximum earthquake historically recorded. The design basis for vibratory ground motion at the site is then determined by assuming that the epicenters or locations of highest intensity of the earthquakes are situated at the point on the tectonic structures or tectonic provinces nearest the site.

The criteria require the evaluation of other design considerations which are affected by the design basis for vibratory ground motion, including soil stability, slope stability, and cooling water supply.

In determining whether and to what extent a nuclear power plant need be designed to withstand the effects of surface faulting, the criteria require that the location of the site with respect to capable faults be considered. Procedures are provided for determining whether the site is within a zone requiring detailed faulting investigation based on its location with respect to capable faults. Where a site is within a zone requiring detailed faulting investigation, the criteria require that the regional and local geologic and seismic characteristics of the site be investigated in considerable detail. The adequacy of the detailed investigation will be determined by the Commission on an individual case basis, taking into account the specific site characteristics. Where the detailed investigation indicates that surface faulting need not be taken into account in the design of the nuclear power plant, the criteria require that sufficient data to clearly justify the proposed design basis be presented in the license application.

The criteria also provide general guidance for the design of a nuclear power plant to withstand earthquake-caused effects, pending the development of more detailed criteria.

The amendments were prepared in cooperation with the U.S. Geological Survey and the National Oceanic and Atmospheric Administration. The amendments reflected the experience accumulated by these agencies and the Atomic Energy Commission in evaluating seismic

and geologic characteristics of sites for the location of nuclear power plants.

Discussions have been held with various interested groups to assure clarity of the criteria.

A determination has been made that an Environmental Impact Statement is not required. The considerations factored into this determination are included in a memorandum on file at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

The seismic and geologic siting criteria in this appendix supplement 10 CFR Part 100 by specifying the seismic and geologic investigations and analyses necessary to determine the acceptability of a proposed site as required by § 100.10. The existing provisions in § 100.10(c)(1) stating that the design of a facility should conform to accepted building codes or standards and that no facility should be located closer than one-fourth mile from the surface location of a known active earthquake fault will be superseded by these criteria.

The criteria will also assist license applicants in complying with § 50.34(a)(1) of 10 CFR Part 50 which requires that the preliminary safety analysis report include a description and safety assessment of the site on which a production or utilization facility is to be located, with appropriate attention to features affecting facility design.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 50 and 100 are published as a document subject to codification.

§ 50.36 [Amended]

1. A footnote is added at the end of § 50.36(c)(2) to read as follows:

[3] See paragraph V(a)(2) of Appendix A of Part 100 of this chapter.

2. In § 100.10, paragraph (c)(1) is revised to read as follows:

§ 100.10 Factors to be considered when evaluating sites.

Factors considered in the evaluation of sites include those relating both to the proposed reactor design and the characteristics peculiar to the site. It is expected that reactors will reflect through their design, construction and operation an extremely low probability for accidents that could result in release of significant quantities of radioactive fission products. In addition, the site location and the engineered features included as safeguards against the hazardous consequences of an accident, should one occur, should insure a low risk of public exposure. In particular, the Commission will take the following factors into consideration in determining the acceptability of a site for a power or testing reactor:

* * * * *

(c) Physical characteristics of the site, including seismology, meteorology, geology, and hydrology.

(1) Appendix A, "Seismic and Geologic Siting Criteria for Nuclear Power Plants," describes the nature of investigations required to obtain the geologic and seismic data necessary to determine site suitability and to provide reasonable assurance that a nuclear power plant can be constructed and operated at a proposed site without undue risk to the health and safety of the public. It describes procedures for determining the quantitative vibratory ground motion design basis at a site due to earthquakes and describes information needed to determine whether and to what extent a nuclear power plant need be designed to withstand the effects of surface faulting.

* * * * *

3. A new Appendix A is added to 10 CFR Part 100 to read as follows:

APPENDIX A.—SEISMIC AND GEOLOGIC SITING CRITERIA FOR NUCLEAR POWER PLANTS

I. PURPOSE

General Design Criterion 2 of Appendix A to Part 50 of this chapter requires that nuclear power plant structures, systems, and components important to safety be designed to withstand the effects of natural phenomena such as earthquakes, tornadoes, hurricanes, floods, tsunami, and seiches without loss of capability to perform their safety functions. It is the purpose of these criteria to set forth the principal seismic and geologic considerations which guide the Commission in its evaluation of the suitability of proposed sites for nuclear power plants and the suitability of the plant design bases established in consideration of the seismic and geologic characteristics of the proposed sites.

These criteria are based on the limited geophysical and geological information available to date concerning faults and earthquake occurrence and effect. They will be revised as necessary when more complete information becomes available.

II. SCOPE

These criteria, which apply to nuclear power plants, describe the nature of the investigations required to obtain the geologic and seismic data necessary to determine site suitability and provide reasonable assurance that a nuclear power plant can be constructed and operated at a proposed site without undue risk to the health and safety of the public. They describe procedures for determining the quantitative vibratory ground motion design basis at a site due to earthquakes and describe information needed to determine whether and to what extent a nuclear power plant need be designed to withstand the effects of surface faulting. Other geologic and seismic factors required to be taken into account in the siting and design of nuclear power plants are identified.

The investigations described in this appendix are within the scope of investigations permitted by § 50.10(c)(1) of this chapter.

Each applicant for a construction permit shall investigate all seismic and geologic factors that may affect the design and operation of the proposed nuclear power plant irrespective of whether such factors are explicitly included in these criteria. Additional investigations and/or more conservative determinations than those included in these criteria may be required for sites located in areas having complex geology or in areas of high seismicity. If an applicant believes that the particular seismology and geology of a site indicate that some of these criteria, or portions thereof, need not be satisfied, the specific sections of these criteria should be identified in the license application, and supporting data to justify clearly such departures should be presented.

These criteria do not address investigations of volcanic phenomena required for sites located in areas of volcanic activity. Investigations of the volcanic aspects of such sites will be determined on a case-by-case basis.

III. DEFINITIONS

As used in these criteria:

(a) The "magnitude" of an earthquake is a measure of the size of an earthquake and is related to the energy released in the form of seismic waves. "Magnitude" means the numerical value on a Richter scale.

(b) The "intensity" of an earthquake is a measure of its effects on man, on man-built structures, and on the earth's surface at a particular location. "Intensity" means the numerical value on the Modified Mercalli scale.

(c) The "Safe Shutdown Earthquake"[1] is that earthquake which is based upon an evaluation of the maximum earthquake potential considering the regional and local geology and seismology and specific characteristics of local subsurface material. It is that earthquake which produces the maximum vibratory ground motion for which certain structures, systems, and components are designed to remain functional. These structures, systems, and components are those necessary to assure:

(1) The integrity of the reactor coolant pressure boundary,

(2) The capability to shut down the reactor and maintain it in a safe shutdown condition, or

(3) The capability to prevent or mitigate the consequences of accidents which could result in potential offsite exposures comparable to the guideline exposures of this part.

(d) The "Operating Basis Earthquake" is that earthquake which, considering the regional and local geology and seismology and specific characteristics of local subsurface material, could reasonably be expected to affect the plant site during the operating life of the plant; it is that earthquake which produces the vibratory growth motion for which those features of the nuclear power plant necessary for continued operation without undue risk to the health and safety of the public are designed to remain functional.

(e) A "fault" is a tectonic structure along which differential slippage of the adjacent earth materials has occurred parallel to the fracture plane. It is distinct from other types of ground disruptions such as landslides, fissures, and craters. A fault may have gouge or breccia between its two walls and includes any associated monoclinal flexure or other similar geologic structural feature.

(f) "Surface faulting" is differential ground displacement at or near the surface caused directly by fault movement and is distinct from nontectonic types of ground disruptions, such as landslides, fissures, and craters.

(g) A "capable fault" is a fault which has exhibited one or more of the following characteristics:

(1) Movement at or near the ground surface at least once within the past 35,000

[1] The "Safe Shutdown Earthquake" defines that earthquake which has commonly been referred to as the "Design Basis Earthquake."

years or movement of a recurring nature within the past 500,000 years.

(2) Macro-seismicity instrumentally determined with records of sufficient precision to demonstrate a direct relationship with the fault.

(3) A structural relationship to a capable fault according to characteristics (1) or (2) of this paragraph such that movement on one could be reasonably expected to be accompanied by movement on the other.

In some cases, the geologic evidence of past activity at or near the ground surface along a particular fault may be obscured at a particular site. This might occur, for example, at a site having a deep overburden. For these cases, evidence may exist elsewhere along the fault from which an evaluation of its characteristics in the vicinity of the site can be reasonably based. Such evidence shall be used in determining whether the fault is a capable fault within this definition.

Notwithstanding the foregoing paragraphs III(g)(1), (2) and (3), structural association of a fault with geologic structural features which are geologically old (at least pre-Quaternary) such as many of those found in the Eastern region of the United States shall, in the absence of conflicting evidence, demonstrate that the fault is not a capable fault within this definition.

(h) A "tectonic province" is a region of the North American continent characterized by a relative consistency of the geologic structural features contained therein.

(i) A "tectonic structure" is a large scale dislocation or distortion within the earth's crust. Its extent is measured in miles.

(j) A "zone requiring detailed faulting investigation" is a zone within which a nuclear power reactor may not be located unless a detailed investigation of the regional and local geologic and seismic characteristics of the site demonstrates that the need to design for surface faulting has been properly determined.

(k) The "control width" of a fault is the maximum width of the zone containing mapped fault traces, including all faults which can be reasonably inferred to have experienced differential movement during Quaternary times and which join or can reasonably be inferred to join the main fault trace, measured within 10 miles along the fault's trend in both directions from the point of nearest approach to the site. (See Figure 1 of this appendix.)

(l) A "response spectrum" is a plot of the maximum responses (acceleration, velocity or displacement) of a family of idealized single-degree-of-freedom damped oscillators against natural frequencies (or periods) of the oscillators to a specified vibratory motion input at their supports.

IV. Required Investigations

The geologic, seismic and engineering characteristics of a site and its environs shall be investigated in sufficient scope and detail to provide reasonable assurance that they are sufficiently well understood to permit an adequate evaluation of the proposed site, and to provide sufficient information to support the determinations required by these criteria and to permit adequate engineering solutions to actual or potential geologic and seismic effects at the proposed site. The size of the region to be investigated and the type of data pertinent to the investigations shall be determined by the nature of the region surrounding the proposed site. The investigations shall be carried out by a review of the pertinent literature and field investigations and shall include the steps outlined in paragraphs (a) through (c) of this section.

(a) *Required Investigation for Vibratory Ground Motion.* The purpose of the investigations required by this paragraph is to obtain information needed to describe the vibratory ground motion produced by the Safe Shutdown Earthquake. All of the steps in paragraphs (a)(5) through (a)(8) of this section need not be carried out if the Safe Shutdown Earthquake can be clearly established by investigations and determinations of a lesser scope. The investigations required by this paragraph provide an adequate basis for selection of an Operating Basis Earthquake. The investigations shall include the following:

(1) Determination of the lithologic, stratigraphic, hydrologic, and structural geologic conditions of the site and the region surrounding the site, including its geologic history;

(2) Identification and evaluation of tectonic structures underlying the site and the region surrounding the site, whether buried or expressed at the surface. The evaluation should consider the possible effects caused by man's activities such as withdrawal of fluid from or addition of fluid to the subsurface, extraction of minerals, or the loading effects of dams or reservoirs;

(3) Evaluation of physical evidence concerning the behavior during prior earthquakes of the surficial geologic materials and the substrata underlying the site from the lithologic, stratigraphic, and structural geologic studies;

(4) Determination of the static and dynamic engineering properties of the materials underlying the site. Included should be properties needed to determine the behavior of the underlying material during earthquakes and the characteristics of the underlying material in transmitting earthquake-induced motions to the foundations of the plant, such as seismic wave velocities, density, water content, porosity, and strength;

(5) Listing of all historically reported earthquakes which have affected or which could reasonably be expected to have affected the site, including the date of occurrence and the following measured or estimated data: magnitude or highest intensity, and a plot of the epicenter or location of highest intensity. Where historically reported earthquakes could have caused a maximum ground acceleration of at least one-tenth the acceleration of gravity (0.1g) at the foundations of the proposed nuclear power plant structures, the acceleration or intensity and duration of ground shaking at these foundations shall also be estimated. Since earthquakes have been reported in terms of various parameters such as magnitude, intensity at a given location, and effect on ground, structures, and people at a specific location, some of these data may have to be estimated by use of appropriate empirical relationships. The comparative characteristics of the material underlying the epicentral location or region of highest intensity and of the material underlying the site in transmitting earthquake vibratory motion shall be considered;

(6) Correlation of epicenters or locations of highest intensity of historically reported earthquakes, where possible, with tectonic structures any part of which is located within 200 miles of the site. Epicenters or locations of highest intensity which cannot be reasonably correlated with tectonic structures shall be identified with tectonic provinces any part of which is located within 200 miles of the site;

(7) For faults, any part of which is within 200 miles[2] of the site and which may be of significance in establishing the Safe Shutdown Earthquake, determination of whether these faults are to be considered as capable faults.[3,4] This determination is required in order to permit appropriate consideration of the geologic history of such faults in establishing the Safe Shutdown Earthquake. For guidance in determining which faults may be of significance in determining the Safe Shutdown Earthquake, Table 1 of this appendix presents the minimum length of fault to be considered versus distance from site. Capable faults of lesser length than those indicated in Table 1 and faults which are not capable faults need not be considered in determining the Safe Shutdown Earthquake, except where unusual circumstances indicate such consideration is appropriate;

TABLE 1

Distance from the site (miles):	*Minimum length*[1]
0 to 20	1
Greater than 20 to 50	5
Greater than 50 to 100	10
Greater than 100 to 150	20
Grater than 150 to 200	40

[1] Minimum length of fault (miles) which shall be considered in establishing Safe Shutdown Earthquake.

(8) For capable faults, any part of which is within 200 miles[2] of the site and which may be of significance in establishing the Safe Shutdown Earthquake, determination of:

(i) The length of the fault;

(ii) The relationship of the fault to regional tectonic structures; and

(iii) The nature, amount, and geologic history of displacements along the fault, including particularly the estimated amount of the maximum Quaternary displacement related to any one earthquake along the fault.

(b) *Required Investigation for Surface Faulting.* The purpose of the investigations required by this paragraph is to obtain information to determine whether and to what extent the nuclear power plant need be designed for surface faulting. If the design basis for surface faulting can be clearly established by investigations of a lesser scope, not all of the steps in paragraphs (b)(4) through (b)(7) of this section need be carried out. The investigations shall include the following:

(1) Determination of the lithologic, stratigraphic, hydrologic, and structural geologic conditions of the site and the area surrounding the site, including its geologic history;

(2) Evaluation of tectonic structures underlying the site, whether buried or expressed at the surface, with regard to their potential for causing surface displacement at or near the site. The evaluation shall consider the possible effects caused by man's activities such as withdrawal of fluid from or addition of fluid to the subsurface, extraction of minerals, or the loading effects of dams or reservoirs;

(3) Determination of geologic evidence of fault offset at or near the ground surface at or near the site;

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[2] If the Safe Shutdown Earthquake can be associated with a fault closer than 200 miles to the site, the procedures of paragraphs (a)(7) and (a)(8) of this section need not be carried out for successively more remote faults.

[3] In the absence of absolute dating, evidence of recency of movement may be obtained by applying relative dating technique to ruptured, offset, warped or otherwise structurally disturbed surface or near surface materials or geomorphic features.

[4] The applicant shall evaluate whether or not a fault is a capable fault with respect to the characteristics outlined in paragraphs III(g)(1), (2), and (3) by conducting a reasonable investigation using suitable geologic and geophysical techniques.

(4) For faults greater than 1000 feet long, any part of which is within 5 miles[3] of the site, determination of whether these faults are to be considered as capable faults; [6 7]

(5) Listing of all historically reported earthquakes which can reasonably be associated with capable faults greater than 1000 feet long, any part of which is within 5 miles[3] of the site, including the date of occurrence and the following measured or estimated data: magnitude or highest intensity, and a plot of the epicenter or region of highest intensity;

(6) Correlation of epicenters or locations of highest intensity of historically reported earthquakes with capable faults greater than 1000 feet long, any part of which is located within 5 miles[3] of the site;

(7) For capable faults greater than 1000 feet long, any part of which is within 5 miles[3] of the site, determination of:

(i) The length of the fault;

(ii) The relationship of the fault to regional tectonic structures;

(iii) The nature, amount, and geologic history of displacements along the fault, including particularly the estimated amount of the maximum Quaternary displacement related to any one earthquake along the fault; and

(iv) The outer limits of the fault established by mapping Quaternary fault traces for 10 miles along its trend in both directions from the point of its nearest approach to the site.

(c) *Required Investigation for Seismically Induced Floods and Water Waves.* (1) For coastal sites, the investigations shall include the determination of:

(i) Information regarding distantly and locally generated waves or tsunami which have affected or could have affected the site. Available evidence regarding the runup and drawdown associated with historic tsunami in the same coastal region as the site shall also be included;

(ii) Local features of coastal topography which might tend to modify tsunami runup or drawdown. Appropriate available evidence regarding historic local modifications in tsunami runup or drawdown at coastal locations having topography similar to that of the site shall also be obtained; and

(iii) Appropriate geologic and seismic evidence to provide information for establishing the design basis for seismically induced floods or water waves from a local offshore earthquake, from local offshore effects of an onshore earthquake, or from coastal subsidence. This evidence shall be determined, to the extent practical, by a procedure similar to that required in paragraphs (a) and (b) of this section. The probable slip characteristics of offshore faults shall also be considered as well as the potential for offshore slides in submarine material.

(2) For sites located near lakes and rivers, investigations similar to those required in paragraph (c)(1) of this section shall be carried out, as appropriate, to determine the potential for the nuclear power plant to be exposed to seismically induced floods and water waves as, for example, from the failure during an earthquake of an upstream dam or from slides of earth or debris into a nearby lake.

V. SEISMIC AND GEOLOGIC DESIGN BASES

(a) *Determination of Design Basis for Vibratory Ground Motion.* The design of each nuclear power plant shall take into account the potential effects of vibratory ground motion caused by earthquakes. The design basis for the maximum vibratory ground motion and the expected vibratory ground motion should be determined through evaluation of the seismology, geology, and the seismic and geologic history of the site and the surrounding region. The most severe earthquakes associated with tectonic structures or tectonic provinces in the region surrounding the site should be identified, considering those historically reported earthquakes that can be associated with these structures or provinces and other relevant factors. If faults in the region surrounding the site are capable faults, the most severe earthquakes associated with these faults should be determined by also considering their geologic history. The vibratory ground motion at the site should be then determined by assuming that the epicenters or locations of highest intensity of the earthquakes are situated at the point on the tectonic structures or tectonic provinces nearest to the site. The earthquake which could cause the maximum vibratory ground motion at the site should be designated the Safe Shutdown Earthquake. The specific procedures for determining the design basis for vibratory ground motion are given in the following paragraphs.

(1) *Determination of Safe Shutdown Earthquake.* The Safe Shutdown Earthquake shall be identified through evaluation of seismic and geologic information developed pursuant to the requirements of paragraph IV(a), as follows:

(i) The historic earthquakes of greatest magnitude or intensity which have been correlated with tectonic structures pursuant to the requirements of paragraph (a)(6) of Section IV shall be determined. In addition, for capable faults, the information required by paragraph (a)(8) of Section IV shall also be taken into account in determining the earthquakes of greatest magnitude related to the faults. The magnitude or intensity of earthquakes based on geologic evidence may be larger than that of the maximum earthquakes historically recorded. The accelerations at the site shall be determined assuming that the epicenters of the earthquakes of greatest magnitude or the locations of highest intensity related to the tectonic structures are situated at the point on the structures closest to the site;

(ii) Where epicenters or locations of highest intensity of historically reported earthquakes cannot be reasonably related to tectonic structures but are identified pursuant to the requirements of paragraph (a)(6) of Section IV with tectonic provinces in which the site is located, the accelerations at the site shall be determined assuming that these earthquakes occur at the site.

(iii) Where epicenters or locations of the highest intensity of historically reported earthquakes cannot be reasonably related to tectonic structures but are identified pursuant to the requirements of paragraph (a)(6) of Section IV with tectonic provinces in which the site is not located, the accelerations at the site shall be determined assuming that the epicenters or locations of highest intensity of these earthquakes are at the closest point to the site on the boundary of the tectonic province;

(iv) The earthquake producing the maximum vibratory acceleration at the site, as determined from paragraph (a)(1)(i) through (iii) of this section shall be designated the Safe Shutdown Earthquake for vibratory ground motion, except as noted in paragraph (a)(1)(v) of this section. The characteristics of the Safe Shutdown Earthquake shall be derived from more than one earthquake determined from paragraph (a)(1)(i) through (iii) of this section, where necessary to assure that the maximum vibratory acceleration at the site throughout the frequency range of interest is included. In the case where a causative fault is near the site, the effect of proximity of an earthquake on the spectral characteristics of the Safe Shutdown Earthquake shall be taken into account. In order to compensate for the limited data, the procedures in paragraphs (a)(1)(i) through (iii) of this section shall be applied in a conservative manner. The maximum vibratory accelerations of the Safe Shutdown Earthquake at each of the various foundation locations of the nuclear power plant structures at a given site shall be determined taking into account the characteristics of the underlying soil material in transmitting the earthquake-induced motions, obtained pursuant to paragraphs (a)(1), (3), and (4) of section IV. The Safe Shutdown Earthquake shall be defined by response spectra corresponding to the maximum vibratory accelerations as outlined in paragraph (a) of section VI; and

(v) Where the maximum vibratory accelerations of the Safe Shutdown Earthquake at the foundations of the nuclear power plant structures are determined to be less than one-tenth the acceleration of gravity (0.1 g) as a result of the steps required in paragraphs (a)(1)(i) through (iv) of this section, it shall be assumed that the maximum vibratory accelerations of the Safe Shutdown Earthquake at these foundations are at least 0.1 g.

(2) *Determination of Operating Basis Earthquake.* The Operating Basis Earthquake shall be specified by the applicant after considering the seismology and geology of the region surrounding the site. If vibratory ground motion exceeding that of the Operating Basis Earthquake occurs, shutdown of the nuclear power plant will be required. Prior to resuming operations, the licensee will be required to demonstrate to the Commission that no functional damage has occurred to those features necessary for continued operation without undue risk to the health and safety of the public. The maximum vibratory ground acceleration of the Operating Basis Earthquake shall be at least one-half the maximum vibratory ground acceleration of the Safe Shutdown Earthquake.

(b) *Determination of Need to Design for Surface Faulting.* In order to determine whether a nuclear power plant is required to be designed to withstand the effects of surface faulting, the location of the nuclear power plant with respect to capable faults shall be considered. The area over which each of these faults has caused surface faulting in the past is identified by mapping its fault traces in the vicinity of the site. The fault traces are mapped along the trend of the fault for 10 miles in both directions from the point of its nearest approach to the nuclear power plant because, for example, traces may be obscured along portions of the fault. The maximum width of the mapped fault traces, called the control width, is then determined from this map. Because surface faulting has sometimes occurred beyond the limit of mapped fault traces or where fault traces have not been previously recognized, the control width of the fault is increased by a factor which is dependent upon the largest potential earthquake related to the fault.

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[3] If the design basis for surface faulting can be determined from a fault closer than 5 miles to the site, the procedures of paragraphs (b)(4) through (b)(7) of this section need not be carried out for successively more remote faults.

[6] In the absence of absolute dating, evidence of recency of movement may be obtained by applying relative dating techniques to ruptured, offset, warped or otherwise structurally disturbed surface of near-surface materials or geomorphic features.

[7] The applicant shall evaluate whether or not a fault is a capable fault with respect to the characteristics outlined in paragraphs III(g)(1), (2), and (3) by conducting a reasonable investigation using suitable geologic and geophysical techniques.

This larger width delineates a zone, called the zone requiring detailed faulting investigation, in which the possibility of surface faulting is to be determined. The following paragraphs outline the specific procedures for determining the zone requiring detailed faulting investigation for a capable fault.

(1) *Determination of Zone Requiring Detailed Faulting Investigation.* The zone requiring detailed faulting investigation for a capable fault which was investigated pursuant to the requirement of paragraph (b)(7) of Section IV shall be determined through use of the following table:

TABLE 2

Determination of Zone Requiring Detailed Faulting Investigation

Magnitude of earthquake:	*Width of zone requiring detailed faulting investigation (See fig. 1)*
Less than 5.5	1 x control width
5.5–6.4	2 x control width
6.5–7.5	3 x control width
Greater than 7.5	4 x control width

The largest magnitude earthquake related to the fault shall be used in Table 2. This earthquake shall be determined from the information developed pursuant to the requirements of paragraph (b) of Section IV for the fault, taking into account the information required by paragraph (b)(7)(iv) of Section IV. The control width used in Table 2 is determined by mapping the outer limits of the fault traces from information developed pursuant to paragraph (b)(7)(iv) of section IV. The control width shall be used in Table 2 unless the characteristics of the fault are obscured for a significant portion of the 10 miles on either side of the point of nearest approach to the nuclear power plant. In this event, the use in Table 2 of the width of mapped fault traces more than 10 miles from the point of nearest approach to the nuclear power plant may be appropriate.

The zone requiring detailed faulting investigation, as determined from Table 2, shall be used for the fault except where:

(i) The zone requiring detailed faulting investigation from Table 2 is less than one-half mile in width. In this case the zone shall be at least one-half mile in width; or

(ii) Definitive evidence concerning the regional and local characteristics of the fault justifies use of a different value. For example, thrust or bedding-plane faults may require an increase in width of the zone to account for the projected dip of the fault plane; or

(iii) More detailed three-dimensional information, such as that obtained from precise investigative techniques, may justify the use of a narrower zone. Possible examples of such techniques are the use of accurate records from closely spaced drill holes or from closely spaced, high-resolution offshore geophysical surveys.

In delineating the zone requiring detailed faulting investigation for a fault, the center of the zone shall coincide with the center of the fault at the point of nearest approach of the fault to the nuclear power plant as illustrated in Figure 1.

(c) *Determination of Design Bases for Seismically Induced Floods and Water Waves.* The size of seismically induced floods and water waves which could affect a site from either locally or distantly generated seismic activity shall be determined, taking into consideration the results of the investigation required by paragraph (c) of section IV. Local topographic characteristics which might tend to modify the possible runup and drawdown at the site shall be considered. Adverse tide conditions shall also be taken into account in determining the effect of the floods and waves on the site. The characteristics of the earthquake to be used in evaluating the offshore effects of local earthquakes shall be determined by a procedure similar to that used to determine the characteristics of the Safe Shutdown Earthquake in paragraph V(a).

(d) *Determination of Other Design Conditions.*—(1) *Soil Stability.* Vibratory ground motion associated with the Safe Shutdown Earthquake can cause soil instability due to ground disruption such as fissuring, differential consolidation, liquefaction, and cratering which is not directly related to surface faulting. The following geologic features which could affect the foundations of the proposed nuclear power plant structures shall be evaluated, taking into account the information concerning the physical properties of materials underlying the site developed pursuant to paragraphs (a)(1), (3), and (4) of Section IV and the effects of the Safe Shutdown Earthquake:

(i) Areas of actual or potential surface or subsurface subsidence, uplift, or collapse resulting from:

(a) Natural features such as tectonic depressions and cavernous or karst terrains, particularly those underlain by calcareous or other soluble deposits;

(b) Man's activities such as withdrawal of fluid from or addition of fluid to the subsurface, extraction of minerals, or the loading effects of dams or reservoirs; and

(c) Regional deformation.

(ii) Deformational zones such as shears, joints, fractures, folds, or combinations of these features.

(iii) Zones of alteration or irregular weathering profiles and zones of structural weakness composed of crushed or disturbed materials.

(iv) Unrelieved residual stresses in bedrock.

(v) Rocks or soils that might be unstable because of their mineralogy, lack of consolidation, water content, or potentially undesirable response to seismic or other events. Seismic response characteristics to be considered shall include liquefaction, thixotropy, differential consolidation, cratering, and fissuring.

(2) *Slope stability.* Stability of all slopes, both natural and artificial, the failure of which could adversely affect the nuclear power plant, shall be considered. An assessment shall be made of the potential effects of erosion or deposition and of combinations of erosion or deposition with seismic activity, taking into account information concerning the physical property of the materials underlying the site developed pursuant to paragraph (a)(1), (3), and (4) of Section IV and the effects of the Safe Shutdown Earthquake.

(3) *Cooling Water Supply.* Assurance of adequate cooling water supply for emergency and long-term shutdown decay heat removal shall be considered in the design of the nuclear power plant, taking into account information concerning the physical properties of the materials underlying the site developed pursuant to paragraphs (a)(1), (3), and (4) of section IV and the effects of the Safe Shutdown Earthquake and the design basis for surface faulting. Consideration of river blockage or diversion or other failures which may block the flow of cooling water, coastal uplift or subsidence, or tsunami runup and drawdown, and failure of dams and intake structures shall be included in the evaluation, where appropriate.

(4) *Distant Structures.* Those structures which are not located in the immediate vicinity of the site but which are safety related shall be designed to withstand the effect of the Safe Shutdown Earthquake and the design basis for surface faulting determined on a comparable basis to that of the nuclear power plant, taking into account the material underlying the structures and the different location with respect to that of the site.

VI. APPLICATION TO ENGINEERING DESIGN

(a) *Vibratory Ground Motion.*—(1) *Safe Shutdown Earthquake.* The vibratory ground motion produced by the Safe Shutdown Earthquake shall be defined by response spectra corresponding to the maximum vibratory accelerations at the elevations of the foundations of the nuclear power plant structures determine pursuant to paragraph (a)(1) of Section V. The response spectra shall relate the response of the foundations of the nuclear power plant structures to the vibratory ground motion, considering such foundations to be single-degree-of-freedom damped oscillators and neglecting soil-structure interaction effects. In view of the limited data available on vibratory ground motions of strong earthquakes, it usually will be appropriate that the response spectra be smoothed design spectra developed from a series of response spectra related to the vibratory motions caused by more than one earthquake.

The nuclear power plant shall be designed so that, if the Safe Shutdown Earthquake occurs, certain structures, systems, and components will remain functional. These structures, systems, and components are those necessary to assure (i) the integrity of the reactor coolant pressure boundary, (ii) the capability to shut down the reactor and maintain it in a safe condition, or (iii) the capability to prevent or mitigate the consequences of accidents which could result in potential offsite exposures comparable to the guideline exposures of this part. In addition to seismic loads, including aftershocks, applicable concurrent functional and accident-induced loads shall be taken into account in the design of these safety-related structures, systems, and components. The design of the nuclear power plant shall also take into account the possible effects of the Safe Shutdown Earthquake on the facility foundations by ground disruption, such as fissuring, differential consolidation, cratering, liquefaction, and landsliding, as required in paragraph (d) of section V.

The engineering method used to ensure that the required safety functions are maintained during and after the vibratory ground motion associated with the Safe Shutdown Earthquake shall involve the use of either a suitable dynamic analysis or a suitable qualification test to demonstrate that structures, systems and components can withstand the seismic and other concurrent loads, except where it can be demonstrated that the use of an equivalent static load method provides adequate conservatism.

The analysis or test shall take into account soil-structure interaction effects and the expected duration of vibratory motion. It is permissible to design for strain limits in excess of yield strain in some of these safety-related structures, systems, and components during the Safe Shutdown Earthquake and under the postulated concurrent conditions, provided that the necessary safety functions are maintained.

(2) *Operating Basis Earthquake.* The Operating Basis Earthquake shall be defined by response spectra. All structures, systems, and components of the nuclear power plant necessary for continued operation without undue risk to the health and safety of the public shall be designed to remain functional and within applicable stress and deformation limits when subjected to the effects of the vibratory motion of the Operating Basis Earthquake in combination with normal operating loads. The engineering method used

to ensure that these structures, systems, and components are capable of withstanding the effects of the Operating Basis Earthquake shall involve the use of either a suitable dynamic analysis or a suitable qualification test to demonstrate that the structures, systems and components can withstand the seismic and other concurrent loads, except where it can be demonstrated that the use of an equivalent static load method provides adequate conservatism. The analysis or test shall take into account soil-structure interaction effects and the expected duration of vibratory motion.

(3) *Required Seismic Instrumentation.* Suitable instrumentation shall be provided so that the seismic response of nuclear power plant features important to safety can be determined promptly to permit comparison of such response with that used as the design basis. Such a comparison is needed to decide whether the plant can continue to be operated safely and to permit such timely action as may be appropriate.

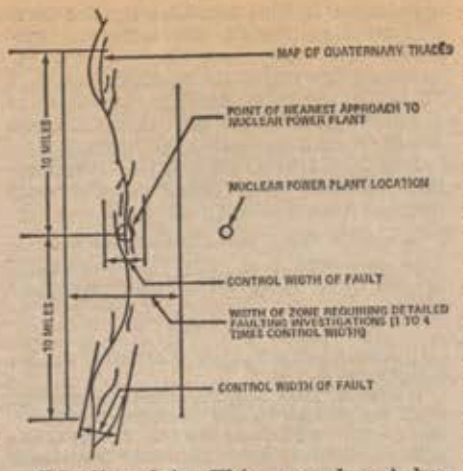
These criteria do not address the need for instrumentation that would automatically shut down a nuclear power plant when an earthquake occurs which exceeds a predetermined intensity. The need for such instrumentation is under consideration.

(b) *Surface Faulting.* (1) If the nuclear power plant is to be located within the zone requiring detailed faulting investigation, a detailed investigation of the regional and local geologic and seismic characteristics of the site shall be carried out to determine the need to take into account surface faulting in the design of the nuclear power plant. Where it is determined that surface faulting need not be taken into account, sufficient data to clearly justify the determination shall be presented in the license application.

(2) Where it is determined that surface faulting must be taken into account, the applicant shall, in establishing the design basis for surface faulting on a site take into account evidence concerning the regional and local geologic and seismic characteristics of the site and from any other relevant data.

(3) The design basis for surface faulting shall be taken into account in the design of the nuclear power plant by providing reasonable assurance that in the event of such displacement during faulting certain structures, systems, and components will remain functional. These structures, systems, and components are those necessary to assure (i) the integrity of the reactor coolant pressure boundary, (ii) the capability to shut down the reactor and maintain it in a safe shutdown condition, or (iii) the capability to prevent or mitigate the consequences of accidents which could result in potential offsite exposures comparable to the guideline exposures of this part. In addition to seismic loads, including aftershocks, applicable concurrent functional and accident-induced loads shall be taken into account in the design of such safety features. The design provisions shall be based on an assumption that the design basis for surface faulting can occur in any direction and azimuth and under any part of the nuclear power plant, unless evidence indicates this assumption is not appropriate, and shall take into account the estimated rate at which the surface faulting may occur.

(c) *Seismically Induced Floods and Water Waves and Other Design Conditions.* The design basis for seismically induced floods and water waves from either locally or distantly generated seismic activity and other design conditions determined pursuant to paragraphs (c) and (d) of Section V, shall be taken into account in the design of the nuclear power plant so as to prevent undue risk to the health and safety of the public.



Effective date. This amendment becomes effective on December 13, 1973.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948 (42 U.S.C. 2201)).

Dated at Germantown, Md. this 5th day of November 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-23876 Filed 11-8-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-1609]

PART 545—OPERATIONS

Private Mortgage Insurance for 90–95 Percent Loans

OCTOBER 29, 1973.

The Federal Home Loan Bank Board, by Resolution No. 73-955, dated July 11, 1973, proposed to amend Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) in order to require that a loan in excess of 90 percent of value secured by a single family dwelling must be insured by a private mortgage insurer qualified by the Federal Home Loan Mortgage Corporation on the unpaid balance of the loan which exceeds 80 percent of value, and that such coverage must remain in effect until the loan is reduced to 90 percent of value. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on July 20, 1973 (38 FR 19416), and allowed until August 20, 1973, for interested persons to submit written comments. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it advisable to amend said Part 545 as set forth in said proposal.

Revised § 545.6-1(a)(5)(iv)(*a*) raises the amount of qualified private mortgage insurance which is required to be carried on single family loans exceeding 90 percent of value to that portion of the unpaid balance of the loan which exceeds 80 percent of value. The previous requirement called for such insurance to be placed on that portion of the loan which exceeded 90 percent of value. The requirement that the insurance be maintained so long as the unpaid balance of the loan exceeds 90 percent of value remains unchanged. The Board considers the increase in the amount of mortgage insurance to be desirable in order to more accurately reflect prudent investment procedures and to bring the regulatory requirement into conformity with practices among qualified mortgage insurers.

Revised § 545.6-1(a)(5)(iv)(*a*) also changes the previously-used phrase "value of the real estate" to read "value or purchase price of the real estate security, whichever is less, determined at the time the loan was made". This addition conforms to the corresponding phrase in § 545.6-1(a)(5)(iv)(*b*) relating to the "specific reserve" which Federal associations may elect to establish in lieu of private mortgage insurance, and it serves to clarify which dollar figure may be used and when it must be established.

Accordingly, the Board hereby amends Part 545 of the Rules and Regulations for the Federal Savings and Loan System by revising § 545.6-1(a)(5)(iv)(*a*) to read as set forth below, effective December 13, 1973.

§ 545.6-1 Lending powers under sections 13 and 14 of Charter K.

Any Federal association which has Charter K may, under sections 13 and 14 thereof, make the following types of loans on the security of first liens on improved real estate and the use by such an association of loan plans, practices, and procedures which comply with the applicable provisions of §§ 545.6 to 545.6-13, are hereby approved by the Board:

(a) *Homes or combination of homes and business property*—(1) *Monthly installment loans.* Subject to the limitations of § 545.6-7, installment loans may be made on homes or combination of homes and business property for an amount not in excess of 75 percent of the value thereof, repayable monthly within 30 years or, if an insured or guaranteed loan, within the period acceptable to the insuring or guaranteeing agency: *Provided,* That, when the members of such an association have authorized loans to be made for an amount exceeding 75 percent of the value, such loans may be made up to the percentage of value authorized by the members but not in excess of:

(i) 80 percent of the value, if the loan is not an insured or guaranteed loan;

(ii) The maximum percentage of the value acceptable to the insuring agency, if an insured loan;

(iii) 80 percent of the value, plus the amount guaranteed if a guaranteed loan.

* * * * *

(5) *Loans in excess of 90 percent of value.* The limitation of 80 percent set forth in subdivision (i) of subparagraph (1) of this paragraph shall be 95

percent in the case of any loan with respect to which the requirements set forth in paragraph (a)(5) (i), (iii), (iv), (v), (vi), and (viii) of this section are met with respect to which the following additional requirements are met:

* * * * *

(iv) Either—

(*a*) That as long as the unpaid balance of such a loan is in excess of an amount equal to 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made, that portion of the unpaid balance of such loan which is in excess of an amount equal to 80 percent of such value or purchase price of the real estate security is guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation; or

(*b*) The association establishes and maintains a specific reserve with respect to such loan equal to one percent of the unpaid principal balance thereof until the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-24119 Filed 11-12-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-WA-3]

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

Designation of Terminal Control Area at Houston, Texas

On July 12, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 18563), stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Group II Terminal Control Area (TCA) for Houston, Tex.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Two comments were received in response to this proposal, one endorsing the proposal and the other having no specific objection.

An assessment of the potential environmental impacts caused by establishing the TCA has been made. The conclusion is that establishing the TCA will not significantly affect the environment.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 28, 1974, as hereinafter set forth.

In § 71.401(b) (38 FR 622), the following Houston, Tex., Group II Terminal Control Area is added:

HOUSTON, TEX., TERMINAL CONTROL AREA

Primary Airport. Houston Intercontinental Airport. (Lat. 29°59'08" N., Long. 95°20'46" W.)

BOUNDARIES

Humble VORTAC (IAH) (Lat. 29°57'24" N., Long. 95°20'44" W.).

1. Area A. That airspace extending upward from the surface to and including 7,000 feet MSL, within 8 miles of the IAH VORTAC excluding that airspace within and underlying Area D, hereinafter described.

2. Area B. That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL, within a 15-mile radius of the IAH VORTAC, excluding Area A, previously described, that airspace within and underlying Areas C and D described hereinafter and that airspace south of an east-west line extending from the IAH VORTAC 125° radial 20-mile DME point to the IAH VORTAC 233° radial 20-mile DME point.

3. Area C. That airspace northwest of IAH extending from 3,000 feet MSL to and including 7,000 feet MSL, bounded on the northeast by the IAH VORTAC 313° radial, on the east by the 8-mile DME arc of the IAH VORTAC, on the south by a line 2 miles north of and parallel to the IAH Runway 8L centerline extended, and on the west by the 15-mile DME arc of the IAH VORTAC.

4. Area D. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 15- and 20-mile radii of the IAH VORTAC and that airspace southwest of the IAH VORTAC bounded on the east by the 7-mile DME arc of the IAH VORTAC, on the southeast by the 215° radial of the IAH VORTAC, on the west by the 15-mile DME arc of the IAH VORTAC, and on the north by the 258° radial of the IAH VORTAC. Excluding that airspace within a 2-mile radius of Lakeside Airport (Lat. 29°49'02" N., Long. 95°40'29" W.) and that air space south of an east-west line extending from the IAH VORTAC 125° radial 20-mile DME point to the IAH VORTAC 233° radial 20-mile DME point.

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

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

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

[FR Doc.73-24074 Filed 11-12-73;8:45 am]

[Airspace Docket No. 73-WA-8]

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

Designation of Terminal Control Area at St. Louis, Missouri

On June 21, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 16239), stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Group II Terminal Control Area (TCA) for St. Louis, Mo.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Eleven comments were received in response to the NPRM, and due consideration was given to all relevant matter presented.

Some of the objections received opposed the establishment of a Group II TCA at St. Louis as not being justified. The issue concerning the establishment of a Group II TCA at St. Louis was contained in Notice 69-41, published in the Federal Register on September 30, 1969 (34 FR 15252), and Notice 69-41B, published in the FEDERAL REGISTER on March 13, 1970 (35 F.R. 4519), which delineated the locations of the 22 hub areas where Group I and Group II TCAs were proposed. The FAA has maintained a monitor of the activities at the proposed TCA areas and has determined that St. Louis still warrants the establishment of a Group II TCA. It may be noted, as an example, that as a result of monitoring the activity at the 22 hub locations, Cincinnati has been deleted as a proposed Group II TCA location.

Concern was expressed that general aviation was being forced out of the St. Louis area because of transponder requirements and the possible future use of 25 kHz radio channel spacing. The transponder requirements were recently studied in a separate rulemaking procedure. The safety and air traffic control efficiency benefits gained by the required transponder equipment far outweigh the costs on the affected users. The cost of compliance should decrease as manufacturers respond to the need for the new equipment. As for the 25 kHz radio channel spacing, while the FAA has long-range plans to someday require this equipment in order to provide additional communication channels, there are no current plans or need to install these frequencies in the St. Louis Terminal Area.

Comments about the TCA configuration included statements that the TCA should make more allowances for aircraft using other than the primary airport; the TCA will cause a restriction to private aircraft, concentrating their activity to the outskirts of the TCA and rural fringes of the metropolitan area; there is too much airspace being designated with too little consideration of what is actually needed, and that more consideration should be given to all users in the area; a ceiling of 8,000 feet is an unnecessary restriction to non-IFR traffic; suggestions for higher floor altitudes over the airports located beneath Area B, over Weiss Airport, and to provide additional airspace for glider and acrobatic flights from the St. Charles Airport.

Any airspace program designed to bring more control to the random flying VFR environment will result in some im-

pact, not only on the airspace users, but on the air traffic control system. Every effort has been made to minimize this impact and to provide for as equitable use of the airspace as possible. Ingress/egress airspace has been provided to all airports underlying the TCA. The floor altitudes and lateral limits have been tailored specifically to fit the actual arrival/departure airspace needed at St. Louis International Airport, and to allow the maximum freedom of operations for satellite airports. TCA ceilings are normally designated at or near 7,000 feet above the primary airport elevation. This altitude was selected as a result of the FAA's 1968 Near Mid-Air Collision Study which found that most of the terminal area incidents occurred within this altitude range.

Due to the proximity of the Creve Coeur and Arrowhead Airports, the Creve Coeur Airport traffic patterns have been established requiring patterns east of the airport for runways 16/34, and north of the airport for runways 7/25. Users of the Creve Coeur Airport believe the 1.5-mile radius cutout of Area A, as proposed in the Notice, does not provide sufficient airspace to operate safely and have requested additional airspace be provided. The request has merit, and after careful review of the airspace requirements and ATC procedures used for aircraft landing runway 6 and departing runway 24 at St. Louis International Airport, the exclusion to Area A is revised to a 2-mile radius of the Creve Coeur Airport.

An alternate airspace configuration was submitted which provided TCA airspace only for runways 12/30 operations, and provision was not allowed for the procedures necessary for runways 6/24 operations. It is the FAA policy in designing TCA's to designate sufficient airspace to contain all existing terminal IFR procedures. Another commenter submitted a four-spoke-corridor plan aligned to each runway. Although a narrow corridor configuration has previously been shown to provide the desired degree of safety, the TCA configuration is necessary to provide, in addition to the desired safety, efficient use of the airspace and air traffic control flexibility, and also have the least impact on all the airspace users. Therefore, these suggestions could not be incorporated.

Several statements were made that a TCA would not improve safety. Contrary to this opinion, where TCA's have previously been established, the dramatic reduction of near midair collisions is clear evidence of the increase in safety. It will also provide a more effective method by which the mix of VFR and IFR flights can be handled with a greater degree of safety.

Comments were made suggesting St. Louis and Maryland Heights VORTAC's be relocated, outside the TCA boundary, to accommodate VFR navigation around the TCA; and that the TCA ignores the fact the Mississippi and Missouri River valleys are major flyways. To relocate these VORTAC's solely for the purpose of VFR navigation is not considered practical. These VORTAC's are a part of the terminal IFR system providing approach guidance and cross radial information on IFR approaches to several area airports. For local area and en route flights, adequate visual and NAVAID capability exists to avoid the TCA, if so desired. Also, as long as equipment and operating rules for flight within the TCA are met, and when traffic conditions permit, pilots should be able to expect any necessary approval to transit the TCA.

A suggestion was made to have the TCA effective only between 7 and 9 a.m., Monday through Saturday, and 4 and 7 p.m., Sunday through Friday. The activity within the terminal area is continuous with variable high and low periods. The benefits derived from such a designation, weighed against the complexity of the procedures involved, does not make a part-time designation practicable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., January 1, 1974, as hereinafter set forth.

In § 71.401 (38 FR 622), the St. Louis, Mo., Terminal Control Area is added:

(b) Group II Terminal Control Areas.

ST. LOUIS, MO., TERMINAL CONTROL AREA

PRIMARY AIRPORT

St. Louis International Airport (Lat. 38°44'54" N., Long. 90°21'47" W.).

BOUNDARIES

1. Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of the St. Louis International Airport ASR Antenna (Lat. 38°44'25" N., Long. 90°22'14" W.), excluding that airspace within a 2-mile radius of the Creve Coeur Airport (Lat. 38°43'35" N., Long. 90°30'35" W.).

2. Area B. That airspace extending upward from 2,000 feet MSL to and including 8,000 feet MSL within a 10-mile radius of the St. Louis International Airport ASR Antenna excluding Area A previously described.

3. Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the St. Louis International Airport ASR Antenna excluding Areas A and B previously described and the area within and underlying Area E hereinafter described.

4. Area D. That airspace extending upward from 4,500 feet MSL to and including 8,000 feet MSL within a 20-mile radius of the St. Louis International Airport ASR Antenna excluding Areas A, B, and C previously described and Area E described hereinafter.

5. Area E. That airspace extending upward from 3,600 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the St. Louis International Airport ASR antenna, bounded on the northwest by the Troy VORTAC 233° radial, and on the west by a line extending from Lat. 38°35'00" N., Long. 90°12'00" W. to Lat. 38°10'00" N., Long. 90°07'00" W.

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

Issued in Washington, D.C., on October 18, 1973.

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

[FR Doc.73-24075 Filed 11-12-73;8:45 am]

[Airspace Docket No. 73-EA-97]

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

Designation of Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Cod DME Reporting Point and the Haddock DME Reporting Point.

The Cod LF Reporting Point is designated at the INT of the Nantucket, Mass., RBN 089° bearing and W boundary of the New York Oceanic Control Area. The Cod VHF Reporting Point is designated at the INT of the Nantucket, Mass., 089° radial and W boundary of New York Oceanic Control Area. The Haddock LF Reporting Point is designated at the INT of a rhumb line from Nantucket, Mass., RBN to Kindley AFB, Bermuda RBN, and the W boundary of New York Oceanic Control Area. The Haddock VHF Reporting Point is designated at the INT of Nantucket, Mass., 157° radial and the W boundary of New York Oceanic Control Area. Designation of DME reporting points at these same locations is required to ensure that DME equipped aircraft report when passing over Cod and Haddock. Such action is taken herein.

Since designation of reporting points is a minor matter upon which the public would not have particular reason to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., January 3, 1974, as hereinafter set forth.

Section 71.209 (38 FR 616, 23514), is amended by adding the following:

1. Cod DME INT: INT Nantucket, Mass., VORTAC 089° radial, 92 NM from Nantucket VORTAC.

2. Haddock DME INT: INT Nantucket, Mass., VORTAC 157° radial, 94 NM from Nantucket VORTAC.

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

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

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

[FR Doc.73-24079 Filed 11-12-73;8:45 am]

[Airspace Docket No. 73-SW-33]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas and Controlled Airspace

On July 31, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 20348), stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal aviation regulations that would

alter the description of Restricted Areas R–2401 and R–2402, Fort Chaffee, Ark., and include R–2401 in the description of the continental control area.

Subsequent to publication of the NPRM, problems in the distribution of the notice arose which required an extension of the comment period. On September 25, 1973, a supplemental notice of proposed rulemaking was therefore published in the FEDERAL REGISTER (38 FR 26732), stating that the comment period was extended to September 30, 1973.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. One comment was received.

The Air Transport Association of America (ATA) informed the Federal Aviation Administration that it objects to alteration of Restricted Area R–2402 as proposed; however, it will offer no objection if the proposal is amended so that the north boundary of R–2402 will at no point extend northward beyond the north boundary of R–2401.

In view of the ATA comment and because the Department of the Army agrees to the change, the Federal Aviation Administration has determined that the description of R–2402 should be altered as noted in the preceding paragraph. This is a minor change to the proposed description of R–2402 which was published in the NPRM (38 FR 20348), and since it reduces the size of the restricted area, further notice of proposed rulemaking is deemed unnecessary.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., January 3, 1974, as hereinafter set forth.

1. In § 71.151 (38 FR 341), the following restricted area is added:

R–2401 Fort Chaffee, Ark.

2. In § 73.24 (38 FR 634):

a. The description of Restricted Area R–2401 is amended to read as follows:

R–2401 FORT CHAFFEE, ARK.

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

Designated altitudes. Surface to and including 30,000 feet MSL.

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

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commanding General, Fort Chaffee, Ark.

b. The description of Restricted Area R–2402 is amended to read as follows:

R–2402 FORT CHAFFEE, ARK.

Boundaries. Beginning at Lat. 35°17'51" N., Long. 94°03'00" W.; to Lat. 35°17'00" N., Long. 94°03'00" W.; to Lat. 35°17'00" N., Long. 94°01'00" W.; to Lat. 35°10'20" N., Long. 94° 01'00" W.; thence west along Arkansas State Highway No. 10 to Lat. 35°11'33" N., Long. 94°12'00" W.; to Lat. 35°18'10" N., Long. 94°12'24" W.; to Lat. 35°18'12" N., Long. 94°09'51" W.; thence east along Arkansas State Highway No. 22 to point of beginning.

Designated altitudes. Surface to and including 30,000 feet MSL.

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

Controlling agency. Federal Aviation Administration, Memphis ARTC Center.

Using agency. Commanding General, Fort Chaffee, Ark.

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

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

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

[FR Doc. 73-24073 Filed 11-12-73;8:45 am]

[Airspace Docket No. 73-EA-58]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area, Continental Control Area, and Transition Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to alter Restricted Areas R–6601, Camp A. P. Hill, Va., and R–6602, Camp Pickett, Va., by changing the designated using agency for each area and by assigning a controlling agency for R–6602. The amendments will also add R–6602 to the continental control area, delete the exclusion of R–6602 and Warning Area W–50 from the Virginia Transition Area and delete the exclusion of R–6602 from the Blackstone, Va., Transition Area.

The Federal Aviation Administration recently determined that R–6602 should be assigned a controlling agency. This will designate R–6602 as a joint use restricted area and enable it to be made available for public use when it is not required by the using agency. The Department of the Army concurred with this determination and also requested that a different using agency be designated for both R–6601 and R–6602.

Designation of a controlling agency for R–6602 requires that R–6602 be added to the continental control area and that the exclusion of R–6602 be removed from the descriptions of the Virginia and the Blackstone, Va., Transition Areas. Because a controlling agency was recently assigned to W–50 by nonrule-making airspace procedures, similar action is required to remove the exclusion of W–50 from the Virginia Transition Area description.

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

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 GMT, January 3, 1974, as hereinafter set forth.

1. In § 71.151 (38 FR 341) the following restricted area is added:

R–6602 Camp Pickett, Va.

2. In § 71.181 (38 FR 435, 2331, 27046):

a. The Blackstone, Va., Transition Area is amended to read as follows:

BLACKSTONE, VA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Blackstone AAF (latitude 37°04'30" N., longitude 77°57'45" W.). This transition area is effective from sunrise to sunset, daily.

b. The Virginia Transition Area is amended by deleting the words "excluding that airspace within Control 1149, W–50, and R–6602." and substituting "excluding that airspace within Control 1149." therefor.

3. In § 73.66 (38 FR 673, 8245):

a. R–6601 Camp A. P. Hill, Va., is amended by deleting the words "Using agency. Commander, Fort G. Meade, Md., and substituting "Using agency. Commander, Fort Lee, Va." therefor.

b. R–6602 Camp Pickett, Va., is amended by deleting the words "Using agency. Commander, Fort G. Meade, Md.,, and substituting the following therefor:

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. Commander, Fort Lee, Va.

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

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

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

[FR Doc.73-24077 Filed 11-12-73;8:45 am]

[Airspace Docket No. 73-EA-75]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency of Restricted Area R–5203, Oswego, N.Y.

The U.S. Air Force has requested that a different using agency be designated for R–5203. The basis for this request is that the new using agency has operational control for a great number of the activities conducted in the restricted area and it can therefore ensure more efficient use of the area.

Since this amendment is a minor amendment upon which the public is not particularly interested, notice and public procedure thereon are unnecessary, and

for the above reason good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective November 13, 1973, as hereinafter set forth.

In § 73.52 (38 FR 662), Restricted Area R-5203, Oswego, N.Y., is amended by deleting the present using agency and substituting the following therefor:

21st Air Division, Hancock Field, Syracuse, N.Y.

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

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

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

[FR Doc.73-24078 Filed 11-12-73;8:45 am]

[Airspace Docket No. 73-EA-102]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the time of designation for Restricted Area R-5002, Warren Grove, N.J.

A review of the annual utilization report for Restricted Area R-5002, has revealed that R-5002 was needed by the using agency only from sunrise to sunset Tuesday through Saturday with an occasional Sunday. Accordingly, the Federal Aviation Administration has determined that the time of designation for R-5002 should be reduced to more accurately reflect this requirement. The Department of the Air Force concurs in this determination.

This amendment relieves a restriction upon the public and it is a minor amendment upon which the public is not particularly interested. Therefore, notice and public procedure thereon are unnecessary. Since this amendment relieves a restriction upon the public, it may become effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation regulations is amended, effective November 13, 1973, as hereinafter set forth.

In § 73.50 (38 FR 658), the time of designation for R-5002 Warren Grove, N.J., is amended to read as follows:

Time of designation. Sunrise to sunset, Tuesday through Saturday; other days by NOTAM 48 hours in advance.

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

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

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

[FR Doc.73-24080 Filed 11-12-73;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER D—FLAMMABLE FABRICS ACT REGULATIONS

PART 1603—STATEMENTS OF POLICY OR INTERPRETATION

Clarification of Standard for Flammability of Clothing Textiles

Effective May 14, 1973, section 30(b) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1231; 15 U.S.C. 2079(b)), transferred functions under the Flammable Fabrics Act (and related functions under the Federal Trade Commission Act) to the Consumer Product Safety Commission.

The Commission finds, for reasons given in the regulation promulgated below, that it should issue a statement of interpretation to clarify the flammability standard for clothing textiles (CS 191-53), applicable under the Flammable Fabrics Act.

Therefore, pursuant to provisions of the Flammable Fabrics Act (sec. 1 et seq., 67 Stat. 111-15, as amended 68 Stat. 770, 81 Stat. 568-74; 15 U.S.C. 1191-1204, note under 1191), and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)), Title 16 is amended by adding to Chapter II, Subchapter D, a new Part 1603 containing at this time only one section, as follows:

§ 1603.1 Clarification of flammability standard for clothing textiles (CS 191-53).

(a) *Background.* (1) The Flammable Fabrics Act, which became effective July 1, 1954 (Public Law 83-88, 67 Stat. 111-15), adopted Commercial Standard 191-53 as a mandatory flammability standard to be applied under that act (CS 191-53 had been a voluntary commercial standard, entitled "Commercial Standard 191-53, Flammability of Clothing Textiles," which became effective January 30, 1953).

(2) On August 23, 1954, the Flammable Fabrics Act was amended (68 Stat. 770) to reduce the burning time for flame spread as provided in CS 191-53.

(3) As amended and revised December 14, 1967 by Public Law 90-189 (81 Stat. 568-74), the Flammable Fabrics Act no longer specifically referred to CS 191-53; however, Public Law 90-189 contained a "savings clause" (section 11), which continued the applicability of any standard effective under the act theretofore until superseded or modified. No such change occurred thereafter to CS 191-53 which, accordingly, continues to be a mandatory flammability standard under the act.

(b) *Need for clarification.* It has been brought to the attention of the Consumer Product Safety Commission that lack of clarity in CS 191-53 regarding (1) the positioning of the stop cord, (2) the technique for brushing fabrics with raised-fiber surface, and (3) the criterion for failure of a fabric with a raised-fiber surface results in variations in the way tests are conducted or results are interpreted under the standard, thereby making both compliance with and enforcement of the standard under the Flammable Fabrics Act needlessly contentious.

(c) *Clarifying interpretations.* To alleviate this situation, the Consumer Product Safety Commission adopts the following interpretations on these subjects for CS 191-53:

(1) *Stop cord.* The stop cord shall be three-eighths of an inch above and parallel to the lower surface of the top plate of the specimen holder. This condition can be achieved easily and reproducibly with the use of L-shaped guides and an additional thread guide popularly referred to as a "sky hook." The essential condition, however, is the uniform height of three-eighths of an inch for the stop cord and not the number, placement, or design of the thread guides.

(2) *Brushing.* Brushing of a specimen shall be performed with the specimen mounted in a specimen holder. The purpose of the metal plate or "template" on the carriage of the brushing device is to support the specimen during the brushing operation. Accordingly, such template should be one-eighth of an inch thick.

(3) *Criterion for failure.* In the case of those fabrics having a raised-fiber surface for which a flame spread time of less than 4 seconds occurs and is the result of surface burning (sometimes referred to as "surface flash"), the additional finding of base fabric ignition or fusion that is required to establish a failure shall have to be associated with the propagating surface flame and not the igniting flame.

Notice and public procedure are not prerequisites to this promulgation since the regulation established hereby is an interpretative rule.

(Sec. 1 et seq., 67 Stat. 111-15, as amended 68 Stat. 770, 81 Stat. 568-74 (15 U.S.C. 1191-1204, note under 1191).)

Dated: November 6, 1973.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.73-24091 Filed 11-12-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Order 491-B; Docket No. RM74-3]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Reliable and Adequate Service for the 1973-1974 Winter Heating Season

NOVEMBER 2, 1973.

On September 14, 1973, acting pursuant to our exemption authority under section 7(c) of the Natural Gas Act, 15

U.S.C. 717f(c), we issued Order No. 491 which amended §§ 2.68 and 2.70 of the Commission's General Policy and Interpretations and §§ 157.22 and 157.29 of the Commission's regulations under the Natural Gas Act. The effect of those amendments was to extend from 60 days to 180 days the term under which a pipeline experiencing a shortage on its system could make emergency purchases of natural gas without Commission certification. In addition, Order No. 491 stayed further utilization of the procedure outlined in Order No. 431 whereby producers could apply for and receive limited term certificates with pregranted abandonment.

Because immediate action was required to meet the demands of some 43 million gas consumers for the 1973–74 winter heating season, we issued Order No. 491 without prior notice and opportunity for comments. We explained, however, that notice was not required by the Administrative Procedure Act (APA) when, as here, such would be "impracticable, unnecessary, or contrary to the public interest." [1] Nevertheless, the Public Service Commission of the State of New York (New York) and the Consumer Federation of America, et al. (Consumer Federation) filed applications for rehearing and motions for stay, alleging inter alia that our action was procedurally defective.

On September 25, 1973, in response to the applications of New York and Consumer Federation, we issued Order No. 491–A reaffirming our conviction that notice and comments were not imperiative as a matter of law because of the exigencies of the shortage of natural gas for the impending winter. Nevertheless, we invited comments to be filed by any interested person on or before October 8, 1973. Responses to the initial submittals were to be filed on or before October 17, 1973.

We refused to stay Order No. 491 pending the receipt and analysis of comments, our reasoning being that New York and Consumer Federation has failed to demonstrate the necessity for a stay in the light of the criteria outlined in Virginia Petroleum Jobbers Association v. F.P.C., 259 F.2d 921 (D.C. Cir. 1958).[2] We particularly noted that since 60 day emergency purchases were permissible under final and unappealable Commission orders previously issued,[3] the status quo would be unaffected by Order No. 491 until November 13, 1973, 60 days following its issuance. Since our final order after comments was to be issued before November 13, 1973, we concluded that the denial of the stay would not create irreparable injury. To the contrary, denial of the stay was necessary to prevent irreparable injury, as we noted (Order No. 491–A, p. 11):

> * * * [I]t is the critical magnitude of the gas supply deficiency with its threatened immediate harm to the entire consuming public that mandates our emergency action. To grant the Petitioners' request would be an acceptance of the paradoxical reasoning that, having determined the appropriate action with which to respond to an emergency situation, we will now wait until a more appropriate time to implement that action. Such an argument is untenable. Our present action represents a clear case where the fulfillment of our statutory duties requires "the interest of private litigants to give way to the realization of public purposes." (Virginia Petroleum Jobbers, supra, 925.)

Notwithstanding substantial[4] evidence regarding the critical supply situation facing consumers for the 1973–74 winter heating season,[5] Order Nos. 491 and 491–A were permitted to operate for only 19 days. On October 3, 1973, in an order which does not discuss the public interest considerations stated in Virginia Petroleum Jobbers, supra, the United States Court of Appeals for the District of Columbia Circuit issued an order staying Order No. 491 until final action by the Commission after comments.

Discussion

Upon the basis of the record established by the parties to this proceeding, and considering data and information which is a matter of public record (See Order No. 491–A, pp. 3–9), we have concluded that an extension of the emergency purchases term from 60 days to 180 days is imperative to improve gas supply for the interstate market so as to reduce the impact on the consuming public and our economy by deepening curtailments for the 1973–74 winter heating season. Moreover, we have concluded that our effort to alleviate the shortage in this manner is consistent with both our service and rate responsibilities under the Natural Gas Act. Finally, we are persuaded that Order No. 491 is not a panacea for the supply problem and, accordingly, that the limited term certificate procedure should be retained.

I. *The public interest.* In Orders Nos. 491 and 491–A, we provided a detailed analysis of the severity of the gas crisis facing consumers during the impending winter. Summarizing a recent staff report on past and projected curtailments,[6] we stated in Order No. 491 (mimeo at 4):

> * * * [C]urtailments for the 1973–1974 winter heating season are estimated to be .5 trillion cubic feet of natural gas; the equivalent of about 85 million barrels of oil. The report further indicated acute regional curtailments, both this summer and for the current winter-heating season, in the New England, Appalachian, Great Lakes and Northern Plains regions. Such curtailments will result, as they did last year, in severe economic and environmental consequences, resulting in the closing of schools and factories, the denial of utility service to new customers, the utilization by industry and electric utilities of alternate fuels which impact upon ambient air quality standards, and the transfer of unfulfilled demand to other fuels in short supply with the resultant upward price pressures. At least for the 1973–1974 winter-heating season, reliable and adequate gas service is even more jeopardized than at the juncture when we initiated emergency measures, supra, over three and one-half years ago.

In Order No. 491–A, we further observed that problems created by the natural gas shortage are exacerbated by the fact that other fuels, such as propane and fuel oil, are in short supply. Relying upon data furnished to the Commission by various state regulatory bodies in response to our request,[6] we concluded that (Order No. 491–A, mimeo at 6):

> * * * [A]dditional curtailments of natural gas this winter will force many industrial plants to operate part-time or shut down completely. Many of these plants could have relied upon propane as a satisfactory alternate fuel. However, the equally severe shortage of propane fuel would eliminate this safeguard.[7]

Moreover, with regard to fuel oil supplies, we recognized (mimeo at 7):

> * * * the existence of a generally tight fuel oil supply, with severe shortage evident in certain areas of the country in home heating quality oils. In order to make available supplies of this product for human needs and other essential requirements, the supply of heating oils for industrial consumption must necessarily be decreased. Since many larger industrial natural gas customers have converted gas burning equipment to dual-fuel capability in anticipation of continual gas shortage, the unavailability of oil as an alternative fuel will result in plant shutdowns. In some areas the reliability of electric generation may be threatened.

While five groups oppose the 120 day extension on essentially legal grounds (discussed infra),[8] no party to this pro-

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[1] 5 U.S.C. 553(b)(3)(B).

[2] Under Virginia Petroleum Jobbers, petitioners are not entitled to a stay unless they demonstrate (1) the likelihood of prevailing on the merits of their requested review; (2) that they will suffer irreparable injury if the stay is not granted; (3) that other parties will not be substantially harmed in granting the stay; and (4) that the public interest will be served by granting the stay.

[3] Orders Nos. 402 and 402–A, 43 FPC 707 (1970), 43 FPC 822 (1970); Order No. 418, 44 FPC 1574 (1970); Order No. 431, 45 FPC 570 (1971).

[4] See Order No. 491–A, pp. 2–9.

[5] FPC News Release No. 19441.

[6] See telegraphic request of August 15, 1973, from Chairman Nassikas to state regulatory utility agencies. Responses to this request were received between August 20, 1973, and September 21, 1973, pertinent excerpts of which are attached as Appendix B to Order No. 491–A.

[7] In testimony given at a public hearing instituted by the White House Energy Policy Office on September 7, 1973, many of the Nation's largest propane suppliers testified that supplies for the 1973–74 heating season would be 15–25 percent *less* than the amount available for the 1972–73 season. Mandatory propane allocations are now in force. Section 203(a)(3) of the Economic Stabilization Act as amended by PL Mandatory Allocation Program for Propane 93–28; 12 USC 1904 (Note); EO 11695, 38 FR 1473; COLC Order 39, 38 FR 22909; 38 FR No. 191 at 27397, October 3, 1973.

[8] Consumers Union of the United States, et al.; Public Service Commission of the State of New York; Senators Humphrey, McGovern, Metcalf, Moss, Mondale, and Proxmire, and Congressmen Aspin, George Brown, Eckhardt, Fraser, Moss, and Reid; State of Connecticut; Consumer Federation of America, et al.

ceeding seriously challenges our conclusions regarding the severity of the emergency presented in the 1973–74 winter.[9] Moreover, with the exception of those five groups, all of those filing comments support the 180 day exemption as an effective means of coping with the emergency.

We are convinced that an enlargement of the exemption period from 60 days to 180 days will elicit new gas supplies that would not otherwise be available to interstate consumers for the 1973–74 winter heating season. While quantification of the increment to be forthcoming is impossible, given our inability to compel a producer to sell to the interstate market and considering the limited supply of gas available to meet the total requirements of U.S. consumers, it is clear that a six month exemption period will enable interstate pipelines to secure needed gas on an emergency basis. To begin with, a six month emergency purchases term will permit the immediate commencement of deliveries of gas which might otherwise be postponed because of delay inherent in the administrative process. Secondly, as several comments indicate,[10] a six month sale is often necessary in order to justify the financial investment necessary to secure a sizable package of gas for the interstate market.[11] Thirdly, our action will provide a significant competitive advantage to pipelines facing emergencies; it will enable them to secure substantial gas supplies which might otherwise be lost to the intrastate market or interstate pipelines not facing an emergency.[12] Fourth, a six month sale without the administrative burden of certification will assure potential sellers of a more definite market, thereby encouraging contracts with interstate pipelines. Finally, sales over a six month period will assure that the supplies thereby elicited will be available throughout the winter heating season and not for just a part thereof.

Encouraging additional emergency purchases from producers is not the sole purpose of our order. We seek also to provide pipelines and distributors with needed flexibility to engage in short-term transactions with each other involving sales, transportation, exchanges, and storage operations. Under our 180-day exemption period, jurisdictional pipelines will be able to exchange gas when necessary to meet emergencies. Moreover, intrastate pipelines will be permitted to make deliveries to the critical interstate market. As the comments of Lowell Gas Company indicate, many of these short-term transactions require from five to six months to be consummated.[13]

New York (Comments, p. 9) and Consumers Union (Comments, p. 6) suggest that Order No. 491 is unjustified because of the lack of certainty regarding the amount of gas that will be dedicated to interstate commerce pursuant to a 180 day exemption. Such "crystal ball" certainty, in our judgment is not required. We do know that from 1970 through May of 1973, 442 60-day emergency purchases were consummated bringing 385 Bcf of gas to the interstate market.[13a] Considering the additional incentives which are inherent in the 180 day exemption, it is reasonable to assume that pipelines will be able to secure far more gas on an emergency basis.

Moreover, the limited record in this proceeding reflects that the 180 day exemption was relatively successful during its ephemeral life of 12 working days between its issuance on September 14, 1973 and the court's stay on October 3, 1973. Contrasting the results of this period with comparable periods under the 60 day exemption both immediately prior to Order No. 491 and subsequent to the court's stay, one is compelled to conclude that the 180 day exemption has elicited, and will continue to elicit, more gas than would otherwise be available for the interstate market.[14]

In the 12 working days immediately prior to Order No. 491, 20 new sales were initiated under the 60 day exemption dedicating 8,272,400 Mcf of gas to the interstate market at a weighted average cost of 50.82 cents per Mcf. During the next twelve working days during which the 180 day exemption was available, 26 new sales were initiated bringing 20,848,800 Mcf to the interstate market at a weighted average cost of 48.16 cents per Mcf. Finally, in the 12 working days which followed the court's stay, there were 24 sales of gas under the 60 day exemption dedicating 17,708,480 Mcf of gas at a weighted average cost of 47.44 cents per Mcf.[15]

Thus, our 180 day exemption generated more than twice the amount of gas that was made available in a comparable period under the 60 day exemption. It is also noteworthy that the weighted price average decreased rather than increased, under the 180 day exemption. This evidence, reflecting a twofold increase in supply with no increase in the weighted average cost lends support to our conclusion that Order No. 491 is required by the public interest.[16]

II. *Statutory authority.* Our authority to exempt emergency purchases from regulation for 180 days stems from a proviso in section 7(c) of the Natural Gas Act, 15 U.S.C. 717f(c), which expressly states that:

> * * * the Commission may issue a temporary certificate in cases of emergency, to assure maintenance of adequate service or to serve particular customers, without notice or hearing, pending the determination of an application for a certificate, and may by regulation exempt from the requirements of this section temporary acts or operations from which the issuance of a certificate will not be required in the public interest.

Without much reference to this exemption power, the opponents[17] to Order No. 491 claim that our action is unlawful because of Section 4(a) of the Act, 15 U.S.C. 717c(a). As Consumers Union of United States, Inc. (Consumers Union) interprets section 4(a), "sales of natural gas are lawful only if they are consummated at rates determined by the Commission to be just and reasonable."[18] [Emphasis supplied.]

However logical this conclusion may be when section 4(a) is read in isolation, neither the Supreme Court nor the Commission has been so literal in its interpretation. For example, the Supreme Court in CATCO[19] approved a procedure of bifurcated rate review whereby sales may be commenced when shown to be required by the public convenience and necessity, even though no just and reasonable rate determination is made beforehand. The Court acknowledged that (360 U.S. at 390, 391):

> It is true that the Act does not require a determination of just and reasonable rates in a section 7 proceeding as it does in one under either section 4 or section 5. Nor do we hold that a "just and reasonable" rate hearing is prerequisite to the issuance of producer certificates.

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[9] In fact, New York expressly states that it "does not dispute the evidence of a gas supply emergency." New York Comments, p. 1.

[10] Comments of Sun Oil Company, p. 1; Comments of Tenneco Oil Company, p. 5.

[11] See, e.g., Comments of Tenneco Oil Company, p. 5.

[12] See, e.g., Comments of Exxon Corporation, p. 2.

[13] Notifications have been received from various pipeline companies advising that emergency sales, transportation, and exchanges have been initiated (see among others, telegram received October 1, 1973, from Transcontinental Gas Pipe Line Corporation involving transportation of gas for Consolidated Gas Supply Corporation from offshore Louisiana; see telegram from Tennessee Gas Pipeline Company, a Division of Tenneco Inc., filed September 5, 1973, wherein the banking of gas released by Brooklyn Union Gas Company for Lowell Gas Company was initiated; see telegram received October 9, 1973, in which the sale and exchange of gas between Panhandle Eastern Pipe Line Company, Trunkline Gas Company, Mississippi River Fuel Corporation and Consumers Power Company was commenced).

[13a] Order No. 491–A, pp. 8–9.

[14] The results that follow were compiled by the Commission's Bureau of Natural Gas from data filed with the Commission pursuant to Orders Nos. 402, 418, and 491. We would have preferred, of course, to have had a longer test period than 12 days. This was impossible, however, since Order No. 491 was stayed 12 working days following its issuance.

[15] There were actually 26 sales under the 60 day emergency exemption consummated during this period. However, volume and cost information is not presently available regarding sales made by Crystal Oil Company and Patricia J. Mitchell.

[16] The volumes dedicated under the 60 day procedure during the 12 working days subsequent to the court's stay was substantially greater than the amount dedicated under the same procedure for the 12 working days prior to Order No. 491. This is explainable, however, because many of the dedications made after October 3, 1973, were made under the impression that the 180 day exemption would be applicable.

[17] See Note 8.

[18] Comments of Consumers Union, p. 7.

[19] Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1958).

Thus, it is permissible under the law to commence sales of gas in interstate commerce even though the rates of such sales have not been shown to be "just and reasonable" in accordance with section 4(a) of the Act.[28a] Moreover, and perhaps more importantly, the Supreme Court has stated that the Commission does not have authority to order refunds of initial rates collected under a permanent unconditional certificate, notwithstanding that the just and reasonable rate is subsequently determined to be lower. F.P.C. v. Sunray DX Oil Co., 391 U.S. 9 (1967); United Gas Improvement Co. v. Callery Properties, Inc., 382 U.S. 223 (1965). Significantly, the Supreme Court in Sunray DX acknowledged that its decision on the refundability of permanently certificated unconditional rates was at least "logically" inconsistent with the literal reading of section 4(a) (391 U.S. at 36–37):

> Since the Natural Gas Act nowhere refers to "inline" prices, the "excessive rates" referred to must be rates in excess of the just and reasonable rate at which section 4(a) commands that all gas must move. Logically, this would seem to imply that to assure the "complete, permanent and effective bond of protection" referred to, any rate permitted to be charged during the interim period before a just and reasonable rate can be determined must be accompanied by a condition rendering the producer liable for refunds down to the just and reasonable rate, should that rate prove lower than the initial rate specified in the certificate.
>
> Despite this apparent logic, the Commission seems never to have imposed a refund condition of this type * * *. The Courts seem never to have suggested that the Commission impose such conditions.
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> * * * * *
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> We cannot say, therefore, that the Commission breached any duty in failing expressly to consider whether the prices as fixed were suitable when regarded as refund floors.

Like the Supreme Court in *Sunray DX*, we have declined to read section 4(a) so literally as to defeat Congressional intent in section 7(c) of the Act. Since April 15, 1971, we have maintained an emergency procedure whereby limited term certificates may be issued under section 7(c) upon a finding that such is required by the present and future public convenience and necessity.[28] With full knowledge that limited term certificates do not contemplate present or future review under section 4(a) of the Act, no party has ever contested the legality of that procedure. Furthermore, since May 6, 1970, we have exempted 60 day emergency purchases under section 7(c) with full knowledge that no direct review would be made of producer rates during the exempted period under the standards of section 4 of the Act.[31] Again, no party has ever attacked the legality of 60 day emergency purchases.

Since section 4(a) has never been interpreted by this Commission or a court to invalidate either emergency purchases of 60 days or permanent certificates of both limited and unlimited duration issued under Section 7 of the Act, we fail to see how it can now be construed to prohibit an exemption period of 180 days to meet the present emergency. This does not mean, however, that consumers will be denied the rate protection to which they are entitled under the Act. As we indicated in Order No. 491–A (mimeo at 8), we will scrutinize the rates of all emergency purchases in the review of purchased gas costs in pipeline rate proceedings, including purchased gas[31a] adjustment clause increases. We will permit the pipeline to pass on to the consumer the rates of emergency purchases only when such rates can be shown to have been required by the public interest. Moreover, we intend to monitor closely the volumes and prices which are to be reported to us for all emergency sales. Such monitoring will provide additional consumer protection in two major respects. First, it will permit us to evaluate continuously the efficacy of the 180 day exemption procedure. Should it appear that the public interest is not being served, we can, of course, eliminate the procedure. Secondly, through continuous monitoring, we will be able to initiate such action as may be required with respect to specific sales which appear to be inconsistent with the public interest.

Review of the rates of emergency purchases at the pipeline level is, in our judgment, an appropriate exercise of discretion which finds support in Sunray DX. In that case, the Supreme Court made it clear that while the Commission has a statutory responsibility to assure that gas will not be devoted to wasteful end uses, that responsibility can be fulfilled in pipeline proceedings, rather than producer certificate proceedings. Significantly, the Court noted (391 U.S. 9, 51):

> Of course, our approval of the Commission's decision to deal with the need question in pipeline proceedings does not imply that the Commission may neglect its statutory duty to assure that sales of gas are required by the public "necessity." This statutory obligation implies that when interested parties assert that the Commission has permitted or is about to permit the sale of significant quantities of unneeded gas, then the Commission must supply an adequate forum in which to hear their contentions. We hold only that, so far as appears from the record before us, pipeline proceedings can serve as such a forum. If subsequent events should demonstrate that existing pipeline proceedings are inadequate, then the Commission must provide new arenas for objection.

Thus, the Supreme Court has recognized that pipeline proceedings are sufficient to protect the consumer against wasteful uses of gas. In a similar manner, pipeline proceedings may be used to assure the consumer of rate protection insofar as emergency purchases are concerned.

Should we determine in a pipeline rate case that any emergency purchase was improvidently consummated at a rate which was more than necessary to secure the gas for the interstate market, we will not require refunds by the producer. Our reasoning for this decision is two fold. First, by exposing producers to such continued rate uncertainty, we would surely discourage dedications to the interstate market. Secondly, we think that pipelines should continue to carry the burden of showing that all costs, including purchased gas costs, are reasonably incurred. Cf. F.P.C. v. Hope Natural Gas Company, 320 U.S. 591 (1944). This procedure, in our judgment, is unquestionably sufficient to afford "protection of consumers against exploitation at the hands of natural-gas companies" Phillips Petroleum Co. v. Wisconsin, 347 U.S. 672, 685 (1954).

In adopting an exemption period of 180 days, we categorically reject the notion of some that another step has been taken toward "skyrocketing" prices. During recent years, the Commission has maintained natural gas prices at the lowest level consistent with adequate service. Data available from the Bureau of Labor Statistics reflects that price increases in natural gas have lagged behind the wholesale price index.[32] Moreover, data on file with the Commission demonstrates that the price paid by electric utilities for natural gas is less than one-half of the price paid for low sulfur residual #6 oil, about one-third of the price paid for distillate oil, and about three-fourths of that received for coal.[33] With the exception of certain cities along the East Coast, *i.e.* Boston, New York, and Philadelphia, the price of natural gas for residential heating is less than that for No. 2 fuel oil.[34]

The low price which consumers pay for natural gas is understandable when one considers that during the period from 1964 to 1972, the average price paid at the wellhead for natural gas by major interstate pipelines increased from 16.59 cents per Mcf to 20.54 cents per Mcf, an increase of about 24 percent.[35] During the same period, the Consumer Price Index increased 35 percent.

Finally, in a study prepared by the Commission's Office of Economics for the Chairman's use in testimony presented to the Senate Commerce Committee on October 11, 1973, it was determined that:

> * * * in terms of 1972 dollars, the 1963 average price paid by major pipelines to domestic producers for gas at the wellhead was 22.6 cents per Mcf. Inasmuch as the actual price in 1972 was 20.5 cents per Mcf, that study indicated that the average wellhead "constant dollar" price, for volumes sold to

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[28a] If a section 4(a) determination of justness and reasonableness is not required by section 7(c) prior to the commencement of service during periods of abundant supply, a fortiori, it is not required during periods of critical emergency.

[28] Order No. 431, 45 FPC 570 (1971).

[31] Order Nos. 402 and 402–A, 43 FPC 707 (1970), 43 FPC 822 (1970); Order No. 418, 44 FPC 1574 (1970).

[31a] Order No. 452 (April 14, 1972), Order No. 452–A (June 13, 1972), and Order No. 452–B (January 8, 1973).

[32] Appendix A.

[33] Appendix B.

[34] Appendix C.

[35] Appendix D.

major jurisdictional pipelines, declined by 2.1 cents, or about 10 percent, during the 1963–1972 period.[36]

There is no reason for believing that the 180 day exemption procedure will limit our ability to continue to hold prices down for the consumer. Indeed, experience gained from the 60 day exemption program squarely refutes any contention to the contrary. During the 1972 calendar year, twelve pipelines in curtailment and making emergency purchases secured a total of 8,938,25[37] Mcf of gas from producers, of which 128,230 MMcf were purchased under the 60 day emergency purchases procedure at a weighted average price of 34.5¢ per Mcf. The total rate impact of the emergency purchases on the weighted average price of the pipelines proved to be approximately 0.19¢ per Mcf, with a range of from 0 to 0.47¢ per Mcf.[37] Considering the value of the emergency purchases program in 1972, in averting deeper curtailments we cannot say that an impact of less than 2 mills imposed an unreasonable burden on the consumer.[37a]

III. *Limited term certificates.* With few exceptions, each commenting party recommends that the Commission reinstate the limited term certificate procedure which was stayed by Order No. 491. While we remain firm in our belief that the solution to the gas supply crisis must be based on long-term dedications of gas under the area rate or optional certification procedures, we also recognize the merit in a plan that has proven its utility in providing large volumes of gas to the interstate market, albeit for a relatively short period of time. Moreover, we agree with many of those filing comments[38] that a tested and unassailed alternate procedure should be available in the light of the uncertainty which has been created by the court's stay of Order No. 491. With the D.C. Circuit's reversal of *Texas Gulf Coast Area Natural Gas Rate Case*, — F. 2d — (D.C. Cir. No. 71–1828) and the pending review of the optional certification procedure in *John E. Moss* v. *F.P.C.*, D.C. Cir. Nos. 72–1837, et al., the limited term certificate procedure is the only procedure currently unclouded by legal uncertainty.[39] Accordingly, we will continue the availability of all procedures set forth in Order No. 431.

We cannot agree, however, with the position of some commenting parties that retention of the limited term certificate procedure obviates the need for extending the emergency exemption period to 180 days. Our present order is responsive to the immediate supply shortage now facing many interstate pipelines for the four to six month 1973–74 winter heating season. Because of the administrative delay inherent, in the review of limited term certificate applications, this procedure is insufficient to cope with the present emergency.

Conclusion

We would be remiss if, in closing, we did not respond to the rhetorical indictment by Senators Humphrey, et al.,[39a] that this Commission is guity of "administrative abandonment of the consumer protection provided by Congress." We have not abandoned any of our responsibilities under the Natural Gas Act, nor do we intend to do so in the future. True, we have exempted certain temporary sales from direct regulation, in order to meet an emergency, but we have done so only in accordance with Congressionally delegated power explicitly defined in section 7(c).

There are those who regard the Commission as impotent, in the absence of further Congressional action, to deal with the gas supply crisis now plaguing the American consumer. To these, we are a sterile body with no more responsibility than to insure that rates are held to a minimum. We view our duties more broadly, as did Congress, in our judgment. The consumer is entitled to our assurance of adequate service as well as low rates; indeed, the question of price is academic if supply is not forthcoming. If Order No. 491 is permitted to remain viable, it will contribute greatly to complete consumer protection for the present winter.

The Commission finds:

Upon review and analysis of the comments, and considering data and information described herein which is matter of public record, it is in the public interest that we take all action hereafter ordered.

The Commission orders:

(A) Part 2, Subchapter A, General Rules, Chapter I of Title 18 of the Code of Federal Regulations, is amended by revising the following:

In § 2.68 (a) and (b), the 60-day periods found therein are changed to 180 days.

In § 2.70(b)(3), the 60-day periods found therein are changed to 180 days.

(B) Section 157.22, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, is amended by revising the following:

In § 157.22(a), the 60-day period is changed to 180 days.

In § 157.22(d), the 60-day period is changed to 180 days.

(C) Section 157.29, Subchapter E, Chapter I, Title 18 of the Code of Federal Regulations, is amended by revising the following:

In § 157.29(a), the 60-day period is changed to 180 days.

In § 157.29(b), the 60-day period is changed to 180 days.

(D) Order No. 491 is modified to eliminate that portion of ordering paragraph (A) which stayed the limited term certificate procedure.

(E) All applications for rehearing are treated as motions for reconsideration and as such are denied.

(F) The revisions and amendments in (A), (B), and (C) are effective upon issuance (November 2, 1973) and until March 15, 1974.

By the Commission.

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

[36] Comments, p. 7.

APPENDIX A.—*Wholesale price index and component indexes for fuels*

[1967=100][1]

Year	All commodities	Fuel and power	Natural gas	Residual fuel oil	Diesel fuel and No. 2	Bituminous coal
1967	100.0	100.0	100.0	100.0	100.0	100.0
1968	102.5	98.9	101.6	95.7	101.9	103.1
1969	106.5	100.9	103.0	93.3	102.4	112.7
1970	110.4	106.2	105.6	125.5	106.5	152.9
1971	114.0	114.2	112.2	166.0	110.0	187.2
1972	119.1	118.6	121.0	158.8	111.3	199.2
Aug. 1973	142.7	142.9	133.3	191.8	154.1	221.5

[1] Based upon data available from U.S. Department of Labor, Bureau of Labor Statistics, Wholesale Price Index, issued monthly.

APPENDIX B.—*1972–73 Fossil fuel purchases by electric utility steam plants*

[Price in cents per million Btu]

	Percent sulfur content	1972 Third quarter	1972 Fourth quarter	1973—First quarter
Coal	Less than 1	38.17	38.76	40.10
	1.01 to 3	38.74	38.70	40.44
	3.01 or more	33.98	34.60	35.49
No. 6 oil	Less than .5	68.15	70.53	76.57
	0.51 to 2	55.09	55.98	61.09
	2.01 or more	40.42	44.22	46.16
Distillate oil	Less than .1	81.97	85.67	94.11
Natural gas		31.06	30.31	31.21

Source: FPC Form No. 423.

[37] See Statement of John N. Nassikas, Chairman, Federal Power Commission, Before the Committee on Commerce, United States Senate, October 11, 1973, p. 17.

[37] Estimated by the Commission's Bureau of Natural Gas using data reported by pipelines in their Form 2 reports and data reported pursuant to Commission Orders Nos. 402 and 418.

[37a] During the same 1972 calendar year, of the total of 8,938,259 MMcf purchased from independent producers by pipelines in curtailment and making emergency purchases, 240,710 MMcf of gas was purchased under limited term certificates at a weighted average price of 34.08 cents per Mcf. The total rate impact of limited term certificates plus 60 day emergency purchases was only 6 mills, approximately.

[38] Comments of Exxon Corporation, p. 3; Comments of Tenneco, p. 2; Comments of Shell Oil Company, p. 3.

[39] Limited term certificates were held lawful in Sunray Mid-Continent Oil Co. v. F.P.C., 239 F.2d 97 (10th Cir. 1956), reversed on other grounds, 353 U.S. 944 (1957).

APPENDIX C.—*Prices of gas and No. 2 fuel oil for residential heating in representative cities, 1970-73*[1]

[Dollars per million Btu]

	December 1970		December 1971		December 1972		March 1973		June 1973	
	Gas	Fuel oil	Gas	Fuel oil	Gas	Fuel oil	Gas	Fuel oil	Gas	Fuel oil
Standard metropolitan statistical areas:										
Atlanta	.82	----------	1.01	----------	1.01	----------	1.11	----------	1.12	----------
Baltimore	1.31	1.37	1.51	1.39	1.55	1.39	1.50	1.48	1.47	1.54
Boston	1.57	1.42	1.80	1.48	1.89	1.47	1.85	1.60	1.92	1.72
Buffalo	1.03	1.50	1.22	1.52	1.27	1.56	1.21	1.65	1.24	1.72
Chicago-Northwest Indiana	.98	1.31	1.05	1.33	1.10	1.35	1.13	1.46	1.12	1.48
Cincinnati	.81	----------	.92	----------	.98	----------	.95	----------	.96	----------
Cleveland	.85	----------	.88	----------	.94	----------	.94	----------	.95	----------
Dallas	.85	----------	.86	----------	.89	----------	.89	----------	.89	----------
Detroit	.87	1.34	.94	1.34	.99	1.35	1.00	1.48	1.01	1.47
Houston	.93	----------	.93	----------	.99	----------	1.01	----------	.67	----------
Kansas City	.68	----------	.72	----------	.72	----------	.75	----------	.74	----------
Milwaukee	1.26	1.38	1.35	1.36	1.39	1.37	1.39	1.47	1.40	1.58
Minneapolis-St. Paul	.90	1.29	.99	1.31	1.05	1.31	1.12	1.40	1.12	1.45
New York-Northeast New Jersey [2]	1.38	1.37	1.60	1.47	1.66*	1.47	1.67	1.57	1.78	1.64
Philadelphia	1.43	1.38	1.37	1.36	1.53	1.39	1.62	1.48	1.63	1.57
Pittsburgh	.96	----------	1.01	----------	1.08	----------	1.06	----------	1.06	----------
St. Louis	.97	1.34	1.08	1.39	1.08	1.41	1.13	1.49	1.10	1.56
San Francisco-Oakland	.70	----------	.76	----------	.77	----------	.84	----------	.85	----------
Seattle	1.16	1.56	1.24	1.59	1.27	1.60	1.27	1.66	1.29	1.70
Washington, D.C	1.35	1.38	1.50	1.42	1.57	1.43	1.55	1.54	1.56	1.59

[1] Prices include all applicable taxes. Gas price is based on average per therm above 40 therms per month. Fuel oil price is based on price paid for 100 gal of No. 2 oil.

[2] The burner tip price of $1.66 per million Btu in New York City in December 1972 is allocated as follows: 78 percent to the distributor, 12 percent to the pipeline company, and 10 percent to the producer.

Source: Retail Prices and Indexes of Fuels and Electricity, June 1973, table 7, p. 6 (Bureau of Labor Statistics).

APPENDIX D.—*Average prices paid and received by major interstate pipelines*

[Cents per Mcf]

Year	Price paid at at wellhead	Price received at city gate
1964	16.39	37.14
1965	16.71	36.59
1966	16.87	36.08
1967	17.13	35.60
1968	17.32	35.33
1969	17.62	36.39
1970	18.11	38.56
1971	19.23	42.33
1972	20.54	46.17
1973 (12 months ending July)	21.53	47.94

[FR Doc.73-23914 Filed 11-12-73;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 70—EXAMINATION AND COPYING OF LABOR DEPARTMENT DOCUMENTS

Charges for Computer Services

This amendment adds to Part 70 provisions concerning the cost of making available to the public that material in Department of Labor's computerized records which is not exempted from disclosure under the Freedom of Information Act.

Computer printouts in our files which are available under the Freedom of Information Act may be purchased at the per page cost for copying as stated in 29 CFR 70.62(a). When it is necessary to query the computer to obtain a printout of information disclosable under the Freedom of Information Act, the cost for this service will be the cost to the Government of obtaining the information, including computer time. In virtually all such requests, the cost will exceed $25 and advance approval will be required unless the requester has indicated in advance his willingness to pay costs as high as are anticipated. The Department does not furnish information not now in being and which would involve programing the computer in order to obtain it. This amendment adds to 29 CFR 70.62 provisions by which the public may know our standards for charging the public for information from our computerized records available under the Freedom of Information Act.

As this amendment relates to agency procedure and practice, notice of proposed rulemaking is unnecessary. As this amendment advises the public of the cost of a service, it shall be effective November 13, 1973.

There is added to Title 29, Code of Federal Regulations, a new paragraph (h) to § 70.62 which reads as follows:

§ 70.62 Special searching and copying services.

* * * * *

(h) *Computerized records.* (1) Information available in whole or in part in computerized form which is disclosable under the Freedom of Information Act is available to the public as follows:

(i) When there is an existing printout from the computer which permits copying the printout, the material will be made available at the per page rate stated in paragraph (a)(2) of this section for each 8½- by 11-inch page.

(ii) When there is not an existing printout of information disclosable under the Freedom of Information Act, a printout shall be made provided the applicant pays the cost to the Department as hereinafter stated.

(iii) Information in our computerized records which could be produced only by additional programing of the computer, thus producing information not previously in being, is not required to be furnished under the Freedom of Information Act. In view of the usually heavy workloads of our computers, such a service cannot ordinarily be offered to the public.

(2) Obtaining information from computerized records frequently involves a minimum computer time cost of approximately $100 per request. Multiple requests involving the same subject may cost less per request. Services of personnel in the nature of a search shall be charged for at rates prescribed in paragraph (a) or (c) of this section. A charge shall be made for the computer time involved based upon the prevailing level of costs to Government organizations and upon the particular types of computer and associated equipment and the amounts of time on such equipment that are utilized. A charge shall also be made for any substantial amounts of special supplies or materials used to contain, present or make available the output of

computers based upon the prevailing levels of costs to Government organizations and upon the type and amount of such supplies and materials that are used.

(3) Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with knowledgeable Department personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall toll the running of the period for response by the Department until a reply is received from the requester.

Signed at Washington, D.C., this 7th day of November 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-24096 Filed 11-12-73;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF ACCOUNTS

DEPOSITARY CONTRACT PROVISIONS

In the FEDERAL REGISTER for August 28, 1973, at pages 22963 and 22964 there was published a notice of proposed rule making to revise the depositary contract provisions in 31 CFR Parts 202 and 203 in order to implement the provisions of Public Law 92-540, 38 U.S.C. 2012, Executive Order 11701 of January 24, 1973, 38 FR 2675, and the Labor Department regulations published January 31, 1973, 38 FR 2968. Under the provisions cited there is to be included in every contract for $2,500 or more for nonpersonal services a provision that the contractor, in order to provide special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era, list at as appropriate local office of the state employment service system all suitable employment openings.

The Department of the Treasury also proposed to utilize the amendatory action to amend the depositary contract provisions in 31 CFR Parts 202, 203 and 214 (also appearing as Treasury Department Circular Nos. 176, 92 and 1079) to include specific reference to the amendment of the Equal Employment Opportunity Executive Order 11246 by Executive Order 11375, October 13, 1967, 32 FR 14303, which prohibits discrimination in employment on grounds of sex.

Interested persons were given 30 days within which to submit written comments on the proposed amendments; no comments were received.

The proposed amendments are hereby adopted effective January 1, 1974, with the following changes:

(1) The entire text of § 202.4 is set forth, rather than only the revised final sentence.

(2) The entire text of § 203.4 is set forth rather than only the revised final sentence.

(3) The entire text of § 214.5(d) is set forth, rather than only the revised second sentence.

The changes are made in order that this adoption document may be a self-contained amendment to each Part affected.

Dated: November 8, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

PART 202—DEPOSITARIES AND FINANCIAL AGENTS OF THE GOVERNMENT

I. Section 202.4 is amended by revising the final sentence to read:

§ 202.4 Contract of deposit.

A depositary which accepts under this part enters into a contract of deposit with the Treasury Department. The terms of the contract include all the provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and the provisions of the Department of Labor regulations for the promotion of employment of disabled and Vietnam era veterans, 41 CFR Part 50-250, except that depositaries which notify the Department of the Treasury that the gross annual earning value on their Federal deposits is less than $2,500 are exempt from the application of the Department of Labor regulations.

PART 203—SPECIAL DEPOSITARIES OF PUBLIC MONEY

II. Section 203.4 is amended by revising the final sentence to read:

§ 203.4 Contract of deposit.

A special depositary which accepts a deposit under this part enters into a contract of deposit with the Treasury Department. The terms of the contract include all the provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and the provisions of the Department of Labor regulations for the promotion of employment of disabled and Vietnam era veterans, 41 CFR Part 50-250, except that depositaries which notify the Department of the Treasury that the gross annual earning value on their Federal deposits is less than $2,500 are exempt from the application of the Department of Labor regulations.

PART 214—DEPOSITARIES FOR FEDERAL TAXES

III. Section 214.5(c) is amended to read:

§ 214.5 Qualification.

* * * * *

(c) *Agreement.*—Receipt by a depositary of notice of approval of its application by the Federal Reserve Bank completes the depositary's qualification and creates an agreement between it and the Treasury Department under which the depositary agrees to be bound by all the terms and provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375.

IV. § 214.5(d) is amended by revising the final sentence to read:

§ 214.5 Qualification.

* * * * *

(d) *Existing agreements.*

Existing agreements between depositaries and the Treasury Department shall continue in effect without further action until terminated. A depositary which accepts a deposit of Federal taxes under an existing agreement thereby agrees to be bound by all the terms and provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375.

[FR Doc.73-24133 Filed 11-12-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions; New York

On May 31, 1972 (37 FR 10842), the Administrator approved with certain exceptions the New York State Implementation Plan providing for attainment and maintenance of national ambient air quality standards in accordance with requirements of the Clean Air Act as amended (42 U.S.C. 1857 et seq.). The approved portions of the plan included a control strategy which provided for the achievement of the primary standards for sulfur oxides in the New Jersey-New York-Connecticut Interstate Air Quality Control Region by 1975. The control strategy for the New York portion of the Region as contained in Part 225, Subchapter A, Chapter III, Title 6 of the New York State Official Compilation of Codes, Rules and Regulations, imposes the following limitations of the sulfur content fuel used in the area:

LIMITATIONS ON FUEL COMPOSITION

	Fuel oil type	October 1, 1972	September 30, 1973
		(*B.t.u.*)	(*Percent*)
New York City.	Residual	0.2 lb/10⁶	0.3 by weight.
	Distillate	0.2 lb/10⁶	0.2 by weight.
Suffolk County	Residual	1.65 lb/10⁶	0.3 by weight.
	Distillate	1.65 lb/10⁶	0.2 by weight.

NOTE: 1 lb/10⁶ B.t.u. is approximately equivalent to 1.85% sulfur by weight.

Air quality data obtained from a comprehensive network of sampling stations clearly establish that national primary standards for sulfur oxides have been achieved throughout the region except for the core area of New York City. These data also indicate that national secondary standards have been achieved in a major portion of Suffolk County.

On October 26, 1973, New York State proposed to grant to Northville Industries Corporation a temporary exception to the control strategy requirements for sulfur oxides in Suffolk County in the New Jersey-New York-Connecticut Interstate Air Quality Control Region.

New York State's proposal to grant the temporary exception to the requirements of Part 225.2, Subchapter A, Chapter III, Title 6 of the New York State Official Compilation of Codes, Rules and Regulations (6 NYCRR 225), pertaining to fuel oil marketed by Northville Industries Corp. and used by its customers in Suffolk County, is hereby approved for the following reasons: the proposed revision was adopted by the State after adequate notice and public hearings under expedited procedures approved by the Administrator in matters relating to fuel supply; it satisfies the substantive requirements of 40 CFR Part 51 that pertain to revisions of implementation plans; it has been determined to be consistent with Federal fuel and energy policies; and the revision will not prevent the achievement and maintenance of national ambient air quality standards for sulfur oxides in Suffolk County.

The need for this plan revision results from Northville Industries' petition of September 25, 1973, that the State of New York grant the corporation temporary relief from the requirements of 6 NYCRR 225 in order that the corporation might obtain non-conforming fuel oil for distribution to its customers. After a determination had been made that the Northville Industries fuel oil supply at its storage facilities was 15 percent of the 1972 inventory level for distillate oil and 5–10 percent of the 1972 inventory level for residual (#4, 6 oil), New York State granted an emergency variance to the industry to market residual fuel oil with a sulfur content of up to 1.0 percent by weight in Suffolk County for a period of eight (8) to eighteen (18) days. At the same time New York State announced that public hearings would be held on October 19, 1973, to consider the application for exception. Northville Industries supplies approximately 30 percent of the distillate market and 15 percent of the residual oil market in Nassau and Suffolk Counties.

Testimony presented at the hearings indicated that Northville Industries Corporation has acted in good faith in attempting to obtain conforming fuel for distribution to its customers in the New York Metropolitan Area and had in fact attempted without success to trade-off non-conforming fuel or conforming fuels with suppliers in other geographic areas. New York State has recommended that an exception be granted to the requirements of 6 NYCRR Part 225.2 as contained in the New York State Implementation Plan in the amounts of 3,575,000 barrels of distillate (#2) oil, 520,000 barrels of #4 oil and 422,500 barrels of #6 oil for purchasers in Nassau and Suffolk Counties provided that the sulfur contents of the non-conforming fuels do not exceed 2.0 percent by weight. The New York State approval of the Northville Industries application is contingent on the corporation commitment to undertake a program of geographical fuel oil allocation to assure that available supplies of conforming fuel will be distributed to customers in New York City where the use of non-conforming fuel would seriously jeopardize achievement and maintenance of the national primary standards for sulfur oxides. New York State has determined on the basis of "rollup" calculations that the use of this non-conforming fuel will not seriously impact on the air quality in Nassau and Suffolk Counties nor will it jeopardize the maintanance of national air quality standards. In conjunction with this approval, the State has established monitoring and surveillance procedures to assure that conditions of the exceptions are complied with. These conditions include the requirement that any cost differential accruing to the benefit of Northville Industries be passed along to the consumer. The Administrator believes that the best interests of the public will be served and the public health and welfare adequately protected by his approval of this temporary exception to the requirements of the New York State Implementation Plan.

The agency finds that good cause exists for making this variance effective upon publication because absence of this fuel supply would adversely impact on the health and safety of more than one-half million persons who depend on the fuel supplied by Northville Industries and who are unlikely to obtain alternate source of heating fuel during the winter.

Immediate effectiveness of this approval will enable the source involved to proceed with certainty in conducting its affairs and persons wishing to seek judicial review of the approval may do so without delay.

AUTHORITY: 42 U.S.C. 1857c-5.

Dated: November 7, 1973.

RUSSELL E. TRAIN,
Administrator,
Environmental Protection Agency.

Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart HH—New York

1. Section 52.1675 is amended by adding new paragraph (f) as follows:

CONTROL STRATEGY AND REGULATIONS: SULFUR OXIDES

* * * * *

Notwithstanding the requirements of Part 225, Subchapter A, Chapter III, Title 6 of the New York State Official Compilation of Codes, Rules and Regulations, the applicable limitation on the sulfur content of fuel oil marketed by Northville Industries and used by its customers in Suffolk County until January 15, 1974 is:

Fuel oil type	Maximum quantity (barrels)	Maximum sulfur content % by weight
No. 2 distillate	3,575,000	2.0
No. 4 residual	520,000	2.0
No. 6 residual	422,500	2.0

[FR Doc.73-24254 Filed 11-12-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ATOMIC ENERGY COMMISSION

PART 9-7—CONTRACT CLAUSES

PART 9-12—LABOR

Miscellaneous Amendments

The AECPR changes in Part 9-7 and Subpart 9-12.3 are being made in order to recognize the new title of the Contract Work Hours and Safety Standards Act. The new Subpart 9-12.11, Listing of Employment Openings, is being added in order to implement the new FPR Subpart 1-12.11.

Subpart 9-7.50—Use of Standard Clauses

1. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.000-50, Policy cost-type contractor procurement, is revised to read as follows:

§ 9-7.000-50 Policy, cost-type contractor procurement.

Contracting officers shall require cost-type contractors to use terms and conditions in connection with procurement under their AEC contracts which are adequate to protect the Government's interests consistent with their contractual obligations. In addition to the prime contract flowdown provisions, the instructions and notes in §§ 9-7.5004-3, 9-7.5004-7, 9-7.5004-10, 9-7.5004-11, and 9-7.5006-47 are to be applied to cost-type contractor procurement. Other terms and conditions shall be included as may be required as a matter of law (e.g., Contract Work Hours and Safety Standards Act—Overtime Compensation, Davis-Bacon Act, etc.) or as appropriate under the circumstances.

Subpart 9-12.3—Contract Work Hours and Safety Standards Act (Other Than Construction Contracts) [Amended]

2. In Part 9-12, Labor, the title of Subpart 9-12.3, is changed to read, as set forth above.

Subpart 9-12.11—Listing of Employment Openings

3. In Part 9-12, Labor, a new Subpart 9-12.11, Listing of Employment Openings, is added as follows:

Sec.

9-12.1150 Applicability.

AUTHORITY: Section 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948,

42 U.S.C. 2201; Section 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

§ 9–12.1150 Applicability.

The provisions of FPR Subpart 1–12.11 apply to cost-type contractor procurement.

Effective Date: These amendments are effective November 13, 1973.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

Dated at Germantown, Maryland this 6th day of November 1973.

[FR Doc.73-24090 Filed 11-12-73;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E–135]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.5—GSA Procurement Programs

SECURITY CABINETS

This amendment provides policy and procedures for submitting requirements for security cabinets to enable GSA to enter into definite quantity procurement contracts on a quarterly basis.

1. Section 101–26.507–1 is revised to read as follows:

§ 101–26.507–1 Submission of requirements.

Requirements for security cabinets covered by the latest edition of Federal Specifications AA–F–357, AA–F–358, and AA–F–00363, and Interim Federal Specification AA–F–00364 (GSA–FSS) shall be submitted in FEDSTRIP/MILSTRIP format to the GSA regional office servicing the geographical area of the consignee. GSA will consolidate the requirements quarterly for procurement on a definite quantity basis.

2. Section 101–26.507–2 is revised to read as follows:

§ 101–26.507–2 Procurement time schedule.

Planned requirements for security cabinets will be consolidated by GSA on January 31, April 30, July 31, and October 31 of each year. The consolidation of requirements will serve as the basis for executing definite quantity contracts. To ensure inclusion in the invitation for bids, requirements shall be submitted on or before January 1, April 1, July 1, or October 1, as appropriate. Requirements received after any of these dates normally will be carried over to the subsequent consolidation date. Approximately 180 calendar days following the consolidation dates should be allowed for initial delivery. Requisitions shall include a required delivery date which reflects anticipated receipt under this time schedule.

3. Section 101–26.507–4 is revised to read as follows:

§ 101–26.507–4 Quantities in excess of the maximum order limitation.

Quantities exceeding the maximum order limitation under the Federal Supply Schedule will also be consolidated and procured by GSA pursuant to § 101–26.507–2. Where those quantities are required to be delivered before the time frames established for the quarterly consolidated procurement, the requisition must indicate the earlier required delivery. As necessary, separate procurement action will be taken by GSA to satisfy the requirement.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Effective date. This regulation is effective on November 13, 1973.

Dated: November 7, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.73-24129 Filed 11-12-73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER Q—SPECIFICATIONS

[CGD 73–201R]

PART 160—LIFESAVING EQUIPMENT

Watertight Lights

The purpose of this amendment to the lifesaving equipment regulations is to allow the exterior light for an inflatable liferaft to be—

(1) Steady incandescent with a minimum light output of 5.0 candela;

(2) Flashing incandescent with a minimum light output of 5.0 effective candela;

(3) Flashing stroboscopic with a minimum light output of 0.5 candela-second flash; or

(4) Capable of being seen from a distance of 2 miles.

Section 160.051–7(b)(5) of Title 46, Code of Federal Regulations, was amended in the August 24, 1972 issue of the FEDERAL REGISTER (37 FR 17036). That amendment changed the standard for the exterior canopy light from a 2-mile requirement to a specification of 3 light types with minimum acceptable light output that meets the 2-mile requirement. The effective date for the new specification is September 22, 1972, for liferafts approved after the effective date. For liferafts approved before September 22, 1972, the effective date for the new specification is July 1, 1973.

After the rule was published in the FEDERAL REGISTER, it was determined that the new specification could not be administered since the lights were not available to the public. This document corrects the problem by including the old specification with the new, and allowing the choice to be made based on what can be obtained in the market place.

Since the old specification and the new specification were subject to rulemaking procedures, an additional notice of rulemaking is unnecessary. Since there is no additional burden placed on anyone, the amendment may be made effective on November 13, 1973.

In consideration of the foregoing, Part 160 of Title 46, Code of Federal Regulations is amended as follows:

1. By revising § 160.051–7(b)(5) to read as follows:

§ 160.051–7 Equipment.

* * * * *

(b) * * *

(5) *Lights.*

(i) The canopy required in § 160.051–4(c) must have a light attached to the—

(*a*) Top; and

(*b*) Inside.

(ii) The lights required in paragraph (b)(5)(i) of this section must—

(*a*) Operate automatically when the raft is inflated;

(*b*) Be capable of 12 months service;

(*c*) Be watertight; and

(*d*) Be powered by wateractivated or dry cells that are—

(*1*) Capable of operating the light for 12 hours after being stored for a period of time up to 24 months; and

(*2*) Renewed when the raft undergoes annual servicing.

(iii) The light required in paragraph (b)(5)(i)(*a*) of this paragraph must be—

(*a*) Installed with a power source that operates the light for 12 hours; and

(*b*) Capable of being seen from a distance of 2 miles or be one of the light types listed in Table 1 of this section.

TABLE 1

Light type	Light output (minimum) [1]	Flash frequency cycles/min.	
		Minimum	Maximum
Steady incandescent	5.0 candela	0	0
Flashing incandescent	5.0 effective candela	50	70
Flashing stroboscopic	0.5 candela-second flash	50	70

[1] The minimum light output shall be maintained in all directions of the upper hemisphere.

* * * * * * *

(iv) The light required in subparagraph (5)(i)(*b*) must be provided with a separate power source that—

(*a*) Operates the light for 12 hours; and

(*b*) Has a means of interrupting the current to the lights.

* * * * *

(R.S. 4405, as amended. R.S. 4463, as amended, sec. 6(b)(1), 80 Stat. 937 (46 U.S.C. 375, 416, 49 U.S.C. 1655(d)(1)); 49 CFR 1.46(b).)

Effective date. The amendment shall become effective on November 16, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

NOVEMBER 6, 1973.

[FR Doc.73-24092 Filed 11-12-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-1129]

PART 0—COMMISSION ORGANIZATION

Reorganization of the Field Engineering Bureau

By the Commission:

1. The tremendous growth of non-government radio communications services in recent years has placed many demands upon the Commission's field activities. Several conducted both internally and externally have indicated a need for restructuring the Field Engineering Bureau so as to improve its management efficiency and operational effectiveness. Accordingly, the Commission has reorganized the Field Engineering Bureau so as to strengthen its ability to carry out its assigned functions.

2. Because these amendments relate to internal agency organization, the prior notice, procedural and effective date provisions of the Administrative Procedure Act (5 USC 553) do not apply. Authority for these amendments is contained in Sections 4(i), 5(b), 5(d), and 303(r) of the Communications Act of 1934, as amended.

3. IT IS ORDERED, That, effective November 13, 1973, Part 0 of the Rules and Regulations is amended as set forth in the Appendix attached hereto.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).)

Adopted: October 31, 1973.

Released: November 1, 1973.

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

APPENDIX

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 0.111 is revised to read as follows:

FIELD OPERATIONS BUREAU

§ 0.111 Functions of the Bureau.

The Field Operations Bureau is responsible for all Commission engineering activities performed in the field relating to radio stations including station inspections, surveys, monitoring, direction finding, signal measurement, and investigations; for those enforcement activities performed in the field dealing with the suppression of interference and the inspection of devices possessing electromagnetic radiation characteristics; and such other field inspections, investigations, or monitoring as might be required by the Commission or the bureaus and staff offices. The Bureau also performs the following functions:

* * * * *

2. Section 0.112 and headnote are revised to read as follows:

§ 0.112 Units of the Bureau.

The Bureau consists of the following units:

(a) Office of the Bureau Chief
(b) Enforcement Division
(c) Regional Services Division
(d) Engineering Division

3. Section 0.113 is revised to read as follows:

§ 0.113 Office of the Bureau Chief.

The Office of the Bureau Chief plans, directs, and coordinates the activities of the Bureau including its field activities.

4. Section 0.114 and headnote are revised to read as follows:

§ 0.114 Enforcement Division.

The Enforcement Division is responbile for:

(a) Radio monitoring including coordinating Commission monitoring activities with centralizing offices for international monitoring in other countries, with other Federal Government agencies, and with industry self-help groups. The monitoring stations, whose operations are directed and the results evaluated by this Division, perform surveillance of the radio spectrum, detect and locate illegal radio stations and sources of interference, enforce radio laws and regulations, gather facts through monitoring and engineering measurements to resolve interference problems and to assist the Commission in rulemaking, participate through direction finding in search and rescue operations involving distressed ships and aircraft, and perform monitoring and direction finding work under contractual arrangements with other Federal governmental agencies.

(b) The inspection functions of the Bureau, including responsibility for the development and making of recommendations with respect to the priority and frequency of station inspections.

(c) Planning enforcement and investigative programs for the Bureau; directing and supervising investigations by the field enforcement facilities; and maintaining liaison with other bureaus and offices of the Commission with respect to the conduct of investigations in their behalf.

(d) The enforcement of Parts 15 and 18 of this chapter relative to equipment, interference and related problems involving the devices and equipment regulated by these parts.

(e) Directing and evaluating the activities of the field enforcement installations.

5. Section 0.115 and headnote are revised to read as follows:

§ 0.115 Regional Services Division.

The Regional Services Division is responsible for:

(a) The examination functions of the Bureau, including responsibility for Part 13 of this chapter concerning the licensing of commercial radio operators, and recommending action on matters of noncompliance with rules, acts, or treaties by these operators.

(b) The administration, interpretation, and revision of Part 17 of this chapter governing construction, marking, and lighting of antenna structures, including the processing of data concerning proposed new or modified antenna construction to insure no hazard to air navigation results from the proposed construction; liaison with the Federal Aviation Administration in respect to matters concerning antenna tower construction and antenna hazards.

(c) The review and action upon certifications of individual equipment installations submitted to the Commission pursuant to Part 18 of this chapter.

(d) Directing and evaluating the activities of the public service offices.

6. Section 0.116 and headnote are revised to read as follows:

§ 0.116 Engineering Division.

The Engineering Division is responsible for:

(a) The development of measuring procedures and techniques for the guidance of field personnel in performing engineering measurements.

(b) The determination of technical equipment and facilities requirements of all Bureau field installations in the conduct of their assigned duties and for the provision of such equipment and facilities.

(c) The determination of field real property requirements and for acquisition, administration, maintenance, and disposal of all Commission real property utilized for enforcement purposes including design of electrical, mechanical, environmental and civil engineering systems for needed physical plant facilities.

(d) The financial management of Bureau other object requirements including control of budget execution policies for all Bureau technical and real property financial resources utilization.

7. Section 0.311 headnote, par. (a), (a)(1) and par. (b) are revised to read as follows:

FIELD OPERATIONS BUREAU

§ 0.311 Authority delegated to the Chief and to the Deputy Chief of the Field Operations Bureau.

(a) The Chief of the Field Operations Bureau is delegated authority to act upon the following matters which are not in hearing status:

(1) Except as otherwise provided in § 1.61 of this chapter, with respect to the construction, marking and lighting of antenna towers and supporting structures, to exercise the functions of the Commission as set forth in Part 17 of this chapter: Provided, however, That in cases in which the Federal Aviation Agency recommends denial of any application, the Chief of the Field Operations Bureau advises the bureau concerned in order that it may submit the

application to the Commission for appropriate action.

* * * * *

(b) The Chief and the Deputy Chief of the Field Operations Bureau are authorized to declare that a state of general communications emergency exists and to act on behalf of the Commission pursuant to the provision of § 97.107 of this chapter with respect to the operation of amateur stations during a state of general communications emergency.

[FR Doc.73-24110 Filed 11-12-73;8:45 am]

Title 49—Transportation

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

[Docket No. 71-18; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Non-Passenger Car Tires

This notice establishes a new Motor vehicle safety standard No. 119, *New pneumatic tires for vehicles other than passenger cars*, 49 CFR 571.119, which specifies performance and labeling requirements for new pneumatic tires designed for highway use on multipurpose passenger vehicles, trucks, buses, trailers and motorcycles manufactured after 1948, and which requires treadwear indicators in tires, and rim matching information concerning those tires.

Notices of proposed rulemaking on this subject were published on August 5, 1971 (36 FR 14392), and July 8, 1972 (37 FR 13481).

The July 1972 notice proposed that, instead of including the voluminous "tire tables" of tire size designations, maximum loads and inflation pressures, and dimensions in the standard, the manufacturers continue as at present to use the industry association tire and rim manuals for the purpose of product standardization. Since the only tire characteristics relevant to the safety performance tests of the standard are general tire type, speed restrictions, maximum load rating, load range, and rim diameter, all of which are readily available or labeled on the tire itself, the tables are not necessary for the performance requirements. To prevent these private associations from having ultimate regulatory power over individual manufacturers, a provision was included in the proposal by which a manufacturer who wished to differ from the values in the association tables could do so by providing separate information to the NHTSA, to his dealers, and to the public upon request. To prevent the underrating of tires of an established size designation, another provision would prohibit the assignment by a manufacturer of a maximum load rating to a particular tire size designation that is lower than the load rating already published elsewhere for that tire size designation.

Many domestic tire manufacturers objected to lack of tire tables on the grounds that it in effect endorsed non-standardization of tire specifications. They and some representatives of the trucking industry speculated that there might be danger of mis-match arising from the production of tires whose dimensions deviate substantially from the published dimensional specifications for tires of that size designation. Several of the domestic manufacturers recommended inclusion of the (American) Tire and Rim Association tables in the standard because of the experience that domestic manufacturers have with road conditions in the United States.

Other manufacturers, however, supported the deletion of tire tables for several reasons. They argued that a single standard would discourage innovation in tire design and suggested that the complexities of selection and maintenance of truck tires could not be reduced to a single table of values. They asserted that standardized new-tire dimensions do not eliminate the need to measure tires for proper dual matching, because tires wear differently in use and thereafter rarely match new or used tires of the same size.

Upon consideration of all relevant information, the NHTSA has concluded that the position taken in the proposal is sound, and it is adopted in the rule. The inclusion in the Code of Federal Regulations of load-inflation and dimension tables for every road tire sold in this country (they presently are included in Standard 109 only for passenger cars) would be a vastly cumbersome process, not only in its inception but as a continuous maintenance task. The NHTSA finds no justification at this time for undertaking to monitor substantively the manufacturer processes and testing that lead to the continual changes in the standard association tables, so its function in this regard would be largely clerical. The point is not, as the (U.S.) Rubber Manufacturers Association asserted, primarily one of "administrative convenience". It is that no justification has been found for locking both the government and the world tire industry into a restrictive and unwieldy system by which the Code of Federal Regulations is formally amended every time a manufacturer decides to add a tire size, or change the load rating or dimensional specifications of one of its tires. There are many reasons to avoid over-regulation; "administrative convenience" is among the least of them.

This agency has no intent to dilute the standardizing function of the trade-association table systems that presently are used to provide necessary tire and rim information to dealers and users. These systems monitor the safety aspects of tire dimension and load rating satisfactorily now without government regulation, and the NHTSA expects that they will continue to do so. No evidence has been presented of under- or over-sizing of tires that would warrant the institution of a massive government regulatory program in that area. If such a practice should arise in the future to a degree that constitutes a public hazard, the NHTSA has ample authority to deal with it specifically, as a safety-related defect, and prospectively, under its rulemaking powers.

The argument that the agency should include only the domestic Tire and Rim Association tables, thereby requiring foreign tire manufacturers to build tires under the specifications, and presumably the approval, of the domestic association, is found to be without merit. The wording and the legislative history of the National Traffic and Motor Vehicle Safety Act show a clear Congressional intent to give evenhanded treatment to domestic and foreign manufacturers of motor vehicles and equipment, and this has always been the policy of the NHTSA. This agency has no evidence that foreign associations or manufacturers lack the information necessary to produce safe tires for the American market.

Finally, the argument that the agency could or should by some means prevent "proliferation" of new tire sizes is without substance. No concrete justification has been presented for attempting to limit the introduction of new tire sizes, and to date no significant safety problems have been found caused by the addition of new tire sizes. The NHTSA assumes that the competition and consumer demand forces of the private sector will operate as in other areas of our economy, to produce a satisfactory product population.

The criteria for tire failure in the endurance and high speed laboratory tests have been substantially modified from those of the proposal in response to comments to this docket and Docket 71-10, Notice 2 (37 FR 19381, September 20, 1972), which proposed identical changes in the passenger car tire failure criteria. This regulation adopts the same failure criteria as were adopted in final form for passenger car tire tests on September 28, 1973 (38 FR 27050) and relies on several new and revised definitions found in Standard 109. The preamble to the passenger car tire amendment fully explains the modifications made, and it is only noted here that the changes are substantially in agreement with manufacturers' requests to specify the tire failures with particularity. A pre-test inspection has been added to discover failures in construction evident without dynamic testing. Additionally the required air pressure following the test run has been raised to 100 percent of the original pressure.

Several comments questioned the inclusion of all non-passenger car tires in one standard, pointing out that tire design differs radically to optimize desirable characteristics for each vehicle type and application. However, this standard does not attempt to measure the optimum characteristics of each type of non-passenger tire. This standard only establishes minimum performance characteristics which any type of tire must satisfy to be safely used on public highways. Passenger car tires have been subjected to

such a standard in the past and this proposal extends a comparable minimum standard to all other tire types designed for highway use. The requirements recognize the design differences between tire types by establishing different test values for different tire types, size, construction, load ranges, and speed restrictions.

Comments to the docket requested physical tolerances and related accommodations for test purposes. These arise from misunderstanding of the legal nature of the safety standards, which are performance levels that each vehicle or item of motor vehicle equipment must meet, and not instructions for manufacturer testing. The temperature conditions for tire testing have been reworded to reflect the legal meaning and the NHTSA testing practices relative to tire standards. The proposed standard would make clear that the tire must be capable of meeting the requirements when tested at any ambient temperature up to 100° F. The legal significance of this requirement is explained in a general provision of Part 571, § 571.4, *Explanation of usage*. In NHTSA compliance testing, the ambient temperature would be maintained in a range between 90° and 100° F., and any test failure under those conditions would be considered a failure to meet the standard. Manufacturer testing should be directed at proving the tire's capability in the exercise of due care, by testing under conditions at least as adverse as any that could be established in accordance with these procedures.

The trucking industry questioned the advisability of labeling maximum inflation and load rating on the tire because it appeared to prohibit the adjustment of pressures to road conditions. The purpose of the labeling is to establish test values for the tire and to warn the user of the tire's maximum capabilities. The label does not prohibit adjustment of pressure to suit road conditions or prevent a manufacturer from recommending other inflation-load combinations on the tire or in accompanying literature to suit specific circumstances.

European manufacturers objected to the requirement that load rating be indicated by a "load range" index not in world-wide use. The primary purpose of the load range index is to indicate categories of strength within the size designations, for user information and test purposes. It should be understood that a manufacturer may use whatever additional systems he chooses to indicate his assessment of tire strength. Information such as metric equivalents and ply ratings, for example, may be added to sidewall labeling as long as the required information appears in the required format on the tire.

Several manufacturers suggested that labeling appear on only one side of a tire when both sides of the tire, as mounted, will be available for inspection. Accordingly, motorcycle tires must now be labeled on one side only, but the inaccessibility of both sidewalls on trucks and bus tires for visual inspection precludes one-sidewall labeling of these categories.

Despite this inaccessibility, however, the identification code appears on one sidewall only, because placing the ID slug in the upper half of a hot process mold is a difficult and dangerous operation. In response to another labeling request, the DOT symbol must not be placed on the tire before the effective date of the standard.

Several manufacturers argued for greater design freedom in the placement of treadwear indicators because the proposed locations could generate useless, arbitrary information when applied to "lug" tread designs. In response, tread "groove", "width", and "depth" have been defined so that the treadwear indicators are placed to indicate wear in that portion of the tread which contacts the ground.

Several comments on the endurance requirement requested lower test loads and speed to approximate actual driving conditions on flat surfaces. The NHTSA does not utilize the laboratory test wheel to simply approximate road conditions but rather to apply strictly controlled amounts of stress to moving tires over long periods in order to measure a minimum level of performance. Industry testing established these values and they have been independently verified in NHTSA's Safety Systems Laboratory as an accurate gauge of tire endurance. Another manufacturer expressed confusion about the appropriate endurance test standards for mining and logging tires. These tires are generally speed-restricted tires and should be tested in accordance with the values established in Table III for all other speed-restricted tires.

In response to another comment, it should be noted that test accuracy also requires a standardized test wheel diameter, because the wheel's curvature directly affects a tire's ability to absorb strain.

Several manufacturers requested elimination of the pressure reading following the 47-hour run so that they could run the tire to destruction in accordance with industry test practices without stopping to make the measurement. This request cannot be granted because the new procedures for evaluating tire failure necessitate stopping after the run to inspect the tire, in addition to stopping to take a pressure reading.

Comments raised the validity of the strength test when applied to tires incorporating recent innovations in tire design. It appears that recent changes in the construction of passenger car tires, especially the addition of belts under the tread, have tended to make the strength test specified in Standard 109 obsolete (38 FR 1055, January 8, 1973). However, the construction of non-passenger tires permits accurate measurement of tire strength without the "bottoming out" problem noted in the comments, if the proper plunger size and breaking energy value are used. A differential in breaking energy value between tubed and tubeless tires accommodates the smaller dimensions of the newer tubeless configurations that replace tube tires of the same load range. The "light truck" category accommodates the different design and construction materials which manufacturers use in these tires designated for this specialized service. The NHTSA does not agree that lower breaking energy values should apply to tires under 7 inches in section width as suggested in one comment, because these tires are no smaller than typical passenger care tires subjected to similar testing and similar conditions on the highway. In response to another comment, the NHTSA has concluded that differences in the construction of steel-belted tires are not sufficient to justify lower energy values in the plunger test similar to those extended to rayon tires.

Objections to the high speed performance requirements questioned the testing of all light tires (load ranges A, B, C, and D) under the same high-speed conditions. The NHTSA has eliminated speed-restricted tires from the requirement but will maintain high-speed requirements for all motorcycle, trailer, and truck tires. While it is true that these tires are especially constructed for their purpose and often are mounted on vehicles marked with speed restrictions, there is no assurance that these tires will be properly utilized. The difficulty lies with drivers who ignore rental trailer speed limits, subject boat or mobile home trailer tires to higher than recommended speeds, attempt to improve the performance of their low speed motorcycles, or drive trucks equipped with light truck tires at high speed on the highway. This probability of abuse creates a safety problem which can be met by requiring these tires to withstand such high speed abuse. Load range D tires over 15 inches in section width are presently subject to the high speed test but may be reclassified on the basis of future test experience.

Comments to the docket objected to the proposed effective date and requested up to 18 months leadtime following issuance of the standard on the grounds that the large variety of tires to be certified requires substantial enlargement of test facilities. This standard has been in various proposal stages for 4 years, however, which has provided the tire industry ample opportunity to make plans for the acquisition and installation of test facilities and therefore leadtime of 9 months is considered adequate.

In consideration of the foregoing, a new Standard 119, *New pneumatic tires for vehicles other than passenger cars*, is added to Part 571 of Title 49, Code of Federal Regulations, to read as set forth below.

Effective date: September 1, 1974.

(Secs. 103, 112, 113, 114, 119, 201, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421); delegation of authority at 49 CFR 1.51.)

Issued on November 5, 1973.

JAMES B. GREGORY,
Administrator.

§ 571.119 **Standard No. 119; New pneumatic tires for vehicles other than passenger cars.**

S1. *Scope.* This standard establishes performance and marking requirements for tires for use on multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles.

S2. *Purpose.* The purpose of this standard is to provide safe operational performance levels for tires used on motor vehicles other than passenger cars, and to place sufficient information on the tires to permit their proper selection and use.

S3. *Application.* This standard applies to pneumatic tires designed for highway use on multipurpose passenger vehicles, trucks, buses, trailers and motorcycles manufactured after 1948.

S4. *Definitions.* All terms defined in the Act and the rules and standards issued under its authority are used as defined therein.

"Light truck tire" means a tire of the same size designation and dimensions as a passenger car tire but of different construction, which has been described by its manufacturer as suitable for use on lightweight trucks or multipurpose passenger vehicles.

"Model rim assembly" means a test device that (a) includes a rim which conforms to the published dimensions of a commercially available rim, (b) includes an air valve assembly when used for testing tubeless tires or an innertube and flap (as required) when used for testing tubetype tires, and (c) undergoes no permanent rim deformation and allows no loss of air through the portion that it comprises of the tire-rim pressure chamber when a tire is properly mounted on the assembly and subjected to the requirements of this standard.

S5. *Tire and rim matching information.* S5.1 Each manufacturer of tires shall ensure that a listing of the rims that may be used with each tire that he produces is provided to the public in one of the following forms:

(a) Listed by manufacturer name or brand name in a document furnished to dealers of the manufacturer's tires, to any person upon request, and in duplicate to: Tire Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590; or

(b) Contained in publications, current at the date of manufacture of the tire or any later date, of at least one of the following organizations:

The Tire and Rim Association.
The European Tyre and Rim Technical Organisation.
Japanese Industrial Standards.
Deutsche Industrie Norm.
The Society of Motor Manufacturers & Traders, Ltd.
British Standards Institution.
Scandinavian Tire and Rim Organization.

S5.2 Information contained in a publication specified in S5.1(b) which lists general categories of tires and rims by size designation, type of construction, and/or intended use, shall be considered to be manufacturer's information pursuant to S5.1 for the listed tires, unless the publication itself or specific information provided according to S5.1(a) indicates otherwise.

S6. *Requirements.* Each tire shall be capable of meeting any of the applicable requirements set forth below, when mounted on a model rim assembly corresponding to any rim designated for use with the tire in accordance with S5. However, a particular tire need not meet further requirements after having been subjected to and met the endurance test (S6.1), strength test (S6.2), or high speed performance test (S6.3).

S6.1 *Endurance.*

S6.1.1 Prior to testing in accordance with the procedures of S7.2, a tire shall exhibit no visual evidence of tread, sidewall, ply, cord, innerliner, or bead separation, chunking, broken cords, cracking, or open splices.

S6.1.2 When tested in accordance with the procedures of S7.2:

(a) There shall be no visual evidence of tread, sidewall, ply, cord, innerliner, or bead separation, chunking, broken cords, cracking, or open splices.

(b) The tire pressure at the end of the test shall be not less than the initial pressure specified in S7.2(a).

S6.2 *Strength.* When tested in accordance with the procedures of S7.3 a tire's average breaking energy value shall be not less than the value specified in Table II for that tire's size and load range.

S6.3 *High Speed performance.* When tested in accordance with the procedures of S7.4, a tire shall meet the requirements set forth in S6.1.1 and S6.1.2(a) and (b). However, this requirement applies only to non-speed-restricted tires of load ranges A, B, C, and D.

S6.4 *Treadwear Indicators.* Except as specified below, each tire shall have at least six treadwear indicators spaced approximately equally around the circumference of the tire that enable a person inspecting the tire to determine visually whether the tire has worn to a tread depth of one-sixteenth of an inch. Tires with 12-inch or smaller rim diameter shall have at least three such treadwear indicators. Motorcycle tires shall have at least three such indicators which permit visual determination that the tire has worn to a tread depth of one-thirty-second of an inch. The indicators shall, as a minimum, show treadwear—

(a) At locations on the tread not more than one fourth of the tread width from the edge of the tread, and

(b) At the tread centerline, or if there is no tread groove at the centerline, at locations not further from the tread centerline than the distance to the centerline of the nearest tread groove.

For the purposes of this requirement: "Tread groove" means any tread opening or space greater than two-tenths of an inch between raised tread elements, regardless of direction or configuration. "Tread width" means the measurement across that portion of the tire which comes in contact with the ground in normal use. "Tread depth" of a point on the tread means the distance from the surface that comes in contact with the ground at that point to a parallel plane that passes through the bottom of the tread groove nearest the centerline of the tire.

S6.5 *Tire Marking.* Except as specified below, each tire shall be marked on each sidewall with the information specified in paragraphs (a) through (j) of this section. The markings shall be placed between the maximum section width (exclusive of sidewall decoration or curb ribs) and the bead on at least one sidewall. The marking shall be raised above or sunk below the tire surface not less than 0.015 inches, except that the tire identification marking shall comply with Part 574 of this chapter. Markings may appear on only one sidewall and the entire sidewall area may be used in the case of motorcycle tires and recreational, boat baggage, and special trailer tires.

(a) The symbol DOT, which shall constitute a certification that the tire conforms to applicable Federal motor vehicles safety standards. This symbol may be marked on only one sidewall.

(b) The tire identification number required by Part 574 of this chapter. This number may be marked on only one sidewall.

(c) The tire size designation as listed in the documents and publications designated in S5.1.

(d) The maximum load rating and inflation pressure of the tire, shown as follows:

TIRE RATED FOR SINGLE AND DUAL LOAD

Max. load single ____ lbs. at ____ psi cold
Max. load dual _____ lbs. at _____ psi cold

TIRE RATED ONLY FOR SINGLE LOAD

Max. load _____ lbs. at _____ psi cold

(e) The speed restriction of the tire, if any, shown as follows:

Max. speed _____ mph.

(f) The actual number of plies and the composition of the ply cord material in the sidewall, and, if different, in the tread area.

(g) The words "tubeless" or "tube type" as applicable.

(h) The word "regroovable" if the tire is designed for regrooving.

(i) The word "radial" if a radial tire.

(j) The letter designating the tire load range.

S6.6 *Maximum load rating.* If the maximum load rating for a particular tire size is shown in one or more of the publications described in S5.1(b), each tire of that size designation shall have a maximum load rating that is not less than the published maximum load rating, or if there are differing published ratings for the same tire size designation, not less than the lowest published maximum load rating for the size designation.

S7. *Test Procedures.*

S7.1 *General Conditions.*

S7.1.1 The tests are performed using an appropriate new tube, tube valve and

flap assembly (as required) that allows no loss of air for testing of tube-type tires under S7.2, S7.3, and S7.4, and tubeless tires under S7.3.

S7.1.2 The tire must be capable of meeting the requirements of S7.2 and S7.4 when conditioned at any ambient temperature up to 100° F. for 3 hours before the test is conducted, and with an ambient temperature maintained at any level up to 100° F. during all phases of testing. The tire must be capable of meeting the requirements of S7.3 when conditioned at any ambient temperature up to 70° F. for 3 hours before the test is conducted.

S7.2 *Endurance.* (a) Mount the tire on a model rim assembly and inflate it to the inflation pressure corresponding to the maximum load rating marked on the time. Use single maximum load value when the tire is marked with both single and dual maximum load.

(b) After conditioning the tire-rim assembly in accordance with S7.1.2, adjust the tire pressure to that specified in (a) immediately before mounting the tire rim assembly.

(c) Mount the tire-rim assembly on an axle and press it against a flat-faced steel test wheel that is 67.23 inches in diameter and at least as wide as the tread of the tire.

(d) Apply the test load and rotate the test wheel as indicated in Table III for the type of tire tested conducting each successive phase of the test without interruption.

(e) Immediately after running the tire the required time, measure the tire inflation pressure. Remove the tire from the model rim assembly, and inspect the tire.

S7.3 *Strength.* (a) Mount the tire on a model rim assembly and inflate it to the pressure corresponding to the maximum load or maximum dual load where there is both a single and dual load marked on the tire. If the tire is tubeless, insert a tube to prevent loss of air during the test in the event of puncture.

(b) After conditioning the tire-rim assembly in accordance with S7.1.2, adjust the tire pressure to that specified in (a).

(c) Force a cylindrical steel plunger, with a hemispherical end and of the diameter specified in Table I for the tire size, perpendicularly into a raised tread element as near as possible to the centerline of the tread, at a rate of 2 inches per minute, until the tire breaks or the plunger is stopped by the rim.

(d) Record the force and the distance of penetration just before the tire breaks, or if it fails to break, just before the plunger is stopped by the rim.

(e) Repeat the plunger application at 72° intervals around the circumference of the tire, until five measurements are made.

(f) Compute the breaking energy for each test point by the following formula:

$$W=\frac{FP}{2}$$

where

W=Breaking energy,
F=Force in pounds, and
P=Penetration in inches.

(g) Determine the average breaking energy value for the tire by computing the average of the five values obtained in accordance with (f).

S7.4 *High speed performance.* This test applies to non-speed restricted tires marked Load Range A, B, C, or D.

(a) Perform steps (a) through (c) of S7.2.

(b) Apply a force of 88 percent of the maximum load rating marked on the tire (use single maximum load value when the tire is marked with both single and dual maximum loads), and rotate the test wheel at 250 rpm for 2 hours.

(c) Remove the load, allow the tire to cool to 100° F., and then adjust the pressure to that marked on the tire for single tire use.

(d) Reapply the same load, and without interruption or readjustment of inflation pressure, rotate the test wheel at 375 rpm for 30 minutes, then at 400 rpm for 30 minutes, and then at 425 rpm for 30 minutes.

(e) Immediately after running the tire the required time, measure the tire inflation pressure. Remove the tire from the model rim assembly, and inspect the tire.

TABLE I—STRENGTH TEST PLUNGER DIAMETER

Tire type:	*Plunger Diameter (inches)*
Light truck	¾
Motorcycle	5/8
Tires for 12-inch or smaller rims, except motorcycle	¾
Tires other than the above types:	
Tubless:	
17.5-inch or smaller rims	¾
Larger than 17.5-inch rims:	
Load range F or less	1¼
Load range over F	1½
Tube type:	
Load range F or less	1¼
Load range over F	1½

TABLE II.—*Minimum static breaking energy (inch-pounds)*

Plunger diameter (inch)		5/8	¾		1¼		1⅝	
Load range			All 12 inch or smaller rim size	Light truck, 17.5 inch or smaller rim tubeless	Tube type	Tubeless	Tube type	Tubeless
Tire characteristic	Motorcycle							
A	150	600	2,000					
B	300	1,200	2,600					
C	400	1,800	3,200	6,800	5,100			
D		2,400	4,550	7,900	6,500			
E		3,000	5,100	12,500	8,600			
F		3,600	5,700	15,800	12,500			
G			6,300			20,200		15,000
H			6,800			23,000		18,500
J						25,000		19,500
L						27,000		
M						28,500		
N						30,000		

NOTE.—For rayon cord tires, applicable energy values are 60 percent of those in table.

TABLE III.—*Endurance test schedule*

Description	Load range	Test wheel speed (r/m)	Test load: Percent of maximum load rating I—7 hours	II—16 hours	III—24 hours	Total test revolutions (thousands)
Speed-restricted service (miles per hour):						
55	All	125	66	84	101	352.8
50	C,D	150	75	97	114	423.0
	E,F,G,H,J,L	100	66	84	101	282.0
35	All	75	66	84	101	211.5
Motorcycle	All	250	[1] 100	[2] 108	117	510.0
All other	A,B,C,D	250	75	97	114	705.0
	E	200	70	88	106	564.0
	F	200	66	84	101	564.0
	G	175	66	84	101	493.5
	H,J,L,N	150	66	84	101	423.0

[1] 4 hr.
[2] 6 hr.

[FR Doc.73-23941 Filed 11-12-73;8:45 am]

[Docket No. 1-5; Notice 8]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Brake Hoses

This notice amends 49 CFR 571.106, Motor Vehicle Safety Standard 106, *Hydraulic Brake Hoses*, by (1) extending its requirements to all motor vehicles and hydraulic, air, and vacuum brake hose, brake hose assemblies, and brake hose end fittings for use in those vehicles, (2) replacing some design-oriented requirements with performance requirements for brake hose, brake hose assemblies, and brake hose end fittings, and (3) establishing comprehensive labeling requirements for brake hose, brake hose assemblies, and brake hose end fittings.

A notice of proposed rulemaking on this subject was published on March 30, 1971 (36 FR 5855). It revised and corrected earlier proposed amendments and

proposed the elimination of many design specifications in favor of broad performance requirements. This reorientation generated little comment, but extensive comments were received on the details of the proposed requirements.

Tests conducted by the NHTSA Safety Systems Laboratory and comments to the docket both indicated that the extensive sequential testing proposed in the NPRM could be an unpredictable measure of brake hose performance and much sequential testing was eliminated. One of the remaining sequential tests requires that all hose and hose assemblies meet the construction test as well as any other single test.

Several comments indicated confusion concerning the rule's applicability to components of the brake system. The definition of brake hose now limits the standard to flexible conduits that transmit or contain the fluid pressure or vacuum used to apply force to a vehicle's brakes. This excludes such hose as that from the brake fluid reservoir to the master cylinder, and that from the air compressor discharge to its reservoir. Chassis plumbing which is flexible falls within the definition of brake hose, as does hose from the engine to the vacuum booster.

In response to continued requests for physical tolerances and related accommodations for testing, it is reiterated that the safety standards should in all cases be considered as performance levels that each vehicle or item of equipment must meet, and not as instructions for manufacturer testing. Thus, a 35-hour continuous flex test procedure sets the minimum performance level that the hose must meet when the NHTSA tests for compliance. The manufacturer may certify this performance level on the basis of interrupted tests as long as, in the exercise of due care, these tests provide assurance that his hose complies and will withstand 35 hours of continuous flexing. In response to another question, the manufacturer must determine for himself how frequently he should test his products to ensure that they comply.

The standard does not establish varying burst strength requirements for different size hose, because all sizes may be subject to extreme pressure conditions. Neither does the standard remove wire-braided air brake hose from the adhesion requirements as requested, because the NHTSA has concluded that properly embedded wire-braided hose will sustain an 8-pound pull, and that no sufficient data exists to exempt wire-braided hose at this time.

Labeling requirements have been modified in response to comments to permit (1) lettering to fit smaller size hoses, (2) antitorque stripes that are "clearly identifiable" in order to accommodate a molding process as well as color-striping, (3) use of fractions to express the hose inside diameter, and (4) interruption of the second stripe with optional additional information not permitted in the legend that interrupts the first stripe. In this way, the labeling provision requires certain safety-related information expressed in a specified format, and it also permits labeling with additional information by the manufacturer at his option. For example, several comments suggested the use of "air-brake" in lieu of "A" and inclusion of SAE air brake-hose type designations as a part of labeling air brake components. Another comment requested metric labeling. As modified, the standard now permits all this information to be placed on the hose as additional information.

Labeling requirements for brake hose end fitting manufacturers no longer include the assembly completion date. Instead, the assembler is required to place a band on each hose assembly which indicates the assembly completion date. "Brake hose assembly" has been redefined to exclude assemblies containing used components, and this effectively excludes repair operations from the requirements of the standard.

The amendment has been reorganized to clearly indicate that it applies to three types of hose, hose assemblies and end fittings. The requirements and test procedures for each type of hose have been grouped together for clarity, in response to docket comments.

Changes to the hydraulic brake hose requirements include revision of many sequential tests. The 1,500 psi air pressure resistance test was eliminated as an inappropriate measure of hydraulic brake hose performance. The water absorption test proposed in the NPRM was divided into three distinct tests. The test temperature in the brake fluid compatibility test has been lowered to more accurately reflect vehicle operating conditions and to approach a more suitable test temperature for the specified procedure.

Few changes were made to the vacuum brake hose section. In response to the request of its manufacturers, $\frac{5}{32}$-inch hose has been added to the performance requirements data. Distinctions between light and heavy duty hose were largely eliminated.

All sequential testing except for the constriction test and one water absorption-tensile strength test has been eliminated from the air brake hose requirements. Comments indicated that the extensive combination of tests was inappropriate to measure the adequacy of traditionally constructed air brake hose. The ultraviolet test has been eliminated until sufficient data is generated to support a minimum performance requirement. The standard has also been modified to allow use of permanent as well as reusable end fittings. As anticipated in the NPRM, outside and inside diameter specifications have been added to the requirements for two types of air brake hose, although these specifications do not require the use of Standard SAE 100R5 fittings as proposed in the NPRM.

The suggested standardization on 100R5 fittings generated the greatest number of comments on the rulemaking. Comments generally agreed that thread engagement and component attachment should be standardized. However, disagreement exists on which fitting is most suitable for standardization. Many comments indicated that type E fittings are predominant in the industry and will be more so in the future and that their non-proprietary design permits manufacture by anyone. The NHTSA has decided, on the basis of the comments received, not to standardize on any type of fitting at this time. This amendment only establishes hose diameters and tolerances intended for use in reusable air brake hose assemblies as a first step toward standardization of the air brake hose assembly. Notice and further opportunity to comment will precede any rulemaking on the standardization of air brake hose assemblies.

In consideration of the foregoing, Standard No. 106, *Brake Hoses*, 49 CFR Part 571.106, is amended to read as set forth below.

Effective date: September 1, 1974.

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

Issued on November 5, 1973.

JAMES B. GREGORY,
Administrator.

§ 571.106 Standard No. 106; Brake hoses.

S1. *Scope.* This standard specifies labeling and performance requirements for motor vehicle brake hose, brake hose assemblies, and brake hose end fittings.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring as a result of brake system failure from pressure or vacuum loss due to hose or hose assembly rupture.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, and motorcycles, and to hydraulic, air, and vacuum brake hose, brake hose assemblies, and brake hose end fittings for use in those vehicles.

S4. *Definitions.*

"Armor" means protective material installed on a brake hose to increase the resistance of the hose or hose assembly to abrasion or impact damage.

"Brake hose" means a flexible conduit that transmits or contains the fluid pressure or vacuum used to apply force to a vehicle's brakes.

"Brake hose assembly" means a brake hose, with or without armor, equipped with end fittings or clamps for use in a brake system, but does not include an assembly containing used components.

"Brake hose end fitting" means a coupler, other than a clamp, designed for attachment to the end of a brake hose.

"Free length" means the linear measurement of hose exposed between the end fittings of a hose assembly in a straight position.

"Rupture" means any failure which results in leakage or a separation of a brake hose from its end fittings.

A dimensional description of a hose, such as "¼-inch hose" refers to the

nominal inside diameter unless otherwise specified.

S5. *Requirements—Hydraulic brake hose, brake hose assemblies, and brake hose end fittings.*

S5.1 *Construction.* Each hydraulic brake hose assembly shall have permanently attached brake hose end fittings.

S5.2 *Labeling.*

S5.2.1 Each hydraulic brake hose shall have at least two clearly identifiable stripes of at least one-sixteenth of an inch in width, placed on opposite sides of the brake hose parallel to its longitudinal axis. One stripe may be interrupted by the information required by S5.2.2, and the other stripe may be interrupted by additional information at the manufacturer's option.

S5.2.2 Each hydraulic brake hose shall be permanently labeled at 6-inch intervals, measured from the end of one legend to the beginning of the next, in block capital letters and numerals at least one-eighth of an inch high, with the following information in the order listed:

(a) The symbol DOT, constituting a certification by the hose manufacturer that the hose conforms to all applicable motor vehicle safety standards.

(b) The hose manufacturer's code number assigned by the National Highway Traffic Safety Administration.

(c) The month and year of manufacture, expressed in numerals. For example, 10/74 means October 1974.

(d) The inside diameter of the hose expressed in inches or fractions of inches. (For example, ⅛, 5/16, or ¼).

(e) Either "HR" to indicate that the hose is regular expansion hydraulic hose or "HL" to indicate that the hose is low expansion hydraulic hose.

S5.2.3 Each hydraulic brake hose end fitting shall be permanently etched, embossed, or stamped, in block capital letters and numerals at least one-sixteenth of an inch high with the following information:

(a) The symbol DOT, constituting a certification by the fitting manufacturer that the end fitting conforms to all applicable motor vehicle safety standards.

(b) The fitting manufacturer's code number assigned by the National Highway Traffic Safety Administration.

(c) The letter "H" to indicate the fitting is for use in hydraulic hose assemblies.

(d) The inside diameter of the hose to which the fitting is properly attached, expressed in inches or fractions of inches (for example, ⅛, 5/16, or ¼).

S5.2.4 Each hydraulic brake hose assembly shall have a band securely fastened over the hose adjacent to one end fitting. The band shall be permanently etched, embossed, or stamped, in block capital letters and numerals at least one-eighth of an inch high, with the following information:

(a) The symbol DOT, constituting certification by the hose assembler that the hose assembly conforms to all applicable motor vehicle safety standards.

(b) The hose assembler's code number, assigned by the National Highway Traffic Safety Administration.

(c) The date on which the assembly was completed, expressed in numerals. For example 10/74 means October 1974.

S5.3 *Test Requirements.* A hydraulic brake hose assembly or appropriate part thereof shall be capable of meeting any of the requirements set forth under this headings, when tested under the conditions of S11 and the applicable procedures of S6. However, a particular hose assembly or appropriate part thereof need not meet further requirements after having been subjected to and having met the constriction requirement (S5.3.1) and any one of the requirements specified in S5.3.2 through S5.3.11.

S5.3.1 *Constriction.* Every inside diameter of any section of a hydraulic brake hose assembly shall be not less than 64 percent of the nominal inside diameter of the brake hose.

S5.3.2 *Expansion and burst strength.* The maximum expansion of a hydraulic brake hose assembly at 1,000 psi and 1,500 psi shall not exceed the values specified in Table I (S6.1). Thirty minutes after being subjected to the expansion test, the hydraulic brake hose assembly shall then withstand water pressure of 4,000 psi for 2 minutes without rupture, and shall not rupture at less than 5,000 psi (S6.2).

TABLE I.—*Maximum expansion of free length brake hose, cc/ft.*

Hydraulic brake hose, inside diameter	Test Pressure			
	1,000 psi		1,500 psi	
	Regular expansion hose	Low expansion hose	Regular expansion hose	Low expansion hose
⅛ inch or less	0.66	0.33	0.70	0.42
5/16 inch	.86	.55	1.02	.72
¼ inch or more	1.04	.82	1.30	1.10

S5.3.3 *Whip resistance.* A hydraulic brake hose assembly shall not rupture when run continuously on a flexing machine for 35 hours (S6.3).

S5.3.4 *Tensile strength.* A hydraulic brake hose assembly composed of hose and end fittings shall withstand a pull of 325 pounds without separation of the hose from its end fittings. (S6.4).

S5.3.5 *Water absorption and burst strength.* A hydraulic brake hose assembly, after immersion in water for 70 hours (S6.5), shall withstand water pressure of 4,000 psi for 2 minutes, and then shall not rupture at less than 5,000 psi (S6.2).

S5.3.6 *Water absorption and tensile strength.* A hydraulic brake hose assembly composed of hose and end fittings, after immersion in water for 70 hours (S6.5), shall withstand a pull of 325 pounds without separation of the hose from its end fittings (S6.4).

S5.3.7 *Water absorption and whip resistance.* A hydraulic brake hose assembly, after immersion in water for 70 hours (S6.5), shall not rupture when run continuously on a flexing machine for 35 hours (S6.3).

S5.3.8 *Low-temperature resistance.* A hydraulic brake hose conditioned at minus 65° F. for 70 hours shall not show cracks visible without magnification when bent around a cylinder as specified in S6.6 (S6.6).

S5.3.9 *Brake fluid compatibility, constriction, and burst strength.* After having been subjected to a temperature of 200° F. for 70 hours while filled with SAE RM-1 compatibility brake fluid (S6.7), a hydraulic brake hose assembly shall meet the constriction requirements of S5.3.1. It shall then withstand water pressure of 4,000 psi for 2 minutes and then shall not rupture at less than 5,000 psi (S6.2).

S5.3.10 *Ozone resistance.* A hydraulic brake hose shall not show cracks visible under 7-power magnification after exposure to ozone for 70 hours at 104° F. (S6.8).

S5.3.11 *End fitting corrosion resistance.* After 24 hours of exposure to salt spray, a hydraulic brake hose end fitting shall show no base metal corrosion on the end fitting surface. (S6.9).

S6. *Test procedures—Hydraulic brake hose, brake hose assemblies, and brake hose end fittings.*

S6.1. *Expansion test.*

S6.1.1 *Apparatus.* Utilize a test apparatus (as shown in Figure 1) which consists of:

(a) Source for required fluid pressure;

(b) Test fluid of distilled water without any additives and free of gases;

(c) Reservoir for test fluid;

(d) Pressure gauges;

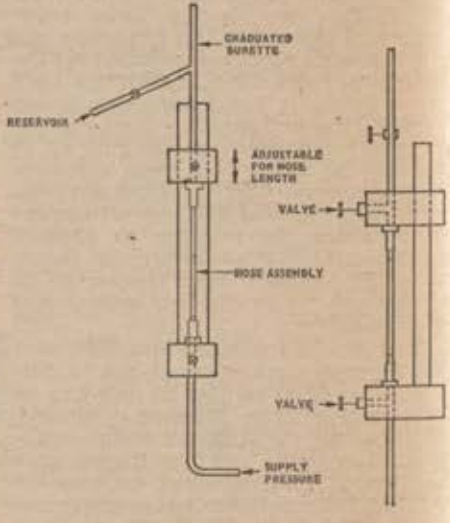

Fig. 1-Expansion Test Apparatus

(e) Brake hose end fittings in which to mount the hose vertically; and

(f) Graduate burette with 0.05 cc increments.

S6.1.2 *Preparation.*

(a) Measure the free length of the hose assembly.

(b) Mount the hose so that it is in a vertical straight position without tension when pressure is applied.

(c) Fill the hose with test fluid and bleed all gases from the system.

(d) Close the valve to the burette and apply 1,500 psi for 10 seconds; then release pressure.

S6.1.3 *Calculation of expansion at 1,000 and 1,500 psi.*

(a) Adjust the fluid level in the burette to zero.

(b) Close the valve to the burette, apply pressure at the rate of 15,000 psi per minute, and seal 1,000 psi in the hose (1,500 psi in second series).

(c) After 3 seconds open the valve to the burette for 10 seconds and allow the fluid in the expanded hose to rise into the burette.

(d) Repeat the procedure in steps (b) and (c) twice. Measure the amount of test fluid which has accumulated in the burette as a result of the three applications of pressure.

(e) Calculate the volumetric expansion per foot by dividing the total accumulated test fluid by 3 and further dividing by the free length of the hose in feet.

(f) Upon completion of calculation, release presure to the hose for 30 minutes prior to commencement of the burst strength test (6.2).

S6.2 *Burst strength test.*

(a) Connect the brake hose to a pressure system and fill it completely with water, allowing all gases to escape.

(b) Apply water pressure of 4,000 psi at an onset rate of 15,000 psi per minute.

(c) After 2 minutes at 4,000 psi, increase the pressure at the rate of 15,000 psi per minute until the pressure exceeds 5,000 psi.

S6.3 *Whip resistance test.*

S6.3.1 *Apparatus.* Utilize test apparatus that is dynamically balanced and includes:

(a) A movable header consisting of a horizontal bar equipped with capped end fittings and mounted through bearings at each end to points 4 inches from the center of two vertically rotating disks whose edges are in the same vertical plane;

(b) An adjustable stationary header parallel to the movable header in the same horizontal plane as the centers of the disks, and fitted with open end fittings;

(c) An elapsed time indicator; and

(d) A source of water pressure connected to the open end fittings.

S6.3.2 *Preparation.*

(a) Remove hose armor, and date band, if any.

(b) Measure the hose free length.

(c) Mount the hose in the whip test machine, introducing slack as specified in Table II for the size hose tested, measuring the projected length parallel to the axis of the rotating disks.

TABLE II.—*Hose lengths*

Free length between end fittings, inches	Slack, inches	
	¼ inch hose or less	More than ¼ inch hose
8 to 15½, inclusive	1.750	1.000
Over 15½ to 19 inclusive	1.250	
Over 19 to 24, inclusive	0.750	

S6.3.3 *Operation.*

(a) Apply 235 psi water pressure and bleed all gases from the system.

(b) Drive the movable head at 800 rpm.

S6.4 *Tensile strength test.* Utilize a tension testing machine conforming to the requirements of the methods of Verification of Testing Machines (1964 American Society for Testing and Materials, Designation E4), and provided with a recording device to give the total pull in pounds.

S6.4.1 *Preparation.* Mount the hose assembly to ensure straight, evenly distributed machine pull.

S6.4.2 *Operation.* Apply tension at a rate of 1 inch per minute travel of the moving head until separation occurs.

S6.5 *Water absorption sequence tests.*

S6.5.1 *Preparation.* Prepare three hose assemblies as follows:

(a) Remove 1⅛ inches of hose cover, if any, from the center of the hose assemblies without injury to any reinforcing material or elongation of the hose assemblies.

(b) Measure the free length of the hose assemblies.

S.6.5.2 *Immersion and sequence testing.*

(a) Immerse the hose assemblies in distilled water for 70 hours.

(b) Thirty minutes after removal from water, conduct tests S6.2, S6.3, and S6.4, using a different hose for each sequence.

S6.6 *Low temperature resistance test.*

S6.6.1 *Preparation.*

(a) Remove hose armor, if any, and condition a hose in a straight position in air at minus 65° F. for 70 hours.

(b) Condition a cylinder in air at minus 65° F. for 70 hours, using a cylinder of 2½ inches in diameter for tests of hose less than ⅛-inch, 3 inches for tests of ⅛-inch hose, 3½ inches for tests of 5/16-inch and ¼-inch hose, and 4 inches for tests of hose greater than ¼-inch in diameter.

S6.6.2 *Flexibility testing.* Bend the conditioned hose 180 degrees around the cylinder at a steady rate in a period of 3 to 5 seconds. Examine without magnification for cracks.

S6.7 *Brake fluid compatibility test.*

S6.7.1 *Preparation.*

(a) Attach a hose assembly below a 1-pint can reservoir filled with 100 ml of SAE RM 1 Compatibility Fluid as shown in Figure 2.

(b) Fill the hose assembly with brake fluid, seal the lower end, and place the test assembly in an oven in a vertical position.

S6.7.2 *Oven treatment.*

(a) Condition the hose assembly at 200° F. for 70 hours.

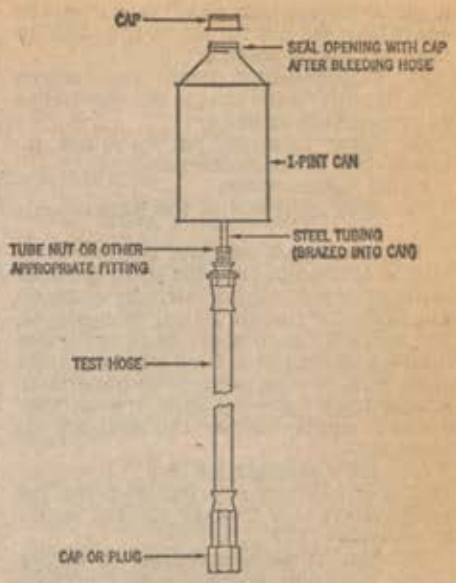

Fig. 2-Brake Fluid Compatibility Apparatus

(b) Cool the hose assembly at room temperature for 30 minutes.

(c) Drain the brake hose assembly, immediately determine that every inside diameter of any section of the hose assembly is not less than 64 percent of the nominal inside diameter of the hose, and conduct the test specified in S6.2.

S6.8 *Ozone resistance test.* Utilize a cylinder with a diameter eight times the nominal outside diameter of the brake hose excluding armor.

S6.8.1 *Preparation.* Bind a hydraulic brake hose around the cylinder, so that as much of the free length is in contact with the cylinder as possible up to a maximum of 360°.

S6.8.2 *Exposure to ozone.*

(a) Condition the hose on the cylinder in air at room temperature for 24 hours.

(b) Immediately thereafter, condition the hose on the cylinder for 70 hours in an exposure chamber having an ambient air temperature of 104° F. during the test and containing air mixed with ozone in the proportion of 50 parts of ozone per 100 million parts of air by volume.

(c) Examine the hose for cracks under 7-power magnification, ignoring areas immediately adjacent to or within the area covered by binding.

S6.9 *End fitting corrosion resistance test.* Utilize the apparatus described in ASTM B117-64, "Salt Spray (Fog) Testing".

S6.9.1 *Construction.* Construct the salt spray chamber so that:

(a) The construction material does not affect the corrosiveness of the fog.

(b) The hose assembly is supported or suspended 30° from the vertical and parallel to the principal direction of the horizontal flow of fog through the chamber.

(c) The hose assembly does not contact any metallic material or any material capable of acting as a wick.

(d) Condensation which falls from the assembly does not return to the solution reservoir for respraying.

(e) Condensation from any source does not fall on the brake hose assemblies or the solution collectors.

(f) Spray from the nozzles is not directed onto the hose assembly.

S6.9.2 *Preparation.*

(a) Plug each end of the hose assembly.

(b) Mix a salt solution five parts by weight of sodium chloride to 95 parts of distilled water, using sodium chloride substantially free of nickel and copper, and containing on a dry basis not more than 0.1 percent of sodium iodide and not more than 0.3 percent total impurities. Ensure that the solution is free of suspended solids before the solution is atomized.

(c) After atomization at 95° F. ensure that the collected solution is in the PH range of 6.5 to 7.2. Make the PH measurements at 77° F.

(d) Maintain a compressed air supply to the nozzle or nozzles free of oil and dirt and between 10 and 25 psi.

S6.9.3 *Operation.* Subject the brake hose assembly to the salt spray continuously for 24 hours:

(a) Regulate the mixture so that each collector will collect from 1 to 2 ml. of solution per hour for each 80 square centimeters of horizontal collecting area.

(b) Maintain exposure zone temperature at 95° F.

(c) Upon completion, remove the salt deposit from the surface of the hoses by washing gently or dipping in clean running water not warmer than 100° F. and then drying immediately.

S7. *Requirements—Air brake hose, brake hose assemblies, and brake hose end fittings.*

S7.1 *Construction.* Each air brake hose intended for use with reusable end fittings shall conform to the dimensional requirements specified in Table III.

TABLE III.—*Air brake hose dimensions for reusable assemblies*

Size, inches	Inside diameter tolerance, inches	Type I outside diameter, inches		Type II outside diameter, inches	
		Minimum	Maximum	Minimum	Maximum
5/16	+0.026 −0.000	0.472	0.510	0.500	0.539
1/4	+0.031 −0.000	0.535	0.573	0.562	0.602
5/16	+0.031 −0.000	0.598	0.636	0.656	0.695
13/32	+0.031 −0.000	0.714	0.760	0.742	0.789
1/2	+0.039 −0.000	0.808	0.854	0.898	0.948
5/8	+0.042 −0.000	0.933	0.979	1.054	1.101

S7.2 *Labeling.* Each air brake hose, brake hose assembly, and brake hose end fitting shall be labeled as specified in S5.2 except for the requirements of S5.2.1, S5.2.2(e) and S5.2.3(c). Instead of "H", "HR", or "HL", the letter "A" shall indicate intended use in air brake systems. In the case of a hose intended for use in a reusable assembly, "AI" or "AII" shall indicate Type I or Type II dimensional characteristics of the hose as described in Table III. In the case of an end fitting intended for use in a reusable assembly, "AI" or "AII" shall indicate use with Type I or Type II hose respectively.

S7.3 *Test requirements.* Each air brake hose assembly or appropriate part thereof shall be capable of meeting any of the requirements set forth under this heading, when tested under the conditions of S11 and the applicable procedures of S8. However, a particular hose assembly or appropriate part thereof need not meet further requirements after having met the constriction requirement (S7.3.1) and then having been subjected to any one of the requirements specified in S7.3.2 through S7.3.13.

S7.3.1 *Constriction.* Every inside diameter of any section of an air brake hose assembly shall be not less than 66 percent of the nominal inside diameter of the hose.

S7.3.2 *High temperature resistance.* An air brake hose shall not show external or internal cracks, charring, or disintegration visible without magnification when straightened after being bent for 70 hours at 212° F. over a cylinder having the radius specified in Table IV for the size of hose tested (S8.1).

S7.3.3 *Low temperature resistance.* The outer cover of an air brake hose shall not show cracks visible without magnification as a result of conditioning at minus 40° F. for 70 hours when bent around a cylinder having the radius specified in Table IV for the size of hose tested (S8.2).

S7.3.4 *Oil resistance.* After immersion in ASTM No. 3 oil for 70 hours at 212° F. the volume of a specimen prepared from the inner tube and cover of an air brake hose shall not increase more than 100 percent (S8.3).

S7.3.5 *Ozone resistance.* The outer cover of an air brake hose shall not show cracks visible under 7-power magnification after exposure to ozone for 70 hours at 104° F. (S8.4).

S7.3.6 *Length change.* An airbrake hose shall not contract in length more than 7 percent nor elongate more than 5 percent when subjected to air pressure of 200 psi (S8.5).

S7.3.7 *Adhesion.* An airbrake hose shall withstand a tensile force of 8 pounds per inch of length before separation of adjacent layers (S8.6).

S7.3.8 *Air pressure.* An air brake hose assembly shall contain air pressure of 200 psi for 5 minutes without loss of more than 5 psi (S8.7).

TABLE IV.—*Air brake hose diameters and test cylinder radii*

Hose, inside diameter in inches	1/2	5/8	3/4	5/16	1	1 13/32	1 5/16	1 1/2	1 3/4
Radius of test cylinder in inches	1 1/4	2	2 1/2	3	3 1/2	3 1/2	4	4	4 1/2

S7.3.9 *Burst strength.* An air brake hose assembly shall not rupture when exposed to hydrostatic pressure of 900 psi (S8.8).

S7.3.10 *Tensile strength.* An air brake hose assembly composed of hose and end fittings shall withstand a pull of 250 pounds without separation of the hose from its end fittings if it is 1/4-inch or less, and a pull of 325 pounds if it is larger than 1/4-inch or is a reusable assembly (S8.9).

S7.3.11 *Water absorption and tensile strength.* After immersion in distilled water for 70 hours (S8.10), an air brake hose assembly composed of hose and end fittings shall withstand a pull of 250 pounds without separation of the hose from its end fittings if it is 1/4-inch or less, and a pull of 325 pounds if it is larger than 1/4-inch or is a reusable assembly (S8.9).

S7.3.12 *Zinc Chloride resistance.* The outer cover of an air brake hose shall not show cracks visible under 7-power magnification after immersion in a 50 percent zinc chloride aqueous solution for 200 hours (S8.11).

S7.3.13 *End fitting corrosion resistance.* After 24 hours of exposure to salt spray, air brake hose end fittings shall show no base metal corrosion on the end fitting surface (S8.12).

S8. *Test procedures—Air brake hose, brake hose assemblies, and brake hose end fittings.*

S8.1 *High temperature resistance test.*

(a) Utilize a cylinder having the radius indicated in Table IV for the size of hose tested.

(b) Bind the hose around the cylinder and condition it in an air oven for 70 hours at 212° F.

(c) Cool the hose to room temperature, remove it from the cylinder and straighten it.

(d) Without magnification, examine the hose externally and cut the hose lengthwise and examine the inner tube.

S8.2 *Low temperature resistance test.*

(a) Utilize a cylinder having the radius indicated in Table IV for the size of hose tested.

(b) Condition the cylinder and the brake hose, in a straight position, in a cold box at minus 40° F. for 70 hours.

(c) With the hose and cylinder at minus 40° F., bend the hose 180 degrees around the cylinder at a steady rate in a period of 3 to 5 seconds.

S8.3 *Oil resistance test.* Utilize three test specimens and average the results.

S8.3.1 *Preparation.* Fashion a test specimen by cutting a rectangular block 2 inches long and not less than one-half inch in width, having a thickness not more than one-sixteenth inch, from the brake hose assembly and buff the specimen on both faces to ensure smooth surfaces.

S8.3.2 *Measurement.*

(a) Weigh each specimen to the nearest milligram in air (W1) and in distilled water (W2) at room temperature. If wetting is necessary to remove air bubbles, dip the specimen in acetone and thoroughly rinse it with distilled water.

(b) Immerse each specimen in ASTM No. 3 oil for 70 hours at 212° F. and then cool in ASTM No. 3 oil at room temperature for 30 to 60 minutes.

(c) Dip the specimen quickly in acetone and blot it lightly with filter paper.

(d) Weigh each specimen in a tared weighing bottle (W3) and in distilled water (W4) within five minutes of removal from the cooling liquid.

(e) Calculate the percentage increase in volume as follows:

$$\text{Percent of increase} = \frac{(W_3 - W_4) - (W_1 - W_2)}{(W_1 - W_2)} \times 100$$

S8.4 *Ozone resistance test.* Conduct the test specified in S6.8 using air brake hose.

S8.5 *Length change test.*

(a) Position a test hose in a straight, horizontal position, and apply air pressure of 10 psi thereto.

(b) Measure the hose to determine original free length.

(c) Without releasing the 10 psi, raise the air pressure to the test hose to 200 psi.

(d) Measure the hose under 200 psi to determine final free length. An elongation or contraction is an increase or decrease, respectively, in the final free length from the original free length of the hose.

S8.6 *Adhesion test.*

S8.6.1 *Apparatus.* Utilize a power-driven apparatus of the inclination balance or pendulum type which is constructed so that:

(a) The recording head includes a freely rotating form with an outside diameter substantially the same as the inside diameter of the hose specimen to be placed on it.

(b) The freely rotating form is mounted so that its axis of rotation is in the plane of the ply being separated from the specimen and so that the applied force is perpendicular to the tangent of the specimen circumference at the line of separation.

(c) The rate of travel of the power-actuated grip is a uniform 1 inch per minute and the capacity of the machine is such that maximum applied tension during the test is not more than 85 percent nor less than 15 percent of the machine's rated capacity.

(d) The machine operates with no device for maintaining maximum load indication, and in a pendulum type machine, the weight lever swings as a free pendulum without engagement of pawls.

(e) The machine produces a chart with inches of separation as one coordinate and applied tension as the other.

S8.6.2 *Preparation.*

(a) Cut a test specimen of 1 inch or more in length from the hose to be tested and cut the layer to be tested of that test specimen longitudinally along its entire length to the level of contact with the adjacent layer.

(b) Peel the layer to be tested from the adjacent layer to create a flap large enough to permit attachment of the power-actuated clamp of the apparatus.

(c) Mount the test specimen on the freely rotating form with the separated layer attached to the power-actuated clamp.

S8.6.3 *Operation.*

(a) Apply sufficient force to separate the layer being tested from the adjacent layer initially, followed by decreasing applications of force to determine the minimum force necessary to permit separation of layers.

(b) Maintain the line of separation approximately in the same position, with an angle of 90° from the separated layer to the tangent of the specimen surface.

S8.6.4 *Calculations.*

(a) The adhesion value shall be the minimum force recorded on the portion of the chart corresponding to the actual separation of the part being tested.

(b) Express the force in pounds per inch of length.

S8.7 *Air pressure test.*

(a) Connect the air brake hose assembly to a source of air pressure.

(b) Apply 200 psi air pressure to the hose and seal the hose from the source of air pressure.

(c) After 5 minutes, determine the air pressure remaining in the test specimen.

S8.8 *Burst strength test.*

(a) Utilize an air brake hose assembly.

(b) Fill the hose assembly with water, allowing all gases to escape. Apply water pressure at a uniform rate of increase of approximately 1,000 psi per minute until the hose ruptures.

S8.9 *Tensile strength test.* Utilize a tension testing machine conforming to the requirements of the Methods of Verification of Testing Machines (1964 American Society for Testing and Materials, Designation E4), and provided with a recording device to register total pull in pounds.

(a) Attach an air brake hose assembly to the testing machine to permit straight, even, machine-pull on the hose.

(b) Apply tension at a rate of 1 inch per minute travel of the moving head until separation occurs.

S8.10 *Water Absorption and tensile strength test.* Immerse an air brake hose assembly in distilled water at room temperature for 70 hours. Thirty minutes after removal from the water, conduct the test specified in S8.9.

S8.11 *Zinc chloride resistance test.* Immerse an air brake hose in a 50 percent zinc chloride aqueous solution at room temperature for 200 hours. Remove it from the solution and examine it under 7-power magnification for cracks.

S8.12 *End fitting corrosion resistance test.* Conduct the test specified in S6.9 using an air brake hose assembly.

S9. *Requirements—vacuum brake hose, brake hose assemblies, and brake hose end fittings.*

S9.1 *Labeling.* Each vacuum brake hose, brake hose assembly, and brake hose end fitting shall be labeled as specified in S5.2 except for the requirements of S5.2.1, S5.2.2(e) and S5.2.3(c). In lieu of "H", "HR", or "HL", the letters "VL" or "VH" shall indicate respectively that the component is a light-duty vacuum brake hose or heavy-duty vacuum brake hose or an end fitting intended for use in a light-duty or heavy-duty vacuum brake system.

S9.2 *Test requirements.* Each vacuum brake hose assembly or appropriate part thereof shall be capable of meeting any of the requirements set forth under this heading, when tested under the conditions of S11 and the applicable procedures of S10. However, a particular hose assembly or appropriate part thereof need not meet further requirements after having met the construction requirement (S9.2.1) and then having been subjected to any one of the requirements specified in S9.2.2 through S9.2.11.

S9.2.1 *Constriction.* Every inside diameter of any section of a vacuum brake hose assembly shall be not less than 75 percent of the nominal inside diameter of the hose for heavy-duty hose and 70 percent of the nominal inside diameter of the hose for light-duty hose.

S9.2.2 *High temperature resistance.* A vacuum brake hose shall not show external or internal cracks, charring, or disintegration visible without magnification when straightened after being bent for 70 hours at 212° F. over a cylinder having the radius specified in Table V for the size of hose tested (S10.1).

S9.2.3 *Low temperature resistance.* A vacuum brake hose shall not show cracks visible without magnification after conditioning at minus 40° F. for 70 hours when bent around a cylinder having the radius specified in Table V for the size hose tested (S10.2).

S9.2.4 *Ozone resistance.* A vacuum brake hose shall not show cracks visible under 7-power magnification after exposure to ozone for 70 hours (S10.3).

S9.2.5 *Burst strength.* A vacuum brake hose shall not rupture under hydrostatic pressure of 350 psi (S10.4).

S9.2.6 *Vacuum.* The collapse of the outside diameter of a vacuum brake hose under internal vacuum of 26 inches of Hg. for five minutes shall not exceed one-sixteenth of an inch (S10.5).

S9.2.7 *Bend.* The collapse of the outside diameter of a vacuum brake hose at the middle point of the test length when bent until the ends touch shall not exceed the values given in Table V for the size of hose tested (S10.6).

TABLE V.—*Vacuum brake hose test requirements*

Hose—inside diameter, inches	Temperature resistance		Bend		Deformation—collapsed inside diameter (dimension D), inches
	Hose length, inches	Radius of cylinder, inches	Hose length, inches	Maximum collapse of outside diameter, inches	
5/32	8	1 1/2	7	1/64	9/64
1/4	9	1 1/2	8	5/32	1/8
9/32	9	1 3/4	9	7/64	11/64
11/32	9	1 3/4	11	13/64	1/64
3/8	10	1 3/4	12	5/32	1/32
13/32	11	2	14	17/64	3/64
1/2	11	2	16	5/32	5/8
5/8	12	2 1/4	22	7/32	9/32
3/4	14	2 1/2	28	7/32	3/16
1.0	16	3 1/4	36	9/32	1/4

S9.2.8 *Swell.* Following exposure to Reference Fuel A, every inside diameter of any section of a vacuum brake hose shall be not less than 75 percent of the nominal inside diameter of the hose for heavy-duty hose and 70 percent of the nominal inside diameter of the hose for light-duty hose. The vacuum brake hose shall not collapse in a vacuum test of 26 inches of Hg. for 10 minutes (S10.7).

S9.2.9 *Adhesion.* A vacuum brake hose shall withstand a force of 8 pounds per inch of length before separation of adjacent layers (S10.8).

S9.2.10 *Deformation.* A vacuum brake hose shall return to 90 percent of its original outside diameter within 60 seconds after five applications of force as specified in S10.9. In the case of heavy-duty hose the first application of force shall not exceed a peak value of 70 pounds, and the fifth application of force shall reach a peak value of at least 40 pounds. In the case of light-duty hose the first application of force shall not exceed a peak value of 50 pounds, and the fifth application of force shall reach a peak value of at least 20 pounds (S10.9).

S9.2.11 *End fitting corrosion resistance.* After 24 hours of exposure to salt spray, vacuum brake hose end fittings shall show no base metal corrosion of the end fitting surface (S10.10).

S10. *Test procedures—Vacuum brake hose, brake hose assemblies, and brake hose end fittings.*

S10.1 *High temperature resistance test.* Conduct the test specified in S8.1 using vacuum brake hose with the cylinder radius specified in Table V for the size of hose tested.

S10.2 *Low temperature resistance test.* Conduct the test specified in S8.2 using vacuum brake hose with the cylinder radius specified in Table V for the size of hose tested.

S10.3 *Ozone resistance test.* Conduct the test specified in S8.8 using vacuum brake hose.

S10.4 *Burst strength test.* Conduct the test specified in S8.8 using vacuum brake hose.

S10.5 *Vacuum test.* Utilize a 12-inch vacuum brake hose assembly sealed at one end.

(a) Measure the hose outside diameter.

(b) Attach the hose to a source of vacuum and subject it to a vacuum of 26 inches of Hg for 5 minutes.

(c) Measure the hose to determine the minimum outside diameter while the hose is still subject to vacuum.

S10.6 *Bend test.*

(a) Bend a vacuum brake hose, of the length prescribed in Table V, in the direction of its normal curvature until the ends just touch as shown in Figure 3.

(b) Measure the outside diameter of the specimen at point A before and after bending.

(c) The difference between the two measurements is the collapse of the hose outside diameter on bending.

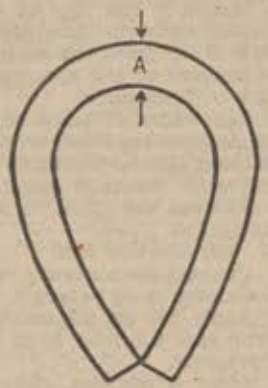

Fig. 3—Bend Test of Vacuum Brake Hose.

TABLE VI.—*Dimensions of test specimen and feeler gage for deformation test*

Inside diameter of hose (inch)	Specimen dimensions (see fig. 4)		Feeler gage dimensions	
	D (inch)	L (inch)	Width (inch)	Thickness (inch)
5/32	9/64	1	3/16	9/64
1/4	1/8	1	3/16	1/8
9/32	1/8	1	3/16	1/8
11/32	9/64	1	3/16	9/64
3/8	5/32	1	3/16	5/32
13/32	9/64	1	1/4	9/64
1/2	1/8	1	1/4	1/8
5/8	5/32	1	1/4	5/32
3/4	3/16	1	1/4	3/16
1.0	1/4	1	1/4	1/4

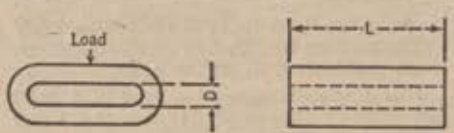

Fig. 4-Deformed Specimen of Vacuum Brake Hose.

(b) Apply gradually increasing force to the test specimen to compress its inside diameter to that specified in Table VI (dimension D of figure 4) for the size of hose tested.

(c) After 5 seconds release the force and record the peak load applied.

(d) Repeat the procedure four times permitting a 10-second recovery period between load applications.

S10.7 *Swell test.*

(a) Fill a specimen of vacuum brake hose 12 inches long with Reference Fuel A as described in the Method of Test for Change in Properties of Elastomeric Vulcanizers Resulting From Immersion in Liquids (1964 American Society for Testing and Materials, designation D471).

(b) Maintain reference fuel in the hose under atmospheric pressure at room temperature for 48 hours.

(c) Remove fuel and determine that every inside diameter of any section of the brake hose is not less than 75 percent of the nominal inside diameter of the hose for heavy-duty hose and 70 percent of the nominal inside diameter of the hose for light-duty hose.

(d) Subject the hose specimen to a vacuum of 26 inches of Hg for 10 minutes.

S10.8 *Adhesion test.* Conduct the test specified in S8.6 using vacuum brake hose.

S10.9 *Deformation test.* Table VI specifies the test specimen dimensions.

S10.9.1 *Apparatus.* Utilize a compression device, equipped to measure force of at least 100 pounds, and feeler gages of sufficient length to be passed completely through the test specimen.

S10.9.2 *Operation.*

(a) Position the test specimen longitudinally in the compression device with the fabric laps not in the line of the applied pressure.

S10.10 *End fitting corrosion resistance test.* Conduct the test specified in S6.9 using a vacuum brake hose assembly.

S11. *Test conditions.* Each hose assembly or appropriate part thereof shall be able to meet the requirements of S5, S7, and S9 under the following conditions.

S11.1 The temperature of the testing room is 75° F.

S11.2 Except for S6.6, S8.2, and S10.2, the test samples are stabilized at test room temperature prior to testing.

S11.3 The brake hoses and brake hose assemblies are at least 24 hours old, and unused.

[FR Doc.73-24011 Filed 11-12-73;8:45 am]

[Docket No. 73-22; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Passenger Car Tires and Rim Tables

Correction

In FR Doc. 73-20583, appearing at page 30234 in the issue of Thursday, November 1, 1973, make the following changes:

1. In the heading for Table I-A on page 30235, the reference to "PAA" should read "PLY".

2. In the third from last column on page 30236, the eighth entry from the bottom, now reading "½", should read "4½".

3. In the first column of Table I-J on page 30239, the first entry was inadvertently omitted. It should read "A78-13".

4. In the heading for Table I-K on page 30240, the figure "70" should read "60".

5. In Table I-O, on page 30241, the second half of the heading, reading "AND SECTION WIDTHS FOR '70 SERIES' RADIAL PLY TIRES", should read "AND SECTION WIDTHS FOR 'LOW SECTION' TYPE 'R' RADIAL PLY TIRES".

6. In Appendix A on page 30243, the thirteenth entry under the heading for Table I-J reading "A78-05" should read "A78-15".

7. In Appendix A on page 30243, a heading and entries for Table I-W were inadvertently omitted. Table I-W should read as follows:

TABLE I-W

GR50-15	7-JJ
HR50-15	8-JJ
LR50-15	8-JJ

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Revised S.O. No. 1117; Amdt. 2]

PART 1033—CAR SERVICE

Substitution of Hopper Cars for Covered Hopper Cars or Boxcars

At a session of the Interstate Commerce Commission Railroad Service Board, held in Washington, D.C., on the 5th day of November 1973.

Upon further consideration of Second Revised Service Order No. 1117 (38 FR 7332 and 19126), and good cause appearing therefor:

It is ordered, That:

§ 1033.1117 *Service Order No. 1117* Substitution of hopper cars for covered hopper cars or boxcars. Second Revised Service Order No. 1117 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 15, 1973.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.73-24190 Filed 11-12-73;8:45 am]

[Revised S.O. No. 1145]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of November 1973.

It appearing, That an acute shortage of plain boxcars exists on the Maine Central Roalroad Co.; that shippers located on lines of this carrier are being deprived of such cars required for loading, resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by this railroad are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1145 Service Order No. 1145.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in paragraph (a) (3) of this section, all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.E.R. No. 389, issued by W. J. Trezise, or reissues thereof, as having mechanical designation XM, bearing reporting marks issued to the Maine Central Railroad Co.

(2) Plain boxcars described in paragraph (1) include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(3) Boxcars described in paragraph (a) (1) of this section may be loaded only to stations on the lines of the car owner or to any station which is a junction with the car owner. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(4) Boxcars described in paragraph (a) (1) of this section shall not be backhauled empty from a junction with the car owner.

(5) The return to the owner of a boxcar described in paragraph (a) (1) of this section shall be accomplished when it is delivered to the car owner, either empty or loaded.

(6) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 389, issued by W. J. Trezise, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(7) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of paragraph (a) (3) of this section.

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

(c) *Effective date.* This order shall become effective at 12:01 a.m., November 8, 1973.

(d) *Expiration date.* This order shall expire at 11:59 p.m., March 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.73-24189 Filed 11-12-73;8:45 am]

[S.O. No. 1161]

PART 1033—CAR SERVICE

St. Louis-San Francisco Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 6th day of November 1973.

It appearing, that the St. Louis-San Francisco Railway Co. (SL–SF), is unable to operate over its line between Enid, Oklahoma, and Arkansas City, Kansas, because of extensive damage from flooding; that The Atchison, Topeka, and Santa Fe Railway Company (ATSF) has consented to the use of its lines between Perry, Oklahoma, and Arkansas City, Kansas, and between Ponca City, Oklahoma, and Blackwell, Oklahoma, by the SL–SF; that use of the aforementioned ATSF tracks by the SL–SF will enable the SL–SF to restore service on a portion of its damaged line; that operation by the SL–SF over the aforementioned tracks of the ATSF is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1161 Service Order No. 1161.

(a) (*St. Louis-San Francisco Railway Company authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company*). The St. Louis-San Francisco Railway Co. (SL–SF) be, and it is hereby, authorized to operate over tracks of the Atchison, Topeka and Santa Fe Railway Company (ATSF), between Perry, Oklahoma, and Arkansas City, Kansas, a distance of approximately 58.2 miles, and between Ponca City, Oklahoma, and Blackwell, Oklahoma, a distance of approximately 16 miles.

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

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

(d) *Effective date.* This order shall become effective at 12:01 a.m., November 7, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 15, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.73-24188 Filed 11-12-73;8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Schedule II Control of Amobarbital, Pentobarbital, Secobarbital and Their Salts

A notice dated May 25, 1973, and published in the FEDERAL REGISTER on May 31, 1973 (38 FR 14289), proposed the transfer of nine derivatives of barbituric acid and their salts from Schedule III to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513). The notice stated that the proposal was "based upon the investigation of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare secured pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970." All interested persons were given until June 29, 1973, to submit their objections, comments or requests for hearings.

By notice dated July 6, 1973, and published in the FEDERAL REGISTER on July 11, 1973 (38 FR 18469), all interested persons were given an extension of time until July 18, 1973, to submit their objections, comments or request for hearing on the above proposal.

No objections or requests presenting reasonable grounds for a hearing were received regarding the proposed order transferring amobarital, secobarbital, pentobarbital, cyclobarbital, heptabarbital, probarbital, talbutal, vinbarbital and their salts from Schedule III to Schedule II.

On June 29, 1973, Covington and Burling, Counsel for McNeil Labroatories, Inc. (McNeil) a principal manufacturer and distributor of sodium butabarbital, a salt of butabarbital, under the trade name "Butisol Sodium", filed comments and requested a hearing concerning the proposed transfer of butabarbital and its salts from Schedule III to Schedule II.

Following establishment of the Drug Enforcement Administration on July 1, 1973 (38 FR 18380), a new and thorough review was made of the situation involving the derivatives of barbituric acid. As a result of that review the Administrator of the Drug Enforcement Administration has determined that amobarbital, secobarbital, and pentobarbital should be transferred promptly into Schedule II.

It has further been determined, on the basis of all relevant factors, that additional study and monitoring of cyclobarbital, heptabarbital, probarbital, talbutal, vinbarbital, butabarbital and their salts are required before a final decision on the transfer of these drugs is reached.

The Administrator, Drug Enforcement Administration finds that amobarbital, secobarbital, and pentobarbital and their salts:

(1) Have a high potential for abuse;

(2) Have a currently accepted medical use in treatment in the United States; and

(3) May, when abused, lead to severe physical and psychological dependence.

Therefore, under the authority vested in the Attorney General by Section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, it is hereby ordered that:

1. Section 1308.12 of Title 21 of the Code of Federal Regulations be amended by adding new paragraph (e)(2), (3) and (4) to read as follows:

§ 1308.12 Schedule II.

* * * * *

(e) * * *

(2) Amobarbital	2125
(3) Secobarbital	2315
(4) Pentobarbital	2270

2. Section 1308.13(c) of Title 21 of the Code of Federal Regulations be amended to reads as follows:

§ 1308.14 Schedule III.

* * * * *

(c) *Depressants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule	2351
(2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository	2100
(3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof	2100
(4) Chlorhexadol	2510
(5) Glutethimide	2550
(6) Lysergic acid	7300
(7) Lysergic acid amide	7310
(8) Methyprylon	2575
(9) Phencyclidine	7471
(10) Sulfondiethylmethane	2600
(11) Sulfonethylmethane	2605
(12) Sulfonmethane	2610

The requirements imposed upon the substances controlled by this order shall become effective as follows:

1. *Registration.* Any registrant presently authorized to manufacture, distribute, engage in research, import or export any of these substances should

apply pursuant to 21 CFR 1301.61 to modify their registration to authorize the handling of such controlled substances in Schedule II on or before December 17, 1973.

Any person presently not authorized to handle such controlled substances and who proposes to engage in the manufacture, distribution, importation, or exportation of, or research with, any of these substances, shall obtain a registration to conduct his proposed activity pursuant to sections 302 and 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 822, 823).

2. *Security.* These substances must be manufactured, distributed, and stored in accordance with 21 CFR 1301.71, 1301.72(a), 1301.73, 1301.74(a), 1301.75, and 1301.76 on or before May 13, 1974. Provided, that upon application and approval by the Drug Enforcement Administration, those parenteral dosage forms containing amobarbital, or secobarbital, or pentobarbital or any salt of any of these drugs which are required by the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.) or regulations promulgated thereunder to be kept in storage under refrigeration may be stored in compliance with the Schedule III security regulations set forth in 21 CFR 1301.71–1301.76. In the event that any security requirement imposes special hardship, the Drug Enforcement Administration will entertain any justified requests for an extension of time.

3. *Labeling and packaging.* All labels on commercial containers of, and all labeling of, any of, these substances which are packaged after May 13, 1973, shall comply with the requirements of 21 CFR 1302.03–1302.05, 1302.07 and 1302.08. In the event this effective date imposes special hardships on any "manufacturer", as defined in Section 102(14) of the Controlled Substances Act, 21 U.S.C. 802(14), the Drug Enforcement Administration will entertain any justified requests for extension of time.

4. *Quotas.* Interim quotas and these substances will be established to take effect on January 1, 1974, to be adjusted on or before July 1, 1974. All interested persons required to obtain quotas shall submit applications pursuant to 21 CFR 1303.12 or 1303.22 on or before December 3, 1974.

5. *Inventory.* Every registrant required to keep records who possesses any quantity of any of these substances shall take an inventory, pursuant to 21 CFR 1304.11–1304.19, of all stocks of those substances on hand on January 1, 1974.

6. *Records.* All registrants required to keep records pursuant to 21 CFR 1304.21–1307.27 shall maintain such records on these substances commencing on the date on which the inventory of those substances is taken.

7. *Reports.* All registrants required to file reports with the Drug Enforcement Administration pursuant to 21 CFR 1304.37–1304.41 shall report on the inventory taken under paragraph five (above) and on all subsequent transactions.

8. *Order forms.* Each distribution of any of these on or after January 1, 1974, shall utilize an order form pursuant to 21 CFR Part 1305 except as permitted in § 1305.03 of that title.

9. *Prescriptions.* All prescriptions for the above controlled substances shall comply with 21 CFR 1306.01–1306.15 on or before December 17, 1973. Any prescriptions for the above controlled substances, which are entitled to be refilled under 21 CFR 1306.22 shall not be entitled to such refill in accordance with 21 CFR 1306.12 on and after December 17, 1973.

10. *Excepted substances.* This order does not amend 21 CFR 1308.32. Those combination products containing amobarbital, secobarbital, pentobarbital or any salt thereof currently excepted under § 1308.32 will remain excepted. The Drug Enforcement Administration recognizes that certain combination drugs containing amobarbital, secobarbital, pentobarbital or any salts thereof and excepted under the Drug Abuse Control Amendments of 1965 have not been excepted under § 1308.32. As a matter of policy, those substances shall be deemed excepted under § 1308.32 pending further action by the Drug Enforcement Administration.

11. *Importation and exportation.* All importation and exportation of any of the substances on and after January 1, 1974, shall be in compliance with 21 CFR Part 1312.

12. *Criminal liability.* Any activity with amobarbital, or secobarbital, or pentobarbital or any salt of any of these drugs not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act (Public Law 91–513) shall continue to be unlawful under the provisions of the two Acts applicable to a nonnarcotic drug in Schedule III until December 17, 1973. On and after December 17, 1973, any activity with amobarbital, or secobarbital, or pentobarbital or any salt of any of these drugs not authorized by, or in violation of the Controlled Substances Act or the Controlled Substances Import and Export Act (Public Law 91–513), shall be unlawful under the provisions of those two Acts applicable to a nonnarcotic drug in Schedule II.

13. *Other.* In all other respects, this order is effective on the date of publication.

Dated: November 8, 1973.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration, U.S. Department of Justice.

[FR Doc.73-24304 Filed 11-12-73;8:45 am]

Proposed Rules

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 273]

BIOLOGICAL PRODUCTS

Proposed Additional Standards for Blood Grouping Serum

Since 1900, when blood grouping was in its embryonic stage, over 100 blood group antigens have been identified. The identification of these numerous blood groups and large scale commercial production of their corresponding antiserums for use in the laboratory has not only brought blood and blood component transfusion therapy into the hospital laboratory as a life saving procedure but has created a complex system of nomenclature.

During much of the developmental stage of blood group antigens, there has been a vast amount of controversay over nomenclature. In particular, the Wiener v. Fisher-Race controversay and other scholarly and international debates have resulted in the Federal Government requiring both nomenclatures on the labeling of all antiserums. Since 1947, when the first license for a blood grouping antiserum was issued by the Federal Government, the antiserum reagents for detecting ABO antigens have been officially labeled "Blood *Grouping* Serums" and those antiserums used to detect Rh–Hr antigens have been labeled "Anti-Rh *Typing* Serums."

It is of little moment what generalized term is applied to these important antiserums, but it is of great consequence that the antiserums be clearly labeled so that the user has no difficulty in quickly identifying a container of a specific antibody. Thus, the Commissioner of Food and Drugs has concluded that certain labeling changes for the proper name of antiserums to the red blood cell antigens should be made. The Commissioner is hereby publishing proposed additional standards for Blood Grouping Serum which will include, under one name, all diagnostic blood reagents that have previously been designated as either grouping or typing serums.

Other labeling changes are being proposed with the intent of simplifying the final container label so that the antibody designation may be printed in larger size type since it is the most important information on the label. To accomplish this, it is proposed that the proper name, Blood Grouping Serum, need not appear on the final container label and the antibody designation name may be shortened if it is consistent with a clear understanding of the identify of the product. Also, the source of the antiserum need not appear on the final container label unless it is other than human.

The Commissioner also proposes to change the designation "Adsorbed Anti-A Serum" to the more descriptive term "Anti-A_1 Serum."

In addition to the labeling changes, the proposed regulations would establish production and testing standards to assure the safety, purity, and potency of the products.

In order to comply with the requirements of the proposed additional standards, extensive labeling changes for all serum manufacturers would be necessary. In recognition of this, the Commissioner is proposing that the effective date of the labeling provisions be one year from the time the final order is promulgated. All other provisions of these additional standards would be effective 30 days after promulgation.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262), and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238, and 243, as amended; 5 U.S.C. 553, 702, 703, 704), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 273, Chapter I of Title 21, Code of Federal Regulations, as follows:

1. In Subpart A, § 273.870 *Dating periods for specific products* is amended:

a. By deleting the following items:

Adsorbed Anti-A Serum	1 year.
Anti-A Blood Grouping Serum.	Dried: 5 years. Liquid: 1 year.
Anti-A, B Blood Grouping Serum.	Dried: 5 years. Liquid: 1 year.
Anti-B Blood Grouping Serum.	Dried: 5 years. Liquid: 1 year.
Anti-Di^a Serum (Anti-Diego).	1 year.
Anti-Fy^a Serum (Anti-Duffy).	Do.
Anti-Fy^b Serum	Do.
Anti-Gr (Vw) Serum	Do.
Anti-I Serum	Do.
Anti-Jk^a Serum (Anti-Kidd).	Do.
Anti-Jk^b Serum	Do.
Anti-Js^a Serum (Anti-Sutter).	Do.
Anti-k Serum (Anti-Cellano).	Do.
Anti-K Serum (Anti-Kell).	Do.
Anti-Kp^a Serum (Anti-Penney).	Do.
Anti-Kp^b and Anti-K Serum (Anti-Rautenberg and Anti-Kell).	Do.
Anti-Kp^b Serum (Anti-Rautenberg).	Do.
Anti-Le^a Serum (Anti-Lewis).	Liquid: 1 year. Dried: 5 years.
Anti-Le^b Serum	Liquid: 1 year. Dried: 5 years.
Anti-Lu^a Serum (Anti-Lutheran).	1 Year.
Anti-M Serum	Do.
Anti-M^c Serum	Do.
Anti-Mi^a Serum (Anti-Miltenberger).	Do.
Anti-N Serum	Do.
Anti-P Serum	Do.
Anti-Rh Typing Serum, Anti-hr' (Anti-c).	Do.
Anti-Rh Typing Serum, Anti-hr'' (Anti-e).	Do.
Anti-Rh Typing Serum, Anti-hr^y (Anti-V)	One year.
Anti-Rh Typing Serum, Anti-rh' (Anti-C)	*Liquid:* one year. *Dried:* Five years.
Anti-Rh Typing Serum, Anti-rh'' (Anti-E)	*Liquid:* One year. *Dried:* Five years.
Anti-Rh Typing Serum, Anti-Rh_o (Anti-D)	*Liquid:* One year. *Dried:* Five years.
Anti-Rh Typing Serum, Anti-Rh_o' (Anti-CD)	*Liquid:* One year. *Dried:* Five years.
Anti-Rh Typing Serum, Anti-Rh_o'' (Anti-DE)	One year.
Anti-Rh Typing Serum, Anti-Rh_orh'rh'' (Anti-CDE)	Do.
Anti-Rh Typing Serum, Anti-Rh_o+Rh_o (Anti-D+D^u)	Do.
Anti-Rh Typing Serum, Anti-rh^w (Anti-C^w)	Do.
Anti-rh^w and Anti-K Serum (Anti-(C^w+Kell))	Do.
Anti-s Serum	*Liquid:* One year. *Dried:* Five years.
Anti-S Serum	One year.
Anti-U Serum (Anti-Ss)	Do.
Anti-Wr^a Serum (Anti-Wright)	Do.

b. By adding the heading "Blood Grouping Serums" and alphabetically inserting thereunder new items as follows:

BLOOD GROUPING SERUMS

Anti-A:	
Manual	Liquid: 1 year. Dried: 5 years.
Automated	1 Year.
Anti-A_1	Do.
Anti-B:	
Manual	Liquid: 1 year. Dried: 5 years.
Automated	1 Year.
Anti-A,B:	
Manual	Liquid: 1 year. Dried: 5 years.
Automated	1 Year.
Anti-Di^a (Anti-Diego)	Liquid: 1 year. Dried: 5 years.
Anti-Fy^a (Anti-Duffy)	1 Year.
Anti-Fy^b (Anti-Duffy)	Liquid: 1 year. Dried: 5 years.
Anti-I	1 Year.
Anti-Jk^a (Anti-Kidd)	Liquid: 1 year. Dried: 5 years.
Anti-Jk^b (Anti-Kidd)	1 Year.
Anti-K (Anti-Kell)	Do.
Anti-k (Anti-Cellano)	Do.
Anti-Kp^a (Anti-Penney)	Liquid: 1 year. Dried: 5 years.
Anti-Kp^b (Anti-Rautenberg).	1 Year.
Anti-Le^a (Anti-Lewis)	Liquid: 1 year. Dried: 5 years.
Anti-Le^b (Anti-Lewis)	Liquid: 1 year. Dried: 5 years.
Anti-M	1 Year.
Anti-Mg	Liquid: 1 year. Dried: 5 years.

Anti-N	1 Year.
Anti-P	Liquid: 1 year. Dried: 5 years.
Anti-Rh$_o$ (Anti-D):	
Manual	Liquid: 1 year. Dried: 5 years.
Automated	1 Year.
Anti-Rh$_o$' (Anti-CD):	
Manual	Liquid: 1 year. Dried: 5 years.
Automated	1 Year.
Anti-Rh$_o$'' (Anti-DE):	
Manual	Do.
Automated	Do.
Anti-Rh$_o$ rh'rh'' (Anti-CDE):	
Manual	Do.
Automated	Do.
Anti-rh' (Anti-C)	
Manual	Liquid: 1 year. Dried: 5 years.
Anti-rh'' (Anti-E)	Liquid: 1 year. Dried: 5 years.
Anti-hr' (Anti-c):	
Manual	1 Year.
Automated	Do.
Anti-hr'' (Anti-e)	1 Year.
Anti-rh^w (Anti-C^w)	Do.
Anti-S	Liquid: 1 year.
Anti-s	Dried: 5 years.
Anti-U (Anti-Ss)	Liquid: 1 year.
Anti-Xg^a	Dried: 5 years. 1 year. Dried: 5 years.

2. In Subpart F by adding a new center heading and new sections as follows:

BLOOD GROUPING SERUM

§ 273.5030 Blood Grouping Serum.

(a) *Proper name and definition.* The proper name of this product shall be Blood Grouping Serum, which shall consist of a sterile preparation of serum containing one or more blood grouping antibodies as set forth in § 273.5039.

(b) *Source.* The source of this product shall be blood plasma or serum.

§ 273.5031 Reference preparations.

The following reference preparations shall be obtained from the Bureau of Biologics, Food and Drug Administration, 5600 Fishers Lane, BI-1, Rockville, MD 20852, and shall be used for determining the potency of Blood Grouping Serums as applicable:

REFERENCE BLOOD GROUPING SERUM

Anti-A.
Anti-B.
Anti-Rh$_o$ (D) Incomplete or blocking.
Anti-Rh$_o$' (CD) Complete or saline agglutinating.
Anti-rh' (C) Incomplete or blocking.
Anti-rh'' (E) Incomplete or blocking.
Anti-hr'' (e) Incomplete or blocking.

§ 273.5032 Potency test.

Products for which a reference serum is available shall have a potency titer value at least equal to the reference serum.

(a) *Test procedures for ABO Blood Grouping Serums.*—(1) *Cell suspensions.* (i) A 2 percent suspension of red blood cells prepared in isotonic saline within 7 days from collection as clotted or anticoagulated specimens shall be used.

(ii) Fresh suspensions shall be prepared daily by sufficient washings in saline to result in a clear supernate.

(iii) As a minimum, the following cells shall be used:

Blood Grouping Serum:	*Cells*
Anti-A	A_1A_2B.
Anti-A,B	A_1A_2 and B.
Anti-B	B.

(2) *Serum dilutions.* (i) Separate serial 2-fold dilutions (1:2, 1:4, etc.) of the test serum and the reference serum shall be prepared in isotonic saline.

(ii) A separate clean pipette shall be used for each dilution to avoid carryover of higher serum concentrations.

(iii) For Anti-A,B Serum, Reference Blood Grouping Serums Anti-A and Anti-B shall be used without pooling.

(3) *The test.* Reference Blood Grouping Serums Anti-A and Anti-B shall be tested in parallel with the test serum using cells listed in paragraph (a)(1)(iii) of this section.

(i) To 0.1 milliliter of each serum dilution in a clean small test tube (approximately 10x75 millimeters), add 0.1 milliliter of the appropriate 2-percent cell suspension.

(ii) Mix throughly and centrifuge immediately for 1 minute at approximately 150 relative centrifugal force (RCF).

(4) *Interpretation of the test.* The cell buttons shall be gently dislodged and observed macroscopically. The reactions shall be graded as follows:

4+ Cell button remains in one clump.
3+ Cell button dislodges into several clumps.
2+ Cell button dislodges as many small clumps of equal size.
1+ Cell button dislodges into finely granular but definite, small clumps.

Any doubtful reaction shall be recorded as negative. The potency titer value is the reciprocal of the greatest serum dilution for which the reaction is graded as 1+.

(b) *Test procedures for incomplete or blocking Anti-Rh$_o$(D), rh'(C), rh''(E), Rh$_o$rh'rh''(CDE), Rh$_o$'(CD), Rh$_o$''(DE), and hr''(e).*—(1) *Cell suspensions.* (i) A 2 percent suspension of red blood cells prepared in 15 percent bovine albumin within 7 days after collection as clotted or anticoagluated specimens shall be used.

(ii) Fresh suspensions shall be prepared daily by washing at least twice in saline to result in a clear supernate.

(iii) As a minimum, the following cells shall be used:

Blood grouping serum:	*Cells*
Anti-Rh$_o$(D)	O Rh$_o$(cDe).
Anti-rh'(C)	O rh'rh(Cde/cde).
Anti-rh''(E)	O rh''rh(cdE/cde).
Anti-hr''(e)	O R_1R_2 (CDe/cDE).
Anti-Rh$_o$'(CD)	O Rh$_o$(cDe). O rh'rh(Cde/cde).
Anti-Rh$_o$''(DE)	(O Rh$_o$(CDe). cde). O rh''rh(cdE/cde).
Anti-Rh$_o$rh'rh''(CDE)	O Rh$_o$(cDe), O rh'rh(Cde/cde). O rh''rh(cdE/cde).

(2) *Serum dilutions*—(i) Beginning with undiluted serum, separate serial 2-fold dilutions (1: 2, 1: 4, etc.) of the test serum and the reference serum shall be prepared in 20 percent bovine albumin.

(ii) A separate clean pipette shall be used for each dilution to avoid carryover of higher serum concentrations.

(iii) For serums containing multiple antibodies, e.g., Anti-Rh$_o$'(CD), the corresponding Reference Blood Grouping Serums shall be used without pooling.

(3) *The test.* Reference Blood Grouping Serums shall be tested in parallel with the test serums using cells listed in paragraph (b)(1)(iii) of this section.

(i) To 0.1 milliliter of each serum dilution in a clean small test tube (approximately 10 x 75 millimeters), add 0.1 milliliter of the appropriate 2 percent cell suspension.

(ii) Mix thoroughly and incubate test tubes at 37°C. for 1 hour.

(iii) Centrifuge test tubes for 2 minutes at approximately 150 relative centrifugal force (RCF).

(4) *Interpretation of the test.* The interpretation of the test shall be the same as described in paragraph (a)(4) of this section.

(c) *Test procedure for complete or saline agglutinating Anti-Rh$_o$(D).* The test procedures shall be the same as those for the incomplete or blocking type except that the 2 percent suspensions of red blood cells and the 2-fold serial serum dilutions shall be made in isotonic saline.

(d) *Products for which a Reference Blood Grouping Serum is not available.* (1) Blood Grouping Serum recommended for tube methods shall produce reactions graded as 2+ (paragraph (a)(4) of this section) upon macroscopic examination when the undiluted serum and red blood cells heterozygous for the corresponding antigen are tested by all methods recommended in the manufacturer's instruction circular.

(2) Blood Grouping Serum recommended for slide test methods shall produce agglutinated cells 1 square millimeter in surface area when the undiluted serum and red blood cells heterozygous for the corresponding antigen are tested by all methods recommended in the manufacturer's instruction circular.

(3) Blood Grouping Serum recommended for use in an automated system shall be sufficiently potent so that a 2-fold dilution shall produce the same test results as the undiluted product tested in accordance with the manufacturer's instruction circular. This shall be demonstrated by preparing the 2-fold dilution of the antiserum with an appropriate diluent and reacting it with red blood cells which are heterozygous to the corresponding antigen, when tested by the method described in the manufacturer's instruction circular.

§ 273.5033 Specificity test.

The product shall be specific for the antibody or antibodies indicated on the label and shall be free of other nonspecific qualities such as false agglutinins, rouleaux, and hemolysins.

(a) *Test procedures.* Specificity shall be demonstrated by testing the product according to all test methods described in the manufacturer's instruction circular. Cells selected for the test shall include both positive and negative cells for the corresponding antigen. As a minimum, the following cells shall be used

when testing specificity of Blood Grouping Serums:

Blood Grouping Serum:	*Cells*
Anti-A	A_1 A_2B B O rh(cde).
Anti-B	A_1 A_2 B O rh(cde).
Anti-A,B	A_1 A_2 B O rh(cde).
Anti-A_1	A_1 A_2 A_2B, B, O rh(cde).
Anti-Rh_o(D)	O Rh_o(cDe) O rh'(CDe) O rh''(cdE).
	A_1 rh(cde) B rh(cde) O rh(cde).
Anti-rh'(C)	O rh'rh(CDe/cde) O Rh_o(cDe).
	O rh''(cdE) A_1 rh(cde) B rh(cde).
	O rh(cde).
Anti-rh''(E)	O rh''rh(cdE/cde) O rh'(CDe) O Rh_o(cDe).
	A_1 rh(cde) B rh(cde) O rh(cde).
Anti-hr'(c)	O rh'rh(CDe/cde) A_1 R_1R_1 (CDe).
	B R_1R_1(CDe) O R_1R_1(CDe).
Anti-hr''(e)	O rh''rh(cdE/cde) $A_1R_2R_2$ (cDE).
	B R_2R_2(cDE) O R_2R_2(cDE).
Anti - Rh_orh' rh''(CDE).	O Rh_o(cDe) O rh'rh(CDe/cde) O rh''rh(cdE/cde).
	A_1 rh(cde) B rh(cde) O rh(cde).
	O Rh_o(cDe) O rh'rh(CDe/cde) O rh''rh(cdE/cde).
Anti-Rh_o' (CD).	A_1 rh(cde) B rh(cde) O rh(cde).
	O Rh_o(cDe) O rh'(CDe) O rh''rh(cdE/cde).
Anti-Rh_o'' (DE).	A_1 rh(cde) B rh(cde) O rh(cde).

For all other Blood Grouping Serums, group O cells which are heterozygous for the corresponding antigen shall be used along with group A, B, and O cells which are negative for the corresponding antigen. Specificity tests for Blood Grouping Serum Anti-S shall also include Group O cells negative for S, but positive for M^s.

(b) *Test for non-specific qualities.* Tests shall be performed to demonstrate the absence of false agglutinins, rouleaux, and hemolysins. Group O rh negative cells shall be used, except that Blood Grouping Serums for the Rh-Hr system, e.g., Anti-Rh_o(D), Anti-Rh_o'(CD), Anti-hr'(c), etc., shall be tested with group O cells negative for the corresponding antigen. The test procedure shall be as follows:

(1) Into each of three small test tubes (approximately 10 x 75 millimeters), place 0.25 milliliter of undiluted Blood Grouping Serum.

(2) To each tube add 0.25 milliliter of at least once washed 2 percent cell suspension in saline.

(3) Incubate the tubes as follows:

Tube No. 1, 37°C. for 1 hour. Examine for agglutination, rouleaux, and hemolysins. If no reaction, incubate at room temperature for an additional 2 hours and examine.

Tube No. 2, 2–8°C. for 1 hour. Examine for agglutination, rouleaux, and hemolysins. If no reaction, incubate at room temperature for an additional 2 hours and examine.

Tube No. 3, room temperature for 3 hours. Examine for agglutination, rouleaux, and hemolysins. The product is considered satisfactory if there is no agglutination, hemolysin, or rouleaux in any of the tubes.

§ 273.5034 Avidity test.

Blood Grouping Serums recommended for use by a slide method shall be tested for avidity by the appropriate test established in this section. Such serums shall be sufficiently avid that beginning agglutination occurs within 60 seconds. Agglutinated cells shall remain visible for the period of time required in this section for each serum, and at that time the aggregate shall be no less than 1 square millimeter in surface area.

(a) *Test procedure for ABO Blood Grouping Serum.* (1) A 10 percent suspension in saline of washed red blood cells shall be used.

(2) One drop of undiluted test serum is mixed with one drop of the cell suspension in a 25-millimeter square area on an unheated glass slide.

(3) The time required for agglutination to begin is recorded.

(4) At the end of 3 minutes, the size of the clumps is recorded.

(5) As a minimum, the following cells shall be used:

Blood Grouping Serum:	*Cells*
Anti-A	A_1 A_2B.
Anti-B	B.
Anti-A,B	A_1 A_2 B.

(b) *Test procedure for Rh-Hr Blood Grouping Serum.* (1) A 50 percent suspension in normal AB serum of at least twice washed red blood cells shall be used.

(2) One drop of undiluted test serum is mixed with 2 drops of the 50-percent cell suspension in a 25-millimeter square area on a glass slide continuously heated at 35° to 47°C.

(3) The time required for agglutination to begin is recorded.

(4) At the end of 2 minutes, the size of the clumps is recorded.

(5) As a minimum, the following cells shall be used:

Blood Grouping Serum:	*Cells*
Anti-Rh_o(D)	O Rh_o(cDe).
Anti-rh'(C)	O rh'rh(Cde/cde).
Anti-rh''(E)	O rh''rh(cdE/cde).
Anti-hr'(c)	O rh'rh(Cde/cde).
Anti-hr''(e)	O rh''rh(cdE/cde).
Anti-Rh_orh'rh'' (CDE).	O Rh_o(cDe).
	O rh'rh(Cde/cde).
	O rh''rh(cdE/cde).
Anti-Rh_o'(CD)	O Rh_o(cDe).
	O rh'rh(Cde/cde).
Anti-Rh_o''(DE)	O Rh_o(cDe).
	O rh''rh(cdE/cde).

(c) *Test procedures for other Blood Grouping Serums.* All other Blood Grouping Serums recommended for the slide test, except those listed in paragraphs (a) and (b) of this section, shall be tested for avidity following the manufacturer's directions and the procedures as follows:

(1) Group O cells which are heterozygous for the corresponding antigen shall be used.

(2) At the end of the maximum observation period recommended in the manufacturer's directions, the clump size shall be no less than 1 square millimeter.

§ 273.5035 General requirements.

(a) *Processing.* The processing method shall be one that has been shown to consistently yield a specific, potent final product, free of properties which would affect the product for its intended use throughout the dating period.

(b) *Color coding.* Color coding of the product, labels, containers, and dropper assembly shall not be used, except that:

(1) Anti-A Serum, labels, and dropper bulbs may be colored blue.

(2) Anti-B Serum, labels, and dropper bulbs may be colored yellow.

(c) *Final containers and dropper assemblies.* Final containers and dropper assemblies shall be sterile. Final containers and dropper pipettes shall be colorless and transparent or translucent.

(d) *Volume of final product.* A final container of Blood Grouping Serum for manual use shall not contain more than 10 milliliters of the product. A final container of product for use in automated equipment shall contain one of the following:

(1) 150 milliliters of product for those serums that are to be used undiluted; or

(2) 10 milliliters for those serums that are to be diluted for use.

§ 273.5036 Labeling.

In addition to the applicable labeling requirements of §§ 273.602 and 167.2 of this chapter and in lieu of the requirements in §§ 273.600 and 273.601, the following requirements shall be met:

(a) *Final containers; required information.* The complete proper name of the product need not appear on the final container label if the final container is packaged so as to include all of the information, in an outside carton or by other means, required by paragraph (e) of this section. The final container label shall bear the following information:

(1) Name of the antibody or antibodies present, followed by the word "serum," as set forth in § 273.5039.

(2) Name and license number of the manufacturer.

(3) Lot number.

(4) Expiration date.

(5) Source of product if other than human.

(6) Test method(s) recommended.

(7) Recommended storage temperature.

(8) Volume of product.

(9) If a dried product, "Reconstitution date _____. Expires one year after reconstitution date."

(b) *Lettering size.* The lettering size for the antibody designation on the labels for 1- to 4-milliliter capacity final containers shall be not less than 4 millimeters in height. The lettering size for the antibody designation on the labels for 5- to 10-milliliter capacity final containers shall be not less than 5 millimeters in height. The word "serum" may be of lesser type size than the antibody designation. The lettering on the labels of 1- to 10-milliliter capacity final containers that bear the name of multiple antibodies may be of smaller size to accommodate the longer name.

(c) *Visual inspection.* When the label has been affixed to the final container, a sufficient area of the container shall remain uncovered for its full length or lower circumference to permit inspection of the contents.

(d) *Container as package label.* If the final container is not enclosed in a package, all items required for a package label in paragraph (e) of this section shall appear on the container label.

(e) *Package label.* The following items shall appear on the package label:

(1) Proper name of the product.

(2) Blood group designation.

(3) Name, address (including zip code), and license number of the manufacturer.

(4) Lot number.

(5) Expiration date.

(6) Preservative used and its concentration.

(7) Number of containers, if more than one.

(8) Volume or equivalent volume for dried products when reconstituted.

(9) Recommended storage temperature.

(10) Source of the product.

(11) Reference to enclosed instruction circular.

(12) If a dried product, a statement indicating the period within which the product may be used after reconstitution.

(13) "For *in vitro* diagnostic use."

(f) *Instruction circular.* Each final container of Blood Grouping Serum shall be accompanied by a circular providing the following information:

(1) Adequate instructions for use.

(2) Description of all recommended test procedures.

(3) A description of all supplementary reagents.

(4) If a dried product, the period within which the product may be used after reconstitution.

§ 273.5037 Lot definition.

For the purposes of this subpart, a lot is defined as that quantity of uniform material, which has been completely processed and is contained in a single receptacle or vessel identified by a lot number, from which subsequent fillings for distribution are made into final containers and which are further identified by a filling designation.

§ 273.5038 Samples; protocols; official release.

For each lot of product, the following material shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, Building 29A, 9000 Rockville Pike, Bethesda, MD 20014:

(a) *Liquid products.* (1) Samples selected randomly from final containers of each filling of the product packaged for distribution.

(2) Not less than the following quantities shall be submitted:

LIQUID PRODUCTS

Final container size	Number of final containers to be submitted for serum recommended for manual use	Number of final containers to be submitted for serum recommended for automated use
1 ml	9	3
2 ml	4	3
5 ml	3	3
10ml	3	3

(b) *Dried products.* (1) Samples selected randomly from final containers from every drying operation of each filling.

(2) Not less than the following quantities shall be submitted:

DRIED PRODUCTS

Final container size	Number of final containers to be submitted for serum recommended for manual use	Number of final containers to be submitted for serum recommended for automated use
0.5 ml	12	3
1 ml	6	3
2 ml	4	3
5 ml	3	3
10 ml	3	3

(3) A sufficient number of final containers to provide at least 200 milligrams of dried product for moisture determinations shall be submitted in addition to the samples required in paragraph (b) (2) of this section.

(c) *Protocol.* A protocol of all tests performed and the results. Copies of sample protocols may be obtained upon request from the Director, Bureau of Biologics, Food and Drug Administration, BI–1, Building 29A, 9000 Rockville Pike, Bethesda, MD 20014.

§ 273.5039 Blood group designations.

The following are the blood group designations as they shall appear on the final container label, the package (carton), and package enclosure (circular). The proper name, Blood Grouping Serum, need not appear on the final container label but shall appear on the carton and circular.

Final container:	*Carton and circular*
Anti-A serum	Anti-A.
Anti-A_1 serum	Anti-A_1.
Anti-B serum	Anti-B.
Anti-A,B serum	Anti-A,B.
Anti-Di^a serum	Anti-Di^a (Anti-Diego).
Anti-Fy^a serum	Anti-Fy^a (Anti-Duffy).
Anti-Fy^b serum	Anti-Fy^b (Anti-Duffy).
Anti-I serum	Anti-I.
Anti-Jk^a serum	Anti-Jk^a (Anti-Kidd).
Anti-Jk^b serum	Anti-Jk^b (Anti-Kidd).
Anti-K serum	Anti-K (Anti-Kell).
Anti-k serum	Anti-k (Anti-Cellano).
Anti-Kp^a serum	Anti-Kp^a (Anti-Penney).
Anti-Kp^b serum	Anti-Kp^b (Anti-Rautenberg).
Anti-Le^a serum	Anti-Le^a (Anti-Lewis).
Anti-Le^b serum	Anti-Le^b (Anti-Lewis).
Anti-M serum	Anti-M.
Anti-Mg serum	Anti-Mg.
Anti-N serum	Anti-N.
Anti-P serum	Anti-P.
Anti-Rh_o(D) serum.	Anti-Rh_o (Anti-D).
Anti-Rh_o'(CD) serum.	Anti-Rh_o' (Anti-CD).
Anti-Rh_o''(DE) serum.	Anti-Rh_o'' (Anti-DE).
Anti-Rh_o rh'rh'' (CDE) serum.	Anti-Rh_o rh'rh'' (Anti-CDE).
Anti-rh'(C) serum	Anti-rh'(Anti-C).
Anti-rh''(E) serum	Anti-rh''(Anti-E).
Anti-hr'(c) serum	Anti-hr'(Anti-c).
Anti-hr''(e) serum	Anti-hr'' (Anti-e).
Anti-rh^w(C^w) serum.	Anti-rh^w(Anti-C^w).
Anti-S serum	Anti-S.
Anti-s serum	Anti-s.
Anti-U serum	Anti-U (Anti-Ss).
Anti-Xg^a serum	Anti-Xg^a.

Interested persons may, on or before January 14, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday thru Friday.

Dated: November 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-23932 Filed 11-12-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 73 255P]

LAKE WASHINGTON SHIP CANAL, WASH.

Proposed Drawbridge Operation

The Coast Guard is considering amending the regulations for two railroad bridges across the Lake Washington Ship Canal to reflect new ownership and to permit the draw of one of these bridges to be maintained in the fully open position.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Thirteenth Coast Guard District, 618 Second Avenue, Seattle, Washington 98104. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District, will forward any comments received before December 18, 1973,

with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.795 (b)(1) (i) and (iii) to read as follows:

§ 117.795 Lake Washington Ship Canal, Wash.; bridges.

* * * * *

(b) * * *

(1) * * *

(i) *Burlington Northern Railway Bridge, clearance 42 feet at high tide.* One long blast of whistle, followed quickly by one short blast.

* * * * *

(iii) *Burlington Northern Railway Bridge, clearance 16 feet.* The draw of this bridge shall be maintained in the fully open position. If the draw is open, no signal is required. If the draw is closed the provisions of paragraph (a) of this section shall apply.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: November 6, 1973.

R. I. PRICE,
Captain U.S. Coast Guard Deputy Chief, Office of Marine Environment and Systems By direction of the Commandant.

[FR Doc.73-24094 Filed 11-12-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 73-WE-3]

JET ROUTE

Proposed Establishment

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would establish a jet route from the United States/Mexican border via the Julian, Calif. VORTAC to the Ontario, Calif. VORTAC.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 1500 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before December 13, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The proposed action would establish a jet route from Ontario, Calif. via Julian, Calif. to the INT of the Julian 136° T (121° M) radial and the United States/Mexican border. At this point it would connect with the present Mexican jet route to Hermosillo, Mexico, which the Mexican Government plans to renumber as J-93. The combined actions would provide route continuity and assist the control of aircraft between the United States and Mexico in this area.

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

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

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

[FR Doc.73-24071 Filed 11-12-73;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 73-GL-49]

NEW JET ROUTE

Proposed Establishment

The Federal Aviation Administration is considering an amendment to Part 75 of the Federal Aviation Regulations that would establish a new jet route between Traverse City, Mich., and Flint, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before December 13, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The proposed amendment would establish new jet route No. 185 from Traverse City, Mich., direct to Flint, Mich. This jet route would be used primarily for air carrier operations recently inaugurated between Traverse City, Mich., and the Detroit, Mich., metropolitan area. This amendment would aid air traffic control and simplify flight planning.

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

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

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

[FR Doc.73-24072 Filed 11-12-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 73-311]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

Tariff-Rate Quota for the Quota Year Beginning September 15, 1973

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1973, is 45,000,000 pounds.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1973, made by the United States Department of Agriculture as of October 1, 1973, was 29,750,600,000 pounds.

In accordance with headnote 2, part 8A, of schedule 1, Tariff Schedules of the United States, the quantity is not increased because the estimated production is greater than 21,000,000,000 pounds.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.73-24132 Filed 11-12-73;8:45 am]

Internal Revenue Service

[Order No. 53]

DISTRICT DIRECTORS

Revocation of Authority To Cancel Registration Certificates

Delegation Order No. 53 authorized District Directors to cancel registration certificates, Form 637 issued pursuant to Regulations 44 and 46, under certain circumstances. That authority has now been delegated to the District Directors by Regulations 148.1-3(j)(1).

Delegation Order No. 53, issued October 10, 1957, is hereby revoked.

Issued: November 5, 1973.

Effective date: November 5, 1973.

[SEAL] JOHN F. HANLON,
Assistant Commissioner (Compliance).

[FR Doc.73-24135 Filed 11-12-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DISTRICT MANAGERS IN MONTANA

Redelegation of Authority Regarding Procurement Authority

A. Pursuant to delegation of authority contained in Bureau Manual 1510.03B2d, all District Managers in Montana are authorized:

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

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

3. To procure supplies and services available from established sources of supply regardless of amount.

B. This redelegation supplements the redelegation of October 8, 1973, to the Chief, Division of Management Services and Chief, Branch of Administrative Management, and supersedes all previous redelegations.

C. District Managers may redelegate all or part of this authority to persons under their direction capable of proper handling of procurement authority.

EDWIN ZAIDLICZ,
State Director.

[FR Doc.73-24117 Filed 11-12-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-31]

H. & L. COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), H. & L. Coal Company, Incorporated, has filed a petition to modify the application of 30 CFR 75.501 and 30 CFR 75.501-1 through 30 CFR 75.501-2 of the implementing regulations to its Mine No. 26 located at Sequatchie County, Tennessee.

§ 75.501 Permissible electric face equipment; road seams above water table.

On and after March 30, 1974, all electric face equipment, other than equipment referred to in paragraph (b) of § 75.500, which is taken into and used in by the last open crosscut of any coal mine which is operated entirely in coal seams located above the water table and which has not been classified under any provision of law as a gassy mine prior to March 30, 1970, and in which one or more openings were made prior to December 30, 1969, shall be permissible.

As an alternative method petitioner requests permission to continue using his presently existing equipment in the mine. Petitioner seeks modification regarding a unitrack hauler which at the time of its purchase was permissible, but does not have automatic cutoff monitors required by the mandatory standard. Petitioner states that it has three portable methane monitors in the mine and a hand operated monitor on the machine.

Petitioner contends that the requested modification would at all times guarantee no less than the same measure of protection afforded the miners in the affected area by application of the mandatory standard. Petitioner contends that electric face equipment, including equipment similar to the unitrack hauler for which the modification is requested, has been in operation in this mine for many years. Also, petitioner alleges that throughout the history of the operation in the Sewannee seam where Mine No. 26 is located, the seam has never been classified as gassy and there has been no history of methane being detected in the seam. The mine is located above the water table and every inspection made by a Federal inspector reflects that no methane has ever been detected.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 13, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 31, 1973.

[FR Doc.73-24065 Filed 11-12-73;8:45 am]

[Docket No. M 74-18]

HARLAN FUEL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Harlan Fuel Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its Elzo Nos. 4 and 5 Mines located at Yancey, Kentucky.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

Petitioner states that the access roads in the affected area range in length from 3,000 feet to over 4 miles. The roads are narrow due to the steep slopes of the mountains and the outer banks are on fill material and will not support guard rails.

As an alternative method, petitioner requests that it be allowed to continue using its access roads without the addition of berms or guards. Petitioner states that the access roads are maintained by the use of gravel and grading equipment which is used to push mud and snow over the outer edge of the roads.

Petitioner contends that the application of the mandatory safety standard would result in a diminution of safety to miners in the affected area in that the addition of berms would eliminate possible passing areas for coal trucks and cars. Also, petitioner avers that frequent freezes and thaws occur which would be dangerous because berms would trap runoff water thereby creating hazardous driving conditions.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 13, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

November 1, 1973.

[FR Doc.73-24067 Filed 11-12-73;8:45 am]

[Docket No. M 74-25]

HARMAR COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Harmar Coal Company has filed a petition to modify the application of section 303(f) of the Act, also published as 30 CFR 75.305, to its Harmar Mine located at Allegheny County, Pennsylvania.

Section 303(f) of the Act reads as follows:

In addition to the pre-shift and daily examinations required by this section, examinations for hazardous conditions, including tests for methane and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examination need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials, and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such conditions to a safe area, except those persons referred to in section 104(d) of this Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

Petitioner requests modification of that portion of the above section which requires that a certified person make weekly examinations in each return split of air. Petitioner requests the modification as it applies to the 14 North entries. The Harmar Mine has been in continuous operation for 56 years and the return air course from 18 South overcast to the base of 14 North (Campbell Shaft) was developed from 1926 to 1932. The entries leading to the Campbell Shaft were maintained until 1951 when the intake side of the shaft was sealed off and all track in the area was abandoned. Since this time, no attempt has been made to maintain any of the 14 North entries because they were then used only for the return air course. Petitioner states that high, tight roof falls make most of this area impassable. Also, this area serves as a drainage basin and the deep well pump in the 14 North entries leading to the Campbell Shaft handles 1,836,000 gallons of water per day. The water in this area extends throughout the 14 North entries and varies in depth from zero to seven feet, creating an additional obstruction to the examination of fan entries and this condition also aids in the deterioration of the roof and any remaining timbers. Entries not blocked with water are mired in yellow boy and muck, often as deep as sixty inches, which also hinders travel in this area. Due to these conditions, examinations of the fan were considered too hazardous and were not performed as required under the old Federal Code and the present Act. Petitioner states that no escapeways travel through this area and only one return split reaching the fan comes from active workings. Petitioner contends that this split contains 51 percent of the air returning to the fan, with all other splits coming from bleeder entries along the motor road and from No. 4A mains.

As an alternative method of protection petitioner proposes that it be allowed to establish two air measuring stations underground; one on each side of the 14 North fan entries leading to the Campbell Shaft. The air coming to the fan from the working section and the air traveling through the accessible bleeder entries along the motor road would be measured at these two measuring stations. Also, a measuring station would be maintained on the surface at the fan to measure the total quantity of air handled by the fan, including the air from unaccessible bleeder entries. Petitioner states that methane and air quantity readings will be made by a certified, competent person and methane will not be permitted to accumulate in the return air course beyond legal limits. Both access to and from the area of the measuring stations will be kept in travelable and safe condition. A date board will be located at each measuring station and air quantity and methane readings will be taken and recorded along with the certified person's initials, date and time. Petitioner states that examinations will be made at each measuring station weekly or as required by § 75.305 of the regulations and all employees required to perform measurements at the underground station will be certified for such work on the basis of state examinations. Also, the water level in this area will be monitored continuously by the qualified personnel. Petitioner avers that the 14 North fan is also checked daily and the chart showing pressure heads is examined for changes.

Petitioner contends that the alternative method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mine by the application of the mandatory safety standard. Petitioner contends that rehabilitation of this area would require years of highly hazardous work and the implementation of the alternative method would eliminate this hazard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 13, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 31, 1973.

[FR Doc.73-24066 Filed 11-12-73;8:45 am]

[Docket No. M 74-29]

MATHIES COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Mathies Coal Company has filed a petition to modify the application of Section 303(d)(1) of the Act to its Mathies Mine located at Washington County, Pennsylvania.

Section 303(d)(1) reads in part as follows:

Within three hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings and any other underground area of the mine designated by the Secretary or his authorized representative.

This section is also published as 30 CFR § 75.303(a). On November 28, 1972, the Secretary required, by memorandum, that "All active roadways and travelways (main haulage roads included) shall be examined, by a certified person designated by the operator, within 3 hours immediately preceding the beginning of each shift in accordance with the provisions of section 303(d)(1) of the Act." Petitioner seeks modification of that part of section 303(d)(1) and Secretary's memorandum that requires that main haulage roads be examined within a 3-hour period immediately preceding all shifts. Petitioner states that mining has progressed underground to a distance of over 17 miles from the preparation plant and the mine operates 10 coal producing units on three shifts with an average of 27 machine shifts daily. Petitioner states that it has a highly developed haulage system consisting of almost 36 miles, the majority of which consists of dual haulage roads with separate track for loaded and empty mine cars. Prior practice as adopted by Federal coal mine inspectors has been to include the main track haulages in the pre-shift examination only before the first coal producing shift of each day.

As an alternative method Petitioner requests that it be allowed to use the following method of pre-shift examination of the main haulage: (1) After idle periods and before the start of the initial coal producing shift each day, the examinations required by section 303(d)(1) of the mandatory safety standards will be performed as required in the 3-hour period preceding the start of the shift. (2) The examinations preceding the remaining coal-producing shifts of each day will be performed during an 8-hour period preceding the start of the shift, rather than during the designated 3-hour period. The examinations made in the 8-hour period will be performed as moving examinations as covered in the memorandum from the Assistant Director, U.S. Bureau of Mines, entitled: Pre-shift Examination of Main Haulage Roads, dated November 6, 1972.

Petitioner contends that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mine by the application of the mandatory safety standard. Petitioner states that the subject mine will be examined prior to the entry of any miners; the examinations will be conducted so as to insure the health and safety of all miners at the mine; all points along the main haulage route would be examined once within an 8-hour interval; the time interval will be the same whether the examinations are conducted as required by the Bureau of Mines interpretation of section 303(d)(1) or as proposed by the petitioner. Petitioner further contends that the application of the mandatory standard would result in a lowering of the level of safety provided to each miner at the affected mine in that currently all certified people are being used to keep the production sections operating and no one is available to perform the additional pre-shift examinations required by the new interpretations of the mandatory standard. The superintendent, mine foreman, and assistant mine foreman are being forced to forego other tasks which are more important with regard to the health and safety of miners at the affected mine and perform pre-shift examinations. Also, an additional hazard would be created by this interpretation of the mandatory standard because congestion would be added to already heavily traveled haulage roads.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 13, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 31, 1973.

[FR Doc.73-24064 Filed 11-12-73;8:45 am]

[Docket No. M 74-30]

PITTSBURGH COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Pittsburgh Coal Company has filed a petition to modify the application of section 303(f) of the Act to its Westland Mine located at Washington County, Pennsylvania.

Section 303(f) reads as follows:

(f) In addition to the pre-shift and daily examinations required by this section, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examination need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such condition to a safe area, except those persons referred to in section 104(d) of this Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

Petitioner seeks modification of that portion of the above section which requires that a certified person make a weekly examination in each return split of air with respect to the return air course located between its 9 East and Allison Fan. A diagram of the affected area is attached to the petition. Petitioner states that the entries in the affected area of the mine were developed between 1940 and 1961. As much of the development was completed before the advent of roof bolting, timbers were used for support and they deteriorated due to adverse conditions. In 1961 the entires were abandoned due to ventilation and power restrictions. When this section was reopened in 1966, the intake aircourses were rehabilitated for the mainline motor road, but the returns were not rehabilitated since adequate area for the return aircourses existed and a new return air shaft was to be used. Since the entries were reopened, additional roof falls have made most of the return aircourse impassable. Petitioner states that 2.6 million gallons of water are pumped from the erea between Allison and 8 West each day. Petitioner states that due to these poor conditions in the return aircourse between 9 East and Allison Fan, weekly examinations for hazardous conditions were considered too hazardous to be performed. Only the mainline haulage road is located in this area and the only active split returning to the fan is from the 10 East Section. All other air returning to the fan bleeds from the area along the haulage. Petitioner contends that an attempt to rehabilitate the 2.8 miles of return aircourse so that weekly examinations could be performed would be a hazardous task.

As an alternative method petitioner requests that it be allowed to establish three air measuring stations at designated points underground. Petitioner states that despite the conditions existing in the return aircourse, at certain points air and methane readings can be made to assure that methane accumulations have not occurred and to assure that the air flow is in its proper course and usual volume. Under the alternative method the active return would be measured at the measuring stations and all air, including that from the bleeder entries, would be measured at the fan bottom. Petitioner states that methane and air readings will be made by a certified, competent person and that methane will not be permitted to accumulate in the return aircourse beyond legal limits. Both the access to and the vicinity of the measuring stations will be travelable and in safe condition and a date board will be located at each measuring station so that

air quantity and methane readings may be taken and recorded along with the date and time and the certified person's initials. Also, examinations will be made at each measuring station weekly or as required by the Act and all employees required to perform measurements at the underground stations will be certified for such work on the basis of State examinations.

Petitioner contends that the alternative method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mine by the application of the mandatory standard in that the proposed measuring stations will satisfy all criteria of the Act and the use of the measuring stations will eliminate all hazards involved in the rehabilitation of the return aircourse. Petitioner avers that the net effect of the proposed measuring stations would be the same as if the returns were capable of being traveled and the proposed alternative method will provide an accurate and knowledgeable picture of the conditions in the return aircourse.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 13, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

OCTOBER 31, 1973.

[FR Doc.73-24063 Filed 11-12-73;8:45 am]

Office of the Secretary

[Order No. 2956]

OFFICE OF PETROLEUM ALLOCATION

Establishment

SECTION 1. By virtue of the authority provided by section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), there is hereby created an office under the Office of the Secretary to be known as the Office of Petroleum Allocation. This Office shall be under the supervision, management and direction of an Administrator to be appointed by the Secretary of the Interior.

SEC. 2. The authority with respect to petroleum products under section 203(a)(3) of the Economic Stabilization Act of 1970, as added by section 2(b) of the Economic stabilization Act Amendments of 1973, delegated to the Secretary of the Interior by the Director, Energy Policy Office, by notice published in the FEDERAL REGISTER on October 24, 1973 (38 FR 29379), is hereby redelegated to the Administrator, Office of Petroleum Allocation, and all previous redelegations of this authority by the Secretary are hereby withdrawn. This redelegation to the Administrator, Office of Petroleum Allocation, includes the redelegation of the power and duty to make the determinations and take the actions required or permitted by the Economic Stabilization Act, as amended, and the power to redelegate any authority thereunder.

SEC. 3. Subject to the limitation in 200 DM 1.4, the Administrator, Office of Petroleum Allocation, is authorized to issue amendments of and additions to the material published in 32A CFR Ch. XIII.

ROGERS C. B. MORTON,
Secretary of the Interior.

November 6, 1973.

[FR Doc.73-24227 Filed 11-12-73;8:45 am]

[INT FES 73-64]

DIABLO EAST DEVELOPMENT SITE AMISTAD RECREATION AREA, TEXAS

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for the Diablo East Development Site in the Amistad Recreation Area, Val Verde County, Texas.

The plan proposes development of a high density recreation site near the confluence of the Rio Grande and Devil's River, a location providing the best harbor in the vicinity with sufficient land above the flood level of the reservoir to allow uncluttered development. Facilities to be provided will include access and circulating roads, car and boat trailer parking areas, boat launching ramp, temporary campground, water well, underground water and power lines, three boat docks, boat sanitary dump station, toilets and septic tank and evaporation pond.

Copies of this environmental statement are available from or for inspection at the following location.

Southwest Regional Offices, National Park Service, Old Santa Fe Trail, P.O. Box 728, Santa Fe, N. Mex. 87501.

Amistad Recreation Area, P.O. Box 1463, Del Rio, Tex. 78840.

Dated: November 9, 1973.

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

[FR Doc.73-24306 Filed 11-12-73;9:29 am]

[INT FES 73-65]

PROPOSED WILDERNESS AREA, JOSHUA TREE NATIONAL MONUMENT, CALIFORNIA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for Proposed Wilderness Area, Joshua Tree National Monument, California.

The final environmental statement considers the designation of 372,700 acres of Joshua Tree National Monument as wilderness, and proposes 66,800 acres as potential wilderness addition.

Copies are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

Los Angeles Field Office, Room 2202, New Federal Building, Los Angeles, Calif. 90012.

Joshua Tree National Monument, P.O. Box 875, 29 Palms, Calif. 92277.

Dated: November 9, 1973.

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

[FR Doc.73-24305 Filed 11-12-73;9:28 am]

DEPARTMENT OF AGRICULTURE

Forest Service

BIGHORN MOUNTAIN RANGE, WYO.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Draft Environmental Statement for Management Proposals for the Cloud Peaks Primitive Area and Contiguous Lands of the Bighorn Mountain Range, Bighorn National Forest, Wyoming, USDA-FS-DES(Leg) 74-36.

The Environmental Statement concerns a proposal the Cloud Peaks Primitive Area and certain contiguous lands of the Bighorn Johnson and Sheridan Counties, Wyoming, be designated as Wilderness and added as a unit of the National Wilderness Preservation System.

The Draft Environmental Statement was filed with CEQ on October 30, 1973.

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

USDA, Forest Service, South Agriculture Building, Room 3231, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, Rocky Mountain Region, Denver, Federal Center, Building 85, Denver, Colo. 80255.

A limited number of single copies are available upon request to Chief John R. McGuire, Forest Service, South Agriculture Building, Washington, D.C. 20250.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the Environmental Statement when ordering.

Copies of the Environmental Statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which

comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to John R. McGuire, Chief, Forest Service, Washington, D.C. 20250.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

NOVEMBER 7, 1973.

[FR Doc.73-24154 Filed 11-12-73;8:45 am]

MULTIPLE USE PLAN—EAST FORK YAAK PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Multiple Use Plan East Fork Yaak Planning Unit, Forest Service report number USDA-FS-FES (Adm) 73-54.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the East Fork Yaak Planning Unit, Yaak Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 74,000 acres of National Forest lands which have been stratified into eight management situations or units with similar resource implications.

This final environmental statement was filed with CEQ on October 30, 1973.

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

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Northern Region, Federal Building, Missoula, Montana 59801.
USDA, Forest Service, Kootenai National Forest, Box AS, Libby, Montana 59923.

A limited number of single copies are available upon request to Acting Forest Supervisor Robert W. Damon, Kootenai National Forest, Box AS, Libby, Montana 59923.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

NOVEMBER 7, 1973.

[FR Doc.73-24155 Filed 11-12-73;8:45 am]

USE OF HERBICIDES IN THE EASTERN REGION

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Final Environmental Statement for the Use of Herbicides in the Eastern Region USDA-FS-FES (Adm) 73-3.

The environmental statement outlines guidelines and restrictions affecting the Forest Service use of eight principal and six minor herbicides on National Forests in Illinois, Indiana, Maine, Michigan, Minnesota, Missouri, New Hampshire, New York, Ohio, Pennsylvania, Vermont, West Virginia, and Wisconsin.

This final environmental statement was filed with CEQ on October 30, 1973.

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

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.
USDA, Forest Service, Allegheny National Forest, Spiridon Building, Warren, Pennsylvania 16365.
USDA, Forest Service, Chequamegon National Forest, Federal Building, Park Falls, Wisconsin 54552.
USDA, Forest Service, Chippewa National Forest, Cass Lake, Minnesota 56633.
USDA, Forest Service, Green Mountain National Forest, Federal Building, Rutland, Vermont 05701.
USDA, Forest Service, Hiawatha National Forest, Escanaba, Michigan 49829.
USDA, Forest Service, Huron-Manistee National Forests, Cadillac, Michigan 49601.
USDA, Forest Service, Monongahela National Forest, Elkins, West Virginia 26241.
USDA, Forest Service, National Forests In Missouri, Rolla, Missouri 65401.
USDA, Forest Service, Nicolet National Forest, Federal Building, Rhinelander, Wisconsin 54501.
USDA, Forest Service, Ottawa National Forest, Ironwood, Michigan 49938.
USDA, Forest Service, Shawnee National Forest, Harrisburg, Illinois 62946.
USDA, Forest Service, Superior National Forest, Federal Building, Duluth, Minnesota 55801.
USDA, Forest Service, Wayne-Hoosier National Forest, Bedford, Indiana 47421.
USDA, Forest Service, White Mountain National Forest, Federal Building, Laconia, New Hampshire 03246.

A limited number of single copies are available upon request to USDA—Forest Service, Eastern Region, Division of Timber Management, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

NOVEMBER 7, 1973.

[FR Doc.73-24156 Filed 11-12-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Performance Characteristics and Performance Measurements Subgroup of the Computer Systems Technical Advisory Committee will be held November 16, 1973, at 8:30 a.m. in Room 2035, Building 113, Ernest Orlando Lawrence Livermore Laboratories, University of California, Livermore, California.

Members advise the Office of Export Administration, 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 systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks and review of purpose of subgroup by Henry S. Forrest, Chairman.
2. Presentation of papers or comments by the public.
3. Review of work objectives and goals of the subgroup.
4. Discussion and modification of reports prepared by members of the subgroup.
5. Executive session: Continuation of discussion and modification of reports prepared by members of the subgroup.
6. Adjournment.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats will be available to the public for these agenda items. Persons wishing to attend are requested to notify Mr. Henry S. Forrest, Chairman of the subgroup, Control Data Corp., 5272 River Road, Bethesda, Md. 20016 (A/C 301—652-2268), at least three days in advance of the meeting. To the extent time permits, members of the public may present oral statements to the subgroup. Interested persons are also invited to file written statements with the subgroup.

With respect to agenda item 5, "Executive Session," the Assistant Secretary of Commerce for Administration, on July 17, 1973, determined, pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provisions of sections 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

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.

Date: November 8, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc.73-24194 Filed 11-12-73;8:45 am]

AMERICAN RED CROSS BLOOD RESEARCH LABORATORY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00015-33-46070. Applicant: American Red Cross Blood Research Lab., 9312 Old Georgetown Road, Bethesda, Maryland 20014. Article: Scanning Electron Microscope, Model MSM-2T. Manufacturer: Akashi Seisakusho, Japan. Intended use of article: The article will be used as an essential tool in a series of experiments involving a variety of biological materials and exemplified by such studies as platelet adhesion to colagen, the role of surface macromolecules in the control of cell behavior, the antigenic nature of the surface of blood cells, the nature of freezing injury in a variety of materials including beating heart cells and in studies on age related morphological changes in the cellular components of blood.

Comments: No comments have been received with respect to this application. A letter received from Coates and Welter (CWIC) dated September 24, 1973, is being treated as an offer to provide additional information in accordance with Section 701.10 of the regulations.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is an intermediate scanning electron microscope (SEM) which in terms of sophistication and capabilities lies a step below highly complex research types. The article is well suited to work in the region just beyond the capabilities of the optical microscope, because it provides the capabilities for simplicity, ease of operation, and small size found in optical instruments. The Department of Health, Education, and Welfare (HEW), advised in its memorandum dated October 4, 1973, that the capabilities described above are pertinent to the applicant's use in studies of surface topography and structure of blood cells, particularly, those features related to age and physical storage. HEW also advised that domestic SEMs have unneeded capabilities, size and complexity and, therefore, do not provide the pertinent capabilities. For these reasons, we find domestic SEMs are not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-24121 Filed 11-12-73;8:45 am]

CASE WESTERN RESERVE UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00148-00-46040. Applicant: Case Western Reserve University, Institute of Pathology, 2085 Adelbert Road, Cleveland, Ohio 44106. Article: Universal Camera for Elmiskop 101, #C72200-A3-A4. Manufacturer: Siemens AG, West Germany. Intended use of article: The foreign article is an accessory to an existing electron microscope being used in studies of the morphological effects of antimalarial drugs on malarial parasites. The article will also be used in an electron microscope course for graduate students in the Department of Pathology. Application received by Commissioner of Customs: October 1, 1973.

Docket Number: 74-00149-99-46040. Applicant: Chicago State University, Department of Biological Sciences, 95th and King Drive, Chicago, Illinois 60628. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The foreign article is intended to be used for teaching graduates and undergraduates in natural sciences a course in electron microscopy. The purpose of the course is not to train expert electron microscopists, but to train technicians, students, and professionals to use the electron microscope in their work projects. Application received by Commissioner of Customs: October 1, 1973.

Docket Number: 74-00151-33-46500. Applicant: University of South Alabama Medical School, 307 University Boulevard, Mobile, Alabama 36688. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The foreign article is intended to be used to study mammalian nervous system tissue exhibiting both normal and pathologic structure. Experiments will include research on both normal structure and inter-relationships of the components of the nervous system as well as research on lesion produced changes in the fine structure of the neurophile and the compensatory changes that subsequently occur. Application received by Commissioner of Customs: September 27, 1973.

Docket Number: 74-00152-33-83600. Applicant: Veterans Administration Hospital, Chief, Supply Service, Bldg. 222, Fort Snelling, St. Paul, Minnesota 55111. Article: Thermocurle Electronic Thermometer type TE3. Manufacturer: Ellab, Denmark. Intended use of article: The foreign article is intended to be used for monitoring and obtaining neurophysiological data as it relates to the brain and spinal cord. The article is also intended to be used in medical education. Application received by Commissioner of Customs: September 20, 1973.

Docket Number: 74-00153-33-46595. Applicant: Battelle Memorial Institute, Pacific Northwest Laboratories, P.O. Box 999, Richland, Washington 99352. Article: Pyramitome, Model LKB 11800-1. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare sections of plastic embedded tissues at least 1.0 μm thick for study with the light microscope, the intent being to localize the compounds such as, particles of plutonium, nickel oxide, cobalt oxide, asbestos, cigarette smoke, diesel smoke, and uranium ore dust to which the animals were exposed either by direct observation or by autoradiography and to compare such images with fine structural details obtained on ultrathin sections in the electron microscope. Application received by Commissioner of Customs: September 27, 1973.

Docket Number: 74-00155-33-36200. Applicant: Cardeza Foundation for Hematologic Research of Jefferson Medical College of Jefferson Univ., 1015 San-

som Street, Philadelphia, Pennsylvania 19107. Article: Platelet aggregometer. Manufacturer: Cambridge University, United Kingdom. Intended use of article: The foreign article is intended to be used in studies on the aggregation or changes in shape of blood platelets over a wide range of temperature. The objective is to help lucidate the mechanisms whereby platelets aggregate to help stop bleeding or to cause thrombosis which is often fatal in certain pathological conditions. Application received by Commissioner of Customs: October 1, 1973.

Docket Number: 74-00157-99-46040. Applicant: Montefiore Hospital & Medical Center, 111 East 210th Street, Bronx, New York 10467. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for teaching purposes in a basic science course in the Department of Ophthalmology. Ocular tissues, primarily retina, but including lens, cornea, ciliary body and all other ophthalmic structures will be studied. Individual ophthalmology residents are taught ocular pathology by examination of material in the department's files, discussions with the ocular pathologist, and reading of ophthalmological literature, much of which is based on electron microscopy. Application received by Commissioner of Customs: October 3, 1973.

Docket Number: 74-00158-33-46040. Applicant: University of Maine, Department of Zoology, Murray Hall, Orono, Maine 04473. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for research in the following projects entitled:

(1) Study of chloroplast growth and inheritance, and control of cell division in *Euglena gracilis*,

(2) An ultrastructural and chemical evaluation of the effects of freezing on Atlantic Salmon Sperm,

(3) A comparative ultrastructural study of gamete morphology and fertilization in echinoderms,

(4) Influence of herbicides, chlorinaated hydrocarbons, PCB's and growth rhythm phenomena on the fine structure of *Platymonas subcordiformis*,

(5) A fine structural investigation of growth and sexual maturation in gametophytes and young sporophytes of the bull kelp *Nereocystis cuetkeana* (Mertens) Postels and Ruprecht,

(6) Thin films Environmental Detector,

(7) Anatomy and fundamental properties of Maine woods, and

(8) Electrical and optical properties of amorphous semiconductors.

In addition the article will be used in ten (10) courses at the University as a teaching tool or as a secondary teaching aid. October 3, 1973.

Docket Number: 74-00159-33-46040. Applicant: The University of Michigan, Pathology Department, 1335 E. Catherine Street, Ann Arbor, Michigan 48104. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The foreign article is intended to be used in teaching a course entitled *Electron microscopy* and *Biological Sample Preparations*. The course will teach preparatory techniques for electron microscopy and include handling different types of tissue from human biopsies such as kidney, liver and a variety of neoplasms; the handling of various blood cells; the handling of bone marrow aspirates; and the handling of cells from tissue culture. The students will also be taught to operate the article but not at a level sufficient to qualify as expert electron microscopists. Application received by Commissioner of Customs: October 3, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-24128 Filed 11-12-73;8:45 am]

CLEVELAND CLINIC FOUNDATION

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00034-33-90000. Applicant: The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44106. Article: EMI brain scanning instrument and accessories. Manufacturer: EMI limited, United Kingdom. Intended use of article: The article is a revolutionary new development for medical diagnosis of diseases and abnormalities of the brain. The research application of the article will consist of determining which abnormalities of the brain are best visualized by the use of the article and to compare accuracy of this form of diagnosis against other diagnostic methods. Considerable attention will be given to research to enhance visualization of various processes in the brain following infusion of various chemical substances into the patient's vascular system. It is also planned to investigate the possibilities of diagnosis of disease of other organs in in vitro studies within the unit, such as liver, kidney, lung and heart to assist in determining the feasibility of using this method of scanning for detection of diseases in organs other than the brain.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a newly developed system which is designed to provide precise transverse axial x-ray tomography. The Department of Health, Education, and Welfare advised in its memorandum dated October 17, 1973, that the speed and accuracy of the article in providing information on the nature and location of the tissue damage are pertinent to the applicant's intended use in research and clinical evaluations on the brain as well as other organs such as liver, kidney, heart, and lung. HEW further advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-24124 Filed 11-12-73;8:45 am]

HARVARD MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00003-33-45300. Applicant: Harvard Medical School, 45 Shattuck Street, Boston, Mass. 02115. Article: X-Ray Microanalyzer, CAMECA Model MS 46. Manufacturer: CAMECA, France. Intended use of article: The article is intended to be used for the following general purposes:

1. To establish techniques for preparation and analysis of liquid samples of less than 0.1 nanoliters.

2. To establish techniques for preparation and analysis of tissue samples which preserve the subcellular localization of endogeneous soluble compounds and ionic species.

3. To establish techniques for identification and quantification of histochemical reaction product and electron dense

materials produced by both new and conventional techniques.

4. To establish a "cold-tracer" methodology, analyzing the distribution within tissues of typical biological compounds bearing elemental labels.

5. To determine the instrumental requirements unique to biomedical electron probe work through experience, and to achieve these through equipment modification and development of specifications.

6. To speed the introduction of even newer microanalytical methods, such as direct-imaging mass spectroscopy (the "ion probe") and nonionic imaging devices, by serving as a link between medical scientists and instrumental research programs at MIT and elsewhere. Specifically the article is intended to be used within the general purposes for programs involving:

(1) Electron probe microanalysis of kidney function;

(2) Ions and early mammalian development;

(3) A feasibility study of the ionic composition of sperm in the testis and epididymis;

(4) Electron probe analysis of material in taste bud pores.

(5) Electron microprobe analysis of $K+$, $Na+$, and $Cl-$ in mouse gastric mucosa;

(6) Zinc content in the prostate glands from normal and deficient diets;

(7) Surface immunoglobulins and other surface markers of certain classes of lymphocytes.

(8) Identification and localization of barium sulfate and of lanthenum in intercellular spaces of the toad bladder.

Comments: No comments have been received with respect to this application. A letter received from Applied Research Laboratories (ARL) dated August 14, 1973 is being treated as an offer to provide additional information according to § 701.10 of the regulations.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant's use in studies of glomerular tubule and genital tract fluids and in research to quantify cytochemical techniques will require the combined methods of transmission electron microscopy and X-ray microanalysis. The foreign article provides the capabilities for X-ray microanalysis in ultrathin samples with observation by transmission electron microscopy, as well as, analysis of solid samples. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated October 4, 1973 that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-24120 Filed 11-12-73;8:45 am]

LOUISIANA STATE UNIVERSITY ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat 897) and the regulations issued thereunder as amended (37 FR 3892 et seq). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00025-33-46040. Applicant: Louisiana State University, and A & M College, School of Veterinary Medicine, Baton Rouge, LA 70803. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The foreign article will be used for research and educational programs related to the professional curriculum at the applicant institution. This consists of faculty research and curriculum objectives which are divided into three phases, i.e., phase I, basic sciences, (normal biochemistry, ultrastructure, microstructure, gross structure and normal functions of the various cells, tissues and organs of the body); Phase II, preclinical Sciences, (abnormal structure and function) and Phase III, clinical sciences, (involving complexities related to diagnosis of various animal diseases). In Phase I (nine courses) the article will be used to strengthen didactic methodology in meeting instructional objectives and students achievement criteria, in Phase II (4 courses) the article will be used to define the ultrastructure of animal viruses as well as to associate viral ultrastructure with cytopathic changes occurring in invaded animal cells and in Phase III (2 courses) the article will be used as a tool for teaching diagnostic pathology. Application received by Commissioner of Customs: July 5, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 17, 1973.

Docket Number: 74-00031-33-46040. Applicant: Texas Southern University, 3201 Wheeler Street, Houston, Texas 77004. Article: Electron Microscope Model Elmiskop IA. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to examine the fine structure of cells of the endocrine organs, spleens, lymphnodes and bone marrow of certain vertibrate species; study of the mechanism of infection in insect tissues such as cells of the gut, fat bodies, caecum, salivary glands and epidermis; study viral replication, biosynthesis and transformation in mammalian cell cultures; and to study the ultrastructure of normal and abnormal cells in general. In addition, the article will be used for high resolution studies of several different types of insect viruses. The article will be used in the course Electron Microscopic Anatomy which involves teaching students the theories of fixation, dehydration and embedding tissues for microscopy as well as actual experience in the use of the electron microscope. Application received by Commissioner of Customs: July 13, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 17, 1973.

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

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

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

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

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

The article will also be used in a course entitled Instrumentation, Light and electron microscopy. Application received by Commisisoner of Customs: July 19, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 17, 1973.

Docket Number: 74-00040-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Massachusetts 02138. Article: Electron Microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the examination of ovaries; uteri; oviducts; eggs and blastocysts; spermatozoa; testis and accessory glands of the male reproductive tract in research intended to further the understanding of reproduction and to contribute to development of improved methods for limitation of human fertility. Among the intended studies are (1) membranes and

membrane contacts of granulosa cells in ovarian follicles as ovulation approaches; the nature of the blood-testis permeability barrier, localizing histocompatibility antigens on cell surfaces by conjugating ferritin to antibody and localizing the ferritin molecules in high resolution electron micrographs; cell biology of the female reproductive system and the early events of embryogenesis by use of the techniques of light and electron microscopy; and ovary, oviduct and early cleavage stages of the embryo. Application received by Commissioner of Customs: July 16, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 18, 1973.

Docket Number: 74-00044-33-46040. Applicant: The Ohio State University, College of Medicine, Columbus, Ohio 43210. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article will be used as part of an interdisciplinary program concerned with the study of the effect of traumatic and metabolic injuries on the ultrastructure of the spinal cord. Such factors as changes which occur that determine whether or not function of the cord can recover, nature and explanation of cellular ultrastructural changes in the cord following injury, and the role of impairment of the endothelial junctions in increased permeability and edema of the cord will be investigated. Following study of the many factors in spinal cord injury, the effect of various therapeutic procedures will be investigated. The ultimate goal will be to determine which ultrastructure alterations are preventable or at least reversible in order to restore function to the spinal cord and forestall severe and permanent paralysis. Application received by Commissioner of Customs: July 26, 1973. Advice submitted by Department of Health, Education, and Welfare on: October 18, 1973.

Comments: No comments have been received in regard to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article has a specified resolving capability equal to or better than 3.5 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corporation (Forgflo). The Model EMU-4C has a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-24126 Filed 11-12-73;8:45 am]

MEDICAL COLLEGE OF VIRGINIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00033-33-02100. Applicant: Medical College of Virginia, Department of Anesthesiology, 1200 E. Broad Street, Richmond, Va. 23298. Article: Acupuncture anesthesia apparatus with galvonometer. Manufacturer: Nihon Riko Medical Engineering Co., Ltd., Japan. Intended use of article: The article will be used to evaluate the use of electro-acupuncture (stimulation of acupuncture points by electricity) for the possible treatment of chronic pain and induction of anesthesia in man. The article will also be used to demonstrate the use of electro-acupuncture to medical students, nurses, residents, physicians, etc. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article, an electro-acupuncture instrument, is specifically designed for research involving a novel modification of the acupuncture technique which the applicant is evaluating. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated October 17, 1973 that the specific design of the article is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-24123 Filed 11-12-73;8:45 am]

STATE UNIVERSITY OF NEW YORK AT BUFFALO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 30 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00038-33-28500. Applicant: State University of New York at Buffalo, 1803 Elmwood Avenue, Buffalo, New York 14207. Article: Rank Electrophoresis Instrument. Manufacturer: Rank Brothers, United Kingdom. Intended use of article: The article is intended to be used to measure the relation between the motion of living cells in suspension, in an electric field, and the field strength and the composition of the suspending medium. Cells will be used from various tissue culture lines, and at various ages in the growth cycle, and before and after malignant transformation. Results will be correlated with the behavior of these cells in other biological experiments in an effort to obtain an understanding of the behavior of cells informing tissues in metastasis (a problem in cancer research) and related problems.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a vertical flat glass cell providing capabilities for accuracy (for particle size measurement as low as 0.09 micrometers) and adequate sterilization. The Department of Health, Education, and Welfare (HEW) advised in its memorandum

dated October 18, 1973, that the capabilities described above are pertinent to the applicant's use in an electrophoresis study of living large tissue culture cells under a variety of conditions. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Education and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-24125 Filed 11-12-73;8:45 am]

UNIVERSITY OF HAWAII

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00049-38-64700. Applicant: University of Hawaii, Department of Educational Psychology, 1776 University Avenue, Honolulu, Hawaii 96822. Article: 704 TKK Polygraph for Group Use. Manufacturer: Takei & Company, Ltd., Japan. Intended use of article: The article is intended to be used in research studies of psychophysiological changes as concommitants of small group process. Specifically it is intended to measure the psychophysiological aronsol as a function of (1) group leadership styles (2) group membership styles (3) inclusion stage in groups (4) affection stage in groups (5) control stage in groups (6) problem solving stage in groups (7) high verbal times vs. low verbal times for leaders and for members and (8) high ambiguity vs. low ambiguity times in the group.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the ability to test thirty subjects in a group simultaneously and to totalize the response for the group. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated October 18, 1973, that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-24127 Filed 11-12-73;8:45 am]

Maritime Administration

NEW YORK SUN SHIPPING CO., INC.

Application for Construction-Differential Subsidy for Construction of Tanker

Notice is hereby given that New York Sun Shipping Co., Inc., has filed, pursuant to Title V of the Merchant Marine Act, 1936, as amended, an application dated October 12, 1973, for a construction-differential subsidy to aid in the construction of one approximately 380,000 DWT new tanker for use in the foreign commerce of the United States.

Any interested parties may inspect this application in the Office of the Secretary, Room 3099B, Maritime Administration, Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230.

Dated: November 7, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-24163 Filed 11-12-73;8:45 am]

[Docket No. S-384]

UNITED STATES LINES, INC.

Amended Notice of Application

Notice is hereby given that United States Lines, Inc., has, on October 11, 1973, amended its application of July 27, 1973, for operating-differential subsidy (ODS), notice of which was published in the FEDERAL REGISTER of August 28, 1973 (38 FR 22991), FR Doc. 73-18119, to request ODS on five 84,000 deadweight ton converted tankers in lieu of the four 80,000 deadweight ton converted tankers for which operating-differential subsidy was requested in the July 27, 1973, application. It is contemplated that United States Lines, Inc., may organize a subsidiary to own or lease said vessels. The proposed operation of the five vessels is the same as was proposed in the initial application and set forth in the prior FEDERAL REGISTER notice.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of the United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States is inadequate, must, on or before November 26, 1973, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605 (c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: November 8, 1973.

By Order of the Maritime Subsidy Board.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS).)

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-24151 Filed 11-12-73;8:45 am]

VIRGINIA SUN SHIPPING CO.

Application for Construction-Differential Subsidy for Construction of Tanker

Notice is hereby given that Virginia Sun Shipping Co., Inc. has filed, pursuant to Title V of the Merchant Marine Act, 1936, as amended, an application dated October 12, 1973, for a construction-differential subsidy to aid in the construction of one approximately 380,000 DWT new tanker for use in the foreign commerce of the United States.

Any interested parties may inspect this application in the Office of the Secretary, Room 3099B, Maritime Administration, Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230.

Dated: November 7, 1973.

By order of the Martime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-24152 Filed 11-12-73;8:45 am]

National Oceanic and Atmospheric Administration

[Loan Case No. C-329]

ROGER W. DAVIES AND DOROTHY S. DAVIES

Notice of Transfer of Fishery

NOVEMBER 5, 1973.

Roger W. Davies and Dorothy S. Davies, 1331 Garden Highway, Sacramento, California 85833, owners of the vessel CORNUCOPIA purchased with the aid of a Fisheries Loan to engage in the fishery for salmon and abacore have requested permission to extend their fishing operations to engage in the fishery for salmon, tuna, tuna-like species, sablefish, dolphin (*Coryphaena hippurus*), and spiny lobsters.

Notice is hereby given that the above request is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JACK W. GEHRINGER,
Acting Director.

[FR Doc.73-24116 Filed 11-12-73;8:45 am]

NAVAL UNDERSEA CENTER

Notice of Application for Scientific Research Permit Under Marine Mammal Protection Act

Notice is hereby given that the following named individual has filed an application for a scientific research permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) as authorized by Section 104 of the Act, and § 216.12 of the Interim Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, 28181, December 21, 1972) for the taking and importation of marine mammals as hereinafter described for the purposes stated.

United States Navy Naval Undersea Center, Biosystems Research Department, Code 40, San Diego, California 92132, telephone 714-225-7838, to take the following marine mammals as described below from July 1, 1973, to July 1, 1974, and from July 1, 1974, to July 1, 1975:

NAVAL UNDERSEA CENTER (NUC) SUMMARY OF MARINE MAMMAL NEEDS FOR FY 1974 AND FY 1975

I. MAMMALS TO BE CAPTURED, FITTED WITH RADIOSONIC TAGS, AND RELEASED

Species	Fiscal year 1974	Fiscal year 1975	Total
Pacific white-sided dolphin (*Lagenorhynchus obliquidens*)	5	2	7
Common dolphin (*Delphinus delphis*)	5	5	10
Pacific pilot whale (*Globicephala scammoni*)	3	2	5

II. MAMMALS TO BE FITTED WITH VISUAL TAGS, WITHOUT CAPTURE

Species	Fiscal year 1974	Fiscal year 1975	Total
Pacific white-side dolphin (*Lagenorhynchus obliquidens*)	50	40	90
Common dolphin (*Delphinus delphis*)	50	50	100
Pacific pilot whale (*Globicephala scammoni*)	5	10	15

III. MAMMALS TO BE CAPTURED AND MAINTAINED IN CAPTIVITY

Species	Fiscal year 1974	Fiscal year 1975	Total
Atlantic bottle-nose dolphin (*Tursiops truncatus*)	22	21	43
Rough-toothed dolphin (*Steno bredensis*)	2	0	2
Common dolphin (*Delphinus delphis*)	3	0	3
California sea lion (*Zalophus californianus*)	8	8	16
Grey seal (*Halichoerus grypus*)	10	10	20

IV. STRANDED, BEACHED, SICK AND INJURED MAMMALS TO BE COLLECTED, NURSED TO HEALTH, AND RELEASED OR MAINTAINED IN CAPTIVITY, AS APPROPRIATE

Species	Fiscal Year 1974	Fiscal Year 1975	Total
All Cetaceans	All as available.		
California sea lion (*Zalophus californianus*).	All as available.		

The Applicant states:

1. The Pacific white-sided dolphins, common dolphins, and Pacific pilot whales to be captured, fitted with radiosonic tags and released would be captured, tagged, and released by NUC personnel under the supervision of a veterinarian, from a vessel fitted with a hoop net at the bow.

2. The Pacific white-sided dolphins, common dolphins, and Pacific pilot whales to be fitted with visual tags would be marked, without capture, using a standard Floy type tuna tag.

3. The animals to be captured and maintained in captivity would be captured as follows:

(a) The Atlantic bottle-nose dolphins would be captured in the Gulf of Mexico by NUC personnel or professional animal capturers under the supervision of NUC personnel, quarantined and acclimated for 30 days after capture, and afterward shipped by air to the Applicant's facility;

(b) The rough-toothed dolphins would be captured in the area of the Hawaiian Islands by NUC personnel or professional animal capturers under the supervision of NUC personnel, quarantined and acclimated for 30 days, and shipped by air to the Applicant's facility;

(c) The common dolphins and the California sea lions would be captured in the southern California area by NUC personnel or professional animal capturers under the supervision of NUC personnel, and taken to the Applicant's facility;

(d) The grey seals would be captured in the area of Iceland by NUC personnel or professional animal capturers under supervision of NUC personnel, quarantined and acclimated for 30 days, and shipped by air to the Applicant's facility.

4. The beached, stranded, sick, or injured animals would be collected as available from the beaches or waters of southern California.

5. The animals would be used in ongoing studies in marine mammal research, development, and test and evaluation programs at the Naval Undersea Center, which programs are dependent on the live and efficient capture, healthy maintenance in captivity, and marking and release of animals. The programs in which the animals would be used are broad in spectrum and include basic and applied investigations in the following areas:

(a) Population dynamics and movement patterns;

(b) Biological sonar acoustics and sensory physiology;

(c) Diving physiology and related areas;

(d) Development of breeding colonies;

(e) Detection, identification and treatment of diseases;

(f) Nutrition;

(g) Establishment of scientifically sound requirements for housing in captivity;

(h) Behavioral studies (including evaluations of adaptability to captivity and escape behavior obstacle avoidance); and

(i) Conditioning of marine mammals to perform useful tasks in the open sea.

6. The programs of study contemplated by the Applicant will directly benefit marine mammals in that the studies of marine mammal disease will provide new information on the care and maintenance of marine mammals, and the studies on behavior, herd composition, movement patterns, and obstacle avoidance will aid the National Marine Fisheries Service and the United States tuna

industry to reduce the mortality of porpoises taken in the purse seine fishery for tunas.

7. In the event of unavoidable death by disease or other natural causes, marine mammals will be subjected to a thorough postmortem examination, and tissues and medical history will be shipped to the Armed Forces Institute of Pathology, Washington, D.C., where slides will be maintained and a computer reference file kept on each case. Complete data on date and place of collection, morphometrics and pertinent medical history will be shipped along with useful remains to the National Museum, Smithsonian Institution, Washington, D.C., in care of the Curator of Marine Mammals.

Documents submitted in connection with this application, other than documents containing information determined to be exempt from public disclosure by the Freedom of Information Act (5 U.S.C. 552), are available for inspection in the office of the Director, National Marine Fisheries Service, Washington, D.C. 20235; office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813-893-3141; and the office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-831-9281.

Persons wishing to comment on this application are invited to submit written data and views to either or both of these offices. Such comments will be received for the official record provided they are received by midnight on December 14, 1973.

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

Dated: November 8, 1973.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-24137 Filed 11-12-73;8:45 am]

DONALD B. SINIFF

Notice of Application for Scientific Research Permit

Notice is hereby given that the following Applicant has applied for a scientific research permit pursuant to section 101(a)(1) of the Marine Mammal Protection Act of 1972 (Public Law 92-522) and Part 216.12 of the Interim Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177) and pursuant to the instructions for preparing applications for permits (38 FR 26622).

Donald B. Siniff, Associate Professor, Department of Ecology and Behavioral Biology, University of Minnesota to continue research on crabeater (*Lobodan carcinophagus*), leopard (*Hydrurga leptonyx*), Ross (*Ommatophoca rossi*), and Weddell (*Leptonychotes weddelli*) seals in Antarctic waters. The Applicant states that:

(a) The activity contemplated in his application is a continuation of a research program studying the populations dynamics of Antarctic seals under NSF Grant GV 39181.

(b) The research proposal will involve the following:

I. *McMurdo Station.* A. Population studies:

1. Tag 200 Weddell seals.

2. Collection of a toenail for age determination of each tagged animal.

3. Collection of about 50 blood samples for hormone and electrophoretic studies.

4. All specimen materials will be returned to the Continental United States for analysis.

5. Incidental collection of skeletal and reproductive material from specimens found dead in the area.

B. Behavior Studies:

1. Observe seals under ice with underwater television apparatus.

2. Tag 20 male adult seals with sonic tags.

II. *Palmer Station.* A. Selected individuals of crabeater, leopard and Ross seals will be immobilized with drugs to permit weighing, measuring and blood removal.

2. No animals will be deliberately sacrificed; however, due to errors associated with immobilization the possibility exists that a few animals may be killed. The Applicant requests a permit to bring these animals into the Continental United States.

C. The purpose of the research project as stated by the Applicant is as follows:

The Antarctic seal stocks constitute a renewable resource which has not been subjected to significant harvest by man. Therefore, a unique opportunity exists to obtain data which reflects the population processes prior to man's involvement. It is proposed therefore, to study (1) aspects of behavior having regulatory implications, (2) population discreteness as determined by movement and/or migration, (3) activity patterns and the interpretation of these data as they influence census procedures and (4) population modeling.

Pursuant to the Marine Mammal Protection Act of 1972 and Part 216.12 of the Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177) the Secretary of Commerce has found the application to be sufficient and invites written data or views on this application within 30 days of the date of this notice.

Concurrently with publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is transmitting copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Documents submitted in connection with this application are available for inspection in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: November 2, 1973.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.73-24138 Filed 11-12-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-137, FDAA-408-DR]

ALASKA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on November 7, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alaska resulting from heavy rains and flooding, beginning about October 25, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Alaska. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11725, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. William H. Mayer, HUD Region 10, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following area in the State of Alaska to have been adversely affected by this declared major disaster:

Ketchikan Gateway Borough.

This disaster has been designated as FDAA-408-DR.

Dated: November 7, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-24157 Filed 11-12-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73 258N]

GREAT LAKES PILOTAGE ADVISORY COMMITTEE

Notice of Open Meeting

This is to give notice pursuant to Public Law 92-463, Sec. 10(a), approved October 6, 1972, that the Great Lakes Pilotage Advisory Committee will conduct an open meeting on 5 December 1973, in Conference Room 8332, Nassif Building, 400 7th St. SW., Washington, D.C., beginning at 10:00 a.m.

Members of this Advisory Committee are:

(1) Captain Ernest A. Clothier, President, American Pilots Association.

(2) Dr. Eric Schenker, Professor of Economics and Associate Director, Center for Great Lakes Studies.

(3) Mr. Richard L. Schultz, Executive Director of the Cleveland-Cuyahoga County Port Authority.

The summarized agenda for the 5 December 1973 meeting consists of:

(1) Committee administrative matters.

(2) Current pilotage operational matters.

(3) Rate review for 1974 season.

The Great Lakes Pilotage Advisory Committee was established by the Great Lakes Pilotage Act of 1960 (Public Law 86-555) to provide advice and consultation with respect to proposed pilotage regulations and policies.

The public may file statements with the Committee and oral statements may be presented before the Committee provided advance approval has been obtained.

Further information may be obtained by writing Chief, Ports and Waterways Planning Staff, Office of Marine Environment and Systems, U.S. Coast Guard, Washington, D.C. 20590, or by calling (202) 426-2274.

Dated: November 7, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-24093 Filed 11-12-73;8:45 am]

Federal Highway Administration

KANSAS

Notice of Proposed Action Plan

The State Highway Commission of Kansas 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. State Highway Commission of Kansas, 7th Floor, State Office Building, Office of State Highway Engineer, Topeka, Kans. 66612.
2. Kansas Division Office—FHWA, 1263 Topeka Avenue, Topeka, Kans. 66612.
3. FHWA Regional Office—Region 7, 6301 Rockhill Road, Second Floor, Colonial Square Building, Kansas City, Mo. 64131.
4. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building, Room 3246, 400 Seventh 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 December 11, 1973.

Issued on November 7, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-24149 Filed 11-12-73;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

INTERNATIONAL CENTRE COMMITTEE

Meeting and Agenda

Notice is hereby given in accordance with the Federal Advisory Committee Act (P.L. 92-463), that the regular meeting of the International Centre Committee of the Advisory Council on Historic Preservation will be held on November 20, 1973 at 10 a.m. in Room 2010 of the New Executive Office Building, Washington, D.C. This meeting will be open to the public.

The International Centre Committee coordinates United States membership and participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property in Rome, Italy. The Committee identifies special preservation problems in the United States, arranges for International Centre assistance in solving them, reviews American applicants for Centre training courses, convenes meetings of experts, and makes recommendations on American criteria and standards for preservation and restoration. The Committee's membership includes representatives of 26 national institutions and Federal agencies interested in the Centre's activities.

The agenda is as follows:

Call to Order.
Chairman's Welcome.
Review of March, 1973, Meeting Minutes.
I. Reports on International Centre Activities.
II. Programs: Preservation and Conservation Institutes; Preservation Seminar in Poland; Restoration Project in Puerto Rico.
III. Committee Administrative Matters.
IV. Special Report: A Study by the Advisory Council on Historic Preservation on Historical Resources and the Human Environment.

Additional information is available from the Executive Director, International Centre Committee, Suite 430, 1522 K Street NW., Washington, D.C. 20005.

JOHN D. MCDERMOTT,
Executive Director.

[FR Doc.73-24210 Filed 11-12-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-237 and 50-249]

COMMONWEALTH EDISON CO.

Availability of AEC Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing related to the issuance of an operating license to the Commonwealth Edison Company for the Dresden Nuclear Power Station, Unit 2, and the continuation of the operating license for the Dresden Nuclear Power Station, Unit 3, both located in Grundy County, Illinois, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20545, and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. The Final Environmental Statement is also being made available at the Office of Planning and Analysis, 216 E. Monroe Street, 3rd floor, Springfield, Illinois 62706.

The notice of availability of the Draft Environmental Statement for the Dresden Nuclear Power Station, Units 2 and 3, and request for comments from interested persons was published in the FEDERAL REGISTER on June 26, 1973 (38 FR 16794). The comments received from Federal, State, and local officials have been included as appendices to the Final Environmental Statement. The Notice of Opportunity for Hearing for the Dresden Nuclear Power Station, Units 2 and 3, was published in the FEDERAL REGISTER on August 17, 1973 (38 FR 22247) and (38 FR 22248), respectively.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 6th day of November 1973.

For the Atomic Energy Commission:

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch No. 3, Directorate of Licensing.

[FR Doc.73-24206 Filed 11-12-73;8:45 am]

[Docket No. 50-231]

GENERAL ELECTRIC COMPANY AND SOUTHWEST ATOMIC ENERGY ASSOCIATES

Order Authorizing Partial Dismantling of Facility

By application dated April 17, 1973, the licensees requested authorization to partially dismantle the Southwest Experimental Fast Oxide Reactor (SEFOR) in accordance with the Decommissioning Plan attached to the application. Operation of the SEFOR facility, located in Washington County, Arkansas, was discontinued January 8, 1972.

We have reviewed the appliaction in accordance with the provisions of the Atomic Energy Commission's regulations and have found that the partial dismantlement is in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public.

Accordingly, it is hereby ordered that the General Electric Company may partially dismantle the SEFOR facility covered by Provisional Operating License No. DR-15 dated March 4, 1969, in accordance with the application and the Commission's regulations.

Dated at Bethesda, Maryland, this 1st day of November 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-24089 Filed 11-12-73;8:45 am]

[Docket Nos. 50-458; 50-459]

GULF STATES UTILITIES CO.

Receipt of Application; Availability of Environmental Report; Time for Submission of Views on Antitrust Matter

Gulf States Utilities Company (the applicant), pursuant to sec. 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 24, 1973, for authorization to construct and operate two generating units utilizing boiling water reactors. The application was tendered on June 8, 1973. Following a preliminary review for completeness, it was rejected on July 16, 1973, for lack of sufficient information. The applicant submitted additional information on August 22, 1973, and the application was accepted for docketing.

The proposed nuclear facilities designated by the applicant as the River Bend Station, Units 1 and 2, are to be located in West Feliciana Parish, Louisiana, approximately 24 miles north-northwest of Baton Rouge, Louisiana. Each unit is designed for initial operation at approximately 2894 megawatts (thermal), with a net electrical output of approximately 934 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Regulation, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 26, 1973. The request should be filed in connection with Docket Nos. 50-458-A and 50-459-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Audubon Library, West Feliciana Branch, Ferdinand Street, St. Francisville, Louisiana 70775.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated September 18, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of the River Bend Station, Units 1 and 2, is also being made available at the Commission on Intergovernmental Relations, P.O. Box 44316, Baton Rouge, Louisiana 70804, and the Florida District Clearinghouse, Capitol Regional Planning Commission, 101 St. Ferdinand Street, Suite 205, Baton Rouge, Louisiana 70801.

After the report has been analyzed by the Commission's director of Regulation or his designee, a draft environmental statement will be prepared by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, requesting comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Maryland, this 12th day of October 1973.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Boiling Water Reactors Branch 2, Directorate of Licensing.

[FR Doc.73-22345 Filed 10-19-73;8:45 am]

[Docket Nos. 50-352, 50-353]

PHILADELPHIA ELECTRIC CO.

Order Setting Prehearing Conference Evidentiary Hearing

In the matter of Philadelphia Electric Company (Limerick Generating Station, Units 1 and 2) Docket Nos. 50-352, 50-353.

The Atomic Safety and Licensing Board has communicated with the parties to the proceeding respecting unfinished radiological safety matters and the initiation of interrogations on environmental concerns as well as to convenience and availability of the parties to evidentiary hearings commencing December 3, 1973. The Regulatory Staff has requested that there be a prehearing conference before the evidentiary hearings, but its request for dates in November was received after inquiries had been undertaken and availability of other parties determined for the December dates.

The unfinished radiological safety matters include rod drop accident analysis, pipe failures outside the containment, fuel densification, and any another significant and major matters that affect nuclear plant safety, which can be developed under the procedures for consideration, and in relation to issues contested, for determination in accordance with the directions to Licensing Boards given by the Atomic Safety and Licensing Appeal Board in the Vermont Yankee decisions, ALAB-124, 126, 131, 141, in addition to the Rules of Practice 138, 141, in addition to the Rules of Practice of the Commission.

The matters first to be presented at the evidentiary hearing shall be the unfinished radiological safety matters followed by the interrogation to the extent practicable and reasonable on environmental matters.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, a prehearing conference shall convene in this proceeding at 2 p.m. on Monday, December 3, 1973, and a session of evidentiary hearings shall commence at 9 a.m. on Tuesday, December 4, 1973. Both the prehearing conference and the evidentiary hearings shall convene in the Potts Room of the Holiday Inn, West King Street at Route 100, Pottstown, Pennsylvania.

Issued: November 8, 1973, Germantown, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.73-24130 Filed 11-12-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26036]

J. V. AVIATION LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit

Casual, occasional, or infrequent operations between Canada and the United States.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 4, 1973, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Hyman Goldberg.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for

postponement on or before November 27, 1973.

Dated at Washington, D.C., November 7, 1973.

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

[FR Doc.73-24145 Filed 11-12-73;8:45 am]

[Docket Nos. 25692, 25742; Order 73-11-25]

CONTINENTAL AIR LINES, INC., ET AL.

Order of Consolidation and Hearing Regarding Approval of Equipment Interchange Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of November 1973.

The Board presently has before it two applications for approval of equipment interchange agreements involving new single-plane services between points in Alaska, on the one hand, and points in Oklahoma, Texas, and Colorado, on the other hand. Both of the interchanges are related in part to the increased traffic flow between the two regions which is anticipated when and if construction begins on the trans-Alaska oil pipeline.

On July 11, 1973, Continental Air Lines, Inc. and Western Air Lines, Inc. (hereinafter Continental/Western) filed a joint application in Docket 25692 for approval of their equipment interchange agreement, which provides for service between Anchorage on Western's system and various points on Continental's Route 29 via the junction point Seattle. By joint motion filed October 5, 1973, the two carriers request expedited hearing of their joint application.

On July 27, 1973, Alaska Airlines, Inc. and Braniff Airways, Inc. (hereinafter Alaska/Braniff) filed a joint application in Docket 25742 for approval of their equipment interchange agreement between points on Alaska's Route 138, on the one hand, and points on Braniff's Route 9, on the other hand, also via Seattle. By joint motion filed October 12, 1973, the two carriers request (1) that their joint application in Docket 25742 be consolidated with the joint application of Continental and Western in Docket 25692, and (2) that the consolidated proceeding be set down for expedited hearing.

In support of their motion for expeditious hearing, Continental/Western cite the urgent national need and priority for development of the Alaskan pipeline and North Slope oil reserves in view of the present energy crisis.[1] The joint applicants indicate that early Board action is required to permit them to arrange and inaugurate their interchange schedules immediately following issuance of Alaskan pipeline construction permits by the Secretary of the Interior, and in any event not later than June 1, 1974. While Continental/Western have no objection to similar expeditious treatment of the Alaska/Braniff interchange, they indicate that they would object to consolidation of the two applications on the grounds that such consolidation would only serve to delay unnecessarily approval of their own application in Docket 25692.[2]

In support of their motion for consolidation and expeditious hearing, Alaska/Braniff point out that the Continental/Western interchange, insofar as it proposes service between Dallas or Houston and Anchorage, involves point-to-point duplication of the interchange proposed by Alaska/Braniff. Alaska/Braniff argue that this competitive point-to-point service may jeopardize the success of their interchange and have an adverse effect on Alaska, a subsidized air carrier. The carriers, citing the *Ashbacker* doctrine, assert that consolidation is the only fair and efficient way to decide between these potentially competing applications if the economic facts dictate that only one application should be granted, and further, that such consolidation will expedite rather than delay the full resolution of the issues presented by the two applications. Alaska/Braniff request an expeditious hearing for largely the same reasons set forth in the motion of Continental/Western, and on the assumption that consolidation will be granted, they support the motion of Continental/Western for expedited hearing.

Continental/Western have filed an answer in opposition to the motion to consolidate,[3] stating that they, unlike Alaska/Braniff, are prepared to proceed promptly to hearing, and that their application should not be delayed just because of Alaska/Braniff's dilatory tactic of consolidation. The answer challenges the assertion that the markets involved may not be large enough to support both interchanges, and further asserts that as the proposed interchanges involve the joining of existing services and contemplate no additional frequency of service, the competitive effects of the services will be minimal. Continental/Western cite Order 73-9-14, entered in the *American-Frontier Route Exchange Case*, for the apparent proposition that Board policy favors separate consideration of each application under section 408,[4] and suggest as an alternative to consolidation that the two applications proceed to separate hearings, and upon completition of the two hearings proceed to the Board for simultaneous decision.

Pursuant to Rule 12 of the Board's Procedural Regulations, we have decided to consolidate and set for hearing the application of Continental/Western in Docket 25692 with the application of Alaska/Braniff in Docket 25742.[5] The applications involve closely related issues, and we find that such consolidation will be conducive to the proper dispatch of the Board's business, will ease the burden on the Board's workload and resources, and will not unduly delay the proceedings.[6] We expect the proceeding to go forward as rapidly as possible with due regard for the complexity of the issues and the rights of all parties to be heard.

We recognize the urgency and priority in the prompt disposition of these two applications, which would provide new through single-plane service between the oil producing regions of the Southwest and the developing Alaskan pipeline region. In this regard, we feel that con-

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[1] Answers in support of Continental/Western's motion for expeditious hearing have been filed by the City of Austin and the Austin Chamber of Commerce; the City of Amarillo and the Amarillo Chamber of Commerce; the City of Wichita and the Wichita Area Chamber of Commerce; the City of Tulsa and the Metropolitan Tulsa Chamber of Commerce; the Midland/Odessa parties; the City of Houston and the Houston Chamber of Commerce; the Washington parties; the Denver and Colorado parties; the Chamber of Commerce of the New Orleans area; and the Oklahoma City parties.

[2] In this regard, Continental/Western point out that they have submitted their direct exhibits with their motion to expedite, and are thus prepared to proceed immediately to hearing.

[3] Answers in support of the motion for consolidation and expeditious hearing have been filed by Northwest Airlines and the Washington parties. Answers in opposition to the motion to consolidate have been filed by the City of Tulsa and Metropolitan Tulsa Chamber of Commerce, and the Chamber of Commerce of the New Orleans Area.

[4] Continental/Western have misconstrued our decision in Order 73-9-14. That order merely stood for the general proposition that the Board need not consolidate applications for new route authority under section 401 with applications for approval of route exchanges under section 408. Applications for new route authority present numerous complex issues not necessary to the consideration of route exchanges, and consolidation would tend to expand the scope of and unduly delay the proceedings. The present case, however, involves applications for approval of equipment interchanges in overlapping markets, and consolidation will not result in the inclusion of any complex issues above and beyond those issues which would be necessary to the consideration of either application separately. Moreover, the carriers apparently recognize the appropriateness of joint consideration since they do not argue against their simultaneous consideration by the Board after the conclusion of hearing.

[5] Northwest Airlines filed an answer to the Continental/Western application in Docket 25692 requesting that if the Board give consideration to the application, it do so only after full notice and hearing. Wien/Air Alaska filed a petition in Docket 25742 requesting similar treatment of the Alaska/Braniff application. We will grant the requests of these two carriers to the extent that hearing is provided for herein.

[6] While it is true that consolidation may delay slightly the start of hearings on the Continental/Western application—since the carriers have already prepared their joint exhibits—that result is by no means certain. No requests for evidence have yet been circulated by interested parties nor ruled on by an Administrative Law Judge. Hence, although we take no position on the question, it is possible that Continental/Western will be required to prepare additional exhibits. In any event, however, we believe that a slight delay at this time is more than justified by the efficiency for the Board's staff and the parties in processing the two applications together, which will require the time of but a single Administrative Law Judge and will permit similar savings in other staff personnel.

solidation may be helpful in expediting our final decision on the two applications, in view of the potential competitive implications which these applications may have with respect to one another and with respect to other carriers. However, we would emphasize that our decision to consolidate does not reflect on the merits of the respective applications, nor is it to be construed as an indication that approval of one agreement necessarily bars approval of the other.[1]

Accordingly, it is ordered, That:

1. The proceedings in Docket 25692 be and they hereby are consolidated in Docket 25742;

2. The joint application of Continental Airlines, Inc. and Western Air Lines, Inc. for approval of an equipment interchange agreement in Docket 25692, and the joint application of Alaska Airlines, Inc. and Braniff Airways, Inc. for approval of an equipment interchange agreement in Docket 25742, be and they hereby are set for hearing before an Administrative Law Judge of the Board at a time and place to be hereinafter designated;

3. The request of Northwest Airlines, Inc. for a hearing in Docket 25692, and the petition of Wien Air Alaska, Inc. for a hearing in Docket 25742, be and they hereby are granted to the extent provided for herein, and are otherwise denied; and

4. To the extent not granted herein all other petitions and motions be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-24148 Filed 11-12-73;8:45 am]

[Docket No. 26039; Order 73-11-20]

LOCAL SERVICE CARRIERS

Order Amending Order Regarding Minimum Service Requirement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of November 1973.

On October 25, 1973, the Board issued Order 73-10-94 and a notice of proposed rulemaking, EDR-256, both of which concern the serious fuel shortage now faced by the airlines. The proposed rule would amend the provisions of 14 CFR 202.4 so as to enable local service carriers to apply for reductions in flight frequency in order to conserve fuel. The order, on the other hand, grants interim exemption authority to the local service carriers to reduce frequencies immediately pending the outcome of the rulemaking procedure.

While the order is directed in general terms to those points which receive two round trips seven days per week under the standard skip-stop condition, there are a number of points which are authorized by specific certificate provisions to receive less service—usually one round trip per day.[1] We did not intend that the exception be limited to the former group but rather we intend that it apply to all points receiving six- or seven-day service regardless of the minimum number of round trips required before overflight. The proposed amendment to § 202.4 of the Regulations is not framed in such narrow terms and, consequently, it accurately reflects the policy underlying our action in both the Rule Making proceeding and the exemption order. In order to conform the terms of the interim exemption with those of the Proposed Rule and to effectuate the objectives discussed in Order 73-10-94, we shall amend ordering paragraph 1 to permit the local service carriers to omit flights at all intermediate points named in their certificates after they have scheduled two round trips five days per week where two round trips six or seven days are now required or one round trip five days per week where one round trip six or seven days is now required.

Accordingly, it is ordered, That:

1. Ordering paragraph 1 of Order 73-10-94, October 25, 1973, be and it hereby is amended to read as follows:

1. Allegheny Airlines, Inc., Frontier Airlines, Inc., Hughes Airwest, North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., and Texas International Airlines, Inc., be and they hereby are exempted from the provisions of section 401 of the Federal Aviation Act, the terms, conditions, and limitations of their respective certificates of public convenience and necessity, and Part 202 of the Board's Economic Regulations, insofar as they would otherwise prevent the carriers from omitting service to each intermediate point named in their respective certificates after the holder has scheduled (a) at least two round trips five days per week where two round trips six or seven days per week are otherwise required, or (b) at least one round trip five days per week where one round trip six or seven days per week is otherwise required, over the segment on which the intermediate point is named, or over any other segment if such point or points appear on more than one segment;

2. Copies of this order shall be served upon all scheduled certificated air carriers, and upon the Department of Transportation, Department of the Interior, and the U.S. Postal Service.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-24146 Filed 11-12-73;8:45 am]

[Docket No. 24717; Order 73-11-28]

U.S. CERTIFICATED CARRIERS

Order Regarding Amenities and Services for Delayed Passengers Provided

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of November 1973.

In response to our Order of Investigation[1] and in light of our subsequent dismissal of Wien Air Alaska, Inc., United Air Lines, Inc., Hughes Air Corp. d/b/a Airwest, Aloha Airlines, Inc., American Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc., as parties herein,[2] Alaska Airlines, Inc. (Alaska), Allegheny Airlines, Inc. (Allegheny), and Pan American World Airways, Inc. (Pan American) have filed motions requesting that they be dismissed as parties to this proceeding.

In support of the motions, the petitioners state that they have amended their respective tariff provisions to conform with the policy announced by the Board in its order of investigation, and therefore see no need for their continued participation in the proceeding. The carriers contend that they now provide identical amenities for all interrupted trip passengers regardless of class of travel, and undertake the initiative in informing passengers as to the amenities available to them.

Alaska, Allegheny and Pan American have amended their tariffs to specify that the amenities will be identical for all passengers and will be provided to standby passengers cleared for boarding, and that the carrier will notify passengers as to the amenities available to them. However, Alaska and Pan American continue to provide that amenities will not be offered in certain circumstances. In denying the motion of Texas International Airlines, Inc. to be dismissed as a party to the investigation, we clearly stated that provisions similar to those of Pan American in this regard are inconsistent with the public interest, and that if such provisions were maintained we would press forward with the investigation.[3] We continue to be of this view. While Alaska's exception—that

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[1] Similarly, our decision to consolidate for administrative convenience should not be construed as a Board determination that *Ashbacker* considerations necessarily require consolidation as a matter of law.

[1] There are also points which may be overflown after one round trip six days per week. See Frontier Airlines certificate issued pursuant to Order 72-11-138, Condition (5)(a).

[1] Order 72-9-1, September 1, 1972.

[2] Orders 72-11-17, November 3, 1972 (Wien), 73-2-49, February 12, 1973 (United), and 73-8-88, August 17, 1973 (all other carriers).

[3] Pan American's exception provides that "services and amenities will not be provided for cancellations or delay caused by acts of God, riots, civil commotions, government employees or regulations, wars, hostilities, disturbances, unsettled international conditions, adverse weather conditions beyond 24 hours, labor disputes, air traffic congestion, misconnections due to delay of other carriers." Braniff Airways, Inc. provides essentially the same exceptions as Pan American, while Texas International's exceptions are somewhat more limited.

amenities will not be provided if passengers are notified prior to departure that the flight may be diverted to another point because of weather conditions—is not as wide ranging as Pan American's, we nevertheless believe it to be an appropriate matter for investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered, That:

1. The motion of Allegheny Airlines, Inc. to be dismissed as a party in Docket 24717 is hereby granted;

2. The motions of Alaska Airlines, Inc., and Pan American World Airways, Inc., to be dismissed as a party in Docket 24717 are hereby denied; and

3. Copies of this order will be served upon Alaska Airlines, Inc., Allegheny Airlines, Inc., Braniff Airways, Inc., Pan American World Airways, Inc., and Texas International Airlines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-24147 Filed 11-12-73;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, November 14, 1973, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.73-24118 Filed 11-12-73;8:45 am]

U.S. ENVIRONMENTAL PROTECTION AGENCY

DELAWARE

Request for State Program Approval for Control of Discharges of Pollutants to Navigable Waters

NOVEMBER 9, 1973.

On October 18, 1972, Congress passed the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. Sections 1251-1376, Supp. 1973; hereinafter the "Act"). This legislation established the National Pollutant Discharge Elimination System (NPDES) permit program, under which the Administrator of the Environmental Protection Agency may issue permits to municipal, industrial, and agricultural entities to control the discharge of pollutants into navigable waters.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) a full and complete description of the program it intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of Section 402(b) and U.S. EPA's Guidelines. Among other authorities, the State must have: (1) Adequate authority to issue permits which comply with all pertinent requirements of the Act, and (2) adequate authority, including civil and criminal penalties, to abate violations of permits, and (3) authority to insure that the Administrator, the public, any other affected State, and other affected agencies are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. U.S. EPA's Guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR Part 124), beginning at page 28390.

The State of Delaware has submitted a full and complete Request for State Program Approval and proposes that the Delaware Department of Natural Resources and Environmenal Control, Tatnall Building, Dover, Delaware 19901 (John C. Bryson, Secretary, 302/678-4403), operate the NPDES permit program for discharges into the navigable waters within the jurisdiction of the State in accordance with the Act.

Daniel J. Snyder, Regional Administrator of EPA-Region III, has scheduled a public hearing to consider this request and enable all interested parties to present their views on the State's submission. The hearing will be held at the Alcoholic Beverage Commission, Conference Room, Second Floor, 1228 Scott Street, Wilmington, Delaware 19805, on December 20, 1973, at 7:30 p.m. A 3-member hearing panel will preside over the hearing. The panel will consist of the Administrator of EPA or his representative, who will serve as the Presiding Officer, the Secretary of the Delaware Deparment of Natural Resources and Environmental Control or his representative, and the Regional Administrator of EPA-Region III or his representative.

Oral statements will be heard and considered, but, for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so there will be time for all interested parties to be heard. Persons are encouraged to bring extra copies of their written statements for the use of the hearing panel and other interested persons.

The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program submitted. The hearing record will be left open for a period of 5 days following the hearing to allow any person to submit additional written statements or to present views or evidence tending to rebut testimony presented during the hearing.

Any interested person may comment upon the State submission by writing to the EPA-Region III Office (Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106). Such comments will be made available to the public for inspection and copying. All comments or objections received by December 26, 1973, or presented at the public hearing, will be considered by U.S. EPA before taking final action on the Delaware Request for State Program Approval.

The State's submission, related documents, and all comments received are on file and may be inspected and copied (at 20¢/page) at the EPA-Region III Office in Philadelphia.

Copies of this notice are available upon request from the Enforcement Division of EPA-Region III (215/597-9966).

Please bring the foregoing to the attention of persons you know would be interested in this matter.

Dated: November 9, 1973.

ALAN G. KIRK, II,
Acting Assistant Administrator for Enforcement and General Counsel.

[FR Doc.73-24310 Filed 11-12-73;8:45 am]

WISCONSIN

Request for State Program Approval for Control of Discharges of Pollutants to Navigable Waters

NOVEMBER 8, 1973.

On October 18, 1972, Congress passed the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. Sections 1251-1376, Supp. 1973; hereinafter the "Act"). This legislation established the National Pollutant Discharge Elimination System (NPDES) permit program, under which the Administrator of the Environmental Protection Agency may issue permits to municipal, industrial, and agricultural entities to control the discharge of pollutants into navigable waters.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the U.S. Environmental Protection Agency (U.S. EPA), a full and

complete description of the program it intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and U.S. EPA's Guidelines. Among other authorities, the State must have: (1) Adequate authority to issue permits which comply with all pertinent requirements of the Act, and (2) adequate authority, including civil and criminal penalties, to abate violations of permits, and (3) authority to insure that the Administrator, the public, any other affected State, and other affected agencies are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. U.S. EPA's Guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR 124), beginning at page 28390.

The State of Wisconsin has submitted a full and complete Request for State Program Approval and proposes that the Wisconsin Department of Natural Resources, Division of Environmental Protection, 4610 University Avenue, Madison, Wisconsin 53701 (Thomas G. Frangos, Administrator, 608/266-2747) operate the NPDES permit program for discharges into the navigable waters within the jurisdiction of the State in accordance with the Act.

Francis T. Mayo, Regional Administrator of EPA-Region V, has scheduled a public hearing to consider this request and enable all interested parties to present their views on the State's submission. The hearing will be held at the Pfister Hotel, 424 East Wisconsin, Milwaukee, Wisconsin 53202, on December 18, 1973, at 9:30 A.M. A 3-member hearing panel will preside over the hearing. The panel will consist of the Administrator of EPA or his representative, who will serve as the Presiding Officer, the Administrator, Division of Environmental Protection, Wisconsin Department of Natural Resources, or his representative, and the Regional Administrator of EPA-Region V or his representative. Oral statements will be heard and considered, but, for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so there will be time for all interested parties to be heard. Persons are encouraged to bring extra copies of their written statements for the use of the hearing panel and other interested persons.

The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program submitted. The hearing record will be left open for a period of 5 days following the hearing to allow any person to submit additional written statements or to present views or evidence tending to rebut testimony presented during the hearing.

Any interested person may comment upon the State submission by writing to the EPA-Region V Office (1 North Wacker Drive, Chicago, Illinois 60606). Such comments will be made available to the public for inspection and copying. All comments or objections received by December 23, 1973, or presented at the public hearing, will be considered by U.S. EPA before taking final action on the Wisconsin Request for State Program Approval.

The State's submission, related documents, and all comments received are on file and may be inspected and copied (at 20¢/page) at the EPA-Region V Office in Chicago.

Copies of this notice are available upon request from the Enforcement Division of EPA-Region V (312/353-5252).

Please bring the foregoing to the attention of persons you know would be interested in this matter.

Dated: November 8, 1973.

ROBERT V. ZENER,
Acting Assistant Administrator for Enforcement and General Counsel.

[FR Doc.73-24102 Filed 11-12-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE, PANEL 6

Notice of Meeting

NOVEMBER 5, 1973.

Panel 6 of the Cable Television Technical Advisory Committee will hold an open meeting on Monday, December 3, 1973, at 10 a.m. The meeting will be held at the FCC Building, 1919 M Street NW., Washington, D.C., Room 847. The agenda has four items:

(1) Review of Working Group Progress.
(2) Recommendation for Progress Report to Chairman Schlafly for Incorporation with Year-End Report to FCC.
(3) Further Consideration of Panel 6's Recommendation on State-Local Issue.
(4) Further Panel 6 Meetings.

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

[FR Doc.73-24111 Filed 11-12-73;8:46 am]

[Report No. 673]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

NOVEMBER 5, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to 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,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20206-C2-P-(4)-74, Mobile Tel & Pager, Inc. (New). Resubmitted as accepted for filing a C.P. for a new 2-way station to operate on 454.025, 454.250, 454.050, and 152.240 MHz located 1.5 miles N.E. of Barnesville on Hog Mtn., Barnesville, Georgia.

20399-C2-P-74, Mobile Radio System of San Jose, Inc. (KMA741): C.P. to change antenna system at Loc. #2: Near Mt. Umunhum, 5.5 miles S. of San Jose, California.

20480-C2-AL-74, Central Communications Company (KLF524): Consent to Assignment of License from Central Communications Company, assignor to Texoma Mobilfone, Inc., assignee. Station: KLF524, Gainesville, Texas.

20481-C2-P-74, Radiofone Corporation of New Jersey (KEJ886): C.P. to change antenna location at Loc. #3: Adjacent to railroad tracks on Mizzen Avenue, Beachwood, New Jersey.

20482-C2-P-74, Range Corporation (New). C.P. for a new 2-way station to operate on 152.12 MHz to be located at Morgan, Michigan, 4 miles SW of Marquette, Michigan.

20483-C2-AL-74, Telcom. Consent to Assignment of License from Telcom, assignor to Texoma Mobilfone, Inc., assignee. Station: KLB502, Sherman, Texas.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations, and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

20484–C2–P–(10)–74, Mobilfone, Inc. (KMA-253): C.P. to add repeater facilities to operate on 2128.0 MHz and 2117.2 MHz at Oat Mountain, Los Angeles Area, California; 2167.2 MHz at Mobilfone Receiving Site, Mt. Wilson, California; 2174.8 MHz and 2178.0 MHz at 1518 Skyline Road, La Habra Heights, California; 2167.2 MHz and 2162.4 MHz at San Pedro Hills, San Pedro, California; and change and add control frequencies operating on 2117.2 MHz, 2124.8 MHz and 2112.4 MHz at 234 W. 37th Place, Los Angeles, California.

20485–C2–P–(2)–74, Southwestern Bell Telephone Company (KKN285): C.P. for additional facilities to operate on 152.72 MHz and 152.78 MHz to be located at a new site described as Loc. #2: 3½ miles West of Washburn, Texas and 2,500 feet South of Highway 287, Washburn, Texas.

20486–C2–P–(2)–74, Waco Communications, Inc. (KKJ453): C.P. for additional facilities to operate on 454.150 MHz and 454.200 MHz at Loc. #2: Off Hwy. 81, approx. 5 miles south of City Limits of Waco, Texas.

20487–C2–P–74, Xavier W. Nady d/b as Mobilephone-Yuma (New). C.P. for a new 1-way station to operate on 158.70 MHz to be located Atop Gila Mtn., NW of Telegraph Pass, 17 miles East of Yuma, Arizona.

20488–C2–P–(4)–74, Xavier W. Nady d/b as Mobilephone-Yuma (KOF906): C.P. to replace transmitter operating on 152.15 MHz and for additional facilities to operate on 152.18 MHz at Loc. #1: Atop Gila Mountain, NW of Telegraph Pass, 17 miles East of Yuma, Arizona; also repeater facilities to operate on 2165.6 MHz at Loc. #1; and control facilities to operate on 2115.6 MHz at Loc. #2: 350 West 24th Avenue, Yuma, Arizona.

CORRECTION:

Correct PN to read:

Renewal of Developmental License expiring 12/11/73 TERM: 12/11/73 to 12/11/74.

Licensee, The Pacific Telephone and Telegraph Company; call sign, KA4326; file No. 20081–C2–P–74.

All other particulars to remain as reported on PN #672 dated October 29, 1973.

MAJOR AMENDMENTS:

1953–C2–P–73, RCC of Virginia, Inc. (KU-0622). Change antenna system and transmitter. Add repeater facilities on 75.42 MHz at same location as base station, and add control facilities on 72.04 MHz at 228B Monticello Street, Williamsburg, Virginia. All other particulars to remain the same as reported on PN #616 dated October 2, 1972.

6248–C2–P–73, Tele-Page, Inc. (New), Orangeburg, South Carolina. Amend to change frequency from 152.21 MHz to 454.275 MHz. All other particulars of operation remain as reported in PN #638 dated March 5, 1973.

RURAL RADIO SERVICE

60086–C6–P–(4)–74, The Offshore Telephone Company (New). C.P. for a new Interoffice station to operate on 454.375, 454.400, 454.425, 454.450, 454.475, 454.500, 454.525, 454.550, 454.575, 454.600, 454.625, 454.650, 459.375, 459.400, 459.425, 459.450, 459.475, 459.500 459.525, 459.550, 459.575, 459.600, 459.625, 459.650 MHz located at temporary locations within the territory of the grantee.

60087–C6–P–74, The Mountain States Telephone and Telegraph Company (New). C.P. for a new Central office station to operate on 152.51 MHz to be located 11.5 miles SSE of Rock Springs, Wyoming.

60088–C6–P–74, The Mountain States Telephone and Telegraph Company (New). C.P. for a new rural subscriber station to operate on 157.77 MHz to be located 20.3 miles West of Meeteetse, Wyoming.

Renewal of Licenses expiring November 1, 1973 TERM: 11/1/73 to 11/1/78.

Licensee	*Call Sign*
Albert E. Armour, Jr.	KPQ31
Mid-Plains Rural Telephone Cooperative, Inc.	KLH83
Nevada Telephone - Telegraph Company	WPF30
Pioneer Telephone Cooperative, Inc.	KKK75
Puerto Rico Communications Authority	WOG21
Radio Dispatch Service	KLU56
Southeastern Electronics	KJL98
Airsignal International, Inc.	KJA96
Atlas Utilities Company	KIO30
Atlas Utilities Company	KIO31
Communications Engineering, Inc.	KXP26
Muenster Telephone Corporation of Texas	KKK56
Tel-Car, Inc.	KVH98
Uintah Basin Telephone Association, Inc.	WSN26
Western Mobilphone, Inc.	KLR45
James T. Whitaker	KJB32

POINT-TO-POINT MICROWAVE RADIO SERVICE

34–C1–P–74, The Mountain States Telephone and Telegraph Company (WGI51), 52nd Avenue and Zuni Street, Denver-Zuni, Colorado. Lat. 39°47'31" N., Long. 105°-01'00" W. C.P. to change freq. to 3750H MHz toward Arapahoe Springs, Colo.

35–C1–P–74, Same (WGI52), Arapahoe Springs, 3.5 Miles South of Idaho Springs, Colorado. Lat. 39°41'27" N., Long. 105°-30'15" W. C.P. to change freq. to 4030H MHz toward Denver-Zuni, Colo., and freq. 3710H MHz toward Berthound Pass, Colo.

36–C1–P–74, Same (WPE71), Berthound Pass, 4.6 Miles WNW of Empire, Colorado. Lat. 39°47'38" N., Long. 105°45'48" W. C.P. to add freq. 4070H MHz toward Arapahoe Springs, Colo., and freq. 3750H MHz toward Grouse Mtn., Colo.

37–C1–P–74, Same (WPE72), Grouse Mountain, 5.5 Miles NW of Hot Sulphur Springs, Colorado. Lat. 40°08'02" N., Long. 106°-10'25" W. C.P. to add freq. 4030H MHz toward Berthound Pass, Colo., and freq. 4030V MHz toward Granby, Colo.

38–C1–P–74, Same (WPE73), Second and Jasper Avenue, Granby, Colorado. Lat. 40°05'12" N., Long. 105°56'18" W. C.P. to add freq. 3750V MHz toward Grouse Mtn., Colo.

1426–C1–P–74, Puerto Rico Telephone Company (New), Palmas Del Mar, Municipio De Humacao, 2.2 Miles SSW of Buena Vista, Puerto Rico. Lat. 18°05'08" N., Long. 65°48'14" W. C.P. for a new station on freq. 6108.3V MHz toward Cubuy, P.R., on azimuth 344°57'.

1427–C1–P–74, Same (New), 300 Comerio, Old San Juan, San Juan, Puerto Rico. Lat. 18°27'57" N., Long. 66°06'49" W. C.P. for a new station on freq. 6034.2V MHz toward Cubuy, P.R., on azimuth 129°51'.

1428–C1–P–74, Same (New), Municipio Del Loiza, 1.3 Miles SE of Escuela Cubuy, Puerto Rico. Lat. 18°15'26" N., Long. 65°-51'15" W. C.P. for a new station on freq. 6226.9V MHz toward San Juan, P.R., on azimuth 309°56'; freq. 6182.4V MHz toward Palmas Del Mar, P.R., on azimuth 164°56'.

1453–C1–P–74, Microwave Transmission Corp. (KNL77), Williams Hill, 7 Miles SW of San Ardo, California. Lat. 35°57'04" N., Long. 121°00'03" W. C.P. to change antenna location on freq. 6170.0H MHz toward Cuesta Ridge, Calif. on azimuth 154°22'.

1459–C1–P–74, Pacific Northwest Bell Telephone Company (WJM83), Kamiak Butte, 5.5 Miles SW of Palouse, Washington. Lat. 46°51'37" N., Long. 117°10'49" W. C.P. to change antenna system and add freq. 2114H MHz toward La Crosse, Wash., via Passive Reflector on azimuth 264°34'.

1429–C1–P–74, United Video, Inc. (New), ½ mile north of Snowsmill Road on left side of Lane Creek Road in Eastville, Georgia. Lat. 33°51'27", Long. 83°33'00", C.P. for a new station on frequency 6123.1V MHz toward Stephens, Ga., on an azimuth of 100°55'.

1430–C1–P–74, Same (New), On Road S1090 1¾ miles southwest of Hwy 22 near Stephens, Georgia. Lat. 33°47'09", Long. 83°06'28", C.P. for a new station on frequency 6345.5V MHz toward Washington, Ga., on an azimuth of 111°41'.

1431–C1–P–74, Same (New), 7 miles southeast of Washington, Georgia, on Hwy 80 next to Mt. Zion Church. Lat. 33°38'24", Long. 82°40'10", C.P. for a new station on frequency 6063.8H MHz toward Harlem, Ga., on an azimuth of 129°18'.

1432–C1–P–74, Same (New), 1.2 miles south of Harlem, Ga., on Hwy 47. Lat. 33°23'45", Long. 82°18'46", C.P. for a new station on frequency 6315.9V MHz toward Greens Cut, Ga., on an azimuth of 128°58'.

1433–C1–P–74, Same (New), 9 miles south of Greens Cut, Ga., on Hwy 56. Lat. 33°09'30", Long. 81°57'46", C.P. for a new station on frequency 6123.1V MHz toward Millen, Ga., on an azimuth of 165°28'.

1434–C1–P–74, Same (New), 4.8 miles northeast of Millen, Georgia, 2.3 miles north of State Road 21. Lat. 32°49'53", Long. 81°51'43", C.P. for a new station on frequency 6375.2H MHz toward Statesboro, Ga., on an azimuth of 185°05'.

1435–C1–P–74, Same (New), 7.0 miles west of Statesboro, Georgia. Lat. 32°27'44", Long. 81°54'03", C.P. for a new station on frequency 6123.1V MHz toward Groveland, Ga., on an azimuth of 157°18'.

1436–C1–P–74, Same (New), 0.2 mile north of U.S. Hwy 280 at Groveland, Georgia. Lat. 32°08'50", Long. 81°44'43", C.P. for a new station on frequency 6375.2H MHz toward Tison, Ga., on an azimuth of 227°39'; frequency 6375.2V MHz toward Bloomingdale, Ga., on an azimuth of 88°00'.

1437–C1–P–74, Same (New), West side of Ga. Hwy 17, 0.9 mile north of U.S. Hwy 80 intersection near Bloomingdale, Georgia. Lat. 32°09'30", Long. 81°20'59", C.P. for a new station on frequency 10735.0V MHz toward Savannah, Ga., on an azimuth of 60°20'.

1438–C1–P–74, Same (New), On Ga. Hwy 169, 1.0 mile north of intersection with Hwy 144 near Tison, Georgia. Lat. 31°55'50", Long. 82°01'30", C.P. for a new station on frequency 6123.1V MHz toward Jesup, Ga., on an azimuth of 168°43'.

1439–C1–P–74, United Video, Inc. (New), South side of U.S. Hwy. 341, 3.6 Miles NW of Jesup, Georgia. Lat. 31°38'16" N., Long. 81°57'23" W. C.P. for a new station on freq. 6375.2H MHz toward Owen, Ga., on azimuth 203°46'; freq. 10815.0V MHz toward Jesup, Ga., on azimuth 288°34'.

1440–C1–P–74, Same (New), 7 Miles East of Blackshear, Georgia, on Laura Chapel Road, 0.4 Mile North of Road S1905 near Owen, Georgia. Lat. 31°19'11" N., Long. 82°07'13" W. C.P. for a new station on freq. 6093.5H MHz toward Racepond, Ga., on azimuth 180°51'.

1441–C1–P–74, Same (New), 0.2 Mile East of U.S. Hwy. 1, 0.3 Mile South of Ga. Hwy. 121 intersection near Racepond, Georgia. Lat. 30°59'53" N., Long. 82°07'33" W. C.P. for a new station on freq. 6345.5V MHz toward Toledo, Ga., on azimuth 170°12'.

1442–C1–P–74, Same (New), 4.9 Miles North of Toledo, Georgia, on Hwy. 121. Lat. 30°-42'22" N., Long. 82°04'02" W. C.P. for a new station on freq. 6093.5H MHz toward Verdie, Fla., on azimuth 154°14'.

1443–C1–P–74, Same (New), 0.4 Mile North of Verdie, Florida on U.S. Hwy. 301. Lat. 30°26'28" N., Long. 81°55'08" W. C.P. for a new station on freq. 6345.5V MHz toward Orange Park, Fla. on azimuth 150°19'.

1444–C1–P–74, Same (New), North Meadowbrook Terrace, 4 Miles WNW of Orange Park, Florida. Lat. 30°10'52" N., Long. 81°-44'51" W. C.P. for a new sation on freq. 6123.1V MHz toward Mill Creek, Fla., on azimuth 139°30'.

1445–C1–P–74, Same (New), 5 Miles North of Picolata on Route #13, near Mill Creek, Florida. Lat. 29°58'18" N., Long. 81°32'28" W. C.P. for a new station on freq. 6375.2V MHz toward Hastings, Fla. on azimuth 173°33'.

1446–C1–P–74, Same (New), 2 Miles SE of Hastings, Florida. Lat. 29°41'31" N., Long. 81°20'15" W. C.P. for a new station on freq. 6123.1V MHz toward Bunnell, Fla., on azimuth 150°03'.

1447–C1–P–74, Same (New), 5 Miles SW of Bunnell, Florida. Lat. 29°26'21" N., Long. 81°20'15" W. C.P. for a new station on freq. 3950.0V MHz toward Barberville, Fla., on azimuth 205°56'.

1448–C1–P–74, Same (New), 3 Miles East of Barberville, Florida. Lat. 29°10'51" N., Long. 81°28'53" W. C.P. for a new station on freq. 3990.0H MHz toward Cassia, Fla. on azimuth 176°26'.

1449–C1–P–74, United Video, Inc. (New), 1 Mile South of Cassia, Florida. Lat. 28°-52'33" N., Long. 81°27'35" W. C.P. for a new station on freq. 10735.0V MHz toward De Land, Fla. on azimuth 59°58'; freq. 3950.0H MHz toward Ocoee, Fla. on azimuth 189°09'.

1450–C1–P–74, Same (New), .35 Mile East of Hwy. 15A on Minnesota Avenue, De Land, Florida. Lat. 28°58'08" N., Long. 81°16'32" W. C.P. for a new station on freq. 10815.0V MHz toward Smyrna Beach, Fla. on azimuth 88°29'.

1451–C1–P–74, Same (New), On Park Road, 1.5 Miles East of Ocoee, Florida. Lat. 28°-33'50" N., Long. 81°31'01" W. C.P. for a new station on freq. 3990.0V MHz toward Davenport Lake, Fla. on azimuth 209°41'; freq. 10775.0V MHz toward St. Cloud, Fla. on azimuth 145°58'; freq. 10775.0V MHz toward Winter Garden, Fla. on azimuth 278°09'.

1452–C1–P–74, Same (New), .5 Mile West of U.S. Hwy. 27, 12 Miles North of Davenport Park, Davenport Lake, Florida. Lat. 28°18'-37" N., Long. 81°40'52" W. C.P. for a new station on freq. 3950.0V MHz toward Auburndale, Fla. on azimuth 203°50'.

1453–C1–P–74, Same (New), 1.5 Miles SW of Auburndale, Florida. Lat. 28°02'58" N., Long. 81°48'42" W. C.P. for a new station on freq. 3990.0H MHz toward Keysville, Fla. on azimuth 230°52'; freq. 11685.0H MHz toward Lakeland, Fla. on azimuth 235°56'; freq. 11685.0H MHz toward Haines City, Fla. on azimuth 84°39'.

1454–C1–P–74, Same (New), 1 Mile SW of Keysville, Florida. Lat. 27°51'04" N., Long. 82°05'13" W. C.P. for a new station on freq. 3890.0V MHz toward Tampa, Fla. on azimuth 282°29'.

1455–C1–P–74, Same (New), On Hartford Street, 5 Miles SE of Tampa. Florida. Lat. 27°54'36" N., Long. 82°23'23" W. C.P. for a new station on freq. 6197.2V MHz toward Oldsmar, Fla. on azimuth 301°30'; freq. 6197.2V MHz toward Brandon, Fla. on azimuth 344°16'.

1456–C1–P–74, Same (New), 1.15 Miles North of Oldsmar, Florida. Lat. 28°03'10" N., Long. 82°39'15" W. C.P. for a new station on freq. 5945.2H MHz toward Port Richey, Fla. on azimuth 344°24'; freq. 5945.2V MHz toward Largo, Fla. on azimuth 244°22'.

1457–C1–P–74, Same (New), 3.1 Miles SW of Largo, Florida and 2.3 Miles West of Walsingham, Florida. Lat. 27°53'07" N., Long. 82°50'23" W. C.P. for a new station on freq. 10715.0V MHz toward St. Petersburg, Fla. on azimuth 127°03'. (Note: A waiver of Section 21.701(1) is requested by United Video.)

1460–C1–P–74, The Mountain States Telephone and Telegraph Company (New). S.E. Corner of Broadway and Hill Streets, Sells, Arizona. Lat. 31°54'41" N., Long. 111°52'56" W. C.P. for a new station on freq. 2120.0H MHz toward Kitt Peak, Ariz. on azimuth 78°08'.

1461–C1–P–74, Same (WPY21): Kitt Peak National Observatory, 17.5 Miles ENE of Sells, Arizona. Lat. 31°57'42" N., Long. 111°35'59" W. C.P. to add freq. 2170.0H MHz toward a new point of communication at Sells, Ariz. on azimuth 258°17'.

1465–C1–P–74, American Telephone and Telegraph Company (KGH83): 2.5 Miles ESE of Lionville, Pennsylvania. Lat. 40°03'06" N., Long 75°36'40" W. C.P. to add freq. 11665V MHz toward a new point of communication at Valley Forge, Pa. on azimuth 76°01'.

1462–C1–P–74, Western Tele-Communications, Inc. (WOI60): 12636 Beatrice, Los Angeles, California. Lat. 33°58'46" N., Long. 118°24'54" W. C.P. to add freq. 11225V MHz toward Saddle Peak, Calif. on azimuth 295°27'.

1463–C1–P–74, Same (New), 7th and Los Angeles Street, Los Angeles, California. Lat. 34°02'36" N., Long. 118°14'47" W. C.P. for a new station on freq. 11305V MHz toward Saddle Peak, Calif. on azimuth 275°29'.

1464–C1–P–74, Same (WOI59): Saddle Peak, 3.5 Miles NNE of Malibu Beach, California. Lat. 34°04'32" N., Long. 118°39'30" W. C.P. to add freq. 11135H MHz toward Los Angeles, Calif. on azimuth 115°19'; freq. 10815H MHz toward a new point of communication at Los Angeles #2, Calif. on azimuth 95°15'.

1476–C1–P–74, American Telephone and Telegraph Company (KIS34): 4.5 Miles NW of Warrior, Alabama. Lat. 33°50'42" N., Long. 86°52'59" W. C.P. to add freq. 6197.2H MHz toward Jasper, Ala. on azimuth 262°56'.

1477–C1–P–74, Same (KRS91): 3.5 Miles SW of Jasper, Alabama. Lat. 33°47'48" N., Long. 87°20'32" W. C.P. to add freq. 5945.2V MHz toward Warrior, Ala. on azimuth 82°41'.

1478–C1–P–74, Bell Telephone Company of Nevada (KPR96): McClellan Peak, 3 Miles West of Silver City, Nevada. Lat. 39°15'35" N., Long. 119°41'53" W. C.P. to add freq. 2178.0H MHz toward a new point of communication at Virginia City, Nev. on azimuth 40°59'.

1479–C1–P–74, Same (New). SW Corner of Toll Road and E Street, Virginia City, Nevada. Lat. 39°17'59" N., Long. 119°39'12" W. C.P. for a new station on freq. 2128.0H MHz toward McClellan Peak, Nev. on azimuth 221°00'.

1502–C1–P–74, Texas Telephone and Telegraph Company (KLR65): U.S. Hwy. #84, 1 Mile East of Fairfield, Texas. Lat. 31°43'12" N., Long. 96°08'32" W. C.P. to change antenna system, power, replace transmitter, delete path to Corsicana, and change freq. from 5974.8 6093.5 MHz to 10975.0V 11135.0V MHz toward a new point of communication at Streetman, Tex. on azimuth 315°34'.

1503–C1–P–74, Same (New). Corner of Pease and Ross Streets, Streetman, Texas. Lat. 31°52'34" N., Long. 96°19'18" W. C.P. for a new station on freqs. 11345.0V 11665.0V MHz toward Fairfield, Tex. on azimuth 135°29'; freqs. 11305.0V 11465.0V MHz toward Corsicana, Tex. on azimuth 331°06'.

1504–C1–P–74, Same (KLR64): U.S. Highway 75 South, Corsicana, Texas. Lat. 32°04'46" N., Long. 96°27'13" W. C.P. to change antenna system, power, delete path to Fairfield and change freqs. from 6197.2 6315.9 MHz to 11055.0V 10735.0V MHz toward a new point of communication at Streetman, Tex. on azimuth 151.01'.

1505–C1–P–74, The Pacific Telephone and Telegraph Company (KMJ95): 1407 J Street, Sacramento, California. Lat. 38°34'-45" N., Long. 121°29'11"W. C.P. to add freq. 4130H MHz toward Berryessa Peak, Calif. on azimuth 279°00'.

1506–C1–P–74, Same (KYS42): Berryessa Peak, 5.6 Miles SSW of Brooks, California. Lat. 38°39'51" N., Long. 122°11'16" W. C.P. to add freq. 3910H MHz toward Mt. Vaca, Calif. on azimuth 165°47'; freq. 4170H MHz toward Sacramento, Calif. on azimuth 98°34'.

1507–C1–P–74, Same (KYS41): Mt. Vaca, 6 Miles NW of Vacaville, California. Lat. 38°23'54" N., Long. 122°06'08" W. C.P. to add fred. 3870H MHz toward Berryessa Peak, Calif. on azimuth 345°50'; freq. 3870H MHz toward Mt. Diablo, Calif. on azimuth 164°25'.

1508–C1–P–74–Same. (KMA29): 3.6 Miles NE of Diablo, California. Lat. 37°52'43" N., Long. 121°55'10" W. C.P. to add freq. 3910H MHz toward Mt. Vaca, Calif. on azimuth 344°32'.

1509–C1–P/L–74, RCA Alaska Communications, Inc. (New). To operate at various temporary locations within the State of Alaska. C.P. and License for a new station on freqs. 2110–2130, 2160–2180, and 5925–6425 MHz.

1511–C1–P–74, Indiana Bell Telephone Company (KSJ45): 240 North Meridian, Indianapolis, Indiana. Lat. 39°46'16" N., Long. 86°09'29" W. C.P. to replace transmitter and add freq. 6404.8H MHz toward Noblesville, Ind.; delete freq. 10995H MHz toward Noblesville, Ind. on azimuth 27°33'.

1512–C1–P–74, Indiana Bell Telephone Company (KSV85): 2.8 Miles SE of Noblesville, Indiana. Lat. 40°00'38" N., Long. 85°59'44" W. C.P. to delete freq. 11645H MHz and add freq. 6152.8H MHz toward Anderson, Ind. on azimuth 68°53'; delete freq. 11445V MHz and add freq. 6152.8V MHz toward Indianapolis, Ind. on azimuth 207°39'.

1513–C1–P–74, Same (KSV86): South 23rd and Raible Streets, Anderson, Indiana. Lat. 40°05'37" N., Long. 85°42'52" W. C.P. to replace transmitter, delete freq. 10715H MHz and add freq. 6286.2V MHz toward Noblesville, Ind. on azimuth 249°04'; delete freq. 11405V MHz toward Muncie, Ind. on azimuth 68°38'; add freq. 6315.9H MHz toward Point Isabel, Ind. on azimuth 343°45'.

1514–C1–P–74, Same (KOC56): 1.1 Mile SW of Point Isabel, Indiana. Lat. 40°24'33" N., Long. 85°50'05" W. C.P. to change freq. 5989.7V MHz to 6004.5V and add freq. 6063.8V MHz toward Anderson, Ind. on azimuth 163°41'; add freq. 6063.8H MHz toward Marion, Ind. on azimuth 34°09'.

1515–C1–P–74, Same (KOC57): 2.25 Miles North of Marion, Indiana. Lat. 40°36'39" N., Long. 85°39'18" W. C.P. to change polarization from V to H on freq. 6241.7 MHz and add freq. 6315.9H MHz toward Warren, Ind. on azimuth 56°13'; change polarization from H to V on freq. 6241.7 MHz and add freq. 6315.9V MHz toward Pt. Isabel, Ind. on azimuth 214°17'.

1516–C1–P–74, Same (KOC60): 2.7 Miles North of Warren, Indiana. Lat. 40°43'36" N., Long. 85°25'37" W. C.P. to add freq. 6063.8H MHz toward Zanesville, Ind. on azimuth 23°21'; add freq. 6063.8V MHz toward Marion, Ind. on azimuth 236°22'.

1517–C1–P–74, Same (KOC61): 2.0 Miles NNW of Zanesville, Indiana. Lat. 40°56'48" N., Long. 85°18'06" W. C.P. to change polarization from V to H on freq. 6241.7 MHz and add freq. 6315.9H MHz toward Fort Wayne, Ind. on azimuth 43°25'; change polarization from H to V on freq. 6241.7 MHz and add freq. 6315.9V MHz toward Warren, Ind. on azimuth 203°26'.

1518-C1-P-74, Same (KXQ73): 411 East Berry Street, Fort Wayne, Indiana. Lat. 41°04'-49" N., Long. 85°08'04" W. C.P. to add freq. 6063.8V MHz toward Zanesville, Ind. on azimuth 223°32'.

1519-C1-P-74, The Bell Telephone Company of Pennsylvania (New). General Electric Space Technology Center, S.E.S. Bldg. #200, Valley Forge, Pennsylvania. Lat. 40°05'28" N., Long. 75°24'14" W. C.P. for a new station on freq. 10775V MHz toward Lionville, Pa. on azimuth 256°9'.

Major amendments

963-C1-P-74, United Video, Inc. (New), Montgomery, Alabama. Change polarization of freq. 5945.2 MHz to Horizontal.

1240-C1-AP-(41)-74, MCI St. Louis-Texas, Inc. Amend application to add additional station WOJ23—Stillwater, Oklahoma from MCI St. Louis-Texas, Inc., assignor to MCI Telecommunications, Inc., assignee. (All other particulars same as reported on Public Notice #671, dated 10-23-73.)

Correction

(Informative: The following application was erroneously omitted on Public Notice #671, dated 10-23-73—See File Nos. 1178-1204-C1-P-74.)

1202-C1-P-74, American Telephone and Telegraph Company (KSV35): 3.6 Miles SW of Floral City, Florida. Lat. 28°42'48" N., Long. 82°20'23" W. C.P. to change freq. 4170V to 3750H MHz; change freq. 4010V to 3830H MHz and add freq. 3910H MHz toward Dunnellon, Fla. on azimuth 341°49'; change freq. 4170V to 3750H MHz; change freq. 4010V to 3830H MHz and add freq. 3910H MHz toward Dade City, Fla. on azimuth 157°15'.

[FR Doc. 73-23936 Filed 11-12-73;8:45 am]

FEDERAL MARITIME COMMISSION

ATLANTIC CONTAINER LINE AND DART LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 3, 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:

George F. Galland, Esq., Galland, Kharasch, Calkins & Brown, 1054 31st Street NW., Washington, D.C. 20007.

Agreement No. 10095 between the above-named lines provides for the parties to confer upon, discuss and agree upon rates, charges, classifications, practices and related tariff matters in the trade between ports on the Atlantic Coast of Canada and ports on the Atlantic Coast of the United States of America. With respect to any rate, charge, classification, practice or other tariff matter agreed upon, the parties reserve the right to take independent action under terms and conditions set forth in the agreement.

Dated: November 8, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-24139 Filed 11-12-73;8:45 am]

NORTH ATLANTIC FRENCH FREIGHT CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 814).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015 or at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, D.C. 20573, on or before December 3, 1973. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system 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 petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement (Modification of Dual Rate Contract) filed by:

Howard A. Levy, Esq., Suite 631, 17 Battery Place, New York, N.Y. 10004.

Agreement No. 7770 DR-4, among the member lines of the above-named Conference, modifies the text of the conference's approved form of merchant's contract to provide that rates may be increased or a surcharge imposed on not less than 15 days' notice in the event the value of the tariff currency depreciates due to changes in international monetary rates of exchange.

Dated: November 7, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-24142 Filed 11-12-73;8:45 am]

[Docket No. 73-57]

SEA-LAND SERVICE, INC.

Amended Order of Investigation and Hearing Regarding Possible Violations

The Commission instituted this proceeding to determine the lawfulness under section 18(b)(5) of the Shipping Act, 1916, and Commission General Order 29 of a Cargo N.O.S. rate submitted by Sea-Land Service, Inc. (Sea-Land) to the Military Sealift Command (MSC) pursuant to Request for Proposal (RFP)-800, First Cycle.

To insure the expeditious handling of the proceeding made necessary by the fact that the challenged rate is in effect for only a six-month period, our original Order of Investigation and Hearing directed that the record be certified to the Commission by the presiding Administrative Law Judge for issuance of a decision. Sea-Land, supported by Intervener MSC, has now moved that the Commission's Order be modified procedurally to allow for the issuance of a recommended or initial decision by the presiding officer in accordance with the provisions of the Administrative Procedure Act. Hearing Counsel have no objection to the proposed modification.

In order to insure that Respondent is accorded every possible due process and to provide all parties to this proceeding with the benefit of an initial decision by the presiding officer on the complex issues raised, we are acceding to Sea-Land's request with the understanding that the proceeding will otherwise continue to be expedited to the fullest extent possible.

Therefore, it is ordered, That, upon completion of the hearing in this proceeding, the Administrative Law Judge issue an initial decision;

It is further ordered, That, except to the extent modified herein, all the provisions of our Order of Investigation and Hearing of September 21, 1973, remain in full force and effect.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-24143 Filed 11-12-73;8:45 am]

[Docket No. 73-72; Agreement No. 10056]

POOLING, SAILING AND EQUAL ACCESS CARGO AGREEMENT

Order of Investigation and Hearing

Pursuant to Section 15 of the Shipping Act, 1916, an agreement between Empresa Lineas Maritimas Argentinas S.A. and Prudential-Grace Lines, Inc. has been filed for approval and assigned Federal Maritime Commission Number 10056. This agreement establishes a pooling, sailing and equal access cargo arrangement for the apportionment of freight revenues on all cargo, including any and all government-controlled cargo, with the exception of certain specified commodities, to be transported by the parties on owned or chartered vessels in the trade between Buenos Aires, Argentina and United States Pacific Coast ports within the Bellingham/San Diego range, both inclusive (Annexes I and II, northbound and southbound, respectively.)

Notice of the filing of Agreement No. 10056 was published in the FEDERAL REGISTER on June 20, 1973. Pursuant to such publication, a protest against the approval of said agreement and comments was submitted on behalf of Westfal-Larsen & Co. A/S, an established carrier in the trade. An investigation and hearing on the issues raised by the protestant has been requested.

Westfal-Larsen & Co. A/S sets forth its standing and interest in the West Coast United States/South American trade, in which it has served and carried substantial cargo since 1926. This carrier objects to the approval of Agreement No. 10056 on the grounds that, among other things, said agreement (1) will eliminate third-flag carriers from the trade; (2) is discriminatory and unfair as between carriers, and as between shippers, importers and exporters of the United States; and (3) is detrimental to the commerce of the United States and contrary to the public interest, all in violation of Section 15 of the Shipping Act, 1916.

Replies to the protest and comments have been filed on behalf of the parties to the agreement and contain general statements that the comments are dilatory and seek only to delay implementation of the agreement and that the principles pursuant to which Agreement No. 10056 merits approval have already been decided by the Commission in previous cases. However, if the Commission is of the opinion that an investigation and hearing is necessary in this matter and so orders, attorneys for the parties have requested that such proceeding be expedited.

No information and data or other material in justification of the approval of the agreement have been furnished by the parties.

Beyond the protest, Agreement No. 10056 is incomplete in certain respects such as (1) Article 6c) of Annex I should be amended to strike the period at the end thereof and add "to the total number of actual sailings made by all parties," in order to complete the ratio specified; and (2) the third definition of revenue tons in Article 7b) 1. of Annex II should be amended to read "two thousand (2,000) pounds on pooled cargo rateable per short ton."

It is therefore ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether Agreement No. 10056 is unjustly discriminatory or unfair as between carriers, shippers, exporters or importers of the United States, operates to the detriment of the commerce of the United States, is contrary to the public interest, or is in violation of the Shipping Act, 1916, and, therefore, whether it should be approved, disapproved or modified;

It is further ordered, That Empresa Lineas Maritimas Argentinas S.A. and Prudential-Grace Lines, Inc. are hereby made respondents in this proceeding.

It is further ordered, That Westfal-Larsen & Co. A/S is hereby made a petitioner in this proceeding.

It is further ordered, That the matter be assigned for hearing and decision by an Administrative Law Judge at a date and place to be hereafter determined and announced by the presiding Administrative Law Judge, and that the hearing be expedited.

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon respondents and petitioner, as shown below.

It is further ordered, That any person other than respondents and petitioner, having an interest and desiring to participate in this proceeding, shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's Rules of Practice and Procedure.

And it is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

Empresa Lineas Maritimas Argentinas, S.A., Buenos Aires, Argentina.

Prudential-Grace Lines, Inc., 1 New York Plaza, New York, N.Y. 10004.

Westfal-Larsen & Co., A/S, General Steamship Corporation, Ltd., General Agents, 400 California Street, San Francisco, Calif. 94104.

Seymour H. Kligler, Esq., Levitt Brauner Baron Rosenzweig & Kligler (The Firm of Herman Goldman), 120 Broadway, New York, N.Y. 10005 (attorneys for Empresa Lineas Maritimas Argentinas, S.A.).

Harold T. Quinn, Esq., Barrett Smith Schapiro & Simon, 26 Broadway, New York, N.Y. 10004. (attorneys for Prudential-Grace Lines, Inc.).

Edward D. Ransom, Esq., Thomas E. Kimball, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, Calif. 94104 (attorneys for Westfal-Larsen & Co., A/S).

[FR Doc.73-24144 Filed 11-12-73;8:45 am]

SEATRAIN LINES, INC., AND LINK LINES, LTD.

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, La., and San Francisco, Calif. 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 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Dean R. Putnam, President, International Tariff Services, Inc., 815 15th Street, NW., Suite 538, Bowen Building, Washington, D.C. 20005.

Agreement No. DC-61, between Seatrain Lines, Inc. (Seatrain) and Link Lines, Ltd. (Link), provides for the transportation of cargo under through bills of lading between U.S. Atlantic ports and ports in the Virgin Islands with transshipment at San Juan, Puerto Rico. The through rates and terms of transportation will be combination rates of those separately published by Seatrain between U.S. Atlantic ports and Puerto Rico and those separately published by Link between Puerto Rico and the Virgin Islands. All shipments moving pursuant to this agreement will be transshiped at the Link terminal in San Juan, Puerto Rico. Either party may terminate this agreement upon 30 days' notice to the other.

Dated: November 8, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-24141 Filed 11-12-73;8:45 am]

TTT TRAILER FERRY, INC., AND LINK LINES, LTD.

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, La., and San Francisco, Calif. 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 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Dean R. Putnam, President, International Tariff Services, Inc., 815 15th Street NW., Suite 538, Bowen Building, Washington, D.C. 20005.

Agreement No. DC-63, between TTT Trailer Ferry, Inc. (TTT) and Link Lines, Ltd. (Link), provides for the transportation of cargo under through bills of lading between U.S. Atlantic ports and ports in the Virgin Islands with transshipment at San Juan, Puerto Rico. The through rates and terms of transportation will be combination rates of those separately published by TTT between U.S. Atlantic ports and Puerto Rico and those separately published by Link between Puerto Rico and the Virgin Islands. All shipments moving pursuant to this agreement will be transshipped at the Link terminal in San Juan, Puerto Rico. Either party may terminate this agreement upon 30 days' notice to the other.

Dated: November 8, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-24140 Filed 11-12-73;8:45 am]

[Docket No. CP74-105]

FEDERAL POWER COMMISSION

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

NOVEMBER 6, 1973.

Take notice that on October 19, 1973, Algonquin Gas Transmission Company (Applicant), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP74-105 an application pursuant to section 7(c) of the Natural Gas Act for authorization to construct and operate a new delivery point for an existing customer, New Bedford Gas and Edison Light Company (New Bedford Gas), in Rochester, Massachusetts, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that New Bedford Gas has requested the establishment of a new delivery point to permit New Bedford Gas to render natural gas service to a proposed school and meet anticipated residential growth in the town of Rochester. Applicant requests authorization to construct and operate dual 2-inch taps in Rochester required to deliver gas at a meter and regulator station to be owned by New Bedford Gas and operated by Applicant as provided in the General Terms and Conditions of Applicant's FPC Gas Tariff, Original Volume No. 1. Applicant states that New Bedford Gas, to avoid the expense of extending its present distribution system approximately 5 miles to provide this service, has agreed to pay the cost of the necessary meter and regulator station and lease such station to Applicant for operation and maintenance in this regard. The application states that Rochester is part of New Bedford Gas's existing franchise area.

The estimated cost to Applicant of the proposed construction of the dual 2-inch taps is approximately $7,900, to be financed with funds on hand.

The application states that the proposed new delivery point will permit New Bedford Gas to serve the proposed Old Colony Regional Vocational Technical High School in Rochester and an estimated 600 homes planned for this area with a five-year projected load of 125,000 Mcf of gas annually. Applicant states that no additional gas above presently authorized contract obligations will be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 30, 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 and 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.73-24164 Filed 11-12-73;8:45 am]

[Docket No. E-8187]

BOSTON EDISON CO.

Notice of Extension of Time

NOVEMBER 7, 1973.

On October 23, 1973, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued October 23, 1973, in the above-designated matter. The motion states that counsel for the other parties to this proceeding have agreed to this request.

On October 31, 1973, Boston Edison Company filed an answer to Staff's motion concurring in some dates but suggesting changes in other dates which were concurred in by Staff Counsel and New England Power Company. The filing stated that counsel for Norwood does not object to the proposed dates.

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

Service of Testimony and Exhibits by Staff, December 4, 1973.

Service of Testimony and Exhibits by Interveners, December 18, 1973.

Service of Rebuttal Evidence by Boston Edison Company, January 11, 1974.

Prehearing Conference, January 15, 1974. (10:00 a.m. e.s.t.).

Cross-Examination, January 22, 1974 (10:00 a.m., e.s.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24184 Filed 11-12-73;8:45 am]

CEJA CORP.

[Docket No. CI74-278]

Notice of Application

NOVEMBER 6, 1973.

Take notice that on October 29, 1973, Ceja Corporation (Applicant), 1905 National Bank of Tulsa Building, Tulsa, Oklahoma 74103, filed in Docket No. CI74-278 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corporation from Trebloc Field, Chickasaw County, Mississippi, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on October 1, 1973, within the contemplation of Section 157.29 of the Regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to 500 Mcf of gas per day at 45.0 cents per Mcf at 15.025 psia. Estimated monthly sales are 15,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24112 Filed 11-12-73;8:45 am]

[Docket Nos. E-7685, E-7798]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Filing of Proposed Settlement Agreement

NOVEMBER 6, 1973.

Take notice that on October 4, 1973, Central Vermont Public Service Corporation filed in the above-entitled proceedings a proposed settlement agreement dated October 1, 1973. The Agreement, entered into by Central Vermont and its wholesale customers, would resolve all issues in these two separate wholesale rate proceedings.

Any person wishing to do so may submit comments with respect to the proposed settlement agreement on or before November 23, 1973. The settlement agreement is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24165 Filed 11-12-73;8:45 am]

[Docket No. RI74-32]

CHAMPLIN PETROLEUM CO.

Petition for Special Relief

NOVEMBER 6, 1973.

Take notice that on August 27, 1973, Champlin Petroleum Company (Petitioner), 18000 First National Building, Fort Worth, Texas 76102, filed a petition for special relief in Docket No. RI74-32, pursuant to § 2.76 of the Commission's general policy and interpretations. Petitioner requests that it be granted special relief to sell gas from certain acreage in Nueces County, Texas, to Tennessee Gas Pipeline Company at an initial rate of 35 cents per Mcf. The rate is in excess of the area rate established by the Commission in Opinion No. 595.

Petitioner states that the initial proposed rate of 35 cents per Mcf is just and reasonable in view of Opinion No. 662, which established an applicable area rate for gas sold from the Permian Basin Area of 35 cents per Mcf for gas sold pursuant to contracts dated on or after October 1, 1968.

Petitioner states that a failure of the Commission to approve this 35 cent rate for a long term sale of a significant supply of gas in the interestate market could only serve to discourage producer incentive to search for new gas supplies and commit such supplies, under long-term contracts, to the interstate market.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24166 Filed 11-12-73;8:45 am]

[Docket No. CI74-49]

CITIES SERVICE OIL CO.

Order Providing for Formal Hearing, Permitting Interventions and Establishing Procedures

NOVEMBER 6, 1973.

On April 15, 1971, the Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 10, and 16 thereof (52 Stat. 822, 823, 824, 825, 826, 830; 56 U.S.C. § 717c, §717d, § 171f, § 717g, § 717l, and § 717), issued Order 431 promulgating a statement of general policy with respect to the establishment of measures to be taken for the protection of as reliable and adequate service as present natural gas supplies and capacities will permit.

On July 23, 1973, Cities Service Oil Company (Applicant) filed in Docket No. CI74-49 an application pursuant to section 7(c) of the Natural Gas Act and § 2.70 of the Commission's general policy and interpretations thereunder for a limited term certificate of public convenience and necessity for the term ending May 1, 1975, with pre-granted abandonement authorizing the sale of natural gas to El Paso Natural Gas Company (El Paso) from acreage in Eddy County, New Mexico.

The limited term certificate application provides for Applicant to sell to El Paso approximately 3,000 Mcf per day at 52.0¢ per Mcf (14.65 psia) subject to upward and downward Btu adjustment. Applicant states that it commenced the emergency sale of gas to El Paso on July 2, 1973, pursuant to § 157.29 of the regulations under the Natural Gas Act and proposes in the present application to continue this sale until May 1, 1975.

Applicant requests that its application be disposed of in accordance with the shortened procedure prescribed in § 1.32 of the Commission's rules of practice and procedure.

In Order 431, the Commission amended Part 2, Subchapter A, General Rules, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 2.70, which reads:

(3) The Commission recognizing that additional short-term gas purchases may still be necessary to meet the 1971-1972 demands, will continue the emergency measures referred to earlier for the stated 60-day period.

If the emergency purchases are to extend beyond the 60-day period, paragraph 12 in the notice issued by the Commission on July 17, 1970, in Docket No. R-389A should be utilized (35 FR 11638). The Commission will consider if the pipeline demonstrates emergency need.

Paragraph 12 of R-389A provided, in part, the applicants, requesting certificates for sales of natural gas in excess of the ceiling or guideline rate, shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

The application in this proceeding represents a significant volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

We take further note, however, that the Commission in a recent order has already held that an emergency exists on El Paso's Southern Division System. See *Skelly Oil Company* ____ FPC ____, Docket No. CI73-902, issued on September 6, 1973. We conclude, therefore, that there is an emergency on El Paso's Southern Division System which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

Petitions to intervene in this proceeding were filed by Southern California Gas Company (SoCal) on August 10, 1973, El Paso Natural Gas Company (El Paso) on August 15, 1973, and The People of the State of California and the Public Utilities Commission of the State of California (California) on August 16, 1973.

The Commission finds: (1) Good cause exists to set for formal hearing the application for a limited term certifiate herein.

(2) It may be in the public interest to permit SoCal, El Paso and California to intervene in this proceeding.

The Commission orders: (A) The application for a limited term certificate for sale of natural gas filed in Docket No. CI74-49 is hereby set for hearing.

(B) Applicant's request that its application bed disposed of accordance to the shortened procedure set forth in § 1.32 of the Commission's rules of practice and procedure is hereby denied.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing November 28, 1973, at 10 a.m. (e.s.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(D) The above named petitioners are hereby permitted to become interveners, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and; *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings.

(E) The Applicant and all parties supporting its application shall, on or before November 19, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24159 Filed 11-12-73;8:45 am]

[Docket No. RP73-93]

COLORADO INTERSTATE GAS CO.

Notice Extension of Time and Postponement of Hearing

NOVEMBER 6, 1973.

On October 30, 1973, Colorado Interstate Gas Company, a Division of Colorado Interstate Corp., filed a motion for a further extension of the procedural dates fixed by notice issued October 29, 1973, in the above-designated matter. The motion states that there was no objection to the motion by any of the parties or Staff Counsel.

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

Intervener Service, December 3, 1973.

Company Rebuttal, December 17, 1973.

Hearing, January 15, 1974 (10:00 a.m., EST).

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24085 Filed 11-12-73;8:45 am]

[Docket No. CP73-104]

COLUMBIA GULF TRANSMISSION CO.

Application To Amend

NOVEMBER 6, 1973.

Take notice on October 12, 1973, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP73-104 an application to amend the Commission's order issued February 23, 1973, in said docket pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder by waiving as to a single offshore project the cost limitation imposed by said order, all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection.

The order of February 23, 1973, authorized Applicant to construct during the twelve-month period commencing January 6, 1973, and operate certain natural gas facilities to enable Applicant to take into its certificated main pipeline system natural gas to be purchased from producers thereof. Said order limited the cost of any single offshore project to $1,750,000.

Applicant proposes to construct a pipeline from Eugene Island Block 314 to Eugene Island Block 309, offshore Louisiana. This line, Applicant states, will connect Block 314 gas reserves contracted for purchase by Applicant's affiliate, Columbia Gas Transmission Corporation (Columbia Gas), from Exxon Company, U.S.A., with an existing 26-inch pipeline jointly owned by Applicant and Texas Gas Transmission Corporation. The application indicates that the pipeline will consist of 1.0 mile of 12-inch pipe, 2.9 miles of 20-inch pipe and 0.1 mile of 8-inch pipe and will cost an estimated $2,200,000.

Applicant states that part of the gas to be purchased by Columbia Gas from Exxon at Block 314 is casinghead gas, which must be taken this winter as part of the consideration for Exxon's sale of much larger volumes of gas-well gas from Block 314 to be made available on or after July 1, 1974. Further, Applicant states that this project will save such casinghead gas which would otherwise be flared or, if not flared, would cause a curtailment of Exxon's oil production. Accordingly, with respect to this project, Applicant requests that the offshore cost limitation of $1,750,000 imposed by the order of February 23, 1973, be waived.

Any person desiring to be heard or to make any protest with reference to said application to amend should on or before November 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10), and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24167 Filed 11-12-73;8:45 am]

[Docket No. RP72-134]

EASTERN SHORE NATURAL GAS CO.

Proposed Changes in Rates and Charges

NOVEMBER 7, 1973.

Take notice that on October 29, 1973, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing Fifth Revised Sheet No. 3A and Fifth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1, and requested waiver of § 154.22 of the regulations under the Natural Gas Act and § 20.2 of the General terms and conditions of said tariff to permit the tendered sheets to be effective as of December 1, 1973.

In support of its filing Eastern Shore states that the increase of 1.0¢ and 0.002¢ per Mcf respectively in the demand and commodity component of its Rate Schedule GSS-1 is to reflect the increase in its purchased gas cost occasioned by the filing of a rate increase filing by its supplier Trancontinental Gas Pipe Line Corporation in Docket No. RP 73-3, to be effective as of December 1, 1973. The tendered rates are stated to increase jurisdictional revenues by approximately $6,000 on sales made during the twelve months ended December 1, 1974.

Copies of the filing were served upon Eastern Shore's jurisdictional customers and the Maryland Public Service Commission.

Any person desiring to be heard or to protest said tender 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 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 November 20, 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 in this proceeding. Copies of the tender are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24169 Filed 11-12-73;8:45 am]

[Docket No. CP74-116]

EL PASO NATURAL GAS CO.

Notice of Application

NOVEMBER 7, 1973.

Take notice that on October 30, 1973, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-116 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain modifications at its existing Southern Division System Chandler No. 2 meter Station in Maricopa County, Arizona, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is necessary to increase the present operating capacity of its Chandler No. 2 meter station from 4,093 to 8,013 Mcf of gas per day in order to increase deliveries of natural gas at such point to Arizona Public Service Company (APS). Applicant indicates that APS needs to increase its receipt of gas at this point during the 1973-74 heating season for the protection of APC's Priority 1 customers' requirements. Additionally, Applicant submits that in order to assist APS in maintaining adequate delivery pressure in APS's gas system supplied by the subject meter station, it is necessary to increase the present contractual maximum delivery pressure of 175 psig at Chandler to not less than 230 psig. Accordingly, Applicant requests authorization to make modifications to the Chandler No. 2 station to accomplish said results.

Applicant estimates the cost of the proposed modifications at $20,189, which it plans to finance from working funds, supplemented, as necessary by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 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.73-24170 Filed 11-12-73;8:45 am]

[Docket No. E-8008]

FLORIDA POWER AND LIGHT CO.

Notice Postponing Hearing

NOVEMBER 6, 1973.

On November 5, 1973, Staff Counsel filed a motion to extend the hearing date fixed by notice issued October 15, 1973, in the above-designated matter. The motion states that all parties concur in the request.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed until January 21, 1974, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24185 Filed 11-12-73;8:45 am]

[Docket No. E-7548]

GEORGIA POWER CO.

Filing of Proposed Rate Schedule Changes

NOVEMBER 6, 1973.

Take notice that on October 25, 1973, Georgia Power Company filed in Docket No. E-7548 revised pages 3, 3A, 3B, 3D, 3E, 3G, 3H, and 3K to its FPC Electric Tariff, Volume No. 1. Georgia Power states that these revisions cover changes effective in the fourth quarter of 1973, consisting of nine new cooperative and one new municipal delivery points, and the conversion of two existing cooperative delivery points to the WR-6 rate. Included with the filing were 12 supplemental sheets giving data on the delivery points involved in the above changes.

Any person desiring to be heard with respect to Georgia Power Company's filing herein 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 November 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 filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24168 Filed 11-12-73;8:45 am]

[Docket No. E-7548]

GEORGIA POWER CO.

Filing of Proposed Rate Schedule Changes

NOVEMBER 6, 1973.

Take notice that on July 9, 1973, Georgia Power Company filed in Docket No. E-7548 revised pages 3-B, 3-D, 3-F, 3-K, 3-M, and 3-O to its FPC Electric Tariff, Volume No. 1. Georgia Power

states that these revisions cover changes in the third quarter of 1973, consisting of five new cooperative and municipal delivery points, and the conversion of four cooperative and city delivery points to the WR–6 rate. Included with the filing were nine supplemental sheets giving data on the delivery points involved in the above changes.

Any person desiring to be heard with respect to Georgia Power Company's filing herein 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 November 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 filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24171 Filed 11-12-73;8:45 am]

[Docket No. CI74-46]

GLENWOOD, INC.

Notice Deferring Procedural Dates

NOVEMBER 6, 1973.

On October 17, 1973, an order was issued fixing a hearing in the above-designated matter. On October 29, 1973, Glenwood, Inc., filed an amendment to application, acceptance of conditioned rate and request for expeditious processing of application.

Notice is hereby given that the procedural dates in the above matter are deferred pending further order of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24087 Filed 11-12-73;8:45 am]

GRAND GAS CORP.

[Docket. No. CI74-266]

Notice of Application

NOVEMBER 7, 1973.

Take notice that on October 24, 1973, Grand Gas Corporation (Applicant), P.O. Box 2806, Corpus Christi, Texas 78401, filed in Docket No. CI74-266 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) from Grand County, Utah, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell gas which it will gather and purchase in the Cisco Dome Area of Grand County from Vukasovich Drilling, et al., to El Paso at a rate of 45.0 cents per Mcf at 15.025 psia. Applicant indicates that delivery of the proposed gas to El Paso will be made at the point of intersection of its gathering line and the main transmission line of El Paso in Grand County. In Docket No. CP 72-108, et al., on June 1, 1972 (47 FPC ____), various facilities of Applicant in Grand County were declared non-jurisdictional because they were found to be gathering facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24172 Filed 11-12-73;8:45 am]

[Docket No. E-8365]

KANSAS CITY POWER & LIGHT CO.

Order Amending Prior Order

NOVEMBER 6, 1973.

By order of October 16, 1973, in this docket, the Commission, inter alia, ordered that a prehearing conference would be held on February 27, 1974 (See ordering Paragraph A).

Ordering paragraph B of that order inadvertently orders that the prehearing conference will be held on February 13, 1974. Accordingly, we will amend ordering paragraph B of our prior order to provide for the prehearing conference to be held on February 27, 1973.

The Commission orders: (A) The Commission's order of October 16, 1973, is hereby amended to provide, in ordering paragraph B, that the prehearing conference will be held on February 27, 1974.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24160 Filed 11-12-73;8:45 am]

[Docket No. CI74-277]

MAPCO INC.

Notice of Application

NOVEMBER 7, 1973.

Take notice that on October 29, 1973, MAPCO Inc. (Applicant), filed in Docket No. CI74-277 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.75 of the Commission's General Policy and Interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Florida Gas Transmission Company (Florida) from the Montegut Field, Terrebonne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell gas to Florida from the Montegut Field at an initial price of 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment, pursuant to the provisions of a contract dated September 21, 1973. Said contract provides for price escalations of 1.0 cent per Mcf each year, for reimbursement to the seller for 100 percent of all increased taxes and for a contract term to extend 20 years and thereafter for successive six-month periods unless terminated by either party upon six months notice. Applicant indicates that deliveries of gas will be on the intake side of a measuring station positioned at a point centrally located in the subject field. Estimated monthly sales are 75,000 Mcf of gas.

Applicant asserts that the subject sale will be beneficial to both the public and Florida, as it is an assurance of a firm supply of gas. Applicant states that the contract price of 45.0 cents per Mcf plus annual escalations is not higher than other contract prices for which certificates have been granted and is lower than prices in recently executed interstate contracts. Applicant further asserts that in comparison with recent intrastate contract prices, this sale is very low and represents an considerable bargain for the interstate market. Applicant also contends that without this sale, Florida and its customers would be forced to pay considerably more for alternate or substitute fuels.

Any person desiring to be heard or to make any protest with reference to said

application should on or before December 3, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24183 Filed 11-12-73;8:45 am]

[Docket No. CI74-32]

MIDWEST OIL CORP.

Order Providing for Formal Hearing, Permitting Interventions and Establishing Procedures

NOVEMBER 6, 1973.

On April 15, 1971, the Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 10, and 16 thereof (52 Stat. 822, 823, 824, 825, 826, 830; 56 U.S.C. § 717c, § 717d, § 717f, § 717g, § 717i, and § 717), issued Order 431 promulgating a statement of general policy with respect to the establishment of measures to be taken for the protection of as reliable and adequate service as present natural gas supplies and capacities will permit.

On July 13, 1973, Midwest Oil Corporation (Applicant) filed in Docket No. CI74-32 an application pursuant to section 7(c) of the Natural Gas Act and § 2.70 of the Commission's general policy and interpretations for a limited-term certificate of public convenience and necessity for the period ending May 1, 1975, with pre-granted abandonment authorizing the sale of natural gas to El Paso Natural Gas Company (El Paso) from acreage in Eddy County, New Mexico.

The limited-term certificate application provides for Applicant to sell to El Paso approximately 5,000 Mcf of gas per day at 52.0 cents per Mcf (14.65 psia) subject to upward and downward Btu adjustment from a 1,000 Btu base for the term until May 1, 1975.

Pursuant to § 157.29 of the regulations under the Natural Gas Act, Applicant commenced emergency deliveries to El Paso on July 3, 1973. This sixty day emergency sale expired on September 2, 1973. Applicant requests that its application be disposed of under the shortened procedure prescribed by § 1.32 of the Commission's rules of practice and procedure.

In Order 431, the Commission amended Part 2, Subchapter A, General Rules, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 2.70, which reads:

(3) The Commission recognizing that additional short-term gas purchases may still be necessary to meet the 1971-1972 demands, will continue the emergency measures referred to earlier for the stated 60-day period. If the emergency purchases are to extend beyond the 60-day period, paragraph 12 in the Notice issued by the Commission on July 17, 1970, in Docket No. R-389A should be utilized (35 FR 11638). The Commission will consider if the pipeline demonstrates emergency need.

Paragraph 12 of R-389A provided, in part, that applicants requesting certificates for sales of natural gas in excess of the ceiling or guideline rate, shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

The application in this proceeding represents a significant volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

We take further note, however, that the Commission in a recent order has already held that an emergency exists on El Paso's Southern Division System. See Skelly Oil Company, ____ FPC ____, Docket No. CI73-902, issued on September 6, 1973. We conclude, therefore, that there is an emergency on El Paso's Southern Division System which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

Petitions to intervene were filed by El Paso Natural Gas Company on August 6, 1973, The People of the State of California and the Public Utilities Commission of the State of California (California) on August 9, 1973, and Southern California Gas Company (SoCal) on August 10, 1973.

The Commission finds: (1) Good cause exists to set for formal hearing the application for a limited-term certificate herein.

(2) It may be in the public interest to permit El Paso, California and SoCal to intervene in this proceeding.

The Commission orders: (A) The application for a limited-term certificate for sale of natural gas filed in Docket No. CI74-32 is hereby set for hearing.

(B) Applicant's request that its application be disposed of according to the shortened procedure prescribed in § 1.32 of the Commission's rules of practice and procedure is hereby denied.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing November 20, 1973, at 10 a.m. (e.s.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(D) El Paso, California and SoCal are hereby permitted to become interveners, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and, *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings.

(E) The Applicant and the proposed purchaser, El Paso, and any other supporting intervener shall, on or before November 13, 1973, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24161 Filed 11-12-73;8:45 am]

[Docket No. E-8329]

MISSISSIPPI POWER & LIGHT CO.

Notice of Application

NOVEMBER 7, 1973.

Take notice that on July 20, 1973, Mississippi Power & Light Company (Applicant), tendered for filing pursuant to section 205 of the Federal Power Act and § 35.13 of the Commission's regulations

issued thereunder, four modifications comprising Supplement No. 6 to an August 15, 1952, Agreement with the Tennessee Valley Authority (TVA), designated Mississippi Power & Light Rate Schedule FPC No. 35. Supplement No. 6 includes (1) an April 1, 1968, Agreement covering replacement in Applicant's Charleston Substation of TVA's 6,000 KVA 13.2/12.5 kV auto-transformer by a 1,500 KVA 13.8 kV voltage regulator, (2) two Agreements dated May 8, 1969 and July 16, 1970, providing for increases in TVA power entitlements to supply Tallahatchie Valley Electric Power Association through Applicant's Crenshaw and Como Substations, and (3) a March 30, 1973, Agreement extending the Contract term to October 1, 1983, and providing for installation of additional capacity at Applicant's Charleston Substation, increasing TVA rental payments therefore from $2,423.90 to $2,881.40 per month.

Supplement No. 6 is to take effect as early as possible.

Any person desiring to be heard or to make any protest with reference to this application should, on or before November 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions 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). Persons wishing to become parties to this proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. 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 proceedings. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24173 Filed 11-12-73;8:45 am]

[Docket No. CI74-91]

NORRIS OIL CO., ET AL.

Order Granting Interventions and Fixing Date for Hearing

NOVEMBER 7, 1973.

Norris Oil Co., et al. (Applicant), filed on August 8, 1973, an application pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's general policy statements, the optional procedure for certificating new producer sales of natural gas set forth in Order No. 455,[3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Logansport Field, De Soto Parish, North Louisiana at an initial price of 50.0 cents per Mcf at 15.025 psia, with escalations of 1.0 cents per Mcf annually. The gas is to be produced from all interest owned or subsequently acquired by Norris in section 26, Township 12 North, Range 16 West, De Soto Parish, Louisiana. The contract between Norris and United, dated June 8, 1973, and to be effective on the date of initial delivery is designated as Norris Oil Co., et al., FPC Gas Rate Schedule No. 3.

A petition to intervene and conditional request for a hearing was filed by Associated Gas Distributors (AGD). AGD requested a hearing unless Norris supplied under oath a complete description of the intrastate market for this gas, and that Norris agree to ask United to file on or before October 1, 1973, the report form covering new gas reserves dedicated to the interstate market as approved in Order No. 459, Docket No. R-433. A timely petition to intervene was also filed by the customer company: United Gas Pipe Line Company.

A late petition for intervention was filed by the American Public Gas Association (APGA). APGA did not set forth good cause for its failure to file its petition within the time alloted in the Notice of Application issued August 20, 1973, however, we find that its participation herein will not delay the proceeding since the hearing we shall hereinafter provide for has not yet commenced.

We find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating these sales, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

However, this hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought.

No intervenor has questioned United's need for the additional natural gas supplies that will be available to it as a result of these purchases. On October 31, 1973, United filed the certification and information required by § 2.75h (18 CFR 2.75h).

The Commission finds: (1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

It is desirable and in the public interest to allow the petitioners AGD, APGA, and United Gas Pipe Line Company to intervene in this proceeding.

The Commission Orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I), Docket No. CI74-91 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on February 5, 1974, 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Applicant and any intervenor supporting the applications shall file their direct testimony and evidence on or before January 8, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to these proceedings.

(E) The Commission Staff and any intervenor opposing the applications shall file their direct testimony and evidence on or before January 22, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to these proceedings.

(F) All rebuttal testimony and evidence shall be served on or before January 29, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to these proceedings.

(G) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting assertel rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(H) The Administrative Law Judge's decision shall be rendered on or before March 12, 1974. All briefs on exceptions shall be due on or before March 26, 1974, and replies thereto shall be due on or before April 10, 1974.

(I) The contract between Norris and United dated June 8, 1973, is accepted

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[1] 15 U.S.C. § 717, et seq. (1970).

[2] 18 C.F.R. § 2.75.

[3] *Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas,* Docket No. R-441, —— F.P.C. —— (issued August 3, 1972), appeal pending *sub nom. John E. Moss, et al. v. F.P.C.* No. 72-1837 (D.C. Cir.).

[4] *Opinion and Order Issuing Certificate of Public Convenience and Necessity And Determining Just And Reasonable Rates,* Opinion No. 659, *Belco Petroleum Corporation, Agent, et al.,* Docket Nos. CI73-293, *et al.,* —— F.P.C. ——, —— (issued May 30, 1973, slip op. at para. 21, p. 5).

for filing effective as of the date of initial delivery and designated as Norris Oil Co., et al., FPC Gas Rate Schedule No. 3.

By the Commission.

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

[FR Doc.73-24162 Filed 11-12-73;8:45 am]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Filing of Proposed Increase in Rates and Charges

NOVEMBER 6, 1973.

Take notice that on October 23, 1973, North Penn Gas Company filed in Docket No. RP73-8 copies of Thirty-Sixth Revised Sheet Nos. 4 and 5, Ninth Revised Sheet No. PGA-1, and supporting computations to its FPC Gas Tariff, First Revised Volume No. 1.

North Penn states the revised tariff sheets reflect an increase of 1.177 cents per Mcf to the rates, submitted for Commission approval on September 17, 1973, in Thirty-Fifth Revised Sheet Nos. 4 and 5 and Eighth Revised Sheet No. PGA-1. North Penn states that the proposed increase in its rates is occasioned by the following rate changes by its supplier Consolidated Gas Supply Corporation:

(1) A surchage of 0.10 cents per Mcf to become effective November 1, 1973, to reflect the effect of amounts accumulated in the Unrecovered Purchased Gas Account for the period February, 1973 through July, 1973. The surcharge is to be in effect for a six-month period, November, 1973, through April, 1974.

(2) Expiration of surcharge credit of 3.74 cents per Mcf that became effective May 1, 1973. The surcharge credit is to be in effect for a six-month period, May, 1973, through October, 1973.

(3) A general rate increase, under Docket No. RP73-107, filed May 15, 1973, to become effective July 1, 1973, and suspended until December 1, 1973. The rates under the CQ-2 rate schedule are being increased by 1.68 cents per Mcf and by 0.47 cents per Mcf under the CQ-3 rate schedule.

North Penn states that copies of the present filing were mailed to each of its jurisdictional customers and interested state regulatory commissions.

Any person desiring to be heard with respect to North Penn's filing herein 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 November 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 filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-24175 Filed 11-12-73;8:45 am]

[Docket No. E-8159]

PENNSYLVANIA POWER CO.

Notice of Extension of Time and Postponement of the Prehearing Conference and Hearing

NOVEMBER 6, 1973.

On October 25, 1973, the Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued June 29, 1973, in the above-designated matter. The motion states that neither Pennsylvania Power Company nor the interveners expressed any opposition to the motion.

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

Staff Evidence, December 3, 1973.

Prehearing Conference, December 17, 1973 (10:00 a.m., EST).

Intervenor Evidence, December 21, 1973.

Company Rebuttal, January 11, 1974.

Cross-Examination, January 22, 1974 (10:00 a.m., EST).

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-24086 Filed 11-12-73;8:45 am]

[Docket No. CI74-253]

PENNZOIL CO.

Notice of Application

NOVEMBER 6, 1973.

Take notice that on October 15, 1973, Pennzoil Company (Applicant) 900 Southwest Tower, Houston, Texas 77002, filed in Docket No. CI74-253 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Transwestern Pipeline Company (Transwestern), from acreage in South Carlsbad Area, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas from the subject acreage to Transwestern at an initial rate of 53.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, pursuant to the terms of a 20-year contract dated February 12, 1969, as amended June 12, 1973, and August 26, 1973, which will run from the date of initial delivery from wells commenced after April 6, 1972. The August 26, 1973, amendment provides for fixed escalations of 1.0 cents per Mcf each year effective October 1, 1973, and for 87.5 percent reimbursement to the seller for any taxes which are greater than those effective on October 1, 1973. Applicant states that the monthly estimates of deliveries are unknown.

Applicant states that the price agreed upon between it and Transwestern are reasonable since they assure long-term gas supplies of gas produced domestically and delivered at contract prices less than $1.00 per Mcf for gas imported from countries with uncertain political futures or transported over long distances from Alaska.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-24176 Filed 11-12-73;8:45 am]

[Docket No. CI74-281]

PHILLIPS PETROLEUM CO.

Notice of Application

NOVEMBER 6, 1973.

Take notice that on October 29, 1973, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed in Docket No. CI74-281 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company at Applicant's

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

Applicant states that it commenced the sale of natural gas on October 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act and proposes to continue said sale for ten months from the end of the sixty-day emergency period within the contemplation of Section 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 10,000 Mcf of gas per day at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Estimated monthly sales are 21,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24177 Filed 11-12-73;8:45 am]

[Docket No. CI74-283]

PHILLIPS PETROLEUM CO.

Notice of Application

NOVEMBER 7, 1973.

Take notice that on October 31, 1973, Phillips Petroleum Company (Applicant), 583 Frank Phillips Building, Bartlesville, Oklahoma 74004, filed in Docket No. CI74-283 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of residue gas to El Paso Natural Gas Company (El Paso) at Applicant's Spraberry Plant in Midland County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that on October 22, 1973, it commenced an emergency sale of natural gas to El Paso from residue gas at the discharge side of its Spraberry Plant within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29), and proposes upon the end of a 60-day emergency period[1] to sell such gas for an additional two years to El Paso at a rate of 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant states that the residue gas at the aforesaid plant is attributable to raw gas produced from sources which have not been heretofore connected to said plant and which have not heretofore been delivered into the interstate market as provided for in a July 23, 1973, letter agreement. Applicant estimates monthly deliveries of gas at 23,250 Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of petitions and protests to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24178 Filed 11-12-73;8:45 am]

[1] By Commission Order Nos. 491, 491-A and 491-B in Docket No. RM74-3 issued September 14, 1973 (50 FPC ——), September 25, 1973 (50 FPC ——) and November 1, 1973 (50 FPC ——) an emergency period of up to 180 days is allowed under § 157.29 of the Commission's Regulations. However, Applicant only desires to make a 60-day emergency sale.

[Docket No. R-472]

REPORT OF SUPPLY AND REQUIREMENTS FPC FORM NO. 16

Findings and Order Granting Waiver

NOVEMBER 7, 1973.

By Order No. 489 issued August 24, 1973, in Docket No. R-472 (50 FPC ——), the Commission promulgated § 260.12 of Part 260—Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter I of Title 18 of Code of Federal Regulations to prescribe FPC Form No. 16, Report of Supply and Requirements, to be filed by natural gas pipeline companies making sales in interstate commerce of natural gas for resale. The Commission stated in Order No. 489 that it would consider requests by any company for waiver of the requirement to file Form No. 16 and would grant such requests upon good cause being shown. Eight natural gas companies have filed requests for waiver of the requirement to file Form No. 16: Gas Transport, Inc., Iroquois Gas Corporation (Iroquois), The Sylvania Corporation (Sylvania), Michigan Gas Storage Company (Storage Company), Zenith Natural Gas Company (Zenith), Oklahoma Natural Gas Gathering Company (Oklahoma Natural), Pennsylvania Gas Company (Penn Gas), and Carnegie Natural Gas Company (Carnegie).

Gas Transport, Inc. and Iroquois state that they make no interstate sales of natural gas for resale. They therefore qualify for exemption from filing Form 16 under the provisions of Paragraph (A)(b) of Order No. 489. Carnegie states that it makes no sales for resale from its interstate pipeline system. Carnegie makes some field sales for resale from a few isolated wells and a single large production area remote from its pipeline system, such sales being limited only by the ability of the wells and equipment to produce the underlying reserves.

Four companies request waiver because, they assert, any filing by them would be duplicated in reports filed by their suppliers or purchasers. Sylvania states that it sells all of its available local suppy to its affiliate, United Natural Gas Company, and that, consequently, all the natural gas supply handled by Sylvania will be reported as a purchase or a part of storage supply provided by United. Storage Company states that its sole supplier, Panhandle Eastern Pipeline Company, will file Form No. 16 and that such

filing will be duplicative of that which would be submitted by Storage Company, which has only one customer, Consumers Power Company. Oklahoma Natural and Zenith state that they are essentially gatherers of natural gas and that their sales to Cities Service Gas Company will be reported as supply to Cities Service in the latter's Form No. 16. Further, Oklahoma Natural and Zenith state that, as gatherers, their volume of purchases depends entirely on the amount of gas avaliable from producers; that they have no requirements in the sense of a natural gas transmission company; and that their peak day sales depend entirely on the amount of gas available in the fields and are unrelated to demand.

Penn Gas states that it is primarily a distributor and makes only one sale for resale to North East Heat & Light Company amounting to only 2.4 percent of its total sales. Further, it claims that this nominal wholesale requirement is relatively immaterial in developing the information desired by the Commission.

The Commission finds: Good cause having been shown, it is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the requests by the hereinabove named companies for waiver of the requirement to file Form No. 16 should be granted.

The Commission orders: Subject to further review, the hereinabove named companies' requests for waiver of the requirement to file Form No. 16 are granted.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24158 Filed 11-12-73;8:45 am]

[Docket No. ID-1712]

MORTON W. RIMERMAN

Notice of Application

NOVEMBER 6, 1973.

Take notice that on October 29, 1973, Morton W. Rimerman (Applicant), filed an initial application pursuant to section 305(b) of the Federal Power Act seeking authority to hold the position of Treasurer of Philadelphia Electric Company, Philadelphia Electric Power Company, The Susquehanna Power Company, The Susquehanna Electric Company.

Philadelphia Electric Company (PECo)—a Pennsylvania corporation supplies electric service in the City and County of Philadelphia and in adjacent Bucks, Chester, Delaware, and Montgomery Counties and in a portion of York County in southeastern Pennsylvania. It also supplies most of the electric requirements of its wholly owned subsidiary, Conowingo Power Company (CPCo), a Maryland corporation which furnishes electric service to the public in a portion of northern Maryland adjoining to the electric territory of PECo. PECo also transmits and sells electric energy in interstate commerce. The electric territory served by PECo and its subsidiaries covers an areas of 2,340 square miles with a population of about 3,800,000.

PECo supplies gas service in an area of 1,475 square miles in southeastern Pennsylvania, adjacent to, but not in the City of Philadelphia, with a population of approximately 1,800,000.

PECo supplies steam heating service principally in the central Philadelphia areas.

Philadelphia Electric Power Company (PEPCo) is a Pennsylvania corporation.

The Susquehanna Power Company (SPCo) is a Maryland corporation. PEPCo and its wholly owned subsidiary, SPCo, own respectively, the Pennsylvania and Maryland portions of the Conowingo Hydro-Electric Project (Project). The Project is leased to and operated by The Susquehanna Electric Company. Transmission lines connect the Project with Companies in the PEPCo System but SPCo does not furnish service directly to the public.

The Susquehanna Electric Company (SECo) is a Maryland corporation which leases and operates the Project, the entire electrical output thereof being used by PEPCo and CPCo.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24174 Filed 11-12-73;8:45 am]

[Docket No. E-8052]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Termination

NOVEMBER 7, 1973.

Take notice that South Carolina Electric and Gas Company (SCE&G) on October 23, 1973, tendered for filing a Notice of Termination for SCE&G's Rate Schedule FPC No. 21 for service to Little River Electric Cooperative, Inc. SCE&G states that the termination date of this contract is December 31, 1973. SCE&G also states that this filing is being made pursuant to Ordering Paragraph (F) of the Commission's Order of May 14, 1973 in this proceeding.

According to SCE&G, notice of the proposed cancellation has been served upon Little River Electric Cooperative, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 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.73-24179 Filed 11-12-73;8:45 am]

[Docket No. RP74-6, et al.]

SOUTHERN NATURAL GAS CO. ET AL.

Notice of Motion for Extraordinary Relief

NOVEMBER 7, 1973.

Take notice that on October 2, 1973, Nipro, Inc. (Nipro) and Columbia Nitrogen Corporation (CNC) filed a petition in Docket No. RP72-74—which has been consolidated with Docket No. RP74-6 by a Commission order of October 31, 1973—for extraordinary relief from the present curtailment plan of Southern Natural Gas Company (Southern) which is now in effect in the preceding docket, and for extraordinary relief from the curtailment plan which Southern has filed and which has been accepted by the Commission with a one-day suspension, thus making the effective date of that plan November 2, 1973 upon motion by Southern, in Docket No. RP74-6.

Nipro and CNC assert that they are feedstock and process users of natural gas which purchase gas from Atlanta Gas Light Corporation, a resale customer of Southern, and that alternate fuels cannot be feasibly substituted for either the feedstock or process uses of either Nipro or CNC. Nipro and CNC state that curtailments of their daily demand of 19,040 Mcf per day have caused drastic increases in production losses and that a decline in their product, nitrogeneous fertilizers, is responsible for diminished crop production.

Nipro and CNC state that under the curtailment plan now in effect (1) contract, rather than end use, is the criterion for curtailment and (2) inferior boiler fuel uses are given higher curtailment priority than Nipro's and CNC's feedstock and process uses. These parties assert further that Southern's proposed curtailment plan in Docket No. RP74-6 continues to base curtailments on contract rather than end use. They assert that unless they are granted extraordinary relief from the provisions of Southern's proposed curtailment plans in Docket Nos. RP72-74 and RP74-6, they will suffer irreparable injury.

Thus CNC and Nipro petition for their full contract demand except on days when higher priority users are curtailed and subject to the condition that their gas take be used exclusively for feedstock and process use.

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 sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10), on or before November 15, 1973. The notices and petitions for intervention previously filed in this proceeding will not operate to make those parties intervenors 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24114 Filed 11-12-73;8:45 am]

[Docket No. CI74-271]

SUPERIOR OIL CO.

Notice of Application

NOVEMBER 6, 1973.

Take notice that on October 26, 1973, The Superior Oil Company (Applicant), P.O. Box 1521, Houston, Texas 77001, filed in Docket No. CI74-271 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the Sand Dunes Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 9,300 Mcf of gas per month at 45.0 cents per million Btu at 14.65 psia for two years within the contemplation of Section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24113 Filed 11-12-73;8:45 am]

[Docket No. RI74-44]

TERRA RESOURCES, INC.

Petition for Special Relief

NOVEMBER 6, 1973.

Take notice that on August 21, 1973, Terra Resources, Inc. (Petitioner), P.O. Box 2329, Tulsa, Oklahoma 74101, filed a petition for special relief in Docket No. RI74-44, pursuant to § 2.76 of the Commission's general policy and interpretations. Petitioner requests permission to file a rate increase from 16.71735 to 90.0000 cents per Mcf, including tax reimbursement, for sales of natural gas to Tennessee Gas Pipeline Company from acreage in North Tidehaven Field, Matagorda County, Texas under its FPC Gas Rate Schedule Nos. 17 and 18, based on its costs.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 30, 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 Commisison's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with this 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 party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary

[FR Doc.73-24181 Filed 11-12-73;8:45 am]

[Docket No. CI74-51]

TEXACO INC.

Order Providing for Formal Hearing, Permitting Interventions and Establishing Procedures

NOVEMBER 6, 1973.

On April 15, 1971, the Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 10, and 16 thereof (52 Stat. 822, 823, 824, 825, 826, 830; 56 U.S.C. § 717c, § 717d, § 717f, § 717g, § 717i, and § 717), issued Order 431 promulgating a statement of general policy with respect to the establishment of measures to be taken for the protection of as reliable and adequate service as present natural gas supplies and capacities will permit.

On July 25, 1973, Texaco Inc. (Texaco) filed in Docket No. CI74-51 an application pursuant to section 7(c) of the Natural Gas Act and § 2.70 of the Commission's general policy and interpretations for a two year limited-term certificate of public convenience and necessity with pre-granted abandonment authorizing the sale of natural gas to Northern Natural Gas Company (Northern) from acreage in Lea County, New Mexico. The limited-term certificate application provides for Texaco to sell to Northern approximately 102,000 Mcf of gas per month at a rate of 50.0¢ per Mcf (14.65 psia), subject to upward and downward Btu adjustment from a 1,000 Btu base.

Texaco commenced emergency deliveries to Northern on July 18, 1973, pursuant to § 157.29 of the Commission's regulations. This emergency sale expired on September 17, 1973. Texaco requests that its application be disposed of under the shortened procedure prescribed by § 1.32 of the Commission's rules of practice and procedure.

In Order 431, the Commission amended Part 2, Subchapter A, General Rules, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 2.70, which reads:

> (3) The Commission recognizing that additional short-term gas purchases may still be necessary to meet the 1971-1972 demands, will continue the emergency measures, referred to earlier for the stated 60-day period. If the emergency purchases are to extend beyond the 60-day period, paragraph 12 in the Notice issued by the Commission on July 17, 1970, in Docket No. R-389A should be utilized (35 FR 11638). The Commission will consider if the pipeline demonstrates emergency need * * *

Paragraph 12 of R-389A provided, in part, that applicants, requesting certificates for sales of natural gas in excess of the ceiling or guideline rate, shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

The application in this proceeding represents a significant volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

We take further note, however, that the Commission in a recent order has already held that an emergency exists on Northern's system. See *Vanderbilt Resources Corporation*, ——FPC——, Docket No. C173–866, issued August 10, 1973. We conclude, therefore, that there is an emergency on Northern's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

On August 13, 1973, Northern filed a petition to intervene in support of the application, and Congressman Les Aspin filed a late petition to intervene on August 15, 1973.

The Commission finds: (1) Good cause exists to set for formal hearing the application for a limited-term certificate herein.

(2) It may be in the public interest to permit Northern Natural Gas Company and Congressman Les Aspin to intervene in this proceeding.

The Commission orders: (A) The application for a limited-term certificate for sale of natural gas filed in Docket No. CI74–51 is hereby set for hearing.

(B) Texaco's request that its application be disposed of according to the shortened procedure prescribed in § 1.32 of the Commission's rules of practice and procedure is hereby denied.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that Act, a public hearing shall be held commencing December 5, 1973, at 10 a.m. (e.s.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(D) Northern Natural Gas Company and Congressman Les Aspin are hereby permitted to become interveners subject to the rules and regulations of the Commission; *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and, *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings.

(E) Texaco and all parties supporting its application shall, on or before November 19, 1973, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

By the Commission.

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

[FR Doc.73-24163 Filed 11-12-73;8:45 am]

[Docket No. CP74–109]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

NOVEMBER 5, 1973.

Take notice that on October 23, 1973, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP74–109 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1974, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the applications which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally co-extensive with said system.

The application states that the total cost of all facilities will not exceed $7,000,000, with no single onshore project to exceed a cost of $1,000,000, and with no single offshore project to exceed a cost of $1,750,000. Applicant states that the proposed facilities will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 27, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-24180 Filed 11-12-73;8:45 am]

[Docket No. RP72–64]

TEXAS GAS TRANSMISSION CORP. AND CITY OF BENTON, KY.

Notice of Petition for Emergency Relief

NOVEMBER 6, 1973.

Take notice that on October 23, 1973, the City of Benton, Kentucky filed a petition for emergency relief from its summer season volumetric limitation and the overrun penalty provisions contained in Texas Gas Transmission Corporation's City of Benton, Ky. (Texas Gas) FPC Gas Tariff, Third Revised Volume No. 1.

In support of its petition, the City of Benton avers that because of abnormally cold weather in April and May of this year, it anticipates exceeding its summer season quantity entitlement from Texas Gas by about 5,000 Mcf. According to Benton, all of its customers are residential and commercial consumers, requiring mainly space heating, that have no alternate fuel facilities.

Benton requests that it be allowed to overrun its summer season entitlement without penalty on the grounds that otherwise it would have been necessary to discontinue service to some human-needs customers, and its selection of which customers for that purpose would have resulted in discrimination.

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), on or before November 20, 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.

KENNETH L. PLUMB,
Secretary.

[FR Doc.73-24182 Filed 11-12-73;8:45 am]

[Docket No. RP74-37-1]

UNITED GAS PIPE LINE CO.

Petition for Extraordinary Relief

NOVEMBER 9, 1973.

Take notice that on October 16, 1973, the American Sugar Cane League of the U.S.A., Incorporated (League) filed in United Gas Pipe Line Company, Docket Nos. RP71-29 and RP71-120 a Petition for Extraordinary Relief from curtailment by United Gas Pipe Line Company (United).

The League, comprised of twenty sugar cane processing mills, are seasonal direct purchasers (60 to 80 days between October and December each year) of gas on the United system. Stating that without its supply of natural gas, a major part of this year's crop will be irreparably lost, the League seeks an order excluding its mills from any gas curtailment during the present season (October through December 1973). The League further states that its mills do not have present alternative fuel capabilities.

A shortened notice period in this matter will be in the public interest.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before November 15, 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 protestants parties to the proceedings. 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 filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-24200 Filed 11-12-73;8:45 am]

[Docket No. E-8158]

WISCONSIN POWER AND LIGHT CO.

Notice of Extension of Time

NOVEMBER 7, 1973.

On October 30, 1973, Staff Counsel filed a motion for an extension of the procedural dates set by order issued June 26, 1973, in the above-designated matter. The motion states that all parties concur in the motion.

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

Staff's Evidence, December 14, 1973.
Intervenor's Evidence, January 4, 1974.
Rebuttal Evidence, February 1, 1974.
Prehearing Conference, February 19, 1974 (10:00 a.m., EST).
Hearing, February 20, 1974 (10:00 a.m., EST).

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24186 Filed 11-12-73;8:45 am]

[Docket No. E-8158]

WISCONSIN POWER AND LIGHT CO.

Notice of Extension of Time

NOVEMBER 7, 1973.

On October 30, 1973, Staff Counsel filed a motion for an extension of the procedural dates set by order issued June 26, 1973, in the above-designated matter. The motion states that all parties concur in the motion.

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

Staff's Evidence, December 14, 1973.
Intervenor's Evidence, January 4, 1974.
Rebuttal Evidence, February 1, 1974.
Prehearing Conference, February 19, 1974 (10:00 a.m., EST).
Hearing, February 20, 1974 (10:00 a.m., EST).

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-24088 Filed 11-12-73;8:45 am]

FEDERAL RESERVE SYSTEM

CASCO-NORTHERN CORP.

Acquisition of Bank

Casco-Northern Corporation, Portland, Maine, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Casco-Northern National Bank, Augusta, Maine, a proposed new bank. The factors that are considered in acting on the application are set forth in § 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 Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than November 23, 1973.

Board of Governors of the Federal Reserve System, November 2, 1973.

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

[FR Doc.73-24069 Filed 11-12-73;8:45 am]

CENTRAL NATIONAL BANCSHARES, INC.

Order Approving Acquisition of State Bank

Central National Bancshares, Inc., Des Moines, Iowa, 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 100 percent of the voting shares (less directors' qualifying shares) of Adair County State Bank, Greenfield, Iowa.

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 this Reserve Bank 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 presently has one subsidiary bank and has recently received the Board's conditional approval to acquire two additional subsidiary banks[1] which would give Applicant control of $289.4 million in deposits, or 3.5 percent of the deposits of commercial banks in the State of Iowa. Upon consummation of these two acquisitions, Applicant will become the third largest banking organization in the State.[2] Approval of the subject application would increase Applicant's share of total deposits by one-tenth of one percent and would not result in any significant increase in the concentration of banking resources in Iowa, nor would it have any substantially adverse effect on competition in any relevant market.

Adair County State Bank (Bank) is located in Greenfield, the county seat of Adair County. Bank serves central Adair County and has deposits of $9.9 million, a 12-percent share of market desposits. Applicant's closest banking office to Bank is the projected West Des Moines banking office of Central National Bank and Trust Company of Des Moines, Des Moines, Iowa, which will be 54 road miles from Bank. Due to distance, number of banks in intervening areas, and Iowa's restriction on branching, it is unlikely that significant competition between Applicant's subsidiary banks and Bank exists or will develop in the future.

The financial and managerial resources of Applicant, its approved subsidiary banks and Bank are consistent with approval.

Considerations relating to the convenience and needs of the community to be served are also consistent with and lend some weight toward approval. Applicant states that it will improve and expand the services offered by Bank's trust department and will also offer farm management services through Bank, using the professional expertise of Applicant's subsidiary bank's staff. It is the judgment of this Federal Reserve Bank that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Chicago approves the application, provided that the transaction shall

[1] See Order of October 12, 1973, conditionally approving Applicant's acquisition of the voting shares of The Security State Bank, Algona, Iowa, and United Home Bank & Trust Co., Mason City, Iowa.

[2] Banking data are of December 31, 1972.

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 this Federal Reserve Bank pursuant to delegated authority, and (c) further provided that Applicant shall not permit International Bank, Washington, D.C., to exercise, directly or indirectly, a controlling influence over the management or policies of Applicant or any of its subsidiaries.[a]

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective November 1, 1973.

[SEAL] ERNEST T. BAUGHMAN,
First Vice President.

[FR Doc.73-24070 Filed 11-12-73;8:45 am]

LAFAYETTE NATIONAL CORP.

Formation of Bank Holding Company

Lafayette National Corporation, Lafayette, Indiana, has applied for the Board's approval under § 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 all of the voting shares (less directors' qualifying shares) of the successor by merger to Lafayette National Bank, Lafayette, Indiana. The factors that are considered in acting on the application are set forth in § 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 November 27, 1973.

Board of Governors of the Federal Reserve System, October 31, 1973.

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

[FR Doc.73-24068 Filed 11-12-73;8:45 am]

NATIONAL ADVISORY COUNCIL FOR DRUG ABUSE PREVENTION

NOTICE OF MEETING

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the National Advisory Council for Drug Abuse Prevention on November 29 and 30, 1973, at the Sonesta Beach Hotel, Key Biscayne, Florida. The principal purposes of the meeting will be to discuss CODAP, the scheduling of prescription drugs, and the results of a Council cocaine study; and to review drug treatment reorganization plans, the National Strategy, SAODAP polydrug activities and Drug Abuse Prevention Week followup.

This meeting is open to the public. Any member of the public wishing to attend should contact the Executive Director of the Council, V. Rodger Digilio, 726 Jackson Place NW., Washington, D.C. 20506, telephone (202) 456-6672.

V. RODGER DIGILIO,
Executive Director.

NOVEMBER 7, 1973.

[FR Doc.73-24134 Filed 11-12-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 06/10-0139]

BARTLESVILLE INVESTMENT CORP.

Notice of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 C.F.R. 107.701 (1973)) for transfer of control of Bartlesville Investment Corporation (Bartlesville), 827 Madison Boulevard, Bartlesville, Oklahoma 74003, a Federal Licensee under the Small Business Act of 1958, as amended (the Act), (15 U.S.C., 661 *et seq.*).

The transfer of control is being made pursuant to a purchase and sale agreement between Mr. James L. Diamond and Mr. Dorcie B. Clothier. Mr. Diamond will purchase the 50 percent equity interest held by Mr. Clothier and as a result, Mr. Diamond now owns all the issued and outstanding stock. It is proposed that Mr. Clothier will remain as a director of the company. Bartlesville was licensed on February 28, 1964, and its present capitalization is $155,000. The proposed transfer is subject to and contingent upon the prior approval of SBA.

At the present time there will be no changes to the company's officers and directors which are as follows:

James L. Diamond, 535 East 15th Street, Bartlesville, Oklahoma.	President, Director.
Dorcie B. Clothier, 1510 South Osage, Bartlesville, Oklahoma.	Director.
Rufus D. Caldwell, 215 Union National Bank, Bartlesville, Oklahoma.	Secretary, Treasurer, Director.

Matters involved in SBA's consideration of the application include the general business reputation and character of the owner, and the probability of successful operations of the company in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than November 28, 1973, submit to SBA, in writing, relevant comments on the proposed transfer of control. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the transferee in a newspaper of general circulation in Bartlesville, Oklahoma.

Dated: November 5, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-24062 Filed 11-12-73;8:45 am]

MARKET CAPITAL CORPORATION

[License No. 04/05-0086]

Notice of Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Market Capital Corporation (Market), 1102 N. 28th Street, P.O. Box 22667, Tampa, Florida 33622, a Federal licensee under the Small Business Investment Act of 1958, as amended, (Act), has filed an application with the Small Business Administration (SBA) pursuant to section 312 of the Act and covered by § 107.1004 of the SBA rules and regulations governing Small Business Investment Companies (13 C.F.R. Part 107.1004 (1973)), for approval of a conflict of interest transaction falling within the scope of the above section of the Act and regulations.

Subject to such approval, Market proposes to provide financing to Green Markets, Inc., (Green). Green proposes to operate a retail grocery store doing business as Green Markets, Inc., in Lehigh Acres Shopping Center, Lehigh Acres, Florida, with Rodger Alan Bricker, proposed initial owner of 10 percent of Greens' stock with a five-year option to purchase the remaining 90 percent of such stock, acting in the capacity of manager-operator.

The proposed financing is brought within the purview of Section 107.1004 of the Regulations since Rodger Alan Bricker is presently a director of Market and is an "Associate of a Licensee" (Market), as that term is defined in § 107.3 of the regulations.

Notice is hereby given that interested persons may, not later than November 28, 1973, submit to SBA in writing relevant comments on the proposed transaction. Any such communication should be addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. After expiration of the 15 days, SBA may dispose of this application on the basis of the information contained in the application, the comments, (if any) which are received, and other relevant data.

Dated: November 5, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-24061 Filed 11-12-73;8:45 am]

[a] International Bank previously held in excess of 25 percent of the voting shares of Applicant and has taken steps satisfactory to the Board to terminate its control over Applicant. International Bank presently owns less than 5 percent of Applicant's voting shares.

TARIFF COMMISSION

[22-36]

BUTTER, BUTTER SUBSTITUTES CONTAINING BUTTERFAT, AND BUTTER OIL

Notice of Investigation and Date of Hearing

At the request of the President (reproduced herein), the United States Tariff Commission, on November 5, 1973, instituted an investigation under subsection (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to determine whether 56,000,000 pounds of the articles described in item 950.05 and 22,600,000 pounds of the articles described in item 950.06 of Part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) may be imported into the United States during the period beginning November 1, 1973, and ending December 31, 1973, in addition to the quota-quantities specified for such articles under TSUS items 950.05 and 950.06, without rendering or tending to render ineffective, or materially interfering with the price support program now conducted by the Department of Agriculture for milk, or reducing substantially the amount of products processed in the United States from domestic milk.

The text of the President's letter of October 31, 1973, to the Commission follows:

Pursuant to Section 22 of the Agricultural Adjustment Act, as amended, I have been advised by the Secretary of Agriculture, and I agree with him, that there is reason to believe that additional quantities of butter, butter substitutes containing butterfat, and butter oil may be imported during a temporary period without rendering or tending to render ineffective, or materially interfering with, the price support program for milk now conducted by the Department of Agriculture, or reducing substantially the amount of products processed in the United States from domestic milk.

Specifically, reference is made to the following articles presently subject to Section 22 quantitative limitations under items 950.05 and 950.06 of part 3 of the Appendix to the Tariff Schedules of the United States:

TSUS	*Article*
950.05---	Butter, and fresh or sour cream containing over 45 percent of butterfat, provided for in part 4B of schedule 1 of the Tariff Schedules of the United States.
950.06---	Butter substitutes containing over 45 percent of butterfat provided for in item 116.30, part 4B, schedule 1, of the Tariff Schedules of the United States and butter oil however provided for elsewhere in such schedules.

The Secretary has also advised me, pursuant to Section 22(b) of the Agricultural Adjustment Act, as amended, that a condition exists requiring emergency treatment with respect to these articles and has, therefore, recommended that I take immediate action under Section 22(b) to authorize the importation of 56,000,000 pounds of the articles provided for in TSUS item 950.05 and 22,600,000 pounds of the articles provided for in TSUS item 950.06 during a temporary period ending December 31, 1973. I have, therefore, this .day issued a proclamation establishing special temporary quotas in such amounts for such articles, which quotas are to be effective through December 31, 1973, pending further action upon receipt of the report and recommendation of the Tariff Commission. These quotas are in addition to the quantities otherwise authorized to be imported under Section 22 quantitative limitations.

The United States Tariff Commission is, therefore, directed to make an investigation under Section 22 of the Agricultural Adjustment Act, as amended, and to make findings and recommendations as to whether 56,000,000 pounds of the articles provided for in TSUS item 950.05 and 22,600,000 pounds of the articles provided for in TSUS 950.06 may be imported during a temporary period ending December 31, 1973, in addition to the quantities of such articles otherwise authorized to be imported under Section 22 quantitative limitations, without rendering or tending to render ineffective, or materially interfering with, the price support program for milk now conducted by the Department of Agriculture or reducing substantially the amount of products processed in the United States from milk.

The Commission is directed to report its findings and recommendations at the earliest practicable date.

Respectfully,

RICHARD NIXON

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., E.S.T., on November 27, 1973. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least by the close of business on November 22, 1973. The notification should indicate the name, address, telephone number, and organization of the person filing the request, and the name and organization of the witnesses who will testify.

Because of the limited time available, the Commission reserves the right to limit the time assigned to witnesses. Questioning of witnesses will be limited to members of the Commission and officials of the Department of Agriculture.

Written submissions. Interested parties may submit written statements of information and views, in lieu of their appearance at the public hearing, or they may supplement their oral testimony by written statements of any desired length. In order to be assured of consideration, all written statements, including briefs, should be submitted at the earliest practicable date, but not later than five days after the conclusion of the public hearing.

With respect to any of the aforementioned written submissions, interested parties should furnish a signed original and nineteen (19) true copies. Business data to be treated as business confidential shall be submitted on separate sheets, each clearly marked at the top "Business Confidential", as provided for in section 201.6 of the Commission's Rules of Practice and Procedure.

By order of the Commission:

Issued: November 7, 1973.

KENNETH R. MASON,
Secretary.

[FR Doc.73-24097 Filed 11-12-73;8:45 am]

[22-37]

CERTAIN COTTON, COTTON WASTE, AND COTTON PRODUCTS

Notice of Investigation

At the request of the President (reproduced herein), the United States Tariff Commission, on November 5, 1973, instituted an investigation under subsection (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to review the quotas for certain cotton, cotton waste, and cotton products provided for in items 955.01 through 955.06 of Part 3 of the Appendix to the Tariff Schedules of the United States. Specifically, the Commission instituted the investigation under subsection (d) to determine whether the annual import quotas for the articles described in items 955.01 through 955.06 may be suspended without rendering or tending to render ineffective, or materially interfering with, the programs for cotton now conducted by the Department of Agriculture, or reducing substantially the amount of products processed in the United States from domestic cotton.

The text of the President's letter of October 31, 1973, to the Commission follows:

Pursuant to Section 22 of the Agricultural Adjustment Act, as amended, I have been advised by the Secretary of Agriculture, and I agree with him, that there is reason to believe that the import quotas on certain cotton, cotton waste, and cotton products may be suspended without rendering or tending to render ineffective, or materially interfering with, the programs for cotton now conducted by the Department of Agriculture, or reducing substantially the amount of products processed in the United States from domestically produced cotton.

Specifically, reference is made to the articles presently subject to Section 22 quantitative limitations as described in items 955.01 through 955.06 of Part 3 of the Appendix to the Tariff Schedules of the United States.

The United States Tariff Commission is therefore directed to make an investigation under Section 22 of the Agricultural Adjustment Act, as amended. The investigation shall be for the purpose of making findings and recommendations as to whether the annual quotas for each of the above-described articles may be suspended without rendering or tending to render ineffective, or materially interfering with, the programs now conducted by the Department of Agriculture for cotton, or reducing substantially the amount of products processed in the United States from domestically produced cotton.

We must, of course, anticipate the possibility that the suspension of import quotas on cotton could at some future date result in interference with the Department of Agriculture's support program for cotton. If significant acquisitions of cotton products by

the Commodity Credit Corporation occur or threaten to occur, it would be my intention to invoke the Section 22 authority to impose the necessary import controls.

The Commission shall report its findings and recommendations at the earliest practicable date.

Sincerely,

RICHARD NIXON.

The date for a public hearing in connection with this investigation will be announced at a later time.

Issued: November 7, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-24098 Filed 11-12-73;8:45 am]

[22-38]

WHEAT AND MILLED WHEAT PRODUCTS

Notice of Investigation

At the request of the President (reproduced herein), the United States Tariff Commission, on November 5, 1973, instituted an investigation under subsection (d) of section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), to review the quotas for wheat and milled wheat products provided for in item 950.60 of Part 3 of the Appendix to the Tariff Schedules of the United States. Specifically, the Commission instituted the investigation under subsection (d) to determine whether the annual import quotas on wheat and milled wheat products may be suspended without rendering or tendering to render ineffective, or materially interfering with, the programs for wheat now conducted by the Department of Agriculture, or reducing substantially the amount of products processed in the United States from domestic wheat.

The text of the President's letter of October 31, 1973, to the Commission follows:

Dear Madam Chairman:

Pursuant to Section 22 of the Agricultural Adjustment Act, as amended, I have been advised by the Secretary of Agriculture, and I agree with him, that there is reason to believe that the import quotas on wheat and milled wheat products may be suspended without rendering or tending to render ineffective, or materially interfering with, the programs for wheat now conducted by the Department of Agriculture, or reducing substantially the amounts of products processed in the United States from domestic wheat.

Specifically, reference is made to the articles presently subject to Section 22 quantitative limitations as described in item 950.60 of Part 3 of the Appendix to the Tariff Schedules of the United States.

The United States Tariff Commission is therefore directed to make an investigation under Section 22 of the Agricultural Adjustment Act, as amended, and to make findings and recommendations as to whether the import quotas on wheat and milled wheat products may be suspended without rendering or tending to render ineffective, or materially interfering with, the programs for wheat now conducted by the Department of Agriculture, or reducing substantially the amount of products processed in the United States from domestic wheat.

We must, of course, anticipate the possibility that the suspension of import quotas on wheat could at some future date result in interference with the Department of Agriculture's support program for wheat. If significant acquisitions of wheat products by the Commodity Credit Corporation occur or threaten to occur, it would be my intention to invoke the Section 22 authority to impose the necessary import controls.

The Commission shall report its findings and recommendations at the earliest practicable date.

Sincerely,

RICHARD NIXON.

The date for a public hearing in connection with this investigation will be announced at a later time.

Issued: November 7, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-24099 Filed 11-12-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

Notice of Meeting

The Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory Body scheduled to assemble the month of December 1973:

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Mental Health Council.	December 3-5, 1973, 9:30 a.m., Conference Room 14-105, Parklawn Bldg., Rockville, Md.	December 3—Open, December 4-5—Closed. Contact Mrs. Zelia Diggs, Area Code 301-443-4335, Parklawn Bldg. Room 9C-05, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose: Reviews applications for grants-in-aid relating to research, training and instructions in the field of psychiatric disorders. Advises on matters of program planning and evaluation relevant to mental health programs.

Agenda: December 3 will be devoted to discussion of NIMH policy issues. These will include current administrative, legislative, and program developments. On December 4-5 the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public, in accordance with the determination by the Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Public Law 92-463, Section 10(d).

Agenda items are subject to change as priorities dictate.

Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Edward Long, Deputy Director, Office of Communications, National Institute of Mental Health, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone 443-3600.

Dated: November 2, 1973.

ROGER O. EGEBERG, *Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc.73-24084 Filed 11-12-73;8:45 am]

Food and Drug Administration

ONCOLOGIC DRUGS ADVISORY COMMITTEE

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the establishment by the Secretary, Department of Health, Education, and Welfare, on October 24, 1973, of the following public advisory committee:

Designation. Oncologic Drugs Advisory Committee.

Purpose. The committee will (1) review and evaluate all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for the treatment of cancer; and (2) advise the Commissioner of Food and Drugs regarding the current advances, changing concepts, and trends in the field of oncology.

Authority for the committee will expire October 24, 1975, unless the Secretary formally determines that continuance is in the public interest.

Dated: November 6, 1973.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.73-24082 Filed 11-12-73;8:45 am]

RADIATION BIO-EFFECTS AND EPIDEMIOLOGY ADVISORY COMMITTEE

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, of the Radiation Bio-Effects and Epidemiology Advisory Committee for an additional period of two years beyond October 21, 1973.

Authority for this committee will expire October 21, 1975, unless the Secretary formally determines that continuance is in the public interest.

Dated: November 6, 1973.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.73-24083 Filed 11-12-73;8:45 am]

[DESI 8451, Docket No. FDC-D-649; NDA No. 8-451 etc.]

COMBINATION DRUGS CONTAINING PAMABROM AND PYRILAMINE MALEATE FOR ORAL USE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 8451) published in the FEDERAL REGISTER of July 8, 1972 (37 FR 13496), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs described below stating that the drugs were regarded as possibly effective and lacking substantial evidence of effectiveness for the labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice.

NDA 8-451; Neo Bromth Tablets containing pamabrom and pyrilamine maleate; Brayton Pharmaceutical Co., Div. of Chattem Drug and Chemical Co., 1715 West 38th Street, Chattanooga, Tenn. 37409.

NDA 8-613; Neoparbrom Tablets containing pamabron and pyrilamine maleate; formerly marketed by the Central Pharmacal Co., 116-128 East Third Street, Seymour, Ind. 47274.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355), and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before December 13, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before December 13, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after December 13, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: November 6, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-24081 Filed 11-12-73;8:45 am]

Center for Disease Control

TUBERCULOSIS CONTROL ADVISORY COMMITTEE

Notice of Meeting

The Director, Center for Disease Control, announces the meeting date and other required information for the following National Advisory body scheduled to assemble during the month of November 1973.

Committee name	Date, time, place	Type of meeting and/or contact person
Tuberculosis Control Advisory Committee.	November 19, 8:30 a.m.-1:00 p.m., Room 207, Bldg. 1, Center for Disease Control, Atlanta, Ga. 30333.	Open—Contact Ms. Mary L. Atkinson, Room 361, Bldg. 1, Center for Disease Control, Atlanta, Ga. 30333. Code 404-633-3975.

Purpose: The Committee consults with and advises the Tuberculosis Branch, Bureau of State Services, Center for Disease Control, on policies and programs in tuberculosis control.

Agenda: Agenda items will include discussion of critical questions for tuberculosis research, the purpose of tuberculosis surveillance, and the recommendation for discontinuing routine follow-up/check-up (i.e., lifetime, annual chest x-ray) after completion of effective therapy or chemoprophylaxis.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: October 24, 1973.

JAMES D. BLOOM,
Acting Director, Center for Disease Control.

[FR Doc.73-24313 Filed 11-12-73;10:51 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 384]

ASSIGNMENT OF HEARINGS

NOVEMBER 8, 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 November 13, 1973.

MC-14702 Sub 50, Ohio Fast Freight, Inc., now assigned November 27, 1973, will be held in Room 255 Federal Bldg., 85 Marconi Boulevard, Columbus, Ohio.

MC-F-11921, Dart Transit Company—Purchase—Chicago Freight Lines, Inc., now assigned November 28, 1973, will be held in Room 255 Federal Bldg., 85 Marconi Boulevard, Columbus, Ohio.

MC 138565, Transportes Monterrey Cadereyta Reynosa S. A. de C. V., now assigned November 27, 1973, at Brownsville, Tex., will be held in the Grand Jury Room, 4th Floor, Downtown Post Office Bldg., 500 East 10th Street.

FD-27438, National Railroad Passenger Corporation Discontinuance of Trains Nos. 98 & 99 between Norfolk/Newport News and Richmond, Virginia, now assigned November 26, 1973, at Newport News, Va., and November 28, 1973, at Richmond, Va., is canceled.

MC 124783 Sub 15, Kato Express, Inc., now assigned November 27, 1973, at Nashville, Tenn., postponed to November 28, 1973, in Room 651 U.S. Courthouse, 801 Broadway, Nashville, Tenn.

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

[FR Doc.73-24191 Filed 11-12-73;8:45 am]

[Ex Parte No. 241; Rule 19, Exemption 58]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Exemption From Mandatory Car Service Rules

It appearing, that there is an emergency movement of military supplies from Ft. Estill, Kentucky, to Leland, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in my by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Louisville and Nashville Railroad Co., the railroads designated by the Car Service Division are authorized to move to, and the Louisville and Nashville Railroad Co. is authorized to accept, assemble, and load not to exceed ninety (90) empty cars with military supplies from Ft. Estill, Kentucky, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective November 2, 1973.

Expires November 10, 1973.

Issued at Washington, D.C., November 2, 1973.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-24187 Filed 11-12-73;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

GRANTS TO STATES FOR COMPREHENSIVE HEALTH PLANNING AND PUBLIC HEALTH SERVICES

Limitation on Federal Participation for Capital Expenditures

Title 42—Public Health

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

PART 51—GRANTS TO STATES FOR COMPREHENSIVE HEALTH PLANNING AND PUBLIC HEALTH SERVICES

PART 100—COST CONTAINMENT AND QUALITY CONTROL

Limitation on Federal Participation for Capital Expenditures

On August 3, 1973, there was published in the FEDERAL REGISTER (38 FR 20994–20998) a notice of proposed rule making regarding the implementation of section 1122 of the Social Security Act (42 U.S.C. 1320a–1) as added by section 221(a) of the Social Security Amendments of 1972 (86 Stat. 1386–89) entitled "Limitation on Federal Participation for Capital Expenditures". Interested persons were given until September 4, 1973, to submit written comments or suggestions thereon. On September 25, 1973, there was published in the FEDERAL REGISTER (38 FR 26730) a notice and text of proposed rulemaking which proposed to add a new section to the proposed regulations of August 3, 1973. This new section proposed to implement section 1122(c) of the Act, relating to payments to the States by the Secretary from the Federal Hospital Insurance Trust Fund for the performance of functions under section 1122(b). Interested persons were given until October 10, 1973, to submit written comments or suggestions thereon. Comments and suggestions received with regard to these two notices of proposed rule making, responses thereto, and changes in the proposed regulation are summarized below.

1. What was designated as 42 CFR Part 81 has been redesignated as 42 CFR Part 100, Subpart A. Accordingly, reference below to § 100.101, for example, correspond to § 81.101 of the notice of proposed rulemaking.

2. It was suggested that the definition of "person" be broadened to include States and subdivisions thereof, including municipal corporations. Section 100.102(d) has been revised accordingly.

3. The definition of "health maintenance organization" was the subject of several comments. The proposal that the definition found in section 1876(b) of the Social Security Act be substituted for the proposed definition has been rejected. The definition has been revised, however, so that the organization need not be reimbursed for the provision of services to enrollees "solely" on a predetermined periodic rate basis (§ 100.102(f)(2) and § 51.4(i)(5)(ii)).

4. Several commenters have objected to a bias against health maintenance organization, since such organizations are regulated while other delivery systems are not so regulated. It is felt, however, that the regulations reflect the intent of the statute.

5. Many comments were received with respect to the definition of "health care facility". The proposal that independent laboratories be included within the definition has been rejected as unwarranted. A proposed further distinction in the regulation between organized ambulatory health care facilities and corporate practices of medicine has been rejected as impractical.

6. A provision has been added to § 100.103 which indicates that proposed capital expenditures, the obligation for which is incurred before the effective date of the agreement (which may, at the option of the State, be earlier than the date on which such agreement is entered into (but not prior to Jan. 1, 1973) where the State review procedure in existence on such earlier date satisfies the requirements of sec. 1122 and these regulations) entered into pursuant to § 100.104, are not subject to review under this subpart.

7. The definition of a "force account expenditure" has been revised in accordance with a suggestion received (§ 100.103(a)(1)).

8. The definition of "capital expenditure" was the subject of many comments. It was suggested that only expenditures which exceed $100,000 and which change the services provided or the number of beds in a facility be subject to this subpart. This suggestion is rejected as inconsistent with the language of the statute. A "change" in the bed capacity of a facility has been further defined so as to include increases or decreases in bed capacity (§ 100.103(a)(2)(iii)).

9. Sec. 100.103(a)(2)(v) has been revised to permit the designated planning agency (DPA) to exempt from review changes in proposed capital expenditures which result in increased or decreased costs but are not related to changes in bed capacity or substantial changes in service.

10. Donations of facilities or equipment will be subject to review only if reimbursements for services provided under titles V, XVIII and XIX are or will be applied to depreciation or other capital expenses related to such facilities or equipment (§ 100.103(b)(2)).

11. The proposal that simple acquisitions of facilities be exempted from review has been rejected, because such acquisitions are, by definition, "capital expenditures" which are subject to the terms of the statute.

12. A provision has been added which indicates that a decision by the DPA that a proposed expenditure is not subject to review under this subpart, is final and binding upon the Secretary. A decision by the designated planning agency that a proposed expenditure is subject to review under this subpart may, however, be appealed by the person proposing the expenditure to the Secretary. Pending such appeal, further review of the proposal will be suspended (§ 100.103(d)).

13. The designated planning agency is now required to disseminate its procedures for review to all health care facilities and health maintenance organizations within the State. (§ 100.106(a)(1)).

14. Section 100.106(a)(4) has been clarified to indicate that the review of a proposed capital expenditure must be completed within 90 days of receipt by the DPA of the proposal, or prior to the date on which the proposed obligation will be incurred (which must, pursuant to § 100.106(a)(1), be at least 60 days after receipt of notification of the proposal by the DPA), whichever is earlier, unless the person proposing the expenditure agrees to a longer period.

15. § 100.106(a)(4)(ii) has been clarified to indicate that the decision by a DPA not to review a proposed expenditure will be equivalent to a determination that such expenditure is in conformity with the standards, criteria, and plans described in § 100.104(a)(2). In such event, the DPA must notify the Secretary of the reasons for its election not to review such proposed expenditure.

16. The procedures governing the hearings to be provided pursuant to § 100.106(c) have been further refined. The hearing must be commenced within 30 days after the request for such hearing has been received, or later at the option of the person requesting the hearing. The decision of the hearing officer must be rendered within 45 days of the conclusion of the hearing, or else the proposed expenditure will be considered to be in conformity with the standards, criteria, and plans described in § 100.104(a)(2). The hearing officer's findings will supersede (not "constitute") those of the DPA. Section 100.106(c)(2)(iii) has been revised to require that the record to be kept of the hearing need only satisfy applicable State law.

The request by some commenters that sec. 314(b) agencies be afforded an opportunity for a hearing where the DPA reaches a finding with which the (b) agency disagrees has been rejected, on the ground that the statute provides for a hearing only "to the person proposing (the) capital expenditure".

17. The criteria for review, contained in § 100.107 and in § 51.4(i), were the subject of several comments. The criterion described in § 100.107(d) and § 51.4(i)(iv) now refers to "improved quality of care" as well as "cost containment". The same criterion has also been expanded to include a reference to fostering cost containment and improved quality of care through increased competition between different health services delivery systems. Although this criterion may at times conflict with the criterion described in § 100.107(a) and § 51.4(i)(iv), it is felt that this factor should be included in the consideration of proposed expenditures.

The suggestion that the criteria provide for special consideration to be given to proposed capital expenditures for, or relating to, health-related teaching and research has been rejected, on the ground that consideration of the need for such facilities is implied in the proposed criteria, and that to give them additional priority status would be inconsistent with the purpose of section 1122.

18. Section 100.109(a) was corrected so that the word "less" in the first sentence now reads "more". The option contained in the proviso of this paragraph, to ex-

tend the period during which an obligation may be incurred, now lies with the DPA, not the Secretary.

19. A number of minor editorial changes were made, and a number of typographical errors were corrected.

Effective date: These regulations are effective on November 9, 1973.

Dated: October 25, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: November 5, 1973.

FRANK C. CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

1. Paragraph (i) of 42 CFR 51.4 is amended to read as follows:

§ 51.4 State program requirements.

* * * * *

(i) *Program for capital expenditures.* (1) The State program must incorporate by reference a written program providing for assisting, through consultation, provision of information, and advice, each health care facility and health maintenance organization in the State to develop a program for capital expenditures for replacement, modernization, and expansion in accordance with criteria which will meet the needs of the State for health care facilities, equipment and services without duplication and otherwise in the most efficient and economical manner. Such criteria will be established by the Secretary after consultation with the State, and will be based on the following considerations:

(i) Whether a proposed project is needed or projected as necessary to meet the needs in the community in terms of health services required: *Provided,* That projects for highly specialized services which will draw from patient population outside the community will receive appropriate consideration;

(ii) Whether a proposed project can be adequately staffed and operated when completed;

(iii) Whether a proposed capital expenditure is economically feasible and can be accommodated in the patient charge structure of the health care facility or health maintenance organization without unreasonable increases;

(iv) Whether a project will foster cost containment or improved quality of care through improved efficiency and productivity, including promotion of cost-effective factors such as ambulatory care, preventive health care services, home health care, and design and construction economies, or through increased competition between different health services delivery systems.

(2) The State agency furnishing such assistance shall periodically review such capital expenditure program of each health care facility or health maintenance organization in the State and recommend appropriate modification thereof.

(3) The assistance and review required under this paragraph may be provided either by the State comprehensive health planning agency itself, or, under such State agency's control and supervision, by a local public or private nonprofit agency, or by another State agency qualified and authorized to provide such assistance and designated in the State program as the agency with the primary responsibility therefor.

(4) For purposes of this section, the term "health care facility" includes hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, home health agencies, and providers of outpatient physical therapy services (including speech pathology services) as defined in section 1861(e), (f), (g), (j), (o) and (p), respectively, of the Social Security Act (except that such term shall not apply with respect to outpatient physical therapy services performed by a physical therapist in his office or in a patient's home); kidney disease treatment centers, including freestanding hemodialysis units; intermediate care facilities as defined in section 1905(c) of the Social Security Act; and organized ambulatory health care facilities such as health centers, family planning clinics, and facilities providing surgical treatment to patients not requiring hospitalization (surgicenters), which are not part of a hospital but which are organized and operated to provide medical care to outpatients.

(5) For purposes of this section, the term "health maintenance organization" means a public or private organization, organized under the laws of any State which

(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: usual physician's services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

(ii) Is compensated (except for copayments) for the provision of the basic health care services listed in subsection (i) of this subparagraph to enrolled participants on a predetermined periodic rate basis; and

(iii) Provides physicians' services primarily (A) directly through physicians who are either employees or partners of such organization, or (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(Sec. 314(a), Public Health Service Act; 42 U.S.C. 246(a)).

2. Title 42 of the CFR is amended by the establishment of a new Part 100, and the addition thereto of a new Subpart A, to read as follows:

Subpart A—Limitation on Federal Participation for Capital Expenditures

Sec.

AUTHORITY: Sec. 1122, Social Security Act; 42 U.S.C. 1320a–1.

Subpart A—Limitation on Federal Participation for Capital Expenditures

§ 100.101 Applicability.

The provisions of this subpart are applicable to agreements entered into by the Secretary with the various States pursuant to section 1122 of the Social Security Act (42 U.S.C. Chap. 7), and to determinations made by the Secretary thereunder, for the purpose of assuring that Federal funds appropriated under titles V, XVIII, and XIX of the Social Security Act are not used to support unnecessary capital expenditures made by or on behalf of health care facilities or health maintenance organizations which are reimbursed under any of such titles and that, to the extent possible, reimbursement under such titles shall support planning activities with respect to health services and facilities in the various States.

§ 100.102 Definitions.

(a) "Act" means the Social Security Act, as amended (42 U.S.C. Chap. 7).

(b) "State" means any of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(c) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(d) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint-stock companies, and insurance companies, a State, or a political subdivision or instrumentality (including a municipal corporation) of a State.

(e) "Health care facility" includes hospitals, psychiatric hospitals, tuberculosis hospitals, skilled nursing facilities, home health agencies, and providers of outpatient physical therapy services (including speech pathology services) as defined in section 1861(e), (f), (g), (j), (o), and (p), respectively, of the Act (except that such term shall not apply with respect to outpatient physical therapy services performed by a physical therapist in his office or in a patient's home); kidney disease treatment centers, including freestanding hemodialysis units; intermediate care facilities as defined in section 1905(c) of the Act; and organized ambulatory health care facilities such as health centers, family planning clinics, and facilities providing surgical treatment to patients not requiring hospitalization (surgicenters), which are not part of a hospital but which are organized and operated to provide medical care to outpatients.

(f) "Health maintenance organization" means a public or private organi-

zation, organized under the laws of any State, which

(1) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

(2) Is compensated (except for copayments) for the provision of the basic health care services listed in subparagraph (1) of this paragraph to enrolled participants on a predetermined periodic rate basis; and

(3) Provides physicians' services primarily (i) directly through physicians who are either employees or partners of such organization, or (ii) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

§ 100.103 Expenditures covered.

Any capital expenditure proposed by or on behalf of any health care facility or health maintenance organization, the obligation for which is incurred by or on behalf of a health care facility or health maintenance organization after December 31, 1972, or after the effective date of the agreement entered into pursuant to § 100.104 by the Secretary and the State in which the health care facility or health maintenance organization is located (which effective date may, at the option of the State, be earlier than the date on which such agreement is entered into where the Secretary finds that the procedure utilized by the State for review of proposed capital expenditures as of such earlier date satisfies the requirements of section 1122 and this subpart), whichever is later, is subject to this subpart: *Provided, that,* In the case of a health care facility providing health care services as of December 18, 1970, which on such date is committed to a formal plan of expansion or replacement, this subpart shall not apply with respect to such expenditures as may be made or such obligations as may be incurred for capital items included in such plan where preliminary expenditures toward the plan of expansion or replacement (including payments for studies, surveys, designs, plans, working drawings, specifications, and site acquisition, essential to the acquisition, improvement, expansion, or replacement of the health care facility or equipment concerned) of $100,000 or more, had been made during the three-year period ended December 17, 1970.

(a)(1) For purposes of this subpart, a "capital expenditure" is an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by the facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which (i) exceeds $100,000, or (ii) changes the bed capacity of the facility with respect to which such expenditure is made, or (iii) substantially changes the services of the facility with respect to which such expenditure is made.

(2)(i) For purposes of paragraph (a)(1)(i) of this section, the cost of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, expansion, or replacement of the plant and equipment with respect to which such expenditure is made shall be included in determining whether such expenditure exceeds $100,000.

(ii) For purposes of paragraph (a)(1)(i) of this section, where the estimated cost of a proposed project, including cost escalation factors appropriate to the area in which the project is located, is, within 60 days of the date on which the obligation for such expenditure is incurred, certified by a licensed architect or engineer to be $100,000 or less, such expenditure shall be deemed not to exceed $100,000 regardless of the actual cost of such project: *Provided, that,* In any such case where the actual cost of the project exceeds $100,000, the health care facility or health maintenance organization on whose behalf such expenditure is made shall provide written notification of such cost to the designated planning agency not more than 30 days after the date on which such expenditure is incurred. Such notification shall include a copy of the certified estimate.

(iii) For purposes of paragraph (a)(1)(ii) of this section, a capital expenditure which "changes the bed capacity" of a facility means a capital expenditure which results in any increase or decrease in licensed capacity under applicable State or local law, or, if there is no such law, the number of beds in a given facility as of January 1, 1973, as determined by the designated planning agency.

(iv) For purposes of paragraph (a)(1)(iii) of this section, a capital expenditure which "substantially changes the services" of a facility means a capital expenditure which results in the addition of a clinically related (i.e., diagnostic, curative, or rehabilitative) service not previously provided in the facility or the termination of such a service which had previously been provided in the facility.

(v) Any change in a proposed capital expenditure which itself meets the criteria set forth in this paragraph, shall, for purposes of this subpart, be deemed a capital expenditure; *Provided,* That an increase or decrease in the cost of a proposed capital expenditure which increase or decrease is not related to a change in bed capacity or a substantial change in services may, at the option of the designated planning agency, be exempt from review under this subpart.

(b) Where a person obtains, under lease or comparable arrangement, or through donation, any facility or part thereof, or equipment for a facility, the expenditure for which would have been considered a capital expenditure and subject to exclusion from reimbursement under titles V, XVIII, and XIX of the Act pursuant to this subpart if the person had acquired it by purchase, such acquisition shall be deemed a capital expenditure by or on behalf of such facility and the Secretary shall, subject to section 1122(d) of the Act:

(1) In the case of a lease or comparable arrangement, (i) in computing such person's rental expense, in determining the Federal payments to be made under such titles V, XVIII, and XIX with respect to services furnished in such facility, deduct the amount which in his judgment is a reasonable equivalent of the amount that would have been excluded if the person had acquired such facility or equipment by purchase; and

(ii) In computing such person's return on equity capital, deduct any amount deposited under the terms of the lease or comparable arrangement; and

(2) In the case of a donation which is carried by such person as a capital asset, exclude from reimbursement for services provided under titles V, XVIII, and XIX any amount claimed for depreciation on such facility or equipment, and other costs related to its acquisition.

(c) Obligation: An obligation for a capital expenditure shall be deemed to have been incurred by or on behalf of a health care facility or health maintenance organization

(1) When an enforceable contract is entered into by such facility or organization or by a person proposing such capital expenditure on behalf of such facility or organization for the construction, acquisition, lease or financing of a capital asset; or

(2) Upon the formal internal commitment of funds by such facility or organization for a force account expenditure which constitutes a capital expenditure; or

(3) In the case of donated property, as described in paragraph (b) of this section the date on which the gift is completed in accordance with applicable State Law.

(d) A determination by a designated planning agency designated in the Agreement described in § 100.104 that a proposed expenditure is not a capital expenditure within the meaning of section 1122 of the Act and this subpart, or that it falls within the exemption described in § 100.103, or that it is otherwise not subject to review under section 1122 of the Act, shall be binding upon the Secretary. A determination by such an agency that a proposed expenditure is a capital expenditure subject to review under section 1122 and this subpart may be appealed, by the person proposing such expenditure, to the Secretary. Such appeal may be made at any time, in such form and manner as the Secretary may prescribe. During the pendency of such appeal, the running of all time periods specified in § 100.106 shall be suspended, except that nothing in this paragraph shall affect the requirement that written notice of the intention to make a capital expenditure subject to this subpart must be received by the designated planning agency not less than 60 days prior to the date on which the expenditure is incurred.

§ 100.104 Agreement; general.

The Secretary, after consultation with the Governor (or other chief executive officer) and with apropriate public officials, shall make an Agreement with any State which is able and willing to enter into such an agreement under which a designated planning agency (which shall be an agency described in § 100.105) will submit to the Secretary, together with such supporting materials as the Secretary may require, the following:

(a) With respect to each capital expenditure proposed by or on behalf of a health care facility or health maintenance organization in such State, the findings of such designated planning agency as to whether

(1) The designated planning agency or any other agency described in § 100.105 had been given notice of such proposed capital expenditure (in accordance with such procedure or in such detail as may be required pursuant to § 100.106) at least 60 days prior to obligation for such expenditure; and

(2) Such expenditure is or is not consistent with the standards, criteria, or plans developed pursuant to the Public Health Service Act (or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963) to meet the need for adequate health care facilities in the area covered by the plan or plans so developed.

(i) In reaching such findings, the designated planning agency shall consult with, and take into consideration the findings and recommendations of, the other agencies described in § 100.105.

(ii) Where the designated planning agency finds that such expenditure is not consistent with such standards, criteria, or plans, it shall submit to the Secretary the findings and recommendations of all such other agencies with which it has consulted.

(b) With respect to each proposed capital expenditure which is found by the designated planning agency to be not consistent with the standards, criteria, or plans described in paragraph (a) of this section, its recommendation as to whether the Secretary should either

(1) Exclude, in determining the Federal payments to be made under titles V, XVIII, and XIX of the Act with respect to services furnished in the health care facility or health maintenance organization for which such capital expenditure is made, expenses related to such capital expenditure (in accordance with section 1122(d)(1) of the Act); or

(2) Not exclude such expenses, on the ground that such facility or organization has demonstrated proof of capability to provide comprehensive health care services efficiently, effectively, and economically, and that such an exclusion would discourage the operation or expansion of such facility or organization, or of any facility of such organization.

(c) With respect to each proposed capital expenditure which is found by any other agency described in § 100.105 to be not consistent with the standards, criteria, or plans described in paragraph (a) of this section within the field of responsibilities of such other agency, the findings and recommendations of such other agency.

(d) With respect to each proposed capital expenditure as to which the designated planning agency reaches a finding contrary to that reached by the local area planning agency described in § 100.105(a)(3), a statement of the reasons for such a contrary finding.

§ 100.105 Agreement; designated agency.

(a) The designated planning agency designated in the Agreement shall be one of the following:

(1) The State agency designated or established pursuant to section 314(a) of the Public Health Service Act as the sole agency for administering or supervising the administration of the State's health planning functions under the plan developed pursuant to such section 314 (a).

(2) The State agency designated pursuant to section 604(a) of the Public Health Service Act as the sole agency for the administration of the State plan developed pursuant to Title VI of the Public Health Service Act.

(3) The public or nonprofit private agency or organization responsible for the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) of the Public Health Service Act covering the area in which the health care facility or health maintenance organization proposing such capital expenditure is or is proposed to be located or, if there is no such agency covering such area, such other public or nonprofit private agency or organization which is found by the State agency referred to in paragraph (a)(1) of this section and by the Secretary to be performing similar functions.

(b) The designated planning agency shall have a governing body or advisory board at least half of whose members represent consumer interests.

§ 100.106 Agreement; procedures for agency review.

(a) The Agreement shall provide for the following notification and review procedures:

(1) The designated planning agency shall establish, maintain, and disseminate to all health care facilities and health maintenance organizations within the State procedures under which timely written notice of the intention to make a capital expenditure subject to this subpart is required to be given (i) to the designated planning agency, in which case such agency shall distribute copies of such notice to those other agencies described in § 100.105 whose respective fields of responsibility cover the proposed expenditure, or (ii) simultaneously to the designated planning agency and to those other agencies described in § 100.105 whose respective fields of responsibility cover the proposed expenditure. Such notice shall set forth the date on which the obligation is expected to be incurred, and must be received by the designated planning agency not less than 60 days prior to such date.

(2) Such notice shall be submitted in such form and manner and shall contain such information as may be required by the designated planning agency to meet the needs of all the agencies whose respective fields of responsibility cover the proposed expenditure. The designated planning agency shall promptly publicize its receipt of such notice through local newspapers and public information channels.

(3) If the notice under this paragraph is found by the designated planning agency to be incomplete, such agency shall notify the person proposing the capital expenditure within 15 days of its receipt of such incomplete notice, advising such person of the additional information required. Where such timely notification of incompleteness is provided, the period within which the agency is required to notify the person proposing such expenditure that such expenditure is not approved, as required by section 1122(d)(1)(B)(i) of the Act and paragraph (a)(4) of this section, shall run from the date of receipt by the agency of a notice containing such additional information.

(4) Except as provided in paragraph (a)(3) of this section, the designated planning agency shall, prior to the date set out in the written notice of intention submitted pursuant to paragraph (a)(1) of this section as the expected date for the obligation of the proposed expenditure (but, subject to the provisions of paragraph (a)(3) of this section in no event later than 90 days after the receipt of such notice unless the person proposing the capital expenditure agrees to a longer period), provide written notification to the person proposing such capital expenditure (i) that such capital expenditure has been determined by such agency to be in conformity with the standards, criteria and plans described in § 100.104(a)(2); or (ii) that such agency has elected not to review the proposed capital expenditure (which election shall be equivalent to a determination by such agency that such expenditure is in conformity with such standards, criteria, and plans), in which event the designated planning agency shall notify the Secretary of its reasons for electing not to review the proposed capital expenditure; or (iii) that such agency after having consulted with, and taken into consideration the findings and recommendations of, the other agencies described in §100.105 (to the extent that such proposed capital expenditure is within the respective fields of responsibility of such other agencies), has determined that the proposed capital expenditure would not be in conformity with the standards, criteria, or plans described in § 100.104(a)(2). The failure of the designated planning agency to provide any such notification within the time limitations set forth above shall have the effect of a determination described in paragraph (a)(4)(i) of this section. The notification described in paragraph (a)(4)(iii) of this section shall be accompanied by a statement of the designated planning agency's proposed recommendation to the Sec-

retary and the reasons therefor, a summary of the findings and recommendations of the other agencies with which such agency has consulted pursuant to paragraph (a)(4)(iii) of this section and shall provide an opportunity for a fair hearing with respect to the findings and recommendations of the designated planning agency at the request of the person proposing such capital expenditure.

(5) Copies of the findings and recommendations of the designated planning agency shall also be sent to the other agencies consulted, and shall be publicized through local newspapers and public information channels.

(b) Any person proposing a capital expenditure may withdraw his previously filed notice of proposed capital expenditure, without prejudice, by filing simultaneous written notification of such withdrawal with those agencies to which he gave notification pursuant to paragraph (a)(1) of this section, at any time prior to his receipt of notice pursuant to paragraph (a)(4)(i), (ii), or (iii) of this section.

(c) In addition to any other hearing which may be provided by an agency described in § 100.105 in connection with the review of a proposed capital expenditure under this subpart, the Agreement shall provide that the designated planning agency will grant to a person proposing a capital expenditure an opportunity for a fair hearing with respect to the findings and recommendations of the designated planning agency, and will establish and maintain procedures for such appeal. Such procedures shall include the following:

(1) The request for a hearing must be made in writing, to the designated planning agency, within 30 days after the date on which the person proposing the capital expenditure receives notice of an adverse finding or recommendation of the designated planning agency.

(2) The hearing shall be commenced within 30 days after receipt of the request described in paragraph (c)(1) of this section (or later, at the option of the person requesting the hearing), and shall be conducted in accordance with the applicable requirements of State law and agency or person, other than the designated planning agency, as the Governor (or other chief executive officer of the State) may designate for that purpose: *Provided*, That no agency which or person who has taken part in any prior consideration of or action upon the proposed capital expenditure may conduct such hearing.

(i) The hearing shall be open to the public and shall be publicized through local newspapers and public information channels.

(ii) The person proposing the capital expenditure, the other agencies described in § 100.105, and other interested parties, including representatives of consumers of health services, shall be permitted to give testimony and present arguments at the hearing.

(iii) A record of the proceedings shall be kept in accordance with the requirements of applicable State law and copies of such record together with copies of all documents received in evidence, shall be available to the public for inspection and copying: *Provided*, That any person who requests copies of such material may be required to bear the costs thereof.

(3) As soon as practicable, but not more than 45 days after the conclusion of a hearing, the hearing officer shall notify the person who requested the hearing, the designated planning agency, the other agencies described in § 100.105 who participated in the hearing, and other interested parties at the discretion of the hearing officer, of his decision and the reasons therefor. Such decision shall be publicized through local newspapers and public information channels. In the event that the hearing officer fails to provide notice as required above within 45 days after the conclusion of a hearing, such failure to provide notice shall have the effect of a finding that the proposed capital expenditure is in conformity with the standards, criteria, and plans described in § 100.104(a)(2).

(4) Any decision of a hearing officer, arrived at in accordance with this paragraph, shall, to the extent that it reverses or revises the findings or recommendations of the designated planning agency, supersede the findings and recommendations of the designated planning agency: *Provided*, That where judicial review of such decision is obtained, the final decision of the reviewing court, to the extent that it modifies the findings and recommendations of the designated planning agency, shall to such extent supersede the findings and recommendations of the designated planning agency.

(5) To the extent that any decision of a hearing officer pursuant to this paragraph requires that the designated planning agency take further action, such action shall be completed by such date as the hearing officer may specify. Failure by the designated planning agency to complete such action by such date shall have the effect of a finding that the proposed capital expenditure is in conformity with the standards, criteria, and plans described in § 100.104(a)(2).

§ 100.107 Agreement; criteria for agency review.

The Agreement shall set forth the criteria under which the designated planning agency and the other agencies described in § 100.105 shall evaluate proposals for capital expenditures for purposes of this subpart to determine their conformance with the applicable standards, criteria and plans referred to in § 100.104(a)(2). Such criteria, to the extent provided for under such standards, criteria, or plans, shall include the following:

(a) Whether the proposed project is needed or projected as necessary to meet the needs in the community in terms of health services required: *Provided*, That projects for highly specialized services (such as open-heart surgery, renal transplantation, or radiation therapy) which will draw from patient population outside the community in which the project is situated will receive appropriate consideration;

(b) Whether the proposed project can be adequately staffed and operated when completed;

(c) Whether the proposed capital expenditure is economically feasible and can be accommodated in the patient charge structure of the health care facility or health maintenance organization without unreasonable increases; and

(d) Whether the project will foster cost containment or improved quality of care through improved efficiency and productivity, including promotion of cost-effective factors such as ambulatory care, preventive health care services, home health care, and design and construction economies, or through increased competition between different health services delivery systems.

§ 100.108 Determination by the Secretary.

(a) Except as provided in paragraph (b) of this section, if the Secretary determines that (1) the designated planning agency has not been given timely notice of intention to make a capital expenditure in accordance with § 100.106, or (2) that the designated planning agency has, in accordance with the requirements of section 1122 of the Act and this subpart, submitted to the Secretary its finding that such expenditure is not consistent with the standards, criteria, or plans described in § 100.104(a)(2) then, for such period as he deems necessary to effectuate the purpose of section 1122 of the Act, he shall, in determining the Federal payments to be made under titles V, XVIII, and XIX of the Act to such health care facility or health maintenance organization, exclude expenses related to such capital expenditure.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the Secretary, after submitting the matters involved to the National Advisory Health Council on Comprehensive Health Planning Programs (established pursuant to section 316 of the Public Health Service Act, 42 U.S.C. 247a) and after taking into consideration the recommendations of the designated planning agency and the other agencies described in §100.105 with respect to such expenditure, determines that an exclusion of expenses related to any capital expenditure of any health care facility or health maintenance organization would discourage the operation or expansion of such facility or organization, or of any facility of such organization, which has demonstrated to his satisfaction proof of capability to provide comprehensive health care services efficiently, effectively, and economically, or would otherwise be inconsistent with the effective organization and delivery of health services or the effective administration of titles V, XVIII, or XIX of the Act, he shall include such expenses in Federal payments under such titles.

(c) Upon making a determination under this section the Secretary will promptly notify the person proposing such capital expenditure, the designated planning agency, and the other agencies

described in § 100.105 with which the designated planning agency has consulted, of such determination and the basis for such determination.

(d) Any person dissatisfied with a determination by the Secretary under section 1122 of the Act or this subpart with respect to a particular capital expenditure may, within six months following the date of such determination, request the Secretary to reconsider such determination.

(1) Such request for reconsideration shall be in writing, addressed to the Secretary of Health, Education, and Welfare or to any officer or employee of the Department of Health, Education, and Welfare to whom the Secretary has delegated responsibility to receive such requests, and shall set forth the grounds based upon the record of the proceedings and any issues of law, upon which such reconsideration is requested.

(2) Reconsideration will be based upon the record of the proceedings, which shall consist of the findings, recommendations and supporting materials submitted to the Secretary by the designated planning agency (including the findings and recommendations of other agencies) which relate to the findings and recommendations involved, the record of the hearing provided by the designated planning agency, if any, and of any judicial proceedings, the materials submitted in connection with such request, and such comments as the Secretary may request from the designated planning agency.

(3) Notice of any reconsidered determination under this paragraph shall be sent to the designated planning agency and the person requesting such reconsideration.

(e) A determination by the Secretary is, under section 1122 of the Act, not subject to administrative or judicial review.

§ 109.109 Continuing effect of determinations.

(a) Except in the case of a long-term construction plan of the type described in paragraph (b) of this section, where the designated planning agency has found that a proposed capital expenditure is in conformity with the standards, criteria, and plans described in § 100.104(a)(2), the obligation for such capital expenditure shall be incurred not more than one year following the date of such finding, or such shorter period as may be required by applicable State law: *Provided*, That in the absence of any State law to the contrary, the designated planning agency may, pursuant to a showing of good cause by the person proposing such expenditure, extend the period during which such obligation must be incurred for up to an additional six months. If no such obligation is incurred within such period, the designated planning agency's approval shall, for purposes of this subpart, be deemed to be terminated upon the expiration of such period.

(b) In the case of any plan for capital expenditures proposed by or on behalf of a health care facility or health maintenance organization under which a series of obligations for capital expenditures for discrete components of the plan is to be incurred over a period longer than one year, the designated planning agency may review and approve or disapprove, for purposes of this subpart, those of such capital expenditures which it estimates will be incurred within three years following the date of such approval or disapproval.

(c)(1) In any case in which the Secretary has determined pursuant to a finding by the designated planning agency that a proposed capital expenditure is not in conformity with the standards, criteria, or plans described in § 100.104(a)(2), that expenses related to such capital expenditure shall not be included in determining Federal payments under titles V, XVIII, and XIX of the Act the health care facility or health maintenance organization to whom such payments are made shall be entitled, upon its request to the designated planning agency in such form and manner and supported by such information as such agency may require, to a reconsideration by the designated planning agency of such finding:

(i) Whenever there is a substantial change in existing or proposed health facilities or services, of the type proposed, in the area served by such facility or organization; or

(ii) Upon a substantial change in the need for facilities or services, of the type proposed, in the area served by such facility or organization, as reflected in the standards, criteria or plans referred to in § 100.104(a)(2); or

(iii) At any time following the expiration of three years from the date of the finding of the designated planning agency or of its last reconsideration of such finding pursuant to this paragraph, whichever is later.

(2)(i) If, upon reconsideration of its finding pursuant to this paragraph, and after consulting with and taking into consideration the findings and recommendations of the other agencies described in § 100.105, the designated planning agency finds that the facilities or services provided by such capital expenditure are in conformity with the standards, criteria, and plans described in § 100.104(a)(2) it shall promptly so notify the Secretary and the person submitting such request.

(ii) If the designated planning agency, upon such reconsideration, reaffirms its previous finding, the procedure set forth in § 100.106 following an initial determination shall be followed.

(3) Upon notification by a designated planning agency of a revised finding in accordance with paragraph (c)(2) of this section, the Secretary will include, in determining future payments under titles V, XVIII, and XIX of the Act, expenses related to such capital expenditure. Such expenses will be included for periods following the date of such notification only, and amounts previously excluded shall not be taken into account in determining Federal payments under titles V, XVIII, and XIX of the Act.

§ 100.110 Payment by Secretary of costs of agency review.

(a) In accordance with section 1122(c) of the Act, the Secretary will pay to each designated planning agency, from the Federal Hospital Insurance Trust Fund, an amount for each fiscal year beginning with the fiscal year ending June 30, 1974, to be determined as follows:

(1) The Secretary will determine, on the basis of information furnished to him by the designated planning agency and such other information as may be available to him, (i) the amount of funds, both Federal and non-Federal, which will be expended in such State during such fiscal year to carry out sections 314(a) and (b) of the Public Health Service Act, and (ii) the amount of such funds which will be expended for the purpose of cost containment.

(2) The amount to be paid to each designated planning agency under this paragraph will be computed by multiplying the lesser of (i) the amount determined pursuant to clause (ii) of paragraph (a)(1) of this section or (ii) 50 percent of the amount determined pursuant to clause (i) of paragraph (a)(1), of this section, by the percentage obtained by dividing the total amount of Federal expenditures for hospital and nursing home services under Titles V, XVIII and XIX of the Act in such State by the total amount of all expenditures for hospital and nursing home services, from whatever source in such State. This computation shall utilize data from the latest fiscal year for which all necessary data are available, as determined by the Secretary.

(3) The percentage for each State obtained by dividing the total amount of Federal expenditures for hospital and nursing home services under Titles V, XVIII and XIX of the Act in such State by the total amount of all expenditures for hospital and nursing home services from whatever source in such State for each fiscal year will be published in the FEDERAL REGISTER as soon as practicable following the beginning of such fiscal year.

(b) Each designated planning agency shall be responsible for making payments from funds paid to it by the Secretary pursuant to paragraph (a) of this section to the other agencies described in § 100.105 in such State. The method for computing such payments shall be described in the Agreement entered into pursuant to § 100.104.

(c) The Secretary shall from time to time make payments to a designated planning agency of all or a portion of the amount determined pursuant to paragraph (a) of this section, in advance or by way of reimbursement as provided in the Agreement, to the extent he determines such payments necessary to promote the carrying out of the purposes of section 1122 of the Act in such State. Such payments shall be subject to adjustments, on account of overpayments or underpayments previously made, in accordance with the Agreement.

(d) The designated planning agency shall keep such records and accounts, and furnish such reports to the Secretary, as may be required pursuant to the Agreement.

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PART III

ENVIRONMENTAL PROTECTION AGENCY

■

NEW JERSEY TRANSPORTATION CONTROL PLANS

Approval and Promulgation of Implementation Plans

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New Jersey Transportation Control Plans

This rulemaking sets forth a transportation control plan for the New Jersey portions of the New Jersey-New York-Connecticut Interstate and Metropolitan Philadelphia Interstate Air Quality Control Regions (AQCR). A General Preamble was published on November 6, 1973, in the FEDERAL REGISTER and is incorporated by reference herein.

The State of New Jersey has expressed its intent to develop and submit a State implementation plan for the Administrator's review and approval by the end of 1973. It is the desire of the Environmental Protection Agency to obtain implementation plans that reflect the State's ideas and preferences, provided that such plans meet the requirements of the Clean Air Act. In accordance with this policy, should the State of New Jersey submit a plan that is considered approvable in whole or in part, then this Federal plan will be rescinded or modified.

BACKGROUND

On May 31, 1973 (37 FR 10842), under section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, State plans for implementation of the national ambient air quality standards. The plan submitted by the State of New Jersey for attainment and maintenance of standards for photochemical oxidants and carbon monoxide was approved with a 2-year extension of the attainment data because transportation controls were deemed necessary.

On January 31, 1973, the U.S. Court of Appeals for the District of Columbia Circuit decided the case of *Natural Resources Defense Council et al. v. Environmental Protection Agency* (hereafter referred to as NRDC v. EPA). The Court ordered the Administrator to formally rescind the extensions of time granted for achieving the standards and to require that all affected states formally resubmit their transportation control plans by April 15, 1973. The Administrator did so on March 20, 1973 (38 FR 7323). When the State of New Jersey failed to meet this deadline, EPA published a notice of disapproval for the affected areas in New Jersey on June 22, 1973 (38 FR 16567), and published proposed rules and regulations in the FEDERAL REGISTER of July 3, 1973 (38 FR 17782).

Public hearings were held at three locations in New Jersey on July 16, 17, and 18, 1973. Forty-three witnesses testified on various aspects of the proposed plan and on various alternatives. A significant amount of written comment was received both before and after the hearings from representatives of industry, universities, and environmental groups, from officials of state and local government agencies; and from private citizens. The hearing record and public comment period was held open until August 15, 1973. The complete hearing transcript is available at the U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007, and at the U.S. Environmental Protection Agency, Office of Public Affairs, Room W232, 401 M Street SW., Washington, D.C. 20460.

AIR QUALITY BASIS

Air quality data for carbon monoxide and photochemical oxidants received subsequent to January 1972 showed that the applicable maximum ambient concentrations in 1972 were higher than those found in 1970, with the exception of photochemical oxidants in the Metropolitan Philadelphia Interstate Region. Thus, with the exception of this Region, air quality data for 1972 were used as the basis for this transportation control plan. In addition, the emission inventory used in this plan is based on an updated 1971 compilation that is considered more reflective of the 1972 concentrations. This selection of the 1972 air quality data base has been agreed upon between the Regional Office and the New Jersey State Department of Environmental Protection.

PHOTOCHEMICAL OXIDANTS

A summary of the applicable photochemical oxidant air quality data is contained in Table 1.

TABLE 1.—*Photochemical oxidant data*

AQCR	Second highest measurement, ppm	Percent emission reduction required
New Jersey-New York-Connecticut	0.135	42
New Jersey portion adjoining State	0.200	67
Metropolitan Philadelphia	0.145	47
New Jersey portion adjoining State	0.129	33

The data for photochemical oxidants indicated that peak concentrations generally occurred during the period from 12 to 3 p.m. e.d.t. on all days of the week, including Sundays. Although the peak concentration recorded in the New Jersey portion of the New Jersey-New York-Connecticut AQCR was substantially less than that recorded in the New York portion, the Administrator determined that, because of the regional nature of photochemical oxidant development and the physical features of the area, the requirements for a total regional hydrocarbon emissions reduction of 67 percent must be followed by both the States of New York and New Jersey. Reductions in hydrocarbon emissions are calculated according to Appendix J, 40 CFR Part 51. This required reduction was based on measurements made at Welfare Island in New York. During the public hearings, however, the Commissioner of the New Jersey State Department of Environmental Protection revealed that the State had found evidence that the recorded concentrations in the New Jersey portion of the AQCR were erroneously low. Based on this evidence, changes were made in the air quality sampling procedures used by the State. Since July 1973, ambient concentrations of photochemical oxidants have been found to exceed levels previously recorded. For example, the maximum value of 0.27 ppm recorded at Bayonne, New Jersey, in July 1973, far exceeds the maximum value of 0.21 ppm recorded at Welfare Island, New York, in 1972. Although sufficient data have not been obtained with these new procedures to determine the true distribution of concentrations in the New Jersey portion of the AQCR, it is clear that the measures promulgated herein by the Administrator will be necessary to provide for attainment of the national standard for photochemical oxidants in applicable portions of New Jersey. At such time as these new data are validated, the Administrator shall revise this rulemaking as is necessary.

In the New Jersey portion of the Metropolitan Philadelphia AQCR, the air quality values for 1970 recorded in Camden County indicated that a 47 percent reduction in hydrocarbon emissions was necessary to achieve the national standard for photochemical oxidants. Air quality data for 1970 are being used by EPA because the State had indicated, at the hearings, that data presently being received are erroneously low.

CARBON MONOXIDE

A summary of the applicable carbon monoxide air quality data is contained in Table 2.

TABLE 2

CARBON MONOXIDE DATA

AQCR	Second highest measurement, ppm	Percent emission reduction required
New Jersey-New York-Connecticut-Newark	17	47
Metropolitan Philadelphia—		
Trenton	30	70
Camden	16	44

Carbon monoxide concentrations that were recorded in Newark during 1972 indicated that a reduction of 47 percent is required for attainment of the national standard. This reduction is based on the second highest measured ambient concentration.

Air quality values for carbon monoxide recorded during 1972 were 30 ppm in Trenton and 16 ppm in Camden. These measurements indicated that reductions of 70 and 43 percent, respectively, would be necessary to provide for attainment of the standards.

In addition to the concentrations and required emission reductions presented, air quality data for 1973 submitted to the EPA Regional Office by the New Jersey Department of Environmental Protection

indicate that the maximum 8-hour concentration has been exceeded in the following cities, as shown by the given applicable concentrations: Jersey City, 24.9 ppm; Perth Amboy, 21.4 ppm; Freehold, 26.4 ppm; Paterson, 22.5 ppm; Somerville, 19.0 ppm; Elizabeth, 22.9 ppm; Hackensack, 14.1 ppm; Burlington, 21.4 ppm; Paulsboro, 11.3 ppm; and Penns Grove, 16.8 ppm. The Administrator will soon require the State of New Jersey to submit a plan revision showing attainment of the national standard for carbon monoxide in these cities.

Selection of Strategies

In the development of this plan, the Administrator has selected a mix of strategies for the control of carbon monoxide that provides for some permanent regionwide emission reductions, and other localized reductions reflecting the localized nature of the major carbon monoxide problems. In the case of photochemical oxidants, the nature of the problem requires that the emphasis be placed on regionwide control of hydrocarbon emissions.

The Administrator has carefully explored the feasibility of obtaining sufficient reductions of hydrocarbons and carbon monoxide by May 31, 1975, through the application of stringent controls on stationary sources, the Federal emission standards for new vehicles, and the emissions inspection program already implemented by the State of New Jersey. Because in most areas these three strategies do not provide the required emission reductions, the Administrator has determined it necessary to require the use of retrofit devices on light-duty and medium-duty, gasoline-powered vehicles and the application of certain transportation control measures including a requirement for a significant reduction in vehicle miles traveled (VMT). Because of the unavailability of certain control measures by May 31, 1975, and the recognized difficulty in obtaining the required degree of vehicle use restrictions until 1977, the Administrator concludes that extensions must be granted until May 31, 1977, in the attainment date for the national standard for photochemical oxidants in both regions; until August 1, 1976, for carbon monoxide in the New Jersey-New York-Connecticut Interstate Region; and until May 31, 1977, for carbon monoxide in the Metropolitan Philadelphia Interstate Region.

These extensions, granted under section 110(e) of the Clean Air Act, are justified because neither the necessary technology nor alternatives are available and will not be available to permit full compliance prior to the above dates. In reaching this conclusion, the Agency has considered and applied, as part of its plan, reasonably available alternative means of attaining the primary standards for both photochemical oxidants and carbon monoxide.

The plan set forth herein provides for the application of its requirements to all emission sources, other than motor vehicles and gasoline dispensing operations, no later than May 31, 1975, as required by section 110(e)(2)(A), and provides for reasonable interim measures for control of motor vehicle emissions prior to May 31, 1977.

This plan is also based on the application of other reasonable and apparently available means of reducing photochemical oxidants and carbon monoxide including incentives for bus and carpool lanes on highways and major streets, carpool and mass transit priorities, limitations on the construction of additional parking facilities, limitation on available on-street parking, 6 to 11 a.m. delivery ban, and mandatory inspection and maintenance of light-duty and medium-duty vehicles. These measures will be required prior to May 31, 1975, in most cases.

The plan also contains certain "retrofit" measures that cannot be implemented by 1975. Retrofit devices will be required in 1976 and 1977. The timetables are explained in the General Preamble. In order to realize the goals set up under the Clean Air Act, EPA has tied to utilize every means available to avoid the need for imposition of impractical measures in 1977.

Nevertheless, a regulation has been included to limit gasoline sales in 1977, but it will be used only if the standards have not been attained by these other measures.

The Need for Mass Transit

The present sprawling, relatively low density, land use pattern in northern New Jersey has led to the development of a transportation system that is characterized by a large confluence of highways that are among the most heavily traveled in the country. It has been estimated that more than 83 percent of the trips by individuals in the State are made by automobile. Sprawling land use has, in fact, led to massive movement of the population from the central cities to the suburbs.

The Administrator believes that the application of public policy measures are necessary to promote the centralization and corridorization of activities that generate large demands for transportation service and usage. Today, only about 10 percent of the daily person-trips utilize mass transit. Seventy-five percent of all public transit passengers in the State are carried on buses operated by Transport of New Jersey. Estimates by the New Jersey Department of Transportation reveal a decreasing trend in the use of mass transit in New Jersey over the past 25 years. In 1947, the number of rail passengers was 89 million; in 1970, this number dropped to 43 million. Similarly, the bus ridership has changed from 934 million in 1947 to 313 million in 1970. Transport of New Jersey, which operates a fleet of 2,150 buses, is the nation's largest privately owned and operated mass transit bus company. The director of Transport of New Jersey indicated in his testimony at the EPA public hearings on the proposal, that the bus company could absorb a significant portion of any displaced commuting ridership and could, within a short time, expand to meet substantially increased demands. However, the Administrator is convinced that the time needed to implement the changes in transportation modes required by this plan will prevent the attainment of the ambient air quality standards by 1975.

The development of large-scale mass transit facilities and the expansion and modification of existing mass transit facilities is essential to any effort to reduce automotive pollution through reductions in vehicle use. The planning, acquisition, and operation of a mass transit system is, and should remain, a regional or State responsibility. Many improvements are being planned in mass transit facilities in the State that will make it possible for more people to use mass transit instead of automobiles.

In the Camden-Philadelphia area of southern New Jersey, the Delaware River Port Authority plans to expand the Lindenwold line through construction of the Woodcrest Station. The Authority estimates that this expansion will increase daily ridership on the line by nearly 27 percent and ridership during peak periods by 30 percent. In addition, Transport of New Jersey is exploring the feasibility of providing express bus service to New York City from the Camden area in southern New Jersey. Transport is also studying possible revisions to existing routes in order to determine whether route changes are needed. "Park and Ride" services are also being explored as to their feasibility in terms of reducing the amount of vehicular traffic.

The Administrator actively supports the immediate and large-scale purchase of additional public transportation facilities, including additional buses and an expansion and improvement in the available rail transit system. The Administrator also encourages close examination of such measures as fare reductions, bicycle lanes, provision of jitney services and minibuses, fringe parking lots for buses and carpools, State taxes to encourage VMT reductions while raising revenue to benefit mass transit, provision for bus tokens in lieu of free parking privileges, elimination of commuter discounts on toll facilities in the affected Regions, and possibly an increase in tolls during peak commuting times to encourage carpools.

Description of EPA Plan

The Clean Air Act clearly established the intent of Congress to place the primary responsibility for air pollution control on State and local agencies for control of local pollution problems. In accordance with this intent, EPA has developed a plan that will require State and local governmental entities to take action wherever possible.

The control strategy for photochemical oxidants developed for the State of New Jersey is based on the control of total hydrocarbons on a regional basis. The emission reductions estimated below have been based on the application of permanent controls except in the case

of the midmorning delivery ban regulation; goods delivery would not be permitted from 6 to 11 a.m. during the months of May through September.

The control strategy for carbon monoxide is oriented toward solving localized problems. After credit has been taken for reductions obtained from vehicle turnover, from the emission inspection/maintenance program, and from required hardware retrofit, the State is required to implement a vehicle flow and controlled access program to provide for the necessary emission reductions on selected streets.

Details of the specific regulations and their intent are as follows: *Regulation for yearly inspection and maintenance.* The EPA proposal requiring the continued implementation of New Jersey's annual inspection/maintenance program received broad-based support during the hearings. The New Jersey State Department of Environmental Protection expressed its intent to extend the coverage of the program to include gasoline-powered trucks. EPA has concluded that medium-duty vehicles in the 6,000 to 10,000 pound gross vehicle weight (GVW) class utilized the same basic engines as light-duty vehicles and can therefore be subject to similar emission inspection practices.

The New Jersey State Department of Environmental Protection also claimed that substantially greater credit should be given to the degree of emission reductions achievable from carbon monoxide for its idle mode emissions inspection program. EPA will reexamine the basis for this claim in the ensuing months and, on the basis of data developed by the State and/or EPA, will determine whether this claim can be adequately confirmed.

The New Jersey Department of Environmental Protection may be required to revise its present emission standards for the inspection program. This revision will reflect the fact that since all light-duty motor vehicles prior to model year 1975 must be retrofitted with emission control devices, more stringent standards may be needed to achieve the initial 30 percent failure rate. This initial failure rate is set so that a sample of the current vehicle population would be failed. If in succeeding years cars are better maintained or if the inspection system results in greater than normal maintenance before the inspection, less than 30 percent of the car population may fail the test.

Application of retrofit devices. The requirement for the application of retrofit devices has been partially modified as a result of information obtained at the hearings and during the comment period. Oxidizing catalytic converters will be required on all light-duty motor vehicles of model years 1971 through 1974. Vehicles that are unable to operate on 91 RON gasoline will be exempted. Instead of the previously proposed vacuum spark advance disconnect (VSAD) device, an exhaust gas recirculation (EGR)–airbleed system will be required on all pre-1971 model year, light-duty vehicles. Since an EGR–Airbleed system will result in the same reduction of hydrocarbon exhaust emissions as achieved with VSAD devices and are applicable to all pre-1971 vehicles, the change allows for a uniform application and requires less certification testing. EGR-Airbleed systems reduce exhaust emissions of carbon monoxide by more than three times as much as VSAD devices.

Although numerous statements were made in opposition to the light-duty vehicle retrofit strategy proposed in the FEDERAL REGISTER on July 3, 1973 (38 FR 17788), an analysis of the problem of photochemical oxidants in both the New York and New Jersey portions of the New Jersey-New York-Connecticut AQCR leads to the conclusion that retrofit devices on light-duty vehicles are necessary to provide for the attainment of the standards. Retrofit will also provide sufficient reductions in exhaust emissions of carbon monoxide to attain the national standards for this pollutant in the New Jersey portion of the New Jersey-New York-Connecticut Region.

Because the oxidant problem is more extensive than originally believed in the Metropolitan Philadelphia Region, the retrofit measure will be applied on a regional basis. In addition, the retrofit measure will assist in attaining the national standards for carbon monoxide in those cities previously mentioned as exceeding the standard based on the latest air quality.

EPA's Office of Mobile Source Air Pollution Control Programs (MSAPCP) has analyzed the available data on the application of retrofit devices to gasoline-powered vehicles in the 6,000 to 10,000 pound GVW range. MSAPCP initially concluded that since these vehicles have basically the same engines as do light-duty vehicles, the retrofit requirements can extend to vehicles in this weight class. At best the emission reductions attributed to these devices are optimistic. As better data become available, these reductions may have to be revised.

Limitations on registration and use of motorcycles. Both industry and the public sector opposed the proposal to limit motorcycle registration and use on the basis that restriction was unreasonable and unwarranted. Restrictions limiting the use to non-summer months would, in effect, almost completely eliminate the use of motorcycles, since New Jersey winters are generally too severe to accommodate motorcycle riding. Of equal importance, the class of motorcycles involved represents less than one half of one percent of the estimated emission of hydrocarbons in the area. EPA intends to promulgate emission standards for new motorcycles. Consequently, the proposal for motorcycle registration and use limitations will not be promulgated in New Jersey.

Prohibition of mid-morning pick-up and delivery of goods. The proposal for a ban on the daylight delivery of goods has been modified to allow application of the restriction to morning hours. Testimony presented at the hearings indicated that the full daylight ban would impose severe hardships on businesses. In addition, there have been contentions that hydrocarbon emissions in the morning hours play a greater role in the formation of photochemical oxidants than those during other parts of the day. Consequently, there is reason for the Administrator to conclude that a prohibition of delivery in the 6 to 11 a.m. period could effectively achieve the same goals as the full daylight ban.

During the comment period, EPA received information concerning the daily operating trends of trucks in urban areas. Fifty percent of all truck trips take place in the 6 to 11 a.m. period and 70 percent of these trips are for the pick-up and delivery of goods.

The emission inventory was originally compiled without regard to the time of day during which the hydrocarbon emissions occur. In order to reflect the effect of a morning delivery ban, two kinds of emission inventories have been prepared for this rulemaking—the original inventory and a 6 to 11 a.m. inventory (see Table 3). In this second inventory, 50 percent of the medium- and heavy-duty emissions are counted as occurring during the 6 to 11 a.m. period, while 20.8 percent (5/24) of all other emissions are counted as occurring during that period. If this is accurate, and if controls applied to hydrocarbon emissions during the 6 to 11 a.m. period are consequently much more effective in reducing oxidants than controls applied at other times of the day, the 6 to 11 a.m. inventory and column of effects provide a more appropriate reflection of the likely effect on reducing oxidants. On the other hand, if all hydrocarbons have exactly the same effect on oxidant formation, regardless of the time of emission, the original 24-hour inventory and ordinary calculation of control strategy effects will more closely approximate the effect on oxidant concentrations, and the morning delivery ban would have no effect because it only shifts the time in which hydrocarbons are emitted. Since night time emissions are unlikely to have the same effect as day time emissions, this estimate of "no effect" is unlikely to be accurate. In either case, the measures promulgated herein would not be too stringent; if anything, they may not be sufficient. However, the Administrator has concluded that no measures more stringent are reasonable before 1977.

Preferential bus/carpool treatment. The EPA proposal of July 3, 1973 (38 FR 17789), would require that one lane on all streets and highways having three moving lanes in one direction, be set aside for exclusive bus/carpool use during the peak hours. On streets and highways having four moving lanes in one direction, one lane would be set aside for exclusive bus/carpool use 24 hours a day, and a second lane would be similarly set aside during the peak hours.

Substantial testimony at the public hearings supported the concept of converting lanes on existing highways and

streets to bus or bus/carpool lanes. However, the blanket coverage of the proposed regulation has been modified. The changes that have been made in the regulation that was proposed are: (1) Identification of the existing bus lane in the New Jersey portion of the New Jersey-New York-Connecticut Region, (2) specification of additional corridors, (3) revision of certain compliance dates to reflect the later date of the final rulemaking, (4) deletion from the regulation of Mercer County and addition of Camden County in the New Jersey portion of the Metropolitan Philadelphia Region, and (5) the addition of the requirement that the State establish an additional 50 miles of bus/carpool lanes by May 31, 1977, in the New Jersey portion of the New Jersey-New York-Connecticut Region.

Management of parking supply. Owners or operators of off-street parking facilities will be required to submit for EPA approval any plans for construction of new facilities or modification of existing parking facilities in an effort to curtail parking in areas of high carbon monoxide concentrations. In addition, this regulation provides for curtailment of on-street parking along certain streets in the central business districts of Camden, Newark, and Trenton where carbon monoxide levels have been determined to exceed the ambient air quality standards.

Gas limitation regulations. The proposal to limit the sale of gasoline in 1974 to fiscal year 1973 levels has been eliminated, and several other regulations to reduce VMT have been included instead. A contingency regulation is included for 1977, to limit gasoline sales only to the extent necessary to attain the national ambient air quality standards, to ensure that the requirements of section 110(e) of the Act will be met.

Limited access program. Testimony presented by the New Jersey Department of Environmental Protection at the public hearings on the EPA proposal emphasized the State's view that the types of strategies employed to achieve the ambient air quality standards for carbon monoxide should be different from those used to provide for achievement of the standard for photochemical oxidants. However, recent air quality data for the New Jersey portion of both the New Jersey-New York-Connecticut and the Metropolitan Philadelphia Regions indicate that the carbon monoxide problem is more extensive than it was originally thought to be.

Since in the Metropolitan Philadelphia Region, the retrofit measure will not provide the needed reduction in the City of Trenton, additional reduction will be required. This rulemaking includes a regulation for limiting the access of vehicles to the critical area of the Trenton CBD.

Employees provisions for mass transit priority incentives. This measure is included in the final rulemaking as an incentive to employees to form carpools for commuting to and from their place of employment. The regulation does provide an alternative. Each employer can submit an alternative plan of equivalent stringency. This plan must be submitted to the Administrator prior to April 1, 1974.

Carpool matching and promotion system. This system with the requirements for mass transit priority incentive for employees is designed to promote the use of carpools as a viable form of transportation. This system will be available for use in the major urban areas of the affected Regions—Newark in the New Jersey-New York-Connecticut Region and Camden and Trenton in the Metropolitan Philadelphia Region.

The State is required to establish the system; its use by daily commuters will be voluntary.

Semiannual reporting of reductions in VMT. This measure is included in the final rulemaking to provide for monitoring the reductions that will result from the application of these regulations to mobile sources. This reporting of the reductions will allow EPA sufficient time to measure the effectiveness of the regulations. It will further provide the data upon which EPA will determine the extent to which any gasoline limitation program may have to be implemented.

These reports are required to be in a format similar to that specified in Appendix M to 40 CFR Part 51 (38 FR 15196).

Control strategy for stationary sources. The reductions in hydrocarbons that have been determined to be necessary for achievement of the standards for photochemical oxidants in the New Jersey portion of the New Jersey-New York-Connecticut AQCR require the application of stringent control technology for both mobile and stationary sources. The regulation proposed by EPA on July 3, 1973, did not fully reflect this need for application of the best control technology available.

In developing final regulation for stationary sources, EPA has made every effort to conform, wherever possible, to actions that the State presently plans to undertake in the control of stationary hydrocarbon sources. It was recognized, for example, that neither the State nor EPA has the kind of inventory that contains sufficient details on the composition of hydrocarbon materials in the Regions to determine the reductions obtainable from a selective control program based on photochemical reactivity. As a result, the final regulations are based upon information submitted by the State of New Jersey that reflects the need for a program based on control of total nonmethane hydrocarbons. The format of final EPA regulation contained in this action has been changed to reflect the structure of a draft regulation developed by the State of New Jersey for proposal later this year.

The stationary source regulations have been extended to the New Jersey portion of the Metropolitan Philadelphia Region. This is necessary because the problem is more severe than it was originally determined to be.

Because there is clear evidence that the program to control hydrocarbons might be barely sufficient to provide for attainment of the national ambient air quality standards for photochemical oxidants, both the State and EPA must scrutinize closely future land-use practices in order to control the growth of stationary sources.

Tables 3 through 7 present a summary of each element of the final strategy for the areas in question. Since the proposed plans were published, the emissions inventory has been improved, including the use of updated automotive emission factors. (See *An Interim Report on Motor Vehicle Emission Estimation*, EPA 450/2-73-003 dated October 1973.)

TABLE 3.—*Effects of hydrocarbon control in New Jersey-New York-Connecticut AQCR—May 31, 1977*

Strategy	Tons per year (24-hour period)	Effects	
		Tons per year (6-11 a.m. period)	Percent reduction due to each measure (Col. 2)
Stationary source emissions without control strategy	116,310	24,231	
Expected reductions:			
Control of petroleum storage tanks	42,723	8,886	8.9
Control of solvent emissions from dry cleaning	7,167	1,491	1.5
Gasoline marketing vapor controls	10,074	2,095	2.1
Other stationary source controls	8,229	1,712	1.7
Emissions remaining	48,117	10,047	
Aircraft emissions without control strategy	17,575	3,656	
Expected reductions	0	0	
Emissions remaining	17,575	3,656	
Mobile source emissions without control strategy	294,982	72,039	
Expected reductions:			
FMVCP-LDV's	129,200	26,892	26.9
FMVCP-HDV's	3,578	1,789	1.8
Inspection/Maintenance-LDV's	8,258	1,718	1.7
Inspection/Maintenance-MDV's	850	425	0.4
EGR-Airbleed retrofit-LDV's	9,414	1,958	2.0
Oxidizing catalyst retrofit-LDV's	11,149	2,319	2.3
Retrofit-MDV's	1,417	295	0.3
Exclusion in delivery trips	0	10,759	10.8
Reduction in VMT	[1] 55,192	[2] 6,611	6.6
Emissions remaining	75,834	19,273	
Total emissions without control strategy	428,867	99,926	
Total reductions	287,341	66,959	67.0
Emission reduction required			67.0

[1] Equates to a 58 percent VMT reduction.
[2] Equates to a 34 percent VMT reduction.

TABLE 4.—*Effects of hydrocarbon controls in Metropolitan Philadelphia AQCR—May 31, 1977*

Strategy	Effects	
	Tons per year	Percent reduction
Mobile source emissions without controls	85,892	
Expected reductions:		
FMVCP-LDV's	37,640	31.8
FMVCP-HDV's	1,217	1.0
Inspection/maintenance	2,217	1.9
EGR-Airbleed retrofit-LDV's	2,352	2.0
Oxidizing catalyst retrofit-LDV's	3,162	2.7
VMT reduction (15 percent)	4,233	3.6
Emissions remaining	35,071	
Aircraft emissions without controls	1,809	
Expected reductions		
Emissions remaining	1,809	
Stationary source emissions without controls	30,500	
Expected reductions:		
Gasoline marketing vapor controls	3,334	2.8
Control of solvent emissions	1,399	1.2
Emissions remaining	25,767	
Total emissions without control strategy	118,201	
Total reductions	55,554	
Total emissions remaining	62,647	47.0
Emission reduction required		47.0

TABLE 5.—*Effects of carbon monoxide control in New Jersey-New York-Connecticut AQCR (Essex County), Aug. 1, 1976*

Strategy	Effects	
	Tons per year	Percent reduction
Mobile source emissions without control strategy	240,600	
Expected reductions:		
FMVCP-LDV's	74,310	29.4
FMVCP-HDV's	−3,312	−1.3
Inspection/maintenance-LDV's	10,914	4.3
EGR-Airbleed retrofit	37,077	14.6
VMT reduction		
Emissions remaining	121,710	
Aircraft emissions without control strategy	9,881	
Expected reductions	0	
Aircraft emissions remaining	9,881	
Stationary source emissions without control strategy	2,593	
Expected reductions	0	
Emissions remaining	2,593	
Total emission without control strategy	253,173	
Total reductions	118,989	47.0
Total emissions remaining	134,184	
Emission reduction required		47.0

TABLE 6.—*Effects of carbon monoxide control in metropolitan Philadelphia AQCR (Camden County), Aug. 1, 1976*

Strategy	Effects	
	Tons per year	Percent reduction
Mobile source emissions without control strategy	140,938	
Expected reductions:		
FMVCP-LDV's	43,310	30.4
FMVCP-HDV's	−1,922	−1.4
Inspection/maintenance-LDV's	6,357	4.5
EGR-Airbleed retrofit	21,608	15.2
VMT reduction		
Emissions remaining	71,585	
Aircraft emissions without control strategy	None	
Expected reductions		
Aircraft emissions remaining		
Stationary source emission without control strategy	1,400	
Expected reductions	0	
Stationary source emissions remaining	1,400	
Total emissions without control strategy	142,341	
Total reductions	69,353	48.7
Total emissions remaining	81,134	
Emissions reduction required		43.0

TABLE 7.—*Effects of carbon monoxide control in metropolitan Philadelphia AQCR (Mercer County), May 31, 1977*

Strategy	Effects	
	Tons per year	Percent reduction
Mobile source emissions without control strategy	103,800	
Expected reductions:		
FMVCP-LDV's	35,845	32.5
FMVCP-HDV's	−1,795	−1.6
Inspection/maintenance-LDV's	4,625	4.2
EGR-Airbleed retrofit-LDV's	15,280	13.8
Oxidizing catlytic retrofit-LDV's	6,924	6.3
Limited access program	16,383	14.8
Emissions remaining	26,538	
Aircraft emissions without control strategy	5,499	
Expected reductions	0	
Aircraft emissions remaining	5,499	
Stationary source emissions without control strategy	1,076	
Expected reductions	0	
Emissions remaining	1,076	
Total emissions without control strategy	110,375	
Total reductions	77,262	70.0
Total emissions remaining	33,113	
Emission reduction required		70.0

ECONOMIC IMPACT

A complete quantitative assessment of the economic impact of the plan on the community has not been possible because of the complexities that arise when strategies to reduce vehicle miles traveled are promulgated. An analysis of the costs of the various hardware strategies to be used on mobile sources has been completed in some detail, however.

The cost for an inspection, made when the vehicle is at idle, should be approximately $2 per vehicle. The cost of maintaining the vehicle's engine at proper adjustment could be as high as $20 to $30 per year; however, these maintenance costs would normally be incurred by the motorist for proper operation of the automobile.

The catalytic retrofit has an installed cost of approximately $135 per vehicle, with the catalyst needing replacement every 25,000 miles at an additional estimated cost of $20 to $30 per vehicle. The cost associated with lower fuel economy is estimated at $0.30 per 1,000 miles driven.

An EGR–Airbleed retrofit device is required on all pre-1971 model year light-duty vehicles. The installed cost is between $40 and $60 with a loss of gasoline consumption of $0.90 per 1,000 miles driven.

To control hydrocarbon vapors at gas stations, two stages of control are required. Stage I, which includes a tank truck retrofit and storage tank modification, will control 90 percent of the vapors emitted during transfer of fuel from tank truck to storage tank. The cost of Stage I is estimated at $460 per gas station. Stage II, which involves installation of a standardized filler nozzle, will reduce vapors emitted during transfer of gas from storage tank to vehicle fuel tank. Stage II will control 90 percent of the vapors by 1977 at the cost of $5,000 per gas station.

Positive benefits will be realized from these transportation control measures. The primary ones will be the improvement and expansion of mass transit, a decrease in congestion in urban areas, and less consumption of gasoline.

The technical document that supports the selection of these control measures is available for inspection at the U.S. Environmental Protection Agency, Region II Office, Office of Public Affairs, 26 Federal Plaza, New York, New York 10007, and the U.S. Environmental Protection Agency, Office of Public Affairs, Room W323, 401 M Street SW., Washington, D.C. 20460.

This notice of final rulemaking is issued under the authority of sections 110 (c) and 301(a) of the Clean Air Act (42 U.S.C. 1857c–5(c) and 1857g).

Dated: November 1, 1973.

JOHN QUARLES,
Acting Administrator.

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

Subpart FF—New Jersey

1. Section 52.1572 is amended by adding paragraph (b) as follows:

§ 52.1572 Extensions.

* * * * *

(b) The Administrator hereby extends for 14 months the attainment date for the national standards for carbon monoxide and for 2 years for photochemical oxidants in the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region and for 2 years the attainment date for the national standards for carbon monoxide and photochemical oxidants in the New Jersey portion of the Metropolitan Philadelphia Interstate Region.

2. Section 52.1580 is revised to read as follows:

§ 52.1580 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information in New Jersey's plan, except where noted.

Air quality control region	Pollutants						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
New Jersey-New York-Connecticut Interstate.	a	c	a	c	d	(1)	b
Metropolitan Philadelphia Interstate.	a	c	a	c	d	b	b
Northeast Pennsylvania-Delaware Valley Interstate.	a	a	d	d	d	a	d
New Jersey Intrastate	d	d	a	a	d	a	d

[1] Aug. 1, 1976.

NOTE: Dates or footnotes which are underlined are prescribed by the Administrator because the plan did not provide a specific date or the date provided was not acceptable.

a. May 31, 1975.
b. May 31, 1977.
c. 18-month extension granted.
d. Air quality levels presently below secondary standards.

§ 52.1581 [Reserved]

3. Section 52.1581 is revoked and reserved as follows:

4. Subpart FF is amended by adding the following sections:

§ 52.1583 Regulation for annual inspection and maintenance.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb GVW or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW.

(4) All other terms used in this paragraph that are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings therein defined.

(b) This section is applicable in the New Jersey portion of the New Jersey-New York-Connecticut AQCR for light- and medium-duty vehicles, and applicable in the New Jersey portion of the Metropolitan Philadelphia AQCR for light-duty vehicles only.

(c) The State of New Jersey shall continue to administer and enforce its own inspection and maintenance program in effect on the date of promulgation of this section, and, in addition, shall establish an inspection and maintenance program applicable to all light-duty and medium-duty vehicles registered in the Regions that operate on streets and highways over which it has ownership or control in conformity with the requirements of this section. No later than April 1, 1974, the State shall submit legally adopted regulations to the Administrator for such a program. The State may exempt any class or category of vehicles which the State finds are rarely used on public streets and highways (such as classic or antique vehicles). The regulations shall include:

(1) Provisions for inspection of all such motor vehicles at periodic intervals at least once each year by means of the test in use by the State on the date of promulgation of this section or such other type of test as may be approved by the Administrator.

(2) Provisions for inspection failure criteria consistent with the failure of 30 percent of the vehicles tested during the first inspection cycle.

(3) Provisions to require that failed vehicles receive, within 2 weeks, the maintenance necessary to achieve compliance with the inspection standards. These provisions shall include sanctions against non-complying individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to insure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement, such as a spot check of idle adjustment, to insure that, following maintennace, vehicles are not subsequently readjusted or modified in such a way as would cause them no longer to comply with the inspection standards. This program shall include appropriate penalties for violation.

(5) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) Commencing January 1, 1975, the State shall not register or allow to operate on its highways any light-duty vehicle or medium-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) Commencing January 1, 1975, no owner of a light-duty or medium-duty vehicle shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The State of New Jersey shall submit, no later than February 1, 1974, a detailed compliance schedule showing the steps it will take (or has taken) to establish and enforce a state-operated inspection and maintenance program pursuant to paragraph (c) of this section, including the text of any adopted legislation and any needed regulations that it will propose for adoption. The compliance schedule shall also include:

(1) The date by which the State will recommend any needed legislation to the State legislature;

(2) The date by which any additional necessary equipment will be ordered;

(3) A statement from the Governor and State Treasurer identifying the sources and amounts of funds for the program. If funds cannot be legally obligated under existing statutory authority, the text of needed legislation must be submitted.

§ 52.1584 Exhaust gas recirculation retrofit.

(a) Definitions:

(1) "Exhaust gas recirculation (EGR)-airbleed" means a system or device (such as a modification to the engine's carburetor or positive crankcase ventilation system) which results in engine operation at an increased air-fuel ratio so as to achieve reductions in exhaust emissions of hydrocarbons and carbon monoxide from 1970 and earlier light-duty vehicles of at least 25 percent and 50 percent, respectively.

(2) "Medium-duty, gasoline-powered vehicle" means any motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW and powered by a gasoline-burning engine.

(3) "Antique motor vehicles" shall be those motor vehicles so defined by the New Jersey Department of Motor Vehicles.

(4) All other terms used in this section that are defined in Appendix N of Part 51 of this chapter are used herein with the meanings so defined.

(b) This section is applicable in the New Jersey portion of the New Jersey-New York-Connecticut AQCR for light- and medium-duty vehicles, and applicable in the New Jersey portion of the Metropolitan Philadelphia AQCR for light-duty vehicles only.

(c) The State of New Jersey shall establish a retrofit program to ensure that on or before August 1, 1976, all gasoline-powered, light-duty and medium-duty vehicles of model years prior to 1971 that are subject under presently existing legal requirements for registration in the area defined in paragraph (b) of this section are equipped with an appropriate EGR-airbleed device, or other device as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as the EGR-airbleed device. No later than July 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of any agency responsible for ensuring that the provisions of devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) A provision requiring that no later than August 1, 1976, no vehicle for which retrofit is required under this section shall pass the annual emissions test provided for by § 52.1583 of this chapter as a prerequisite to annual registration unless it has first been equipped with an approved EGR-airbleed device, or other approved device that the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(4) Procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(d) After August 1, 1976, the State shall not register or allow to operate on its streets or highways any light-duty or medium-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After August 1, 1976, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the

applicable standards and procedures implementing this section.

(f) The State of New Jersey may exempt any class or category of vehicles which the State finds is rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that EGR-airbleed devices are not commercially available.

(g) The State of New Jersey shall submit to the Administrator, no later than February 15, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations that it will propose for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1974.

§ 52.1585 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device that uses a catalyst installed in the exhaust system of a vehicle and, if necessary, includes an air pump to reduce emissions of hydrocarbons and carbon monoxide by 50 percent from that vehicle.

(2) "Medium-duty, gasoline-powered vehicle" means any motor vehicle rated at more than 6,000 lb GVW and less than 10,000 lb GVW and powered by a gasoline-burning engine.

(3) All other terms used in this section that are defined in Appendix N to Part 51 of this chapter are used herein with the meanings so defined.

(b) This section is applicable in the New Jersey portion of the New Jersey-New York-Connecticut AQCR for light- and medium-duty vehicles, and applicable in the New Jersey portion of the Metropolitan Philadelphia AQCR for light-duty vehicles only.

(c) The State of New Jersey shall establish a retrofit program to ensure that on or before May 31, 1977, certain gasoline-powered, light-duty and medium-duty vehicles of model years 1971 through 1974, that are able to operate on 91 RON gasoline, and that are subject under presently existing legal requirements to registration in the area defined in paragraph (b) of this section are equipped with an appropriate oxidizing catalyst retrofit device or other device as approved by the Administrator, that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as an oxidizing catalytic converter. No later than March 1, 1974, the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving such devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (c)(3) of this section are enforced.

(3) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emissions test provided for by § 52.1583 of this chapter as a prerequisite to annual registration unless it has first been equipped with an approved oxidizing catalyst retrofit or other approved retrofit device that the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(4) Procedures for ensuring that those installing the retrofits have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(d) After May 31, 1977, the State shall not register or allow to operate on its streets or highways any light-duty or medium-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section.

(e) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

(f) The State of New Jersey shall submit to the Administrator, no later than February 15, 1974, a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to paragraph (c) of this section, including the text of needed statutory proposals and needed regulations that it will propose for adoption. The compliance schedule shall also include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than September 30, 1975.

§ 52.1586 Prohibition of delivery program.

(a) This section is applicable in the New Jersey portion of the New Jersey-New York-Connecticut Interstate Air Quality Control Region.

(b) Beginning May 1, 1975, the State of New Jersey, all counties in the region, and any incorporated communities located within these counties shall prohibit the pick-up and delivery of goods by all commercially registered gasoline-powered vehicles during the period 6 a.m. to 11 a.m., Monday through Friday, excluding legal holidays, from May 1 through September 30, each year on the streets or highways over which they have control. No later than August 1, 1974, each affected governmental entity shall submit to the Administrator legally adopted regulations establishing such a prohibition program. At a minimum, such regulations must provide that a vehicle making pick-ups and deliveries in violation of the prohibition shall be towed away and the owner and/or operator of such vehicle shall be fined not less than $100 per violation.

(c) The governmental entities subject to this section shall submit to the Administrator, no later than July 1, 1974, detailed compliance schedules showing the steps they will take to establish and enforce the pick-up and delivery prohibition program, including the statutory proposals and needed regulations that they will propose for adoption. The compliance schedule shall include the date by which the governmental entities will recommend needed legislation to the appropriate body and will identify the state, county, or city officer responsible for enforcement. Each such governmental entity may propose exemptions for specifically identified essential and emergency pick-ups and deliveries, which exemptions shall be subject to approval by the Administrator.

(d) Commencing May 1, 1975, no owner or operator of any commerically registered vehicle shall make any pick-up or delivery or permit a pick-up or delivery in violation of the prohibition program established by paragraph (b) of this section.

§ 52.1587 Regulation limiting on-street parking.

(a) Definitions:

(1) "On-street parking" means stopping a motor vehicle on any street, highway, or roadway (except for legal stops) at or before intersections and as caution and safety require, whether or not a person remains in the vehicle.

(2) "Central Business District (CBD)" shall be defined as each area specified in paragraph (e) of this section.

(b) Beginning on or before May 1, 1974, the State of New Jersey together with the cities and towns designated in paragraph (e) of this section and other political or administrative subdivisions of the State shall prohibit on-street parking on all streets, highways, and other roads within each CBD as defined in paragraph (e) of this section over which they have ownership or control. Such prohibition shall be in effect, as a minimum, during the hours of 6 to 10 a.m. and 4 to 6 p.m., except on Saturdays, Sundays, and legal holidays. No later than March 1, 1974, each affected government entity shall submit to the Administrator legally adopted regulations establishing such a program. At a minimum, such regulations must provide that a vehicle parked in violation of the prohibition shall be towed away, and the owner and/or operator of such vehicle shall be fined not less than $50 for each violation.

(c) Commencing May 1, 1974, no owner of a motor vehicle shall park, or permit the parking of, said vehicle on a street or roadway within any CBD defined in paragraph (e) of this section.

(d) The governmental entities subject to this section shall submit to the Administrator, no later than January 1, 1974, detailed compliance schedules showing the steps they will take to establish and enforce the on-street parking limitation program, including statutory proposals and needed regulations that

they will propose for adoption. Each compliance schedule shall include the date by which the governmental entities will recommend needed legislation to the appropriate body and will identify the state, county, or city officer responsible for enforcement. Each governmental entity may propose exemptions for vehicles owned by residents that are parked within 0.5 miles of the owner's residence, if such on-street parking is made necessary by the lack of other parking facilities, and if such parking is on a minor street that carries a low volume of traffic during the time of day the prohibition is in effect. All such exemptions shall be subject to the Administrator's approval.

(e) For purposes of this section, the CBD's for each of the following cities shall be:

(1) Camden: From the intersection of U.S. Route 30 and Mickle Street, proceed west on Mickle Street to the Delaware River. From the intersection of Linden Street and U.S. Route 30, proceed west on Linden Street to 10th Street, north on 10th Street to State Street, and west on State Street to the Delaware River. The Delaware River forms the remaining boundaries. Streets forming boundaries shall be included in the CBD.

(2) Newark: From the intersection of McCarter Highway and State Highway 58, south on McCarter Highway to Chestnut Street, east on Chestnut Street across Broad Street onto Crawford Street to High Street, north on High Street to State Highway 58, and east on State Highway 58 to its intersection with McCarter Highway. Streets forming boundaries shall be included in the CDB.

(3) Trenton: The area east of Calhoun Street and west of the Trenton Freeway; the northern boundary is along Broad Street from the Trenton Freeway along Pennington Avenue to Calhoun Street; the southern boundary is the John Fitch Parkway from Calhoun Street to the Trenton Freeway. Streets forming boundaries shall be included in the CBD.

§ 52.1588 Management of parking supply.

(a) Definitions:

(1) All terms used in this section but not specifically defined below have the meaning given them in Parts 51 and 52 of this chapter.

(2) "Parking facility" (also called "facility") means a lot, garage, building or structure, or combination or portion thereof, in or on which motor vehicles are temporarily parked.

(3) "Vehicle trip" means a single movement by a motor vehicle that originates or terminates at a parking facility.

(4) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land, buildings, structures or portion thereof, for use as a facility.

(5) "Modification" means any change to a parking facility that increases or may increase the motor vehicle capacity of or the motor vehicle activity associated with such parking facility.

(6) "Commence" means to undertake a continuous program of on-site construction or modification.

(b) This regulation is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia AQCR's.

(c) The requirements of this section are applicable to the following parking facilities in the areas specified in paragraph (b), the construction or modification of which is commenced after August 15, 1973:

(1) Any new parking facility with parking capacity for 50 or more motor vehicles;

(2) Any parking facility that will be modified to increase parking capacity by 50 or more motor vehicles; and

(3) Any parking facility constructed or modified in increments which individually are not subject to review under this section, but which, when all such increments occurring since August 15, 1973, are added together as a total would subject the facility to review under this section.

(d) No person shall commence construction or modification of any facility subject to this section without first obtaining written approval from the Administrator or an agency designated by him; provided, that this paragraph shall not apply to any proposed parking facility for which a general construction contract was finally executed by all appropriate parties on or before August 15, 1973.

(e) No approval to construct or modify a facility shall be granted unless the applicant shows to the satisfaction of the Administrator or agency approved by him that:

(1) The design or operation of the facility will not cause a violation of the control strategy which is part of the applicable implementation plan, and will be consistent with the plan's VMT reduction goals.

(2) The emissions resulting from the design or operation of the facility will not prevent or interfere with the attainment or maintenance of any national ambient air quality standard at any time within 10 years from the date of application.

(f) All applications for approval under this section shall include the following information:

(1) Name and address of the applicant.

(2) Location and description of the parking facility.

(3) A proposed construction schedule.

(4) The normal hours of operation of the facility and the enterprises and activities that it serves.

(5) The total motor vehicle capacity before and after the construction or modification of the facility.

(g) All applications under this section for new parking facilities with parking capacity for 250 or more vehicles, or for any modification which, either individually or together with other modification since August 15, 1973, will increase capacity by that amount, shall, in addition to that information required by paragraph (f) of this section, include the following information unless the applicant has received a waiver from the provisions of this paragraph from the Administrator or agency approved by him:

(1) The number of people using or engaging in any enterprises or activities that the facility will serve on a daily basis and a peak hour basis.

(2) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projection shall include data concerning the availability of mass transit from such areas.

(3) An estimate of the average and peak hour vehicle trip generation rates, before and after construction or modification of the facility.

(4) An estimate of the effect of the facility on traffic pattern and flow.

(5) An estimate of the effect of the facility on total VMT for the air quality control region.

(6) An analysis of the effect of the facility on site and regional air quality, including a showing that the facility will be compatible with the applicable implementation plan, and that the facility will not cause any national air quality standard to be exceeded within 10 years from date of application. The Administrator may prescribe a standardized screening technique to be used in analyzing the effect of the facility on ambient air quality.

(7) Additional information, plans, specifications, or documents required by the Administrator.

(h) Each application shall be signed by the owner or operator of the facility, whose signature shall constitute an agreement that the facility shall be operated in accordance with applicable rules, regulations, permit conditions, and the design submitted in the application.

(i) Within 30 days after receipt of an application, the Administrator or agency approved by him shall notify the public, by prominent advertisement in the Region affected, of the receipt of the application and the proposed action on it (whether approval, conditional approval, or denial), and shall invite public comment.

(1) The application, all submitted information, and the terms of the proposed action shall be made available to the public in a readily accessible place within the affected air quality control region.

(2) Public comments submitted within 30 days of the date such information is made available shall be considered in making the final decision on the application.

(3) The Administrator or agency approved by him shall take final action (approval, conditional approval, or denial) on an application within 30 days after close of the public comment period.

§ 52.1589 Preferential bus/carpool treatment.

(a) Definitions:

(1) For purposes of this section, "carpool" means a motor vehicle containing three or more persons.

(2) "Bus/carpool lane" means a lane on a street or highway open only to buses (or buses and carpools), whether constructed especially for that purpose or converted from existing lanes.

(b) The provisions of this section apply to the New Jersey portion of the New Jersey-New York-Connecticut Interstate AQCR and the New Jersey portion of the Metropolitan Philadelphia AQCR.

(c) Each appropriate governmental entity shall establish bus/carpool lanes on the following highways or traffic flow corridors over which it has ownership or control:

(1) Interstate Route 495 from the New Jersey Turnpike to the Lincoln Tunnel.

(2) New Jersey Route 3 from the New Jersey Turnpike to the intersection of New Jersey Route 3 and New Jersey Route 46.

(3) U.S. Route 30 and New Jersey Route 155 from the Benjamin Franklin Bridge to the intersection of New Jersey Route 130 and U.S. Route 30.

(4) The corridor from the George Washington Bridge to Paterson, New Jersey.

(d) Each affected governmental entity shall submit to the Administrator, no later than March 1, 1974, a detailed compliance schedule showing the steps which it will take to establish bus/carpool lanes on those highways and traffic flow corridors hereinbefore identified and to enforce the limitations on their use. Each schedule shall be subject to approval by the Administrator and shall be designated for the use of bus/carpool lanes.

(e) Bus/carpool lanes must be operational at a minimum between the hours of 6:30 to 9:30 a.m. and 3:30 to 6:30 p.m.

(f) Bus/carpool lanes must be prominently indicated by distinctively painted lines, pylons, overhead signs, or physical barriers. Twenty-five percent of the lanes for each of the governmental entities must be established and fully operational by August 1, 1974; 50 percent by December 1, 1974; 75 percent by February 1, 1975; and 100 percent by May 1, 1975.

(g) On any street or highway identified in paragraph (c) of this section, or on the street or highway designated for bus/carpool use in the George Washington Bridge-Paterson corridor, no existing emergency lane or lane used for on-street parking shall be converted for bus/carpool use or general traffic use unless as a consequence two lanes shall thereby be open only to buses and/or carpools on that portion of the street or highway where such conversion is effective.

(h) In addition to the bus/carpool lanes required to be created by paragraph (c) of this section, the State of New Jersey shall establish in the New Jersey portion of the New Jersey-New York-Connecticut Interstate AQCR, no later than May 31, 1977, an additional system of bus/carpool lanes totalling not less than 50 miles running in each direction. No later than January 1, 1976, the State shall submit to the Administrator for approval as to form and substance a detailed compliance schedule showing the steps it will take to establish, enforce, and maintain such a system.

(i) A signed statement by the chief executive officer of each affected governmental entity or his designee shall be submitted to the Administrator on or before March 1, 1974, to identify the source and amount of funds for allocation required by this section; provided, that such a statement relating to the additional system required by paragraph (h) of this section shall be submitted no later than January 1, 1976.

(j) Each affected governmental entity shall submit to the Administrator, no later than August 1, 1974, legally adopted regulations to implement and enforce the provisions of this section; provided, that such regulations relating to the additional system required by paragraph (h) of this section shall be submitted no later than January 1, 1976.

§ 52.1590 Employer's provision for mass transit priority incentives.

(a) Definitions:

(1) "Carpool" means a vehicle containing two or more persons.

(2) "Commercial parking rate" means the average daily rate charged by the three operators of commercial parking facilities containing 100 or more commercial parking spaces which are closest in location to any employee parking space affected by this section.

(3) "Employer" means any person or entity that employs 50 or more persons. "Employee parking space" means any parking space reserved or provided by any employer for the exclusive use of his employees.

(b) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate AQCRs (the "Regions").

(c) Each employer who maintains 70 or more employee parking spaces in the Regions shall, commencing on the dates listed below, charge no less than the following specified daily rate for the use of any such employee parking space by employees driving to work and not traveling in carpools:

Effective date:	*Daily commercial parking rate plus:*
July 1, 1974	$1.00
July 1, 1975	2.00
July 1, 1976	2.50

No employer may charge employees traveling to work by 2-person carpool more than half the parking rate specified for non-carpool vehicles by this table. Carpools of three or more shall be allowed to park free of charge and shall be allocated the spaces closest to the employment facility. Any net revenues derived from this surcharge program by an employer shall be used to subsidize his employees' use of mass transit.

(d) Each employer subject to an obligation under paragraph (c) of this section shall on the first date such an obligation becomes effective:

(1) Institute a program of reimbursing employees for their expenses in utilizing mass transit. However, such reimbursements need not exceed $200 per year per employee.

(2) Take all reasonable steps to encourage employees to commute to work by subscription charter bus or other available mass transit facilities.

(e) Each employer subject to an obligation under paragraph (c) of this section shall, at least three months prior to the effective date of any such obligation, submit to the Administrator a detailed compliance schedule setting forth the steps he will take to meet those requirements. The compliance schedule shall include a procedure for checking vehicles to see whether or not they are carpool vehicles and procedure for collecting the fees required to be collected hereunder, for disbursing any sums to individual employees in compensation for their use of mass transit, and for ensuring that such disbursements are used only for that purpose. It shall specify the steps that will be taken to determine the commercial parking rate for each affected employment center and to encourage use of available mass transit facilities.

(f) Any employer subject to this section may, on or before April 1, 1974, submit to the Administrator an alternative plan which will provide the same or greater incentive for employees to utilize carpools and mass transit for commuting to and from work as paragraphs (c) and (d) of this section provide, within the same time limitations as such paragraphs provide. If approved by the Administrator, the plan will be applicable to such employer in lieu of paragraphs (c) and (d) of this section.

(g) In order to be approvable by the Administrator, such alternative plan shall contain procedures whereby the employer will supply the Administrator with semiannual certified reports that shall show, at a minimum, the following information:

(1) The number of employees at each of the employer's facilities within the Regions on October 15, 1973, and as of the date of the report;

(2) The number of free and non-free employee parking spaces provided by the employer at each such employment facility on October 15, 1973, and as of the date of the report;

(3) The number of employees regularly commuting to and from work by private automobile, carpool, and mass transit at each such employment facility on October 15, 1973, and as of the date of the report; and

(4) Such other information as the Administrator may prescribe.

(h) If, after the Administrator has approved an alternative plan, the employer fails to submit any reports in full compliance with paragraph (g) of this section, or if the Administrator finds that any such report has been intentionally falsified, or if the Administrator determines the alternative plan is not, in operation, providing the same incentive for employee use of carpool and mass transit as paragraphs (c) and (d) of this section, the Administrator may revoke the

approval of such alternative plan, and the provisions of paragraphs (c) and (d) of this section shall then apply to such employer.

§ 52.1591 Regulation for a vehicle free zone.

(a) "Vehicle free zone" means a zone in which all motor vehicles are prohibited.

(b) The City of Trenton shall establish and maintain a vehicle free zone on State Street between Willow and Stockton Streets to be in effect no later than May 31, 1975

(c) The City of Trenton shall submit to the Administrator, no later than March 1, 1974, a detailed compliance schedule showing the steps it will take to establish, maintain, and enforce the vehicle free zone required by paragraph (b) of this section, including any needed ordinances and regulations which it will propose for adoption. The compliance schedule shall identify the official responsible for enforcement of the regulations and shall set forth the penalties to be imposed for violations. The City of Trenton may propose limited exemptions for specifically identified essential and emergency vehicle trips, which exemptions shall be subject to the Administrator's approval.

(d) On or before August 1, 1974, the City of Trenton shall submit to the Administrator legally adopted regulations to carry out the provisions of this section.

§ 52.1592 Regulation for gasoline limitation.

(a) Definitions:

(1) "Distributor" means any person or entity which transports or stores or causes the transportation or storage of gasoline between any refinery and any retail outlet.

(2) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the public, or introduced into any vehicle.

(b) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate AQCR's (hereafter referred to as the Regions), to all distributors of gasoline to any retail outlet in the Regions, and to all owners and operators of all retail outlets in the Regions.

(c) If the Administrator determines, on the basis of air quality monitoring in the Regions, that the national standard for photochemical oxidants in the New Jersey portion of the New Jersey-New York-Connecticut AQCR, or that the national standards for carbon monoxide and photochemical oxidants in the New Jersey portion of the Metropolitan Philadelphia AQCR will not be met by May 31, 1977, the Administrator shall implement a program, to be effective no later than May 31, 1977, limiting the total gallonage of gasoline delivered to retail outlets to that amount which, when combusted, will not result in such ambient air quality standards being exceeded.

(d) All distributors to which this section applies shall provide the Administrator with a detailed annual accounting of the amount of gasoline delivered to each retail outlet in the Regions for calendar year 1976, and for each calendar year during which the gasoline limitation programs is in effect. The owner or operator of each retail outlet to which this section applies shall provide the Administrator with a detailed accounting of gasoline received from each distributor, the total amount of gasoline sold during the year, and the amount of gasoline on hand at the beginning and end of the year, for each year during which the gasoline limitation program is in effect. All accountings required by this section shall be provided no later than 90 days after the end of the applicable year. The Administrator may require any other reports that he may deem necessary for the implementation of this section.

§ 52.1593 Monitoring transportation mode trends.

(a) This section is applicable to the New Jersey portion of the New Jersey-New York-Connecticut Interstate AQCR and the New Jersey portion of the Metropolitan Philadelphia Interstate AQCR.

(b) The State of New Jersey or a designated agency approved by the Administrator shall monitor the actual per vehicle emission reductions occurring as a result of retrofit devices and inspection and maintenance programs required under §§ 52.1583–1585, and the observed changes in vehicle miles traveled (VMT) and average vehicle speeds as a result of traffic flow changes and reductions in vehicle use required under §§ 52.1586–1592, and § 52.1600.

(c) No later than March 1, 1974, the State shall submit to the Administrator a detailed program demonstrating compliance with paragraph (b) of this section in accordance with 40 CFR § 51.19 (d). The program description shall include the following:

(1) The agency or agencies responsible for conducting, overseeing and maintaining the monitoring program.

(2) The administrative process to be used.

(3) A description of the methods to be used to collect the emission reduction/VMT reduction/vehicle speed data, including a description of any modeling techniques to be employed.

(4) The funding requirements, including a signed statement from the Governor or State Treasurer or their respective designees identifying the sources and amount of funds for the program.

(d) All data obtained by the monitoring program shall be included in the quarterly report submitted to the Administrator by the State, as required by 40 CFR § 51.7, in the format prescribed in Appendix M, 40 CFR Part 51. The first quarterly report shall cover the period January 1–March 31, 1975.

§ 52.1594 Storage of volatile organic liquids.

(a) Definitions:

(1) "Volatile organic liquid" means any organic liquid having a vapor pressure of 0.5 pound per square inch absolute (psia) or greater at standard conditions including but not limited to petroleum crudes, petroleum fractions, petrochemical solvents, diluents, and thinners.

(2) "Floating roof" means a pontoon type or double-deck type roof resting on the surface of the liquid content in a storage vessel, and equipped with a mechanism providing a tight seal in the space between the roof rim and the vessel shell throughout the entire vertical travel distance of the roof, or any other floating type mechanism approved by the Administrator for the purpose of preventing air contaminants from being discharged into the ambient atmosphere.

(3) "Vapor recovery system" means a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged, and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to reduce their emissions to the atmosphere.

(4) "Pressure tank" means a tank with a safety valve and able to maintain working pressures sufficient to prevent hydrocarbon vapor or gas loss to the atmosphere, except under emergency conditions.

(5) All tank sampling devices shall be gas-tight, except when sampling is taking place. Openings for unfastened gauges shall be gas-tight except when gauging is taking place.

TABLE 1.—*Storage of volatile organic liquids*

Maximum horizontal cross-sectional area, ft²	Vapor pressure of volatile organic substances, psia at maximum temperature expected under actual storage conditions	Evaporation control device
220 or greater	0.5 to 1.5	Conservation vent device.
	1.5 to 11.0	Floating roof, pressure tank, or vapor recovery system.
	Greater than 11.0	Pressure tank or a vapor recovery system.
Greater than 100 but less than 220.	1.5 to 5.0	Conservation vent device.
	5.0 to 11.0	Floating roof.
25 to 100	8.0 to 13.0	Conservation vent device.
	Greater than 13.0.	Pressure tank or vapor recovery system.

(b) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions. Compliance with the requirements of paragraph (c) of this section shall be in accordance with the provisions of § 52.1597.

(c) No person shall store a volatile organic liquid in any stationary storage tank, reservoir, or vessel having a cross-sectional area of 25 square feet or greater unless such tank, reservoir, or vessel is equipped with an evaporation control device to prevent the emission of organic substances into the ambient air as set forth in Table 1 or other equipment of equal efficiency, provided such equipment is submitted to and approved by the Administrator.

(d) The provisions of paragraph (c) of this section shall not apply to a stationary storage tank, reservoir, or vessel:

(1) Located under ground at a depth of no less than 8 inches below the surface, or

(2) Whose contents undergo a diurnal temperature differential not in excess of 7° F.

§ 52.1595 Organic liquid loading.

(a) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Air Quality Control Regions. Compliance with paragraph (b) of this section shall be in accordance with the provisions of § 52.1597.

(b) A person shall not load organic liquids into any tank truck, trailer, or railroad tank car from any loading facility unless the loading facility is equipped with a vapor collection and disposal system, as defined in subparagraph (a)(3) of Section 52.1594, or its equivalent approved by the Administrator.

(c) Loading shall be accomplished in such a manner that all displaced vapors and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage before the loading device is disconnected. The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

(1) An adsorber system or condensation system that processes all vapors and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.

(2) A vapor handling system that directs all vapors to a fuel gas system.

(3) Other equipment of an efficiency equal to or greater than subparagraphs (1) or (2) of this paragraph, if approved by the Administrator.

(d) This section shall apply only to the loading of organic liquids, as defined in subparagraph (a)(1) of Section 52.1594, which have a vapor pressure of 1.5 psia or greater under actual loading conditions.

§ 52.1596 Volatile organic substances.

(a) Definitions:

(1) "Organic materials" means chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate and having a vapor pressure of 0.02 pounds per square inch absolute or greater at standard conditions, including but not limited to petroleum fractions, petrochemicals and solvents.

(2) "Potential emission rate" means the mass rate of air contaminants emitted or to be emitted through a stack or chimney into the outdoor air exclusive of any type of control apparatus.

(3) "Maximum allowable emission rate" means the maximum amount of an air contaminant which may be emitted into the outdoor air at any instant in time or during any prescribed interval of time.

(b) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Air Quality Control Regions. Compliance with the requirements of this section shall be in accordance with the provisions of § 52.1597, except as otherwise noted.

(c) A person shall not emit into the atmosphere organic materials, including organic solvents, from any article, machine, equipment or other contrivance unless said discharge conforms with the limitations set forth in Table 2.

(d) Emissions from any article, machine, equipment or other contrivance where the organic materials have come into contact with flame or are baked, heatcured, or heat polymerized, at temperatures of 180° F and greater in the presence of oxygen, shall be the same as those set forth in Table 2 with the following exceptions:

(1) Sources with potential emission rates between 20 lbs/hr and 50 lbs/hr shall achieve an 85 percent reduction in the potential emission rate.

(2) Sources with a potential emission rate of 20 lbs/hr or less shall have a maximum allowable emission rate of not more than 3 lbs/hr.

TABLE 2

EMISSION OF VOLATILE ORGANIC SUBSTANCES (lb/hour)

Potential Emission Rate:	*Maximum allowable emission rate*
50 or less	8
100	15
500	75
1,000	150
2,500 or greater	200

NOTE: (1) For the requirements of Table 2, the potential emission rate shall be the sum of the potential emission rates of all source operations discharging through a single stack or chimney.

(2) For a potential emission rate between any two consecutive emissions rates stated in Table 2, the maximum allowable emission rate shall be determined by linear interpolation.

(e) Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire, which emit organic materials and use operations described in this section, shall be collectively subject to compliance with this section.

(f) Emissions of organic materials to the atmosphere from the cleanup with organic materials of any article, machine, equipment, or other contrivance described in paragraph (c) of this section shall be included with the other emissions of organic materials from that article, machine, equipment, or other contrivance for determining compliance with this section.

(g) Emissions of organic materials into the atmosphere required to be controlled by paragraphs (c) and (f) of this section shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(2) Adsorption, or

(3) Other means determined by the Administrator, to be not less effective than paragraph (g) (1) or (2) of this section.

(h) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified by the authority to construct or the permit to operate, or as specified by the Administrator for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(i) Any person using organic materials or any substances containing organic materials shall supply the Administrator, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic material used.

(j) The provisions of this section shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents of material containing organic solvents.

(2) The use of equipment for which requirements are specified by § 52.1595 and § 52.1598.

(3) The spraying or other employment of insecticides, pesticides, or herbicides.

(4) The use of any material, in any article, machine, equipment, or other contrivance described for the application of surface coatings, in paragraphs (c) and (f) of this section, if:

(i) The volatile content of such material consists only of water and organic solvents, and

(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame, and

(iv) The emissions of organic solvents are not in excess of 200 pounds per hour.

(5) The use of any material, in any article, machine, equipment or other contrivance described in paragraphs (c) and (f) of this section, for the application of surface coatings, if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material, and

(ii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame, and

(iv) the emissions of organic solvents are not in excess of 200 pounds per hour.

(6) The use of any material, in any article, machine, equipment or other contrivance, described in paragraphs (c) and (f) of this section, for the application of surface coatings, if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material, and

(ii) The organic solvent of any material containing organic solvent does not come into contact with flame, and

(iii) The emissions or organic solvent are not in excess of 200 pounds per hour.

(k) For the purposes of this section, organic solvents include diluents and thinners which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(l) This section shall be effective on the date of its adoption as to any article, machine, equipment, or other contrivance not then completed and put into service. As to all other articles, machines, equipment, or other contrivances, this section shall be effective in accordance with § 52.1597.

§ 52.1597 Federal compliance schedules.

(a) Except as provided in paragraph (c) of this section, the owner or operator of any stationary source subject to the requirements of §§ 52.1594, 52.1595, and 52.1596 shall comply with the compliance schedule in paragraph (b) of this section.

(b)(1) On or before February 15, 1974, submit to the Administrator a final control plan that describes at a minimum the steps that must be taken by the source to achieve compliance with the sections cited in paragraph (a) of this section.

(2) On or before April 15, 1974, negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(3) On or before July 1, 1974, initiate on-site construction or installation of emission control equipment or process modification.

(4) On or before April 1, 1975, complete on-site construction or installation of emission control equipment or process modification.

(5) On or before May 31, 1975, achieve final compliance with the applicable sections cited in paragraph (a) of this section.

(6) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(c) Paragraph (b) of this section shall not apply to:

(1) A source which is presently in compliance with the sections cited in paragraph (a) of this section and which has certified such compliance to the Administrator by February 15, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) A source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) A source whose owner or operator submits to the Administrator, by February 15, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator such schedule shall satisfy the requirements of this section for the affected source.

(d) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

§ 52.1598 Gasoline transfer vapor control.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions.

(c) No person shall transfer gasoline from any delivery vessel into any stationary storage container with a capacity greater than 250 gallons unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a system that prevents release to the atmosphere of no less than 90 percent by weight of organic compounds in said vapors displaced from the stationary container location.

(1) The vapor recovery portion of the system shall include one or more of the following:

(i) A vapor-tight return line from the storage container to the delivery vessel and a system that will ensure that the vapor return line is connected before gasoline can be transferred into the container.

(ii) Refrigeration-condensation system or equivalent designed to recover no less than 90 percent by weight of the organic compounds in the displaced vapor.

(2) If a "vapor-tight vapor return" system is used to meet the requirements of this section, the system shall be so constructed as to be readily added on to retrofit with an adsorption system, refrigeration-condensation system, or equivalent vapor removal system, and so constructed as to anticipate compliance with § 52.1599.

(3) The vapor-laden delivery vessel shall be subject to the following conditions:

(i) The delivery vessel must be so designed and maintained as to be vapor-tight at all times.

(ii) The vapor-laden delivery vessel may be refilled only at facilities equipped with a vapor recovery system or the equivalent, which can recover at least 90 percent by weight of the organic compounds in the vapors displaced from the delivery vessel during refilling.

(iii) Gasoline storage compartments of 1,000 gallons or less in gasoline delivery vehicles presently in use on the promulgation date of this section will not be required to be retrofitted with a vapor return system until January 1, 1977.

(d) The provisions of paragraph (c) shall not apply to the following:

(1) Stationary containers having a capacity less than 550 gallons used exclusively for the fueling of implements of husbandry.

(2) Any container having a capacity less than 2,000 gallons installed prior to promulgation of this section.

(3) Transfer made to storage tanks equipped with floating roofs or their equivalent.

(e) Compliance schedule:

(1) *February 15, 1974:* Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) May 1, 1974: Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) January 1, 1975: Initiate on-site construction or installation of emission control equipment.

(4) February 1, 1976: Complete on-site construction or installation of emission control equipment.

(5) March 1, 1976: Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(f) Paragraph (e) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by February 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator by February 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after March 1, 1976. If promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(g) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (e) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(h) Any gasoline dispensing facility subject to this section which installs a storage tank after the effective date of this section shall comply with the requirements of paragraph (c) of this section by March 1, 1976, and shall comply with the requirements of paragraph (e) of this section as far as possible. Any facility subject to this section which installs a storage tank after March 1, 1976, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.1599 Control of evaporative losses from the filling of vehicular tanks.

(a) "Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

(b) This section is applicable in the New Jersey portion of the New Jersey-New York-Connecticut AQCR.

(c) A person shall not transfer gasoline to an automotive fuel tank from a gasoline dispensing system unless the transfer is made through a fill nozzle designed to:

(1) Prevent discharge of hydrocarbon vapors to the atmosphere from either the vehicle filler neck or dispensing nozzle.

(2) Direct vapor displaced from the automotive fuel tank to a system wherein at least 90 percent by weight of the organic compounds in displaced vapors are recovered.

(3) Prevent automotive fuel tank overfills or spillage on fill nozzle disconnect.

(d) The system referred to in paragraph (c) of this section can consist of a vapor-tight vapor return line from the fill nozzle-filler neck interface to the dispensing tank, to an adsorption, absorption, incineration, refrigeration-condensation system or equivalent.

(e) If it is demonstrated to the satisfaction of the Administrator that it is impractical to comply with the provisions of paragraph (c) of this section as a result of vehicle fill neck configuration, location, or other design features of a class of vehicles, the provisions of this section shall not apply to such vehicles. However, in no case shall such configuration exempt any facility from installing a system referred to in paragraph (c).

(f) Compliance schedule:

(1) February 15, 1974—Submit to the Administrator a final control plan, which describes at a minimum the steps which will be taken by the source to achieve compliance with the provisions of paragraph (c) of this section.

(2) June 1, 1974—Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(3) January 1, 1975—Initiate on-site construction or installation of emission control equipment.

(4) May 1, 1977—Complete on-site construction or installation of emission control equipment or process modification.

(5) May 31, 1977—Assure final compliance with the provisions of paragraph (c) of this section.

(6) Any owner or operator of sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(g) Paragraph (f) of this section shall not apply:

(1) To a source which is presently in compliance with the provisions of paragraph (c) of this section and which has certified such compliance to the Administrator by February 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by February 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1977. If promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

(h) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (f) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(i) Any gasoline dispensing facility subject to this section which installs a gasoline dispensing system after the effective date of this section shall comply with the requirements of paragraph (c) of this section by May 31, 1977, and shall comply with the requirements of paragraph (f) of this section as far as possible. Any facility subject to this section which installs a gasoline dispensing system after May 31, 1977, shall comply with the requirements of paragraph (c) of this section at the time of installation.

§ 52.1600 Carpool matching and promotion system.

(a) Definitions:

(1) "Carpool" means two or more persons utilizing the same vehicle.

(2) "Carpool matching and promotion" means assembling lists of people sharing similar travel needs. The aggregate of drivers and riders on each list identifies potential carpools.

(3) "Time-origin-destination (TOD) information" means specification of a driver or rider's work schedule, home and work locations, or the location of other desired origins and destinations of trips (such as shopping or recreational trips).

(4) "Pilot program" means a program that is initiated on a limited basis for the purpose of facilitating a future full scale regional program.

(5) All other terms used in this section that are defined in Part 51 of this chapter are used herein with the meanings so defined.

(b) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions.

(c) The State of New Jersey or an appropriate local agency approved by the Administrator shall implement a carpool matching and promotion program that will serve persons employed in the central business districts, as defined in § 52.1587 (e) of this chapter, in Newark in the New Jersey-New York-Connecticut Interstate Region and in Camden and Trenton in the Metropolitan Philadelphia Interstate Region. The State of New Jersey or an appropriate local agency approved by the Administrator shall comply with the following provisions in establishing the program:

(1) A pilot program shall be initiated and fully operational by March 1, 1974.

(2) A program that will serve all persons employed in the central business districts specified in paragraph (c) of this section shall be initiated and fully operational by January 1, 1975.

(3) A timetable for implementation of the full program shall be submitted to the Administrator by March 1, 1974, and shall include legally adopted regulations establishing the program or dates by which the regulations will be adopted. This timetable shall be accompanied by a statement from the Governor and State Treasurer identifying the sources and amounts of funds for the program. If funds cannot be legally obligated under existing statutory authority, the text of needed legislation shall be submitted.

(d) Regulations adopted by the State of New Jersey or a local agency shall include, as a minimum, the following:

(1) A method of collecting information which will include the following as a minimum:

(i) Provisions for each affected employee to receive an application form with a cover letter describing the matching program.

(ii) Provisions on each application for the applicant to identify his TOD information, and the applicant's desire to drive only, ride only, or share driving.

(2) A computerized method of matching information that will have provisions for locating each applicant's origin and destination within a grid system in the urban area and region surrounding the CBD's specified in paragraph (c) of this section, and matching applicants with compatible TOD information.

(3) A method for providing continuing service so that the master list of all applicants is retained and available for use by new applicants and a method for periodically updating the master list to remove applicants who have moved from the area served.

(4) An agency or agencies responsible for operating, overseeing, and maintaining the carpool computer matching system.

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