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- HEW: President's Committee on Mental Retardation..... 32153; 11-21-73
- National Endowment for the Arts: Dance Advisory Panel..... 32538; 11-26-73

Weekly List of Public Laws

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

S. 1570..... Public Law 93-159
Emergency Petroleum Allocation Act of 1973 (Nov. 27, 1973; 87 Stat. 627).

- S. 2645..... Public Law 93-158
Atomic Energy Commission, appropriation authorization increase (Nov. 26, 1973; 87 Stat. 627).
- H.R. 3801..... Public Law 93-160
To extend Civil Service Federal Employees Group Life Insurance and Federal Employees Health Benefits coverage to United States nationals employed by the Federal Government (Nov. 27, 1973; 87 Stat. 635).
- H.R. 8219..... Public Law 93-161
To amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity (Nov. 27, 1973; 87 Stat. 635).
- H.R. 8916..... Public Law 93-162
Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1974 (Nov. 27, 1973; 87 Stat. 636).
- H.R. 9295..... Public Law 93-163
To provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University (Nov. 27, 1973; 87 Stat. 659).
- H.J. Res. 735..... Public Law 93-164
Joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy two citizens and subjects of the Empire of Iran (Nov. 29, 1973; 87 Stat. 660).
- S. 2408..... Public Law 93-165
To authorize certain construction at military installations (Nov. 29, 1973; 87 Stat. 661).
- S. 2681..... Public Law 93-168
To authorize appropriations for the United States Information Agency (Nov. 29, 1973; 87 Stat. 688).
- H.R. 5777..... Public Law 93-167
Hobby Protection Act (Nov. 29, 1973; 87 Stat. 686).
- H.R. 7582..... Public Law 93-171
To amend title 10, United States Code, to entitle the Delegates in Congress from Guam and the Virgin Islands to make appointments to the service academies (Nov. 29, 1973; 87 Stat. 690).
- H.R. 8187..... Public Law 93-165
To amend section 2031(b)(1) of title 10, United States Code, to remove the requirement that a Junior Reserve Officer Training Corps unit at any institution must have a minimum number of physically fit male students (Nov. 29, 1973; 87 Stat. 660).
- H.R. 10366..... Public Law 93-169
To amend title 10, United States Code, to remove the four-year limitation on additional active duty that a nonregular officer of the Army or Air Force may be required to perform on completion of training at an educational institution (Nov. 29, 1973; 87 Stat. 689).
- H.R. 10369..... Public Law 93-170
To amend title 37, United States Code, to provide entitlement to round trip transportation to the home port for a member of the uniformed services on permanent duty aboard a ship being inactivated away from home port whose dependents are residing at the home port (Nov. 29, 1973; 87 Stat. 689).
- H.R. 10337..... Public Law 93-172
To extend the life of the June 5, 1972, grand jury of the United States District Court for the District of Columbia (Nov. 30, 1973; 87 Stat. 691).

Rules and Regulations

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

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE

[Milk Order No. 30]

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

Temporary Revision of Shipping Percentage

This temporary revision is issued pursuant to the provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.11(b) (6) of the order regulating the handling of milk in the Chicago Regional marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 31977) concerning a proposed increase in the supply plant shipping percentage for the month of December 1973. Interested persons were afforded an opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of December 1973 the supply plant shipping percentage of 30 percent set forth in § 1030.11(b) (4) shall be increased to 35 percent.

Pursuant to the provisions of § 1030.11(b) (6) the supply plant shipping percentages set forth in § 1030.11(b) (4) shall be increased or decreased by up to 10 percentage points during the months of August–March if necessary to obtain needed shipments or to prevent uneconomic shipments.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In October 1973, for example, receipts of producer milk totaled 471.1 million pounds at supply plants and 118.8 million pounds at distributing plants. Shipments of milk from pool supply plants to pool distributing plants amounted to 237 million pounds during October or 50.2 percent of total receipts at supply plants.

Total milk supplies on the market have been declining since November 1972. Each month since then milk production has been significantly below the corresponding month in the previous year. In October 1973, 590 million pounds of milk were pooled under the order compared to 619 million pounds in October 1972, a reduc-

tion of 29 million pounds or 4.6 percent from the same month the previous year.

Shipments from supply plants to distributing plants have been greater in recent months than during corresponding months in 1972. In August, September and October 1972, shipments of supply plant milk totaled 193, 209, and 220 million pounds, respectively. In August, September, and October 1973, shipments amounted to 208, 217, and 237 million pounds, respectively. The percentage of supply plant milk shipped to distributing plants is also up from last year. In August 1973, 41.2 percent of receipts were shipped compared to 36.7 percent in August 1972; during September 1973, shipments from supply plants represented 46.7 percent of plant receipts compared to 43.4 percent in September 1972; and in October 1973, shipments from supply plants equaled 50.2 percent of plant receipts compared to 45.9 in October 1972.

In the month of December the average supply plant shipment percentage amounted to 42.2 in 1972, 42.7 in 1971, and 43.1 in 1970. It can be expected that the percentage of supply plant milk needed to be shipped to distributing plants during December 1973 will be about 44 percent, since shipments in recent months have been at a higher percentage than in corresponding months the previous year.

A comparison of actual supply plant shipments as a percent of plant receipts with the minimum shipping percentage provided in the order indicates that actual shipments have exceeded the percentage specified in the order by an average of 9.4 percent during the months of August through October of 1973. An increase of 5 percentage points in the minimum shipping percentage to 35 percent of plant receipts for December would provide a comparable 9 percent margin between the minimum level for pool qualification and the expected actual marketwide average percentage of supply plant milk needed to be shipped.

It is appropriate that an allowance for flexibility in milk procurement as among supply plants be provided under the order to enable the use of milk supplies at supply plants located nearest to Chicago before requiring shipments from the more distant plants. It would be uneconomic to require milk shipments from the more distant supply plants when milk closer to Chicago is available. However, there is extensive competition for milk supplies throughout the production area for use in cheese, which threatens to attract milk supplies away from the Grade A fluid milk market.

It is concluded that it is necessary to increase the shipping percentage by 5

percentage points for the month of December 1973 to obtain needed shipments.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that during December 1973 it will encourage supply plants to make the needed shipments to pool distributing plants to fulfill the market's requirements for milk in fluid use;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective December 1, 1973.

It is therefore ordered, That the aforesaid provision of the order is hereby revised for December 1973.

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

Effective date: December 1, 1973.

Signed at Washington, D.C., on November 30, 1973.

P. W. HALNON,
Acting Director, Dairy Division.

[FR Doc. 73-25772 Filed 12-4-73; 9:45 am]

Title 9—Animals and Animal Products

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

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

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Relaxation of Area Quarantined

This amendment excludes the Commonwealth of Puerto Rico from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said

Part 76 apply to the excluded areas. No areas in the Commonwealth of Puerto Rico remain under quarantine.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962, (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respect:

In § 76.2, paragraph (e) (6) relating to the Commonwealth of Puerto Rico is deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-192, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477, 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on November 30, 1973.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of November 1973.

E. E. SAULMON,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-25770 Filed 12-4-73; 8:45 am]

Title 12—Banks and Banking
CHAPTER II—FEDERAL RESERVE SYSTEM
PART 204—RESERVES OF MEMBER BANKS

Definition of Gross Demand Deposits

On September 14, 1973, the Board of Governors announced that it was considering changes in the definition of "gross demand deposits" to include certain "other liability" accounts. (See 38 FR 25703.) The comment period has expired and the Board has decided, for the reasons indicated in that earlier announcement, to adopt the proposal.

The Board has amended § 204.1(g) of Regulation D to read as follows:

§ 204.1 Definitions.

(g) Gross demand deposits. . . .
"Gross demand deposits" also includes any obligation to pay a check (or other instrument, device, or arrangement for the transfer of funds) drawn on the bank, where the account of the bank's customer has already been debited.

By order of the Board of Governors,
November 26, 1973.

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

[FR Doc.73-25672 Filed 12-4-73; 8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-1767]

PART 544—CHARTER AND BYLAWS

Meetings of Members of Federal Savings and Loan Associations

NOVEMBER 23, 1973.

The Federal Home Loan Bank Board considers it advisable to amend §§ 544.5 and 544.8 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 544.5, 544.8) in order to make more flexible the bylaw and charter provisions of Federal savings and loan associations relating to meetings of members. Accordingly, the Board hereby amends said §§ 544.5 and 544.8 as set forth below, effective December 5, 1973.

Section 544.5 sets forth the prescribed bylaws under which a Federal association operates. Section 3 of these prescribed bylaws contains the requirements for the giving of notice of annual and special meetings of members. This section formerly provided that, when such notice is given by a mailing to members, the notice must be mailed "at least 15 days and not more than 30 days" prior to the meeting. The revision of prescribed section 3 will permit a Federal association to amend section 3 of its bylaws (in accordance with the procedure set forth in section 11 of the prescribed bylaws) to provide for a minimum notice period of any number of days not less than 15 days and for a maximum notice period of any number of days not more than 45 days. It should be noted that the former prescribed section 3, under which all Federal associations presently operate, is not inconsistent with the revised section 3, and Federal associations not wishing to make a change in their bylaws may continue with the former prescribed language. The revised prescribed section 3, however, will be applicable to newly chartered Federal associations adopting bylaws after the effective date of this amendment, and such associations will have to fix minimum and maximum notice periods in accordance with the revised language.

Section 544.8 contains several "pre-approved" optional amendments to charters of Federal associations. The amendment hereby made to § 544.8 adds

a new paragraph (d) thereto providing for amendment of section 4 of Charter N and Charter K (rev.) relating to the record date for determining members entitled to vote at a meeting of the members of the association. Section 4 of these charters (as prescribed by § 544.1) provides that the members entitled to vote at any such meeting shall be account-holders and borrowing members of record "at the end of the calendar month next preceding the date of such meeting." The amendment provided in § 544.8(d) would permit the board of directors of a Federal association to set the voting record date for members at any date "not less than 20 days and not more than 50 days prior to the date of such meeting". As before, members of record who cease to be members prior to the meeting shall not be entitled to vote at the meeting.

Since the above amendments provide for bylaw and charter changes that are optional in nature and neither amendment requires Federal associations to make any bylaw or charter changes pursuant thereto, the Board hereby finds that notice and public procedure as to such amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since both such amendments relieve restriction, publication of such amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment is also unnecessary; and the Board hereby provides that such amendments shall become effective as hereinbefore set forth.

1. Section 544.5 is amended by revising section 3 of the prescribed bylaws contained therein to read as follows:

§ 544.5 Prescribed form.

A Federal association that has a Charter N or Charter K (rev.) shall operate under the following prescribed bylaws, unless and until such bylaws are amended in accordance with the procedure therein set forth:

3. *Notice of meeting of members.* (a) Notice of each annual meeting shall be either published once a week for the two successive calendar weeks (in each instance on any day of the week) immediately prior to the week in which such annual meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of the association is located or mailed postage prepaid at least (insert number not less than 15) days and not more than (insert number not more than 45) days prior to the date on which such annual meeting shall convene to each of its members of record at his last address appearing on the books of the association. Such notice shall state the name of the association, the place of the annual meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each of the offices of the association during the 14 days immediately preceding the date on which such annual meeting shall convene. If any member, in person or by attorney thereunto authorized, shall waive in writing notice of any annual meeting of members, notice thereof need not be given to such member.

(b) Notice of each special meeting shall be either published once a week for the two consecutive calendar weeks (in each instance on any day of the week) immediately prior to the week in which such special meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of the association is located, or mailed postage prepaid at least (insert number not less than 15) days and not more than (insert number not more than 45) days prior to the date on which such special meeting shall convene to each of its members of record at his last address appearing on the books of the association. Such notice shall state the name of the association, the purpose or purposes for which the meeting is called, the place of the special meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each of the offices of the association during the 14 days immediately preceding the date on which such special meeting shall convene. If any member, in person or by attorney thereto authorized, shall waive in writing notice of any special meeting of members, notice thereof need not be given to such member.

2. Section 544.8 is amended by adding thereto a new paragraph (d), to read as follows:

§ 544.8 Amendment of Charter.

(d) *Amendment of charter relating to voting by members.* (1) The provisions of this subparagraph shall constitute the approval by the Board of the proposal by the board of directors of any Federal association that has a Charter N or Charter K (rev.) of the amendment of section 4 of such association's charter by revising the eighth, ninth and tenth sentences thereof to read as follows:

The members who shall be entitled to vote at any meeting of the members shall be those owning savings accounts and borrowing members of record on the books of the association at a date set by the board of directors not less than 20 days and not more than 50 days prior to the date of such meeting. The number of votes which each member shall be entitled to cast at any meeting of the members shall be determined from the books of the association as of such record date. Any member at such record date who ceases to be a member prior to such meeting shall not be entitled to vote thereat.

(2) The association shall follow the requirements of section 11 of its charter in adopting such amendment.

(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] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc. 73-25788 Filed 12-4-73; 8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 73-1768]

PART 563—OPERATIONS

PART 563c—ACCOUNTING REQUIREMENTS

Form and Content of Financial Statements

NOVEMBER 28, 1973.

The Federal Home Loan Bank Board,
in Resolution No. 73-26, dated January 3,

1973, proposed to add a new Part 563b to the Rules and Regulations for Insurance of Accounts (12 CFR Chapter V, Subchapter D), governing conversions of a mutual savings and loan association to the stock form of organization. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER of January 11, 1973 (38 FR 1334), with an invitation for interested persons to submit written comments by March 12, 1973. On March 8, 1973, this comment period was extended until March 19, 1973. On March 12 and 13, 1973, public hearings were held on the proposal.

Proposed new Part 563b included § 563b.7, dealing with the form and content of financial statements to be filed in connection with a conversion application. This section was based on Regulation S-X of the Securities and Exchange Commission (17 CFR Part 210). It was designed to assist in assuring full and accurate disclosure in connection with plans of conversion and to assure that financial statements prepared in compliance with such section will also meet SEC requirements in the event a converted institution becomes subject to SEC jurisdiction.

On August 22, 1973, the Board approved a form of Application for Approval to Issue Subordinated Debt Securities, pursuant to § 563.8-1 of said Subchapter D. Item 13 of such form provides that, if the purchasers of such securities "include any noninstitutional investors other than insiders of the applicant, the applicant is required to furnish such investors with an offering circular or private placement memorandum", which is required to contain "financial statements generally meeting applicable requirements of Securities and Exchange Commission Regulation S-X (17 CFR Part 210)". Item 13 then incorporates the provisions of proposed § 563b.7 by reference thereto.

Since the provisions of proposed § 563b.7 are now applicable in the case of certain applications under § 563.8-1, the Board considers it advisable to adopt such provisions as § 563c.1 of a new Part 563c—Accounting Requirements, to make it clear that such provisions may be applicable to matters other than conversions. In addition, the Board considers it advisable to amend § 563.8-1 to incorporate the requirements as to use of an offering circular or private placement memorandum and to make specific reference to the financial statement requirements contained in the new § 563c.1. It is intended that, when Part 563b is adopted as a final regulation, a provision of that Part will also refer specifically to the financial statement requirements of new § 563c.1. In addition, the Board may in the future make the financial statement requirements of § 563c.1 applicable to other forms of financial disclosure by insured institutions.

Accordingly, the Board hereby amends § 563.8-1 of said Subchapter D by revising paragraph (g) thereof to read as set forth below; and on the basis of its consideration of all relevant material presented by interested persons and otherwise available in connection with pro-

posed § 563b.7, the Board hereby amends said Subchapter D by adding a new Part 563c, to read as set forth below; and the Board hereby provides that both such amendments shall be effective January 7, 1974.

Section 563c.1 is adopted without substantial change from the provisions of proposed § 563b.7. A number of technical and clarifying changes have been made generally designed to provide a more detailed presentation of certain items and to employ terminology more consistent with common savings and loan accounting practice.

Since the amendment to § 563.8-1 incorporates in the regulation certain existing requirements and does not result in any substantive change in requirements imposed on insured institutions issuing securities pursuant thereto, the Board hereby finds that notice and public procedure as to such amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C.

1. The text of said § 563.8-1(g), as amended, is as follows:

§ 563.8-1 Issuance of subordinated debt securities.

(g) *Disclosure and other requirements.*—(1) *Disclosure.* In approving an application for approval of the issuance of subordinated debt securities pursuant to this section, the Corporation will require, as a condition to be met by the applicant prior to the issuance of such securities, such disclosure of information as it may deem necessary or desirable for the protection of the prospective purchasers of such securities. As a minimum, such disclosure shall include the applicant's latest audited annual statement of condition and audited statements of operations for each of its last three years. The applicant shall also make available promptly upon request to each purchaser of such securities (including purchasers upon resale) while the securities are outstanding audited annual statements of condition and operations and comparative unaudited quarterly statements of condition and operations for the first three quarters.

(2) *Special requirements for noninstitutional investors.* (i) If the purchasers of such securities include any noninstitutional investors other than insiders of the applicant, the applicant shall furnish such investors with an offering circular or private placement memorandum in form satisfactory to the Corporation.

(ii) Financial statements contained in any offering circular or private placement memorandum required under subdivision (2) (i) of this paragraph shall be prepared in accordance with the requirements of § 563c.1 of this subchapter.

(3) *Additional requirements.* The Corporation may impose on the applicant such other requirements or conditions with regard to the securities or the issuance thereof as it may deem necessary or desirable for the protection of such purchasers, the applicant, or the Corporation.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

2. The text of said new Part 563c is as follows:

Sec.
563c.1. Form and content of financial statements.

AUTHORITY: Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.

§ 563c.1 Form and content of financial statements.

(a) *Application of this section.* This section states the requirements as to the form and content of financial statements to be furnished by an insured institution with any offering circular or private placement memorandum required to be used in connection with an issuance of subordinated debt securities under the provisions of § 563.8-1 of this subchapter. The term "financial statements" shall be deemed to include all notes to the statements and related schedules.

(b) *Definitions of terms used in § 563c.1.* Unless the context otherwise requires, terms defined in this subchapter or in the instructions to any applicable form, when used in this section, shall have the respective meanings given in such regulations or instructions. Terms defined in Regulation S-X of the SEC (17 CFR Part 210), but not defined in this section, shall have its respective meanings given in Regulation S-X. In addition, the following terms shall have the meanings indicated in this section unless the context otherwise requires.

(1) *Accountant's report.* The term "accountant's report", when used in regard to financial statements, means a document in which an independent public or certified public accountant indicates the scope of the audit (or examination) which he has made and sets forth his opinion regarding the financial statements taken as a whole or an assertion to the effect that an overall opinion cannot be expressed.

(2) *Audit (or examination).* The term "audit" (or "examination"), when used in regard to financial statements, means an examination of the statements by an independent accountant in accordance with generally accepted auditing standards for the purpose of expressing an opinion thereon.

(3) *Fifty-percent-owner person.* The term "50-percent-owned person", in relation to a specified person, means a person approximately 50 percent of whose outstanding voting shares is owned by the specified person either directly, or indirectly through one or more intermediaries.

(4) *Fiscal year.* The term "fiscal year" means the annual accounting period or if the applicant has previously used an audit period in connection with its certified financial statements which does not coincide with its fiscal year, such audit period may be used in place of any fiscal year requirement provided it covers a full twelve months' operations and is used consistently.

(5) *Majority-owned subsidiary.* The term "majority-owned subsidiary" means a subsidiary more than 50 percent of whose outstanding voting shares is owned by its parent and/or the parent's other majority-owned subsidiaries.

(6) *Parent.* A "parent" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

(7) *Principal holder of equity securities.* The term "principal holder of equity securities", used in respect of an applicant or other person named in a particular statement or report, means a holder of record or a known beneficial owner of more than 10 percent of any class of equity securities of the applicant or other person, respectively, as of the date of the related balance sheet filed.

(8) *Share.* The term "share" means a share of stock in a corporation or unit of interest in an unincorporated person.

(9) *Significant subsidiary.* The term "significant subsidiary" means a subsidiary or a subsidiary and its subsidiaries, which meet either of the conditions described below based on the most recent annual financial statements, including consolidated financial statements, of such subsidiary which would be required to be filed if such subsidiary were an applicant and the most recent annual consolidated financial statements of the applicant being filed:

(i) The parent's and the parent's other subsidiaries' proportionate share of the total assets (after intercompany eliminations) of the subsidiary, or their investments in and advances to the subsidiary exceed 10 percent of the total assets of the parent and consolidated subsidiaries.

(ii) The parent's and the parent's other subsidiaries' proportionate share of the total sales and revenues (after intercompany eliminations) of the subsidiary exceed 10 percent of the total sales and revenues of the parent and consolidated subsidiaries.

(10) *Totally-held subsidiary.* The term "totally-held subsidiary" means a subsidiary (i) substantially all of whose outstanding equity securities are owned by its parent and/or the parent's other totally-held subsidiaries, and (ii) which is not indebted to any person other than its parent and/or the parent's other totally-held subsidiaries, excepting indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not. Indebtedness of a subsidiary which is secured by its parent by guarantee, pledge, assignment or otherwise is to be excluded for purposes of (ii) above.

(11) *Wholly-owned subsidiary.* The term "wholly-owned subsidiary" means a subsidiary substantially all of whose outstanding voting shares are owned by its parent and/or the parent's other wholly-owned subsidiaries.

(c) *Qualifications of accountants.* (1) For the purpose of this part, the Corporation will not recognize any person as a certified public accountant who is

not duly registered and in good standing as such under the laws of the place of his residence or principal office. For the purposes of this part, the Corporation will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of the place of his residence or principal office.

(2) For the purposes of this part, the Corporation will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (i) in which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report he or his firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest or (ii) with which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he or his firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee, except that a firm will not be deemed not independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has completely dissociated himself from the person and its affiliates and does not participate in auditing financial statements of the person or its affiliates covering any period of his employment by the person. For the purposes of this section the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit, and the term "financial interest" shall not include any savings account of \$20,000 or less in an insured institution.

(3) In determining whether an accountant may in fact be not independent with respect to a particular person, the Corporation will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Corporation.

(d) *Accountants' reports.*—(1) *Technical requirements.* The accountant's report (i) shall be dated; (ii) shall be signed manually; (iii) shall indicate the city and state where issued; and (iv) shall identify without detailed enumeration the financial statements covered by the report.

(2) *Representations as to the audit.* The accountant's report (i) shall state whether the audit was made in accordance with generally accepted auditing standards; and (ii) shall designate any auditing procedures deemed necessary

by the accountant under the circumstances of the particular case, which have been omitted, and the reasons for their omission. Nothing in this subparagraph shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by subparagraph (3) of this paragraph.

(3) *Opinion to be expressed.* The accountant's report shall state clearly: (i) the opinion of the accountant in respect of the financial statements covered by the report and the accounting principles and practices reflected therein; and (ii) the opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements covered by the opinion.

(4) *Exceptions.* Any matters to which the accountant takes exception shall be clearly identified, the exception there-to specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

(e) *Examination of financial statements of persons other than the applicant.* If an applicant is required to file financial statements of any other person, such statements need not be examined if examination of such statements would not be required if such person were itself an applicant.

(f) *Examination of financial statements by more than one accountant.* If, with respect to the examination of the financial statements of the applicant, the principal accountant relies on an audit made by another accountant of certain of the accounts of such applicant or its subsidiaries, the report of such other accountant shall be filed (and the provisions of paragraphs (c) and (d) shall be applicable thereto); however, the report of such other accountant need not be filed (1) if no reference is made directly or indirectly to such other accountant's audit in the principal accountant's report, or (2) if, having referred to such other accountant's audit, the principal accountant states in his report that he assumes responsibility for such other accountant's audit in the same manner as if it had been made by him.

(g) *Form, order, and terminology.* (1) Financial statements may be filed in such form and order, and may use generally accepted terminology, as will best indicate their significance and character in the light of the provisions applicable thereto.

(2) All money amounts required to be shown in financial statements may be expressed in whole dollars, in thousands of dollars or in hundred thousands of dollars, as appropriate; provided that, when stated in other than whole dollars, an indication to that effect is inserted immediately beneath the caption of the statement or schedule, or at the top of the money columns, or at an appropriate point in narrative material.

(3) Negative amounts (red figures) shall be shown in brackets or parentheses and so described in the related caption, columnar heading or a note to the statement or schedule, as appropriate.

(h) *Items not material.* If the amount which would otherwise be required to be shown with respect to any item is not material, it need not be separately set forth.

(i) *Inapplicable captions and omission of unrequired or inapplicable financial statements.* (1) No caption need be shown in any financial statements as to which the items and conditions are not present.

(2) Financial statements not required or inapplicable because the required matter is not present need not be filed.

(3) Financial statements omitted and the reasons for their omission shall be indicated in the list of financial statements required by the applicable form.

(j) *Omission of substantially identical notes.* If a note covering substantially the same subject matter is required with respect to two or more financial statements relating to the same or affiliated persons, for which separate sets of notes are presented, the required information may be shown in a note to only one of such statements, provided that a clear and specific reference thereto is made in each of the other statements with respect to which the note is required.

(k) *Additional information.* The information required with respect to any statement shall be furnished as a minimum requirement to which shall be added such further material information as is necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(l) *Changes in accounting principles and practices and retroactive adjustments of accounts.* (1) Any change in an accounting principle or practice, or in the method of applying any accounting principle or practice, made during any period for which financial statements are being filed which materially affects comparability of such financial statements with those of prior periods, and the effect thereof upon the net income of the period in which such change is made and, if practicable, of the prior periods for which financial statements are being filed, shall be disclosed in appropriate manner.

(2) Any material retroactive adjustment made in income statements during any period for which financial statements are being filed, and the effect thereof upon net income of prior periods shall be disclosed in a note to the appropriate financial statements.

(m) *Summary of accounting principles and practices.* Information required in notes as to accounting principles and practices reflected in the financial statements may be presented in the form of a single statement. In such case, specific references shall be made in the appropriate financial statements to the applicable portion of such single statement.

(n) *Valuation and qualifying accounts.* Valuation and qualifying ac-

counts shall be shown separately in the financial statements as deductions from the specific assets to which they apply.

(o) *Basis of determining amounts—book value.* If an instruction requires a statement as to "the basis of determining the amount," the basis shall be stated specifically. The term "book value" will not be sufficiently explanatory unless, in a particular instruction, it is stated to be acceptable with respect to a particular item.

(p) *General notes to financial statements.* If present in regard to the applicant for which the financial statements are filed, the following shall be set forth on the face of the appropriate statement or in notes appropriately captioned and referred to in such statement. The information shall be provided for each statement required to be filed, except that the information required by paragraph (p) (3), (5), (6) and (7) of this section shall be provided as of the most recent audited statement of financial condition and any subsequent unaudited balance sheet being filed. When specific statements are presented separately the pertinent notes shall be attached unless cross-referencing is appropriate.

(1) *Principles of consolidation or combination.* With regard to consolidation or combined financial statements, refer to paragraph (q) of this section for requirements for supplemental information in notes to the financial statements.

(2) *Principles of translation of items in foreign currencies.* When items in foreign currencies are included in the financial statements being presented, there shall be stated (i) a brief description of the principles followed in translating the foreign currencies into United States currency and (ii) the amount and disposition of the unrealized gain or loss.

(3) *Assets subject to lien.* Assets mortgaged, pledged, or otherwise subject to lien, and the approximate amounts thereof, shall be designated and the obligations collateralized briefly identified.

(4) *Intercompany profits and losses.* The amount, and the effect upon any balance sheet item, of profits or losses resulting from transactions with affiliated companies and not eliminated shall be stated. If impracticable of accurate determination without unreasonable effort or expense, give an estimate or explain.

(5) *Defaults.* The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breach of covenant of a related indenture or agreement, which default or breach existed at the date of the most recent balance sheet being filed and which has not been subsequently cured, shall be stated. Notation of such default or breach of covenant shall be made in the financial statements and the entire amount of obligations to which the default or breach relates shall be classified as a current liability if said default or breach accelerates the maturity of the obligations and makes it current under the terms of the related indenture or agree-

ment. If a default or breach exists, but acceleration of the obligation has been waived for a stated period of time beyond the date of the most recent balance sheet being filed, state the amount of the obligation and the period of the waiver.

(6) *Pension and retirement plans.* A brief description of the essential provisions of any employee pension or retirement plan and of the accounting and funding policies related thereto shall be given. The estimated cost of the plan for each period for which an income statement is presented shall be stated.

(7) *Restrictions which limit the availability of reserves and undivided profits for dividend purposes.* Describe the most restrictive of any such restrictions, indicating briefly its source, its pertinent provisions, and, where appropriate and determinable, the amount of reserves and undivided profits (i) so restricted or (ii) free of such restrictions. These restrictions would include absolute restrictions, such as those imposed by State laws or credit agreements as well as those restrictions resulting from any additional income tax requirements before payment of dividends and disclose the amount of income tax which would become payable.

(8) *Commitments and contingent liabilities.* (i) If material in amount, there shall be disclosed the pertinent facts relative to firm commitments for the acquisition of permanent or long-term investments (excluding normal commitments made during the ordinary course of business) and property, plant, and equipment and for the purchase, repurchase, construction, or rental of assets under material leases.

(ii) Where the annual rentals or obligations under noncancelable leases which have not been recorded as assets and liabilities are in excess of one percent of total sales and revenues of the most recent fiscal year, there shall be shown (A) the minimum annual rentals for the current and each of the five succeeding years; (B) the nature and effect of any provisions that would cause the annual rentals to vary from the minimum rentals; and (C) a description of the types of property leased, important obligations assumed or guarantees made, and any other significant provisions of such leases.

(iii) A brief statement as to contingent liabilities not reflected in the balance sheet shall be made.

(9) *Bonus, profit sharing, and other similar plans.* Describe the essential provisions of any such plans in which only directors, officers or key employees may participate, and state, for each of the fiscal periods for which income statements are required to be filed, the aggregate amount provided for all plans by charges to expense.

(10) *Significant changes in bonds, mortgages, and similar debt.* Any significant changes in the authorized or issued amounts of bonds, mortgages and similar debt since the date of the latest balance sheet being filed for a particular person or group shall be stated.

(11) *Depreciation, depletion, obsolescence and amortization.* State the policy followed with respect to:

(i) The provision for depreciation, depletion, obsolescence and amortization of physical properties and capitalized leases, including the methods and, if practicable, the rates used in computing the annual amounts;

(ii) The provision for depreciation and amortization of intangible assets or the lack of such provision, including the methods and, if practicable, the rates used in computing the annual amounts;

(iii) The accounting treatment for maintenance, repairs, renewals and betterments; and

(iv) The adjustment of accumulated depreciation, depletion, obsolescence and amortization at the time the properties are retired or otherwise disposed of, including the disposition of any gain or loss on sale of such properties.

(12) *Capital stock optioned, sold or offered for sale to directors, officers and key employees.* (i) A brief description of the terms of each option arrangement shall be given including (A) the title and amount of securities subject to option; (B) the year or years during which the options were granted; and (C) the year or years during which the optionees became, or will become, entitled to exercise the options.

(ii) State (A) the number of shares under option at the balance sheet date, and the option price and the fair value thereof, per share and in total, at the dates the options were granted; (B) the number of shares with respect to which options became exercisable during each period presented, and the option price and the fair value thereof, per share and in total, at the dates the options became exercisable; (C) the number of shares with respect to which options were exercised during each period, and the option price and the fair value thereof, per share and in total, at the dates the options were exercised; and (D) the number of unoptioned shares available, at the beginning and at the close of the latest period presented, for the granting of options under an option plan.

(iii) A brief description of the terms of each other arrangement covering shares sold or offered for sale to only directors, officers and key employees shall be given, including the number of shares, and the offered price and the fair value thereof per share and in total, at the dates of sale or offer to sell, as appropriate.

(iv) The required information should be summarized and tabulated, as appropriate, with respect to all option plans as a group and other plans for shares sold or offered for sale as a group.

(v) State the basis of accounting for such arrangements and the amount of charges, if any, reflected in income with respect thereto.

(13) *Income tax expense.* Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including (i) taxes currently payable; (ii) the net tax ef-

fects, as applicable, of (A) timing differences and (B) operating losses; and (iii) the net deferred investment tax credits. The applicant's status as a "savings and loan association" as defined in Section 593 of the Internal Revenue Code, as amended, shall be stated in a note referred to in the appropriate statements. Such note shall also indicate briefly the principal present assumptions on which the applicant has relied in making or not making provisions for such taxes. Amounts applicable to Federal income taxes and to other income taxes shall be stated separately for each component, unless the amounts applicable to other income taxes do not exceed 5 percent of the total for the component and a statement to that effect is made.

(14) *Warrants or rights outstanding.* Information with respect to warrants or rights outstanding at the date of the related balance sheet shall be set forth as follows:

(i) Title of issue of securities called for by warrants or rights.

(ii) Aggregate amount of securities called for by warrants or rights outstanding.

(iii) Date from which warrants or rights are exercisable and expiration date.

(iv) Price at which warrant or right is exercisable.

(q) *Consolidated and combined financial statements.* This section shall govern the presentation of consolidated and combined financial statements.

(1) *Consolidated financial statements of the applicant and its subsidiaries.* (i) The applicant shall follow in the consolidated financial statements principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the applicant and its subsidiaries: *Provided, however,* That the applicant shall not consolidate:

(A) Any subsidiary which is not majority owned; or

(B) Any subsidiary whose financial statements are as of a date or for periods different from those of the applicant, unless all the following conditions are met:

(i) Such difference is not more than 93 days; (2) the closing date of the subsidiary is expressly indicated; and (3) the necessity for the use of different closing dates is briefly explained.

(ii) Notwithstanding the 93-day requirement specified in paragraph (q) (1) (i) (b) (i) of this section, in connection with the retroactive combination of the financial statements of entities following a "pooling of interests," the financial statements of the constituents may be combined even if their respective fiscal periods do not end within 93 days, except that the financial statements for the latest fiscal year shall be recast to dates which do not differ by more than 93 days, if practicable. Disclosure shall be made of the periods combined and of the sales or revenues, net income before extraordinary items and net income of any interim periods excluded from or included more than once in results of operations as a result of such recasting.

(iii) The 93-day requirement specified in paragraph (p) (1) (i) (b) (1) of this section is not applicable to the recognition of earnings or losses of 50 percent or less owned persons, the investments in which are accounted for by the equity method of accounting.

(2) *Group financial statements of subsidiaries not consolidated and 50 percent or less owned persons.* There may be filed financial statements in which majority-owned subsidiaries not consolidated with the parent are consolidated or combined in one or more groups, and 50 percent or less owned persons the investments in which are accounted for by the equity method are consolidated or combined in one or more groups, pursuant to principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the group or groups.

(3) *Statement as to principles of consolidation or combination followed.* (i) A brief description of the principles followed in consolidating or combining the separate financial statements, including the principles followed in determining the inclusion or exclusion of (A) subsidiaries in consolidated or combined financial statements and (B) companies in consolidated or combined financial statements, shall be stated in the notes to the respective financial statements.

(ii) As to each consolidated financial statement and as to each combined financial statement, if there has been a change in the persons included or excluded in the corresponding statement for the preceding fiscal period which has a material effect on the financial statements, the persons included and the persons excluded shall be disclosed. If there have been any changes in the respective fiscal periods of the persons included made during the periods of the report which have a material effect on the financial statements, indicate clearly such changes and the manner of treatment.

(4) *Reconciliation of investment of a person in subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, and equity of such person in their net assets.* A statement shall be made in a note to the latest balance sheet of the amount and the accounting treatment of any difference between (i) the investment of a person and its consolidated subsidiaries, as shown in the consolidated balance sheet, in the unconsolidated subsidiaries and 50 percent or less owned persons accounted for by the equity method and (ii) their equity owned persons as shown in their financial statements.

(5) *Intercompany items and transactions.* In general, there shall be eliminated intercompany items and transactions between persons included in the (i) consolidated financial statements being filed and, as appropriate, (ii) unrealized intercompany profits and losses on transactions between persons for which financial statements are being filed and persons the investment in which is presented in such statements by the equity method. If such eliminations are not made, a statement of the

reasons and the methods of treatment shall be made.

(6) *Consolidation of financial statements of an applicant and its subsidiaries engaged in diverse financial activities.*

(i) If the applicant and its subsidiaries are engaged in one or more types of financial activities, e.g., banking, insurance, finance, and savings and loan subsidiaries, consolidated financial statements may be filed unless deemed inappropriate; provided that, when more than one type of financial activity is involved, separate audited financial statements for each significant financial subsidiary or each significant group of financial subsidiaries shall be presented. Savings and loan and other direct or indirect subsidiaries of savings and loan holding companies engaged in savings and loan related finance activities are considered to be one type of financial activity for the purpose of this rule.

(ii) If the applicant and its subsidiaries are engaged in (a) manufacturing, merchandising or other nonfinancial activities as well as in (b) financial activities as described in subdivision (i) above, the subsidiaries related to whichever of group (a) or (b) is less significant shall not be consolidated with the operations of the major group; however, the group of lesser significance may be included in the consolidated financial statements if its activities are principally for the benefit of the operations of the major group. In interpreting the significance of the groups above, the applicant should consider factors in addition to those in the definition of significant subsidiary including the primary business activities of the registrant, trends, and other pertinent matters.

(r) *Financial statements for savings and loan associations—(1) Application of this section.* All financial statements shall be prepared in accordance with generally accepted accounting principles and practices applicable to the savings and loan industry and the accounting rules prescribed by the Board.

(2) Except as otherwise permitted by the Corporation, applicants shall comply with the following provisions:

STATEMENTS OF FINANCIAL CONDITION ASSETS

(2) *Cash and cash items.* State separately (i) cash on hand and unrestricted demand deposits; (ii) restricted deposits held as compensating balances against short-term borrowing arrangements, (iii) time deposits and certificates of deposit (excluding amounts included in (ii) above or subparagraph (2) below); (iv) funds subject to repayment on call or immediately after the date of the balance sheet required to be filed; and (v) other funds, the amounts of which are known to be subject to withdrawal or usage restrictions, e.g., special purpose funds. The general terms and nature of such repayment provisions in (iv) and withdrawal or usage restrictions in (v) shall be described in a note referred to herein. In cases where compensating balance arrangements exist but are not agreements which restrict the use of cash amounts shown on the balance sheet, describe these arrangements and the amounts involved, if determinable, in the notes to the financial statements. Compensating balances that are maintained under an agreement to

assure future credit availability shall be separately disclosed in the notes to the financial statements along with the amount and terms of such agreement.

(3) *United States Government and Federal agency obligations.* State, parenthetically or otherwise, the basis of determining the amount shown in the balance sheet and state the alternate of the aggregate cost or the aggregate amount on the basis of market quotations at the balance sheet date. When the original cost of securities purchased on a yield basis has been properly adjusted to reflect amortization of premium or accumulation of discount since acquisition, the basis of determining their amount may be described "as cost" with appropriate footnote disclosures. Show separately (i) other securities and investments, (ii) securities of affiliates and (iii) "Federal Funds" sold and securities purchased under agreements to resell.

(4) *Loans secured by savings accounts.* Include the balance of loans secured by the pledge of its savings accounts.

(5) *Mortgage loans.* State separately here, or in a note referred to herein, each major class, such as FHA and VA loans, conventional loans, loans to facilitate sales of real estate foreclosed, unimproved land, contracts to facilitate the sale of real estate, mortgages and participation backed by an agency of the Federal Government. Indicate any amounts pledged to secure debt. Indicate in a note the amount of "slow loans" as that term is defined in § 561.16 of this subchapter.

(6) *Other loans.* Include (i) improvement loans both insured and uninsured, (ii) education loans, (iii) mobile home loans, (iv) other loans. Show separately any significant category and "slow loans".

(7) *Accrued interest receivable on loans.* Accrued interest receivable should be shown separately.

(8) *Valuation allowance.* Loans known to be uncollectible shall be excluded from the assets as well as from the valuation allowance. In a separate note set forth an analysis indicating losses incurred, recoveries made and transfers to this account during the fiscal year.

(9) *Real estate owned.* State, parenthetically or otherwise, (i) the basis of determining the amount shown on the balance sheet, (ii) a description of the real estate owned (a) acquired by foreclosure or by deed in lieu of foreclosure, (b) in judgment and subject to redemption, or (c) acquired for development or resale. Any accumulated depreciation or valuation allowances should be shown separately.

(10) *Accounts and notes receivable.* (i) State separately amounts receivable from (a) parents and subsidiaries; (b) other affiliates and other persons the investments in which are accounted for by the equity method; (c) underwriters, promoters, directors, officers, employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates; and (d) others. Exclude from (c) amounts for purchases by such persons subject to usual trade terms, for ordinary travel and expense advances and for other such items arising in the ordinary course of business. With respect to (c) and (d), state separately in the applicant's balance sheet the amounts which in the related consolidated balance sheet are eliminated and not eliminated.

(ii) For receivables maturing after one year, state in a note to the financial statements the amount thereof and, if practicable, the amounts maturing in each year. Interest rates on major receivable items maturing after one year, or classes of receivables so maturing, shall be set forth, or an indication of the average interest rate, or

the range of rates, on all receivables shall be given.

(iii) Receivables from a parent, a subsidiary, an affiliate or other person designated under subdivisions (i) (c) and (i) (d) above shall not be considered as current unless the net current asset position of such person justifies such treatment.

(iv) If the aggregate amount of notes receivable exceeds 10 percent of the aggregate amount of receivables, the above information shall be set forth separately for accounts receivable and notes receivable.

(11) *Securities of affiliates and other persons.* Include under this caption amounts representing investments in affiliates and investments in other persons which are accounted for by the equity method, and state the basis of determining these amounts. State separately in the applicant's statement of financial condition the amounts which in the related consolidated statement of financial condition are eliminated and not eliminated.

(12) *Other security investments.* State the basis of determining the amount shown in the balance sheet and state, parenthetically or otherwise, the alternate of the aggregate cost or the aggregate amount on the basis of market quotations at the balance sheet date.

(13) *Investment in stock of the Federal Home Loan Bank.* Indicate basis for determining amount shown in the balance sheet.

(14) *Other investments.* State separately, by class of investments, any items in excess of five percent of total assets.

(15) *Premises and equipment.* State separately here, or in a note referred to herein, if practicable, each major class, such as land, buildings, machinery and equipment, leaseholds, or functional grouping such as revenue producing equipment or industry categories, and the basis of determining the amounts.

(16) *Accumulated depreciation depletion and amortization of property, plant and equipment.* Show separately on the statement of financial condition or in a separate note.

(17) *Prepayment to FSLIC Secondary Reserve.* In a separate note indicate the nature of this asset.

(18) *Intangible assets.* State separately each major class, such as goodwill, franchises, patents or trade-marks, and the basis of determining their respective amounts. Indicate if any of these amounts have been required to be written off for purposes of reports to the Corporation and the consequent effect on net worth requirements.

(19) *Accumulated amortization of intangible assets.* Show separately any applicable amortization indicating the policy for such amortization.

(20) *Other assets.* State separately (i) each pension or other special fund; (ii) deposits held as compensating balances against long-term borrowing arrangements; and (iii) any other item not properly classed in one of the preceding asset captions which is in excess of five percent of total assets.

(21) *Preoperating expenses deferred organization expense and similar deferrals.* State separately each major class and, in a note referred to herein, the policy for deferral and amortization. Indicate whether any of these amounts have been required to be written off for purposes of the Corporation.

(22) *Deferred debt expense.* State, in a note referred to herein, the policy for deferral and amortization.

(23) *Deferred commissions and expense on capital shares.* State, in a note referred to herein, the policy for deferral and amortiza-

tion. These items may be shown as deductions from additional capital.

(24) *Total assets and, when appropriate, other debits.*

LIABILITIES, RESERVES AND STOCKHOLDERS' EQUITY

(25) *Savings accounts.* Include accrued interest, if appropriate. In addition, indicate the total savings accounts earning interest at or below the regular passbook interest rate and those earning in excess of the regular passbook interest rate.

(26) *Loans in process.* Include the amount of all undisbursed loan proceeds.

(27) *Advance payments by borrowers for taxes and insurance.*

(28) *Advances from Federal Home Loan Bank.* State separately here, or in a note referred to herein, such information as will indicate (i) the general character of each type of debt including the rate of interest, (ii) the date or dates of maturity and the amounts maturing as of each date. Any assets pledged should be noted.

(29) *Accounts and notes payable.* (i) State separately amounts payable to (a) banks for borrowing; (b) holders of commercial paper; (c) trade creditors; (d) parents and subsidiaries; (e) other affiliates and other persons the investments in which are accounted for by the equity method; (f) underwriters, promoters, directors, officers, employees and principal holders (other than affiliates) of equity securities of the person and its affiliates; and (g) others. Exclude from (f) amounts for purchases from such person subject to usual trade terms, for ordinary travel expenses, and for other such items arising in the ordinary course of business. With respect to (d) and (e), state separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are eliminated and not eliminated.

(ii) The average interest rate and general terms (as well as formal provisions for the extension of the maturity) of each category of aggregate short-term borrowings (the sum of items (i) (a) and (i) (b) above) reflected on the balance sheet at the end of the period shall be disclosed along with the maximum amount of aggregate short-term borrowings outstanding at any month end (or similar accounting period) during the period. In addition, the approximate average aggregate short-term borrowings outstanding during the year and the approximate weighted average interest rate (and a brief description of the means used to compute such averages) for such aggregate short-term borrowings shall be disclosed in the notes to the financial statements.

(iii) The amount and terms (including commitment fees and the conditions under which lines may be withdrawn) of unused lines of credit for short-term financing shall be disclosed, if significant, in the notes to the financial statements. The amount of these lines of credit which support a commercial paper borrowing arrangement or similar arrangements shall be separately identified.

(iv) State separately "Federal Funds" purchased and securities sold under agreements to repurchase.

(30) *Accrued liabilities.* State separately (i) payrolls; (ii) taxes, indicating the current portion of deferred income taxes; (iii) interest (indicating nature of accrual); and (iv) any other material items, indicating any liabilities to affiliates.

(31) *Other liabilities.* State separately (i) dividends declared; (ii) any other item in excess of five percent of liabilities, indicating any liabilities to affiliates. The remaining items may be shown in one amount.

(32) *Bonds, mortgages and similar debt.* State separately here, or in a note referred to

herein, each issue or types of obligation and such information as will indicate (i) the general character of each type of debt including the rate of interest; (ii) the date of maturity, or if maturing serially, a brief indication of the serial maturities, such as "maturing serially from 1980 to 1990"; (iii) if the payment of principal or interest is contingent, an appropriate indication of such contingency; (iv) a brief indication of priority; (v) if convertible, the basis; and (vi) the combined aggregate amount of maturities and sinking fund requirements for all issues, each year for the five years following the date of the balance sheet. For amounts owed to affiliates, state separately in the applicant's balance sheet the amounts which in the related consolidated balance sheet are eliminated and not eliminated.

The amounts of unamortized debt discount and premium applicable shall be deducted from or added to the face amounts of the issues under the particular caption either individually or in the aggregate, but if the aggregate method is used the face amounts of the individual issues and the applicable unamortized discount or premium shall be shown parenthetically or otherwise.

The amount and terms (including commitment fees and the conditions under which commitments may be withdrawn) of unused commitments for long-term financing arrangements that would be disclosed under this subparagraph if used shall be disclosed in the notes to the financial statements if significant.

(33) *Deferred credits.* State separately amounts for (i) deferred income taxes, (ii) deferred tax credits, and (iii) material items of deferred income.

(34) *Commitments and contingent liabilities.* (see § 563c.1(p)(8).)

MINORITY INTERESTS

(35) *Minority interests in consolidated subsidiaries.* State separately in a note referred to herein, amounts represented by preferred stock and the applicable dividend requirements if the preferred stock is material in relation to the consolidated stockholders equity.

STOCKHOLDERS' EQUITY

(36) *Capital shares.* State for each class of shares the title of issue, the number of shares authorized, the number of shares issued or outstanding, as appropriate, and the dollar amount thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and show the deduction of subscriptions receivable therefrom. Show here, or in a note or statement referred to herein, the changes in each class of capital shares for each period for which an income statement is required to be filed.

(37) *Other stockholders' equity.* (i) Separate captions shall be shown for (a) paid-in additional capital, (b) other additional capital and (c) retained earnings (i) appropriated and (2) unappropriated. Where appropriate, the net worth presentation used in the Federal Home Loan Bank Board Management Information System Semiannual Financial Report may be substituted.

(ii) If undistributed earnings of unconsolidated subsidiaries and 50 percent or less owned persons are included, state the amount in each category parenthetically or in a note referred to herein.

(iii) For a period of at least 10 years subsequent to the effective date of a quasi-reorganization, any description of retained earnings shall indicate the point in time from which the new retained earnings dates and for a period of at least three years shall in-

indicate the total amount of the deficit eliminated.

(iv) A summary of each account under this caption setting forth the information prescribed in § 563c.1(r)(39) shall be given for each period for which a statement of operations is being filed.

(38) *Total liabilities, and stockholders' equity.*

STATEMENT OF STOCKHOLDERS' EQUITY

(39) A summary shall be given for each class of stockholders' equity set forth in the related statement of financial condition.

(i) *Balance at beginning of period.* State separately the adjustments to the statement of financial condition at the beginning of the first period of the report for items which were retroactively applied to periods prior to that period.

(ii) *Net income or loss from statement of operations.* (see § 563c.1(r)(60).)

(iii) *Other additions.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

(iv) *Dividends.* For each class of shares state the amount per share and in the aggregate. Show separately cash and other (specify) dividends.

(v) *Other deductions.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

(vi) *Balance at end of period.* The balance at the end of the most recent period shall agree with the related statement of financial condition caption.

STATEMENT OF OPERATIONS

All items of profit and loss given recognition in the accounts during each period covered by the statement of operations, except retroactive adjustments, shall be included in the statement of operations for each such period (see § 563c.1(1)). Only items entering into the determination of net income or loss may be included.

INCOME

(40) *Interest on mortgage loans.* Indicate the amount of interest received and/or accrued on mortgage loans. If a premium has been paid in connection with any purchased loans and such premium is being amortized periodically, such charges should be reflected here. However, if the entire amount of the premium is charged off at the time it is incurred or paid, the amount of such charge-off should be included as a nonoperating expense.

(41) *Interest on other loans and contracts.* Indicate the amount of interest received or accrued on loans secured by savings accounts or other obligations of the institution, unsecured property improvement loans, mobile home loans, unsecured education loans, and any other loans which are not secured by real estate; the amount of interest received on real estate acquired by foreclosure suit, or deed in lieu thereof, which has been sold on contract. Enter here also interest received from contracts purchased.

(42) *Interest and dividends on investments and deposits.* Indicate the amount of interest received or accrued on U.S. Government and other investment securities and deposits in banks, including interest and/or dividends on deposits in savings and loan associations and stock in Federal Home Loan Banks. Include also (i) periodic credits and/or debits to investment income arising from the amortization of bond premium and/or discount and (ii) periodic credits and/or debits arising from the amortization of gains or losses on the sale of securities, prior to December 31, 1971, in accordance with § 563.23-2 (a) and (c) (1) of this subchapter. Exclude from

this caption income on investments in subsidiaries and affiliates.

(43) *Loan fee and service charges.* Indicate the amount of acquisition credits and discounts taken into income in accordance with § 563.23-1 of this subchapter, plus all fees and charges that were not subject to deferral under the regulation. Show separately, if material, any significant items.

(44) *Income from subsidiaries and affiliates.* Indicate the income received from the institution's investment in the capital stock obligations, or other securities, of a subsidiary or affiliate.

(45) *Other income.* Indicate the amount of any other income of a recurrent nature arising from normal operation which is not reported under any of the preceding income classifications. Unusual or nonrecurring income and profits are to be reported as "Non-Operating".

State separately any material amounts indicating clearly the nature of the transaction out of which the items arose. Other income may be stated net of applicable expenses, provided that any material amounts are set forth separately.

EXPENSES

(46) *Interest on savings accounts.* Include all interest or dividends paid or accrued on savings accounts.

(47) *Interest on borrowings.* Include all interest paid or accrued on borrowings.

(48) *Compensation.* Include in this caption all paid or accrued fees, salaries, wages, bonuses, or other compensation of directors, officers, attorneys, and employees, whether full or part-time; contributions to pension or retirement funds; all other supplementary benefits; any such expense or charge of an unusual or nonrecurring nature should be reported as "Non-Operating Expenses". Include also the amount of travel and other expenses to or for directors, officers and employees.

(49) *Occupancy expense.* Include all expenses of occupancy, e.g., rent, utilities, repairs and maintenance, depreciation on buildings, amortization of leasehold improvements, property taxes, maintenance expense.

(50) *Advertising.* Enter here the cost of all types of advertising and promotional activity, including the cost of giveaways and premiums.

(51) *Other expenses.* Indicate separately any material items.

(52) *Non-Operating income.* Indicate the profit on sale of real estate owned, investment securities, loans, and items of income which are not of an ordinary or recurring nature.

(53) *Non-Operating expense.* Indicate any non-recurring expense of an unusual nature and losses of any kind and nature. Indicate separately any material items.

(54) *Income or loss before income tax expense and appropriate items below.*

(55) *Income tax expense.* (See § 563c.1(p)(13).) Include in this caption only taxes based on income. Show separately current and deferred income taxes, if significant. Explain the nature of major items relating to deferred income taxes. Explain the method of calculating the bad debt deduction and the fact that the allowable deduction will be declining in future years. Include the amount of stockholders' equity for which no income taxes have been paid and explain the significance in terms of dividend payments on capital stock.

(56) *Minority interest in income of consolidated subsidiaries.*

(57) *Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned person.* The amount reported under this caption shall be stated net of any applicable tax pro-

visions. State, parenthetically or in a note referred to herein, the amount of dividends received from such persons. If justified by circumstances, this item may be presented in a different position and a different manner.

(58) *Extraordinary items, less applicable tax.* State separately any material items and disclose, parenthetically or otherwise, the tax applicable to each.

(59) *Cumulative effects of changes in accounting principles.* State separately any material items and disclose, parenthetically or otherwise, the tax applicable to each.

(60) *Net income or loss.* The amount included under this caption shall be carried to the related subdivision of surplus. (See § 563c.1(r)(39)(ii), and for definition of "Net Income" see § 572.3 of this subchapter.)

(61) *Allocation of net income.* Indicate the amounts of net income allocated to (i) appropriated retained earnings and (ii) unappropriated retained earnings.

(62) *Earnings per share data.* Show separately (i) earnings before any extraordinary items, (ii) earnings applicable to extraordinary items, and (iii) net earnings per share. In connection with any subsequent capital stock distributable to eligible accountholders pursuant to a plan of conversion, reflect earnings per share data on a retroactive basis. Set forth in reasonable detail the computation of per share earnings.

STATEMENT OF CHANGES IN FINANCIAL CONDITION

(63) The statement of changes in financial condition shall summarize the sources from which funds have been obtained and their application. Material changes in the components of net funds shall be shown in the statement or in a supporting tabulation. As a minimum, the following shall be reported:

- (1) Sources of funds:
 - (a) Funds provided from operations (showing separately net income or loss and the addition and deduction of specific items which did not require the expenditure or receipt of funds; e.g., depreciation and amortization, deferred income taxes, undistributed earnings or losses of unconsolidated persons, etc.).
 - (b) Principal payments on loans.
 - (c) Advance payments by borrowers' for taxes and insurance.
 - (d) Sale of loans, if material.
 - (e) Sale of other assets (identifying separately such items such as real estate owned, fixed assets, investment securities, etc.).
 - (f) Issuance of long-term debt.
 - (g) Increase in savings accounts.
 - (h) Advances and borrowed money.
 - (i) Loan fees deferred.
 - (j) Decrease of cash (if applicable).
- (ii) Application of funds:
 - (a) Origination and purchase of loans and participations (showing separately, if material).
 - (b) Purchase of other assets (identifying separately such items as investments, fixed assets, etc.).
 - (c) Repayment of long-term debt.
 - (d) Payment of borrowers' taxes and insurance premiums.
 - (e) Savings withdrawals.
 - (f) Payment of cash dividends and interest on earnings.
 - (g) Repayment of advances and borrowed money.
 - (h) Payment of cash dividends on capital stock.
 - (i) Increase of cash (if applicable).

(64) *Schedules to financial statements.* No schedules to financial statements, other than Supplemental Information to the Statement of Operations, are required to be furnished. However, the Corporation may request that additional schedules be filed in order that the financial statements not be misleading or to ensure that all information as would be

meaningful be included. The applicant may consider the furnishing of such schedules as are required for any additional filings with the Securities and Exchange Commission.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.73-25789 Filed 12-4-73; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-EA-105]

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

Alteration of Control Zone and Transition Area

The Federal Aviation Administration is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Baltimore, Md., Control Zone (38 FR 356, 21392) and Transition Area (38 FR 444, 21392).

The Friendship International, Md., Airport name was recently changed to "Baltimore-Washington International Airport." To reflect the revised name of the airport, we will require an editorial change to the description of the Baltimore, Md. Control Zone and 700-foot transition area descriptions.

Since the foregoing is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective on December 5, 1973, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to amend the description of the Baltimore, Md. Control Zone by substituting "Baltimore-Washington International Airport" in lieu of "Friendship International Airport" wherever it appears in the text.

2. Amend § 71.181 of Part 71 Federal Aviation Regulations so as to amend the description of the Baltimore, Md. 700-foot floor transition area by substituting "Baltimore-Washington International Airport" in lieu of "Friendship International Airport" wherever it appears in the text.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on November 20, 1973.

L. J. CARDINALI,
Acting Director,
Eastern Region.

[FR Doc.73-25690 Filed 12-4-73; 8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 10, further amended]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969—)

Subpart E—Payment of Benefits

BENEFIT RATES

The amendment set forth below revises § 410.510(d) to include benefit rates payable to a miner or widow beginning October 1973. Section 412(a) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 922(a)) directs the Secretary of Health, Education, and Welfare to make benefit payments to a qualified miner or widow at a rate equal to 50 per centum of the minimum monthly payment to which a Federal employee in Grade GS-2, who is totally disabled, is entitled at the time of payment under the minimum payment provision of the Federal Employees Compensation Act, 5 U.S.C. 8112. Pursuant to Executive Order 11739, dated October 3, 1973, the pay rate for Step 1 of Grade GS-2 of the General Schedule has been increased. This, therefore, has resulted in an increase of the basic black lung benefit rate payable to miners and widows both newly entitled and those already on the rolls, to \$177.60 a month beginning with the month of October 1973, and § 410.510(d) of Regulations No. 10 which sets out black lung benefit rates is revised accordingly. Benefit rates to other beneficiaries (i.e., surviving dependent children, parents, brothers, and sisters),

both newly entitled and those already on the rolls, are also increased beginning October 1973. Paragraph (e) of § 410.510 contains the rules for determining the benefit rates payable to these beneficiaries based on the rates shown in § 410.510(d) for a miner or widow.

Since this amendment of the regulations merely interprets the self-executing benefit formula in section 412(a) of the Act (30 U.S.C. 922(a)) which is already described in paragraphs (a), (b), and (c) of this § 410.510, the Secretary of Health, Education, and Welfare finds that publication with Notice or Proposed Rule Making, as well as publication at least 30 days prior to an effective date, are unnecessary.

Consideration will be given to any comments pertaining to this amendment which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth Street and Independence Avenue SW., Washington, D.C. 20201.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

(Catalog of Federal Domestic Assistance Program No. 13.806, Special Benefits For Disabled Coal Miners.)

Dated: November 20, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 30, 1973.

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

Paragraph (d) of § 410.510 is revised to read as follows:

§ 410.510 Computation of benefits.

(d) Benefit rates for miners and widows.

	Beginning October 1973	January 1973 to September 1973	1972	1971	1969- 1970
(1) Miner or widow with no dependents.....	\$177.60	\$169.80	\$161.50	\$153.10	\$144.90
(2) Miner or widow with one dependent.....	268.40	254.70	242.20	229.60	216.70
(3) Miner or widow with two dependents.....	310.80	297.10	282.60	267.90	252.80
(4) Miner or widow with three or more dependents.....	355.20	339.50	322.90	306.10	288.90

(Sections 411(a), 412(a), 426(a), and 506, 83 Stat. 703; 30 U.S.C. 921(a), 922(a), 936(a), and 957.)

Effective date. The foregoing amendment shall become effective on December 5, 1973.

[FR Doc.73-25789 Filed 12-4-73; 8:45 am]

Title 21—Food and Drugs

CHAPTER 1—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Food Label Information Panel; Partial Extension and Partial Stay of Effective Date

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6950) the Commissioner of Food and Drugs promulgated a new § 1.8d (21 CFR 1.8d) establishing a food label information panel for all mandatory label information.

The Commissioner has received a number of petitions, pursuant to § 1.8d(f), proposing alternate methods of disseminating the necessary information required on the information panel, and has issued a proposal on exemptions to the existing § 1.8d elsewhere in this issue of the FEDERAL REGISTER.

The Commissioner recognizes that all of the petitions submitted pursuant to § 1.8d(f) have been filed in good faith. Because of the relatively short time available to redesign labeling prior to December 31, 1973 (the first half of the effective date), the Commissioner concludes that those companies who submitted petitions, either individually or through organizations, should be granted an extra amount of time within which

to meet the first half of the effective date.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner hereby orders that, for all food products covered by petitions submitted pursuant to § 1.8d(f), which are on file in the Hearing Clerk's office, the first half of the uniform effective date is extended to March 15, 1974. Similarly, the first half of the uniform effective date is hereby stayed with respect to all food labels that are covered by the proposal.

Effective date. This order shall become effective on December 5, 1973.

Dated: November 28, 1973.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc.73-25702 Filed 12-4-73; 8:45 am]

Title 23—Highways

CHAPTER 1—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL

PART 1—ADMINISTRATION OF FEDERAL AID FOR HIGHWAYS

Selected Procedural Orders and Memorandums

The amendment deletes Instructional Memorandum (IM) 80-1-71, Relocation

Assistance and Payments, Interim Operating Procedures; Policy and Procedure Memorandum (PPM) 90-4, Process Guidelines (Economic, Social, and Environmental Effects on Highway Projects); Policy and Procedure Memorandum (PPM) 30-4, Utility Relocations and Adjustments; and Policy and Procedure Memorandum (PPM) 30-4.1, Accommodation of Utilities from Appendix A of Part 1, Title 23 Code of Federal Regulations. IM 80-1-71 has been revised and published as Part 740, Title 23 Code of Federal Regulations. PPM 90-4 has been published as Part 795, Title 23 Code of Federal Regulations. PPMs 30-4 and 30-4.1 have been revised and published as Part 424, Title 23 Code of Federal Regulations.

In consideration of the foregoing, effective immediately, Appendix A, of Part 1, Title 23 Code of Federal Regulations is amended by deleting Instructional Memorandum 80-1-71, Policy and Procedure Memorandum 90-4, Policy and Procedure Memorandum 90-4 and Policy and Procedure Memorandum 30-4.1 from Appendix A of Part 1, Title 23 Code of Federal Regulations.

Issued November 23, 1973.

NORBERT TIEMANN,
Federal Highway Administrator.

[FR Doc.73-25703 Filed 12-4-73; 8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-261]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for areas
Florida	Volusia	New Smyrna Beach, City of	I 12 127 2100 01 through I 12 127 2100 05	Department of Community Affairs, 2571 Executive Center Circle, East, Tallahassee, Fla. 32301. State of Florida Insurance Department., Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	City Manager, City of New Smyrna Beach, P.O. Box 490, New Smyrna Beach, Fla. 32069.	May 14, 1971. Emergency Dec. 7, 1973. Regular.
Virginia	Wythe	Wytheville, Town of				Nov. 29, 1973. Emergency.

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

Issued: November 26, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-25611 Filed 12-4-73; 8:45 am]

[Docket No. FI-262]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Alabama	Colbert	Tuscumbia, City of				Nov. 27, 1973, Emergency.
Colorado	Clear Creek	Unincorporated Areas.				Do.
Connecticut	New London	Montville, Town of				Do.
Georgia	De Kalb	Doraville, City of				Do.
Kentucky	Knox	Barbourville, City of				Nov. 23, 1973, Emergency.
Massachusetts	Hampshire	South Hadley, Town of				Nov. 27, 1973, Emergency.
Maryland	Carroll	Hampstead, Town of				Do.
Michigan	Allegan	Laketown, Township of				Nov. 23, 1973, Emergency.
Do.	Delta	Escanaba, City of				Nov. 27, 1973, Emergency.
Missouri	St. Louis	Hazelwood, City of				Do.
Texas	Harris	Hunter Creek, City of				Do.
Do.	do	W. University Place, City of				Do.
Do.	Orange	Vidor, City of				Do.
Washington	Challam	Unincorporated Areas.				Do.
Virginia	Lancaster	do				Do.

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

Issued: November 26, 1973.

[FR Doc. 73-25612 Filed 12-4-73; 8:45 am]

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[Docket No. FI-262]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification because final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective December 5, 1973.

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Escambia	Brewton, City of	H 01 053 0470 01 through H 01 053 0470 05	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, Brewton, Ala. 36426.	Dec. 7, 1972.
Do.	Etowah	Southside, Town of	H 01 055 2822 01 through H 01 055 2822 04	do	Mayor, Southside, Route 1, Gadsden, Ala. 36901.	Do.
Arizona	Maricopa	Paradise Valley, Town of	H 04 013 0344 01 through H 04 013 0344 03	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 West Glenrosa, Phoenix, Ariz. 85011.	Town Hall, 6325 North Iverson Rd., Paradise Valley, Ariz. 85253.	Do.
Do.	Pinal	Mammoth, Town of	H 04 021 0275 01	do	Mayor, Town of Mammoth, City Hall, Mammoth, Ariz. 85618.	Do.
Arkansas	Logan	Booneville, City of	H 05 083 0480 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Booneville, Ark. 72927.	Do.
California	Alameda	Berkeley, City of	H 06 001 0340 01 through H 06 001 0340 05	Department of Water Resources, P.O. Box 338, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012 and, 1407 Market St., San Francisco, Calif. 94103.	Director of Public Works, City of Berkeley, Berkeley, Calif. 94704.	Do.
Florida	Volusia	New Smyrna Beach, City of	H 12 127 2190 01 through H 12 127 2190 06	Department of Community Affairs, 2571 Executive Center Circle, East, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	City Manager, City of New Smyrna Beach, P.O. Box 490, New Smyrna Beach, Fla. 32069.	Do.
Idaho	Ada	Eagle, City of	H 16 001 0430 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, Eagle, Idaho 83616	Do.
Do.	Blaine	Halley, City of	H 013 0650 01 through H 013 0650 02	do	Mayor, City Council, City Hall, Halley, Idaho 83333.	Do.
Do.	Madison	Sugar City, City of	H 06 065 1760 01	do	Mayor, City Bldg, Sugar City, Idaho 83448.	Do.
Illinois	Clinton	Carlyle, City of	H 17 027 1370 01 through H 17 027 1370 02	Governor's Task Force on Flood Control, Natural Resources Service Center, Thornhill Bldg., P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, City Hall, 850 Franklin, Carlyle, Ill. 62231.	Do.
Do.	Henderson	Oquawka, Village of	H 17 071 6500 01	do	Mayor, City Bldg., Oquawka, Ill. 61409.	Do.
Do.	Kendall	Piano, City of	H 17 093 7010 01 through H 17 093 7010 02	do	Mayor, 609 West South St., Piano, Ill. 60545.	Do.
Do.	Menard	Petersburg, City of	H 17 129 6920 01	do	Mayor, City Hall, Petersburg, Ill. 62675.	Do.
Indiana	Blackford	Montpelier, Town of	H 18 009 3210 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Montpelier City Council, City Building, Montpelier, Ind. 47359.	Do.
Do.	Bartholomew	Columbus, City of	H 18 005 0990 01 through H 18 005 0990 10	do	Mayor, City Hall, Columbus, Ind. 47201.	Do.
Do.	Boone	Thorntown, Town of	H 18 011 4850 01	do	Chairman of County Commission, Auditor's Office, Courthouse, Thorntown, Lebanon, Ind. 46052.	Do.

RULES AND REGULATIONS

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Davless	Elnora, Town of	H 027 1430 01 through H 027 1430 02	do	Davless County Commissioners, Court- house, Elnora, Town, Washington, Ind. 47501.	Do.
Do.	De Kalb	St. Joe, Town of	H 18 083 4260 01 through H 18 039 4290 02	do	Town Board, St. Joe, Ind. 46785.	Do.
Do.	Fountain	Attica, City of	H 18 045 0210 01 through H 18 045 0210 02	do	Mayor, 503 College, Attica, Ind. 47018.	Do.
Do.	Franklin	Cedar Grove, Town of	H 18 047 0750 01	do	Executive Secretary Planning and Zoning Board, Town of Cedar Grove, Brookville, Ind. 47012.	Do.
Do.	do	Brookville, Town of	H 18 047 0850 01	do	Executive Secretary Planning and Zoning Board, Town of Brookville, Brookville, Ind. 47012.	Do.
Do.	Grant	Jonesboro, Town of	H 18 053 2280 01	do	President of Town Board, Town Hall, Jonesboro, Ind. 46033.	Do.
Do.	Harrison	Mauckport, Town of	H 18 061 2910 01	do	Chairman, Harrison County Com- missioners, Courthouse, Corydon, Ind. 47112.	Do.
Do.	Morgan	Brooklyn, Town of	H 18 109 0620 01	do	Chairman, County Commissioners, Courthouse, Martinsville, Ind. 46181	Do.
Do.	Newton	Brook, Town	H 18 111 0510 01	do	Town Board, Town Hall, Brook, Ind. 47922.	Do.
Do.	Rush	Rushville, City of	H 18 133 4270 01 through H 14 134 1273 32	do	Rush County Planning and Zoning Commission, County Courthouse, Rushville, Ind. 47173.	Do.
Do.	Spencer	Rockport, Town of	H 18 147 4200 01	do	Mayor, City Hall, Rockport, Ind. 47635.	Do.
Do.	Tippecanoe	Lafayette, City of	H 18 157 2480 01 through H 18 157 2480 03	do	Mayor, City Hall, 20 North 6th St., Lafayette, Ind. 47901.	Do.
Do.	do	W. Lafayette, City of	H 18 157 5200 01 through H 18 157 5200 02	do	Mayor, City Hall, 60 West Navajo, W. Lafayette, Ind. 47903.	Do.
Do.	Wabash	Roann, Town of	H 18 169 4170 01	do	Chairman, Wabash County Plan Com- mission, 111 South Wabash, Wabash, Ind. 46942.	Do.
Do.	Wells	Vera Cruz, Town of	H 18 179 4990 01	do	County Area Plan Commission, Wells County Courthouse, Bluffton, Ind. 46714.	Do.
Kansas	Allen	Humboldt, City of	H 20 001 3020 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 6612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 6612.	Mayor, City Hall, Humboldt, Kans. 66748.	Do.
Do.	Jefferson	Perry, City of	H 20 057 4430 01	do	Mayor, City Hall, Perry, Kans. 66073.	Do.
Do.	Marshall	Marysville, City of	H 20 117 3590 01	do	Mayor, City Hall, Marysville, Kans. 66508.	Do.
Do.	Mitchell	Beloit, City of	H 20 123 0440 01	do	Chairman, Board of County Commis- sioners, Beloit, Kans. 67520.	Do.
Do.	Neosho	Chanute, City of	H 20 133 0870 01 through H 20 133 0870 02	do	Mayor, Memorial Bldg., Chanute, Kans. 64733.	Do.
Do.	Pottawatomie	St. Marys, City of	H 20 149 4850 01	do	Mayor, City Hall, St. Marys, Kans. 66533.	Do.
Do.	do	Wamego, City of	H 20 149 5330 01	do	Mayor, City Hall, Wamego, Kans. 66947.	Do.
Louisiana	Iberville Parish	Rosedale, Village of	H 22 047 2045 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70801. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70801.	Mayor, Village of Rosedale, City Hall, Rosedale, La. 70772.	Do.
Do.	Pointe Coupee Parish	Morganza, Town of	H 22 077 1610 01	do	Town of Morganza, Morganza, La. 70782.	Do.
Do.	Richland Parish	Mangham, Town of	H 22 083 1410 01	do	Mayor, City Hall, Mangham, La. 71250.	Do.
Do.	St. Landry Parish	Grand Coteau, Town of	H 22 097 0010 01	do	Mayor, City Hall, Grand Coteau, La. 70541.	Do.
Do.	Tangipahoa Parish	Amite, City of	H 22 105 0050 01 through H 22 105 0050 02	do	Mayor, City Hall, Amite, La. 70422.	Do.
Do.	W. Baton Rouge Parish	Addis, Village of	H 22 121 0030 01	do	Village of Addis, P.O. Box 237, Addis, La. 70710.	Do.
Michigan	Wayne	Livonia, City of	H 26 163 2850 01 through H 26 163 2850 06	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	City Engineering Bldg., 13325 Farm- ington Rd., Livonia, Mich. 48150.	Do.
Minnesota	Hennepin	Greenfield, Village of	H 27 053 2886 01 through H 27 053 2886 08	Division of Waters, Soils, and Minerals Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, Village of Greenfield, Green- field, Minn. 55373.	Do.
Missouri	St. Charles	St. Peters, City of	H 29 183 7100 01 through H 29 183 7100 02	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	City Hall, City of St. Peters, St. Peters, Mo. 65376.	Do.

RULES AND REGULATIONS

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	St. Louis	Breckenridge Hills, City of	H 29 189 1030 01	do.	Mayor, City Hall, 3120 Woodson Rd., Breckenridge Hills, Mo. 63114.	Do.
Nebraska	Cuming	Wisner, Town of	H 31 039 5300 01 through H 31 039 5300 02	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City Office, Wisner, Nebr. 68791.	Do.
Do.	Dakota	Dakota City, City of	H 31 043 1310 01 through H 31 043 1310 02	do.	Mayor, City Hall, Dakota City, Nebr. 68731.	Do.
Do.	do.	South Sioux City, City of	H 31 043 4490 01 through H 31 043 4490 02	do.	Mayor, 1615 Dakota Ave., South Sioux City Nebr. 68776.	Do.
Do.	Otoe	Syracuse, City of	H 31 131 4740 01	do.	Mayor, Syracuse, Nebr. 68446.	Do.
Do.	Saline	De Witt, Town of	H 31 151 1450 01	do.	Mayor, Town Hall, De Witt, Nebr. 68341.	Do.
Do.	Sarpy	Bellevue, City of	H 31 153 0460 01 through H 31 153 0460 06	do.	Bellevue City Hall, 210 West Mission St., Bellevue, Nebr. 68005.	Do.
New Jersey	Camden	Runnemede, Borough of	H 34 007 2500 01 through H 34 007 2500 03	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Clerk's Office, Borough of Runnemede, 8th Ave. and Black Horse Pike, Runnemede, N.J. 08078.	Do.
New York	Steuben	Corning, City of	H 36 101 1360 03 through H 36 101 1360 09	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12201.	City Hall, Cedar St., Corning, N.Y. 14830.	Do.
Do.	Suffolk	Babylon, Village of	H 36 103 0360 01	do.	Village Clerk, Municipal Bldg., 153 West Main St., Babylon, N.Y. 11702.	Do.
North Carolina	Bladen	Clarkton, Town of	H 37 017 0920 01 through H 37 017 0920 02	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Clarkton, N.C. 28330.	Do.
Do.	Gulford	Jamestown, Town of	H 37 081 2340 01 through H 37 081 2340 03	do.	Town Manager, Jamestown, N.C. 27282.	Do.
Ohio	Washington	Marietta, City of	H 39 167 4730 01 through H 39 167 4730 04	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	Mayor, City Bldg., Marietta, Ohio 45750.	Do.
Oklahoma	Caddo	Carnegie, Town of	H 40 015 0820 01	Oklahoma Water Resources Board, 2241 Northwest Fortieth St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, Carnegie, Okla. 73015.	Do.
Do.	do.	Fort Cobb, Town of	H 40 015 1680 01	do.	Mayor, Fort Cobb, Okla. 73038.	Do.
Do.	Klowa	Hobart, City of	H 40 075 2260 01	do.	Mayor, City Hall, Hobart, Okla. 73651.	Do.
Do.	Tulsa	Sperry, Town of	H 40 143 4410 01	do.	Mayor, Box 786, Sperry, Okla. 74073.	Do.
Oregon	Clatsop	Gearhart, City of	H 41 007 0770 01	Executive Department, State of Oregon, Salem, Ore. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. N.E., Salem, Ore. 97310.	Mayor, City Hall, Gearhart, Ore. 97138.	Do.
Do.	do.	Seaside, City of	H 41 007 1870 01 through H 41 007 1870 03	do.	Mayor, City Hall, Seaside, Ore. 97138.	Do.
Do.	Columbia	Clatskanie, City of	H 41 009 0340 01	do.	Mayor, City Hall, Clatskanie, Ore. 97016.	Do.
Do.	Deschutes	Sisters, City of	H 41 017 1930 01	do.	Mayor, City Hall, Sisters, Ore. 97759.	Do.
Do.	Linn	Brownsville, City of	H 41 043 0220 01 through H 41 043 0220 02	do.	Mayor, City Hall, Brownsville, Ore. 97327.	Do.
Do.	Multnomah	Gresham, City of	H 41 051 0880 01 through H 41 051 0880 06	do.	Mayor, Gresham, Ore. 97030.	Do.
Do.	do.	Troutdale, City of	H 41 051 0960 01 through H 41 051 0960 04	do.	Mayor, Troutdale, Ore. 97060.	Do.
Pennsylvania	Allegheny	Glassport, Borough of	H 42 003 3200 01 through H 42 003 3200 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, 6th and Monongahela, Glassport, Pa. 15046.	Do.
Do.	do.	Oakdale, Borough of	H 42 003 6160 01	do.	Mayor, 200 Marion Ave., Oakdale, Pa. 15071.	Do.
Do.	Bucks	Quakertown, Borough of	H 42 017 0860 01	do.	Borough Hall, 330 West Broad St., Quakertown, Pa. 18651.	Do.
Do.	Lebanon	North Cornwall, Town of	H 42 075 6064 01 through H 42 075 6064 03	do.	Lebanon County-City Planning Department, Room No. 3, Municipal Bldg., Lebanon, Pa. 17042.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Texas	Collins	Murphy, City of	H 48 085 4804 01 through H 48 085 4804 02	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711.	Mayor, Route 2, Box 142, E., Plano, Tex. 75074.	Do.
Do.	Crockett	Ozona, City of	II 48 105 51040 01	Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	do.	Do.
Do.	Dallas	Crockrell Hill, City of	H 48 113 1420 01	do.	County Judge, Crockett County, Commissioner Court, County Court- house, Ozona, Tex. 76043.	Do.
Virginia	Independ. City	South Boston, City of	H 51 000 2280 01 through H 51 000 2280 03	Bureau of Water Control Management, State Water Control Board, 2d Floor Davenport Bldg., 11 South 10 St., Richmond, Va. 23219.	Mayor, 4125 West Clarendon Dr., Dal- las, Tex. 75211.	Do.
Washington	Okanogan	Okanogan, City of	H 53 047 1580 01 through H 53 047 1580 02	Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Rich- mond, Va. 23209.	City of South Boston, City Manager's Office, Ferry St., P.O. Box 417, South Boston, Va. 24502.	Do.
Wisconsin	Barron	Chetek, City of	H 55 005 0980 01	Department of Ecology, Olympia, Wash. 98501.	Mayor, City Hall, Okanogan, Wash. 98840.	Do.
Do.	do	Prairie Farm, Village of	H 55 005 3910 01	Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	do.	Do.
Do.	do	Rice Lake, City of	H 55 005 4080 01 through H 55 005 4080 02	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701.	Mayor, City Hall, Chetek, Wis. 54728.	Do.
Do.	Dane	De Forest, Village of	H 55 025 1300 01	Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	do.	Do.
Do.	do	Rockdale, Village of	H 55 025 4180 01	do.	President, Village Hall, Prairie Farm, Wis. 54762.	Do.
Do.	do	Verona, Village of	H 55 025 4040 01	do.	Mayor, City Hall, Rice Lake, Wis. 54868.	Do.
Do.	Dodge	Theresa, Village of	H 55 027 4790 01	do.	do.	Do.
Do.	Green Lake	Green Lake, City of	H 55 047 2020 01	do.	Village President, De Forest, Wis. 53032.	Do.
Do.	Jackson	Taylor, Village of	H 55 003 4770 01	do.	Village President, Rockdale, Wis. 53523.	Do.
Do.	Juneau	Wonewoc, Village of	H 55 067 5430 01	do.	Village President, Verona, Wis. 53093.	Do.
Do.	Lafayette	S. Wayne, Village of	H 55 065 4500 01	do.	Village President, Theresa, Wis. 53001.	Do.
Do.	Marquette	Peshigo, City of	H 55 075 3720 01	do.	Mayor, City Hall, Green Lake, Wis. 54941.	Do.
Do.	Sauk	Spring Green, Village of	H 55 111 4260 01	do.	Village President, Taylor, Wis. 54059	Do.
Do.	do	Prairie Du Sac, Village of	H 55 111 2900 01	do.	Village President, City Hall, Wonewoc, Wis. 53368.	Do.
Do.	do	Sauk City, City of	H 55 111 4260 01	do.	President, Village Board, South Wayne, Wis. 53557.	Do.
Do.	Trempealeau	Blair, City of	H 55 121 0550 01	do.	Mayor, City Hall, Peshigo, Wis. 54157.	Do.
Do.	Vernon	Readstown, Village of	H 55 133 4000 01	do.	Village President, Village Hall, Spring Green, Wis. 53588.	Do.
					Village President, Prairie Du Sac, Wis. 53578.	Do.
					Mayor, City Hall, Sauk City, Wis. 53583.	Do.
					Mayor, Blair, Wis. 54616.	Do.
					Village President, Village of Read- stown, Readstown, Wis. 54652.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1958), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410; Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued: November 27, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc. 73-25610 Filed 12-4-73; 8:45 am]

Title 27—Alcohol, Tobacco Products and Firearms

CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY

[T.D. ATF-7]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

Standard of Identity for Tequila

Background. During hearings held in April, 1969, a proposal was made to recognize Tequila as a distinctive product of Mexico. This proposal was not adopted at that time, but the way was left open to adopt it at a later time if this should prove desirable.

In June, 1972, the government of Mexico requested that the United States reconsider the proposal to recognize Te-

quila as distinctive of Mexico. As a result of this request, a notice of hearing was published in the FEDERAL REGISTER for June 30, 1973 (38 FR 16075), announcing a hearing on proposed amendments to 27 CFR Part 5 that would accomplish this change. The hearing was held on July 24, 1973. Following the hearing, 60 days were allowed for the submission of briefs. No requests for changes were received during the 60-day period. As a result of comments received at the hearing, certain changes have been made from the amendments as originally proposed. However, the basic purpose of the amendments remains the same, as described below.

EXPLANATION OF AMENDMENTS

The purpose of these amendments is to change the official standard of iden-

tity for Tequila to make Tequila a distinctive product of Mexico. This will mean that after these amendments become effective, the term "Tequila" may not be used commercially in the United States to describe any product not manufactured in Mexico in compliance with the applicable laws of that country. This is identical to the protection already afforded to such terms as "Cognac", "Scotch whisky", "Irish whisky", and "Canadian whisky". In return, the Mexican Government has agreed to recognize bourbon whisky as a distinctive product of the United States.

EXPLANATION OF CHANGES SUBSEQUENT TO NOTICE OF HEARING

This document incorporates two substantive changes from the proposed amendments as originally published in

the notice of hearing. These changes are described below:

Mixtures of distillates. The phrase, "and also includes mixtures solely of such distillates", which appears in the present standard of identity for Tequila, was inadvertently left out of the text published in the notice of hearing. Accordingly, the phrase is reinstated in its proper place in 27 CFR 5.22(g). This will make it clear that Tequila can be a mixture of distillates fermented within the limits prescribed. (§ 5.22(g) amended)

Bottling proof. The phrase, "and bottled at not less than 80° proof", is relocated towards the end of the first sentence in 27 CFR 5.22(g). The text as published in the notice of hearing had this phrase at the end of the second sentence. This gave some readers the impression that Tequila could not be bottled outside of Mexico. The new word order makes it clear that, although Tequila must be manufactured entirely within Mexico, it may be bottled outside of Mexico. (§ 5.22(g) amended)

SPECIFIC CHANGES SUBSEQUENT TO NOTICE OF HEARING

1. Paragraph 1. is changed to read as set forth below.

2. Paragraph 2. is changed to read as set forth below.

This Treasury decision shall become effective on February 1, 1973.

(27 U.S.C. 205 and 206 (49 Stat. 981, as amended, 985, as amended))

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol,
Tobacco and Firearms.

LEONARD LEHMAN,
Acting Commissioner,
U.S. Customs Service.

Approved: November 29, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the
Treasury.

TEQUILA AS A DISTINCTIVE PRODUCT OF MEXICO

PARAGRAPH 1. The regulations in 27 CFR 5.22(g) are amended to recognize Tequila as a distinctive product of Mexico. As amended, § 5.22(g) reads:

§ 5.22 The standards of identity.

(g) *Class 7; Tequila.*—"Tequila" is an alcoholic distillate from a fermented mash derived principally from the Agave Tequilana Weber ("blue" variety), with or without additional fermentable substances, distilled in such a manner that the distillate possesses the taste, aroma, and characteristics generally attributed to Tequila and bottled at not less than 80° proof, and also includes mixtures solely of such distillates. Tequila is a distinctive product of Mexico, manufactured in Mexico in compliance with the laws of Mexico regulating the manufacture of Tequila for consumption in that country.

PAR. 2. The regulations in 27 CFR 5.52(c) are amended to require a cer-

tificate of authenticity for all Tequila imported in bottles. As amended, § 5.52 (c) reads:

§ 5.52 Certificates of age and origin.

(c) *Tequila.*—(1) Tequila, imported in bottles, shall not be released from customs custody for consumption unless a certificate of a duly authorized official of the Mexican Government that the product is entitled to be designated as Tequila under the applicable laws and regulations of the Mexican Government is filed with the application for release.

(2) If the label of any Tequila imported in bottles, contains any statement of age, the Tequila shall not be released from customs custody for consumption unless a certificate of a duly authorized official of the Mexican Government as to the age of the youngest Tequila in the bottle is filed with the application for release. The age certified shall be the period during which the Tequila has been stored in oak containers after distillation and before bottling.

[FR Doc. 73-25787 Filed 12-4-73; 8:45 am]

Title 28—Judicial Administration CHAPTER I—DEPARTMENT OF JUSTICE

[Tax Division Directive No. 19]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Redelegation of Authority To Compromise, Settle, and Close Claims

By virtue of the authority vested in me by Part 0 of Title 28 of the Code of Federal Regulations, particularly §§ 0.70, 0.160, 0.162, 0.164, 0.166, and 0.168, it is ordered as follows:

SECTION 1. The Chiefs of the General Litigation Section, the Appellate Section, the Court of Claims Section, and the Refund Trial Sections are authorized to reject offers in compromise, regardless of amount, without reference to the Review Section, provided that such action is not opposed by the agency or agencies involved.

SEC. 2. The Executive Assistant and the Chief of the Litigation Control Unit are authorized to reject offers in compromise in post-judgment collection cases, regardless of amount, without reference to the Review Section, provided that such action is not opposed by the agency or agencies involved.

SEC. 3. Subject to the conditions and limitations set forth in section (8) hereof, the Chiefs of the Court of Claims Section and the Refund Trial Sections are authorized to accept offers in compromise of claims against the United States in cases in which the amount of the refund does not exceed \$35,000, provided that such action is not opposed by the agency or agencies involved.

SEC. 4. Subject to the conditions and limitations set forth in section (8) hereof, the Chief of the General Litigation Section is authorized to accept offers in compromise of claims in behalf of the

United States in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed \$35,000, provided that such action is not opposed by the agency or agencies involved.

SEC. 5. Subject to the conditions and limitations set forth in section (8) hereof, the Executive Assistant and the Chief of the Litigation Control Unit are authorized to accept offers in compromise of claims in behalf of the United States in post-judgment collection cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed \$35,000, provided that such action is not opposed by the agency or agencies involved.

SEC. 6. Subject to the conditions and limitations set forth in section (8) hereof, the Chief of the Review Section shall have authority to—

(A) Accept offers in compromise of claims in behalf of the United States in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed \$50,000, and of claims against the United States in all cases in which the amount of the refund does not exceed \$50,000;

(B) Approve administrative settlements not exceeding \$50,000;

(C) Close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed \$50,000; and

(D) Reject offers in compromise, regardless of amount,

Provided, That the action is not opposed by the agency or agencies involved or the chief of the section to which the case is assigned.

SEC. 7. Subject to the conditions and limitations set forth in section (8) hereof, the Deputy Assistant Attorneys General and the Deputy for Refund Litigation each shall have authority to—

(A) Accept offers in compromise of claims in behalf of the United States in all cases in which the difference between the gross amount of the original claim and the proposed settlement does not exceed \$250,000, and of claims against the United States in all cases in which the amount of the refund does not exceed \$250,000;

(B) Approve administrative settlements not exceeding \$250,000;

(C) Close (other than by compromise or by entry of judgment) civil claims asserted by the Government in all cases in which the gross amount of the original claim does not exceed \$250,000; and

(D) Reject offers in compromise, or disapprove administrative settlements or closings, regardless of amount;

Provided, That the limiting amount in (A), (B), and (C) shall be \$100,000, if the proposed disposition of the claim is opposed by the agency or agencies involved or if the case is subject to reference to the Joint Committee on Internal Revenue Taxation.

Sec. 8. The authority redelegated herein shall be subject to the following conditions and limitations:

(A) When, for any reason, the compromise or administrative settlement or closing of a particular claim, as a practical matter, will control or adversely influence the disposition of other claims totaling more than the respective amounts designated in sections (2), (3), (4), (5), (6), and (7), the case shall be forwarded for review at the appropriate level.

(B) When, because of the importance of a question of law or policy presented, the position taken by the agency or agencies or by the United States Attorney involved, or any other considerations, the person otherwise authorized herein to take final action is of the opinion that the proposed disposition should be reviewed at a higher level, he shall forward the case for such review.

(C) Nothing in this Directive shall be construed as altering any provision of Subpart Y of Part 0 of Title 28 of the Code of Federal Regulations requiring the submission of certain cases to the Attorney General, the Deputy Attorney General, or the Solicitor General.

(D) Authority to approve recommendations that the Government confess error, or make administrative settlements, in cases on appeal, is excepted from the foregoing redelegations.

(E) The Assistant Attorney General, at any time, may withdraw any authority delegated by this Directive as it relates to any particular case or category of cases, or to any part thereof.

Sec. 9. This Directive supersedes Tax Division Directive No. 16 approved May 22, 1971.

Sec. 10. This Directive shall become effective December 4, 1973.

Dated: November 27, 1973.

SCOTT P. CRAMPTON,
Assistant Attorney General.

Approved:

ROBERT H. BORK,
Acting Attorney General.

[FR Doc.73-25668 Filed 12-4-73; 8:45 am]

Title 32A—National Defense Appendix
CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[BDC Del. 5 Formerly BDSA-NPA Del. 10, 4-26-51-Revocation]

BDC NOTICE 3—DESIGNATION OF BDC ACTIONS TO BE TAKEN UNDER THE AUTHORITY OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

Revocation of Delegation of Authority

BDC Del. 5, April 26, 1951 (16 FR 3669) is hereby revoked. This delegation by the Administrator of National Production Authority (NPA), U.S. Department of Commerce to Administrator of Production and Marketing Administration (PMA), U.S. Department of Agriculture,

delegated authority necessary to the implementation of an agreement (16 FR 3410) covering respective allocation and priority functions regarding foods which have industrial uses. The aforementioned agreement has now been superseded by an agreement signed on November 7, November 12 and November 10, 1973, by the Departments of Agriculture and Commerce, respectively.

BUREAU OF DOMESTIC
COMMERCE,
GARY M. COOK,

Acting Deputy Assistant Secretary
for Domestic Commerce.

[FR Doc.73-25721 Filed 12-4-73; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD-73-101R]

PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM

PART 74—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

Funding of, and Change of Address Concerning Requests for, Aids to Navigation Projects

These amendments revise the provisions for funding aids to navigation projects required by an armed force and change the Coast Guard address to which an armed force or a Federal agency should send its requests and recommendations concerning an aid to navigation.

Section 74.05-1 is revised without substantive change, and § 62.10-5(c) is deleted to eliminate duplications in the regulations providing for the funding of aids to navigation projects requested by an armed force.

Sections 62.10-5(d) and 74.10-5 are deleted to remove the provisions for charging the Corps of Engineers for marking sunken wrecks. These charges are no longer authorized under 14 U.S.C. 86.

Sections 62.10-5 (a) and (b) and § 62.10-10 are deleted to remove the existing provisions, explaining where an armed force or a Federal agency should send a request or recommendation concerning an aid to navigation. Section 62.10-1 provides that such requests can be sent to Commandant or the District Commander concerned.

A new § 74.05-5 is added to provide for marking danger, restricted, and prohibited areas at Coast Guard expense. Section 62.01-25 is revised and § 74.10-1 is deleted to remove the provisions that provide for marking these same areas at Coast Guard expense.

Since these amendments are rules of agency procedure and practice they are exempt from the notice of proposed rule-making requirements in 5 U.S.C. 553(b).

In accordance with the foregoing, Parts 62 and 74 of Chapter I of Title 33 of the Code of Federal Regulations are amended as follows:

1. Section 62.01-25 is revised to read as follows:

§ 62.01-25 Danger, restricted, and prohibited areas.

The Coast Guard may mark, at the request of the cognizant District Engineer, danger, restricted, and prohibited areas that have been so designated by the Secretary of the Army.

2. Section 62.10-1 is amended to read as follows:

§ 62.10-1 Maritime aids.

(a) Requests and recommendations pertaining to maritime aids to navigation and reports of aids no longer needed should be mailed to the District Commander concerned or to the Commandant (G-WAN), U.S. Coast Guard, Washington, D.C. 20590.

§ 62.10-5 [Revoked]

3. Section 62.10-5 is deleted.

§ 62.10-10 [Revoked]

4. Section 62.1010 is deleted.

5. The title of Subpart 74.05 is revised to read as follows:

Subpart 74.05 Charges to Armed Forces

6. Section 74.05-1 is revised to read as follows:

§ 74.05-1 Armed Forces.

(a) When requests by the Armed Forces for establishment of aids to navigation requiring expenditure of considerable funds are not received in sufficient time to permit the Coast Guard to budget for the necessary funds, aid establishment may be delayed until funds are available. When the Coast Guard is unable, with its own funds, to establish aids to navigation as soon as the requesting Armed Force desires, earlier action by the Coast Guard will depend upon the Armed Force's ability to make the necessary funds available.

(b) Requests not requiring the expenditure of considerable funds are normally accomplished at Coast Guard expense.

(c) The Coast Guard does not charge the Armed Forces for vessel time or other costs incurred in maintaining aids to navigation.

7. A new § 74.05-5 is added to read as follows:

§ 74.05-5 Danger, restricted, and prohibited areas.

Danger, restricted, and prohibited areas described in § 62.01-25 of this chapter are marked at Coast Guard expense.

Subpart 74.10—[Revoked]

8. Subpart 74.10 and §§ 74.10-1 and 74.10-5 therein are deleted.

(14 U.S.C. 81, 86, 93, 633, Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Effective date: December 9, 1973.

Dated: November 26, 1973.

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

[FR Doc.73-25705 Filed 12-4-73; 8:45 am]

[CGD 72-154R]

PART 66—PRIVATE AIDS TO NAVIGATION

Designation of Navigable Waters as State Waters for Private Aids to Navigation

The purpose of this amendment to the aids to navigation regulations is to bring the list of navigable waters that have been designated as State waters for private aids to navigation up-to-date.

As defined in 33 CFR 66.05-5, "State waters for private aids to navigation" means those navigable waters of the United States which the Commandant, acting upon a request by a State Administration, has designated as waters within which the State government may regulate the establishment, operation, and maintenance of marine aids to navigation, including regulatory markers. The waters designated by the Commandant are in 33 CFR 66.05-160, 66.05-169, and 66.05-173. This list was published in the April 25, 1968 issue of the FEDERAL REGISTER (33 FR 6291) and has not been updated since then. This document does the following:

a. Adds to the list of designated waters—

- (1) All the navigable waters within Alabama not marked with Coast Guard aids to navigation on March 26, 1971;
- (2) All the navigable waters within Wisconsin not marked with Coast Guard aids to navigation on November 17, 1969;
- (3) All the navigable waters within North Carolina not marked with Coast Guard aids to navigation on June 1, 1973.
- (4) The portions of Toledo Bend Reservoir that are within Louisiana and Texas;
- (5) All the navigable waters within Missouri except the Mississippi and Missouri Rivers;
- (6) The portion of Gaston, Holston, John H. Kerr, and Philpott Reservoirs within Virginia;
- (7) The portion of Lake Havasu within Arizona, except the portion within Havasu Lake National Wildlife Refuge;
- (8) Claytor and Leesville Lakes in Virginia; and
- (9) The portion of Missouri River within Montana between the U.S. Highway 287 bridge near Townsend and Great Falls, including Rainbow Dam Reservoir, Black Eagle Dam Reservoir, Holter Lake, Hauser Lake, and Canyon Ferry Reservoir.

b. Eliminates the redundancy in § 66.05-100 and lists in this section the designated waters; and

c. Revokes §§ 66.05-160, 66.05-169, and 66.05-173 and adds the names of the waters listed in these sections to the revised § 66.05-100.

The amendments in this document that relate to agency management are excepted by 5 U.S.C. 553(a) from notice of proposed rule making and from the requirements of an effective date of not less than 30 days after publication in the FEDERAL REGISTER. The rest of the amendments are editorial changes which impose no additional burden on any person; therefore, public rule making procedures are unnecessary and they may be made effective in less than 30 days.

In consideration of the foregoing, Part 66 of Title 33, Code of Federal Regulations is amended as follows:

1. By revising § 66.05-100 to read as follows:

§ 66.05-100 Designation of navigable waters as State waters for private aids to navigation.

In accordance with the procedures contained in § 66.05-10(d), the following navigable waters listed by the State in which they are located, are designated as State waters for private aids to navigation:

(a) *Alabama.* Each water within the State not marked with Coast Guard aids to navigation on March 26, 1971.

(b) *Arizona.* The portion of Lake Havasu within the State, except that portion within Havasu Lake National Wildlife Refuge.

(c) *Louisiana.* The portion of Toledo Bend Reservoir within the State.

(d) *Missouri.* Each water within the State except the—

- (1) Mississippi River; and
- (2) Missouri River.

(e) *Montana.* The portion of Missouri River between the U.S. Highway 287 bridge near Townsend and Great Falls including the following impoundments:

- (1) Black Eagle Dam Reservoir.
- (2) Canyon Ferry Reservoir.
- (3) Hauser Lake.
- (4) Holter Lake.
- (5) Rainbow Dam Reservoir.

(f) *North Carolina.* Each navigable water within the State not marked with Coast Guard aids to navigation on June 1, 1973.

(g) *Pennsylvania.* The portion of Youghiogheny River Reservoir within the State.

(h) *Texas.* The portion of Toledo Bend Reservoir within the State.

(i) *Virginia.* (1) Claytor Lake, on the New River in Pulaski County.

(2) Leesville Lake, on the Roanoke River below Smith Mountain Dam.

(3) The portions of the following reservoirs within the State:

- (i) Gaston.
- (ii) Holston.
- (iii) John H. Kerr.
- (iv) Philpott.

(j) *Wisconsin.* Navigable waters within the State not marked with Coast Guard aids to navigation on November 17, 1969.

§§ 66.05-160, 66.05-169, and 66.05-173 [Revoked]

2. By revoking §§ 66.05-160, 66.05-169, and 66.05-173.

(14 U.S.C. 83, Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1855(b)(1)); 49 CFR 1.46(b).)

Effective date. These amendments become effective on December 9, 1973.

Dated: November 26, 1973.

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

[FR Doc. 73-25704 Filed 12-4-73; 8:45 am]

[CGD 72-103R]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Area, Casco Bay, Falmouth, Maine

This amendment to the anchorage regulations of Casco Bay, Maine, enlarges the special anchorage area in Mussel Cove and adjacent waters at Falmouth Foreside, Falmouth. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

This amendment is based on a notice of proposed rulemaking published in the Friday, June 16, 1972, issue of the FEDERAL REGISTER (37 FR 11977) and Public Notice No. 1-6 issued by the Commander, First Coast Guard District on November 29, 1971.

Ten comments were received in response to the notices of proposed rulemaking. Three of the comments opposed enlarging the anchorage saying that the increased number of vessels using the enlarged anchorage would increase the number of discharges of sewage into the water from the sewage devices aboard their vessels. The Coast Guard is currently developing regulations that would provide for marine sanitation devices aboard vessels in the navigable waters of the United States to alleviate the problem of discharge of sewage. An advanced notice of proposed rulemaking concerning marine sanitation devices was published in the FEDERAL REGISTER of June 18, 1973 at pages 15918-15921.

The U.S. Army Corps of Engineers recommended that consideration be given to providing an open channel through the mooring pattern in the special anchorage and to marking Prince Point Ledge and Underwood Ledge with day beacons or other aids. The marking of the two ledges is under evaluation by the Coast Guard, and the Harbor Master will be asked to consider establishing an open channel.

The other comments received had no objections to enlarging the anchorage. In consideration of the foregoing, Part 110 of Chapter I of Title 33 of the Code of Federal Regulations is amended by revising § 110.5(d) to read as follows:

§ 110.5 Casco Bay, Maine.

(d) *Mussel Cove and adjacent waters at Falmouth Foreside, Falmouth.* All of the waters enclosed by a line beginning at the Dock House (F.S.) located at latitude 43°44'22" N., longitude 70°11'41" W.; thence 123°, 200 yards; thence 204°, 1,760 yards; thence 220°, 1,950 yards to Prince Point; thence along the shoreline to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended, sec. 6(g) (1)(B), 80 Stat. 937; (33 U.S.C. 180), (49 U.S.C. 1855(g) (1)(B)), 49 CFR 1.46(c) (2), 33 CFR 1.05-1(c) (1)).

Effective date: This amendment shall become effective on January 7, 1974.

Dated: November 27, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard
Chief, Office of Marine Environment and Systems.

[FR Doc. 73-25707 Filed 12-4-73; 8:45 am]

[CGFR 71-162R]

PART 110—ANCHORAGE REGULATIONS**Anchorage Grounds, St. Johns River, Florida**

This amendment to the anchorage regulations terminates Anchorage A and Anchorage B on the St. Johns River, Florida, as published in 33 CFR 110.183 (a) (1) and (2). These anchorages are no longer used by maritime interests.

This amendment is based on a notice of proposed rulemaking published in the Wednesday, December 22, 1971, issue of the FEDERAL REGISTER (36 FR 24228) and Public Notice 3171 issued by the Commander, Seventh Coast Guard District.

No comments concerning the termination of the anchorages were received.

In consideration of the foregoing, Part 110 of Title 33 of the Code of Federal Regulations is amended by revoking paragraphs (a) (1) and (a) (2) of § 110.183. As amended, § 110.183 reads as follows:

§ 110.183 St. Johns River, Florida.

(a) *The anchorage grounds.* (1) [Reserved]

(2) [Reserved]

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g) (1) (A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g) (1) (A); 49 CFR 1.46(c) (1), 33 CFR 1.05-1(C) (1))

Effective date: This amendment shall become effective on January 7, 1974.

Dated: November 27, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc. 73-25708 Filed 12-4-73; 8:45 am]

Title 36—Parks, Forests and Public Property**CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE****PART 212—ADMINISTRATION OF THE FOREST DEVELOPMENT TRANSPORTATION SYSTEM****Trail System Operation**

Proposed regulations for trail system operation on National Forest Development Trails were published in the FEDERAL REGISTER (36 FR 20247) on October 19, 1971. The purpose of that publication was to give Federal, State and local governmental agencies, private organizations, and land users who are directly or otherwise affected by the trail regulations, a further opportunity to give us their advice and assistance in the preparation of the final regulations.

A number of comments were received, both within and after the 30-day comment period, and all have been carefully evaluated before finalizing the regulations herein.

Most of the comments received were in support of prohibiting motorized vehicles on the Pacific Crest National Scenic Trail. This was provided for in the National Trails System Act of October 1968. The regulations apply only on

and along National Forest Development Trails.

The Forest Service, in developing these regulations, has had them specifically reviewed by the Appalachian Trail Conference, the members of the Pacific Crest Advisory Council, the National Park Service, and the Bureau of Land Management, in addition to the review by the general public.

Final adoption of the regulation has been delayed pending the adoption of regulations governing use of off-road vehicles (36 CFR, Part 295; 38 FR 26723, September 25, 1973).

In consideration of the foregoing, §§ 212.20 and 212.21 of Title 36 CFR, are added as follows:

§§ 212.13-212.19 [Reserved]

§ 212.20 National Forest Development Trail System Operation.

(a) *Applicability and Scope.* The regulations in this section prescribe the use and protection of, and maintenance of good conduct on the National Forest Development Trail System on lands, or interest in lands, of the United States, including Forest Service administered segments of the National Trails System within the exterior boundaries of the National Forests.

(b) *National Forest Development Trails.* National Forest Development Trails shall be designated on a map or plan available to the public at the offices of the Forest Supervisors and District Rangers and shall be marked on the ground by appropriate signs which reasonably bring their location to the attention of the public.

(c) *Use and protection of National Forest Development Trails.* Foot travel or use of stock or bicycles (see CFR, Part 295, for use of off-road vehicles) on trails may be restricted by the Chief of the Forest Service for public safety or for the protection of the trails, resources and environment or to minimize conflicts among the various uses of the trail. Such restrictions may include exceptions for official or emergency use or use under a permit, lease, license or contract.

(1) *Planning.* Evaluation of potential impacts on soil, watersheds, vegetation, wildlife, wildlife habitat, management of other resources and types of potential uses will be analyzed prior to determining restrictions to be imposed on the use of each trail.

(2) *Public participation.* The public will be provided the opportunity to participate in determining the restrictions to be posted.

(3) *Designation procedures.* Public notices shall be posted in such locations as will reasonably bring such restrictions to the attention of the public. A copy of such restrictions shall be available to the public in the offices of the District Rangers and Forest Supervisors.

(4) *Prohibited use.* Use of a trail in violation of restrictions imposed pursuant to this subsection is prohibited.

(d) *Maintenance of good conduct.* The following acts are prohibited on all National Forest Development Trails:

(1) The willful tearing down, removal, or defacing any sign, marker, or notice of the Forest Service.

(2) Mutilating, defacing, disturbing, removing, or destroying objects of natural beauty or of scenic value.

(3) Destroying, damaging, or removing any living tree or plant, except during maintenance operations and for resource management.

(4) Creating an unsanitary condition by leaving refuse, debris, garbage or other wastes exposed, or permitting the discharge of harmful pollutants or objectionable wastes into streams, lakes, or other water sources.

(5) Blocking, restricting or otherwise interfering with the use of the trail.

§ 212.21 Pacific Crest National Scenic Trail.

The Pacific Crest National Scenic Trail as defined by the National Trails System Act, 82 Stat. 919, shall be administered primarily as a footpath and horseback riding trail by the Forest Service in consultation with the Secretary of the Interior. The use of motorized vehicles along the Pacific Crest National Scenic Trail is prohibited, except that the Federal agency administering the segment of the trail involved may authorize by permit use of such vehicles when necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights.

(Sec. 1, 30 Stat. 35, as amended; 16 U.S.C. 551, sec. 205, 72 Stat. 907, 23 U.S.C. 205 and 82 Stat. 919, 16 U.S.C. 1241, et seq.)

Effective Date. These regulations shall become effective on December 10, 1973.

PAUL A. VANDER MYDE,
Acting Assistant Secretary for
Conservation, Research and
Education.

NOVEMBER 30, 1973.

[FR Doc. 73-25710 Filed 12-4-73; 8:45 am]

Title 46—Shipping**CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION****SUBCHAPTER H—PASSENGER VESSELS**

[CGD 73-247R]

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT**SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS****PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT****SUBCHAPTER U—OCEANOGRAPHIC VESSELS****PART 195—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT****Change in Approval Procedure for Explosion-Proof Flashlights**

The purpose of the amendments in this document is to reflect in §§ 77.35-5 (c), 96.35-5 (c), and 195.35-5 (c) of Title 46, Code of Federal Regulations the current specifications for explosion-proof flashlights.

Explosion-proof flashlights, required as equipment of firemen on passenger, cargo and miscellaneous, and ocean-

graphic vessels in §§ 77.35-5(c), 96.35-5(c), and 195.35-5(c), must meet the specifications contained in Subpart 161.008 of Title 46, Code of Federal Regulations, and be Coast Guard approved. This requirement is misleading because it fails to reflect the altered specification contained in Subpart 161.008.

Subpart 161.008 was established in the January 11, 1950 issue of the FEDERAL REGISTER (15 FR 128). It contained specifications for Type I (watertight), Type II (explosion-proof), Size no. 2 (two-cell), and Size no. 3 (three-cell) flashlights. Type II flashlights were required to be explosion-proof and bear the label of Underwriters' Laboratories, Inc. as suitable for use in Class I, Group D, hazardous locations in order to be approved by the Coast Guard.

In the December 30, 1970 issue of the FEDERAL REGISTER (35 FR 19966), the specification for electric hand flashlights for merchant vessels was amended to apply only to watertight flashlights, (formerly "Type I") thereby eliminating the examination and approval of explosion-proof flashlights by the Coast Guard. However, the requirements for explosion-proof flashlights contained in §§ 77.35-5(c), 96.35-5(c), and 195.35-5(c) were never amended to reflect this change in the approval procedure.

This document corrects that oversight by amending §§ 77.35-5, 96.35-5, and 195.35-5 to require that a 3 cell explosion-proof flashlight be listed by Underwriters' Laboratories, Inc. and bear its label, and by removing the requirement that the flashlight must also be approved by the Coast Guard.

Since the amendments in this document are merely editorial changes, notice and public procedure thereon are unnecessary and they may be made effective in less than 30 days.

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

1. By revising §§ 77.35-5(c), 96.35-5(c) and 195.35-5(c) to read as follows:

§ 77.35-5 General.

(c) Flashlights shall be of a type that is—

- (1) Three-cell explosion-proof;
- (2) Listed by Underwriter's Laboratories, Inc. and bearing its label; and
- (3) Suitable for the hazardous atmosphere in which it is used.

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 4402, as amended (46 U.S.C. 416), Sec. 6(b) (1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).)

Effective date. These amendments shall be effective on December 9, 1973.

Dated: November 26, 1973.

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

[FR Doc.73-25706 Filed 12-4-73; 8:45 am]

Title 47—Telecommunication
CHAPTER I—FEDERAL
COMMUNICATIONS COMMISSION

[Docket No. 19777]

PART 1—PRACTICE AND PROCEDURES

PART 64—MISCELLANEOUS RULES
RELATING TO COMMON CARRIERS

Domestic Telegraph Speed of Service
Studies

In the matter of amendment of subpart B of part 64 of the Commission's rules and regulations governing domestic telegraph speed of service studies.

1. On July 9, 1973, the Commission issued notice of proposed rulemaking, FCC 73-718, concerning the conduct and reporting of domestic telegraph speed of service studies; §§ 64.201 through 64.295 were revised and new §§ 64.296 through 64.298 were added.

2. The changed rules appear desirable because of changes in operating methods and service objectives of the Western Union Telegraph Company. The company has recently replaced its multiple reperforator switching center with a single computer switching complex, many company-operated offices have been converted to agency operation, telephone recording of messages has been consolidated into three centralized telephone bureaus, and former service performance goals have been superseded by delivery standards set forth in its tariffs.

3. The new rules would require Western Union to make service measurements on every 200th full rate message or money order transiting its switching computer, from time of filing to time switched to the destination office, or direct to TELEX or to TWX subscribers over the 24-hour period daily. A monthly summary report will be produced showing volumes handled by time interval, in 15 minute segments. Terminal handling speed of service (telephone, teline, and messenger deliveries) at local offices will be sampled one business day a week using procedures now prescribed in the rules at the 25 largest telegraph centers. Service performance studies at agency offices are also prescribed, and the new rules provide for telephone speed of answer studies over the 24-hour period at the three centralized telephone bureaus.

4. The notice was published at 38 FR 18908, July 16, 1973, and interested persons were given the opportunity to file comments on or before August 20, 1973. We have received one such comment, from the Western Union Telegraph Company, which supports the proposed rule changes.

5. Accordingly, for the reasons stated in the notice of proposed rulemaking, and by virtue of the authority contained in sections 4(i), 201(b), and 218 of the Communications Act of 1934 as amended, revised §§ 64.201 through 64.295 and new §§ 64.296 through 64.298, are hereby adopted, and shall be effective January 1, 1974.

6. *It is further ordered,* That also effective January 1, 1974, § 1.804 of the rules shall be modified to delete reference to FCC Form 338-B. The section as revised shall read:

§ 1.804 Reports regarding domestic telegraph speed of service.

The Western Union Telegraph Company shall furnish monthly reports under Subpart B of Part 64 of this chapter in regard to speed of service performance at its offices and agencies as prescribed in § 64.298 and on forms illustrated in that Section, and any additional recurring monthly speed of service reports prepared by the telegraph company, together with copies of related institutions issued by the company to its field offices, in accordance with Part 64 of this chapter.

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

(Secs. 4, 201, 218, 48 Stat., as amended, 1066, 1070, 1077; 47 U.S.C. 154, 201, 218.)

Adopted: November 14, 1973.

Released: November 20, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

Part 64, Subpart B, 47 CFR Ch. I is revised to read as follows:

Subpart B—Domestic Telegraph Speed of Service
Studies

DEFINITIONS

Sec.	
64.202	Filing time.
64.203	Time delivered.
64.204	First attempt.
64.205	Teline.
64.210	Identifying wire numbers.
64.212	Messenger route.
64.214	Time routed out.
64.215	Time returned.
64.216	Terminal handling speed of service.
64.218	Filing time to computer output speed of service.
64.220	Speed of answer—Central Telephone Bureau (CTB).
64.221	Agency speed of service.

INSTRUCTIONS FOR THE CONDUCT OF TERMINAL
HANDLING SPEED OF SERVICE STUDIES

General Provisions

64.230	Offices and locations to be studied.
64.231	Types of messages to be tallied.
64.232	Exclusion of messages from tally.
64.233	Hours to be included and selection of study date.
64.234	Tallies: when made.
64.235	Suspension of tallying.
64.236	Volume of messages to be tallied.
64.237	Selection of offices for tallying.
64.238	Selection of messages for tallying.

Messages Delivered by Telephone

64.261	Selection and tally.
	Messages Delivered by Teline
64.271	Selection and tally.

Messages Delivered by Messenger

64.281	Route record data.
64.282	Selection and tally.

INSTRUCTIONS FOR THE CONDUCT OF FILING TIME TO COMPUTER OUTPUT SPEED OF SERVICE STUDIES

64.285 Procedures.

INSTRUCTIONS FOR THE CONDUCT OF CENTRAL TELEPHONE BUREAU SPEED OF ANSWER STUDIES

64.288 Procedures.

INSTRUCTIONS FOR THE CONDUCT OF AGENCY SPEED OF SERVICE STUDIES

64.290 Source of data.

64.291 Method of tallying.

GENERAL PROVISIONS

64.297 Company instructions to offices making studies.

64.298 Summary reports.

Subpart B—Domestic Telegraph Speed of Service Studies

DEFINITIONS

§ 64.202 Filing time.

The time a message is first accepted at an office for transmission, except as otherwise provided in this section.

(a) In the case of messages filed or corrected over the telephone, the time the transaction with the sender is completed shall be the time filed.

(b) In the case of messages filed over manually terminated teleprinter, TWX or Telex tielines, the filing time shall be the acknowledgment or stamped received time, whichever is earlier. Where messages are filed over a telefax tieline, the filing time shall be the stamped received time placed on the message upon removal from the recorder. Where messages are filed over TWX, Telex or Info-Com directly with the ISCS computer, the filing time shall be the acceptance time placed on the message by the computer. In the case of manually terminated tieline, if the sender is called back to verify a questionable part of the message, the original filing time shall be used unless a correction is made by the sender, in which case a new filing time consisting of the time the correction is received shall be placed on the message.

(c) In the case of messages received in an office by messenger, the time the messenger returns to the office from the pickup run shall be the time filed.

(d) In the case of messages filed at the counter, the time the transaction with the sender is completed shall be the time filed.

§ 64.203 Time delivered.

The time delivery of a telegram is completed to the addressee (or to a person authorized to receive the telegram for the addressee), except as otherwise provided in this section.

(a) For speed of service purposes the first attempt to deliver a telegram shall be considered to be the time of delivery.

(b) When delivery is made by telephone, the time delivered is the time reading of a telegram is completed, or the time the first attempt to deliver is made.

(c) When delivery is made by manual teleprinter tieline (or manually by Telex/TWX) or by tieline switching equipment, the time delivered is the time transmission of a telegram is completed,

or the time of the first attempt to deliver.

(d) When delivery is made by telefax tieline, the time delivered or time of first attempt is two minutes later than the time a facsimile transmitter is connected to the customer's line for transmission of the message.

(e) When delivery is made by messenger, the time delivered or the time of the first attempt to deliver for each message on the route shall be the time routed out plus one-half of the interval from the time routed out to the time returned.

(f) In the case of Domestic Full Rate Money Orders, the time delivered shall be the time the money order is paid or the payee is notified.

§ 64.204 First attempt.

(a) In the case of telephone delivery, the time the addressee's telephone is reported to be busy or not answered, or reported out of order, or the addressee or someone authorized to accept the message is not available to receive the message.

(b) In the case of tieline delivery, the time of first attempt is the time transmission is attempted but could not be made because the addressee did not answer or, having answered, requested later transmission. Two minutes later than such time is the time of first attempt for facsimile tieline messages.

(c) In the case of messenger delivery, messages returned to the office undelivered for any reason when first routed out are "first attempts." The time of the first attempt to deliver shall be the time routed out plus one-half of the interval from the time routed out to the time returned.

(d) In all such cases there shall be noted on the message and delivery sheet the "first attempt" time and the reason for non-delivery.

(e) If unsuccessful attempts to deliver by one method result in transfer to another method for delivery, the messages shall not be tallied in the second method, but shall be tallied as a first attempt in the original method in those cases when it is practicable to do so.

(f) Messages delayed in delivery due to special instructions of the sender or addressee shall be excluded from tally as provided in § 64.232.

§ 64.205 Tieline.

A direct circuit connecting a telegraph company's office with a customer's office by teleprinter, telefax, TWX, Telex or Info-Com for the purpose of accepting and/or delivering telegrams.

§ 64.210 Identifying wire numbers.

A number assigned to messages sent over each channel each day at office of origin.

§ 64.212 Messenger route.

A continuous trip of a messenger for the physical delivery or pickup of telegrams entered on a Route Call Record.

§ 64.214 Time routed out.

The time a messenger is dispatched on route.

§ 64.215 Time returned.

The time a messenger returns to the office after completing a route.

§ 64.216 Terminal handling speed of service.

The elapsed time from the time transmission is started from the computer to the destination Western Union office until time delivered or first attempt. For purposes of this measurement, messages sent to agents shall be measured to the time transmission to the agent is completed.

§ 64.218 Filing time to computer output speed of service.

The elapsed time from filing time to the time transmission is started to the destination terminal (Western Union office, TWX station or Telex station).

§ 64.220 Speed of answer—Central Telephone Bureaus (CTB).

The elapsed time on an incoming telephone call from the start of ringing at the CTB until the call is answered by a recording operator.

§ 64.221 Agency Speed of Service.

The elapsed time in agency handling on:

(a) Originating messages—from filing time to time transmitted to control office.

(b) Terminating messages—from time transmission to the agent is completed to time routed out for messenger delivery or time telephoned or first attempt.

INSTRUCTIONS FOR THE CONDUCT OF TERMINAL HANDLING SPEED OF SERVICE STUDIES

General Provisions

§ 64.230 Offices and locations to be studied.

The Western Union Telegraph Company shall conduct weekly terminal handling studies, in accordance with the instructions contained herein, in the following cities and locations:

Atlanta, Ga.	New Orleans, La.
Baltimore, Md.	New York, N.Y. (All Public Message Centers)
Boston, Mass.	Philadelphia, Pa.
Chicago, Ill.	Portland, Oreg.
Cincinnati, Ohio	San Francisco, Calif.
Cleveland, Ohio	St. Louis, Mo.
Dallas, Tex.	Washington, D.C.
Denver, Colo.	Central Tel. Bureaus
Detroit, Mich.	Moorestown, N.J.
Houston, Tex.	Bridgeton, Mo.
Indianapolis, Ind.	Reno, Nev.
Kansas City, Mo.	(Telephone dly only)
Los Angeles, Calif.	
Miami, Fla.	
Minneapolis, Minn.	

§ 64.231 Types of messages to be tallied.

Of the messages selected as hereinafter provided, the following shall be tallied by time intervals on speed of service tally sheets: Domestic Full Rate including Government and CAK, Domestic Full Rate Money Order, CND and Full Rate International (INTL). (For purposes of this instruction, "Domestic" shall include messages originating in Canada and Mexico as well as other "domestic" points outside the United States.

§ 64.232 Exclusion of messages from tally.

Messages other than those specified in § 64.231 shall not be tallied. These messages include among others: Service, Wire, Press, Personal Opinion Messages (POM), Overnight Telegrams, Deadhead, confirmation copies of messages previously delivered, messages delayed in delivery due to special instructions of the sender or addressee, and messages delayed due to closed hours of the addressee.

§ 64.233 Hours to be included and selection of study date.

Speed of service studies shall be made on messages received at delivery office between the hours of 9 a.m. and 6 p.m. local time, on one designated business day each week, except as provided in §§ 64.235 and 64.282. The day to be designated each week, for each of the listed offices in § 64.230, shall be selected at a central point, from a random number table, and the date so determined shall not be communicated to the office involved prior to 4 p.m. local time at that office on the designated date.

§ 64.234 Tallies; when made.

Speed of service tallies shall be made after 7 p.m. of the day of transmission but not later than the day following transmission, except any tally thus scheduled to be made on a holiday or a Saturday may be postponed until the following business day.

§ 64.235 Suspension of tallying.

(a) Speed of service tallies shall not be taken with respect to messages handled on the following holidays: New Year's, Washington's Birthday, Valentine's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas; and on the last business day preceding each of these holidays.

(b) In the event of a serious and unusual communication emergency such as that caused by flood, earthquake, strike by respondent's employees, or fire, tallying may be suspended at the offices affected by such emergency. In the event of suspension of tallies during an emergency, messages handled during the emergency need not be tallied.

§ 64.236 Volume of messages to be tallied.

At each city studied (in New York City, each PMC), there shall be sampled for each method of delivery (telephone, tieline and messenger) not less than 50 messages in each delivery method (or all available messages).

§ 64.237 Selection of offices for tallying.

(a) Sampling for terminal handling speed of service in each method shall be limited to those offices in each city which deliver an average of 50 or more messages daily by telephone, tieline or messenger: *Provided, however,* That if none of the offices in a city deliver 50 or more messages daily in a particular method of delivery, then each such office shall be considered as delivering an average of 50 messages per day in that method and as qualifying under this section for tallying.

(b) The volume to be sampled at each office shall be determined as follows:

(1) Where there are no branch offices in a city, the entire sample of 50 messages (or all available messages) in each delivery method shall be taken at the main office.

(2) Where there are one or more delivery branches in a city, the sample of 50 messages in each delivery method shall be divided between the main office and any branches delivering by that method in the proportion that each office load bears to the total delivered load in that method.

(3) The sample of 50 messages in the tieline method shall be divided between teleprinter (including TWX and Telex) and telefax in the ratio of the respective total city loads in these methods.

§ 64.238 Selection of messages for tallying.

(a) The selection of individual messages to be tallied from the delivered message file of any method at any office shall be determined from the identifying wire number, as follows:

(1) A set of ten cards shall be prepared, each card bearing one of the digits 0 to 9;

(2) The ten cards shall be thoroughly shuffled face down followed by a cut of the deck. The digit appearing on the top card after completion of the cut shall determine selection of the messages to be tallied. Messages in the files of the types named in § 64.231, received at delivery office between 9 a.m. and 6 p.m., local time, on which the identifying wire number ends in the digit selected shall be withdrawn for tallying until the quota for the day has been obtained.

(b) Offices shall select individual messages from the files for each method in the following manner:

(1) Where delivered messages are filed alphabetically, a card for each letter of the alphabet shall be prepared. The set of cards shall be shuffled face down and the deck cut. The top card shall be drawn after completion of the cut. The file shall be searched beginning with the letter of the alphabet drawn for individual messages of the types named in § 64.231 whose identifying wire number ends in the digit drawn. If, after complete search of the file for messages received at delivery office between 9 a.m. and 6 p.m., local time, the quota for tallying is not obtained, the succeeding alphabet card or cards shall be drawn and used in the order of their appearance in the pack from the top down.

(2) Where delivered messages are filed in sent number sequence or in delivered time order or route records are filed in route out or return time order, a set of 9 cards shall be prepared, each card bearing one of the hours 9 a.m. to 10 a.m. through 5 p.m. to 6 p.m. The set of cards shall be shuffled face down and the deck cut. The top cards shall be drawn after completion of the cut. The file shall be searched beginning with the hour drawn for individual messages whose identifying wire number ends in the digit drawn. If after complete search of the file for messages of the types named in § 64.231 received at delivery office between 9 a.m.

and 6 p.m., local time, the quota for tallying is not obtained, another digit shall be selected in accordance with § 64.238(a)(2).

Messages Delivered by Telephone

§ 64.261 Selection and tally.

(a) Offices and messages selected for tallying in any city shall be determined in accordance with §§ 64.236 to 64.238.

(b) Each selected message of the type described in § 64.231 which was received at delivery office between the hours of 9 a.m. and 6 p.m., local time, shall be tallied.

(c) The interval of time to be tallied for each message selected shall be from the computer output time to the time delivered or time of the first attempt.

Messages Delivered by Tieline

§ 64.271 Selection and tally.

(a) For messages delivered by telefax and manual teleprinter, TWX or Telex, offices and messages for tallying in any city shall be determined in accordance with §§ 64.236 to 64.238.

(b) For messages delivered by tieline switching equipment, the following method for selection of messages to be tallied shall be used:

(1) Each roll of monitor tape, on which are recorded copies of messages delivered by tieline switching equipment shall be designated with a separate number;

(2) A number card shall be prepared for each numbered roll of monitor tape. The entire set of cards, representing an equal number of monitor rolls, shall be thoroughly shuffled face down daily and the deck cut. The required number of cards shall be withdrawn from the top of the deck after completion of the cut to determine the monitor roll or rolls from which tallies will be made. These cards shall be withdrawn and used in the order of their appearance in the pack from the top down;

(3) A digit shall be selected, as outlined in § 64.238(a);

(4) Each message of the types named in § 64.231 in the selected monitor tape rolls received at delivery office between 9 a.m. and 6 p.m., local time, on which the identifying wire number ends in the digit selected shall be tallied, until the quota is obtained.

(c) The interval of time to be tallied for each message selected shall be from the computer output time to the time delivered or time of the first attempt.

Messages Delivered by Messenger

§ 64.281 Route record data.

At all offices in the cities enumerated in § 64.230 where tallies are required to be made, the following shall be entered on route records: (a) The identifying wire number of each message; (b) the computer output time for each message of the types named in § 64.231 except for confirmation copies of messages previously delivered; (c) the time a messenger is dispatched on each route carrying messages; and (d) the time of return from the route.

§ 64.282 Selection and tally.

(a) Offices and messages selected for tallying in any city shall be determined

in accordance with §§ 64.236 through 64.238.

(b) Each message of the type described in § 64.231 which was received at delivery office between the hours of 9 a.m. and 6 p.m., local time, shall be tallied, except that messages delivered by telephone and subsequently dispatched for physical delivery by messenger need not be tallied.

(c) The interval of time to be tallied for each message selected shall be from the computer output time to the time delivered or to the time of the first attempt (see §§ 64.203 and 64.204).

INSTRUCTIONS FOR THE CONDUCT OF FILING TIME TO COMPUTER OUTPUT SPEED OF SERVICE STUDIES

§ 64.285 Procedures.

Continuous studies shall be made of the elapsed time from filing time to computer output time on full-rate and money order traffic transiting the computer. The monthly report of sampled traffic will be based upon every 200th full rate message or money order transiting the computer and will include messages which originate as Teleprinter Computer Service (TCS) inputs by Telex, TWX and Info-Com customers as well as those originating at West Union offices.

INSTRUCTIONS FOR THE CONDUCT OF CENTRAL TELEPHONE BUREAU SPEED OF ANSWER STUDIES

§ 64.288 Procedures.

Continuous studies will be made of the speed of answer at the three Central Telephone Bureaus, Moorestown, New Jersey, Bridgeton, Missouri, and Reno, Nevada. Monthly reports shall be made for each of the bureaus showing the percentage of calls answered within 20 seconds and also the percentage of calls answered within 50 seconds.

INSTRUCTIONS FOR THE CONDUCT OF AGENCY SPEED OF SERVICE STUDIES

§ 64.290 Source of data.

Agency speed of service studies shall be prepared from summary data contained

in Western Union's Agency Inspection Guide List, Form WU 16, for Class 9-C and Class 11-B agencies, which forms shall be collected and maintained at the Company's Washington, D.C. headquarters.

§ 64.291 Method of tallying.

(a) As inspection forms are received during the month to be studied, such forms shall be sorted and filed in:

(1) Chronological order of inspection date, and

(2) Administrative area order.

(b) At the close of the study month the forms shall be held in a separate file from those received in the ensuing month for speed of service sampling.

(c) The forms for each administrative area shall be studied on a random sampling basis as follows:

(1) The number of forms for each area under study shall be determined;

(2) Based upon the number of forms received for each area, the number of forms to be sampled shall be determined from the following incremental sampling table:

Number of forms in given area (population)	Sample size	Sample selection
20 or less	all items	all items
21-25	17	random number table
26-30	19	random number table
31-35	23	random number table
36-40	25	random number table
41-45	27	random number table
46-50	30	random number table
51-60	33	random number table
61-75	37	approximately 1 of 2, random start
76-100	42	approximately 1 of 2, random start
101-150	48	approx. every 3rd item, random start
151-200	54	approx. every 4th item, random start
201-250	57	approx. every 5th item, random start
251-300	59	approx. every 6th item, random start
301-500	64	approx. every 9th item, random start
501-750	67	approx. every 10th item, random start
751-1000	69	approx. every 15th item, random start

(3) The sampling process will begin and proceed based upon selection from a random number table.

(4) The speed of service data from each inspection form selected shall be tallied on the prescribed form, using a separate form or series of forms for each administrative area.

(d) Each form shall be summarized in the lower portion of the prescribed form, utilizing the last page of a series for the purpose.

(e) The study and summary forms shall be submitted to the Commission in "work paper" form upon completion of the studies for all administrative areas.

GENERAL PROVISIONS

§ 64.297 Company instruction to offices making studies.

Two copies of all general instructions (and of any amendments thereto) issued to field offices for the purpose of complying with § 1.804 of this chapter and §§ 64.201 to 64.298 shall be filed with the commission upon issuance.

§ 64.298 Summary reports.

The following reports shall be submitted monthly in quadruplicate, on designated forms, no later than the 25th of the month following the month under report:

(a) The results of the studies of terminal handling speed of service at the cities and installations indicated in § 64.230.

(b) The results of the computer analysis of filing time to computer output speed of service as described in § 64.285.

(c) The results of speed of answer studies at the three Central Telephone Bureaus, as described in § 64.288.

(d) The results of agency speed of service studies as described in § 64.291.

RULES AND REGULATIONS

Monthly Speed of Service Summary
(Filing Time to Computer Output Time)

The Western Union Telegraph Company

Month

Time in Minutes	Number of Full Rate Messages Sampled	Cumulative Percent Switched
00-15		
15-30		
30-45		
45-60		
60-75		
75-90		
90-105		
105-120		
120-135		
135+		

Monthly Summary of Telephone Speed of Answer
(Central Telephone Bureaus)

The Western Union Telegraph Company

Month

Days of Week	Bridgeton, Mo.			Moorestown, N. J.			Reno, Nev.		
	Volume	Pct. Ans.		Volume	Pct. Ans.		Volume	Pct. Ans.	
		20 Sec.	50 Sec.		20 Sec.	50 Sec.		20 Sec.	50 Sec.
Sundays									
Mondays									
Tuesdays									
Wednesdays									
Thursdays									
Fridays									
Saturdays									

Monthly Summary of Terminal Handling Speed of Service
(Computer Output Time to Time Delivered)

The Western Union Telegraph Company

Month

Location	Telephone Deliveries		Tieline Deliveries		Messenger Deliveries	
	Number Messages	Average Speed (Mins)	Number Messages	Average Speed (Mins)	Number Messages	Average Speed (Mins)
Central Telephone Burs	X	X	X	X	X	X
Bridgeton	X	X	X	X	X	X
Moorestown	X	X	X	X	X	X
Reno	X	X	X	X	X	X
Atlanta						
Baltimore						
Boston						
Chicago						
Cincinnati						
Cleveland						
Dallas						
Denver						
Detroit						
Houston						
Indianapolis						
Kansas City						
Los Angeles						
Miami						
Minneapolis						
New Orleans						
New York	X	X	X	X	X	X
PMC 1						
PMC 2						
PMC 3						
PMC 4						
PMC 5						
PMC 6						
PMC 7						
Philadelphia						
Portland						
San Francisco						
St. Louis						
Washington, DC						

[FR Doc. 78-25544 Filed 12-4-78; 8:45 am]

Title 49—Transportation
CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1091; Amdt. 4]

PART 1033—CAR SERVICE

Norfolk and Western Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of November 1973.

Upon further consideration of Service Order No. 1091 (37 FR 4917, 12497; 38 FR 877 and 14754), and good cause appearing therefor:

It is ordered, That:

§ 1033.1091 Service Order No. 1091 (Norfolk and Western Railway Company authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., February 28, 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 30, 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 copies of this amendment 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 amendment 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.73-25774 Filed 12-4-73; 8:45 am]

[S.O. 1125; Amdt. 2]

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 29th day of November 1973.

Upon further consideration of Service Order No. 1125 (38 FR 6883 and 19126), and good cause appearing therefor:

It is ordered, That:

§ 1033.1125 Service Order No. 1125 (St. Louis-San Francisco Railway Company authorized to operate over tracks of the

Kansas City Southern Railway Company) 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., May 31, 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 30, 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.73-25775 Filed 12-4-73; 8:45 am]

[REV. S. O. 1138; Amdt. 1]

PART 1033—CAR SERVICE

Colorado and Southern Railway Co. and Colorado & Wyoming Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of November 1973.

Upon further consideration of Revised Service Order No. 1138 (38 FR 14943), and good cause appearing therefor:

It is ordered, That:

§ 1033.1138 Rev. Service Order No. 1138 The Colorado and Southern Railway Company authorized to operate over tracks of the Colorado & Wyoming Railway Company, The Colorado & Wyoming Railway Company authorized to operate over jointly owned tracks of the Atchison, Topeka and Santa Fe Railway Company and the Colorado and Southern Railway Company be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 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 30, 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.73-25776 Filed 12-4-73; 8:45 am]

Title 15—Commerce and Foreign Trade
SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 6—STANDARDIZATION OF DATA ELEMENTS AND REPRESENTATIONS

Pursuant to the authority delegated to the Secretary of Commerce by Executive Order 11717 (38 FR 12315, dated May 11, 1973), Subtitle A of Title 15 of the Code of Federal Regulations is hereby amended to add a new Part 6 which implements the provisions of section 111 (f) (2) of the Federal Property and Administrative Services Act of 1949, as amended (79 Stat. 1127). This new Part 6 supersedes and replaces in its entirety the provisions of Office of Management and Budget Circular A-86 entitled, "Standardization of data elements and codes in data systems", dated September 30, 1967 which was rescinded by the Director of the Office of Management and Budget on August 29, 1973 through a letter to the Heads of Executive Departments and Establishments, same subject.

Part 6 provides policy and identifies responsibilities of executive branch departments and independent agencies for a government-wide program for the standardization of data elements and representations used in Federal automated data systems. The principal features of Part 6 are described in the attached explanatory statement.

Part 6 shall become effective on December 5, 1973.

Issued: November 28, 1973.

FREDERICK B. DENT,
Secretary of Commerce.

EXPLANATORY STATEMENT

Public Law 89-306 (79 Stat. 1127) of October 30, 1965, amended Title I of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377) and made provision for the economic and efficient purchase, lease, maintenance, operation and utilization of automatic data processing equipment by Federal departments and agencies.

Pursuant to this statute, the Secretary of Commerce is authorized (1) to provide agencies and the Administrator of General Services with scientific and technological advisory services relating to automatic data processing and related systems, and (2) to make appropriate recommendations to the President relating to the establishment of uniform Federal automatic data processing standards. The Secretary of Commerce is also authorized to undertake necessary research in the sciences and technologies of automatic data processing computer and related systems. The authority conferred upon the Secretary of Commerce is exercised subject to the direction of the President and to fiscal and policy control exercised by the Office of Management and Budget.

By letter to the Secretary of Commerce from the Acting Director of the Office of Management and Budget, dated December 15, 1966, policy guidance was provided concerning the implementation of Public Law 89-306 (79 Stat. 1127). This policy guidance provided guidelines on the development of voluntary commercial standards and recommendations for uniform Federal standards. The standardization of data elements and codes was excluded in this policy guidance letter.

The Office of Management and Budget on September 30, 1967, issued Circular A-86 entitled "Standardization of data elements and codes in data systems." This Circular (A-86) identified responsibilities and provided policies and guidelines for the management of activities in the executive branch regarding the development and application of standard data elements and their related codes in data systems. The Office of Management and Budget retained the function of providing leadership of the standards program within the executive branch on this subject.

On April 30, 1971, in a memorandum to the Director, Office of Management and Budget, the President authorized and empowered the Director to act finally on behalf of the President, upon recommendations concerning the establishment of automatic data processing standards for use by Federal agencies. Executive Order 11717 of May 9, 1973, transferred to the Secretary of Commerce all functions being performed on that date by the Office of Management and Budget relating to the establishment of government-wide automatic data processing standards, including the function of approving standards on behalf of the President. In this Executive Order (11717) the Director of the Office of Management and Budget retained oversight responsibilities for the transferred functions.

On August 29, 1973, in a letter to the Heads of Executive Departments and Agencies, the Director of the Office of Management and Budget rescinded OMB Circular No. A-86 and stated that revised policies and procedures in regard to the standardization of data elements and codes would be issued by the Department of Commerce. This amendment to Title

15 of the Code of Federal Regulations to add Part 6 is the embodiment of this direction provided by the Director of the Office of Management and Budget.

The new Part 6, in addition to incorporating the general provisions of the rescinded Office of Management and Budget Circular No. A-86, provides clarifications and other changes deemed essential and appropriate for the effective management and operation of a standards program for data elements and codes. The principal changes and additions to Office of Management and Budget Circular No. A-86 provided in the new Part 6 are identified and described below:

Title—Standardization of Data Elements and Representations. The designation of the Part "Standardization of Data Elements and Representations" is a change to the title of Office of Management and Budget Circular No. A-86. The use of the term "representations" is a broader term than "codes" in that it includes codes, abbreviations, names and numeric values. It also avoids confusion with other uses of the term "codes" as in character codes, self-checking codes, redundancy codes and programming codes.

Section 6.1 Purpose: This section indicates the transfer of functions prescribed in Executive Order 11717 and defines the relationship of the provisions of the Part to Office of Management and Budget Circular No. A-86.

Section 6.4 Glossary: This section provides clarification of terms and adds new terms needed to describe data standards. The terms used are those defined in Federal Information Processing Standard 20, "Guidelines for Describing Information Interchange Formats" which has been additionally approved by the American National Standards Institute as a voluntary national standard (X10.1-1973). These terms are provided in an appendix as noted in § 6.4.

Section 6.5 Types of standards: This section provides for two additional types of standards (i.e., De facto practices and Unit standards).

Section 6.6 Policies: This section provides for a relative ranking of the types of standards; the need to assure that applicable statutes, regulations and Executive orders are complied with to protect sensitive and classified data files; and the requirement to cooperate with affected activities outside the Federal Government in the development and implementation of data standards.

Section 6.7 Responsibility: This section lists the responsibilities of the Department of Commerce and Executive Branch departments and agencies. In addition to the responsibilities for maintaining registers and providing advisory services as in Office of Management and Budget Circular No. A-86, the National Bureau of Standards is assigned the major operational functions for the standardization of data elements and representations. The Secretary of Commerce approves Federal general and Federal program standards.

The responsibilities of Federal depart-

ments and independent agencies are for the most part a continuation of responsibilities reflected in the rescinded Office of Management and Budget Circular No. A-86. The need to assess the impact, benefits and problems related to the implementation of approved standards is a new responsibility.

Section 6.8 Exceptions, deferments and revisions of Federal standards: This section is a change from Office of Management and Budget Circular No. A-86 in that all such requests are coordinated in advance with the National Bureau of Standards rather than with various Government agencies.

Section 6.9 Effect on previously issued standards: This section continues the standards previously approved under the provisions of Office of Management and Budget Circular No. A-86.

Subtitle A of Title 15 of the Code of Federal Regulations is amended by adding a new Part 6, reading as follows:

Sec.

- 6.1 Purpose.
- 6.2 Background.
- 6.3 Glossary.
- 6.4 Glossary.
- 6.5 Types of standards.
- 6.6 Policies.
- 6.7 Responsibilities.
- 6.8 Exceptions, deferments and revisions of Federal standards.
- 6.9 Effect on previously issued standards.

Appendix A—Glossary of terms.

AUTHORITY: 79 Stat. 1127; Executive Order 11717, dated May 9, 1973 (38 FR 12315, dated May 11, 1973).

§ 6.1 Purpose.

(a) The purpose of this part is to implement the provisions of section 111(f) (2) of the Federal Property and Administrative Services Act of 1949, as amended (79 Stat. 1127) and Executive Order 11717 of May 9, 1973 (38 FR 12315, dated May 11, 1973). It supersedes and replaces in its entirety Office of Management and Budget Circular A-86 entitled, "Standardization of data elements and codes in data systems", dated September 30, 1967, Office of Management and Budget Circular No. A-86 was rescinded by the Director of Office of Management and Budget on August 29, 1973.

(b) This part identifies responsibilities and provides policies and guidelines for the management of activities in the Executive Branch relating to the development, implementation and maintenance of standards for data elements and representations used in automated Federal data systems. Its provisions complement the standards and recommendations that have been or may be issued under the statistical procedures prescribed by Office of Management and Budget Circular A-46.

§ 6.2 Background.

(a) Recent advances in computer and communications technologies have made possible the wider use of data and programs that are developed or generated to meet mission requirements of Federal departments, agencies, and activities. While the extended use of these data and programs can contribute to reduced costs

in government operations and improved services, the full advantages of these new technical capabilities cannot be realized until standards are developed and implemented which will provide for the uniform identification, definition and representation of data. These standards for data must also be accompanied by supporting standards for representing graphic characters (alphabets, numbers, and other symbols), communications and device controls. In addition, it is essential to have standards that provide for interchangeable media (e.g., tapes, cassettes and disks) covering both physical and logical specifications.

(b) There is an ever increasing need to interchange data and programs with state, local and other governments, and with industry and the public. This adds further emphasis and dimension to the need for responsive standards that will facilitate interchange.

(c) This part defines a Federal-wide program for standardizing data elements and representations which are used and interchanged in Government data systems. Other approved standards and guidelines issued by the National Bureau of Standards in the Federal Information Processing Standards series of publications address related ADP subjects and areas.

§ 6.3 Objectives

The principal goal in standardizing data elements and representations is to make maximum utilization of the data resources of the Federal Government and to avoid unnecessary duplications and incompatibilities in the collection, processing, and dissemination of data.

§ 6.4 Glossary

Appendix A of this part provides a glossary of terms as used in this part and in descriptions of data.

§ 6.5 Types of standards

For the purposes of this part, the following types of practices and standards are identified for data elements and representations:

(a) *De factor practices.* Those data elements and representations in current use that have not been subjected to official or formal standardization.

(b) *Unit standards.* Those data elements and representations that have been approved by an authorized official for use within that unit. (A unit for purposes of this part is any Federal organization within the executive branch of the government, which is at a lower organizational level than an executive department or independent agency).

(c) *Agency standards.* Those data elements and representations that have been approved by an authorized official for use within an executive department or independent agency.

(d) *Federal program standards.* Those data elements and representations that have been approved by the Secretary of Commerce for use in a particular program or mission where more than one executive branch department or independent agency is involved with their

use. For example, those standards that could be approved and prescribed for use are those which include, but are not limited to, Federal-wide personnel, communications and transportation data systems.

(e) *Federal general standards.* Those representations that have been approved by the Secretary of Commerce for Federal-wide use by executive departments and independent agencies in all Federal-wide programs and for use in all Federal data systems. For example, this includes such representations as calendar dates, state abbreviations and codes, and codes for standard metropolitan statistical areas.

(f) *American national standards.* Those data elements and representations that have been approved for voluntary national use by the American National Standards Institute.

(g) *International standards.* Those data elements and representations that have been approved by the International Organization for Standardization (ISO), for voluntary use by member nations and international organizations.

§ 6.6 Policies.

The following policies apply to the development, implementation, and maintenance of data element and representation standards:

(a) Data Elements and representations that are prescribed for interchange among more than one executive department or agency or with the private sector including industry, state, local, or other Governments, or with the public at large will be considered for standardization as either Federal general or Federal program standards.

(b) Federal general standards are the highest level standards followed by Federal program standards, agency standards and unit standards in that order. This order establishes a precedence for standards use. For example, a Federal general standard will be used and will supplant a Federal program, agency or unit standard. Likewise a Federal program standard takes precedence over an agency or unit standard.

(c) Approved standards will be implemented by all Federal agencies in all circumstances where technical, operating and economic benefits can be expected to result. These standards will be considered on the basis of their long term benefits and advantages to the Government at large. Local inconveniences or short-term conversion costs need to be recognized, but such factors will not be considered overriding deterrents to the development, implementation, and maintenance of standards that are capable of reducing overall government operating costs or providing improved Government services.

(d) Existing standards will be considered for adoption as Federal general or program standards when these are determined to meet Federal requirements or can readily be adapted to do so.

(e) Approved standards and revisions thereto will be implemented on a time phased basis in order to minimize dis-

ruption and conversion costs. Conversion costs will be identified and considered in the submissions of annual budget estimates.

(f) Although data element and representation standards are developed and implemented to provide for the effective interchange and processing of data, Federal departments and agencies must comply with applicable statutes, regulations and executive orders to assure that sensitive or classified data are adequately protected and that only authorized disclosure or release of such data is allowed.

(g) In the formulation of standards for data elements and representations which will have implementation impact on state and local governments, industry or other segments of the private sector, arrangements will be made to establish necessary liaisons and coordinations with these interests to consider their needs and potential problems in responding to Federally imposed reporting requirements.

§ 6.7 Responsibilities.

Responsibilities for the standardization of data elements and representations are outlined below:

(a) *Department of Commerce.* The Department of Commerce will provide leadership of an executive branch program for standardizing data elements and representations. Within the Department the following specific responsibilities are assigned:

(1) *Secretary of Commerce.* The Secretary of Commerce, on behalf of the President, approves all Federal Information Processing Standards. For data elements and representations, this approval will include both Federal general and Federal program standards.

(2) *National Bureau of Standards.* The National Bureau of Standards will:

(i) Arrange with appropriate executive branch departments and independent agencies to assume leadership and undertake responsibilities for the development and maintenance of specific Federal program and Federal general standards.

(ii) Arrange for the publication and promulgation of approved Federal general and Federal program standards. These will be promulgated by the National Bureau of Standards as Federal Information Processing Standards. The responsibility under this subparagraph includes the authority to modify or supersede these standards whether issued under this regulation or prior to the effective date of this regulation.

(iii) Maintain and promulgate selected registers of data element and representation standards and practices that are under development or are in current use.

(iv) Provide procedures, guidelines and criteria to assist Federal departments and agencies in the development, implementation, and maintenance of standards.

(v) Provide technical assistance, as requested and within the limits of available resources to Federal departments and agencies on matters concerning the utili-

zation of automatic data processing and standardization.

(vi) Arrange for the assessment of the need, impact, benefits and problems related to the implementation of proposed and approved standards.

(vii) Coordinate requests for exceptions to and deferments on the implementation of approved Federal standards.

(viii) Arrange for and coordinate appropriate Federal representation and participation on voluntary industry committees.

(ix) Arrange for appropriate liaison with state, local and other governments on matters of mutual interest or concern relating to Federal development, implementation, and maintenance of standards.

(b) *Departments and independent agencies.* Each of these organizations will:

(1) Implement approved Federal standards that are announced under the provisions of this Part and assist the National Bureau of Standards in the assessment of the need, impact, benefits and problems related to the implementation of approved standards.

(2) Assume leadership and support of responsibilities for the development of Federal general and Federal program standards as may be mutually arranged by the National Bureau of Standards.

(3) Establish within their organizations, mechanisms for the development, implementation and maintenance of agency and unit standards where such efforts will contribute to reduced costs or improved services.

(4) Establish appropriate procedures and mechanisms within their organizations for the dissemination and implementation of approved Federal standards.

(5) Review and provide information and comments on proposed standards that are being considered for Federal adoption. This includes the analyses necessary to assess implementation impact and potential savings or improved services.

(6) Prepare and submit selected registers of data elements and representations within the data systems of the department or agency as may be arranged by the National Bureau of Standards. These registers will be used as a source reference to avoid duplication in the design of new data elements and representations and to assist in determining possible subjects for future standardization.

(7) Provide participation on committees and task groups that may be formed to develop and maintain Federal general or Federal program standards.

(8) Provide participation, as requested by the National Bureau of Standards, on committees and task groups that may be formed to develop and maintain voluntary industry standards for use nationally and internationally.

(9) Designate an office or official to act as a single point of contact on matters related to this part.

§ 6.8 Exceptions, deferments, and revisions of Federal standards.

Requests for exceptions, deferments and revisions of standards will be forwarded to the National Bureau of Standards for consideration and coordination. These requests will provide detailed justification for the exception, deferment or revision deemed necessary. These should be submitted at least forty-five days in advance of any exception or deferral action.

§ 6.9 Effect on previously issued standards.

All standards that were issued under the provisions of Office of Management and Budget Circular No. A-86 prior to the effective date of this regulation remain in effect unless modified or superseded pursuant to the provisions of the regulations in this part.

APPENDIX A—GLOSSARY OF TERMS

This Glossary includes definitions of terms used in this Part. Additional terms applicable to data standardization are provided for purposes of clarification. The terms and definitions are either from established vocabularies or have been defined for purposes of this Part.

Attribute Data Element—A data element that is used to qualify or quantify another data element (e.g., "Date of Birth" and "Mailing Address" would be attribute data elements in a personnel file where the primary element(s) is/are used to identify the person).

Character Type—An indication of the type of characters or bytes to represent a value (i.e., alphabetic, numeric, pure alphabetic, pure numeric, binary, packed numeric, etc.).

Alphabetic—A representation which is expressed using only letters and punctuation symbols.

Alphanumeric—A representation which is expressed using letters, numbers, and punctuation symbols.

Binary—A representation of numbers which is expressed using only the numbers 0 and 1, e.g., 5 is expressed as 101.

Numeric—A representation which is expressed using only numbers and selected mathematical punctuation symbols.

Packed Numeric—A representation of numeric values that compresses each character representation in such a way that the original value can be recovered, e.g., in an eight bit byte, two numeric characters can be represented by two four bit units.

Pure Alphabetic—A representation which is expressed using only letters.

Pure Alphanumeric—A representation which is expressed using only letters and numbers.

Pure Numeric—A representation which is expressed using only numbers.

Composite Data Element (Data Chain)—A data element that has an ordered string of related data items that can be treated as a group or singly, e.g., a data element named "Date of Birth" could have the data items, "Year", "Month", and "Day of Month".

Context Dependent Definition—A statement of meaning that relies upon a situation, background, or environment for proper interpretation.

Date Code—A coded representation used to identify a data item. Usually codes are designed according to established rules and criteria, and only by chance form a phonetic word or phrase.

Data Element—A basic unit of identifiable and definable information. A data element

occupies the space provided by fields in a record or blocks on a form. It has an identifying name and value or values for expressing a specific fact. For example, a data element named "Color of Eyes" could have recorded values of "Blue (a name)", "BL (an abbreviation)" or "06 (a code)". Similarly, a data element named "Age of Employee" could have a recorded value of "28 (a numeric value)".

Data Element Abbreviation—An abbreviated form of the data element name.

Data Element Definition—A statement of the meaning of a data element.

Data Element Name—A name used to identify a data element.

Data Element Source—An identification of the source or provider of the particular data element, i.e., individual, organization, sensor, computation, etc.

Data Element Tag (Data Element Code)—A symbolic tag used to identify a data element.

Data Item—The expression of a particular fact of a data element e.g., "Blue" may be a data item of the data element named "Color of eyes".

Data Item Abbreviation—An abbreviated form of the data item name.

Data Item Definition—A statement of the meaning of a data item.

Data Item Name—A name used to identify a data item.

Dependent Code—A code that has segments which are dependent upon other segments in order to provide unique identification of the coded item. Usually, codes having classification significance are dependent codes.

Field—In a record, a specific area used for representing a particular category of data, e.g., a group of card columns used to express a wage rate.

Field Length—A measure of the length (size) of a field, usually expressed in units of characters, words, or bytes.

Field Length Type—An indication of whether the field of a record is fixed or variable in length.

Fixed Length Field—A field whose length does not vary.

Variable Length Field—A field whose length varies. Usually, the boundaries of this type of field are identified by field separators.

Field Separator—A character or byte used to identify the boundary between fields.

Filler Character—A specific character or bit combination used to fill the remainder of a field after justification.

Formatted Information—An arrangement of information into discrete units and structures in a manner to facilitate its access and processing. Contrasted with narrative information that is arranged according to rules of grammar.

General Definition—A statement of meaning that can be interpreted without regard to a specific situation, background, or environment.

Information Interchange—The transfer of data representing information between or among two or more points (devices, locations, organizations, or persons) of the same or different (dissimilar) information system or systems.

Justification—To adjust the value representation in a field to either the right or left boundary (margin).

Left Justify—Adjustment of a value representation to the left boundary (high order) of a field.

Right Justify—Adjustment of a value representation to the right boundary (low order) of a field.

Non-significant Code—A code that provides for the identification of a particular fact but

does not yield any further information, e.g. random numbers used as codes. Contrasted with significant code.

Numeric Value—The expression of a data item which denotes a measurement, count, or mathematical concept, usually represented by numerals and a limited number of special characters (i.e., plus (+), minus (-), decimal point (.), comma (,), asterisk (*), and slant (/)).

Padding—A technique used to fill a field, record, or block with dummy data (usually zeros or spaces).

Primary Data Element—A data element or elements that is/are the subject of a record. Usually the other elements, called attribute data elements, qualify or quantify the primary data element (e.g., in a personnel field, the element(s) that is/are used to identify the individual are primary; other elements such as "Date of Birth" and "Mailing Address" are attributable data elements).

Radix Point—A character, usually a period, that separates the integer part of a number from the fractional part. In decimal (base 10) notation the radix point is called the decimal point.

Record—A collection of related elements of data treated as a unit.

Record Index—An ordered reference list of the contents of a record together with keys or reference notations for identifying and locating the contents.

Record Layout—A description of the arrangement and structure of information in a record, including the sequence and size of each identified component.

Record Length—A measure of the length (size) of a record, usually expressed in units of characters, words, or bytes.

Record Length Type—An indication of whether the records of a file are fixed or variable in length.

Fixed Length Record—Pertaining to a file in which the records are uniform in length.

Variable Length Record—Pertaining to a file in which the records are not uniform in length.

Representation—A number, letter or symbol used to express a particular concept or meaning. It may be in the form of a name, abbreviation, code, or numeric value.

Rounding (Roundoff)—To delete the least significant digit or digits of a numeral, and to adjust the part retained in accordance with some rule.

Self-Checking Code—A code that is appended to another code to provide for validity checking. A self-checking code is derived mathematically from the characteristics of the base code.

Significant Code—A code which in addition to identifying a particular fact also yields further information, e.g., catalog numbers in addition to identifying a particular item also often indicate the classification of the item. Contrasted with non-significant code.

Truncate—To delete characters from a character string, usually from either end of the string.

Type of Code Significance—An indication of the type of significance that a particular code yields.

Collating Significance—A code designed in such a way that it facilitates ordering of the coded item.

Mnemonic Significance—A code designed in such a way as to facilitate the human recall of the name of the coded item.

Classification Significance—A code designed in such a way as to facilitate the classifying of the coded items into classes and sub-classes.

Variable Name Data Element—A data element that identifies a set (array) of similar values (data items). By varying certain identifiers in the name the entire set (array) of values can be identified. For example, a set of values that give population by State and Year could be identified by the data element "Population of (State) in (Year)" where State and Year are variable names. The variable names are used to identify particular values in an array (e.g., "Population of (New Jersey) in 1970" was 7,168,164.) In this example "New Jersey" and "1970" are variable names used to identify a specific value "7,168,164" in an array.

[FR Doc.73-25722 Filed 12-4-73;8:45 am]

CHAPTER X—OFFICE OF FOREIGN DIRECT INVESTMENTS, DEPARTMENT OF COMMERCE

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments

EDITORIAL NOTE: The Foreign Direct Investment Regulations (the "Regulations") appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations ("CFR"). Thus, all sections of the Regulations contained in CFR are preceded by the designation "1000" (e.g., § 1000.201). The "1000" prefix has, for convenience, been eliminated from the section references contained in this notice. The term "part" when used in the Regulations means Part 1000 of CFR. The abbreviations "DI" and "AFN" are used in this notice to refer to "direct investor" and "affiliated foreign national."

Notice is hereby given that the Office of Foreign Direct Investments (the "Office") has promulgated amendments to the Foreign Direct Investment Regulations (the "Regulations"). These amendments relieve restrictions in the existing Regulations, and it would now be impracticable to delay publication in final form so late in the current compliance year. Publication in proposed form is therefore not deemed necessary in the public interest. The amendments are effective as of the date of publication in the FEDERAL REGISTER and shall apply to all affected transactions on or after January 1, 1973.

The amendments are summarized as follows:

1. *Section 503 minimum allowable.* The annual amount of positive direct investment that DIs may make in 1973 and succeeding years under the section 503 worldwide minimum allowable has been increased from \$6,000,000 to \$10,000,000.

2. *Section 504(b) schedular earnings allowable.* The amount of positive direct investment that can be made in each scheduled area in 1973 and succeeding years under the section 504(b) earnings allowable has been increased from 40

percent to 60 percent of a DI's annual earnings in the respective scheduled area.

"Annual earnings" upon which the section 504(b) earnings allowable is calculated in 1973 and succeeding years shall be the DI's earnings for either the current year or the immediately preceding year at the DI's election, provided that the same year must be elected for all scheduled areas.

3. *Effect on 1973 General Bulletin.* The 1973 General Bulletin published in the FEDERAL REGISTER on September 17, 1973 (38 FR 25909), which interprets and explains the Regulations as in effect for 1973, will continue to apply to the extent not affected by or inconsistent with these amendments.

The text of the amendments is as follows:

1. Section 1000.503 is amended to read as follows:

§ 1000.503 Positive direct investment not exceeding \$10 million; minimum allowable.

(a) If for any year commencing with the year 1973 a direct investor elects under § 1000.502(a) (1), positive direct investment is authorized for such year in all scheduled areas in an aggregate amount not exceeding \$10 million.

(b) [Revoked]

(c) If a direct investor elects to make positive direct investment during any year commencing with the year 1969 as authorized under this section, no positive direct investment shall be authorized in such year under § 1000.504 and any positive direct investment which would otherwise have been authorized in such year under § 1000.504 (d), (e), or (f) or § 1000.1302 shall, notwithstanding those provisions, not be authorized in such year or succeeding years.

(d) Positive direct investment made during the year 1968 which was authorized by § 1000.503 as in effect for such year shall reduce the amount of positive direct investment authorized to be made in succeeding years under § 1000.504(f). Such reduction shall first be made in the scheduled area in which such positive direct investment was made, and to the extent that the amount of positive direct investment made in such scheduled area exceeds the amount of positive direct investment authorized to be made in such scheduled area under § 1000.504(f), further reductions shall be made in the amount of positive direct investment authorized under § 1000.504(f) in Schedules C, B, and A, in that order, until such reductions shall equal in the aggregate the total amount of positive direct investment made or the total amount of positive direct investment authorized under § 1000.504(f), whichever is less.

2. Section 1000.504(b) is amended to read as follows:

§ 1000.504 Authorized positive direct investment in scheduled areas; scheduled allowables.

(b) *Earnings allowable.*—If for any year commencing with the year 1973 a direct investor elects under § 1000.502 (1) (3), positive direct investment for such year is authorized as follows:

(1) In Schedule A, in an amount not exceeding 60 percent of the annual earnings of the direct investor in Schedule A during the applicable year.

(2) In Schedule B, in an amount not exceeding 60 percent of the annual earnings of the direct investor in Schedule B during the applicable year.

(3) In Schedule C, in an amount not exceeding 60 percent of the annual earnings of the direct investor in Schedule C during the applicable year.

(4) The term "annual earnings" means the algebraic sum of a direct investor's share of total earnings or total losses during a year of all the direct investor's incorporated affiliated foreign nationals in a scheduled area (excluding Canadian affiliates as defined in § 1000.1101(a) from Schedule B) determined in accordance with the provisions of § 1000.306(c) and the direct investor's share of net earnings or losses during such year of all the direct investor's unincorporated affiliated foreign nationals in such scheduled area (excluding Canadian affiliates as defined in § 1000.1101(a) from Schedule B) determined in accordance with accounting principles generally accepted in the United States consistently applied: *Provided*, That annual earnings of less than zero shall for purposes of this section be treated as zero.

(5) For the purposes of paragraphs (b) (1), (2) and (3) of this section the "applicable year", which shall be the same year for all scheduled areas, shall be either the current year, or the immediately preceding year, at the direct investor's election.

3. Section 1302(a) is amended to read as follows:

§ 1000.1302 Foreign air transport allowable.

(a) Positive direct investment by a direct investor who is an "air carrier" or "supplemental air carrier" engaged in "foreign air transportation" as those terms are defined in the Federal Aviation Act of 1958, as amended, 49 U.S.C. § 1301 (3), (21), and (32), and who elects under § 1000.502(a) (2) or (3), is authorized during any year commencing with the

year 1973 in an amount not to exceed 60 percent of aggregate annual foreign air transport earnings for either the current year, or the immediately preceding year, at the direct investor's election: *Provided*, That such election shall be the same as any election made by the direct investor under § 1000.504(b) (5): *And provided further*, That such positive direct investment is primarily related to the direct investor's operations in foreign air transportation.

The amendments hereby adopted shall be effective on December 5, 1973 and shall apply to all affected transactions on or after January 1, 1973.

(Sec. 5, act of Oct. 6, 1917; 40 Stat. 415, as amended (12 U.S.C. 95a); Executive Order 11387, Jan. 1, 1968, 33 FR 47.)

ROBERT H. ENSLOW,
*Director, Office of
Foreign Direct Investments.*

NOVEMBER 29, 1973.
[FR Doc. 73-25937 Filed 12-4-73; 10:13 am]

**Title 5—Administrative Personnel
CHAPTER I—CIVIL SERVICE
COMMISSION
PART 213—EXCEPTED SERVICE
Department of the Interior**

Section 213.3312 is amended to show that one position of Assistant to the Assistant Secretary for Energy and Minerals (Congressional Liaison) is excepted under Schedule C.

Effective December 5, 1973, § 213.3312 (a) (6) is added as set out below.

§ 213.3312 Department of the Interior.

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

(6) One Assistant to the Assistant Secretary for Energy and Minerals (Congressional Liaison).

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1054-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc. 73-25937 Filed 12-4-73; 10:13 am]

**Title 6—Economic Stabilization
CHAPTER I—COST OF LIVING COUNCIL
PART 150—COST OF LIVING COUNCIL
PHASE I: PRICE REGULATIONS
Subpart K—Retailers and Wholesalers
CALCULATING PERCENTAGE MARKUPS**

The purpose of these amendments to Subpart K is to clarify how a firm cal-

culates its customary initial percentage markups or gross margins for new categories and new pricing entities and to provide relief for firms who are over their customary initial percentage markup.

Section 150.304 is amended by adding a new paragraph (f) which clarifies how retailers and wholesalers are to calculate the customary initial percentage markup or gross margin for categories into which items they had not previously offered for sale fall. Pursuant to § 150.103(b) (2) a retailer or wholesaler who offers a new item for sale shall price the item within the category into which the new item falls. However, if the item does not fall into any of the firm's existing categories, pursuant to paragraph (f) of § 150.304, the firm will establish a new category which includes the new item. The first two quarters in which items in the category are offered for sale shall be used to establish the customary initial percentage markup or gross margin for the category. Accordingly, in succeeding fiscal quarters the firm will control its prices so that the customary initial percentage markup or gross margin of the category during the first 2 fiscal quarters in which items in the category are offered for sale is not exceeded.

A new provision, paragraph (g), has been added to § 150.304 setting forth the manner whereby a firm which has established a new pricing entity must price the items it sells in the new pricing entity. The firm must establish categories pursuant to § 150.305 for the items sold by the pricing entity. Next, the firm establishes either the customary initial percentage markup or gross margin for each category by using the prices it charges for items in the category during the first 2 fiscal quarters items in the category are offered for sale. In succeeding fiscal quarters the firm must control its prices so that the customary initial percentage markup or gross margin of the category during the first 2 fiscal quarters in which items in the category are offered for sale is not exceeded.

A new provision, paragraph (e), has been added to § 150.313, *Repurification of a quarterly violation*, setting forth the method a firm may use to correct a potential quarterly or fiscal year customary initial percentage markup violation. Briefly, a firm may, prior to the midpoint of its fiscal quarter, compute new markups and reduce the prices of its unsold merchandise accordingly, and use those new markups in addition to its original markups in computing its customary initial percentage markups for that fiscal

quarter and year. A firm availing itself of this relief provision must offer its merchandise for sale at the reduced prices for at least one-half of the fiscal quarter. Further, price reductions made pursuant to this paragraph do not supplant the firm's customary seasonal price reductions; any such historical seasonal price reductions must continue to be made in addition to the reductions made under this paragraph. For example, a retailer reprices his goods at the beginning of December to avoid exceeding his CIPM for certain merchandise categories for the fourth quarter of his fiscal year ending January 31, 1974. That retailer has customarily held January clearance sales, and must therefore reduce prices further in January in accordance with that customary practice.

Sections 150.310 and 150.311 have also been amended to establish an additional record keeping requirement for price category III firms and reporting requirement for price category I and II firms that use the relief provision of § 150.313 (e).

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

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

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective 11:59 p.m., e.s.t., August 12, 1973.

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

JAMES McLANE,
Deputy Director,
Cost of Living Council.

Section 150.304 is amended to add new paragraphs (f) and (g):

§ 150.304 General price control rules.

(f) With respect to an item which the firm did not offer for sale during the pricing base period and which does not fall into any of the firm's existing categories, the firm must form a new category which includes the item and control the prices it charges for the item in that category so that for any fiscal quarter the customary initial percentage markup or gross margin for that category does not exceed the customary initial percentage markup or gross margin for that category during the first 2 fiscal quarters in which the item in that category was offered for sale.

(g) With respect to a pricing entity that was not in existence during the pricing base period, the firm must establish categories in accordance with the rules prescribed in § 150.305 of this subpart and control the prices it charges for the

merchandise in those categories so that for any fiscal quarter the customary initial percentage markup or gross margin for a category does not exceed the customary initial percentage markup or gross margin for that same category during the first 2 fiscal quarters in which the pricing entity was in existence.

Section 150.310 is amended to read as follows:

§ 150.310 Merchandise pricing plans; firms with annual revenues of less than \$50 million.

(a) Each price category III firm to which this subpart applies, shall prepare and maintain at its principal place of business, a merchandise pricing plan. The firm may group all of its retail or wholesale products into a single merchandise category, in which case its merchandise pricing plan need only consist of a completed form prescribed by the Council stating its selection of either the customary initial percentage markup or gross margin basis and its selection of pricing base period and setting forth the base period customary initial percentage markup or gross margin information for that single category. However, if the firm elects to use more than one category, its plan must include to the extent applicable, each of its items specified in § 150.306(a) for plans required to be submitted to the Cost of Living Council.

(b) Each price category III firm which uses the relief provision of § 150.313(e) shall for that quarter prepare and maintain with its merchandise pricing plan a statement setting forth the manner and extent to which the firm used that provision.

Section 150.311 is amended to read as follows:

§ 150.311 Reporting.

(a) Each price category I firm and each price category II firm to which this subpart applies shall prepare and submit pricing and profit margin reports to the Cost of Living Council within 45 days after the end of each fiscal quarter or within 90 days after the end of each fiscal year on forms prescribed by the Council.

(b) Each price category I and II firm which uses the relief provision of § 150.313(e), shall, for that quarter submit a statement with the report required by this section setting forth the manner and extent to which the firm used that provision.

Section 150.313 is amended to add a new paragraph (e):

§ 150.313 Repurification of a quarterly violation.

(e) If, prior to the midpoint of any fiscal quarter, a firm which is using the customary initial percentage markup method of control, is exceeding, for a particular category, the limitations prescribed in § 150.304(c) (1) or (2), the firm may re-cycle its unsold merchandise in that category through its accounting system reducing both the markup estab-

lished for the merchandise and the actual price charged and use the new markup in addition to the original markup in computing its customary initial percentage markup for that fiscal quarter and fiscal year. In order to qualify for this re-cycling procedure for unsold merchandise, the firm must offer such merchandise for sale at the reduced price for at least one-half of the fiscal quarter, and any price reductions effected pursuant to this paragraph must be in addition to the firm's customary seasonal price reductions, if any.

[FR Doc.73-25921 Filed 12-4-73; 8:53 am]

PART 155—PHASE IV PRICE PROCEDURES

Change of Mailing Address for Insurance Filings

By Amendment 1 to Cost of Living Council Order 37 (38 FR 29270, October 23, 1973) responsibility for administering the Council's program with respect to insurance was withdrawn from the list of Economic Stabilization activities being carried out by the Internal Revenue Service. The responsibility was then assigned to the Council's staff. The physical relocation of support activities, records, and personnel, in connection with that transfer requires that the address prescribed in the Council's procedural regulations for filing documents dealing with insurance be changed.

Accordingly, effective November 30, 1973, §§ 155.21(c) and 155.41(a) of Title 6, Code of Federal Regulations are amended to read as set forth below.

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

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

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

1. Section 155.21(c) of Title 6, Code of Federal Regulations is amended to read as follows:

§ 155.21 Purpose and scope.

(c) Insurers subject to subpart M of part 150 of this chapter shall make all filings pursuant to that subpart and shall file requests for interpretation with the Cost of Living Council, Insurance Division, 2000 M Street, N.W., Washington, D.C. 20508.

2. Section 155.41(a) of Title 6, Code of Federal Regulations is amended to read as follows:

§ 155.41 Purpose and scope.

(a) All persons requesting exceptions shall file their applications with the key IRS District Office which serves the district in which their corporate head-

quarters are domiciled except that persons who are: (1) Insurers subject to subpart M of part 150 of this chapter, shall file with the Cost of Living Council, Insurance Division, 2000 M Street, N.W., Washington, D.C. 20508 and (2) Institutional and noninstitutional providers of health services subject to subpart O of Part 150 of this chapter, shall file with the Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508. All requests for exception, wherever filed, must conform to the requirements set out in § 155.11 of this part.

[FR Doc.73-25920 Filed 12-4-73; 8:53 am]

[Phase IV Price Ruling 73-16]

APPENDIX—PHASE IV PRICE RULINGS

Status of Prepayment Penalty Provisions in Mortgage Contracts; Finance Charges

Facts. Company A, a commercial bank, proposes to add a provision to its mort-

gage contracts which requires a borrower to pay a penalty fee in the event he pays off his mortgage loan prematurely during the first few years of the loan.

Issue. How is the proposed fee controlled under the Phase IV Economic Stabilization Regulations?

Ruling. The fee is a finance charge, not a price, and is therefore not subject to the price regulations of Part 150 of Title 6 of the Code of Federal Regulations. For the purposes of the Economic Stabilization Program, "finance charges" include the charges defined as finance charges in § 106(a) of the Truth in Lending Act, 15 U.S.C. 1605(a), except that charges for insurance, including credit life insurance, are not included. These finance charges include charges, payable directly or indirectly by the person to whom the credit is extended, and imposed directly or indirectly by the creditor as an incident to the extension of

credit, including any of the following types of charges which are applicable:

(1) Interest, time price differential, and any amount payable under a point, discount, or other system of additional charges.

(2) Service or carrying charge.

(3) Loan fee, finder's fee, or similar charge.

(4) Fee for an investigation or credit report.

Therefore the charge to be instituted by Company A is exempt from the price rules of the Economic Stabilization Program.

This ruling adopts the same position taken in Cost of Living Council Ruling 1972-74 (Price Commission Ruling 1972-203) with reference to the definition of a finance charge.

WILLIAM N. WALKER,
General Counsel.

DECEMBER 3, 1973.

[FR Doc.73-25920 Filed 12-4-73; 12:15 pm]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 31, 301]

INCOME TAX

Taxpayer Identifying Numbers

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by January 4, 1974. Written comments or suggestions which are not exempt from disclosure by the Internal Revenue Service may be inspected by any person upon compliance with 26 CFR 691.702(d) (9). The provisions of 26 CFR 601.601(b) shall apply with respect to the designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by January 4, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the Federal Register, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

PREAMBLE

The most precise and concise method for identifying taxpayers in the automated recordkeeping system of the Internal Revenue Service is through the use of taxpayer identifying numbers. The existing regulations under section 6109 set forth detailed requirements with respect to taxpayer identifying numbers. The regulations as proposed to be amended describe the two types of taxpayer identifying numbers, tell taxpayers where to apply for them, and inform taxpayers that they must give all taxpayer identifying numbers required by the forms and related instructions.

PROPOSED AMENDMENTS TO THE REGULATIONS

The Income Tax Regulations (26 CFR Part 1), the Employment Tax Regulations (26 CFR Part 31), and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6109, 6676, and 7701 of the Internal Revenue Code of 1954, as amended, relating to taxpayer identifying numbers, are amended as follows. These amendments are effective (insert 30 days after final regulations are filed by the Federal Register), except where otherwise provided.

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

PARAGRAPH 1. Section 1.6109-1 is amended to read as follows:

§ 1.6109-1 Identifying numbers.

(a) *Information to be furnished after (insert 30 days after final regulations are filed by the Federal Register).* For provisions concerning the requesting and furnishing of identifying numbers with respect to returns, statements, and other documents which must be filed after (insert 30 days after final regulations are filed by the Federal Register), see § 301.6109-1 of this chapter (Income Tax Regulations).

(b) *Information to be furnished before (insert 31 days after final regulations are filed by the Federal Register).* For provisions concerning the requesting and furnishing of identifying numbers with respect to returns, statements, and other documents which must be filed before (insert 31 days after final regulations are filed by the Federal Register), see 26 CFR § 1.6109-1 (revised as of January 1, 1972).

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

PAR. 2. Section 31.6109-1 is amended to read as follows:

§ 31.6109-1 Supplying of identifying numbers.

(a) *In general.* The returns, statements, and other documents required to be filed under this subchapter shall reflect such identifying numbers as are required by each return, statement, or document and its related instructions. See § 301.6109-1 of this chapter (Regulations on Procedure and Administration).

(b) *Effective date.* The provisions of this section are effective for information which must be furnished after (insert 30 days after final regulations are filed by the FEDERAL REGISTER). See 26 CFR § 31.6109-1 (revised as of January 1, 1972) for provisions with respect to in-

formation which must be furnished before (insert 31 days after final regulations are filed by the FEDERAL REGISTER).

PART 301—PROCEDURE AND ADMINISTRATION

PAR. 3. Section 301.6109-1 is amended to read as follows:

§ 301.6109-1 Identifying numbers.

(a) *In general.* There are two types of taxpayer identifying numbers: social security numbers and employer identification numbers. Social security numbers take the form 000-00-0000, while employer identification numbers take the form 00-0000000. Social security numbers identify individual persons and estates of decedents, while employer identification numbers identify corporations, partnerships, nonprofit associations, trusts, and similar nonindividual persons. Both types of taxpayer identifying numbers are used by individuals who are employers or who are engaged in trade or business as sole proprietors, as required by returns, statements or other documents and their related instructions. Such documents often require an individual's own social security number in connection with his individual taxes, and his employer identification number in connection with his business taxes.

(b) *Use of one's own number.* Every person who files under this title a return, statement, or other document shall furnish his taxpayer identifying number as required by the forms and the instructions relating thereto. A person whose number must be included on a document filed by another person shall give the taxpayer identifying number so required to the other person on request. For provisions dealing specifically with the duty of employees with respect to their social security numbers, see paragraphs (a) and (b) of § 31.6011(b)-2 of this chapter (Employment Tax Regulations). For provisions dealing specifically with the duty of employers with respect to employer identification numbers, see § 31.6011(b)-1 of this chapter (Employment Tax Regulations).

(c) *Use of another's number.* Every person required under this title to file a return, statement, or other document shall furnish such taxpayer identifying numbers of other persons as required by the forms and the instructions relating thereto. If he does not know the taxpayer identifying number of the other person, he shall request such number of the other person. A request should state that the identifying number is required to be furnished under authority of law. When the

person filing the return, statement, or other document does not know the number of the other person, and has complied with the request provision of this paragraph, he shall sign an affidavit on the transmittal document forwarding such returns, statements, or other documents to the Internal Revenue Service, so stating. A person required to file a taxpayer identifying number shall correct any errors in such filing when his attention has been drawn to them.

(d) *Obtaining a taxpayer identifying number—(1) Social security number.* Any individual required to furnish a social security number pursuant to paragraph (b) of this section shall apply for one, if he has not done so previously, on Form SS-5, which may be obtained from any Social Security Administration or Internal Revenue Service office. He shall make such application far enough in advance of the first required use of such number to permit issuance of the number in time for compliance with such requirement. The form, together with any supplementary statement, shall be prepared and filed in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Individuals who are ineligible for or do not wish to participate in the benefits of the social security program shall nevertheless obtain a social security number if they are required to furnish such a number pursuant to paragraph (b) of this section.

(2) *Employer identification number.* Any person required to furnish an employer identification number pursuant to paragraph (b) of this section shall apply for one, if he has not done so previously, on Form SS-4, which may be obtained from any office of the Internal Revenue Service. He shall make such application far enough in advance of the first required use of such number to permit issuance of the number in time for compliance with such requirement. The form, together with any supplementary statement, shall be prepared and filed in accordance with the form, instructions, and regulations applicable thereto, and shall set forth fully and clearly the data therein called for.

(e) *Banks, and brokers and dealers in securities.* For additional requirements relating to deposits, share accounts, and brokerage accounts, see 31 CFR 103.34 and 103.35.

(f) *Penalty.* For penalty for failure to supply identifying numbers, see section 6876 and § 301.6876-1.

(g) *Nonresident alien exclusion.* This section shall not apply to nonresident aliens, foreign corporations, foreign partnerships, or foreign private foundations that do not have income effectively connected with the conduct of a trade or business within the United States and do not have an office or place of business or a fiscal or paying agent in the United States.

(h) *Effective date.* The provisions of this section are effective for information which must be furnished after [insert 30 days after final regulations are filed by

the Federal Register]. See the parts of 26 CFR (revised as of January 1, 1972) which relate to the particular tax for provisions with respect to information which must be furnished before [insert 31 days after final regulations are filed by the Federal Register]. Nothing contained in the regulations under section 6109 shall limit the authority of the Internal Revenue Service to obtain taxpayer identifying numbers required before or after the effective date of this paragraph after notice is served upon the taxpayer pursuant to section 6001.

PAR. 4. Paragraph (a) of § 301.6676-1 is amended by replacing the phrase "Under § 1.6109-1(b)(2)" with "Under § 301.6109-1(c)". It reads as follows:

§ 301.6676-1 Penalty for failure to supply identifying number.

(a) *In general.* Except as provided in paragraph (c) of this section, if any person who is required by the regulations under section 6109—

(1) To include his identifying number in any return, statement, or other document,

(2) To furnish his identifying number to another person, or

(3) To include in any return, statement, or other document made with respect to another person the identifying number of such other person,

falls to comply with such requirement at the time prescribed by such regulations, such person shall pay a penalty of \$5 for each such failure. Such penalty shall be paid in the same manner as tax upon the issuance of a notice and demand therefor. Under § 301.6109-1(c) a payer is required to request the identifying number of the payee. If, after such a request has been made, the payee does not furnish the payer with his identifying number, the penalty will not be assessed against the payer.

PAR. 5. Section 301.7701-11 is amended to read as set forth below:

§ 301.7701-11 Social security number.

For purposes of this chapter, the term "social security number" means the taxpayer identifying number of an individual or estate which is assigned pursuant to section 6011 (b) or corresponding provisions of prior law, or pursuant to section 6109, and in which nine digits are separated by hyphens as follows: 000-00-0000. Such term does not include a number with a letter as a suffix which is used to identify an auxiliary beneficiary under the social security program. The terms "account number" and "social security number" refer to the same number.

PAR. 6. Section 301.7701-12 is amended to read as set forth below:

§ 301.7701-12 Employer identification number.

For purposes of this chapter, the term "employer identification number" means the taxpayer identifying number of an individual or other person (whether or not an employer) which is assigned pursuant to section 6011 (b) or corresponding provisions of prior law, or pursuant

to section 6109, and in which nine digits are separated by a hyphen, as follows: 00-000000. The terms "employer identification number" and "identification number" (defined in § 31.0-2(a)(11) of this chapter (Employment Tax Regulations)) refer to the same number.

[FR Doc.73-25785 Filed 12-4-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

PAPAYAS GROWN IN HAWAII

Proposed Limitation of Handling

This notice invites written comment relative to minimum quality and size requirements for Hawaiian papayas under Marketing Agreement and Order No. 928. This regulation would require that all Hawaiian papayas handled grade at least Hawaii No. 1 grade. Such fruit entering interstate or export channels would have to be of pyriform shape and weigh at least 10 ounces. Fruit being handled in intrastate commerce would be required to weigh at least 14 ounces except for fruit grading Hawaii Fancy which would be required to weigh at least 16 ounces. This proposal was recommended by the Papaya Administrative Committee in anticipation of a 43 percent increase in papaya production over last year's record crop.

Consideration is being given to the following proposal submitted by the Papaya Administrative Committee, established pursuant to the said Marketing Agreement and Order No. 928, regulating the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 16, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during business hours (7 CFR 1.27(b)).

As proposed § 928.304 *Papaya Regulation 4* would read as follows:

§ 928.304 Papaya Regulation 4.

(a) During the period January 1, 1974 through December 31, 1974, no handler shall ship any container of papayas:

(1) To any destination within the production area unless said papayas grade at least Hawaii No. 1 and are of the size which individually weigh not less than 14 ounces: *Provided*, That papayas handled as Hawaii Fancy grade shall be of a size which individually weigh not less than 16 ounces.

(2) To any export destination unless said papayas grade at least Hawaii No. 1: *Provided*, That such papayas shall be

of pyriform shape and weigh not less than 10 ounces each.

(b) When used herein "Hawaii Fancy", "Hawaii No. 1", "Hawaii No. 2" and "pyriform shape" shall have the same meaning as set forth in the State of Hawaii Revised Regulation No. 1 Sub-section 5.32—Wholesale Standards for Hawaiian Grown Papayas. All other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated: November 30, 1973.

G. H. GOLDSBOROUGH,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 73-25771 Filed 12-4-73; 8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 280]

YELLOWFIN TUNA

Proposed Reporting Requirements for Cargo Vessels

Present regulations that implement conservation measures on the taking and transporting of yellowfin tuna require recordkeeping and written reports from masters or other persons in charge of a tuna vessel. The National Marine Fisheries Service has determined that a similar requirement should be imposed on cargo vessels that transship from another country to the United States tuna taken in the Eastern Tropical Pacific.

Therefore, it is our intent to amend Section 280.9 to require, before obtaining permission from the U.S. Customs to unload round tuna, information regarding the source of such cargo and to state the penalty if such information is not provided.

Before final adoption of this amendment, a public hearing will be held on January 16, 1974, beginning at 9:30 a.m., local time, Federal Center, 300 South Ferry Street, Terminal Island, California. Interested persons will be afforded an opportunity to comment orally on the proposed amendment. Written views or arguments will be accepted through January 18, 1974, by the Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

The proposed amendment is issued under the authority contained in sub-section (c) of section 6, of the Tuna Convention Act of 1950 as amended (16 U.S.C. 955(c)) as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 F.R. 15627).

Issued at Washington, D.C., and dated November 30, 1973.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

The proposed amendment is described below:

1. Section 280.9 is changed by adding new paragraphs (f), (g), and (h) to read as follows:

§ 280.9 Restrictions applicable to cargo vessels.

(f) Any cargo vessel seeking permission to land in a port of the United States a cargo of round tuna shall be required to provide to the nearest Customs Office as a prerequisite to obtaining such permission from Customs the following information with respect to such cargo:

(1) Name, official number, and flag of each fishing vessel that transferred tuna either directly or indirectly through loading at port facilities, and whose tuna is aboard the cargo vessel at the time it seeks the aforesaid permission;

(2) Date of transfer or loading;

(3) Location of transfer or loading; and

(4) Certificate from the Master of each such fishing vessel that transferred such tuna setting forth the tonnage of tuna by species caught inside the regulatory area, tonnage by species of tuna caught outside the regulatory area, and as to each category, the dates of harvesting.

(g) Any cargo vessel failing to provide the information required in paragraph (f) of this section shall be denied the privilege of unloading its cargo of tuna in a port of the United States.

(h) Any person who knowingly unloads or permits to unload tuna from a cargo vessel in violation of paragraph (f) of this section or any person who knowingly provides false information in violation of paragraph (f) of this section shall, as well as the cargo of tuna, be subject to the penalties provided for in the Act.

[FR Doc. 73-25781 Filed 12-4-73; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

FOOD LABEL INFORMATION PANEL

Proposed Exemptions for Food Packages

In the FEDERAL REGISTER of March 14, 1973 (38 FR 6950) the Commissioner of Food and Drugs promulgated a new § 1.8d (21 CFR 1.8d) establishing a food label information panel for all mandatory label information. Section 1.8d provides that all information required to appear on the label of any package of food pursuant to § 1.8a *Food labeling; name and place of business of manufacturer, packer, or distributor* (21 CFR 1.8a), § 1.8c *Food labeling; number of servings* (21 CFR 1.8c), § 1.10 *Food labeling; designation of ingredients* (21 CFR 1.10), § 1.17 *Food labeling; nutrition labeling* (21 CFR 1.17), § 1.18 *Labeling of foods in relation to fat, fatty acid, and cholesterol content* (21 CFR 1.18), Part

80 *Definitions and standards of identity for food for special dietary uses* (21 CFR Part 80), and Part 125 *Label statements concerning dietary properties of food purporting to be or represented for special dietary uses* (21 CFR Part 125), shall appear on either the principal display panel or the information panel in a type size of at least 1/16 inch. Section 1.8d(f) provides for the submission of petitions requesting the establishment of an alternative method of disseminating such information (e.g., a type size smaller than 1/16 inch) in those cases where the label of any package is too small to accommodate the required information.

The Commissioner has received a number of petitions pursuant to § 1.8d(f) requesting such exemptions. All such petitions are on file at the Hearing Clerk's office. Five petitions have been denied, and those denials are also on public display at the Hearing Clerk's office. This notice proposes to establish the conditions under which a type size smaller than that required by § 1.8d will be permitted, because of a package surface area too small to accommodate the mandatory label information in 1/16 inch type size. This proposal is based upon four petitions:

1. The National Canners Association has petitioned for an amendment to § 1.8d to provide for a type size of 3/64 inch on the information panel of all packages on which the area of the principal display panel is less than eight square inches. The petition contends that the information required by § 1.8d to be placed on the information panel is so extensive, particularly if nutrition labeling is included pursuant to § 1.17, that it is impossible for labels with principal display panels of less than eight square inches to bear all mandatory information in the required sizes. The petition states that, while other labels with a principal display panel of less than eight square inches may be of sufficient size to bear all mandatory information of required size, "the layout involved is so cramped that a declaration in the required type size would be less prominent and more difficult to understand than a better designed label using a somewhat smaller type size."

2. Sacramento Foods submitted a proposal to amend § 1.8d by reducing the required type size from 1/16 inch to 1/32 inch for can sizes 202 x 308, 211 x 300, 211 x 414 and 303 x 406 (approximate label sizes ranging from 22 square inches to 40 square inches, with principal display panels of 8.8 to 16 square inches and remaining label space from 13 square inches to 24 square inches).

In support of its proposal, Sacramento Foods refers to a program of label design it intends to initiate, to include mandatory information, open dating information, storage suggestions, ingredient statement on all products (even if standardized), satisfaction guarantee, and space reserved for universal product code. Petitioner asserts that the labels of containers encompassed by the proposal

are too small to bear all this information in the size required by § 1.8d(c). The petition states that the ingredient statement alone, if in $\frac{1}{16}$ inch, will occupy approximately 11 $\frac{1}{8}$ square inches. This would leave 2 to 11 square inches for all other information on these labels.

3. Best Foods submitted the following proposal to amend § 1.8d(c):

All information appearing on the principal display panel or the information panel pursuant to this section shall appear prominently and conspicuously. Unless an exemption has been established the letters and/or numbers shall comply with the following type size specifications:

(1) Not less than $\frac{1}{32}$ inch in height on packages the information panel of which has an area of 6 square inches or less.

(2) Not less than $\frac{1}{16}$ inch in height on packages the information panel of which has an area of more than 6 square inches.

The requirements for conspicuousness and legibility shall include the specifications of §§ 1.8b(h) (1) and (2) and 1.9.

The petition contends that many small food packages have insufficient label space available for mandatory information pursuant to § 1.8d in $\frac{1}{16}$ inch type size. This mandatory information on small food packages would, if in $\frac{1}{16}$ inch type size, prevent the inclusion of other desirable information such as code dating, product guarantee, recipes, etc. The petition further contends that a type size requirement of $\frac{1}{16}$ inch would make the declaration of nutrition information on small packages impossible.

4. The National Association of Margarine Manufacturers submitted the following proposal:

All information appearing on the principal display panel or the information panel of any margarine product under § 1.8d of 21 CFR Part 1 shall comply with § 1.8d(c) as to size type letters of not less than $\frac{1}{16}$ inch in height except in the following cases:

(1) Tubs, cups, bowls, or jars for conveying margarine in $\frac{1}{2}$ lb. or 1 lb. weights, separately sold at retail and having a single optimum lid of not more than 4 inches in diameter may contain information on the principal display panel or information panel in letters of not less than $\frac{1}{32}$ inch in height. The requirement for conspicuousness and legibility under §§ 1.8b(h) (1) and (2), and 1.9 will apply.

(2) Wrapped margarine "pats" conveyed in $\frac{1}{2}$ lb. weights, separately sold at retail and having a surface of not more than 3 $\frac{1}{2}$ square inches may contain information on the principal display panel or information panel in letters not less than $\frac{1}{32}$ of an inch in height. The requirements for conspicuousness and legibility under §§ 1.8b(h) (1) and (2), and 1.9 will apply.

(3) Margarine "liquid" in bottle or other container for pouring and conveyed in $\frac{1}{2}$ lb. or 1 lb. weights and having single optimum surface of not more than 10 square inches may contain information on the principal display panel or information panel in letters not less than $\frac{1}{32}$ of an inch in height. The requirements for conspicuousness and legibility under §§ 1.8b(h) (1) and (2), and 1.9 will apply.

The petition asserts that the proposal would encompass only those margarine label surfaces not sufficiently large to accommodate required margarine product and nutrition information in 1/16 inch

size type and where only one label surface is reasonably available and/or readily visible at point of purchase as part of the package. It contends that the containers encompassed by the proposed regulations have only one surface suitable to bear labeling (e.g., the lid of a "tub type" container, front panel of a bottle, or top surface of margarine "pats"). The petition states that the margarine "pats," tubs and other containers of similar shape are designed such that the sides are much less visible than the lid or "top" and may be shaped or designed such that other surfaces are unsuitable for labeling, and that these lids and other package top surfaces are too small to bear all information mandatory for margarine in sizes required by regulations.

The full petitions are on file at the office of the Hearing Clerk.

After reviewing the petitions and other information, the Commissioner has concluded to propose regulations excluding the following from the type size requirements of § 1.8d(c):

(1) Food packages with labeling on both the principal display panel and the information panel, if the principal display panel has an area of less than 10 square inches and the principal display panel or information panel bears nutrition information, a complete ingredient statement, and all other information required by § 1.8d in a type size of at least 3/64 inch.

(2) Food packages with all labeling on a single obvious principal display panel with total area of 12 square inches or less, if the principal display panel bears nutrition information, a complete ingredient statement, and all other information required by § 1.8d in a type size of at least $\frac{1}{32}$ inch high.

The Commissioner's proposal encompasses all of the provisions proposed by the National Canners Association except that the proposal will include only those labels which bear nutrition information and a complete statement of ingredients. The Commissioner's proposal also includes food packaged with principal display panel areas of less than 10 square inches, rather than 8 square inches. An area of less than 10 square inches was decided upon after consideration of all petitions, a review of numerous labels, and review of both typical and extreme examples of voluntary and mandatory label information which may appear on labels.

The Commissioner's proposal will satisfy in part the petitions by Sacramento Foods and Best Foods. By increasing the size of food packages falling within the proposed exemption from an information panel area of 6 square inches (as requested by Best Foods) or a principal display panel area of 8 square inches (as requested by NCA) to a principal display panel area of 10 square inches, the Commissioner's proposal would encompass can sizes 202 x 308, 211 x 300, and 211 x 414, but not 303 x 406. After reviewing petitioners' proposals and typical food label formats and designs, the Commissioner concludes that

a type size of $\frac{3}{64}$ inch rather than $\frac{1}{32}$ inch requested by Sacramento Foods and Best Foods is reasonable. The area of the principal display panel of 303 x 406 cans, being larger than 10 square inches, should accommodate the required information.

The Commissioner concludes that the petition submitted by the National Association of Margarine Manufacturers is reasonable with the exception of that part applicable to "liquid" margarine in bottles. The proposal is therefore applicable to tub-type containers, margarine "pats", bowls, jars, and other containers to the extent that such packages have a single obvious principal display panel and no other surface suitable to bear labeling, and the principal display panel bears both full ingredient listing and nutrition labeling. The Commissioner concludes that it is reasonable that this proposal not be limited to margarine, or to containers with circular lids. Consequently, the proposal applies to any food and provides for a principal display panel area of less than 12 square inches rather than a lid 4 inches in diameter.

In response to other requests for exemption of size requirements, the Commissioner calls attention to other regulations that have a bearing on the size and location of labels. Section 1.8a(3) (21 CFR 1.8a(3)) states that "the failure of the label to extend over the area of the container or package available for such extension, so as to provide sufficient label space for the prominent placing of such word, statement, or information" may cause a word, statement or other information required by or under authority of the act to lack required prominence and conspicuousness and legibility of § 1.8d including the requirements of § 1.9. There is therefore no justification for granting exemptions because of small label size when available container or package surface area has not been fully utilized. No exemptions will be given for "spot labels" that are not sufficient in size, or the size of which is not in accordance with § 1.7.

The Commissioner recognizes that all of the petitions submitted pursuant to § 1.8d(f) have been filed in good faith. Because of the relatively short time available to redesign labeling prior to December 31, 1973 (the first half of the effective date), the Commissioner concludes that those companies who submitted petitions, either individually or through organizations, should be granted an extra amount of time within which to meet the first half of the effective date. Accordingly, the Commissioner has ordered, elsewhere in this issue of the FEDERAL REGISTER, that, for all food products covered by petitions submitted pursuant to § 1.8d(f), which are on file in the Hearing Clerk's office, the first half of the uniform effective date is extended to March 15, 1974. Similarly, the first half of the uniform effective date has been stayed with respect to all food labels that are covered by the proposal set forth below. The Commissioner will establish a new date for such compliance in the final regulation.

PROPOSED RULES

DEPARTMENT OF
TRANSPORTATION

Coast Guard

[46 CFR Parts 30, 64, 90, 98]

[CGD 73-172]

PORTABLE TANKS

Notice of Proposed Rule Making

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403, 701(a), 52 Stat. 1048, 1055; 21 U.S.C. 343, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 1, be amended in § 1.8d by adding new paragraphs (c)(1) and (c)(2) to read as follows:

§ 1.8d Food labeling; information panel.

(c) * * *

(1) Packaged foods are exempt from the type size requirements of this paragraph: *Provided*, That:

(i) The package is designed such that it has a surface area that can bear an information panel and/or alternate principal display panel.

(ii) The area of the principal display panel of the package as this term is defined in § 1.7 is less than 10 square inches.

(iii) The label information includes nutrition information and a full list of ingredients in accordance with regulations in this part and the policy expressed in § 3.88 of this chapter.

(iv) The information required by paragraph (b) of this section appears on the principal display panel or information panel label in accordance with the provisions of this paragraph (c) except that the type size is not less than $\frac{3}{16}$ inch in height.

(2) Packaged foods are exempt from the type size requirements of this paragraph: *Provided*, That:

(i) The package is designed such that it has a single "obvious principal display panel" as this term is defined in § 1.7 and has no other available surface area for an information panel or alternate principal display panel.

(ii) The area of the principal display panel of the package as this term is defined in § 1.7 is less than 12 square inches, and bears all labeling appearing on the package.

(iii) The label information includes nutrition information and a full list of ingredients in accordance with regulations in this part and the policy expressed in § 3.88 of this chapter.

(iv) The information required by paragraph (b) of this section appears on the single obvious principal display panel in accordance with the provisions of this paragraph (c) except that the type size is not less than $\frac{1}{32}$ inch in height.

Interested persons may, on or before, January 4, 1973, file with the Hearing Clerk, Food and Drug Administration, Rm. 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. Comments received will be available for public inspection at the above office during regular business hours, Monday through Friday.

Dated: November 28, 1973.

SAM D. PINE,
Associate Commissioner for
Compliance.

[FR Doc. 73-25701 Filed 12-4-73; 8:45 am]

The Coast Guard is considering amending Subchapters F and I of Title 46, CFR, by adding new regulations for portable tanks. The proposed regulations would provide for the carriage of combustible liquids and dangerous articles in a Coast Guard approved tank on a Coast Guard inspected vessel. The proposed regulations would also allow a portable tank to be filled and discharged while on board a vessel.

Written comments. Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, arguments, objections or comments to the Executive Secretary, Marine Safety Council, U.S. Coast Guard Headquarters (G-CMC/82), Room 8234, 400 Seventh Street SW., Washington, D.C. 20590, (Telephone 202-426-1477). Each person submitting comments should include his name and address, identify the notice (CGD 73-172), and give reasons for any recommendations. Comments received will be available for examination by interested persons at U.S. Coast Guard Headquarters (G-CMC/82), Room 8234, 400 Seventh Street SW., Washington, D.C. 20590.

Public hearing. The Coast Guard will hold a public hearing on January 15, 1974 at 9:30 a.m. in the Court of Appeals Building, Rm. 105, 600 Camp St., New Orleans, LA 70113. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to make oral comments at the hearing notify the Executive Secretary at least by January 3, 1974 and specify approximately the length of time needed for the presentation. A written summary or copy of the oral presentation is encouraged.

Closing date for comments. All communications received before January 21, 1974 will be evaluated before final action is taken on this proposal. The proposed regulations may be changed in light of the comments received. The proposed amendments in this document are based on recommendations that were presented to the Coast Guard by the National Off-shore Operations Industry Advisory Committee on July 12, 1973. The proposed amendment to Subchapter F would add a new Part 64 containing requirements for the testing, inspection, and stamping of portable tanks that are constructed to carry combustible liquids or dangerous articles, as defined and listed in 46 CFR Part 146. This Part would also contain the design, construction, and inspection requirements for the installed piping system that may be used with a portable tank to fill and discharge. These standards would apply to all portable tanks constructed after July 1, 1974. A portable tank constructed before July 1, 1974 could be allowed to continue in

use if it meets the requirements contained in the proposed regulations, or until July 1, 1984 if it meets the construction and maintenance requirements contained in 46 CFR Subpart 98.35. A portable tank that can not meet the requirements of the proposed regulations or those contained in Subpart 98.35 would be allowed to continue in service until July 1, 1977 if the owner, lessee, charterer, or person in charge submits specified information that meets Coast Guard acceptance. The proposed amendment to Subchapter I would add a new Subpart 98.30 that contains the requirements for the handling and stowage of portable tanks bearing combustible liquids or dangerous articles, as defined and listed in 46 CFR Part 146, on board Coast Guard inspected vessels. The proposed regulations include requirements for the lifting on and off a vessel, stowage and handling while onboard, and the pumping to and from a portable tank while secured on a vessel.

The Coast Guard considers new requirements for portable tanks necessary because the current requirements contained in 46 CFR Part 146 and Subpart 98.35 are outmoded from the standpoint of safety and operation for the carriage of a combustible liquid or a dangerous article in a portable tank. In the past, only a few portable tanks were carried on vessels. Today, the maritime industry must transport by water larger numbers and increased quantities of combustible liquids and dangerous articles. In the past, total containment of the liquid cargo in a portable tank while on board a vessel was not considered to be as important, as it is today, to the overall safety of the vessel and to the hazards of pollution. In addition, in the current regulations, there are no provisions for filling or discharging a portable tank with a dangerous article, while the tank is on board a vessel. Many operations in the industry today require this. In consideration of the foregoing, it is proposed to amend Chapter I of Title 46, Code of Federal Regulations, as follows:

1. By amending § 30.01-5(a)(2) by revising subdivision (ii) and adding subdivision (iii) to read as follows:

§ 30.01-5 Application of regulations—
TB/ALL.

(a) * * *

(2) * * *

(ii) Grades A and lower in portable tanks in accordance with the requirements of Subpart A of Part 64 and Part 146 of this chapter.

(iii) Dangerous articles in portable tanks in accordance with the requirements in Subpart A of Part 64 and Part 146 of this chapter.

2. By amending Subchapter F by adding Part 64 to read as follows:

PART 64—PORTABLE TANKS

Subpart A—General

Sec.

64.1 Purpose.

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64.3 Coast Guard stamp.

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Subpart B—Standards for Portable Tanks

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64.6	Portable tank stress calculations.
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64.23	Type of relief devices.
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64.26	Metal information plate.
64.27	Relief device location.

Subpart C—Standard for Pressure Relief Device

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64.30	Pressure relief device acceptance.
64.31	Spring loaded pressure relief valve.
64.32	Rupture disc.
64.33	Minimum emergency venting capacity.
64.34	Vacuum relief device.
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64.36	Location of the pressure relief device.
64.37	Marking of pressure relief devices.

Subpart D—Shop Inspection

64.38	Request for shop inspection.
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Subpart E—Periodic Inspections and Tests

64.40	Inspection and test.
64.41	Inspection of pressure and vacuum relief device.
64.42	30-month inspection of the portable tank.
64.43	Hydrostatic test.
64.44	Portable tanks constructed before July 1, 1974.

Subpart F—Cargo Handling System

64.45	Purpose.
64.46	Cargo pump unit.
64.47	Relief valve for the cargo pump discharge.
64.48	Pump controls.
64.49	Piping.
64.50	Cargo hose.

AUTHORITY: R.S. 4472, as amended (46 U.S.C. 170), Sec. 201, 86 Stat. 427 (46 U.S.C. 391a), Sec. 6(b)(1), 80 Stat. 937, (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b) and (c)(4).

Subpart A—General

§ 64.1 Purpose.

(a) This part contains the requirements for the testing, inspection, and stamping of a portable tank that is constructed to carry a dangerous article as defined and listed in Part 146 of this chapter or a grade D or E combustible liquid as defined in Subpart 30.10 of this chapter, and listed in Subpart 30.25 of this chapter, and the inspection requirements of the installed piping systems that are used in conjunction with the portable tank.

(b) Subpart 98.30 of this chapter contains the requirements for the handling and stowage of portable tanks that contain dangerous articles or combustible liquids.

(c) Subpart 98.35 of this chapter contains the requirements for the construction, testing, loading, discharging, and stowage of portable tanks constructed before July 1, 1974.

§ 64.2 Definitions.

(a) "Portable tanks" means a liquid carrying unit that—

(1) Contains more than 110 U.S. gallons;

(2) Can be lifted onto and off of a vessel in a filled or empty condition, or be filled and discharged while on board a vessel; and

(3) Is not permanently attached to a vessel.

(b) "Tank" means the pressure vessel and the associated fittings of a portable tank that come in contact with the product being carried.

(c) "Total containment pressure" means the minimum pressure for total product containment under normal operating conditions at a gauge pressure consisting of the absolute vapor pressure of the product at 122° F. added to the dynamic pressure, based on the tank dimensions and the location of the relief devices, of not less than 5 pounds per square inch gauge (psig) at the top of the tank in the operating position.

(d) "Maximum allowable working pressure" means the maximum gauge pressure at the top of the tank in the operating position at 122° F., equal to or greater than the total containment pressure, as defined in paragraph (c) of this section. The maximum allowable working pressure is calculated for the minimum thickness of each element of the tank, excluding the allowance for corrosion and the thickness required for loadings other than pressure, as provided for in Division 1 of Section VIII of the ASME Code, 1971 Edition.

(e) "Start-to-discharge pressure" means the static pressure at which initial bubbling of air in a pressure relief valve occurs under a wolver seal of no more than a 6 inch head on the outlet.

(f) "Test pressure" means the hydrostatic pressure of one and one-half times the maximum allowable working pressure.

(g) "Dynamic loading conditions" means the following:

(1) A loading in the vertical down direction equal to 2 times the weight of the tank and the heaviest product carried.

(2) A loading in the transverse direction equal to the weight of the tank and the heaviest product carried.

(3) A loading in the longitudinal direction equal to the weight of the tank and the heaviest product carried.

(h) "Owner" means the person, corporation, company, partnership, or organization in which is vested the ownership, dominion, or title of a portable tank.

§ 64.3 Coast Guard stamp.

Except as provided in § 64.44, each portable tank that receives a Coast Guard stamp must be inspected and tested in accordance with the requirements in this Subpart.

§ 64.4 Plan approval for a portable tank.

(a) Each owner or manufacturer who desires a portable tank with pressure relief devices to be tested, inspected, and stamped by the Coast Guard must submit information in accordance with the requirements contained in § 54.01-18(b) of this chapter.

(b) In addition to the requirement contained in paragraph (a) of this section, each owner or manufacturer who desires a cargo handling system to be tested and inspected must submit information to the U.S. Coast Guard in accordance with the requirements contained in § 56.01-10 of this chapter.

Subpart B—Standards for Portable Tanks

§ 64.5 Purpose.

Each portable tank that is stamped by the Coast Guard must meet the standards contained in this Subpart.

§ 64.6 Portable tank design.

A portable tank must be designed for the—

(a) Carriage of bulk liquids having a vapor pressure of 43 pounds per square inch absolute (psia) or less at a temperature of 122° F;

(b) Minimum service temperature of 0° F;

(c) Maximum allowable working pressure of 20 pounds per square inch gauge (psig) or more; and

(d) Rated maximum allowable working pressure of 48 psig or less.

§ 64.7 Portable tank stress calculations.

The stress calculated for a portable tank may not exceed—

(a) The lowest allowable stress listed in Division 1 of Section VIII of the ASME Code, 1971 edition, at 122° F; and

(b) 75 percent of the specified minimum yield stress, or 37.5 percent of the minimum tensile stress listed in Division 1 of Section VIII of the ASME Code, whichever is less for:

(1) The hydrostatic test contained in § 64.43.

(2) The dynamic loading conditions defined in § 64.2(g).

§ 64.8 Frame work.

The stress calculated for the frame work must be 80% or less of the specified minimum yield stress of the material listed in Division 1 of Section VIII of the ASME Code, 1971 edition, when subject to the dynamic loading conditions as defined in § 64.2(g).

§ 64.9 Minimum shell thickness.

(a) Except as allowed in paragraph (b) of this section, a tank with a diameter of—

(1) 6 feet or less must have a shell and head of 3/16 inch thickness or more; or

(2) More than 6 feet must have a shell and head of 1/4 inch thickness or more.

(b) If the tank has additional frame work to guard against accidental puncturing of the tank, the shell and head thickness must be 1/8 inch or more.

§ 64.10 External pressure.

(a) A tank without a vacuum breaker must be designed to withstand an external pressure of 7½ psig or more.

(b) A portable tank with a vacuum breaker must be designed to withstand an external pressure of 3 psig or more.

§ 64.11 Material.

The material for a tank must be in conformance with the requirements contained in Division 1 of Section VIII of the ASME Code, 1971 edition.

§ 64.12 Gasket and lining.

Each gasket and lining for a portable tank must be of material that is—

- (a) Compatible with the product carried in the tank; and
- (b) Resistant to damage from the product.

§ 64.13 Cross section.

A portable tank must have a cross section design that is—

- (a) Circular; or
- (b) Other than circular and stress analyzed experimentally by a method contained in UG-101 of the ASME Code, 1971 edition.

§ 64.14 Base.

A portable tank must have a base that is as wide and as long as the shell of the tank.

§ 64.15 Tank saddles.

If a portable tank is not completely supported by a framework, two or more external saddles, each of which extends to 120 degrees or more of the shell circumference, must support the tank.

§ 64.16 Inspection opening.

A portable tank must have an inspection opening that is designed in accordance with Division 1, Section VIII of the ASME Code, 1971 edition.

§ 64.17 Pipe connection.

Each pipe connection that is not a pressure relief device must be fitted with a manually operated stop valve or a similar closure located as close to the tank shell as practicable.

§ 64.18 Bottom filling or discharge connection.

If a portable tank is designed with a filling or discharge connection in the bottom, the connection must be fitted with a bolted blank flange, threaded cap, or similar device to protect against leakage of the product and a manually operated valve that is located—

- (a) Inside the tank and operated outside the tank; or
- (b) Outside the tank but as close to the tank shell as practicable.

§ 64.19 Valve and fitting guard.

Each valve and fitting must be protected from mechanical damage by a guard.

§ 64.20 Valve locking device.

Each portable tank must have a locking device on any filling and discharge valve to prevent unintentional opening.

§ 64.21 Stop valve closure.

A stop valve that operates by a screwed spindle must be closed in a clockwise direction.

§ 64.22 Lifting fittings.

Each portable tank must have attached lifting fittings so that the tank remains upright and stable while being moved.

§ 64.23 Securing devices.

A portable tank and its framework must have sufficient number of positive action securing devices, including hooks, lugs, or padeyes, to attach the unit to the vessel so that—

- (1) The stress does not exceed the standard contained in § 64.8; and
- (2) Additional lashing is not needed.

§ 64.24 Type of relief devices.

(a) One or more spring loaded relief valves must be attached to a portable tank with an internal capacity of more than 550 U.S. gallons, and in addition a rupture disc may be attached.

(b) A rupture disc or a spring loaded relief valve must be attached to a portable tank with an internal capacity of 550 U.S. gallons, or less.

§ 64.25 Labeling openings.

A label must be on each opening of a tank to identify the function such as "suction", "discharge", "heating coil", or a similar function.

§ 64.26 Marking of parts.

Each part of the pressure vessel tank furnished from other than the shop of the manufacturer must be marked in accordance with § 54.10-20(c)(1) of this chapter.

§ 64.27 Metal information plate.

(a) A corrosion resistant metal plate, containing the information in paragraph (b) of this section, must be permanently attached to the tank.

(b) Each metal information plate required in paragraph (a) of this section must have the following information completed in legible letters that are ⅜ inch in height or more:

Owner's name—
 Manufacturer's name—
 Date of manufacture—
 Tank serial number—
 Maximum allowable working pressure (____)¹ psig—

at 122° F.

Test pressure (____)² psig—
 External pressure (____)³ psig rating—
 Total capacity (____)⁴ gallons—
 Maximum net weight (____)⁵ tons—
 Maximum gross weight (____)⁶ tons—
 (____)⁷ percent ullage at 122° F.—
 Permit identification—
 Hydrostatic test date—

§ 64.28 Relief device location.

A pressure relief device must be located on a portable tank in a place that—

- (a) Is the highest practical point of the tank; and

¹ Number to be inserted.

(b) Allows direct communication with the vapor space.

Subpart C—Standard for Pressure Relief Device**§ 64.29 Purpose.**

Each pressure relief device on a portable tank must meet the standards contained in this Subpart.

§ 64.30 Pressure relief device acceptance.

A pressure relief device must be—

- (a) From a supplier² accepted under Chapter I of Title 46, Code of Federal Regulations; or
- (b) Accepted by the Coast Guard in accordance with the procedures contained in § 50.25-10 of this chapter.

§ 64.31 Spring loaded pressure relief valve.

The spring loaded pressure relief valve must—

(a) Be set to start-to-discharge at a nominal pressure of 125 percent of the maximum allowable working pressure;

(b) Have a minimum normal venting capacity that is sufficient to prevent the tank pressure from exceeding 137.5% of the maximum allowable working pressure;

(c) Close after discharge of a pressure not lower than 115% of the maximum allowable working pressure; and

(d) If closed, remain closed at any pressure less than 115% of the maximum allowable working pressure.

§ 64.32 Rupture disc.

If a rupture disc is the only pressure relief device on the tank, the rupture disc must—

(a) Rupture at a pressure of 125 percent of the maximum allowable working pressure; and

(b) Have a minimum normal venting capacity that is sufficient to prevent the tank pressure from exceeding 137.5 percent of the maximum allowable working pressure.

§ 64.33 Minimum emergency venting capacity.

(a) The total emergency venting capacity (Q) of the relief devices of an uninsulated portable tank must be in accordance with Table 1 of this section or the following formula based upon the pressure relief device operating at a pressure not to exceed the test pressure:

$$Q = \frac{633,000 (A)^{0.85}}{LC} \sqrt{\frac{ZT}{M}}$$

where:

Q = Minimum required rate of discharge in cubic feet per minute of free air at standard conditions (60° F and 14.7 psia).

M = Molecular weight of the product, or 86.7.

T = Temperature, degrees R (460 + temperature in degrees F of gas at relieving temperature), or 710° R.

A = Total external surface area of the tank compartment in square feet.

² Accepted suppliers are listed in OG-100, Equipment List.

L=Latent heat of the product being vaporized at relieving conditions in BTU per pound, or 144 BTU/lb.
 Z=Compressibility factor of the gas at relieving conditions, or 1.0.
 C=Constant based on relation of specific heats, in accordance with Section VIII, Appendix J of the ASME Code, 1971 edition, or 315.

(b) The total emergency venting capacity (Q) of an insulated portable tank may have a reduction if—

(1) It is shown to the Coast Guard that the insulation reduces the heat transmission to the tank;

(2) The present reduction of the emergency venting capacity (Q) is limited to the percent reduction of the heat transmission to the tank or 50%, whichever is less; and

(3) The insulation is sheathed.

TABLE 1—MINIMUM EMERGENCY VENTING CAPACITY IN CUBIC FEET: FREE AIR/HOUR (14.7 P.S.I.A. AND 60°F)

Exposed area square feet ¹	Cubic feet free air per hour	Exposed area square feet ²	Cubic feet per hour
20	15,800	275	214,300
30	23,700	300	225,100
40	31,600	350	245,700
50	39,500	400	265,000
60	47,400	450	283,200
70	55,300	500	300,600
80	63,300	550	317,300
90	71,200	600	333,300
100	79,100	650	348,800
120	94,900	700	378,200
140	110,700	750	378,700
160	126,500	800	392,200
180	142,300	850	405,900
200	158,100	900	419,300
225	191,300	950	432,300
250	203,100	1,000	445,000

¹Interpolate for intermediate sizes.

§ 64.34 Vacuum relief device.

A vacuum relief device must—

(a) Open at a nominal external pressure of 3 psig or more; and

(b) Have an opening with a cross section of 0.44 square inches or more.

§ 64.35 Shutoff valve.

A shutoff valve may not be located—

(a) Between the tank opening and pressure relief device; and

(b) On the discharge side of the pressure relief device.

§ 64.36 Location of the pressure relief device.

A pressure relief device must be—

(a) Accessible for inspection and repair before stowage of the tank; and

(b) Attached so that escaping gas does not impinge on the tank or framework.

§ 64.37 Marking of pressure relief devices.

A pressure relief device must be plainly and permanently marked with the—

(a) Start-to-discharge pressure rating;

(b) Rated flow capacity expressed as cubic feet of standard air (60°F, 14.7 psia) per minute and the pressure at which the flow capacity is determined;

(c) Manufacturer's name and identifying number; and

(d) Pipe size of inlet.

Subpart D—Shop Inspection

§ 64.38 Request for shop inspection.

(a) After the information required in § 64.4 is approved by the Coast Guard, the manufacturer must request a shop inspection and hydrostatic test of the portable tank from the cognizant Officer in Charge, Marine Inspection.

(b) If the shop inspection and the hydrostatic test can not be done within a reasonable time the Officer in Charge, Marine Inspection may accept the manufacturer's inspection, but before the tank is placed into service it must pass a hydrostatic test in the presence of a Coast Guard inspector and be stamped in accordance with § 64.39.

§ 64.39 Stamping.

If the portable tank conforms to the approved plan and passes a hydrostatic test in accordance with § 64.43, the inspector stamps the Coast Guard—

(a) Symbol, in accordance with the requirements contained in § 50.10-25 of this chapter; and

(b) Number, in accordance with the requirement contained in § 50.10-30 of this chapter.

Subpart E—Periodic Inspections and Tests

§ 64.40 Inspection and test.

Each Coast Guard stamped portable tank must be inspected and tested by the owner or his representative as follows:

(a) Pressure relief and vacuum relief devices must be inspected one time or more during each 12 month period of service in accordance with the requirements contained in § 64.41.

(b) A portable tank must be inspected one time or more during each 30 months period of service in accordance with the requirements contained in § 64.42.

(c) A portable tank must pass a hydrostatic test in accordance with the requirement contained in § 64.43 one time or more during each 60 months period of service. The hydrostatic test must include any internal heating coils.

(d) After each welded repair, a portable tank must pass a hydrostatic test in accordance with the requirements contained in § 64.43.

§ 64.41 Inspection of pressure and vacuum relief device.

(a) The inspection of the pressure and vacuum relief device required in § 64.40 (a) must include—

(1) A visual inspection for a defective part;

(2) Replacement of each defective part;

(3) A test of the accuracy of the pressure setting.

(b) If the pressure and vacuum relief valve passes the inspection required in paragraph (a) of this section, a metal tag is attached to the device that indicates the date of the inspection.

§ 64.42 30-month inspection of the portable tank.

(a) The 30-month inspection of the portable tank required in § 64.40 (b) must include—

(1) An internal and external examination for—

(i) Corrosion;

(ii) Cracking of base material; and

(iii) Weld defects;

(2) A visual inspection for defective parts and a manual operation of the gauging device, remote operating mechanism, and each valve, except the pressure relief device; and

(3) Replacement of each defective part.

(b) If the tank passes the inspection required in paragraph (a) of this section, the inspector stencils the date of the inspection on the portable tank near the metal identification plate that is required in § 64.27 in durable and legible letters that are 1¼ inch in height or larger.

§ 64.43 Hydrostatic test.

(a) The hydrostatic test required in § 64.40 (c) includes—

(1) Closing each manhole and other openings by normal means of closure;

(2) Using wrenches or other tools that are used during normal operations to close the manhole and other openings;

(3) Using the same type of gaskets as used in service;

(4) If required by the inspector, removing tank insulation;

(5) Filling the tank with water and passing a hydrostatic test without leaking at the test pressure indicated on the metal identification plate; and

(6) If fitted with an internal heating coil, the heating coil passing a hydrostatic test at a pressure of 200 psig or more or 50 percent or more above the rated pressure of the coil, whichever is greater.

(b) If the tank passes the hydrostatic test required in paragraph (a) of this section, the inspector stamps the date of the test and his initials on the metal identification plate required in § 64.27.

§ 64.44 Portable tanks constructed before July 1, 1974.

(a) A portable tank constructed before July 1, 1974 that does not meet the inspection and testing requirements of this part may continue in use if it meets the requirements of this section.

(b) Except as allowed in paragraph (c) of this section, a portable tank may carry combustible liquids until July 1, 1984 if it is constructed and maintained in accordance with the requirements contained in Subpart 98.35 of this chapter.

(c) A portable tank constructed before July 1, 1974 that does not meet the requirements in this subpart must comply with the following requirements if the owner desires that it continue in service until July 1, 1977:

(1) The owner, lessee, charterer, or person in charge must submit the following information in accordance with the requirements contained in § 50.20-5 of this chapter:

(i) The date and place of manufacture.

(ii) The manufacturer's tank serial number.

(iii) The design drawing and calculation.

(iv) The type, manufacturer and setting of each relief device.

(v) The dangerous article or combustible liquid proposed to be carried in the tank.

(vi) A history of the portable tank's service.

(2) The Coast Guard notifies the owner of the tank in writing whether or not the tank may continue in service until July 1, 1977. If the tank is allowed to remain in service, the following is marked in letters 3 inches in height or larger:

LIMITED FOR (DANGEROUS ARTICLE OR COMBUSTIBLE LIQUID ACCEPTED FOR CARRIAGE) UNTIL JULY 1, 1977

(3) The acceptance letter received by the owner in conformance with the requirement contained in subparagraph (2) of this paragraph shall be retained by the owner until July 1, 1977.

(4) An appeal from the decision required in subparagraph (2) of this paragraph is made in accordance with the requirements contained in § 50.20-40 of this chapter.

Subpart F—Cargo Handling System

§ 64.45 Purpose.

Each cargo handling system of a portable tank that carries a dangerous article or combustible liquid must meet the requirements in this Subpart.

§ 64.46 Cargo pump unit.

(a) No cargo pump unit may fill and discharge a portable tank with a dangerous article or combustible liquid while on a vessel unless it is—

(1) Designed and constructed of a material that is compatible with the product to be pumped; and

(2) Designed to be compatible with the hazard associated with the dangerous article or combustible liquid to be pumped.

(b) The cargo pump power unit may be—

- (1) Diesel;
- (2) Hydraulic;
- (3) Pneumatic; or
- (4) Electric.

(c) The starting system for a cargo pump power unit must be designed to be compatible with the hazard associated with the dangerous article or combustible liquid to be pumped.

(d) A diesel engine that is used to drive a cargo pump must have a spark arrestor on the exhaust system.

§ 64.47 Relief valve for the cargo pump discharge.

A relief valve for the cargo pump discharge must be—

(a) Fitted between the cargo pump discharge and the shut-off valve, with the relief valve discharge piped back to the cargo pump suction or returned to the tank; and

(b) Set at the maximum design pres-

sure of the piping and discharge hose, or less.

§ 64.48 Pump controls.

(a) A pressure gauge must be installed on the pump discharge near the pump controls and visible to the operator.

(b) A pump must have a remote, quick acting, manual shutdown that is conspicuously labeled and capable of being located in an easily accessible area as far from the pump as practical. The quick acting, manual shutdown for remote operation must be designed to be attached to the pump power unit to provide a means of stopping the unit.

§ 64.49 Piping.

(a) Piping, valves, flanges, and fittings used in the pumping system must be designed in accordance with Part 56 of this chapter.

(b) A cargo loading and discharge header or manifold must—

(1) Have stop valves to prevent cargo leakage; and

(2) Be visible to the operator at the cargo pump controls.

(c) Each pipe and valve in the pumping system that has an open end must have a plug or cap to prevent leakage.

(d) Each hose connection must be threaded or flanged except for a quick connect coupling that may be specifically accepted by the U.S. Coast Guard in accordance with the procedures contained in § 50.25-15 of this chapter.

(e) A non-return valve must be in the pump discharge if a backflow condition may occur during pumping.

(f) Any non-metallic flexible hose that is used in the piping system must comply with the requirements in § 56.60-25(c) of this chapter.

§ 64.50 Cargo hose.

Each hose assembly, consisting of couplings and a hose that has an inside diameter—

(a) Larger than three inches, must meet the requirements contained in 33 CFR 154.500; or

(b) Three inches or less, must be designed to withstand the pressure of the shutoff head of the cargo pump or pump discharge relief valve setting, but not less than 100 pounds per square inch.

PART 90—GENERAL PROVISIONS

3. By amending § 90.05-35(a) (1) by revising subdivision (ii) and (iii) to read as follows:

§ 90.05-35 Flammable and combustible liquid cargo in bulk.

(a) * * *

(i) Grades A and lower in portable tanks in accordance with the requirements in Subpart A of Part 64 and Part 146 of this chapter.

(ii) Dangerous articles in portable tanks in accordance with the requirements in Subpart A of Part 64 and Part 146 of this chapter.

PART 98—SPECIAL CONSTRUCTION, ARRANGEMENT, AND PROVISIONS FOR CERTAIN DANGEROUS CARGOES IN BULK

4. By revising § 98.01-1(b) to read as follows:

§ 98.01-1 General.

(b) The requirements in Subparts 98.30 and 98.35 apply to domestic inspected vessels, carrying portable tanks containing dangerous articles or combustible liquids. The handling and stowage requirements in Subparts 98.30 and 98.35 apply to foreign vessels carrying portable tanks containing dangerous articles and combustible liquids in the navigable waters of the United States, its territories, and possessions.

5. By amending Part 98 by adding Subpart 98.30 to read as follows:

Subpart 98.30—Handling and Stowage of Portable Tanks

Sec.	Applicability.
98.30-1	Scope.
98.30-2	Portable tanks.
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98.30-20	Alternate fire extinguishing system.
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Authority: R.S. 4472, as amended (46 U.S.C. 170), sec. 201, 86 Stat. 427 (46 U.S.C. 391a); sec. 6(b) (1), 80 Stat. 937 (49 U.S.C. 1655(b) (1)); 49 CFR 1.46 (b) and (c) (4).

Subpart 98.30—Handling and Stowage of Portable Tanks

§ 98.30-1 Applicability.

This subpart applies to all vessels, regardless of tonnage, size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, which are documented under the laws of the United States or enter the navigable waters of the United States that have on board a portable tank containing liquid cargo which is inflammable or combustible, oil, of any kind or any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, or designated as a hazardous polluting substance under section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162), except—

(a) Public vessels other than those engaged in commercial services;

(b) Vessels having on board portable tanks containing such liquid cargo for use as fuel or stores consumed aboard the vessel; and

(c) Vessels of not more than 500 gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this subpart only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.

§ 98.30-2 Scope.

(a) This Subpart contains requirements for the handling and stowage of portable tanks and associated equipment. Pollution requirements are contained in 33 CFR Parts 155 and 156.

(b) Dangerous articles authorized by the Coast Guard for carriage in portable tanks are defined and listed in Part 146 of this chapter.

(c) Combustible liquids authorized by the Coast Guard for carriage in portable tanks are defined in Subpart 30.10 of this chapter and listed in Subpart 30.25 of this chapter.

§ 98.30-3 Portable tanks.

No person may operate a vessel to which this subpart applies unless the portable tank is marked in accordance with one of the following regulations:

(a) Section 64.27 of this chapter.

(b) Section 64.44(c)(2) of this chapter.

(c) Section 98.35-15(a) of this chapter.

§ 98.30-4 Acceptance of tanks aboard a vessel.

(a) No person may operate a vessel to which this subpart applies unless each portable tank has been inspected within the 30 months before the month of operation, except a vessel may complete a voyage.

(b) No person may operate a vessel to which this subpart applies unless each portable tank has passed a hydrostatic test within the 60 months before the month of operation except a vessel may complete a voyage.

§ 98.30-5 Lifting portable tanks.

No person may couple for lifting purposes a portable tank that contains a dangerous article or a combustible liquid with any other portable tank.

§ 98.30-6 Smoking.

No person may smoke within 50 feet of a portable tank on any open deck.

§ 98.30-7 Portable tank stowage.

(a) No person may operate a vessel carrying a portable tank containing a dangerous article or a combustible liquid unless the tank is stowed on an open deck.

(b) No person may stow a portable tank containing a dangerous article or a combustible liquid unless the electrical equipment within the area that includes the full width of the vessel, 10 feet fore and aft of each portable tank

and eight feet above the deck, is explosion-proof or intrinsically safe, as defined in § 111.80-5 of this chapter.

§ 98.30-8 Cargo pumps.

No person may operate a cargo pump to transfer a dangerous article or a combustible liquid unless the pump is installed—

(a) Above deck; or

(b) Below deck, in conformance with Subpart 32.60 of this chapter.

§ 98.30-9 Ground connection.

No person may transfer a flammable or combustible liquid to or from a portable tank unless the portable tank, its pumping equipment, and the hull of the vessel have a ground connection to a platform, shore piping or other vessel by a—

(a) Cargo hose constructed with an integral grounding wire if the end connections are used for electrical continuity; or

(b) Separate grounding, if the ground connection is maintained until the cargo hose is disconnected and drained.

§ 98.30-10 Leakage containment.

(a) No person may operate a cargo handling system unless there is a—

(1) Container or enclosed deck area that meets the requirements of this section under or around each transfer connection area; and

(2) Means of draining or removing any discharged dangerous article or combustible liquid without mixing incompatible products or discharging into the water.

(b) Each container or enclosed deck area must hold, in all conditions of vessel list or trim to be encountered during the transferring operation, 5 gallons or more.

§ 98.30-11 Qualifications of person in charge.

(a) No person may serve, and the operator of a vessel may not use the services of a person, as a person in charge of the transfer of dangerous articles or combustible liquids to and from portable tanks unless—

(1) For dangerous article or combustible liquid transfer operations on self-propelled tank vessels, he holds a valid license authorizing service on inspected vessels as a master, mate, pilot, or engineer, except that the person in charge of tank cleaning operations conducted at a tank cleaning facility may be a tanker-man certificated for the grade of cargo last carried; or

(2) For tank barges, he holds a valid license authorizing service on inspected vessels as a master, mate, engineer, or is a tanker-man certificated for the grade of cargo carried; or

(3) For vessels other than tank vessels that are required by this chapter to have a licensed officer on board, he holds a valid license as a master, mate, pilot, engineer, or operator; or

(4) For foreign vessels of the same size and type as those specified in paragraph (a) (1), (2), and (3) of this sec-

tion, he holds a license or certificate authorizing service on that vessel as a master, mate, pilot, engineer, or operator.

§ 98.30-12 Supervision by person in charge.

(a) No person may connect, top off, disconnect, or engage in any other critical dangerous article or combustible liquid transfer operation unless the person in charge designated in § 98.30-11, personally supervises the operation.

(b) No person may start the flow of a dangerous article or a combustible liquid to or from a portable tank unless instructed to do so by the person in charge.

(c) No person may transfer a dangerous article or a combustible liquid to or from a portable tank unless the person in charge is in the immediate vicinity of the transfer operation and immediately available to the person transferring the product.

§ 98.30-13 Inspection prior to pumping.

No person may transfer to or from a portable tank a dangerous article or a combustible liquid with a flashpoint of less than 300°F unless the person in charge of the transfer ensures that—

(a) Each warning signal and sign required in §§ 98.30-18 and 98.30-19 is displayed;

(b) No repair work in the vicinity of any portable tank is done without permission of the person in charge of the transfer operation; and

(c) Riveting, welding, burning, or a similar operation is not done in the vicinity of any portable tank unless an inspection by the person in charge of the transfer shows that the operation can be done safely.

§ 98.30-14 Requirements for transfer to or from a portable tank.

No person may transfer a dangerous article or combustible liquid to or from a portable tank unless—

(a) The vessel's moorings are strong enough to hold in all expected conditions of surge, current, and weather and are long enough to allow adjustment for changes in draft, drift, and tide during the transfer operation;

(b) Transfer hoses or loading arms are long enough to allow the vessel to move the limits of its mooring without placing strain on the hose, loading arm, or transfer piping system;

(c) Each transfer hose is supported in a manner that prevents strain on its coupling;

(d) Each part of the transfer system necessary to allow the flow of a dangerous article or combustible liquid is lined up for the transfer;

(e) Each transfer hose has no loose covers, kinks, bulges, soft spots, and no gouges, cuts, or slashes that penetrate the hose reinforcement;

(f) Each coupling meets the requirements of § 98.30-15;

(g) Each scupper or drain in a discharge containment system is closed;

(h) The person in charge of the dangerous article or combustible liquid transfer operations on the transferring

vessel or facility and the person in charge of the transfer operations on the receiving vessel or facility have held a conference, to assure that each person in charge understands the following details of the transfer operations:

- (1) The identity of the product to be transferred.
 - (2) The sequence of transfer operations.
 - (3) The transfer rate.
 - (4) The name or title and location of each person participating in the transfer operation.
 - (5) Particulars of the transferring and receiving systems.
 - (6) Critical stages of the transfer operations.
 - (7) Federal, state, and local rules that apply to the transfer of dangerous articles and combustible liquids.
 - (8) Emergency procedures.
 - (9) Discharge containment procedures.
 - (10) Discharge reporting procedures.
 - (11) Watch or shift arrangement.
 - (12) Transfer shutdown procedures.
- (i) The person in charge of the transfer operations on the transferring vessel or facility and the person in charge of transfer operations on the receiving vessel or facility agree to begin the transfer operations; and
- (j) Each person in charge required by this part is present.

§ 98.30-15 Connections.

(a) Each person who makes a connection for a dangerous article or combustible liquid transfer operation shall—

- (1) Use suitable material in joints and couplings to make a tight seal;
 - (2) Use a bolt in at least every other hole and in no case less than four bolts in each temporary connection utilizing an American National Standards Institute (ANSI) standard flange coupling;
 - (3) Use a bolt in each hole of couplings other than ANSI standard flange couplings;
 - (4) Use a bolt in each hole of each permanently connected flange coupling;
 - (5) Use bolts of the same size in each bolted coupling; and
 - (6) Tighten each bolt and nut uniformly to distribute the load.
- (b) No person who makes a connection for dangerous article and combustible liquid transfer operations may use any bolt that shows signs of strain or is elongated or deteriorated.

(c) No person may use a connection for oil transfer operations unless it is—

- (1) A bolted or full threaded connection; or
- (2) A quick-connect coupling accepted by the Coast Guard.

§ 98.30-16 Chemically incompatible products.

(a) No person may stow a portable tank that contains a dangerous article or combustible liquid in the vicinity of another tank that contains a chemically incompatible product.

(b) No person may pipe a portable tank that contains a dangerous article or combustible liquid with another tank that contains a chemically incompatible product.

§ 98.30-17 Conditions for pumping.

No person may start pumping a dangerous article or combustible liquid, to or from a portable tank or if started, continue to pump if—

- (a) There is an electrical storm;
- (b) A fire occurs—
 - (1) On the deck;
 - (2) On the vessel;
 - (3) In the vicinity; or
- (c) The cargo hose ruptures or leaks.

§ 98.30-18 Warning signals.

(a) If the vessel is moored, no person may transfer to or from a portable tank a dangerous article or combustible liquid with a flashpoint of less than 300°F unless the person in charge displays a—

- (1) Red flag by day; and
- (2) Red lantern by night.

(b) If the vessel is at anchor, no person may transfer to or from a portable tank a dangerous article or combustible liquid with a flashpoint of less than 300°F unless the person in charge displays a red flag.

(c) The signal required in paragraphs (a) and (b) of this section must be visible on all sides of the vessel.

§ 98.30-19 Warning sign at gangway.

During the transfer of a dangerous article or combustible liquid when a vessel is moored, the person in charge shall display at each gangway or access that is open for use a warning placard containing the following in letters 2 inches in height or larger:

WARNING

NO OPEN LIGHTS

NO SMOKING

§ 98.30-20 Firefighting procedure.

No person may lift a portable tank on or off a vessel, or transfer a dangerous article or combustible liquid with a flashpoint of less than 300°F to or from a portable tank unless—

- (a) Water pressure is maintained on the firemain;
- (b) Firehoses, fitted with a Coast Guard approved combination nozzle, are attached to each fire hydrant in the vicinity of the portable tanks;
- (c) Except as provided in § 98.30-21, fire extinguishers of a dry chemical type are—
 - (1) Located on the deck area, which includes the full width of the vessel and ten feet fore and aft of the last tank or pumping station, where portable tanks are stowed so that no more than one extinguisher is isolated during a fire in any part of the deck area;
 - (2) Coast Guard approved; and
 - (3) Capable of covering the deck area without being moved;
- (d) In a deck area of 500 square feet or less, there are 2 or more dry chemical

fire extinguishers of 300 pounds or more total capacity of extinguishing agent; and

(e) In a deck area of more than 500 square feet, there are 3 or more dry chemical fire extinguishers of 450 pounds or more total capacity of extinguishing agent.

§ 98.30-21 Alternate fire extinguishing system.

An alternative to the fire extinguishing system required in § 98.30-20(c) may be approved in accordance with procedures contained in Subpart 90.15 of this chapter.

Subpart 98.35—Portable Tanks Constructed Before January 1, 1974 that Carry Combustible Liquids

6. By revising the heading of Subpart 98.35 to read as set forth above.

7. By amending § 98.35-1 by changing the reference in paragraph (c) from "§§ 98.35-25, 98.35-30 and 98.35-35" to "§§ 98.35-25 and 98.35-30", by revising the first sentence of paragraph (a), and adding paragraph (f), to read as follows:

§ 98.35-1 Scope.

(a) The requirements of this Subpart contain the requirements for construction, testing, loading, and discharging of portable tanks, containing combustible liquids constructed before July 1, 1974.

(f) Each portable tank constructed and maintained in accordance with the requirements contained in this Subpart may continue in service until July 1, 1984.

§ 98.35-10 [Amended]

8. By revoking § 98.35-10(e).

9. By revising § 98.35-25 to read as follows:

§ 98.35-25 Handling and stowage.

Each portable tank must be handled and stowed in accordance with the requirements contained in Subpart 93.20 of this chapter.

10. By revising § 98.35-30 to read as follows:

§ 98.35-30 Firefighting procedures.

The firefighting procedures are contained in §§ 98.30-20 and 98.30-21 of this chapter.

§§ 98.35-35, 98.35-40 [Revoked]

11. By revoking §§ 98.35-35 and 98.35-40.

(R.S. 4406, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1855(b)(1)); 49 CFR 1.46 (b)).

Dated: November 30, 1973.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting
Chief, Office of Merchant
Marine Safety.

(FR Doc. 73-25760 Filed 12-4-73; 8:45 am)

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-101]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Huntington, W. Va., Control Zone (38 FR 386) and Transition Area (38 FR 505).

A review of the controlled airspace requirements for the Huntington, West Virginia, terminal area indicates that several minor changes to the Tri-State (Walker-Long) Airport NDB-12, ILS-12 and LOC (BC) RWY 30 instrument approach procedure will require alteration of the control zone and transition area to provide additional airspace protection for aircraft executing the Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before January 4, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Huntington, West Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations by deleting the description of the Huntington, West Virginia Control Zone and by substituting the following in lieu thereof:

§ 71.171 [Amended]

"HUNTINGTON, W. VA.

Within a 6-mile radius of the center, latitude 38°22'00" N., longitude 82°33'20" W. of Tri-State Airport (Walker-Long Field), Huntington, West Virginia, and within 3.5 miles each side of the Tri-State Airport (Walker-Long Field) ILS localizer east course, extending from the 6-mile radius zone to 4.5 miles east of the Shoals, West Virginia FM."

2. Amend § 71.181 of Part 71, Federal Aviation Regulations by deleting the description of the Huntington, West Virginia 700-foot floor transition area and by substituting the following in lieu thereof:

§ 71.181 [Amended]

"HUNTINGTON, W. VA.

That airspace extending upward from 700-feet above the surface within an 11-mile radius of the center, latitude 38°22'00" N., longitude 82°33'20" W. of Tri-State Airport (Walker-Long Field), Huntington, West Virginia; within 4.5 miles each side of the Tri-State Airport (Walker-Long Field) ILS localizer east course, extending from the 11-mile radius area to 6 miles east of the Shoals, West Virginia FM; and within 5-miles each side of the Tri-State (Walker-Long Field) ILS localizer west course, extending from the 11-mile radius area to 11.5 miles west of the OM."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c) 1].

Issued in Jamaica, N.Y., on November 20, 1973.

L. J. CARDINALI,

Acting Director, Eastern Region.

[FR Doc.73-25691 Filed 12-4-73;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-29; Notice 1]

HYDRAULIC BRAKE SYSTEMS

Proposal to Permit Removal of Snow Plows During Testing

This notice proposes an amendment of Motor Vehicle Safety Standard No. 105a that would add a new test condition to permit removal of original equipment snow plows during testing.

The proposal is made in response to a request from Chrysler Corporation. The company installs snow plows as original equipment on certain light-duty four-wheel drive Dodge trucks, which create problems in complying with the "lightly loaded" vehicle stopping distance requirements of Standard No. 105a. As Chrysler explains it, "Since the snow plow blade is mounted forward of the front bumper, it reduces the weight on the rear axle while adding more than its own weight on the front axle. This results in a curb weight loading condition which depreciates the braking performance of the 'base' vehicle * * * Chrysler points out that from a practical standpoint it is unlikely that a truck equipped with a snow plow would be operated on the road in a "lightly loaded" condition, and that it is common practice to remove the snow plow blade when trucks are not engaged in snow removal service. Re-engineering the vehicle to comply with the lightly loaded stopping distance requirements would, in Chrysler's view, increase vehicle cost and be of little safety benefit. Finally, Chrysler notes that if it chose to discontinue offering the snow plow to eliminate problems of complying with Standard No.

105a, the customer would purchase the equipment on the aftermarket. The NHTSA has tentatively determined that Chrysler's position is reasonable.

Accordingly, it is proposed that 49 CFR 571.105a Motor Vehicle Safety Standard No. 105a be amended by adding a new S6.14, reading as follows:

S6.14 If a vehicle is so equipped, a snow plow and accessories related to its installation are removed.

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

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

Comment closing date: January 4, 1974.

Proposed effective date: September 1, 1975.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 715, 15 U.S.C. 1392, 1407, delegation of authority at 49 CFR 1.51).

Issued on November 29, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.73-25716 Filed 12-4-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 528]

[Docket No. 73-64]

ADDITIONAL PROVISIONS AND REPORTING REQUIREMENTS APPLICABLE TO SELF-POLICING SYSTEMS UNDER GENERAL ORDER 7

Enlargement of Time to File Comments

Upon request of interested parties, and good cause appearing, time within which comments may be submitted in response to the notice of proposed rulemaking in this proceeding (38 FR 28841-28843; October 17, 1973) is enlarged to and including January 15, 1974.

Replies of Hearing Counsel shall be filed on or before February 8, 1974. Answers to Hearing Counsel shall be filed on or before February 20, 1974.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-25764 Filed 12-4-73;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

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Bullert, Richard Clayton, 3215-21st Avenue, South, #204, Minneapolis, Minnesota, convicted on November 14, 1961, in the Seventh Judicial District Court, McLeod County, Minnesota; March 4, 1963, and on April 12, 1966, in the Seventh Judicial District Court, Douglas County, Minnesota; April 12, 1968, in the Seventh Judicial District Court, Stearns County, Minnesota; and on May 5, 1969, in the First Judicial District Court, Dakota County, Minnesota.

Evan, Steven L., R. Rt. #2, Box 231, Plainfield, Indiana, convicted on July 3, 1968, in the Criminal Court of Marion County, State of Indiana.

Kuzik, Robert H., 6122-50th Avenue, Kenosha, Wisconsin, convicted on December 17, 1959, in the Municipal Court, Kenosha County, Wisconsin, and on March 3, 1964, in the Kenosha County Court, Branch III, Wisconsin.

McBride, Joe Lee, 6136 Laura Avenue, St. Louis, Missouri, convicted on May 17, 1971, in the United States District Court, Eastern District of Missouri.

Nixon, David Kent, 2231 Northridge Lane, Washington, Illinois, convicted on October 14, 1964, in the District Court of Johnson County, Kansas.

Providence, Frederick, 36 Coke Avenue, Holt, Alabama, convicted on May 8, 1970, by the United States District Court, Northern Judicial District, Birmingham, Alabama.

Serafini, Francis M., R.D. No. 2, Box 692, Crenshaw, Pennsylvania, convicted on February 8, 1971, by the Jefferson County Court of Common Pleas, Jefferson County, Brooksville, Pennsylvania.

Staggs, James R., P.O. Box 121, Grand Saline, Texas, convicted on June 13, 1961, in the Circuit Court, Marion County, Mississippi.

Sullivan, Alfred J., 4528 Pen Lucy Road, Baltimore, Maryland, convicted on May 11, 1964, and on July 1, 1967, in the Municipal Court of Baltimore City, Maryland.

Thompson, James, 364 West 121st Street, No. 2(A), New York, New York, convicted

on March 28, 1929, in the Court of General Sessions and Common Pleas, Florence County, South Carolina.

Signed at Washington, D.C. this 20th day of November, 1973.

[SEAL] **REX D. DAVIS,**
Director, Bureau of
Alcohol, Tobacco and Firearms.

[FR Doc.73-25765 Filed 12-4-73;8:45 am]

Comptroller of the Currency

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

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the First National Bank Region will be held at 9:30 a.m. on December 6, 1973, in the Board Room at the Sheraton Boston Hotel, Prudential Center, Boston, Massachusetts.

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

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

Dated: November 29, 1973

[SEAL] **JAMES E. SMITH,**
Comptroller of the Currency.

[FR Doc.73-25786 Filed 12-4-73;8:45 am]

Customs Service

DIE PRESSES FROM ITALY

Notice of Countervailing Duty Proceedings

Information has been received pursuant to the provisions of § 159.47(b) of the Customs Regulations (19 CFR 159.47(b)), which appears to indicate that certain payments, bestowals, rebates or refunds granted by the Government of

Italy upon the manufacture, production, or exportation of die presses constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the payments, bestowals, rebates or refund apply. The available information indicates that the approximate amount of the payments, bestowals, rebates or refunds is 20 lire per kilogram.

After the expiration of the time limits set forth in this notice, a determination will be made whether a bounty or grant is being paid or bestowed in connection with any such manufacture, production, or export. If it is determined that a bounty or grant is being paid or bestowed, an appropriate countervailing duty order will be issued and published in accordance with § 159.47 of the Customs Regulations.

Before a determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to the existence or nonexistence, and the net amount of a bounty or grant. Submissions should be addressed to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, in time to be received by his office not later than January 4, 1974.

This notice is published pursuant to § 159.47(d) of the Customs Regulations (19 CFR 159.47(d)).

Approved: November 30, 1973.

[SEAL] **G. R. DICKERSON,**
Acting Commissioner of Customs.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-25800 Filed 12-4-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on February 2, 1974, at the Ramada Inn, International Airport, Spokane, Washington, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the

desirability of including a portion of the Little Pend Oreille Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Little Pend Oreille National Wildlife Refuge, which is located in Stevens and Pend Oreille Counties, Washington.

A study summary containing a map and information on the Little Pend Oreille Wilderness Proposal may be obtained from the Refuge Manager, Little Pend Oreille National Wildlife Refuge, Route 1, Colville, Washington 99114 or the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, 1500 NE Irving Street, P.O. Box 3737, Portland, Oregon 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by March 4, 1974.

F. V. SCHMIDT,
Deputy Director, Bureau of
Sport Fisheries and Wildlife.

NOVEMBER 29, 1973.

[FR Doc.73-25697 Filed 12-4-73; 8:45 am]

Bureau of Land Management

[Serial No. U-23885]

UTAH

Notice of Proposed Classification of Public Lands for Disposal

NOVEMBER 28, 1973.

Pursuant to section 7 of the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315f), notice is hereby given of a proposal to classify lands described below for disposal through selection for exchange under section 8b of the Act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315g).

The lands in this proposed classification for private exchange are described as follows:

SALT LAKE MERIDIAN JUAB COUNTY

T. 12 S., R. 3 W.,
sec. 31.

T. 13 S., R. 3 W.,

sec. 5, lots 3, 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$,
SW $\frac{1}{4}$;

secs. 6 and 7;

sec. 8, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;

sec. 18, lots 1, 2, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;

sec. 19, lots 3, 4, E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$;

T. 13 S., R. 4 W.,

sec. 1, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;

sec. 12, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

sec. 13, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;

sec. 24, SE $\frac{1}{4}$.

Total acreage 4,311.57.

This proposal has been discussed with local government officials and other interested parties. Information derived from these discussions and other sources indicate that these lands meet the criteria of 43 CFR 2410 and 43 CFR 2430, which authorizes classification of lands for disposal under appropriate authority. Information concerning lands, including the field report and environ-

mental analysis record, is available for inspection and study at the Fillmore District Office, Bureau of Land Management, located in Fillmore, Utah.

The lands will be open to application by all qualified individuals on an equal opportunity basis when the lands are classified by a subsequent order.

Persons may submit comments, suggestions, or objections, to the proposed classification until January 4, 1974, to the Fillmore District Manager, Bureau of Land Management, 15 East 500 North, Fillmore, Utah 84631.

LLOYD FERGUSON,
Acting State Director.

[FR Doc.73-25669 Filed 12-4-73; 8:45 am]

UTAH STATE OFFICE

Public Notice Regarding Permit Application

Tour guides, outfitters, or others planning to operate commercial float boat trips on the Green River between Little Hole and Brown's Park; Green River between Sand Wash and Green River, Utah; Colorado River between the Colorado-Utah state line and the confluence with the Dolores River; or San Juan River between Bluff, and Mexican Hat, should obtain a permit application from the BLM District Office in the area where the applicant intends to run. Offices are located at Vernal, P.O. Box F; Price, P.O. Box AB; and Monticello, P.O. Box 1327, Utah. The applicant may also contact the Utah State BLM Office at P.O. Box 11505, Salt Lake City, Utah. Applications for 1974 must be received by the Bureau of Land Management between December 1, 1973 and January 15, 1974.

PAUL L. HOWARD,
State Director.

[FR Doc.73-25670 Filed 12-4-73; 8:45 am]

NEVADA

Notice of Termination of Classification

NOVEMBER 27, 1973.

The Notice of Classification published in the FEDERAL REGISTER on July 25, 1969, and continued by the Notice published in the Federal Register on September 16, 1970, is hereby terminated as to the land described below:

MOUNT DIABLO MERIDIAN, NEVADA

T. 37 N., R. 38 E.,

sec. 22: SE $\frac{1}{4}$ SE $\frac{1}{4}$

WILLIAM J. MALENCIK,
Chief,

Division of Technical Services.

[FR Doc.73-25671 Filed 12-4-73; 8:45 am]

Bureau of Reclamation

YUMA IRRIGATION PROJECT, ARIZONA-CALIFORNIA RESERVATION DIVISION, CALIFORNIA

Public Notice of Annual Operation and Maintenance Charges and Annual Water Rental Charges

[Act of June 17, 1902, 32 Stat. 388, as amended or supplemented]

NOVEMBER 15, 1973.

1. Annual Operation and Maintenance Charges for Lands Under Public

Notice. Reservation Division. The minimum annual operation and maintenance charge for calendar year 1974 and thereafter until further notice against all lands of the Reservation Division under Public Notice shall be \$16.25 per irrigable acre, whether water is used or not, payment of which will entitle the water user (may be landowner, lessee, and/or water right applicant or holder) to 8 acre-feet of water per acre on certain sandy areas shown on the list attached to Public Notice No. 72, dated December 1, 1955, as amended February 16, 1956, and to 5 acre-feet of water per irrigable acre on all other lands of the Division under Public Notice. Additional water, if available, will be furnished at the rate of \$4.00 per acre-foot payable in advance. Credit equivalent to the amount paid for additional water unused prior to the end of any calendar year will be applied against the minimum charges for water for the following calendar year. No credit will be given for water purchased during any calendar year at the minimum charge but undelivered at the end of said calendar year.

The minimum annual operation and maintenance charge per calendar year for each parcel of land under Public Notice containing less than 1 acre shall be \$16.25.

Where in the opinion of the Project Manager, Yuma Projects Office, it may be done without interference with other project requirements, upon written request filed in advance by a water user who is not delinquent in the payment of any operation and maintenance charges, water will be furnished free of charge for reclaiming lands by the usual methods. Provided, however, that lands for which free water was served during the preceding calendar year will not again be served free water in the absence of evidence satisfactory to the Project Manager that although the water so served free of charge during such preceding year was applied to the lands in sufficient quantities over a period of not more than 3 months, the results accomplished during such preceding year were not satisfactory.

All minimum annual operation and maintenance charges shall be due and payable on January 1, 1974, and on January 1 of each year thereafter.

2. Annual Water Rental Charges for Other Lands, Reservation Division. Irrigation water will be furnished during the calendar year 1974 and thereafter until further notice for lands in the Reservation Division not under Public Notice which can be irrigated from the present distribution system without further construction expense by the Bureau, upon a rental basis under approved applications at the following rates:

A. The minimum annual charge shall be \$16.25 per irrigable acre, payment of which will entitle the applicant to 8 acre-feet of water per acre on certain sandy areas listed in Public Notice No. 86, Supplement No. 1, dated July 10, 1970, and to 5 acre-feet of water per irrigable acre on all other lands in the Division not under Public Notice.

B. Additional water, if available, will be furnished at the rate of \$4.00 per acre-foot.

All charges shall be payable in advance of the delivery of water. Credit will be given for additional water paid for but not used.

3. *Damages and Termination of Water Deliveries.* Upon failure of any water user in the Reservation Division, including for purposes of this paragraph only, lessees of Indian lands, to comply with the regulations for ordering and delivery of irrigation water in the Division, or to pay any bill rendered by the United States for costs of extra maintenance of or repairs to the irrigation and drainage systems of the Reservation Division of the Yuma Project which are required as a result of faulty irrigation practices of the water user, all as established and determined by the Project Manager after consultation with the water user, the United States reserves the right to withhold the delivery of water to the lands of any water user who is in default thereof, or to stop the delivery of water thereto if water is being so delivered during any period in which said user is in violation of the provisions of the regulations, or has failed to pay said bills.

4. *Penalties.* On all payments not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

5. *Place of payment.* All payments should be made to the Bureau of Reclamation, Office of Project Manager, Yuma Projects Office, Yuma, Arizona, or mailed to Bureau of Reclamation, P.O. Bin 5569, Yuma, Arizona 85364.

E. A. LUNDBERG,
Regional Director.

[FR Doc. 73-25666 Filed 12-4-73; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Agricultural Stabilization and Conservation Service

RESPECTIVE ALLOCATION AND PRIORITY RESPONSIBILITIES OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF COMMERCE IN CONNECTION WITH FOODS WHICH HAVE INDUSTRIAL USES

Memorandum of Agreement

Part A: General. The Administrators of the Agricultural Marketing Service and the Agricultural Stabilization and Conservation Service, United States Department of Agriculture, and the Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy, United States Department of Commerce, adopt the following principles as the basis of this agreement.

1. Pursuant to Executive Order 10480, as amended (3 CFR 1949-1953 Comp., p. 962; 50 U.S.C. App. 2153 (1970)), Execu-

tive Order 11490, as amended (3 CFR 1966-1970 Comp., p. 820; 50 U.S.C. App. 2292 (1970)), and Defense Mobilization Order 8400.1 (32A CFR 15), the Department of Agriculture (hereinafter referred to as "Agriculture") has the responsibility for mobilization functions relating to food. In section 601(h) of Executive Order 10480, food is defined as:

"* * * all commodities and products, simple, mixed, or compound, or complements to such commodities or products, that are capable of being eaten or drunk by either human beings or animals, irrespective of other uses to which such commodities or products may be put, at all stages of processing from the raw commodity to the products thereof in vendible form for human or animal consumption * * * the term "food" shall also include all starches, sugars, vegetable and animal fats and oils, cotton, tobacco, wool, mohair, hemp, flax fiber, and naval stores, but shall not include any such material after it loses its identity as an agricultural commodity or agricultural product." Executive Order 11490, as amended (3 CFR 1966-1970 Comp., p. 820; 50 U.S.C. App. 2292 (1970)), delegates responsibility to the Secretary of Agriculture regarding emergency national planning and preparedness functions relating to, among other things, food resources. Executive Orders 10480, as amended, and 11490, as amended, define the terms "food" and "food resources," respectively, in the same language. Accordingly, these terms are used interchangeably in this agreement.

2. By the terms of this agreement it is understood that in the case of food for human or animal consumption, Agriculture's responsibility includes that of effective distribution. For those foods which have industrial uses, normally jurisdiction would pass to the Department of Commerce (hereinafter referred to as "Commerce") at the point where the foods are no longer capable of being eaten or drunk.

3. The provisions of this agreement covering fibers are limited to those specifically mentioned in Executive Orders 10480, as amended, and 11490, as amended, namely, cotton, wool, mohair, hemp and flax fiber, and have the purpose of defining the points at which the fibers named lose their identity as agricultural commodities or agricultural products.

4. Some major food commodities in which both Agriculture and Commerce have an interest are indicated in Part B of this agreement. For each of these commodities the point at which the jurisdiction of Agriculture will end is indicated; without specific mention in each case, the jurisdiction of Commerce will begin at that point.

5. The points at which the jurisdiction of Agriculture will end are expressed in terms of particular stages of production or processing. In most cases, the points are merely a specific definition of the division of authority as provided in Executive Orders 10480, as amended, and 11490, as amended; in others, they repre-

sent the division of responsibility considered to be most reasonable and workable administratively. Imports and exports of food and agricultural commodities and products in any form prior to industrial uses are within the authority of Agriculture, subject to meeting requirements that may be imposed by any other agency in the exercise of its responsibilities.

6. Agriculture will, with noted exceptions, allocate and exercise priority controls on food and agricultural commodities and products, taking into account claims presented by Commerce. However, the suballocation of food and agricultural commodities and products to the specific firms responsible for converting these items into nonfood and nonagricultural commodities or products will be made in accordance with the recommendations of Commerce.

7. It is understood that relationships between the two Departments involving responsibility for particular functions and particular commodities may have to be amplified later. It is recognized that there will be situations in which operations of the same person, as defined in section 702(a) of the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2152(a) (1970)), will be affected by the exercise of the respective authorities of the two agencies under this agreement. To avoid overlapping and duplication of reporting and related operations in such situations, it is agreed that the two agencies will work out specific cooperative arrangements whereby the facilities of one of the agencies shall be utilized by the other or that other efforts will be made to provide the most feasible arrangements for administering necessary program controls.

8. The allocation and priority functions of Commerce referred to above have been delegated to the Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy by the Secretary of Commerce. The allocation and priority functions of Agriculture referred to above have been delegated to the Administrator of the Agricultural Marketing Service and the Administrator of the Agricultural Stabilization and Conservation Service by the Secretary of Agriculture.

Part B: Particular commodities. The following list identifies some major food and agricultural commodities and commodity groups in which both Agriculture and Commerce have some interest and provides the point at which Agriculture's jurisdiction ends and Commerce's jurisdiction begins.

1. Agriculture shall be responsible for the following commodities until they enter any manufacturing process which results in their being neither food nor agricultural commodities or products (examples are set forth in parentheses after the name of the commodity):

a. *Egg products.* (Shampoos, products used in printing, pharmaceuticals.)

b. *Fats and oils.* (Paints, soap, varnishes, lacquers, printer's ink, cosmetics, pharmaceuticals.)

c. *Fatty acids*. (Paints, soap, cosmetics, chemicals, pharmaceuticals.)

d. *Grain and grain products*, including dextrin, corn syrups, grain sugars, lactic acid, gluten, and low-grade wheat flour. (Textiles, adhesives, leather, core binders, pharmaceuticals, nonbeverage alcohol.)

e. *Molasses*, including blackstrap and high-test, and potatoes. (Nonbeverage alcohol.)

f. *Spices*, essential oils. (Cosmetics.)

g. *Starches*. (Adhesives, asbestos, textiles, explosives.)

h. *Sugars*. (Insecticides, plasticizing agents, adhesives.)

i. *Tartaric acid*. (Products used in photography, dyeing, textile printing.)

2. Commodities with specifically designated points of division of responsibility:

a. *Cotton lint and linters, hemp and flax fiber*. Agriculture shall be responsible until the bale is opened for the purpose of processing in the mill in which it is opened. The responsibility of Agriculture shall extend to the delivery and distribution of soft types of cotton waste but shall not include control over the use of such waste in the mill producing it.

b. *Milk and milk products*. Agriculture shall be responsible until milk and milk products enter the plant where they are to be used for industrial purposes as distinct from use as human food or animal feed. If processed in a nonfood plant and used for industrial purposes only, Commerce shall have responsibility for milk and milk products. Imports of milk and milk products intended for use as human food or animal feed shall be a responsibility of Agriculture, while imports intended for industrial purposes only shall be a responsibility of Commerce.

c. *Wool and mohair*. Agriculture shall be responsible for exercise of control over the delivery and distribution and inventories of wool and mohair (grease and scoured, shorn and pulled), except that inventories of scoured wool or scoured mohair held by manufacturers for their use in producing other products, whether by incorporation into such products or otherwise, shall be controlled by Commerce. The responsibility of Agriculture shall extend to the delivery and distribution of noils but shall not include control over the use of noils in the mill producing them.

d. *Naval stores*.—(1) *Tall oil (sulfate naval stores)*. Commerce shall be responsible for the production, distribution, processing, and allocation of tall oil. The distribution of tall oil fatty acids, however, shall be the responsibility of Agriculture.

(2) *Wood*. Commerce shall be responsible for the production, distribution, processing, and allocation of all wood naval stores.

(3) *Gum*. Agriculture shall be responsible for the production of gum naval stores through the first processing of the gum. Commerce shall be responsible for the allocation of gum naval stores.

(4) Commerce will consult with Agriculture before allocating naval stores in

order to avoid conflict with programs administered by Agriculture.

3. Commodities which are the sole responsibility of the designated Department:

a. *Ice*. To be a responsibility of Agriculture.

b. *Tobacco and tobacco products*. To be a responsibility of Agriculture.

c. *Miscellaneous commodities*. Hides and leather, hair and bristles, feathers, soap, detergents, beeswax, pharmaceuticals (including medicines and vitamins), acetic acid, chemical leavening compounds and salt, to be a responsibility of Commerce.

It is recognized that there may be needed for food use quantities of the commodities which, under this agreement, are the responsibility of Commerce, and that in connection with the production of some of these commodities raw materials may be needed which, under this agreement, are the responsibility of Agriculture. In cases of this kind and for other commodities which, for purposes of brevity, have not been mentioned in this list, working arrangements will be developed as the need arises.

Part C: Explanatory Notes. This agreement deals only with food and agricultural commodities and products which involve industrial uses. The list of these commodities and products is not all-inclusive but it does cover the major items for which jurisdiction might become a problem. This agreement does not attempt to cover all relationships between the respective Departments.

Identification of the basic point where responsibility is divided:

1. Commodities such as fats and oils, grain products, egg products, starch from all sources, spices, and tartaric acid are used for the manufacture of so many nonfood or nonagricultural products that it seems impractical in a statement of policy to enumerate all of these products and to identify in each case the exact beginning process. Consequently, the principle for determining the respective jurisdiction of the two Departments in cases of this type is expressed broadly and supplemented by a few examples of nonfood and nonagricultural products so as to clarify the application of the principle. These examples are not all-inclusive.

2. In determining the principle, consideration has been given wherever possible to the structure of the industry. The wet-milling industry, for example, is large and integrated and it is desirable that Agriculture have jurisdiction over the raw products while they are a part of this industry and until they enter the processes of other industries which result in their becoming nonfood or nonagricultural products. As an illustration, corn starch for textile sizing would be under the jurisdiction of Agriculture while it is being extracted from the corn and prepared for use by the textile industry. It would still be under the jurisdiction of Agriculture until it enters the textile manufacturing process, which

would be performed by a different industry and, in this case, a different plant.

3. In order to further clarify the division of responsibility on fats and oils the following list shows major fats and oils and fat and oil products for which Agriculture has jurisdiction and the major products of fats and oils and products in the production of which fats and oils are used for which Commerce has jurisdiction.

a. Fats and oils and fat and oil products under the jurisdiction of Agriculture.

i. Animal and fish fats and oils:

Cod oil	Other fish and marine fats and oils.
Dogfish liver oil	Other fish and marine liver oils
Foots	Dogfish oil
Marrow	Fatty acids
Pilchard oil	Lard
Salmon oil	Neat's-foot oil
Shark liver oil	Oleo stock
Tuna fish liver oil	Sardine oil
Other animal fats and oils	Shark oil
Cod liver oil	Sod oil
Fulachon oil	Tallow and greases
Herring oil	Wool grease and lanolin
Menhaden oil	Combinations and mixtures of animal and/or fish/or marine oils, or any of them
Oleo oil and oleo stearin	
Sea oil	
Soap stocks	
Swordfish liver oil	
Whale fish	

ii. Vegetable fats and oils:

Babassu nut oil	Rubberseed oil
Coconut oil	Other vegetable, nut and seed fats and oils, not otherwise specified
Cohune oil	Castor oil
Kapok seed oil	Cocoa butter
Murumuru oil	Cottonseed oil
Olive oil	Hemp seed oil
Palm oil	Linseed oil
Poppy seed oil	Oiticica oil
Sesame oil	Palm kernel oil
Tea seed oil	Perilla oil
Tung oil	Safflower oil
Cashew nut oil and nut shell oil	Soybean oil
Corn oil	Tallow and greases
Fatty acids	Tucum oil
Lecithin	Combinations and mixtures of vegetable fats and oils, or any of them
Mustard seed oil	
Ouricary oil	
Peanut oil	
Rapeseed oil	
Soap stocks	
Sunflower seed oil	

iii. Combinations and mixtures of animal, fish, marine, and vegetable, nut and seed fats and oils, or any of them.

iv. Edible fat and oil products:

Cooking oil and compounds	Salad oils
Other edible fat and oil products	Margarine
Butter	Lard compounds
	Shortenings

b. Products of fats and oils and products in the production of which fats and oils are used, under the jurisdiction of Commerce:

Glycerine	Paints, varnishes, lacquers
Soap	Fatty alcohols, salts, gums
Printer's ink	Coated fabrics and floor coverings
Inedible products of fats and oils	

To assure that the signatories hereto have full authority to implement their

responsibilities under Executive Order 10480, as amended, Executive Order 11490, as amended, and Defense Mobilization Order 8400.1, as well as to effectuate the provisions of this agreement, the signatories hereby delegate to each other the requisite authority for the exercise of the allocation and priority functions vested in them in accordance with the understanding and agreement expressed herein.

This memorandum of agreement supersedes a memorandum of agreement between the Administrator of the National Production Authority of the U.S. Department of Commerce and the Administrator of the Production and Marketing Administration of the U.S. Department of Agriculture signed by them on April 13 and March 30, 1951, respectively (16 F.R. 3410).

This agreement shall be effective on December 5, 1973.

DEPARTMENT OF AGRICULTURE

Dated: November 2, 1973.

JOHN C. BLUM,
Administrator,
Agricultural Marketing Service.

Dated: November 7, 1973.

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

DEPARTMENT OF COMMERCE

Dated: November 16, 1973.

GARY M. COOK,
Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy.

[FR Doc. 73-25723 Filed 12-4-73; 8:45 am]

Agricultural Stabilization and Conservation Service

MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE, AND BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY, DEPARTMENT OF COMMERCE

Scope of Term "Farm Equipment" As Used in Executive Orders 10480 and 11490

This memorandum sets forth the understanding and agreement on the scope of the term "farm equipment," as used in Executive Orders 10480, as amended (3 CFR 1949-1953 Comp., p. 962; 50 U.S.C. App. 2153 (1970)), and 11490, as amended (3 CFR 1966-1970 Comp., p. 820; 50 U.S.C. App. 2292 (1970)). These orders provide for administration of the defense mobilization program and assign certain emergency preparedness functions to the Secretary of Agriculture and the Secretary of Commerce. The functions of the Secretary of Commerce have been delegated to the Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy, and the functions of the Secretary of Agriculture to the Administrator of the Agricultural Stabilization and Conservation Service.

It is understood and agreed that:

1. The term "farm equipment" includes only those items of machinery, equipment, attachments, and repair or replacement parts, identified in Schedule A hereof.

2. As to emergency needs for farm equipment items, other than repair and replacement parts, for off-farm use (other than for civil defense) representatives of the Bureau of Competitive Assessment and Business Policy may request that special distributions be directed by representatives of the Agricultural Stabilization and Conservation Service. The Agricultural Stabilization and Conservation Service will instruct its representatives to give full consideration to these requests in accordance with then current priorities and allocations policy of the Federal Government. (This recognizes that although these items are primarily for use on farms, some are used for other purposes and may be needed for emergency off-farm use.)

3. This memorandum supersedes and cancels the memorandum of agreement between the Administrator of the Agricultural Stabilization and Conservation Service and the Administrator of the Business and Defense Services Administration on the scope of the term "farm equipment" signed by them on July 31 and August 21, 1968, respectively (33 FR 12855).

This understanding and agreement shall be effective on December 5, 1973.

Dated: November 7, 1973.

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

Dated: November 16, 1973.

GARY M. COOK,
Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy, USDC.

SCHEDULE A

IRRIGATION DISTRIBUTION EQUIPMENT

Attachments for farm irrigation equipment.
Gates, flood, irrigation.
Pipe or tubing, aluminum (converted for portable irrigation systems) including risers, fittings, and sprinkler heads (except lawn).
Syphons, irrigation.
Transportation carriers, irrigation pipe or tubing, farm types.
Valves, irrigation.

PLOWS

Attachments for plows (except planting attachments).
Bedders.
Cutters, root.
Middlebusters.
Plows, farm types, including rotary-tiller, subsoil, terracing and ditching.
Ridge busters.
Ridge levelers.
Tillers, basin and disk.

TRACTORS, WHEEL, UNDER 150 BELT H.P., EXCEPT THOSE MANUFACTURED SPECIFICALLY FOR NONFARM USE AND THOSE OVER 150 BELT H.P. MANUFACTURED SPECIFICALLY FOR FARM USE

Attachments, wheel tractor, except garden.
Tractors, wheel, all purpose, except garden.

Tractors, wheel, except all purpose and garden.

PLANTING, SEEDING, FERTILIZING AND LIMING MACHINERY

Attachments for fertilizing, liming, planting and seeding equipment, including planting attachments for other farm machinery and other equipment.
Broadcast seeders, drawn, mounted, hand, wheelbarrow, and other types.
Cutters, potato.
Drills, beet, bean, and grain, including fertilizer.
Fertilizer distributors and applicators.
Field markers.
Lime spreaders, all types, farm.
Limestone pulverizers, farm size under 14 inches.
Listers and lister planting attachment units.
Loaders, manure and general utility, except beet and sugarcane.
Planters.
Pumps, liquid manure.
Seeders.
Spreaders, manure, including tank type.
Transplanters.

HARROWS, ROLLERS, PULVERIZERS, STALK CUTTERS, AND SIMILAR EQUIPMENT

Attachments for harrows, rollers, pulverizers, stalk cutters, and similar equipment.
Combination harrows and rollers.
Cutters, brush, stalk, weed, farm type.
Drawbars for harrow and rotary sections, wheel type, folding.
Harrows, disk, including bush and bog, cane, and offset.
Harrows, spike-tooth, spring-tooth, and tine-tooth.
Pulverizers, stalk.
Rollers, land, excluding lawn rollers.
Shredders, brush and stalk.
Soil pulverizers and packers.
Stubble shavers, cane.
Transport carriers, farm implement.

HARVESTING MACHINERY

Attachments for harvesting machinery.
Aprons, cups, gutters, and bark-chipping hacks, crude pine gum and maple sirup.
Binders, corn, grain and hemp.
Combines, harvester-thresher, including corn heads.
Forage boxes and carriages for mounting these boxes, self-propelled or pull type.
Harvesting machines and equipment, crop, nut, fruit, grape, and vegetable.
Loading equipment, beet and cane, farm type.
Pickers, corn attachments for combines.
Pickers and strippers, cotton.
Power units for harvesting equipment, self-propelled.
Swathers.
Threshers, grain, rice, and seed.
Windrowers.

HAYING MACHINERY

Attachments for haying machinery.
Bale loaders, stackers, and throwers.
Balers, hay and straw.
Conditioners, hay crushers and crimpers.
Hay wafing, pelletizing, and cubing machines.
Loaders, loose hay.
Mowers, excluding lawn mowers.
Rakes, side delivery, including combination side rakes and tedders.
Rakes, sulky (dump).
Rakes, sweep or buck.

TRACTORS, GARDEN TYPE, AND MOTOR TILLERS

Attachments for tractors, garden type, and motor tillers.
Motor tillers.
Tractors, garden type.

SPRAYERS AND DUSTERS, AGRICULTURAL

Attachments for sprayers and dusters.
Dusters, hand, power, and traction.
Pumps, sprayer, hand and power.
Sprayers, hand and power.
Sprayers, hand-pulled and garden types.
Sprayers, hose end (not nozzle).
Sprayers, flame.

DAIRY MACHINERY AND EQUIPMENT, FARM TYPE

Attachments for dairy farm machines and equipment.
Butter-making equipment, including churns and molds.
Coolers, milk can types, farm.
Milk transfer units.
Milking machines.
Pasteurizers, milk, farm home size.
Racks, milk can.
Separators, cream, under 1,500 pounds per hour.
Stirrers, milk and cream.
Strainers and filters, milk.
Tanks, sterilizing and washing, and bulk milk holding and cooling, farm type.
Water heaters, dairy and milk room.

CULTIVATORS AND WEEDERS

Attachments for cultivators and weeders.
Blockers and thinners, row-crop.
Cultivators, including flame.
Tillers, farm types.
Tool bars and tool carriers.
Weeders, all types, including rod.

MACHINERY FOR PREPARING CROPS FOR MARKET OR FOR USE

Attachments for machines for preparing crops for market or for use.
Balers, broom corn.
Bunchers and tiers, vegetable, farm type.
Cane mills, farm size.
Cane sirup evaporators, farm type, including complete sets of pans and furnaces.
Cider mills and fruit presses, farm size.
Cleaners and graders, farm type, grain and seed.
Curers, tobacco.
Deseeders, broom corn.
Driers, crop, heated air types, farm size.
Fans, crop drying.
Feed grinders and crushers (farm), including burr, hammer, combination roughage, and roller types.
Grinder-mixers (combination), farm type.
Hullers and cleaners, castor bean, field type.
Hullers, graders, sackers, conveyors, farm type (nut and seed).
Huskers and shredders, corn, including combination husker-shredders.
Maple sirup evaporators, farm size, including complete sets of pans and furnaces.
Mixers, farm feed types (except concrete mixers).
Shellers, corn.
Sorters and graders, potato.
Sorters, graders, washers, sackers and conveyors (farm type), fruit and vegetable.
Toppers, crop and vegetable.
Treaters, seed, farm type.

POULTRY EQUIPMENT, FARM TYPE

Attachments for farm poultry equipment.
Bands, leg and wing, poultry.
Baskets, egg.
Batteries, growing and laying.
Boxes, grit.
Brooders, poultry.
Cages, including power-driven feeders and cleaners.
Candlers, egg.
Caps, chimney.
Carts, feed.
Catchers, fowl.
Cleaners, poultry house, power-driven.
Cones, killing.

Coolers, including humidifiers, egg.
Equalizers, draft.
Feeders, poultry.
Gatherers, egg.
Graders, egg.
Heaters, poultry waterers.
Incubators, poultry.
Nests.
Punches, poultry.
Washers, egg, farm size.
Waterers, poultry.

ELEVATORS AND BLOWERS, FARM TYPES

Attachments for farm elevators and blowers.
Blowers, grain and forage, including combination grain and forage.
Elevators, portable and stationary, farm size.

HOG EQUIPMENT

Attachments for hog equipment.
Brooders, pig.
Cleaners, hog house and lot.
Crates and stalls, farrowing.
Feeders, hog and pig, including feeding systems.
Holders, hog.
Oilers, hog.
Pens, hog and pig.
Ringers, hog.
Rings, hog.
Troughs, hog.
Waterers, all types, hog.

OTHER BARN AND BARNYARD EQUIPMENT

Attachments for other barn and barnyard equipment.
Applicators, insecticide, livestock.
Branding equipment, livestock.
Brooders, lamb.
Carriers, hay.
Carriers, litter and feed, overhead and track.
Cattle prods.
Chains, halter.
Cleaners, barn and feeding yard.
Clippers and shearing machines, power, livestock.
Cookers and steamers, feed.
Currycombs.
Dehorning equipment, cattle.
Drinking cups, livestock.
Feeders, cattle and sheep, all types.
Heaters, livestock waterers.
Holsts, hay.
Kickers, anticow.
Pens, cattle.
Ringers, bull.
Slings, hay.
Stackers, manure.
Staffs, bull.
Stalls and fittings, including grates, cattle.
Stanchions and fittings, cattle.
Tags, identification, livestock.
Tanks and bins, bulk feed storage, farm.
Tanks, livestock dipping.
Tanks, stock watering.
Trainers, livestock.
Trucks, feed, not motor.
Unloaders, silo.
Ventilating units, livestock, barn.
Watering bowls, cattle.
Waterers, livestock, except hog.
Weaners, calf.

FARM EARTHMOVING EQUIPMENT, PULLED OR PUSHED, NOT SELF-PROPELLED

Attachments for farm earthmoving equipment.
Blade ditchers and terracers.
Border shapers, irrigation.
Corrugators, irrigation.
Dozers, blades designed for farm-use wheel-type tractors.
Land levelers.
One-disk terracers.
Scrapers, farm type.

FARM MACHINERY AND EQUIPMENT, N.E.C.

Attachments for farm machines and equipment, n.e.c.
Beehives.
Beekeepers supplies, n.e.c.
Bug-catchers, power-driven.
Controllers and accessories, electric fence.
Diggers, post-hole, tractor mounted, farm type.
Extractors, honey.
Heaters, beehive, electric.
Orchard heaters and amudge pots.
Post drivers and pullers, power, farm type.
Shoes, horse, mule, oxen, wrought iron.
Stone pickers, farm type.
Stump pullers, farm type.
Wind frost protection machines.
Windmill heads.
Windmill towers.

WATER SUPPLY EQUIPMENT, FARM, EXCEPT IRRIGATION

Attachments for farm water supply equipment (except irrigation).
Jacks, pump.
Pumps, hand and windmill.
Water systems, domestic, deep well and shallow well, jet and nonjet.

FARM WAGONS AND OTHER FARM TRANSPORTATION EQUIPMENT

Attachments for farm wagons and other farm transportation equipment.
Boxes and racks for mounting on wagons, trucks (not motor), and trailer gears.
Boxes with integral running gear, grain and forage types.
Gears, farm trailer.
Gears, wagon, less box.
Sleighs and bobsleds, farm.
Sulkies, farm.
Trailers, farm.
Trucks, farm (not motor).
Trucks, tobacco (not motor).
Unloaders, truck or wagon, farm types.
Wagon, dump.
Wagons, carts, sleds and water carts, cane.
Wagons, farm, self-propelled or drawn.

SILOS AND PARTS
REPAIR AND REPLACEMENT PARTS

Parts manufactured specifically for use in the maintenance and repair of the farm equipment (including plowshares and disk blades) listed above in this Schedule A.

[FR Doc. 73-25724 Filed 12-4-73; 8:45 am]

DEPARTMENT OF COMMERCE

Bureau of Competitive Assessment and Business Policy

MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE, AND BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY, DEPARTMENT OF COMMERCE

Scope of Term "Farm Equipment" as Used in Executive Orders 10480 and 11490

CROSS REFERENCE: For the text of the Memorandum of Understanding and Agreement between the Administrator of the Agricultural Stabilization and Conservation Service, Department of Agriculture, and the Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy, Department of Commerce, on the scope of the term "Farm Equipment" as used in Executive Orders 10480, as amended (3 CFR 1949-

1953 Comp., p. 962 50 U.S.C. App. 2153 (1970)), and 11490, as amended (3 CFR 1966-1970 Comp., p. 820; 50 U.S.C. App. 2292 (1970)), see FR Doc. 73-25724, *infra*.

MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF COMMERCE

Scope of Allocation and Priority Responsibilities in Connection With Foods Which Have Industrial Uses

CROSS REFERENCE: For the text of the memorandum of agreement between the Administrators of the Agricultural Marketing Service and the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture, and the Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy, United States Department of Commerce, on the allocation and priority responsibilities of the respective Departments in connection with food and agricultural commodities and products which have industrial uses pursuant to Executive Order 10480, as amended, (3 CFR 1949-1953 Comp., p. 962; 50 U.S.C. App. 2153 (1970)), Executive Order 11490, as amended, (3 CFR 1966-1970 Comp., p. 820; 50 U.S.C. App. 2292 (1970)), and Defense Mobilization Order 8400.1 (32A CFR 15), see FR Doc. 73-25723, *infra*.

Domestic and International Business Administration

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Numerically Controlled Machine Tool Technical Advisory Committee of the U.S. Department of Commerce will meet December 12, 1973, at 10:00 a.m. in Room 2062 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. In the event the agenda is not completed on that date, the committee will reconvene December 13 at the same time and place.

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 numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Presentation of papers or comments by the public.
3. Review of work program:
 - a. Objectives.
 - b. Work content.
 - c. Completion date.
4. Executive Session:

a. Report and recommendations by subgroup on end use patterns, including military and military support uses of numerically controlled machine tools presently under security control.

b. Report and recommendations by subgroup on foreign availability, including production in USSR, Eastern Europe and the People's Republic of China.

c. Report and recommendations by subgroup on clarification of existing security control definition of numerically controlled machine tools.

d. Discussion of recommendations of subgroups and drafting of preliminary report by the committee to the Department of Commerce.

5. Adjournment.

The public will be permitted to attend the discussion of agenda items 1-3, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (4), "Executive session," the Assistant Secretary of Commerce for Administration, on August 9, 1973, determined, pursuant to section 10(d) of Pub. L. 92-463, that this agenda item should be exempt from the provision of Sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Administration, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4293).

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

Dated: November 29, 1973.

LEWIS W. BOWDEN,
Acting Deputy Director, Bureau
of East-West Trade, U.S. Department
of Commerce.

[FR Doc. 73-25661 Filed 12-4-73; 8:45 am]

National Oceanic and Atmospheric Administration

PAUL A. PAULBITSKI

Notice of Application for Scientific Research Permit

Notice is hereby given that the following applicant has applied for a permit for scientific research on marine mammals as authorized by section 101(a)(1) of the Marine Mammal Protection Act of 1972 (P.L. 92-522) and § 216.12 of the Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, December 21, 1972) and pursuant to the instructions for preparing applications for permit (38 FR 26622, September 24, 1973). The Secretary considers the following application sufficient

for consideration under the provisions of § 216.15(a) of the Regulations.

I. Paul A. Paulbitski, 2016 Wawona Street, San Francisco, California 94116, to take, tag and release up to 100 Harbor seals (*Phoca vitulina richardi*) for scientific research.

The Applicant states:

a. The animals will be taken, tagged and released on Strawberry Spit, Richardson Bay in San Francisco Bay, until April, 1974, using capture gear and techniques developed by the Applicant;

b. As a graduate student with the Department of Marine Biology, California State University, San Francisco, California, he has been investigating the status of Harbor seals in San Francisco Bay for the past three years;

c. He was unable to take the 20 Harbor seals permitted under the economic hardship Letter of Exemption, granted March 27, 1973;

d. The project is designed to obtain data on seal movements;

e. Hauled-out animals will be trapped between the bank and a net, which is raised from position, flat on the submerged substrate;

f. Individual netted animals will be placed in bag nets, tagged and released. Tagging will consist of attaching a nylon tag through the webbing of the right rear flipper, a one-inch tag through the left rear flipper and a freeze-brand on top of the head;

g. This capture technique has been previously proven to be safe and effective where seals haul-out on a steep bank, without mortality or injury to the seals and with minimal disturbance to the hauling grounds;

h. As many as 95 seals may be captured at once using this technique, under ideal conditions;

i. Recapture of tagged animals is not expected. Sighting of tagged animals will be recorded as they are observed.

Documents submitted in connection with this application are available for viewing at the following locations:

Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-4543;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-831-9281.

Concurrently with publishing this notice in the FEDERAL REGISTER the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Pursuant to § 216.15 of the Regulations, interested parties may submit written data or views on this application on or before January 4, 1974.

Comments should be sent to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

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 30, 1973.

ROBERT W. SCHONING,
Director, National Marine
Fisheries Service.

[FR Doc. 73-26782 Filed 12-4-73; 8:45 am]

CORONADO PRODUCTIONS, INC.

Notice of Application

Notice is hereby given that the following Applicant has applied for a scientific research permit as authorized by section 101(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, *et seq.*) and Section 216.12 of the Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, December 21, 1972) and pursuant to the instructions for preparing applications for permits (38 FR 26622, September 24, 1973). The Secretary considers the following application sufficient for consideration under the provisions of § 216.15 (a) of the Regulations.

Coronado Productions, Inc., 500 S. Buena Vista, Burbank, California 91505, to film documentary footage concerning the 1973/1974 migration of California grey whales (*Eschrichtius robustus*) for scientific research.

The Applicant states:

a. The animals will be filmed between December 1973 and January 1974 along the California coast with main emphasis at the area of Point Lobos;

b. Filming of the animals will utilize a variety of techniques, requiring the use of a helicopter, boats, and an underwater camera;

c. The filming crew will consist of experienced cameramen associated with Walt Disney Productions;

d. Although the grey whale is endangered, the project will not reduce the stocks of this species or disrupt the migratory patterns;

e. Later filming is planned in Magdalena Bay, Scammon's Lagoon and on the northern migration route, and will be considered under another permit application.

Documents submitted in connection with this application are available for viewing at the following locations:

Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-4543;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-831-9281.

Concurrently with publishing this Notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Pursuant to § 216.15 of the Regulations, interested parties may submit written data or views on this application on or before January 4, 1974.

Comments should be sent to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

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 30, 1973.

ROBERT W. SCHONING,
Director National Marine
Fisheries Service.

[FR Doc.73-25784 Filed 12-4-73;8:45 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings and Agenda

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 following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Radioactive Pharmaceuticals Advisory Committee.	December 10 and 11, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open December 10, 9 a.m. to 11:30 a.m., closed December 10 after 11:30 a.m., closed December 11, Earl L. Meyers, Ph.D., Room 11B-20, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4250.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in nuclear medicine.

Agenda. Open session: administrative matters and the discussion of the exemption for labeled chemicals used as research tools. Closed session: proposed New Drug Application on potassium perchlorate; package inserts for the polyphosphates and gallium radiopharmaceuticals (involves Investigational New Drug).

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs.	December 17 and 18, 9 a.m., Room 1409, FB 8, 200 C St. SW., Washington, DC.	Open December 17, 9 a.m. to 10 a.m., closed December 17 after 10 a.m., closed December 18, Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4900.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing sedative, tranquilizer, or sleep aid drugs.

Agenda. Open session: comments and/or presentations by interested parties. Closed session: continued study of safety and efficacy of over-the-counter sedatives, tranquilizers, and sleep aid drug products under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in

writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussions advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: November 29, 1973.

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

[FR Doc.73-25699 Filed 12-4-73;8:45 am]

[DESI 6002; Docket No. FDC-D-309; NDA 9-594 etc.]

CERTAIN ANTI-INFECTIVE DRUGS

Notice of Withdrawal of Approval of New Drug Applications

On August 21, 1973 there was published in the FEDERAL REGISTER (38 FR 22499) a notice of opportunity for hearing (DESI 6002) in which the Commissioner of Food and Drugs proposed 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 following:

1. That part of NDA 9-980 providing for Camoprim Infatabs containing amodiaquine and primaquine phosphate; formerly marketed by Parke, Davis and Co., Joseph Campau at the River, Detroit, MI 48232.

2. NDA 9-594; Perin Syrup containing piperazine calcium edetate; formerly marketed by Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, NY 11530.

3. NDA 11-258; Vermizine Syrup containing piperazine gluconate; formerly marketed by Conal Pharmaceuticals Inc., Chicago Pharmacal Division, 5547 North Ravenswood Avenue, Chicago, IL 60640.

The basis of the proposed action was the lack of substantial evidence that these drugs will have the effects that they purport or are represented to have under the conditions of use prescribed recommended, or suggested in the labeling.

Neither the holders of the applications nor any other interested person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes an election by such persons not to avail themselves of the opportunity for a hearing. The above drugs are no longer marketed.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug applications reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). 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 (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drugs, evaluated together with the evidence available to him when the applications were approved, there is a lack of substantial evidence that the drugs will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above new drug

applications or pertinent parts thereof, and all amendments and supplements applying thereto is withdrawn effective on or before December 17, 1973.

Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, will then be unlawful.

Dated: November 27, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-25696 Filed 12-4-73;8:45 am]

MEDICAL DEVICES ADVISORY COMMITTEE

Notice of Reestablishment

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 reestablishment by the Secretary, Department of Health, Education, and Welfare, on November 13, 1973, of the following public advisory committee:

Designation. Medical Devices Advisory Committee.

Purpose. The Committee will (1) advise the Commissioner of Food and Drugs regarding proposed plans, programs, and activities in areas of medical devices inventory, classification, standards setting, and regulation from the standpoint of practical, legal, and medical ramifications; (2) recommend organizations and individual industrial, medical, engineering and scientific personnel whose training and experience could be of value in accomplishing FDA's device programs; and (3) provide expert medical, industrial, and scientific guidance, background, and opinion in the safety, hazards, and efficacy of various medical devices.

Authority for this committee will expire November 13, 1975, unless the Secretary, Department of Health, Education, and Welfare, formally determines that continuance is in the public interest.

Dated: November 28, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-25697 Filed 12-4-73;8:45 am]

MICROWAVE OVENS

Notice of Open Meeting Regarding Petition To Amend the Performance Standard

The Commissioner of Food and Drugs published on September 13, 1973 (38 FR 25462) a notice that the Secretary, Department of Health, Education, and Welfare, has received from the Consumers Union of United States, Inc. a petition under 5 U.S.C. 553(e) to exercise his authority under section 358 of the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177; 42 U.S.C. 263f) to amend the performance standard for microwave ovens.

As mentioned in the notice, a meeting of the Technical Electronic Product Radiation Safety Standards Committee was held on November 9, 1973, to discuss this petition and to allow an opportunity for the petitioner and others to present their views and supporting documentation. At this meeting, the Committee asked that the Bureau of Radiological Health, Food and Drug Administration arrange to meet with concerned groups and individuals and explore further the petitioner's proposal to require manufacturers to affix permanently to the front exterior of all microwave ovens certain warning labels and instructions.

Therefore, the Commissioner of Food and Drugs has scheduled an open public meeting for 9 a.m., December 12, 1973, to discuss this subject. The meeting will be held in Room 400 of the Bureau of Radiological Health, 12720 Twinbrook Parkway, Rockville, MD 20852. Any interested person may attend and participate.

Following this meeting, the Commissioner of Food and Drugs will make a decision on the amendments to the microwave oven standard proposed in the petition. A notice of the Commissioner's decision on the petition to amend the standard will be published in the FEDERAL REGISTER.

The petition and other documents submitted, including the grounds in support of the petition, are available for public review at the Office of the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852. A copy of the petition may be obtained by writing the Bureau of Radiological Health, HFX-460, 5600 Fishers Lane, Rockville, MD 20852.

Dated: November 28, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-25695 Filed 12-4-73; 8:45 am]

[DESI 11250; Docket No. FDC-D-654; NDA No. 11-250, etc.]

CERTAIN DRUGS FOR TREATMENT OF AMMONIA INTOXICATION

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 11250) published in the FEDERAL REGISTER of June 3, 1971 (36 FR 10815) 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 for the labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted.

NDA 11-250; R-Gene Injection containing arginine hydrochloride; Cutter Laboratories Inc., Fourth and Parker Streets, Berkeley, CA 94710.

NDA 11-640; Modumate Solution for Injection containing arginine glutamate; formerly marketed by Abbott Laboratories, 14th and Sheridan Road, North Chicago, Ill. 60064.

NDA 12-036; Glutavene Solution for Injection containing sodium glutamate; Cooper Laboratories, Inc. (successor to Tilden-Yates), 2900 North 17th Street, Philadelphia, Pa. 19132.

NDA 12-037; Glutavene K Solution for Injection containing sodium glutamate and potassium glutamate; Cooper Laboratories, Inc.

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 January 4, 1974, 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 en-

ter 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 January 4, 1974, 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 January 4, 1974, 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 29, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-25693 Filed 12-4-73; 8:45 am]

[DESI 8904; Docket No. PDC-D-674; NDA No. 8-904]

PROCAINE ISOBTYRATE

Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Application

In the FEDERAL REGISTER of April 13, 1972 (37 FR 7356), the Commissioner announced (DESI 8904) his conclusions pursuant to evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, concerning the following procaine isobutyrate-containing drugs previously marketed by William H. Rorer Inc., 500 Virginia Drive, Fort Washington, PA 19034:

NDA 8-904 PROBUTYLIN CAPSULES AND ELIXIR

The notice stated that the drugs were regarded possibly effective and lacking substantial evidence of effectiveness for the labeled indications. No data were submitted pursuant to the notice and the drugs have been reclassified as lacking substantial evidence of effectiveness.

Rorer has requested withdrawal of approval of the new drug application and thereby waived opportunity for a hearing, stating that the drugs were deleted from the product line in 1970.

The purpose of this notice is to inform any other interested persons who manufacture or distribute identical, related, or similar products 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 January 4, 1974, 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 January 4, 1974, 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 January 4, 1974, 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 28, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-25694 Filed 12-4-73;8:45 am]

PROCESSED FRUITS AND VEGETABLES

Request for Data and Information on Label Declaration of Drained Weight

Notice is given that a petition has been filed by Consumers Union of United States Inc., Washington Office, 1714 Massachusetts Ave., NW., Washington, DC 20036, proposing establishment of regulations or the amendment of existing regulations in 21 CFR Part 1 to require that, in addition to other labeling provisions in 21 CFR Chapter I, all processed fruits and vegetables packed with sugar or other syrup, water, brine, or their own juice, shall bear on their labels a statement of the drained weight of the solid food contents of the container.

The statement of grounds submitted by the petitioner in support of the proposal is as follows:

STATEMENT OF GROUNDS INTEREST OF PETITIONER

Petitioner Consumers Union of United States, Inc. ("Consumers Union") is a non-profit corporation chartered under the laws of the State of New York. Since its organization in 1936, Consumers Union has tested products and evaluated services, and has disseminated the resulting information to the readers of its publication, *Consumer Reports*, which has a current paid circulation of approximately 2.2 million.

The largest consumer organization in the world, Consumers Union represents its approximately 350,000 members in administrative, judicial, and, upon invitation, legislative proceedings in which consumer interests are at stake. Most of these members are purchasers of processed fruits and vegetables who rely on product labeling requirements to provide them with the information necessary to make informed choices in the marketplace. A recent study in *Consumer Reports* ("Why Net Weight Spells Nonsense on Canned Food Labels," October 1972, p. 665), a copy of which is attached hereto and made a part hereof, demonstrates that these members would realize significant savings if all processed fruit and vegetable labels revealed drained as well as net weight.

APPLICABLE LAWS AND REGULATIONS

Section 403(e) of the Federal Food, Drug, and Cosmetic Act of 1938 (21 U.S.C. section

343(e)) provides that a food in package form shall be deemed to be misbranded "unless it bears a label containing . . . an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count." The consumer's need to know the contents of packaged products in order to purchase more rationally and more economically is also recognized and protected by the Fair Packaging and Labeling Act (15 U.S.C. 1451-1461), which declares that, "Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons."

The regulations issued pursuant to these statutory authorities (21 CFR 1.7 through 1.15) provide that whenever the Commissioner "determines that an existing practice of declaring net quantity of contents by weight, measure, numerical count, or a combination in the case of a specific packaged food does not facilitate value comparisons by consumers and offers opportunity for consumer confusion, he will by regulation designate the appropriate term or terms to be used for such commodity (21 CFR 1.8b(a))." For the reasons set forth below, the law requires the Commissioner to promulgate drained weight labeling requirements in order to facilitate value comparisons and reduce consumer confusion.

FACTS RELIED UPON BY PETITIONER

The past policy of the Food and Drug Administration, according to its former Commissioner, has been to include the packing medium as part of the declared net weight. "If the packing medium is generally consumed as part of the food. Conversely, where solid foods are packed in a salt brine or other medium which is almost (sic) or always discarded before serving, we have required that the label disclose the drained weight." (Dr. Herbert L. Ley, Commissioner, testimony, Special Consumer Inquiry, House Committee on Government Operations, June 3, 1969, p. 73.) In accordance with this policy, drained weight declarations have been required, for example, on processed clams, mushrooms, olives, and artichokes. Petitioner Consumers Union contends that all processed fruits and vegetables should be labeled in the same manner as these few products. Whether or not the consumer intends to use the packing medium, he should be able to determine how much of the net contents of his purchase is fruit or vegetable and how much is liquid. Former FDA Commissioner Ley agreed with petitioner's position that "the consumer could best be served by being advised of the drained weight as well as the net weight of canned fruits and vegetables which they are purchasing." (Id.)

Data produced during the packaging and labeling hearings and by petitioner's 1972 study of the problem support the need for drained weight labeling. Containers of the same product marked with the same net weight vary considerably in drained weight from packer to packer. For example, in *Consumer Reports* testing, the average drained weight of five brands of whole kernel corn, packed in 17 oz. net weight cans, ranged from 10.6 to 12.2 ounces, a variation of 15 percent. Two brands of canned yellow cling peach halves in heavy syrup would confuse the value-seeking consumer even more. Both brands offered 16 oz. net weight cans containing the identical 9.8 oz. drained weight. But the 29 oz. net weight cans of the same brands weighed in at 17.0 and 18.9 drained ounces, respectively, making one much more economical than the other at the same price. It is no wonder that the *Consumer Reports* study concluded that "net weight is virtually useless as a buying yardstick." (*Consumer Reports*, supra, p. 665)

The lack of drained weight labeling totally frustrates the consumer's attempt to obtain the most fruit or vegetable for his money. Even the most sophisticated shopper cannot make value comparisons, either with respect to the drained contents or with respect to the liquid fill. Only rough visual estimates—more properly, "guesstimates"—or at-home measuring after purchase reveal the division of the contents of a package. But there are simply too many brands of too many items in the typical supermarket to remember comparative yields from past experience. Furthermore, many private label, as well as brand name, products are obtained from contract canners who may vary the fill of fruit or vegetable as commodity prices rise. By a barely noticeable one-half ounce per can drop in drained weight, the packer saves more than 15 tons of produce in packing a million cans. The need for drained-weight labeling, then, is clear—to effectuate the intention of the regulatory statutes that consumer confusion be minimized and that value comparison by the consumer be facilitated.

Both the desirability and feasibility of drained weight labeling are evidenced by the reliance on drained weight by the nation's largest and most sophisticated purchasers of food products. Both the United States Department of Agriculture and the Defense Supply Agency require minimum drained weights for many processed fruits and vegetables. Moreover, as stated above, a number of products are already marketed to consumers with drained weight labeling. Surely some information about drained weight is at least as important to the retail purchaser—for whom the cost of obtaining information from sources other than the label is prohibitive (if, in fact, it is even possible)—as it is to the Federal Government.

The value of providing drained weight labeling far exceeds the costs and problems such a regulation would entail. Costs to the packer (and probably to the consumer) would arise from the need to change labels and calculate drained weights, with attendant equipment adjustments. Label change costs would be minimal because no major revisions would be required as were necessary for original compliance with the Fair Packaging and Labeling Act. The addition of one line of type would cost little or nothing, particularly at this time, when other new regulations require sweeping label changes.

Calculation of the drained weight and machine adjustments to assure that the labeled amount will in fact be uniformly packed will not involve significant costs, and any such costs will be non-recurring. Many packers already know the average drained weights of their goods and may already have their machines adjusted to provide that amount. The test to determine the current average drained weight is an extremely simple weighing process. Machine adjustments to assure correct packing should prove no more difficult or costly than adjustments regularly made to assure a certain level of can fill. These costs will occur primarily at the beginning of the program and should fall to zero as it progresses. Compared to the savings by consumers who will be enabled to shop for quantity value, these start-up costs are trivial. That the technical and economic capability exists to comply with a drained weight requirement is obvious from packer compliance for a number of years with minimum drained weight standards now found in the law (e.g., 21 CFR 27.42 (canned fruit cocktail); 21 CFR 51.503 (canned mushrooms)), and from packer ability to meet Federal purchasing program specifications in terms of drained weight. It is noteworthy that the Defense Supply Agency pays no more for its purchases under drained weight specifications than do commercial buyers of the same size containers.

Petitioner recognizes that fruits and vegetables of one kind—but of a different variety, maturity, and growing area—may vary considerably in weight. Nevertheless, because the proposed regulation does not specify a minimum weight, but merely requires drained weight disclosure, packers whose products vary in weight from variety to variety or from season to season need only have on hand different labels to reflect the weights of different sub-varieties of their products. Nor is the rule less necessary because of the possibility that packers might be tempted to increase drained weight yields by shifting to more mature or heavier strains of produce. If the resulting heavier product is a "best buy" in qualitative terms, but has declined in quality, that is a decision which the individual consumer is capable of making on the most available information of all: the contents of the container.

In sum, petitioner contends that drained weight labeling is essential to avoid confusion of consumers and to enable value comparison at the consumer level. Accordingly, the Food and Drug Administration should order the publication of this proposed regulation in the FEDERAL REGISTER, and thereafter promulgate the proposed regulation.

In addition, petitioner has supplied a reprint of an article, appearing in *Consumer Reports* of October 1972, pages 665-669, entitled "Why Net Weight Spells Nonsense on Canned Food Labels." A copy of this reprint is on file in the Office of the Hearing Clerk, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852.

The following regulation is proposed by the petitioner and is published for comment so that the Commissioner may receive data and information on this subject prior to formulating a position.

PROPOSED REGULATION

(Sections (a) through (d) of the proposed regulation may be issued as a new regulation or as an amendment to 21 CFR 1.8b. Section (e) may appear as part of a new regulation or as an amendment to 21 CFR 1.8c.)

Food labeling: declaration of drained weight of contents

(a) The existing practice of declaring only the net quantity of contents of processed fruits and vegetables does not facilitate value comparisons by consumers and offers opportunity for consumer confusion because containers with identical net quantities contain varying amounts of the drained commodity and/or the liquid fill which the purchaser desires. Therefore, in addition to other labeling provisions of this chapter, all processed fruits and vegetables packed with sugar or other syrup, water, brine, or their own juice, shall bear on their labels a statement of the drained weight of the solid food contents of the container.

(b) The regulation should incorporate provisions of 21 CFR 1.8b or similar provisions relating to: (1) declaration of weight in terms of avoirdupois pound and ounce (21 CFR 1.8b(b)(1)); (2) common or decimal fractions in declaration (21 CFR 1.8b(d)); (3) location of declaration on principal display panel (21 CFR 1.8b(e)) (or food label information panel, under proposed 21 CFR 1.8d, 38 FR 2124-2125); (4) typeface and size of declaration (21 CFR 1.8b(h)). An additional subsection should regulate placement of the drained weight declaration on the label in relation to the net weight declaration (cf. 21 CFR 1.8b(f)). Petitioner proposes that the drained weight declaration appear on the line above or below, or on the same line with, the net weight declaration.

(c) Calculation of Drained Weight.

(1) *Method*—The drained weight shall be determined by emptying the contents of the container, turning large "hollow" fruits and vegetables (such as peach halves) hollow-side down, upon a United States Standard No. 8 circular sieve (except for tomatoes, in which case a United States Standard No. 2 circular sieve shall be used) of proper diameter, so as to distribute the product evenly, slightly inclining the sieve to facilitate drainage, and allowing drainage for two minutes. The drained weight shall be the weight of the sieve and fruit or vegetable less the weight of the dry sieve. A sieve 8 inches in diameter shall be used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter shall be used for containers larger than the equivalent of the No. 3 size can.

(2) *Compliance*

a. The average of the drained weights from all the sample units in a sample of a designated lot must meet or exceed the labeled drained weight.

b. The number of individual sample units which fall to meet the labeled drained weight may not exceed the applicable acceptance number specified in the single sampling plan contained in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products thereof and Certain Other Processed Food Products (7 C.F.R. §§ 52.1 to 52.87).

c. Testing for compliance with drained weight labeling shall be performed no sooner than 30 days after the completion of processing.

(d) *Effective Date*

If promulgated on or before July 1, 1973, this regulation shall become effective in accordance with the proposed standard effective date in the nutrition labeling package (38 FR 2163-2164). If promulgated thereafter, this regulation shall become effective six months after publication as to new labels ordered and eighteen months after publication as to goods shipped in interstate commerce.

(e) The label of any container of processed fruit or vegetable which bears a representation as to number of servings contained therein shall bear a statement of the drained weight as well as net quantity of each such serving.

The Commissioner is aware that in its final report to the President, the White House Conference on Food, Nutrition, and Health stated that the consumer is entitled to more meaningful and useful information than is now provided by food labels. Since that time, the Commissioner has taken the initiative in proposing and adopting labeling regulations that will, at the time when they become fully effective, provide the consumer with the means to make better value comparisons in regard to the compositional and nutritional contents of foods.

In considering the petitioner's proposal, the Commissioner concludes that he does not have sufficient current information to allow him to determine whether promulgation of the requested regulations would be in the best interests of consumers.

Therefore, in order to make a decision, it is necessary for the Commissioner to have access to as much information on this matter as is available. Relevant information regarding this issue is available from Federal, State, and local agencies, manufacturers and their associa-

tions, universities, and private citizens. To be fully helpful, opinions, positions and suggestions should be supported by factual data including, where appropriate, statistical and cost benefit analyses. Accordingly, the Commissioner seeks all possible data and information on a number of factors including, but not limited to, the following:

(1) Information on how variations in unit size, shape and form, maturity, character (whether firm or soft), variety, packing medium density, climatic conditions (rainfall, temperature), irrigation practices, cultural practices, and geographic regions affect the drained weight of processed fruits and vegetables.

(2) Data to illustrate drained weight variations from container to container and lot to lot.

(3) Information on the best way for drained weight to be declared; including whether it should be the actual drained weight found in each can or an average for all cans in a lot and, if an average, what deviations should be permitted therefrom. Data resulting from any relevant studies should be supplied.

(4) Information on whether a minimum drained weight should be established and required for label declaration for each form of each food for each size of container. Data should be presented to show how this would assist the consumer in making value comparisons.

(5) Data to illustrate the effect on packing speed when a manufacture attempts to pack to higher drained weight.

(6) A number of processed foods have fill-of-container standards. These require the maximum quantity of solid food ingredient that can be sealed in the container and processed by heat to prevent spoilage, without crushing such ingredient. In addition, some set out a minimum drained weight for the solid food ingredient but do not require such weight to be declared on the label. The Commissioner seeks comments, and data in support thereof, as to what would be the consequences, from a thermal processing standpoint, if the container is filled as full as possible with the solid food ingredient.

(7) Data relating to the need for "head-space" in canned foods.

(8) Survey evidence indicating whether consumers do or do not consume the packing media of certain processed foods.

(9) Data illustrating the purpose and function of a packing medium in processed fruits and vegetables.

(10) Information on whether there is a clear relationship between the "put-in" weight of a canned fruit or vegetable and the resulting drained weight.

(11) Information on what procedure should be employed to declare an accurate statement of drained weight on lithographed containers that are labeled before they are filled.

(12) A cost benefit analysis of the different factors involved in drained weight declaration, e.g., data illustrating costs involved in holding unlabeled containers until the drained weight can be determined. Views on whether the information thus provided will be worth the added cost of providing the drained weight label declaration.

Interested persons are invited to submit their comments regarding this matter in writing (preferably in quintuplicate), on or before March 5, 1974. Comments should be filed with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852 and may be accompanied by a

memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 27, 1973.

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

[FR Doc.73-25700 Filed 12-4-73;8:45 am]

[DESI 9363; Docket No. FDC-D-633;
NDA 9-363]

COMBINATION STEROID-SYPATHO-MIMETIC NASAL SPRAY

Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of August 21, 1973 (38 FR 22500), extending to Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, PA 19101 and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs 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 NDA 9-363 for Vascort Spraypak (hydrocortisone, hydroxyamphetamine hydrobromide, and phenylephrine hydrochloride). The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). 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 (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with regard to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 9-363 and all amendments and supplements thereto is withdrawn effective on December 17, 1973.

Shipment in interstate commerce of the above-listed drug product or of any

identical, related, or similar product, not the subject of an approved new drug application, will thereafter be unlawful.

Dated: November 27, 1973.

SAM D. FINE,
*Associate Commissioner
for Compliance.*

[FR Doc.73-25698 Filed 12-4-73;8:45 am]

**National Institutes of Health
LIPID METABOLISM ADVISORY
COMMITTEE**

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Lipid Metabolism Advisory Committee, National Heart and Lung Institute, December 21, 1973, 8:15 a.m., National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 8:15 a.m. to 1:00 p.m., December 21, 1973, to discuss the status of some of the subprograms of the Lipid Metabolism Branch's Lipid Research Clinics' program as well as to plan this year's review of renewal proposals from the Lipid Research Clinics, and closed to the public from 2:00 p.m. to 6:00 p.m., December 21, 1973, to review contracts, in accordance with the provisions set forth in Section 552(b)4 of Title 5 U.S. Code and 10(d) of P.L. 92-463. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496-4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from Dr. Basil Rifkind, Deputy Chief, Lipid Metabolism Branch, NHLI, NIH Building 31, Room 4A19, phone 496-1681.

Dated November 28, 1973.

JOHN F. SHERMAN,
*Deputy Director, NIH,
National Institutes of Health.*

[FR Doc.73-25725 Filed 12-4-73;8:45 am]

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

Federal Disaster Assistance Administration

[Docket No. NFD-139]

Federal Coordinating Officer

Notice of Appointment

Notice is hereby given that 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, to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Thomas P. Credle as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for the disasters listed below, effective November 25, 1973:

State	Disaster No.	Declaration date
Mississippi: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	271	Aug. 18, 1969
Do.	302	Feb. 22, 1971
Kentucky: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	305	May 10, 1971
Tennessee: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	306	May 18, 1971
Mississippi: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	318	Jan. 10, 1972
Tennessee: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	331	May 15, 1972
Kentucky: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	332	Do.
Florida: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	337	June 23, 1972
Tennessee: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	366	Mar. 21, 1973
Mississippi: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	368	Mar. 27, 1973
Alabama: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	369	Do.
Georgia: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	370	Apr. 4, 1973
Kentucky: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	381	May 11, 1973
Tennessee: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	382	Do.
Florida: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	387	May 26, 1973
Alabama: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17884, July 5, 1973)	388	May 29, 1973
Georgia: Vice Joe D. Winkle, appointed June 12, 1973 (38 FR 15748, June 15, 1973)	391	June 11, 1973
North Carolina: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17885, July 5, 1973)	394	June 25, 1973
Tennessee: Vice Ronald B. Van Dame, appointed June 29, 1973 (38 FR 17885, July 5, 1973)	395	June 28, 1973

Dated: November 25, 1973.

THOMAS P. DUNNE,
*Administrator, Federal Disaster
Assistance Administration.*

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-25718 Filed 12-4-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-270N]

**FUEL AND ELECTRICAL SYSTEMS PANEL,
BOATING SAFETY ADVISORY COUNCIL**

Notice of Open Meeting

A Technical Panel of the Boating Safety Advisory Council will meet on Tuesday and Wednesday, December 11 and 12, 1973 in Room 3201 Buzzards Point Building, 2100 Second Street, SW., Washington, D.C. beginning at 8:30 a.m.

The panel, as authorized by the Federal Boat Safety Act of 1971, was established to review proposed standards for fuel and electrical systems on recreational boats and to make technical recommendations to the Council. The panel will consist of both BSAC members and persons with expertise in the field. The meeting is open to the public.

Dated: November 30, 1973.

JOHN F. THOMPSON,
*Rear Admiral, U.S. Coast Guard
Chief, Office of Boating Safety.*

[FR Doc.73-25709 Filed 12-4-73;8:45 am]

**Federal Aviation Administration
FAA AIR TRAFFIC CONTROL TOWER AT
BLOOMINGTON, ILLINOIS**

Notice of Commissioning

Notice is hereby given that on November 19, 1973, the Airport Traffic Control Tower at the Bloomington-Normal Airport, Bloomington, Illinois will be commissioned as an FAA facility. This information will be reflected in the FAA Organization Statement the next time it is issued. Communications to the tower should be as follows:

Federal Aviation Administration
Airport Traffic Control Tower
Bloomington-Normal Airport
Bloomington, Illinois 61701

Issued in Des Plaines, Illinois on November 19, 1973.

JOHN M. CYROCKI,
*Director,
Great Lakes Region.*

[FR Doc.73-25692 Filed 12-4-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Construction Permit Nos. 81 and 82]

CONSUMERS POWER CO.

Order To Show Cause

I. Consumers Power Co., 212 West Michigan Avenue, Jackson, Michigan ("the licensee"), is the holder of Construction Permit Nos. 81 and 82, which authorize the construction of nuclear power reactor Units 1 and 2 at the Midland Plant in Jackson, Michigan, under certain conditions specified therein.

II. As described in Part III below, reviews conducted by the Directorate of Regulatory Operations of various activities performed under Construction Permit Nos. 81 and 82 have revealed significant deficiencies in the implementation of the licensee's quality assurance program.

By memorandum dated November 26, 1973, a copy of which is attached hereto, the Atomic Safety and Licensing Appeal Board wrote to the Director of Regulation, referring to some of these matters and urging that appropriate enforcement action be taken against the licensee. The Appeal Board memorandum also raised serious questions concerning the licensee's implementation of quality

assurance (QA). The Appeal Board memorandum warrants examination of the question whether applicant will meaningfully comply with its own quality assurance program and with Commission regulations (10 CFR Part 50, Appendix B) throughout the construction process.

III. 1. Inspections occurring on September 29-October 1, 1970, revealed several instances of the licensee's nonconformance with quality assurance program requirements involving concrete work. These matters were discussed by the Appeal Board in its Memorandum and Order of March 26, 1972 (ALAB-106), in which the Appeal Board imposed certain additional conditions on the licensee with respect to its quality assurance program.

2. Inspections conducted on September 10, 11, and 27, 1973, revealed several additional violations of 10 CFR Part 50, Appendix B, Criteria II and V, involving inadequate recordkeeping procedures relating to quality assurance and unavailability of certain quality assurance records.

3. Inspections conducted on November 6-8, 1973, identified serious deficiencies associated with cadweld splicing of concrete reinforcing bars. These constitute violations of 10 CFR Part 50, Appendix B, Criteria II, V, XIII, XV and XVII.

4. By letter dated November 9, 1973, the Director of Region III of the Directorate of Regulatory Operations confirmed that all cadwelding operations at the site would be stopped on that date, and that such operations would not be resumed until a site inspection by Commission inspectors established that an acceptable program for cadwelding has been implemented.

5. On November 19, 1973, the licensee informed the Director of Region III of the Directorate of Regulatory Operations that its corrective action commitments relative to cadwelding activities would be completed on that date. Accordingly, a special inspection was performed on November 20-21, 1973. That inspection revealed that, while some corrective action had been taken, cadwelding procedures continued to be inadequate.

IV. In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2 and 50, *It is hereby ordered*, That the licensee show cause, in the manner hereinafter provided, why all activities under the construction permits should not be suspended pending a showing by the licensee that it is in compliance with the Commission's regulations pertaining to quality assurance, and that there is reasonable assurance that such compliance will continue throughout the construction process.

No cadwelding operations at the site shall be resumed pending a further order and determination by the Director of Regulation. As a practical matter, the completion of cadwelding is a prerequisite for performance of further construction work on significant structures and components important to nuclear safety.

In view of the foregoing, it is found

that, pending a further order and determination by the Director of Regulation, the public health, interest or safety requires continued suspension of the cadwelding activities.

The licensee may, within twenty days of the date of this order, file a written answer to this order under oath or affirmation. Within the same time, the licensee or any interested person may request a hearing. If a hearing is requested, the Commission will issue an order designating the time and place for hearing. Upon failure of the licensee to file an answer within the time specified, the Director of Regulation will, without further notice, issue an order suspending any further activities under Construction Permit Nos. 81 and 82.

In the event that a hearing is requested, the issues to be considered at such hearing shall be: (1) whether the licensee is implementing its quality assurance program in compliance with Commission regulations, and (2) whether there is reasonable assurance that such implementation will continue throughout the construction process.

Dated at Bethesda, Maryland, this 3d day of December, 1973.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.73-25914 Filed 12-4-73;9:49 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—AD HOC SUBCOMMITTEE ON THE CHARACTERISTICS OF PLUTONIUM

Notice of Meeting

DECEMBER 3, 1973.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (942 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Ad Hoc Subcommittee on the Characteristics of Plutonium will hold a meeting on January 4-5, 1974, in Room 106, Building SM-200, Technical Area No. 3, Los Alamos Scientific Laboratory (adjacent to the Science Museum), Los Alamos, New Mexico. The purpose of this meeting will be to obtain information on the physical, chemical, and biological properties of plutonium and to formulate recommendations to the ACRS on limits for plutonium releases from reactors.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

FRIDAY, JANUARY 4, 1974, 9:00 A.M.—4:30 P.M.;
SATURDAY, JANUARY 5, 1974, 9:00 A.M.—12:00 NOON

Presentations and discussions with invited participants.

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the close of the meeting on January 5, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS.

In addition, prior to the executive session at the end of the day on January 5, the Subcommittee may hold a closed session with invited participants to discuss classified information relating to the physical, chemical, and biological properties of Plutonium, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss classified information falling within exemptions (1) and (3) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such classified information and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than December 28, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:00 p.m. and 1:30 p.m. on January 5, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on January 2, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Standard Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis. It would be helpful, for purposes of space allocation, if those wishing to attend would contact Robert Y. Porton, P.O. Box 1663, Los Alamos Scientific Laboratory, Los Alamos, New Mexico 87544 (telephone 505-667-4444).

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, Washington, D.C. 20545 on or after March 4, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.73-25922 Filed 12-4-73;9:49 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS — SUBCOMMITTEE ON CALVERT CLIFFS NUCLEAR POWER PLANT

Notice of Meeting

DECEMBER 3, 1973.

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Subcommittee on the Calvert Cliffs Nuclear Power Plan will hold a meeting on December 19, 1973, in Room 1046, 1717 H Street, N.W., Washington, D.C. The purpose of this meeting will be to review the application of the Baltimore Gas and Electric Company for a license to operate the plant, located at Lusby, Maryland.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, DECEMBER 19, 1973,
9:30 A.M.—4:30 P.M.

Review of the application for an operating license (presentations by the AEC Regulatory Staff and Baltimore Gas and Electric Company and its consultants, and discussions with these groups).

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the Regulatory Staff and Applicant to discuss privileged information relating to nuclear fuel design, and the analysis of containment pressure transients, if necessary.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within ex-

emption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged, and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical consideration may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, post-marked no later than December 12, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for an operating license and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Calvert County Library, Prince Frederick, Maryland 20678.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:00 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 17, 1973, to the office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Standard Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Wash-

ington, D.C. 20545 and within approximately nine days at the Calvert County Library, Prince Frederick, Maryland 20678. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 on or after February 19, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.73-25924 Filed 12-4-73;8:49 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS — SUBCOMMITTEE ON GENERAL ELECTRIC

Notice of Meeting

DECEMBER 3, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on the General Electric Company will hold a meeting on December 18, 1973, at the Ramada Inn, 3737 Quebec Street, Denver, Colorado. The purpose of this meeting will be to review a new heat transfer correlation proposed by G.E. to replace the Hench-Levy correlation.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

TUESDAY, DECEMBER 18, 1973, 9:30 A.M.—4:30 P.M.

Review of GETAB heat transfer correlation (presentations by the AEC Regulatory Staff and G.E. will be made and discussions with these groups will be held.)

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m., which will involve a discussion of its preliminary views, and an executive session at the end of the day consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS.

In addition, the Subcommittee may hold a closed session with the Regulatory Staff and G.E. to discuss proprietary aspects of the heat transfer model and its experimental basis.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain privileged information under exemption (4) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect such privileged information and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

[Docket Nos. 50-354 and 50-355]

PUBLIC SERVICE ELECTRIC AND GAS CO.**Availability of Applicant Environmental Report for Construction Permit Stage**

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Environmental Report—Construction Permit Stage, Hope Creek Generating Station, Nos. 1 and 2 Units, Docket Nos. 50-354 and 50-355, November 30, 1973", submitted by the Public Service Electric and Gas Company of New Jersey has been placed in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and at the local public document room at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079. The report is also being sent to the Delaware State Planning Office, Tomas Collins Building, 530 South Dupont Highway, Dover, Delaware 19901 and to the Division of State and Regional Planning, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625.

This report discusses environmental considerations related to the proposed issuance of a construction permit for the Hope Creek Generating Station to be located on Artificial Island, Lower Alloways Creek Township, Salem County, New Jersey.

A Draft Environmental Statement related to the proposed action has been prepared by the Commission. A summary notice of the availability of the Draft Environmental Statement was published in the FEDERAL REGISTER on November 30, 1973. The summary notice requested comments from interested persons on the proposed action and on the Draft Statement by January 14, 1974. When comments thereon by Federal, State, and local officials are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Salem Free Public Library, Salem, New Jersey 08079. Comments on the Draft Environmental Statement and the applicant's Environmental Report from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 3rd day of December, 1973.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects
Branch No. 3, Directorate of
Licensing.

[FR Doc. 73-25925 Filed 12-4-73; 9:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280; Order 73-11-127]

INTERNATIONAL AIR TRANSPORT ASSOC.**Order Relating to Cargo Rate Matter:**

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of November 1973.

By Order 73-9-30 of September 10, 1973, the Board directed the U.S. carrier members of the International Air Transport Association (IATA), and any interested persons, to submit statements and supporting data in support of or in opposition to proposed changes in the overall worldwide cargo rate structure insofar as it affects U.S. points, with the exception of the North Atlantic. The proposed amendments are embodied in IATA agreements adopted at the Worldwide Cargo Traffic Conference held in May/June 1973 at Mexico City.¹ The carrier statements have been received and evaluated, no other comments have been submitted, and the relevant agreements now stand ready for the Board's decision.²

Agreement C.A.B. 23771 would reevaluate the present South Pacific rate structure with minor changes. Minimum charges and general cargo rates will remain at status quo, except for general cargo rates to/from Honolulu which would be increased by 10 cents per kg. at the under-45 kg. and 45 kg. weight-breaks. Most specific commodity rates will remain unchanged with the exception of rates to/from New York City which are generally proposed to be increased five cents per kg. No changes are proposed in the bulk unitization program save the elimination of rates for the Type 10 container (half-pallet for B-747 belly). The agreement would also extend the five percent surcharge on all U.S.-originating shipments to compensate for the effects of the dollar devaluation of February 12, 1973.

Agreement C.A.B. 23774 proposes increases of 9 to 13 percent in minimum charges,³ and approximately two percent

¹ By Order 73-9-36, September 10, 1973, jurisdiction was disclaimed or approval granted as appropriate, for cargo rates not directly affecting U.S. points.

² This order will deal with cargo rates in the South Pacific, Traffic Conference 3, Joint Conference 2/3, Mid-Atlantic, and the Western Hemisphere. Agreement C.A.B. 23772, which encompasses the North/Central Pacific cargo rate structure, is virtually identical to Agreement C.A.B. 23620, portions of which the Board disapproved in Order 73-8-124 (August 24, 1973). We understand the carriers are endeavoring to reach a new agreement resolving these issues, and no action on North/Central Pacific cargo rates will be taken herein.

³ Minimum charges vary within TC3, and range from \$6.52 to \$8.77 insofar as U.S. points are involved. These minimums would now be increased to \$7.17 or \$9.77 depending on the foreign point involved.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, post-marked no later than December 12, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon G.E. topical reports and various other documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3 p.m. on December 18, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 17, 1973, to the office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Standard Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available by December 24, 1973 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 on or after February 19, 1973. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc. 73-25923 Filed 12-4-73; 9:49 am]

in general cargo rates, within IATA Traffic Conferences 3 (Asia, Australia and Australasia). Most specific commodity rates would remain at status quo. The agreement applies directly in air transportation only insofar as the U.S. points of Guam and American Samoa are involved, and here we note that the five percent surcharge on all shipments from these points is proposed to be continued.

Mid-Atlantic cargo rates directly affect air transportation only insofar as transportation to/from San Juan and the Virgin Islands is involved. Agreement C.A.B. 23819 encompassing Mid-Atlantic rates proposes to increase minimum charges from \$24 to \$26, while general cargo rates would be increased two percent. Specific commodity rates are to be increased from five to eight percent, and the six percent surcharge on shipments originating at U.S. points would be continued.

Significant changes are proposed in the Western Hemisphere cargo rate structure (Agreement C.A.B. 23796). Substantial increases are proposed in minimum charges.⁴ General cargo rates between the United States, on the one hand, and the Caribbean, Mexico and Venezuela, on the other hand, would be increased by amounts ranging from four to nine percent.⁵ Southbound rates from the United States to South America would remain at status quo, while the corresponding northbound rates would be subject to increases in the three-four percent range for Argentina/Chile/Uruguay/Paraguay/Brazil, and a range of ten-eleven percent for Bolivia/Peru/Ecuador/Colombia. The net effect of these changes would be to reduce to some extent the directionality of the general rate structure between the United States and South America.

Most Western Hemisphere specific commodity rates would be increased from about 1.5 to 16 percent, with the bulk of the increases averaging about six percent. Pivot weights and minimum charges for containers would be reduced to encourage unitization, with the added effect that rates for containerized shipments now moving at the present pivot weights would generally be reduced from one to 16 percent, although rates on a few sectors would be increased.⁶

Pan American World Airways, Inc. (Pan American) and American Airlines, Inc. (American) have filed statements in support of the South Pacific rate agreement. Both carriers allege that the effect

of the proposed increases on their revenue position in that area will be negligible. Pan American states that the revenue impact of the proposed changes will be an \$8,000 improvement, and American states that the revenue increase in its operations will be \$24,000 on an annual basis.

Pan American and Trans World Airlines, Inc. (TWA) have submitted justifications for the TC3 cargo rate agreement insofar as it affects U.S. territories and possessions in the Pacific. The carriers state that the proposed increases are moderate and in line with rates for other routes in TC3. Specifically, Pan American cites a minimal \$22,300 revenue increase for its operations between Asia and Guam/Pago Pago. The proposed five percent currency surcharge is expected to yield an additional \$1,100.

Pan American has also provided justification and supporting data for the Mid Atlantic cargo rate agreement insofar as it affects Puerto Rico and the U.S. Virgin Islands. The carrier's data shows that the proposed increases will increase existing revenue by \$8,340, or 5.11 percent. The continued six percent currency surcharge will produce an additional \$500.

American, Pan American, Braniff International (Braniff), Eastern Airlines, Inc. (Eastern), and Delta Air Lines, Inc. (Delta) have submitted justification in support of the TCI (Western Hemisphere) cargo rate structure.

American estimates its 1973 revenue gain from the proposed increases at 7.3 percent, or \$166,000 on an annualized basis.⁷ However, American would still incur an operating loss of \$1,098 million in Western Hemisphere cargo operations, \$736,000 for U.S.-Mexico and \$362,000 for U.S.-Caribbean.

Pan American forecasts its total TC1 freight revenue for the year ending December 31, 1974 at approximately \$40.3 million without the proposed rate increase. Under the new rates, revenue would rise to about \$42.6 million, an increase of 5.8 percent. In all-cargo operations, the 5.8 percent increase would boost revenue from \$21.1 million to \$22.3 million; the corresponding return on investment would rise from 1.6 percent to 5.4 percent. Pan American takes the position that this return is moderate and not at all unreasonable.

Braniff believes the agreement to be in conformity with the Board's guidelines and recommends approval even though certain aspects of the agreement are not too palatable to Braniff as an individual carrier. Specifically, Braniff states that northbound cargo rates should have been increased even more, as the differential below southbound rates is still too great. Additionally, Braniff alleges that the reductions in container rates were too great and will disadvantage Braniff which has no all-cargo service in Latin America. The increased revenues from the other portions of the agreement will lend some

⁷ \$119,000 or 8.2 percent for U.S.-Mexico operations, and \$46,000 or 6.0 percent in U.S.-Caribbean operations.

compensation, but according to Braniff will still not be sufficient to offset the increased costs of Latin American operations. Braniff states that the present cargo rates were agreed in 1971 and cites figures to show an 11.48 percent increase in total operating costs per aircraft mile in the intervening two years.⁸ The carrier alleges that this trend in expenses will continue in the future, and goes on to estimate the revenue impact of the proposed rates at three percent of 1972 freight revenue, or \$225,000.

In support of the agreement, Eastern states that for the 12 months ending March 31, 1973, Eastern's Caribbean combination freight operations showed an operating profit of \$150,000 and a return on investment of 10.1 percent. Without a rate increase, operating profit for calendar 1973 is predicted to fall to \$10,000, with return on investment down to 2.2 percent. This decline is attributed to substantial increases in operating expenses. If the agreement is approved, Eastern forecasts an annualized 1973 operating profit of \$186,000 and a return position of 8.5 percent.

Delta states that its 1972 international freight operations incurred a \$146,239 operating loss,⁹ and that costs continue to rise despite reduced international capacity and rigid cost control efforts. Minimum charges are single out as particularly non-compensatory, especially where interline carriage is involved. The revenue impact of the higher rates is estimated at five percent or \$23,000, obviously inadequate to cover the gap between revenue and even present costs.

The Board has concluded to approve the subject agreements with the exception outlined below.

The South Pacific rate increases, and the TC3 rate increases for Guam and American Samoa, are moderate and do not appear at all unreasonable in light of the carriers' submissions. The impact on carriers' revenues will be minimal. We will also approve continuation of the existing five percent currency surcharges on shipments originating at U.S. points including American Samoa. Our initial April 30 approval (Order 73-4-126) found the surcharge justified by the devaluation's impact on the industry as a whole in the South Pacific, and the dollar has depreciated even further since that time. We will disapprove the surcharge for Guam-originating shipments consistent with our action in Order 73-8-124 (August 24, 1973) dealing with North/Central Pacific cargo rates.¹⁰

More significant increases are involved in the TC1 (Western Hemisphere) agreement. The carriers forecast improvements over existing revenue ranging from three to eight percent. On the whole these predictions appear accurate

⁸ Braniff also provides figures relating to specific expense items in direct operating costs which demonstrate similar increases.

⁹ Revenues=\$453,311; expenses=\$599,550.

¹⁰ Similar action will be taken with respect to cargo rates and currency surcharges between the U.S. Pacific territories and possessions, and IATA Traffic Conference 2 (Europe/Africa/Middle East).

Historically, the U.S.-flag carriers have experienced modest earnings in their Latin American operations. The area is subject to a considerable degree of rate instability due to substantial non-IATA competition, governmental intervention, and an unstable currency situation. The carrier forecasts submitted in support of the present agreement make it clear that this pattern of insufficient earnings will continue, although the proposed rates will afford some relief. In terms of structure, we believe the present agreement represents a definite improvement. Many of the directional differentials in rates between the United States and South America have been significantly reduced or eliminated, and most specific commodity rates have been subjected to substantially greater percentage increases than the corresponding general cargo rates.

In light of the foregoing considerations and information, the Board concludes that the agreed cargo rates and provisions embodied in the subject agreements, with the single exception with respect to the currency surcharge from Guam, are reasonable and should be approved.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act insofar as they have direct application in air transportation as defined by the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

2. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act to the extent hereinafter stated:

Agreement CAB	IATA No.	Title	Application
23774: E-1	0228	TC3 Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending) (Insofar as it applies to American Samoa).	3
E-3	501	Minimum Charges for Cargo (Revalidating and Amending)	3
E-4	502	TC3 General Cargo Rates	3
E-5	500	Specific Commodity Rates Board (Revalidating and Amending)	3
23790: E-1	0026	Cargo Tariffs Resolution (New)	23; 1/23
E-2	0020	JT13/JT123 Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending) (Insofar as it applies to American Samoa)	23; 1/23
E-4	501	Minimum Charges for Cargo (Revalidating and Amending)	23
E-5	501	Minimum Charges for Cargo (Except North and Central Pacific) (Revalidating and Amending)	1/23
E-7	535	JT13 and JT123 General Cargo Rates	23; 1/23
23818: E-1	0016	Cargo Tariffs Resolution—Mid-Atlantic (New)	1/2 (M. Atl.)
E-2	0028	JT12 (Mid-Atlantic) Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending)	1/2 (M. Atl.)
E-3	501	Minimum Charges for Cargo—Mid-Atlantic (Revalidating and Amending)	1/2 (M. Atl.)
E-4	5345	Mid-Atlantic Bulk Utilization Charges (Revalidating and Amend.)	1/2 (M. Atl.)
E-5	5545	Mid-Atlantic General Cargo Rates	1/2 (M. Atl.)
E-6	590	Specific Commodity Rates Board (Revalidating and Amending)	1/2 (M. Atl.)

2. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
23774: E-1	0228	TC3 Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending) (Insofar as it would apply to all U.S. territories and possessions within the Pacific except American Samoa).	3
23790: E-2	0026	JT13/JT123 Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending) (Insofar as it would apply to all U.S. territories and possessions within the Pacific except American Samoa).	23; 1/23

3. It is not found that the following resolutions, incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act to the extent hereinafter stated:

11 Thus, a 6.9 percent average improvement for Braniff's Latin American system would result in a \$317,000 gain in revenue rather than \$225,000 as forecast.

Agreement	IATA No.	Title	Application
CAB 23774: R-2	1151	Meeting Non-IATA Cargo Competition (Revalidating and Amending)...	3.

Provided that: All notices sent or received pursuant to said resolution shall be filed with the Board at the same time and in the same manner (by cable) as circulated to the carriers; provided further that any unopposed amendment, change, deletion or addition to the Traffic Conference 3 cargo rate structure and related resolutions which has direct or indirect application in air transportation

as defined by the Act, shall be filed with the Board under Section 412 of the Act and approved by the Board prior to being placed in effect.

4. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
23771: R-1	001e	Cargo Tie-In Resolution—South Pacific (New)	3/1.
R-2	001n	Special Emergency Escape for JT31 (South Pacific) Agreement (New)	3/1.
R-3	022e	JT31 (South Pacific) Special Rules for Sales of Cargo Air Transportation (Revalidating and Amending)	3/1; 1/2/3.
R-4	501	Minimum Charges for Cargo (South Pacific) (Revalidating and Amending)	3/1.
R-5	501	Minimum Charges for Cargo (Except North and Central Pacific) (Revalidating and Amending)	1/2/3.
R-6	536b	South Pacific Bulk Utilization Charges (Revalidating and Amending)	3/1.
R-7	556	JT31 General Cargo Rates—South Pacific	3/1.
R-8	560	Specific Commodity Rates Board (Revalidating and Amending)	3/1; 1/2/3.
23796: R-1	501	Minimum Charges for Cargo (Revalidating and Amending)	1.
R-2	531	TCI Bulk Utilization Charges (Revalidating and Amending)	1.
R-3	551	TCI General Cargo Rates	1.
R-4	560	Specific Commodity Rates Board (Revalidating and Amending)	1.

Accordingly, It is ordered that:

1. Those portions of Agreements C.A.B. 23774, C.A.B. 23799, and C.A.B. 23819 described in finding paragraph 1 above be and hereby are approved to the extent they have direct application in air transportation as defined by the Act subject, where applicable, to conditions previously imposed by the Board;

2. Those portions of Agreements C.A.B. 23774 and C.A.B. 23799 described in finding paragraph 2 above be and hereby are disapproved;

3. That portion of Agreement C.A.B. 23774 described in finding paragraph 3 above be and hereby is approved subject to the condition stated therein;

4. Those portions of Agreements C.A.B. 23771 and C.A.B. 23796 described in finding paragraph 4 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board; and

5. Tariff filings implementing the subject agreements in air transportation as defined by the Act shall be marked to expire not later than September 30, 1975.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

(SEAL) EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-25791 Filed 12-4-73; 8:45 am]

[Docket Nos. 25280; 25513; 25661; Order 73-11-138]

INTERNATIONAL AIR TRANSPORT ASSOC.

Order Relating to Increased Fuel Costs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of November, 1973.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

The agreement is proposed to become effective January 1, 1974 and would increase worldwide passenger fares and cargo rates by approximately six percent in order to compensate for increased fuel costs. The increases associated with passenger fares would expire March 31, 1975 and those related to cargo rates would expire September 30, 1975.

Passenger fares would be increased by a flat six percent in all world areas except on the North Atlantic and on North/Central and South Pacific routes. The increase on the North Atlantic is equivalent to four percent of the one-way shoulder-season normal economy fare between New York and the various European points, with the resulting dollar amount applied to all fares in the structure, regardless of season. Fares across the Pacific would be similarly increased across-the-board with the dollar amount calculated at four percent of the basic season economy fare from Los Angeles. Round-trip fares would be increased by twice the dollar amount applicable to one-way fares.

Cargo rates in all world areas except the North Atlantic and the North/Central and South Pacific would likewise be increased by a flat six percent across-the-board. In the latter areas, the in-

crease is equivalent to four percent of the 45 kilogram general commodity rate for shipments of 100 pounds and would be applied to all rates in the structure.¹

The purpose of this order is to establish procedures for the receipt of justification by the carriers and comments of third parties in the interest of a prompt disposition of the agreement. Accordingly, all U.S. carrier members of IATA are directed to file within seven days of the date of this order, full economic justification in support of the agreement, including past, present and future identifiable contractual fuel costs. We also expect the carriers to provide profit and loss statements, both with and without the proposed increase, based on the present fares/rates and those proposed for 1974.

The Board would welcome comments from the foreign-flag carriers as well, which, along with those of other interested parties, should likewise be submitted within seven days from the date of this order.

Accordingly, it is ordered that:

1. All United States air carrier members of the International Air Transport Association shall file within seven calendar days of this order full documentation and economic justification in support of the proposed fare and rate increases embodied in the subject agreement.

2. Comments and/or objections from interested persons shall be submitted within seven days after the date of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

(SEAL) EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-25790 Filed 12-4-73; 8:45 am]

[Docket Nos. 25449, 25212;
Order 73-11-128]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of November, 1973.

Pan American World Airways is the U.S.-flag carrier authorized to operate between the United States and the Republic of South Africa, having provided such service since 1941, and was the exclusive carrier in the market until 1969, when South African Airways (SAA) began service.² At the present time, Pan American competes with both South African Airways (SAA) and Varig, the flag carrier of Brazil. The market is characterized by unusual length (nearly 8000

¹Rates from New York are used as the base in the case of the North Atlantic and from Los Angeles and West Coast common-rated points in the case of the North/Central and South Pacific.

²New York City and Johannesburg are the terminal points of route 133 which includes intermediate points in the Azores, Portugal, Spain, North Africa, and various countries on Africa's Atlantic coast.

miles via the great-circle route) and by low volumes of traffic³ and this combination of factors requires that operations be conducted via intermediate points. Pan American provides a twice-weekly service via a number of intermediate points in West Africa. SAA and Varig conduct operations over a New York-Rio de Janeiro-Johannesburg routing which, while somewhat longer, provides these carriers with access to needed traffic support; between them, these carriers operate three weekly New York-Johannesburg round trips.

By Order 73-10-2, dated October 3, 1973, the President approved the Board's decision amending SAA's foreign air carrier permit so as to authorize it to operate between New York and Johannesburg over a second, and significantly shorter, routing via the points Sal Island and/or Las Palmas. Pursuant to that authority, SAA plans to inaugurate an additional weekly New York-Johannesburg flight. This has resulted in a situation whereby SAA will have scheduled air transportation authority far superior to the authority presently held by the only American-flag carrier authorized to serve South Africa. Pan American is already faced with the difficult prospect of competing against two foreign-flag carriers, and if the additional route award to SAA is unaccompanied by corrective Board action restoring the *status quo ante*, Pan American will suffer a serious erosion of its competitive position.

Obviously, from the point of view of the United States, that situation is undesirable. As we have observed in the past, "it is unthinkable that we would allow our carriers to fall into a secondary position in the carriage of . . . traffic merely because of inadequate route authority."⁴ The prospect that international traffic—largely U.S.-generated—will be attracted disproportionately to foreign-flag services cannot help but have a harmful effect upon the United States balance of payments which has been in a deficit posture for the last few years. Furthermore, the President's statement of international air transportation policy mandates that U.S. air carriers must have a fair and equal opportunity to compete in world aviation markets and it should be U.S. policy to provide for improved service to points abroad where this is necessary to meet the challenge of changing market patterns. By honoring the U.S.-South African bilateral in granting SAA additional route authority, we have now changed the market pattern between New York and Johannesburg in a manner which will likely prevent U.S.-flag carriage of a fair share of the traffic.

Pan American's problems are compounded by international considerations.

³ For example, in calendar year 1970 Pan American carried fewer than 3000 New York-Johannesburg passengers, or roughly 30 per week in each direction. South African Airways carried a similar amount. Pan American carried only about 1100 passengers during the most recently reported FY 1972 period.

⁴ West Coast-Europe Case, 25 C.A.B. 180, 183 (1957).

As noted above, the carrier has provided U.S.-South Africa service since 1941. It actually operated such service over a Brazil routing during World War II pursuant to a temporary certificate and exemption issued by the Board. In 1948, the Board gave Pan American exemption authority to operate its U.S.-South Africa service via Lisbon and the carrier was given certificate authority at Lisbon in 1952.⁵ Since 1955, however, the Portuguese government has prohibited the carriage of traffic between Lisbon and Johannesburg and has not allowed Lisbon stopovers. In 1957, the Board certificated Madrid as a practical replacement for the needed intermediate support previously obtained at Lisbon but the carrier has never obtained landing rights at Madrid for its United States-South Africa route.⁶

Consequently, Pan American now operates at a serious competitive disadvantage. This situation is just as unnecessary as it is undesirable, since the Rio de Janeiro routing is already authorized in the appropriate bilateral agreements and, hence, there are no impediments to its early implementation.⁷

Accordingly, we have tentatively determined to re-establish Pan American's New York-Rio de Janeiro-Johannesburg route paralleling the existing authority of SAA and VARIG to complement its existing New York-Europe-Africa-Johannesburg authority. We contemplate making this award for the specific purpose of enabling Pan American to compete more effectively with the two foreign air carriers for a fair share of the traffic.

Pan American presently has on file in Docket 25212 an application for an amendment to its certificate for route 133 so as to authorize New York-Johannesburg service over a Rio de Janeiro routing.⁸ Since we desire to permit Pan American to implement its service at the earliest possible date to minimize erosion of its competitive position, and since, as set forth hereinafter, we believe that no useful purpose would be served by holding evidentiary hearings on Pan American's application, we have tentatively concluded that the authority should be awarded by show cause procedures. Accordingly, we tentatively find and con-

⁵ See Orders E-1264, March 4, 1948 and E-6560, June 28, 1952.

⁶ Pan American's United States-South Africa route was renewed on a permanent basis in 1966. Transatlantic Route Renewal Case, 44 C.A.B. 9 (1966).

⁷ The air transport agreements between the United States on the one hand, and Brazil and the Republic of South Africa, on the other hand, authorize operations by a U.S. carrier on a New York-Rio de Janeiro-Johannesburg routing. (See route 5 of the Brazilian Bilateral and route 2 of the South African Bilateral).

⁸ For operational reasons, Pan American plans to stop at Kinshasa, Zaire, between Rio de Janeiro and Johannesburg. Accordingly, we tentatively find and conclude that the public convenience and necessity require the inclusion of Kinshasa as an intermediate point on the proposed segment 2 of route 133.

clude that the public convenience and necessity require the amendment of Pan American's certificate for route 133 so as to add a second segment thereto as follows:

"Between the terminal point New York, New York, the intermediate points Rio de Janeiro, Brazil and Kinshasa, Republic of Zaire, and the terminal point Johannesburg, Republic of South Africa."

In support of our ultimate finding, we tentatively find and conclude as follows: (1) Pan American is the American-flag carrier selected to operate between New York and Johannesburg; (2) because of operating restrictions in its present authority it is denied access to the Rio de Janeiro routing used by its two competitors; (3) because of international considerations, Pan American is unable to route its U.S.-South Africa service via Lisbon or Madrid as contemplated by its certificate of public convenience and necessity; (4) existing bilateral agreements authorize certification of an American-flag carrier between Johannesburg and New York over a New York-Rio de Janeiro-Johannesburg routing; (5) Pan American is the only American-flag carrier presently authorized at all three points and is the only carrier which could be authorized in the New York-Rio de Janeiro-Johannesburg market without significant diversion from any other U.S. carrier; (6) amendment of Pan American's certificate for route 133 will give Pan American authority more nearly equal to that of its foreign airline competitors and will be in the furtherance of long-range international policy objectives; (7) members of the U.S. traveling public moving in the New York-Johannesburg market and transiting Rio de Janeiro will obtain significant benefits by grant of such authority to Pan American by being able for the first time to utilize single-carrier service of a U.S. company rather than having to rely upon the connecting service of U.S. and foreign carriers or the single-carrier services of a foreign-flag operator; and (8) grant of the authority sought will have a beneficial effect on the U.S. balance of payments.

In tentatively determining to grant Pan American the subject authority we have carefully considered the arguments raised by Braniff and TWA in their

⁹ In addition, on April 20, 1973, Pan American filed an application in Docket 25449 for an exemption so as to permit it to implement New York-Rio de Janeiro-Johannesburg service immediately, pending final Board action on its certificate application. Braniff Airways, Inc. filed an answer in opposition to the exemption application while Trans World Airlines, Inc. (TWA), filed an answer, suggesting that exemption authority in the nature requested by Pan American should be granted (although not necessarily to Pan American), along with its own request in Docket 24995 for exemption authority to serve Johannesburg over a New York-Athens-Nairobi routing. Pan American filed a reply to these answers. We have tentatively determined to defer consideration of these matters pending the outcome of the procedures undertaken herein.

¹⁰ See discussion at pp. 2-3, *supra*.

pleadings in Docket 25449.¹⁸ We have found nothing in the contentions of those carriers which persuades us that we should not award the Rio de Janeiro route to Pan American. In particular, we have considered Braniff's contention that, since it is an applicant in Docket 20234 for U.S.-Rio de Janeiro-Johannesburg authority, we can take no action on Pan American's application without affording Braniff comparative consideration under *Ashbacker Radio Corp. v. Federal Communications Commission*, 326 U.S. 327 (1945). In our view, Braniff's contentions are without merit. The fact that Braniff has filed an application for the same authority sought by Pan American does not, in the circumstances here present, require a comparative hearing. Pan American is the incumbent in the New York-Johannesburg market and is at present the only U.S. carrier able to offer single-carrier/single-plane service in the market. It is seeking no new terminal-to-terminal authority¹⁹ but, rather, the removal of operating restrictions which prevent the routing of aircraft and the carriage of traffic in a specific manner among three points already on its system. The removal of these operating restrictions will also afford needed intermediate traffic support to replace that previously found required by the public convenience and necessity, but which the carrier has been unable to implement. Braniff, by way of contrast, would be a newcomer to the market; it seeks not an improvement in existing authority, but rather to become a new U.S.-South Africa carrier. Indeed, Braniff is requesting first competitive U.S.-flag authority between New York and Johannesburg since, were Braniff certificated, Pan American would remain in the market.²⁰ Braniff would in fact, be the fourth carrier competing for what is a very thin volume of traffic and would be able to establish a place for itself in the market only at the expense of the other three, including Pan American. Rather than strengthening the competitive position of the present U.S.-flag carrier as contemplated by our action herein, an award to Braniff would weaken it.

The award of improved authority to Pan American does not preclude the future award of New York-Johannesburg authority to Braniff. Rather, the future

grant or denial of Braniff's application will depend entirely upon whether the market can be shown to require the services of a second U.S. carrier (and if so, which carrier). See e.g., *Application of Braniff Airways* Orders 68-11-29, November 5, 1968, and 69-1-49, January 10, 1969.²¹

What we have said with respect to Braniff applies with equal force to TWA, with this additional fact: TWA's proposed route, which would be simply an extension of its present New York-East African authority, would not serve to materially improve the U.S. position in the U.S.-South African market since it would continue the *status quo*—i.e. no U.S. carrier on the Rio de Janeiro route. At a future date, we will be able to consider TWA's request for competitive authority over a New York-Africa points-Johannesburg routing.²²

Interested persons will be given 30 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons, if any, to support their objections with detailed statements, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in pleadings. General, vague, or unsupported objections will not be entertained. If a comparative hearing is requested, the objecting person should make a showing that his application for similar authority is mutually exclusive with that of Pan American as a matter of law or economic fact. Such a showing would appear to require, *inter alia*, a demonstration that the New York-Johannesburg market can support economic operations by a fourth carrier and that the award of a second routing to

¹⁸ The low traffic volume over the route coupled with our present policy of caution in the award of competitive operating authority makes an award of such authority at the present time doubtful, however. See e.g., Orders 73-7-78, July 16, 1973, and 73-7-128, July 25, 1973.

¹⁹ We would note, in addition, that an award to either Braniff or TWA would require the extension of a carrier to a continent which it does not now serve (Africa in the case of Braniff, South America in the case of TWA). Moreover, the selection of either Braniff or TWA would require (as a practical matter) the introduction of a second U.S.-flag carrier in the New York-Rio de Janeiro nonstop market, a step which we are unwilling to take at this time, in accord with our general policy of caution in making competitive route awards.

Pan American would preclude the authorization of a fourth carrier.²³

During the same 30-day period prescribed above, we will expect Pan American to file with the Board supporting data of the annual gross transport revenue increase for the first full year of operations to result from the award herein. This data is necessary for the purpose of computing the license fee pursuant to section 389(a)(2)(i) of the Board's Organization Regulations.

Accordingly, it is ordered that:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Pan American World Airways, Inc. for route 133 so as to (a) designate the existing route description of route 133 as segment 1; (b) redesignate Leopoldville, Republic of the Congo, as Kinshasa, Republic of Zaire; and (c) add a new segment 2 to read as follows:

"2. Between the terminal point New York, New York, the intermediate points Rio de Janeiro, Brazil, and Kinshasa, Republic of Zaire, and the terminal point Johannesburg, Republic of South Africa;"

2. Any interested persons having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after service of a copy of this order, file with the Board and serve upon all persons listed in ordering paragraph 5 below, a statement of objections, together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the stated objections. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings;

3. If timely and properly supported objections are filed full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;²⁴

4. In the event no answers are filed pursuant to paragraph 2, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the findings and conclusions set forth herein;

5. A copy of this order shall be served upon the following persons who are hereby made parties to this proceeding: Pan American World Airways, Inc.; Braniff Airways, Inc.; Trans World Air-

²³ A finalization of our conclusions will, of course, be subject to the approval of the President as required by section 801 of the Act.

²⁴ All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

¹⁸ See Note 8 *supra*.

¹⁹ It is true, of course, that no U.S. carrier presently holds usable authority in the Rio de Janeiro-Johannesburg market and, accordingly, that Pan American is seeking wholly new authority insofar as that market is concerned. Since a Rio de Janeiro-Johannesburg route lies wholly outside the United States, however, the route can be authorized only as an incident to the award of U.S.-Johannesburg authority. Hence, we would not select any U.S. carrier solely for that market.

²⁰ Both New York and Johannesburg are permanent points on Pan American's route 133.

lines, Inc.; and Congressman Charles Coles Diggs, and Mr. Peter J. Connell.¹⁷

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-25792 Filed 12-4-73;8:45 am]

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

NOTICE OF MEETING

Notice is hereby given that the Commission on Revision of the Federal Court Appellate System will meet Tuesday, December 11, 1973, at 9 a.m., in Room S-146 of the Capitol.

The purpose of the meeting is to approve a final report on realignment of the geographical boundaries of the several judicial circuits, which is to be submitted to the President, the Congress and the Chief Justice, pursuant to statute. In this connection the Commission will review comments and suggestions received following distribution of a Preliminary Report on circuit realignment.

Plans for the second phase of the Commission's work, study of the internal procedures and structure of the federal courts of appeals system, will also be discussed. These include projected research, budget and schedule.

The meeting is open to all interested persons.

A. LEO LEVIN,
Executive Director.

[FR Doc.73-25711 Filed 12-4-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILES PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption

NOVEMBER 30, 1973.

On October 12, 1973, the Governments of the United States and Pakistan exchanged notes further amending the comprehensive bilateral cotton textile agreement of May 6, 1970, concerning exports of cotton textiles and cotton textile products from Pakistan to the United States. Among the provisions of the agreement, as amended, are those establishing specific limits on Categories 9/10, 15/16, 18/19 and part of 26, 22/23, parts of 26, part of 31, and 41/42 for the fourth agreement year which began on July 1, 1973.

Accordingly, there is published below a letter of November 30, 1973, from the Chairman of the Committee for the Im-

plementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories produced or manufactured in Pakistan which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning July 1, 1973 and extending through June 30, 1974, be limited to the designated levels. The levels of restraint for Categories 9/10, 18/19 and part of 26, part of 26 (duck), and part of 31 include adjustments in accordance with an administrative arrangement concluded between the Governments of the United States and Pakistan on May 22, 1973 to account for shipments in the previous agreement year which had exceeded the levels established for those categories.

The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

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

Commissioner of Customs
Department of the Treasury
Washington, D.C. 20029

NOVEMBER 30, 1973.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on June 29, 1973 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of cotton textiles and cotton textile products in certain categories produced or manufactured in Pakistan.

The first paragraph of the directive of June 29, 1973 is amended, effective as soon as possible, to read as follows:

"Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral Cotton Textile Agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective July 1, 1973 and for the twelve-month period extending through June 30, 1974, entry for consumption of cotton textiles and cotton textile products in Categories 9/10, 15/16, 18/19, and part of 26, 22/23, parts of 26, part of 31, and 41/42, produced or manufactured in Pakistan in excess of the following designated levels of restraint:

Category	Amended Twelve-Month Levels of Restraint ¹
9/10 -----square yards	42,608,000
15/16 -----do	3,600,000
18/19 and part of 26 (print-cloth) ¹ -----square yards	18,815,000
22/23 -----do	4,800,000
Part of 26 (bark cloth) ¹ -----do	7,200,000
Part of 26 (duck) ¹ -----do	10,190,000
Part of 31 (only T.S.U.S.A. No. 3662740) -----pieces	9,574,713
41/42 -----dozen pieces	815,593

¹These levels have not been adjusted to reflect any entries on or after July 1, 1973.

²In Category 26, only T.S.U.S.A. Nos.:

320...34	322...34	327...34
321...34	326...34	328...34

³Only T.S.U.S.A. Nos.:

320...88	328...88	324...92
321...88	329...88	325...92
322...88	330...88	326...92
323...88	331...88	327...92
324...88	320...92	328...92
325...88	321...92	329...92
326...88	322...92	330...92
327...88	323...92	331...92

⁴Only T.S.U.S.A. Nos.:

320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

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

[FR Doc.73-25793 Filed 12-4-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-1254]

LICENSEES CAUTIONED ON FAILURE TO PERFORM SALES CONTRACTS

NOVEMBER 29, 1973.

From time to time the Commission receives allegations that broadcast licensees are not performing their advertising contracts in full. These complaints are ordinarily considered to be private disputes to be settled by the parties or by local courts or agencies. In such cases, the Commission has taken and will continue to take whatever action may be appropriate in light of any final court or local agency determination.

Section 73.1205 of the Commission's Rules, the fraudulent billing rule, prohibits the issuance of any documents that misrepresent the number, nature, duration or time of day of commercial announcements broadcast on the station, or the charges made for those announcements. We have cautioned that violations of the fraudulent billing rule may result in renewal or revocation proceedings to determine whether the licensee should continue to operate the station. See the Public Notice of December 7, 1972, 38 FCC 2d 1051, 25 RR 2d 1759. The Commission has designated a number of fraudulent billing cases for hearing since the adoption of that Notice.

¹⁷On behalf of the Black Congressional Caucus, the American Committee on Africa, the Black United Front of Washington, D.C., the African Heritage Studies Association, and Ifco Action, who, in previous Board proceedings (Docket 24944) have expressed an interest in analogous matters.

Recently, another problem has come to the Commission's attention. A licensee, either through its own salesmen or through independent sales contractors, sells special advertising packages. Typically, these are high volume, low cost arrangements for commercial announcements scheduled at times when the licensee normally cannot sell advertising or to dealers who do not normally buy time. Payments are required in advance. Because of the prepayment, no bills or other documents are issued by the licensee and the fraudulent billing rule is inapplicable. Such agreements are perfectly legitimate, if performed in accordance with their terms. However, in some cases, after accepting prepayment, licensees have substantially failed to broadcast the advertising covered in their contracts. For example, in a recent investigation it was found that an independent contractor sold commercial mentions of numerous advertisers totaling 9,240 announcements. Viewing the facts most favorably to the licensee, only 1,800 of the announcements were broadcast.

This document will serve to put all broadcast licensees on notice that where, as in the example given above, a pattern of partial or nonperformance of advertising contracts is found, resulting from either willfulness or lack of adequate supervision or control, serious questions will be raised as to the licensee's qualifications to hold a broadcast authorization, and appropriate sanctions or hearings will be ordered.

Action by the Commission November 28, 1973. Commissioners Burch (Chairman), Robert E. Lee, H. Rex Lee, Reid, Wiley and Hooks, with Commissioner Johnson dissenting.

Sent to all licensees.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc. 73-25794 Filed 12-4-73; 8:45 am]

FEDERAL MARITIME COMMISSION

BRAZIL/U.S. ATLANTIC PORTS NORTH-BOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 26, 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:

Frank R. A. Levier, Executive Administrator
Inter-American Freight Conference
Av. Rio Branco, 156-27^a
Andar-Grupos 2707/2711
Rio de Janeiro, Brazil

Agreement No. 10027-2, among national flag carriers and third-flag carriers, modifies the approved basic pooling and sailing agreement covering north-bound cargo from ports in Brazil, within the Porto Alegre/Recife range, both inclusive, to any port on the Atlantic Coast of the United States, by (1) cancelling therefrom Article 2(c) which presently provides that Companhia de Navegacao Lloyd Brasileiro and Companhia de Navegacao Maritima Netumar participate and operate thereunder as a single party and, hence, they will now operate as individual carriers under the agreement, and (2) amending Article 7(b) to set the "Carrying rate" at 60 percent, rather than 50 percent, on containerized cargo only.

Dated: November 28, 1973.

By order of the Federal Maritime
Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-25757 Filed 12-4-73; 8:45 am]

COMBI LINE AND WATERMAN STEAMSHIP CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 26, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise state-

ment 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:

L. A. Parish, agent,
Waterman Steamship Corp.,
P.O. Box 231,
Mobile, Alabama 36601.

Agreement No. 10097 between the above-named carriers provides for the interchange of LASH barges and related equipment pursuant to terms and conditions set forth therein.

Dated: November 29, 1973.

By order of the Federal Maritime
Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-25758 Filed 12-4-73; 8:45 am]

COMPANHIA DE NAVEGACAO LLOYD BRASILEIRO AND COMPANHIA DE NAVEGACAO MARITIMA NETUMAR

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 15, 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:

Neal M. Mayer, Esquire,
Coles & Goertner,
Attorneys and Counsellors at Law,
1000 Connecticut Avenue NW.,
Washington, D.C. 20036

Agreement No. 9938-1, between Companhia de Navegacao Lloyd Brasileiro and Companhia de Navegacao Maritima Netumar, modifies the approved basic agreement to provide for movement of cargo between ports of the River Plate and Belem and ports on the East Coast of the United States and Canada, and optionally at Great Lakes ports and by amending Article II thereof to provide that Companhia de Navegacao Lloyd Brasileiro and Companhia de Navegacao Maritima Netumar will act independently, rather than as a single party as at present, in existing pools, or those which may be established in the future, and by amending Article XII to extend the term of the agreement for three years, or until December 31, 1976. In addition thereto, certain other articles are either being amended or deleted to conform to the amendment being made in Article II.

Dated: November 30, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-25756 Filed 12-4-73;8:45 am]

MALAYSIA-PACIFIC RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 26, 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:

D. D. Day, Jr., Secretary,
Malaysia-Pacific Rate Agreement,
635 Sacramento Street,
San Francisco, California 94111.

Agreement No. 9836-3, entered into by the member lines of the Malaysia-Pacific Rate Agreement, amends Article 3 of the approved agreement to allow members to file and maintain a common tariff in the trade covered by the agreement. Members who do not elect to join in a common tariff may file an appropriate concurrence assenting to said tariff, or tariffs of another member, or members may under the right of independent action separately maintain their own tariff. Members of the agreement are responsible for filing all tariffs or concurrences pursuant thereto.

Dated: November 29, 1973.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-25759 Filed 12-4-73;8:45 am]

[Independent Ocean Freight Forwarder
License No. 368]

REGAL SHIPPING CORP.

Order of Revocation

On November 15, 1973, Regal Shipping Corp., 9-11 Maiden Lane, New York, New York 10038 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 368 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 368 of Regal Shipping Corporation be and is hereby revoked effective November 15, 1973, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Regal Shipping Corp.

AARON W. REESE,
Managing Director.

[FR Doc.73-25762 Filed 12-4-73;8:45 am]

TROPICAL FREIGHT BROKERS, INC., ET AL.

Notice of Applications for Independent Ocean Freight Forwarder License

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal

Maritime Commission, Washington, D.C. 20573.

Tropical Freight Brokers, Inc.
1260 N.W. 57th Avenue
Miami, Florida 33126

OFFICERS

Arcadio Hernandez, President
Edmundo Torner, Vice President
Alberto Del Cerro, Jr., Treasurer

Robert Nako Enterprise
d/b/a Yamko Truck Lines
1410 S. Atlantic Blvd.
Compton, California

OFFICERS

Robert Nako, President
Minoli Iwasaki, Vice President
Steven H. Moulton
d/b/a S. H. Moulton Company
23622 Van Born Road
Dearborn Heights, Michigan 48125

Gulf Coast Forwarding Company, Inc.
715 Ball Avenue
Galveston, Texas 77550

OFFICERS

A. O. Evans III, President
A. O. Evans, Jr., Vice President
Alleen M. Evans, Secretary/Treasurer

CF Air Freight, Inc.
1700 South El Camino Real
San Mateo, California 94402

OFFICERS

W. G. White, Chairman of Board
B. N. Brenno, President
H. J. Pfaat, Vice President/Treasurer
R. Poelman, Vice President/Secretary

Moo Hyun Sonn
d/b/a Amera Forwarding Company
160 Broadway
New York, New York 10005

Al Lacy, Jr.
6519 Eastland Road
Brook Park, Ohio 44142

Door to Door International, Inc.
7109 Woodlawn Avenue N.E.
Seattle, Washington 98115

OFFICERS & DIRECTOR

C. Byron Schenck, President
M. Rita Schenck, Secretary
Jerry Jarrett, Vice President
Eileen M. Ridgeway, Director

Dated: November 29, 1973.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-25755 Filed 12-4-73;8:45 am]

UNITED FRUIT CO. AND GALVESTON WHARVES

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 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and

San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 26, 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. Carl S. Parker, Jr.,
Port of Galveston,
P.O. Box 328,
Galveston, Texas 77550.

Agreement No. T-2571-1, between the Board of Trustees of the Galveston Wharves (Port) and United Fruit Co. (United) modifies the parties' basic agreement providing for the two-year lease to United (with renewal options) of certain marine terminal facilities at Galveston, Texas, for the berthing, loading, and unloading of United's container vessels. The purpose of the modification is to relocate the terminal area on Pier 14 West and to increase the total square footage of this area from 114,025 square feet to 129,000 square feet. All other provisions of the agreement will remain unchanged.

Dated: November 30, 1973.

By order of the Federal Maritime Commission,

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-25763 Filed 12-4-73;8:45 am]

[Independent Ocean Freight Forwarder
License No. 1131]

REGINALD WILLIAM WINTER

Order of Revocation

By letter dated October 24, 1973, Reginald William Winter, 426 So. Spring Street, Los Angeles, California 90013 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1131 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before November 21, 1973.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General

Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Reginald William Winter has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 9/15/73):

It is ordered, That Independent Ocean Freight Forwarder License No. 1131 of Reginald William Winter be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1131 be and is hereby revoked effective November 21, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Reginald William Winter.

AARON W. REESE,
Managing Director.

[FR Doc.73-25761 Filed 12-4-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP74-14, RP74-34]

CASCADE NATURAL GAS CORP.

Order Accepting for Filing and Approving PGA Clause and Rate Increase Thereunder and Denying Application for Rehearing

NOVEMBER 28, 1973.

On November 2, 1973, Cascade Natural Gas Corporation filed herein an application for rehearing of the Commission's letter order issued in this proceeding on October 3, 1973. The subject letter order denied Cascade's requests for a rate increase to Mountain Fuel Supply Company (Mountain Fuel) to track increased costs of gas purchased by Cascade from Continental Oil Company. The amount of the increase is \$16,638 annually. The rate increase was denied because Cascade did not have a PGA clause on file with the Commission.

In addition to its application for rehearing Cascade submitted in Docket No. RP74-34, in the form of a proposed offer of settlement, to alternative PGA clauses together with a cost of service for the 12 months ended December 31, 1972.

Under its preferred PGA clause, Cascade proposes to adjust its rates in accordance with § 154.38(d) (4) (ii) of the Commission's Regulations even though it purchases its entire gas supply from independent producers. Cascade states this procedure is preferred since it has a fixed price contract with Mountain Fuel which might have to be amended every six months even though there may have been no producer rate changes. Cascade's proposed PGA clause would flow through dollar for dollar any rate changes coincidentally with a producer rate change and would not require the use of deferred accounting procedures. Cascade's alternate PGA clause is fully consistent with Section 154.38(d) (4) of the Commission's Regulations governing PGA clauses.

The cost-of-service included as a part of the filing herein demonstrates that Cascade is in a deficit earnings position and that the producer rate increases proposed to be recouped will not result in excess earnings by Cascade. Based on our review of Cascade's application for rehearing, including the offer of settlement and other information submitted therewith, we find that Cascade's request for a PGA clause is justified and should be granted. We further find that the alternate PGA clause should be approved since it is consistent with the Commission's applicable regulations. Accordingly, Cascade's alternate PGA clause and proposed rate increase thereunder will be accepted for filing, approved, and made effective as of August 13, 1973, coinciding with the effective date of the related producer rate increases.

In view of the acceptance of Cascade's PGA clause and rate increase thereunder, its application for rehearing of the letter order of October 3, 1973, will be denied as moot.

The Commission orders:

(A) Cascade's PGA clause, consisting of Alternate Original Sheet Nos. 18, 19, 20, 21, and 22 to its FPC Gas Tariff and its proposed rate increase are hereby accepted for filing, approved, and permitted to become effective as of August 13, 1973.

(B) The otherwise applicable provisions of the Commission's Regulations are hereby waived to permit Cascade's PGA clause and rate increase thereunder to be accepted for filing and made effective as hereinbefore ordered.

(C) Cascade's application for rehearing of the Commission's letter order of October 3, 1973, in this docket is denied.

(D) With 10 days from the date of this order, Cascade shall file a revised Sheet No. 2 to its Rate Schedule No. 1 to reflect application of the alternate PGA clause.

(E) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission,

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25732 Filed 12-4-73;8:45 am]

[Docket No. E-8471]

CENTRAL LOUISIANA ELECTRIC CO., INC.

Notice of Compliance Filing

NOVEMBER 26, 1973.

Take notice that Central Louisiana Electric Company, Inc. on November 7, 1973, tendered for filing a letter agreement with Alexandria, Louisiana regarding Supplement No. 3 to Supplement No. 4 to Rate Schedule FPC No. 19. This agreement recognizes the City's actual load requirements and adjusts the billing to correct payments made by the City under the above referenced Supplement No. 3.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal

NOTICES

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 and 1.10). All such petitions or protests should be filed on or before December 7, 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 for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25727 Filed 12-4-73; 8:45 am]

[Docket No. E-8511]

CENTRAL TELEPHONE & UTILITIES CORP.
Notice of Proposed Changes in Rates and Charges

NOVEMBER 28, 1973.

Take notice that Western Power Division, Central Telephone & Utilities Corporation (CTU), on November 23, 1973, tendered for filing a proposed rate schedule in the form of "Service Schedule A, Firm Power Service" dated October 18, 1973 (the Revised Schedule), a revision of the schedule attached to the contract between CTU (formerly Western Light & Telephone Company, Inc.) and Central Kansas Electric Cooperative, Inc. (CKE), dated June 27, 1963 and currently on file with the Commission as the Company's FPC Rate Schedule No. 35. The Revised Schedule has been executed by both CTU and CKE. The Company proposes that the Revised Schedule supersede the presently effective service schedule and requests that this filing be deemed notice of cancellation of such schedule. The proposed changes, according to CTU's filing, would increase revenues from jurisdictional sales and service by less than \$50,000 annually on sales to CKE.

The proposed rate change is described in the Company's transmittal letter as resulting from negotiations between the Company and CKE. According to the Company, the proposed changes differ from the presently effective service schedule in that the demand charge on sales by CTU to CKE will be increased from \$1.50 to \$1.65 per KW of firm power and the energy charge will be increased from 4.4 mills to 5.75 mills per KWH. Also, the Revised Schedule includes a restatement of the fuel adjustment clause in the presently effective schedule.

The proposed effective date of the Revised Schedule is December 27, 1973.

Any person desiring to be heard or to protest said filing should file comments or protests 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 comments or protests should be filed on or before December 10, 1973. Protests will be considered by the Commission in determining the appropriate

action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25739 Filed 12-4-73; 8:45 am]

[Docket No. RP74-4]

CITIES SERVICE GAS CO.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

NOVEMBER 28, 1973.

On November 26, 1973, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued August 22, 1973, in the above-designated matter. By letter dated November 27, 1973, Staff Counsel advised that there were no objections to the motion.

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

Commission Staff Service, January 15, 1974.
Prehearing Conference, February 13, 1974 (10:00 a.m., EST).
Intervenor Service, March 4, 1974.
Company Rebuttal, March 25, 1974.
Hearing, April 16, 1974 (10:00 a.m., EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25736 Filed 12-4-73; 8:45 am]

[Docket No. CP74-129]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 27, 1973.

Take notice that on November 12, 1973, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, filed in Docket No. CP74-129 an application pursuant to Section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a twelve-month period commencing January 1, 1974, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

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

Applicant states that the total cost of the proposed construction and abandonment of any single project exceed \$500,000. Applicant states that the proposed facilities will be financed by funds provided by The Columbia Gas System, Inc., Applicant's parent organization.

Any person desiring to be heard or to make any protest with reference to said

application should on or before December 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25728 Filed 12-4-73; 8:45 am]

[Docket No. E-8490]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

NOVEMBER 27, 1973.

Take notice that on November 14, 1973, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Community Public Service Company, which is incorporated in the State of Texas and domesticated in the State of New Mexico, with its principal place of business office at Fort Worth, Texas. The Applicant proposes to issue and deliver to its stockholders a maximum amount of 135,506 shares of common capital stock as a stock dividend at the rate of one share for each ten shares held on the record date. Stockholders entitled to a fractional-share interest will receive cash for such interest, based on the closing sale price of the common capital stock of Applicant on the American Stock Exchange on the record date, December 14, 1973, or the mean between the closing bid and asked prices on such date if there is no sale.

Any person desiring to be heard or to make any protest with reference to said application should on or before Decem-

ber 18, 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). 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-25750 Filed 12-4-73; 8:45 am]

[Docket No. CP74-149]

CONSOLIDATED GAS SUPPLY CORP.

Order To Show Cause, and Setting Procedures for Hearing

NOVEMBER 28, 1973.

On September 18, 1970, an Order was issued in Docket No. RP69-19, *et al.*, whereby the Commission approved without modification a settlement agreed to and filed by the Consolidated Gas Supply Corporation (Con Gas) on July 29, 1970. Such agreement specified, *inter alia*, that Con Gas would accept certificates of public convenience and necessity beginning with the 1971-72 heating season, imposing volumetric limitations on the maximum daily quantities of gas which Con Gas could sell to its jurisdictional customers. To date there has been no compliance with this provision of the settlement agreement.

It is clear that since the date of the settlement agreement the annual sales of Con Gas have continued to rise. In this time of nationwide gas supply shortages, the public interest requires that we carefully assess any increase in deliveries of gas. To assist us in this endeavor, it is important that maximum volumetric requirements be established for each customer on any given interstate pipeline system.

In view of this, we will hereby order Con Gas to show cause why maximum annual and daily volumetric requirements should not be established for each customer on Con Gas' system for deliveries of gas based on 1971-72 requirements and, if appropriate, what requirements should be established for each such customer. The term "1971-72 requirements" means the volumes required by the customers of Con Gas in 1971-72, assuming that design temperatures had prevailed and that year-end customers had been attached and served during the entire year.

Any person wishing to become a party to the show cause proceeding hereinafter ordered may do so by filing a petition to intervene on or before December 19, 1973.

The Commission finds:

It is appropriate in the administration of the Natural Gas Act that the

Commission enter upon a hearing at which Consolidated Gas Supply Corporation should show cause why maximum annual and daily volumetric requirements should not be established for each customer on Con Gas' system for deliveries of gas based on 1971-72 requirements, and, if appropriate, what requirements should be established for each such customer.

The Commission orders:

(A) Pursuant to the authority, and in order to effectuate the purposes, of the Natural Gas Act, Consolidated Gas Supply Corporation is hereby ordered to appear at a public hearing and to show cause why maximum annual and daily volumetric requirements should not be established for customer on Con Gas' system for deliveries of gas based on 1971-72 requirements and, if appropriate, what requirements should be established for each such customer.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held to commence on January 22, 1974 at 10:00 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20002, on the issues raised by the show cause order herein issued.

(C) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for this 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) The direct case of Consolidated Gas Supply Corporation in accordance with the show cause order issued herein, shall be filed and served on all parties, the Presiding Administrative Law Judge, and the Commission Staff on or before December 28, 1973. Additionally, any intervenor desiring to submit testimony and/or exhibits on the issues raised by this proceeding shall file and serve on all parties its direct evidence on or before January 11, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-25737 Filed 12-4-73; 8:45 am]

[Docket No. RP73-17]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

NOVEMBER 27, 1973.

Take notice that Granite State Gas Transmission, Inc. (Granite), on November 15, 1973, tendered for filing its proposed Second Revised Sheet 3A to its FPC Gas Tariff, Original Volume No. 1 containing proposed changes in rates to be effective January 1, 1974. According to Granite the proposed changes would increase revenues from jurisdictional sales by approximately \$736,103 annually,

based on deliveries for the 12 months ended September 30, 1973. Granite states that the instant filing is made pursuant to a purchased gas adjustment provision, previously approved by the Commission, on December 14, 1972, in Docket No. RP73-17. Granite further states that the increased purchased gas costs result from proposed increases in the rates of Tennessee Gas Pipeline Company, A Division of Tenneco, Inc., in Docket No. RP73-113, and that Granite purchases its entire natural gas supply from Tennessee.

According to Granite, copies of the filing were served upon Northern Utilities, Inc., the Company's sole jurisdictional customer and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-25744 Filed 12-4-73; 8:45 am]

[Docket Nos. CP71-222, CP71-223]

GREAT LAKES GAS TRANSMISSION CO.

Order Granting Motion for Severance of Contested Issue, Granting Petitions To Intervene, Amending Certificate, and Establishing Procedures

NOVEMBER 27, 1973.

On May 31, 1973, Great Lakes Gas Transmission Company (Great Lakes) filed in the above-docketed proceeding a motion which requested severance of the sole contested issue for determination by the Commission after hearing and decision of an uncontested issue pursuant to the shortened procedure provided by the Commission's Rules of Practice and Procedure.

In support of its motion Great Lakes asserts that the only remaining contested issue in this proceeding is the proper effective date for the reduced contract quantity applicable to Great Lakes' T-4 Rate Schedule. As indicated in the order setting this proceeding for hearing issued April 23, 1973, Great Lakes has filed a petition to amend the certificate authorizations previously issued in Docket Nos. CP71-222 and CP71-223 in order to reduce the firm volumes of natural gas imported, transported and exported for TransCanada Pipelines Limited (TransCanada). Great Lakes has stated that the portion of its pipeline system used for such service has not been able to achieve the flow efficiency as-

sumed in its design and that certain of its compressor units have not performed as expected, resulting in a smaller than planned system capability.

The April 23 order also granted intervention to Union Gas Ltd.,¹ (Union) and Northern and Central Gas Corporation Limited (Northern). On May 9, 1973, Union and Northern filed a conditional notice of withdrawal of their petitions to intervene. That notice stated that the questions which they sought to raise by their petitions to intervene had been resolved by the settlement agreement filed by Great Lakes in Docket No. RP73-4 and was conditioned upon Commission approval of such settlement agreement. The settlement agreement was approved by order issued November 21, 1973, in Docket No. RP73-4.

Untimely petitions to intervene in Docket Nos. CP71-222 and CP71-223 were filed by TransCanada and American Natural Gas Company² (American Natural) on May 9 and May 18, 1973, respectively. The petition of TransCanada also requests the resolution, under the shortened procedures provided by the Commission's Rules of Practice and Procedure, of the issues raised by the now withdrawn petitions of Union and Northern. TransCanada, among other allegations, states that the issues raised by Union and Northern have been resolved by the rate settlement in RP73-4.

American Natural, however, in its petition to intervene specifically requests a hearing on the issues concerning the proper effective date for the reduced contract quantity applicable to Great Lakes' T-4 Rate Schedule. It also states that the issue is raised as to whether the additional facilities constructed by TransCanada to offset the reduced capability of Great Lakes' system were in operation on November 1, 1972, and if so, whether the utilization of such facilities was adversely affected by the effective date of the reduction in TransCanada's contract quantity under its service agreement with Great Lakes. American Natural further states that it supports Great Lakes' Petition to Amend with an effective date of February 4, 1973. While supporting Great Lakes' Petition to amend its certificate, TransCanada urges that the effective date for the reduction in contract quantity should be November 1, 1972.

In view of the notice of withdrawal of petitions to intervene, it is clear that there is no protest to the granting of the petition to amend filed by Great Lakes. Accordingly, such amendment will be granted as hereinafter provided.

Inasmuch as Great Lakes' facilities have not been able to achieve the flow efficiency assumed in its design, there remains, in addition to the effective date

for the reduced throughput, a question concerning possible compensation to Great Lakes by the appropriate manufacturer in the event any of the installed facilities are found to be defective. The appropriate method of treating any compensation received by Great Lakes should also be considered at the hearing scheduled in this proceeding. By notice issued October 31, 1973, the hearing was postponed until December 10, 1973.

On November 21, 1973, Great Lakes filed a request for further extension of time. In order to expedite this proceeding we will grant only a limited extension of the dates previously set herein.

The Commission finds:

(1) Good cause exists to grant Great Lakes' motion filed May 31, 1973, in this proceeding.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the authorizations issued in Docket Nos. CP71-222 and CP71-223 should be amended as hereinafter ordered.

(3) Although the petitions of TransCanada and American Natural were not timely filed, good cause exists for permitting such intervention.

(4) The participation of the above-named petitioners may be in the public interest.

(5) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the above-mentioned matters.

(6) The expeditious disposition of these proceedings will be furthered by the submission of Great Lakes' case-in-chief on or before December 10, 1973.

The Commission orders:

(A) The motion of Great Lakes filed in this proceeding is hereby granted.

(B) The orders issuing a certificate of public convenience and necessity in Docket Nos. CP71-222 and CP71-223 are hereby amended to authorize a reduction, by 85,000 Mcf per day, in the firm volumes of natural gas imported, transported and exported for TransCanada Pipelines Limited effective no later than February 4, 1973, as more fully described in Great Lakes' petition to amend in this proceeding. In all other respects said orders shall remain in full force and effect.

(C) The above-named petitioners are hereby permitted to intervene in the present proceeding, subject to the rules and regulations of the Commission: *Provided, however*, that the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions to intervene; and *Provided, further*, that the admission of such intervenors 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 this proceeding.

(D) On or before December 10, 1973, Great Lakes and any supporting intervenor shall file its direct testimony and evidence. All testimony and evidence filed herein shall be served upon the Presiding Administrative Law Judge, Commission Staff and all other parties to the proceeding.

(E) The hearing previously postponed in this proceeding will commence at 10:00 a.m. on December 19, 1973.

(F) At the hearing originally scheduled in the order issued April 23, 1973, and postponed as indicated herein, the issues severed for determination herein, relating to the proper effective date for the amended contract quantities and the disposition of any manufacturer compensation to Great Lakes, shall be considered.

(G) If it is determined that the proper date for the amended contract quantities is November 1, 1973, then Great Lakes must make appropriate refunds.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25751 Filed 12-4-73;8:45 am]

[Docket Nos. E-8244 and E-8245]

HARTFORD ELECTRIC LIGHT CO.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

NOVEMBER 28, 1973.

On November 23, 1973, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued November 11, 1973 in the above-designated matter. The motion states that Hartford Electric Light Company concurs in the motion.

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

Service of Staff's evidence, December 20, 1973.

Service of rebuttal evidence, January 11, 1974.

Prehearing Conference, January 22, 1974 (10:00 a.m. EST).

Hearing. To commence upon the conclusion of the Prehearing Conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25743 Filed 12-4-73;8:45 am]

[Docket No. E-8487]

IDAHO POWER CO.

Notice of Application

NOVEMBER 27, 1973.

Take notice that on November 12, 1973, Idaho Power Company (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Idaho, Oregon, Nevada and Wyoming, with its principal business office at Boise, Idaho, filed an application with the Federal Power Commission, pursuant to Section

¹ Formerly known as Union Gas Company of Canada, Ltd.

² American Natural is joint owner with TransCanada of all of the common stock of Great Lakes.

204 of the Federal Power Act seeking an order authorizing the issuance of \$35,000,000 of its First Mortgage Bonds.

The First Mortgage Bonds will be issued as a new series of 30-year Bonds under Applicant's Mortgage and Deed of Trust, dated as of October 1, 1937, and Supplemental Indentures thereto.

Applicant proposes to sell the First Mortgage Bonds in accordance with the competitive bidding requirements of § 34.1a of the Commission's Regulations under the Federal Power Act.

The net proceeds from the issuance and sale of the First Mortgage Bonds will be applied to the payment of short term unsecured promissory notes outstanding (estimated at \$81,500,000) at the time of the sale of the First Mortgage Bonds. The issuance of the First Mortgage Bonds is a part of Applicant's program for financing its construction expenditures for 1974, which construction expenditures are presently estimated at \$65,996,000, and for the refinancing of \$18,000,000 of First Mortgage Bonds which mature November 15, 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 18, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25749 Filed 12-4-73; 8:45 am]

[Docket No. E-7740]

INDIANA AND MICHIGAN ELECTRIC CO.
Order Denying Motion To Reject, Granting
Petition To Intervene in Part and Amend-
ing Prior Order

NOVEMBER 27, 1973.

On November 2, 1973, the Commission accepted the October 5, 1973, filing of Indiana and Michigan Electric Company (I&M) for a rate increase applicable to the City of Auburn, Indiana (Auburn). The rate increase was made effective November 4, 1973, without further proceedings, except that the fuel adjustment clause contained therein was suspended for one day to become effective November 5, 1973, subject to refund. A hearing on the justness and reasonableness of the proposed fuel clause was ordered and consolidated with the proceedings currently pending in this docket. This rate increase was filed as the result of the granting of Auburn's motion to reject

an earlier filing of I&M applicable to Auburn.¹

MOTION TO REJECT

On October 29, 1973, Auburn filed a protest and motion to reject I&M's October 5, 1973 filing.² In support of its motion, Auburn claims that I&M's filing should be rejected as it contains a retroactive effective date which is contrary to the terms of its contract with Auburn and to the Federal Power Act and our regulations thereunder. Auburn also claims that I&M failed to meet the filing requirements of Section 35.13 of our Regulations. If we do not reject I&M's filing, Auburn requests that we suspend the increase for five months and establish a hearing into the justness and reasonableness of I&M's proposed rates.

In our November 2, 1973, order accepting I&M's filing we addressed the issue of a retroactive effective date and denied I&M's request. In doing so, we determined that the Court of Appeals had established Tariff IP as the legal rate I&M could charge its customers under contracts essentially identical to the contract between I&M and Auburn.³ However, it remained for I&M to implement that rate by an appropriate filing with this Commission. As to Auburn, I&M's request of the proposal, we stated that no therefore, to accept I&M's proposed increase (CADC May 25, 1973).

Auburn also argues that I&M could not support this proposed increase by reference to material filed with its June 13, 1972, filing because we had rejected that filing as to Auburn on September 28, 1973. The fact that we had rejected the earlier filing does not prevent I&M from requesting waiver of our regulations to permit subsequent incorporation of material contained therein in support of the October 5, 1973 application. We believe that good cause did and does exist to permit such an incorporation and that I&M need not refile the same support data for its instant rate increase.

As to Auburn's alternative request for suspension of the rate change and a hearing on the justness and reasonableness of the proposal, we stated that no party in this docket, including Auburn, has filed evidence indicating that I&M is entitled to less than the rates proposed. Further, our own review of the filing indicates that the proposed rates contained in I&M's October 5, 1973 filing are not excessive. It was appropriate, therefore, to accept I&M's proposed increase for filing without further proceedings, except for the fuel clause, as previously ordered.

Supplemental Petition to Intervene.

Indiana and Michigan Municipal Distributors Association (IMMDA) was originally granted intervention in this docket on August 11, 1972. In our May 31,

¹ Cf. Commission's order issued September 28, 1973, in this docket.

² Although Auburn's filing is entitled "Request for Rejection" it meets all of the requirements to qualify as a motion and we shall treat it as such.

³ City of Richmond v. F.P.C., ---- F.2d ---- (CADC May 25 1973).

1973 order herein we outlined the standards necessary to raise antitrust issues in proceedings before this Commission; whereupon IMMDA filed a supplemental petition to intervene attempting to raise such issues. On July 30, 1973, we denied the supplemental petition "for failure to state the requested relief which is within this Commission's authority to direct and the anticompetitive practices challenged * * *". On August 30, 1973, IMMDA filed a second supplement to its petition to intervene purportedly curing the deficiencies in its previous petition.

In support of the instant petition, IMMDA claims I&M's proposed Rate Schedule WS discriminates against IMMDA and in favor of I&M's direct industrial customers in that the WS rate is higher than I&M's rate to the direct industrial customers. Such discrimination in rates, claims IMMDA, prevents effective competition with I&M for direct industrial sales. IMMDA also claims that the rates I&M charges the cities of Richmond and Anderson are much lower than the rates I&M charges IMMDA members. Since Richmond and Anderson have always been in the same customer class with IMMDA, they claim that the disparity in rates is unlawfully discriminatory.

The first relief the Commission is asked to grant is to reduce "the level of the proposed WS rate so that the cost of power to municipal distributors is lower than the rate charged by I&M for service to its direct industrial customers * * *". IMMDA also requests adjustments in the demand and energy charge of proposed schedule WS so as to enable its members to compete for industrial sales. Finally, the intervenors request that the Commission set rates for IMMDA members at levels no greater than the rates charged Richmond and Anderson.

The relief sought relating I&M's wholesale rates to its direct industrial rates is beyond the jurisdiction granted the Commission. Wholesale rates, over which we have jurisdiction, must recover allocated wholesale costs. To base wholesale rates upon direct industrial rates would be limiting our jurisdiction on the basis of events and regulatory affairs over which we have no control; for as we stated in *Southern California Edison Company*, Docket No. E-8176⁴, the Federal Power Act does not grant us the authority to fashion relief on the basis of retail rates. Retail rate levels and the accounting and ratemaking principles underlying those rate levels are under the sole jurisdiction of the appropriate state regulatory agency. To base the wholesale rates within our jurisdiction upon retail rates outside our jurisdiction would subordinate our decisions and authority to the processes of state regulatory bodies. We will therefore deny the supplemental petition to intervene on this issue since the interests of IMMDA in being charged just and reasonable wholesale rates are fully protected by the participation we have previously granted them in this proceeding.

⁴ Order issued September 21, 1973; Rehearing denied November 2, 1973.

NOTICES

As to the request that I&M's rates to IMMUDA be keyed to the rates I&M charges Richmond and Anderson, we have previously discussed this issue in our order of July 3, 1973 in this docket. As stated there, we cannot determine whether the contested discrimination actually exists until following the evidentiary hearing ordered in this docket. Following the hearing, the just and reasonable rate proper for I&M to charge IMMUDA will be determined. On the basis of pleadings alone, we are unable to determine whether the resulting rate will be greater than, equal to, or less than the rate I&M charges Richmond and Anderson. Whatever the eventual decision, I&M's wholesale rate applicable to IMMUDA will be determined on the basis of properly allocated wholesale costs and not on the basis of a pre-existing contractually fixed rate applicable to another customer in the same class. Consistent with the foregoing, evidence on this issue is proper for examination in this docket.

In our November 2, 1973, order in this docket we referred to I&M's Rate Schedule applicable to the City of Richmond, Indiana as Rate Schedule No. 27. The proper designation is Rate Schedule No. 58; therefore, we shall amend our previous order accordingly.

The Commission finds:

(1) Good cause does not exist to grant Auburn's motion to reject I&M's rate increase filed October 5, 1973.

(2) Good cause exists to grant IMMUDA's second supplemental petition to intervene on issues other than discrimination between wholesale rates and retail rates; in all other respects the petition should be denied for the reasons discussed above.

(3) The November 2, 1973 order in this docket should be amended to reflect the proper designation of I&M's rate schedule applicable to Richmond, Indiana.

The Commission orders:

(A) Auburn's motion to reject I&M's rate increase filed on October 5, 1973, is denied.

(B) IMMUDA's second supplemental petition to intervene filed August 30, 1973, is granted; provided that IMMUDA's participation thereunder shall be limited to those issues other than the alleged discrimination between wholesale and retail rates. On that issue the petition is denied for the reasons discussed above. Such participation as granted here is in addition to any participation in this docket previously granted IMMUDA.

(C) Line 1 of ordering paragraph "A" of the November 2, 1973 order in this docket is amended to read "Rate Schedule No. 58". Line 3 of ordering paragraph "B" of the November 2, 1973 order in this docket is amended to read "Rate Schedule No. 58".

(D) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25752 Filed 12-4-73;8:45 am]

[Docket No. E-8172]

KENTUCKY UTILITIES CO.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

NOVEMBER 28, 1973.

On November 23, 1973, Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued October 30, 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 in the above matter are modified as follows:

Service of Staff's Evidence, December 14, 1973.
Service of Intervenor's Evidence, January 11, 1974.

Prehearing Conference, January 15, 1974 (10:00 a.m., EST).

Hearing, February 12, 1974 (10:00 a.m., EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25740 Filed 12-4-73;8:45 am]

[Docket No. RP73-102]

MICHIGAN-WISCONSIN PIPELINE CO.

Notice of Further Extension of Time and Postponement of Hearing

NOVEMBER 28, 1973.

On November 20, 1973, Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued November 12, 1973, in the above-designated matter. The motion states that all parties have agreed to the proposed schedule.

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

Service of Company's Testimony on Coal Gasification, December 10, 1973.

Service of Staff's Testimony on Coal Gasification, December 20, 1973.

Service of Intervenor's Testimony on all Issues, January 7, 1974.

Service of Staff's Depreciation Testimony, January 9, 1974.

Service of Company Rebuttal, January 18, 1974.

Hearing, February 19, 1974 (10:00 a.m., EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25735 Filed 12-4-73;8:45 am]

[Docket No. CP72-206]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend

NOVEMBER 26, 1973.

Take notice that on November 2, 1973, Michigan Wisconsin Pipe Line Company

(Petitioner), One Woodward Avenue, Detroit, Michigan 48225, filed in Docket No. CP72-296 a petition to amend the order of the Commission issued in said docket on October 31, 1972, pursuant to Section 7(c) of the Natural Gas Act granting a certificate of public convenience and necessity authorizing Petitioner, among other things, to perform an offshore and onshore natural gas transportation service for Natural Gas Pipeline Company of America (Natural), by authorizing Petitioner to change a delivery point for receipt of Natural's gas from Block 259 to Block 250 in the Eugene Island Area, offshore Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By Commission order issued October 31, 1972, in Docket No. CP72-296 Petitioner was authorized pursuant to a Transportation Agreement with Natural, dated April 10, 1972, to receive natural gas for the account of Natural at a delivery point in Eugene Island Block 259 for transportation and redelivery by petitioner of equivalent quantities of gas to Natural near Lake Arthur, Louisiana. Under the terms of said agreement, delivery of gas by Natural for transportation by Petitioner was to be at Block 259 and "such additional or alternative locations as may be mutually agreed". Petitioner proposes, herein, to change the delivery point from Block 259 to an alternative delivery point in Eugene Island Block 250, as agreed by Petitioner and Natural in an amendment dated October 15, 1973, to the subject transportation agreement.

Petitioner states the proposed change in delivery point will not require the construction of any facilities by Petitioner. Petitioner states further that such a change in delivery point is conditioned on the Commission issuance of related certificates to Natural and to Columbia Gulf Transmission Company to allow the construction and operation of facilities by Natural to deliver gas from Block 331, Eugene Island Area, to facilities of Columbia Gulf, and for related authorization for the transportation from said facilities to Block 250, Eugene Island Area. The petition states that the reasons for this proposed change in delivery points are set forth in Natural's application, which along with Columbia Gulf's has been or will soon be filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 18, 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. 73-25726 Filed 12-4-73; 8:45 am]

[Docket No. CP74-133]

MOUNTAIN FUEL SUPPLY CO.

**Notice of Application and Request for
Disclaimer of Jurisdiction**

NOVEMBER 27, 1973.

Take notice that on November 9, 1973, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed in Docket No. CP74-133 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to, and the exchange of natural gas with, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), and a request for a disclaimer of jurisdiction as to the construction and operation of certain facilities for transporting said gas, or, in the alternative, authorization thereof, 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 has contracted to purchase natural gas in Sweetwater County, Wyoming, from Hanover Planning Company, et al. (Hanover). Applicant states that Hanover, a small producer, will sell said gas, which is estimated to average initially 6,000 Mcf per day, to Applicant at an initial price of 40 cents per Mcf with annual escalations of one cent per Mcf.

Applicant states further that pursuant to a Gas Purchase and Exchange Agreement between Applicant and CIG, dated September 10, 1973, designated as Applicant's Rate Schedule X-5, Applicant will gather the subject gas at the well and deliver it to CIG at CIG's supply lateral in Sweetwater County. CIG will deliver 75 percent of such gas to Applicant at an existing delivery point near Green River, Wyoming, with the remaining 25 percent to be retained and purchased by CIG. Applicant proposes to charge CIG 40 cents per Mcf for gas so retained and in addition the cost incurred by Applicant of gathering and delivery to CIG's supply lateral attributable to such retained gas.

The application states that in order to effect the proposed exchange and sale of natural gas with CIG Applicant proposes to collect natural gas at the subject well and deliver said gas to CIG through 1.2 miles of 4½-inch gathering lines and appurtenant facilities to a point of interconnection in Sweetwater County. Applicant alleges that these facilities perform solely a gathering function incident to the production of natural gas, and as such, are exempted from Commission jurisdiction under Section 1(b) of the Natural Gas Act. Applicant states it has commenced and substan-

tially completed the construction of said facilities at an estimated cost of \$22,000. Applicant requests the Commission to disclaim jurisdiction thereover, or in the alternative, to issue a certificate authorization for the same.

Applicant states that it is presently unable to meet the natural gas requirements of its customers and requests that the authorization sought herein be granted to facilitate and encourage additional exploration in the vicinity of Sweetwater County, Wyoming, and the dedication of any resulting production to the interstate market.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 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) 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. 73-25745 Filed 12-4-73; 8:45 am]

[Docket No. E-8476]

NEW ENGLAND POWER CO.

Notice of Tariff Change

NOVEMBER 28, 1973.

Take notice that New England Power Company (Nepco), on November 1, 1973, tendered for filing proposed changes in its FPC Electric Rate Schedule No. 161 in its Contract for Primary Service for Resale with The Narragansett Electric Company (Narragansett). The proposed changes would increase the fixed credits

allowed Narragansett on its purchased power billing by NEPCO in the amount of \$2,176,900 annually based on the 12 month period ending December 31, 1974. The proposed effective date of the amendment is January 1, 1974.

Nepco states that it reviews annually, conjunctively with its affiliate Narragansett, that part of Narragansett's system which is used by it in providing all requirements service to Narragansett, and upon a substantial change in circumstance, refiles with the Commission the revised generation and transmission credits. The instant revision is primarily due to the advent of 345 KV backbone transmission lines and substations being placed in service, increased depreciation expense and increased municipal taxes.

Nepco states that because the totality of the facilities to be used in 1974 is different from that currently set forth in its Exhibit D, month by month comparisons of sales, services and revenues are not meaningful and have not been included in its filing. Nepco also asserts that the Commission's new requirement for a cost of service analysis based on an actual and on a prospective test year similarly is not applicable to a filing of this type which is in the nature of a lease of facilities in the future.

Copies of the filing were served upon Narragansett and the Rhode Island Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-25733 Filed 12-4-73; 8:45 am]

[Docket No. E-8389]

NEW YORK STATE ELECTRIC & GAS CORP.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

NOVEMBER 28, 1973.

On November 21, 1973, New York State Electric & Gas Corporation filed a motion for an extension of the procedural dates fixed by order issued October 10, 1973 in the above-designated matter. The motion states that neither Staff Counsel nor Central Hudson Gas and Electric Corporation object to the motion.

Upon consideration, notice is hereby given that the procedural dates in the

NOTICES

above matter are further modified as follows:

Service of Company's testimony and exhibits, January 11, 1974.

Service of Staff Counsel's testimony and exhibits, February 14, 1974.

Prehearing Conference, February 28, 1974 (10:00 a.m., EST).

Service of testimony and exhibits for intervenors, if any, March 14, 1974.

Service of Company rebuttal evidence, April 11, 1974.

Hearing, April 18, 1974 (10:00 a.m., EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25742 Filed 12-4-73;8:45 am]

[Docket No. RP73-105]

NORTHERN NATURAL GAS CO.

Notice of Proposed PGA Adjustment

NOVEMBER 27, 1973.

Take notice that Northern Natural Gas Company (Northern) on October 25, 1973, tendered for filing as part of its FPC Gas Tariff, Original Volume No. 2, the following listed tariff sheets:

Original Sheet Nos. 1b and 1c.
First Revised Sheet Nos. 369, 375, 420, 440, 443.

Second Revised Sheet Nos. 129a, 209, 212, 222, 226, 250, 313, 317, 325, 328, 337, 341, 356.

Third Revised Sheet Nos. 115, 122, 188 and 190.

Fourth Revised Sheet Nos. 256 and 260.

These sheets are issued pursuant to Northern's PGA clause applicable to Volume No. 2 sales previously filed by Northern on April 30, 1973 and approved by Commission order issued November 19, 1973. Northern proposes that the Volume No. 2 tariff sheets listed above become effective on December 27, 1973.

Northern states that the annual PGA-1 rate adjustment shown on proposed Original Sheet 1c is attributable to increases in cost of purchases gas and would increase the Volume 2 rates a total of 7.83¢ per Mcf, resulting in a total annual increase in Volume 2 jurisdictional revenues of approximately \$450,000.

Northern further states that copies of this filing have been served upon its Volume 2 jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene with the Federal Power Commission, 835 North Capitol Street, N.E., 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 December 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25730 Filed 12-4-73;8:45 am]

[Docket No. E-8496]

NORTHERN STATES POWER CO.

Notice of Firm Power Agreement

NOVEMBER 28, 1973.

Take notice that Northern States Power Company, on November 19, 1973, tendered for filing, an Agreement, dated November 15, 1973, with the Village of Kenyon.

The Agreement provides for the sale of 200 kw of power and associated energy to the Village of Kenyon for the period December 20, 1973 through December 19, 1974.

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, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before December 11, 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.73-25738 Filed 12-4-73;8:45 am]

[Docket No. E-8449]

OKLAHOMA GAS AND ELECTRIC CO.

Notice of Proposed Changes in Electric Service Agreement

NOVEMBER 27, 1973.

Take notice that Oklahoma Gas and Electric Company (Applicant) on October 31, 1973 tendered for filing the 2nd Revised Exhibit A, to become a part of the Agreement between the Applicant and Red River Valley Rural Electric Association. The proposed changes would provide an additional point of delivery and increase the available capacity at three other points of delivery in order to supply normal load growth requirements of the Cooperative.

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, N.E., 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 December 17, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commis-

sion and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25747 Filed 12-4-73;8:45 am]

[Project No. 2735]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for Major License for Unconstructed Project

NOVEMBER 28, 1973.

Public notice is hereby given that application for major license was filed September 24, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Gas and Electric Company (Correspondence to: Mr. J. F. Roberts, Jr., Vice President, Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for unconstructed Helms Project No. 2735, located near the towns of Fresno, Clovis, Madera, and Herndon, Fresno and Madera Counties, California, on Helms Creek and North Fork Kings River.

The Helms Project would be a pumped-storage hydroelectric development with an installed capacity of 1050 mw. The project would consist of: (1) intake-discharge structures in the existing Wishon and Courtright reservoirs of Applicant's constructed Project No. 1988; (2) a 21,008-foot long conduit (20,858 feet of tunnel and 150 feet of pipe 24 feet in diameter crossing Lost Canyon); (3) an underground powerhouse containing three pump turbine motor-generator units (each rated at 350 mw in the generating mode) and transformer; (4) a 3800-foot long access tunnel to the powerhouse; (5) a switchyard; (6) 60 miles of double circuit 230 kv transmission line extending west from the switchyard to a proposed substation about 12 miles northwest of Fresno; and (7) about 5.8 miles of access roads.

The Applicant states that the operation of the proposed Helms project would be based on a water management program which would maximize the combined economic value of it and the Applicant's existing Kings River Project Nos. 175 and 1988.

Recreational features of the project would include: (1) Courtright Lake of Project No. 1988; improvement of Voyager Rock Campground; a new campground on the western shore of the lake near the existing Courtright Village resort; a boat-launching and parking area near the dam; renovation of Marmot Rock Campground as a picnic area and angler parking areas along the western shore; and (2) Lake Wishon of Project No. 1988; picnic area and angler parking area at Short Hair Creek; an area to be developed at the existing quarry site as a boat-launching facility, picnic area and project overlook (the quarry will be filled with material from the tunnel excavation); renovation of Lily Pad Campground as a picnic site and small primitive group campground immediately downstream from the dam. Applicant

proposes to begin spending the \$512,100 allotted for recreational development within five years of the completion of the hydroelectric facilities, and is prepared to spend an additional \$175,000 if a need for further development is demonstrated.

Applicant plans to begin operation of the project in 1980. The estimated cost of the project in terms of 1973 dollars is \$186,500,000, excluding funds for recreational development.

Applicant states that project power will be used for public utility purposes.

Any person desiring to be heard or to make protest with reference to said application should on or before January 28, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25731 Filed 12-4-73;8:45 am]

[Docket No. RP73-89]

TRANCONTINENTAL GAS PIPE LINE CORP.

Notice of Postponement of Hearing

NOVEMBER 27, 1973.

On November 26, 1973, an Order was issued remanding settlement agreement to the Presiding Administrative Law Judge and fixing a hearing for December 11, 1973. The date of the hearing conflicts with the schedule of the Administrative Law Judge.

Notice is hereby given that the hearing is postponed to December 12, 1973, at 10:00 a.m., (EST), in a Hearing Room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25729 Filed 12-4-73;8:45 am]

[Docket No. RP73-133]

UNITED GAS PIPE LINE CO.

Notice of Filing of Revised Tariff Sheets

NOVEMBER 27, 1973.

Take notice that on November 15, 1973, United Gas Pipe Line Company (United) tendered for filing certain revised tariff sheets pursuant to United's purchased gas adjustment clause. These sheets are Substitute Fourteenth Revised Sheet No. 4 and Substitute Third Revised Sheet No. 4a to its FPC Gas Tariff, First Revised Volume No. 1. United states that these

tariff sheets and supporting information are being filed 45 days before the effective date of January 1, 1974 pursuant to Section 19 of United's tariff, and are, according to United, in compliance with the provisions of Order Nos. 452 and 452-A.

United states that copies of the revised tariff sheets and supporting data are being mailed to United's jurisdictional customers, interested state commissions, and parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 14, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25748 Filed 12-4-73;8:45 am]

[Docket No. E-8468]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Contract Supplement

NOVEMBER 27, 1973.

Take notice that on November 1, 1973, Virginia Electric and Power Company (Applicant) filed with the Federal Power Commission, pursuant to Part 35 of the Regulations under section 205 of the Federal Power Act, a contract supplement, dated September 21, 1973, to the Agreement designated as Applicant's Rate Schedule FPC No. 81-20 between Applicant and Northern Piedmont Electric Cooperative. Said supplement requests Commission authorization for the installation of a 34.5-12.5 kV step-down station at Culpeper -1 Delivery Point, located on the Southside of Route 747 and approximately 400 feet east of Route 29, Culpeper, Virginia. The delivery voltage will remain 12.5 kV.

The application requests that the authorization become effective on the date the facilities are converted to 34.5 kV which is estimated to be in January 1974.

The unit cost of electricity will remain unchanged as a result to the planned change in facilities; therefore Applicant requests waiver of the required billing data.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 17, 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 con-

sidered 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25746 Filed 12-4-73;8:45 am]

[Project No. 2716]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Extension of Time

NOVEMBER 28, 1973.

On November 2, 1973 the Commonwealth of Virginia requested an extension of time within which to file a petition to intervene in the above-designated matter as provided by the notice issued August 29, 1973.

Upon consideration, notice is hereby given that the time is extended to and including December 28, 1973 within which petition to intervene may be filed in the above-designated matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25734 Filed 12-4-73;8:45 am]

[Docket No. E-8157]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

NOVEMBER 28, 1973.

On November 20, 1973, Staff Counsel filed a motion for a further postponement of the procedural dates fixed by notice issued November 7, 1973 in the above-designated matter. The motion states that there were no objections to the motion.

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

Service of Staff's Testimony, December 14, 1973.

Prehearing Conference, January 9, 1974 (10:00 a.m. EST).

Service of Intervenor's Testimony, January 21, 1974.

Service of Company's Rebuttal Testimony, February 6, 1974.

Hearing, March 11, 1974 (10:00 a.m., EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-25741 Filed 12-4-73;8:45 am]

FEDERAL RESERVE SYSTEM

ALLIED BANCSHARES, INC.

Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under sec. 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying

shares) of Deer Park Bank, Deer Park, Texas. The factors that are considered in acting on the application are set forth in sec. 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 Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 22, 1973.

Board of Governors of the Federal Reserve System, November 27, 1973.

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

[FR Doc. 73-25676 Filed 12-4-73; 8:45 am]

AMERICAN BANKCORP, INC.

Acquisition of Bank

American Bankcorp, Inc., Lansing, Michigan, has applied for the Board's approval under sec. 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of American Bank of Charlotte, a proposed new bank, Charlotte, Michigan. The factors that are considered in acting on the application are set forth in sec. 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 26, 1973.

Board of Governors of the Federal Reserve System, November 27, 1973.

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

[FR Doc. 73-25673 Filed 12-4-73; 8:45 am]

CHASE MANHATTAN CORP.

Acquisition of Bank

The Chase Manhattan Corporation, New York, New York, has applied for the Board's approval under sec. 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares less directors' qualifying shares) of Chase Manhattan Bank of the Southern Tier, N.A., Binghamton, New York, a proposed new bank. The factors that are considered in acting on the application are set forth in sec. 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than December 15, 1973.

Board of Governors of the Federal Reserve System, November 27, 1973.

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

[FR Doc. 73-25677 Filed 12-4-73; 8:45 am]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank

First at Orlando Corporation, Orlando, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under Sec. 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire not less than 90 percent of the voting shares of Peoples Bank of Auburndale, Auburndale, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Sec. 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in Sec. 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 34 banks with aggregate deposits of \$1.3 billion, representing 6.4 percent of the total deposits of commercial banks in Florida, and is the third largest banking organization and bank holding company in that State.¹ The acquisition of Bank (\$17.5 million in deposits) would increase Applicant's share of Florida deposits by less than 0.1 percentage point, and Applicant's ranking among banking organizations and bank holding companies in the State would remain unchanged.

Bank is located in the town of Auburndale in the eastern half of the Polk County banking market. In terms of deposits, Bank is the largest of two banks in Auburndale (the other bank is a subsidiary of the State's second largest banking organization) and ranks 11th out of 12 banking organizations competing in the Polk County Banking market; Bank controls 2.8 per cent of deposits in the market. Applicant's present subsidiary bank competing in the relevant banking market is located 23 miles southeast of Bank in Lake Wales, Florida, and holds 4.2 per cent of market deposits. Approval of the proposed acquisition would increase Applicant's share of market deposits to 7.0 per cent. Some competition exists between Bank and Applicant's Lake Wales subsidiary in one portion of the relevant market. However, due to their locations at opposite ends of this market, the amount of actual competition between their banks is minimal. No significant competition exists between Bank, the Lake Wales subsidiary, and any of Applicant's other subsidiary bank-

¹ All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through October 31, 1973.

ing offices, and it does not appear that significant future competition would develop between them in view of the distances, presence of intervening banks, State laws restricting branching, and other facts of record. It is the Board's judgment that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are regarded as satisfactory particularly in light of Applicant's commitment to inject additional capital into some of its subsidiary banks. Banking factors are consistent with approval of the application. Although there is no evidence in the record to indicate that the banking needs of the area are currently not being met by existing financial institutions, Applicant proposes to make trust, investment advisory, and computer services available to Bank's customers. Considerations relating to the convenience and needs of the communities to be served lend slight weight toward approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By the order of the Board of Governors, effective November 27, 1973.

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

[FR Doc. 73-25687 Filed 12-4-73; 8:45 am]

FROSTBANK CORP.

Acquisition of Bank

FrostBank Corporation, San Antonio, Texas, has applied for the Board's approval under sec. 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Parkdale State Bank, Corpus Christi, Texas. The factors that are considered in acting on the application are set forth in sec. 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 Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System,

² Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governor Daane.

Washington, D.C. 20551, to be received not later than December 22, 1973.

Board of Governors of the Federal Reserve System, November 29, 1973.

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

[FR Doc.73-25678 Filed 12-4-73; 8:45 am]

**Acquisition of Bank
MARINE MIDLAND BANKS, INC.**

Order Approving Acquisition of American Dimensions, Inc.

Marine Midland Banks, Inc., Buffalo, New York, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under sec. 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire directly all of the voting shares of American Dimensions, Inc., Irvine, California ("ADI"), and indirectly the voting shares of The Mears Company, Riverside ("Company"), The Mears Insurance Agency, Riverside, and Ideal Escrow Service, Riverside ("Escrow"), all located in California.¹ Company engages in both the origination and servicing of mortgage loans, while Escrow performs the fiduciary service of receiving, holding and disbursing down payments and other funds deposited by purchasers in real estate transactions. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (3) and (4)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (83 FR 26155). The time for filing comments and views has expired, and none has been timely received.

Applicant, the seventh largest banking organization in New York, controls ten banks with aggregate domestic deposits of \$6.6 billion, representing 6.1 per cent of total deposits in commercial banks in the State. (All banking and financial data are as of December 31, 1972, unless otherwise indicated.) Applicant also controls nonbanking subsidiaries engaged principally in equipment leasing, mortgage financing, data processing for its affiliates, credit card activities, and international banking. Applicant's mortgage financing is conducted through its subsidiary banks and a nonbanking subsidiary, Marine Midland Realty Credit. Both originations and the servicing portfolio of Applicant are principally on real estate in New York State, with the remainder concentrated in Florida. As of mid-1972, Applicant held only 0.2 per cent of all mortgages outstanding on income-producing properties in the Nation. It also held about 0.4 per cent of the \$38.5 billion in construction loans outstanding in the country.²

¹ Upon consummation of the proposal, Applicant is committed to divest itself of The Mears Insurance Agency on or before January 1, 1974.

² Market share data on construction loans are as of December 31, 1972.

ADI is a nonoperating holding company which owns no assets other than the shares of Company, a wholly-owned subsidiary. Company is engaged in the business of originating and servicing mortgage loans in Southern California and certain areas of Nevada and Arizona. Its present mortgage originations are confined to one-to-four family residences. In 1972, Company originated a total volume of approximately \$72 million in mortgage loans and, based upon a servicing portfolio of \$80 million,³ has an approximate rank of 250th among all mortgage banking firms in the country. In the first quarter of 1971, Company originated 3 per cent of all FHA/VA mortgages in Las Vegas and 2.5 per cent in Riverside and San Bernardino Counties in California. Its market share was considerably lower in other counties of its service area. Given these market shares and the fact that Company's offices are separated from those of Applicant by 2,000 miles, the Board concludes that consummation of the proposed acquisition would not eliminate any existing competition nor foreclose substantial future competition between Applicant and Company in the origination of mortgage loans in any relevant area.

Escrow, with total assets of approximately \$27,000, is one of 13 licensed escrow companies operating in Riverside and San Bernardino Counties, California.⁴ Its fiduciary activities are those performed or carried on by a trust company under California law. Escrow's services include the acceptance of down payments and loan funds advanced by the buyer and the mortgage lender, and the disbursement of money for taxes, insurance, and other expenses.⁵ While Applicant's subsidiary banks offer escrow services to its loan customers in New York, no subsidiary of Applicant performs an escrow service in California. Accordingly, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition for escrow services in any relevant area.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, unsound banking practices, or other adverse effects on the public interest. It is anticipated that ADI's affiliation with Applicant will provide Company with the financial resources and management personnel that will permit Company to strengthen and expand its existing mortgage banking business and thereby enable it to become a more significant competitor in its local and re-

³ Servicing portfolio as of March 31, 1973.

⁴ In addition to the escrow companies, there are a number of title insurance companies and commercial banks in the market which perform the same service as Escrow.

⁵ This activity has previously been determined by the Board to be closely related to banking. See Board Order of January 2, 1973, pertaining to application by Wells Fargo & Company, San Francisco, California, to acquire Grayco Land Escrow, Ltd., Pasadena, California (38 FR 1236).

gional markets. Moreover, it is anticipated that ADI's affiliation with Applicant will provide Escrow with the financial and managerial resources that will enable it to compete more effectively with other land escrow firms and to improve as well as broaden the services presently offered.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under sec. 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York under delegated authority.

By order of the Board of Governors,⁶ effective November 27, 1973.

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

[FR Doc.73-25679 Filed 12-4-73; 8:45 am]

**MARK TWAIN BANCSHARES
Acquisition of Bank**

Mark Twain Bancshares, Clayton, Missouri, has applied for the Board's approval under sec. 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80.5 percent or more of the voting shares of Mark Twain O'Fallon Bank, O'Fallon, Missouri, a proposed new bank. The factors that are considered in acting on the application are set forth in sec. 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 St. Louis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 26, 1973.

Board of Governors of the Federal Reserve System, November 27, 1973.

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

[FR Doc.73-25680 Filed 12-4-73; 8:45 am]

⁶ Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governor Daane.

MARSHALL & ILSLEY CORP.**Acquisition of Bank**

Marshall & Ilsley Corporation, Milwaukee, Wisconsin, has applied for the Board's approval under Sec. 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of M & I Bank of Menomonee Falls, Menomonee Falls, Wisconsin, a proposed new bank. The factors that are considered in acting on the application are set forth in Sec. 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 December 26, 1973.

Board of Governors of the Federal Reserve System, November 27, 1973.

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

[FR Doc.73-25681 Filed 12-4-73;8:45 am]

PEOPLES BANK AND TRUST CO.**Order Approving Acquisition of Assets and Assumption of Liabilities**

The Peoples Bank and Trust Company, Selma, Alabama, a State member bank of the Federal Reserve System, has applied for the Board's approval, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), of the acquisition of assets and assumption of liabilities of The Peoples Bank at Selma Mall, National Association, Selma, Alabama ("Bank"). As a part of the transaction, the sole office of Bank will become a branch of Applicant.

As required by the Act, notice of the proposed merger in a form approved by the Board has been published; and the Board has requested reports on competitive factors from the Attorney General, Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of the factors set forth in the Act.

Applicant (deposits of \$39.7 million) and Bank (deposits of \$1.3 million) are both located in Dallas County, which is the relevant banking market.¹ Applicant has approximately 34 per cent of deposits in the market while Bank has a market share of a little over 1 per cent. However, even though Applicant and Bank are in the same banking market, there has been little competition between the two from the time Bank was opened in 1972. This has been due to the nature of the relationship between Applicant and Bank; the latter was founded by principal shareholders of the former, and 11 officers and directors of Applicant own about 90 per cent of the shares of Bank. Applicant and Bank share common management; the chairman of the board, president, vice president, and directors

¹ All banking data are as of December 31, 1972.

of Bank hold comparable positions with Applicant. On the facts before the Board, including the strong existing ties between Applicant and Bank, there is little probability that disaffiliation between Applicant and Bank will occur in the reasonably foreseeable future. The Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank appear to be generally satisfactory and are consistent with approval of the application. Considerations relating to the convenience and needs of the community are also consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved. The transaction shall not be executed (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,² effective November 27, 1973.

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

[FR Doc.73-25682 Filed 12-4-73;8:45 am]

SCHRODER INTERNATIONAL LTD. AND SCHRODER INTERNATIONAL HOLDINGS, LTD.**Order Approving Formation of Bank Holding Companies**

Schroder International Limited ("Schroder International") and its wholly-owned subsidiary, Schroder International Holdings Limited ("Schroder Holdings"), both of London, England, have applied for the Board's approval under sec. 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of bank holding companies through the indirect acquisition of 99 per cent or more of the voting shares of Schroder Trust Company, New York, New York ("Bank").

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sec. 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in sec. 3(c) of the Act (12 U.S.C. 1842(c)).

Schroders Limited, London, England, is a foreign bank holding company that owns 99 percent of the voting shares of Bank. In order to separate the management of its United Kingdom subsidiaries

² Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governor Daane.

from that of its subsidiaries operating outside of the United Kingdom, Schroders Limited proposes to interpose two subsidiaries, Schroder International and its wholly-owned subsidiary, Schroder Holdings, between Schroders Limited and Bank. The transactions proposed herein are part of a plan of reorganization which will not result in a change in the ultimate control of Bank nor affect the status of the Schroders Limited bank holding company system.

Bank, with deposits of approximately \$106 million,¹ is the 46th largest of 85 commercial banks in the New York City banking market, controlling less than one percent of total deposits in commercial banks in that market. On the basis of the record herein, the Board concludes that consummation of the proposal would not eliminate any existing or potential competition, increase the concentration of banking resources, nor have an adverse effect on the other banks in any relevant area.

The financial and managerial resources and future prospects of Bank, Schroder Holdings and Schroder Limited are regarded as satisfactory. Considerations relating to convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the proposed acquisition would be consistent with the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,² effective November 29, 1973.

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

[FR Doc.73-25683 Filed 12-4-73;8:45 am]

SOUTHWEST BANCSHARES, INC.**Order Permitting Revision in the Method of Acquisition of Arlington Bank of Commerce, Arlington, Texas**

By Order of March 23, 1973, the Board approved an application by Southwest Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Arlington Bank of Commerce, Arlington, Texas ("Arlington Bank").

Applicant requested on July 20, 1973, approval by the Board of a change in the

¹ Banking data are as of June 30, 1973.

² Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Governor Daane.

manner of acquiring Arlington Bank from the merger means of acquisition as stated in the application and as approved in the Board's Order, to the direct purchase of 80 percent or more of the voting shares of Arlington Bank. Applicant stated that changing market conditions since the approval of its application to acquire Arlington Bank have made renegotiation of its original purchase agreement appropriate and that the proposed direct method of acquiring Arlington Bank would result in consummation of the proposed transaction in a manner most consistent with the terms of the original acquisition agreement.

The Board has reviewed the terms of the proposed amended method of acquisition and has concluded that it will not alter the banking factors considered satisfactory by the Board in its Order of March 23, 1973. The Board concludes, therefore, that the request should be granted. The Board's Order of March 23, 1973, which has previously been amended so as to provide Applicant with additional time within which to consummate the transaction, is hereby amended to permit Applicant to acquire 80 percent or more of the voting shares of Arlington Bank by means of a direct purchase.

By Order of the Board of Governors,¹ effective November 27, 1973.

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

[FR Doc.73-25684 Filed 12-4-73;8:45 am]

SOUTHWEST FLORIDA BANKS, INC.
Acquisition of Bank

Southwest Florida Banks, Inc., Fort Myers, Florida, has applied for the Board's approval under sec. 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of South County Bank, South Venice, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in sec. 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 Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than December 22, 1973.

Board of Governors of the Federal Reserve System, November 29, 1973.

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

[FR Doc.73-25685 Filed 12-4-73;8:45 am]

ZIONS UTAH BANCORPORATION
Order Approving Acquisition of Central Finance Corporation

Zions Utah Bancorporation, Salt Lake City, Utah, a bank holding company

¹Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governor Daane.

within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Central Finance Corporation, Portland, Oregon ("CFC"), a company that engages in the activities of making consumer installment loans, purchasing consumer installment sales finance contracts, financing dealer inventory, and acting as agent in the sale of credit life, accident and health insurance to the consumer borrowers of CFC. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 28117). The time for filing comments and views has expired, and none has been timely received.

Applicant controls two banks in Utah with aggregate deposits of approximately \$408 million, comprising 16.1 per cent of the State's total bank deposits.¹ Applicant also controls as wholly-owned subsidiaries, two consumer loan companies (operating in Idaho and Utah), a thrift loan company (operating in Utah), and six industrial banks (operating in Colorado). CFC is a consumer finance company operating out of one office in downtown Portland, Oregon, with total assets of \$486,000 (as of May 31, 1973). No subsidiary of Applicant derives a significant amount of business from the area served by CFC. Conversely, CFC does not serve areas served by subsidiaries of Applicant. Therefore, it appears that consummation of the proposal would not eliminate any existing competition between Applicant and CFC. Further, no adverse competitive effects would appear to result from removal of Applicant as a potential competitor of CFC. Applicant is not considered a likely *de novo* entrant into the Portland market in view of the statutory and regulatory requirements imposed by the Oregon Consumer Finance Act. In addition, removal of CFC would not adversely affect the Portland consumer finance market, as numerous alternative sources of consumer credit are available. Moreover, due to the limited nature of CFC's insurance activities, it does not appear that Applicant's acquisition of the insurance agency business of CFC would have a significantly adverse effect on competition in this product line. The Board concludes that consummation of the proposed acquisition would have no significant adverse effects on existing or potential competition in any relevant area.

It is anticipated that CFC's affiliation with Applicant, by providing access to the latter's greater financial and managerial resources, will enhance CFC's competitive effectiveness and enable it to expand the range of services it offers. There is no evidence in the record indicating that consummation of the pro-

¹All banking data are as of December 31, 1972.

posed transaction would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall not be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority granted herewith.

By order of the Board of Governors,² effective November 29, 1973.

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

[FR Doc.73-25686 Filed 12-4-73;8:45 am]

**GENERAL SERVICES
ADMINISTRATION**

Office of Federal Management Policy
Office of Procurement Management
GOVERNMENT CONTRACTING OFFICER
Notice for Comment

The purpose of this notice is to make known an Interagency Task Group proposal on Recommendations A-13 and A-14 of the Commission on Government Procurement (COGP) concerning the role of the Government Contracting Officer and to offer an early opportunity for public comment thereon. The Task Group proposal is simultaneously being considered by appropriate agencies for their official views. Interested persons should submit their comments to the Acting Director for Procurement Management; Office of Federal Management Policy; General Services Administration (AMC); Washington, D.C. 20405. To be given consideration, written comments must be submitted no later than 60 days after date of this publication.

Background. The Office of Management and Budget, in memorandums to Heads of Executive Departments and Agencies on December 7, 1972, and on March 19, 1973, established and outlined plans for coordination of executive branch efforts in response to the COGP report. Interagency Task Groups, made

²Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governor Daane.

up of assigned lead and participating agencies, were formed to examine and recommend an executive branch position on each of the 149 COGP recommendations. Direction of executive branch efforts on COGP matters is a function which was transferred to the General Services Administration (GSA) by Executive Order 11717 on May 9, 1973. The following concerns COGP Recommendations A-13 and A-14 and the Task Group's proposal thereon.

COGP Recommendations A-13 and A-14. The COGP recommended, without dissent, that the executive branch (1) A-13: "Clarify the role of the Contracting Officer as the focal point for making or obtaining a final decision on a procurement. Allow the Contracting Officer wide latitude for the exercise of business judgment in representing the Government's interest," and (2) A-14: "Clarify the methods by which authority to make contracts and commit the Government is delegated to assure that such authority is exercised by qualified individuals and is clearly understood by those within the agencies and by the agencies' suppliers of goods and services."

Position Proposed by Task Group. The Task Group unanimously proposes adoption by the executive branch of Recommendations A-13 and A-14 as stated by the COGP.

Proposed Implementation. The Task Group proposal for implementing Recommendations A-13 and A-14 involves sending a memorandum signed by an appropriate official to Heads of Departments and Agencies requesting that they (1) review the adequacy of the role assigned to the Contracting Officer, (2) examine the methods used to delegate authority to enter into and administer contracts, (3) take any needed corrective action, and (4) report the results to an appropriate office within six months (from date of proposed memorandum). A draft of the memorandum proposed by the Task Group is set forth below.

Summary. The Task Group concluded that the COGP report provides compelling arguments for reviewing the role assigned to Contracting Officers and examining methods and practices for delegating contracting authority and concurs with the four principle objectives of the two recommendations which are: (1) the Contracting Officer should be the focal point for making or obtaining a final decision on procurement, (2) the Contracting Officer should be provided wide latitude for the exercise of business judgment in representing the Government's interest, (3) contracting authority should be exercised by qualified individuals, and (4) authority delegated to Contracting Officers should be clearly understood by those within the agencies and by the agencies' suppliers of goods and services. The Task Group further found that the two recommendations are interrelated and should be implemented together.

The primary thrust of the proposed implementation is to focus attention on the objectives of the recommendations

by asking Agency Heads to review the role assigned to Contracting Officers, to examine the methods used to delegate contracting authority and to take any corrective action which appears to be warranted. Results of such examinations and actions taken would be reported to the official initiating the memorandum within six months.

Task Group Draft of a Proposed Implementing Memorandum.

DRAFT

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECTS Role of Contracting Officer and Methods by Which Contracting Authority Is Delegated

This memorandum addresses the role of the Government Contracting Officer and the methods by which authority to make contracts and commit the Government is delegated.

The Commission on Government Procurement found that there was a need to clarify both the role of the Contracting Officer and the methods by which this official receives his authority. Volume 1, Part A, Recommendations 13 and 14 follow:

Recommendation 13. "Clarify the role of the Contracting Officer as the focal point for making or obtaining a final decision on a procurement. Allow the Contracting Officer wide latitude for the exercise of business judgment in representing the Government's interest."

Recommendation 14. "Clarify the methods by which authority to make contracts and commit the Government is delegated to assure that such authority is exercised by qualified individuals and is clearly understood by both those within the agencies and by the agencies' suppliers of goods and services."

The recommendations are interrelated, not clearly separable; and are, therefore, being considered together.

The report of the Commission on Government Procurement:

Highlights the fact that Contracting Officers lack specialized training and experience;

Emphasizes that delegations should be made to specifically designated, qualified individuals;

Stresses the need for Contracting Officers' authority to be clearly understood and effectively enforced.

In brief, the report provides compelling arguments for reviewing the role assigned to Contracting Officers and examining methods and practices and for delegating contracting authority. I am convinced that there is a real need for agencies to direct attention and effort toward achieving the objectives of these recommendations.

Accordingly, all Departments and Agencies are requested to:

A. Review the role of Contracting Officers to determine whether clarification is needed to—

Establish the Contracting Officer as the focal point for making or obtaining a final decision on a procurement;

Allow the Contracting Officer wide latitude for the exercise of business judgment in representing the Government's interest.

B. Examine agency regulations and practices to determine whether—

Agency policies are consistent with applicable Federal Procurement Regulations and the Armed Services Procurement Regulation (or other governing regulations) concerning the role of the Contracting Officer and methods by which contracting authority is delegated;

Agency methods are adequate to assure that contracting authority is exercised by individuals possessing the requisite qualifications for the types of procurements entrusted to them.

C. Determine whether those within the agency and its principal suppliers of goods and services clearly understand the scope and authority of delegations of contracting authority.

D. Take any needed corrective action considered appropriate to effectively achieve compliance with the spirit and intent of the Commission's Recommendations 13 and 14.

It is requested that you report the results of your examination and the action taken or planned to be taken to the undersigned not later than six months from the date of this memorandum. Any need for additional guidance, or suggestions for changes in legislation, directives or regulations resulting from the review, should be submitted with the report.

After careful consideration of the views of Executive Departments and Agencies and all other interested parties responding to this request for comments, an executive branch position and implementation will be formulated. Questions on the foregoing may be addressed to Conroy B. Johnson, Office of Procurement Management (202-343-7795).

Dated at Washington, D.C., on November 28, 1973.

HAROLD S. TRIMMER, JR.,
Associate Administrator for
Federal Management Policy.

[FR Doc.73-25712 Filed 12-4-73;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS

MUSEUM PROGRAM

Guidelines for Fiscal 1975

The following are guidelines for grants made under the Museum Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadlines for the following programs are: Visiting Specialists and General Programs, throughout the year; Museum Purchase Plan, Aid to Special Exhibitions, Services to the Field, Fellowships for Museum Professionals, February 4, 1974; Utilization of Museum Collections, Catalogue, March 1, 1974; Museum Training, Conservation, Renovation (Climate Control, Security, Storage), June 14, 1974; Wider Availability of Museums, Services to the Field, Fellowships for Museum Professionals, July 1, 1974. Interested persons should contact John Spencer, Director, Museum Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 382-5927, for further information and application forms. Only the Museum Program office may distribute application forms.

Signed at Washington, D.C. on 27 November 1973.

FANNIE TAYLOR,
Director,
Program Information.

The Museum Program of the National Endowment for the Arts offers a number of programs designed to:

(1) Assist museums in meeting the increased demands for their services by support of special exhibitions, or installation of the permanent collection (or its parts), of catalogues or cataloguing and in making the museum more accessible to its public.

(2) Assist in the training and preparation of the professional staff needed by museums to operate most efficiently and to serve in the best manner possible the needs of their public through support of training in museums and universities and through support of short leave programs for museum professionals.

(3) Assist museums in preserving the collections entrusted to their care through support of surveys for and installation of climate control, security and fire systems, improvement of storage facilities, through the training of conservators and through programs of aid in conserving individual objects.

(4) Assist museums and artists through purchase awards to museums for the acquisition of works of art by living American artists.

The Endowment will consider proposals for specific projects which do not fit into any one or a combination of the programs listed. See General Programs, page 11.

Applications will not be accepted for operating expenses, construction or the funding of new museums. All such applications will be returned.

APPLICATION DEADLINES FISCAL YEAR 1975

Applications Accepted and reviewed throughout the year	Deadline	Visiting specialists general programs
February 4, 1974	Deadline	Museum Purchase Plan Aid to Special Exhibitions
March 1, 1974	Deadline	Services to the Field Fellowships for Museum Professionals
June 14, 1974	Deadline	Utilization of Museum Collections Catalogue Museum Training Conservation
July 1, 1974	Deadline	Renovation (Climate Control, Security, Storage) Wider Availability of Museums Services to the Field Fellowships for Museum Professionals

ELIGIBILITY

(1) By statute, the Endowment is limited to making grants to organizations only if no part of their net earnings inures to the benefit of a private stockholder or an individual and provided donations to such organizations are allowable as charitable contributions under section 170(c) of the Internal Revenue Code of 1954, as amended. All organizations are required to submit a copy of their Internal Revenue Service tax exemption determination letter with each application.

(2) Organizations receiving National

Endowment for the Arts support must conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964, which bars discrimination in federally assisted projects on the basis of race, color, or national origin.

(3) All laborers and mechanics employed by contractors or subcontractors on construction projects assisted by National Endowment for the Arts grant funds shall be employed and paid in accordance with applicable Federal minimum wage and labor standards (Parts 3 and 5, Title 29, Code of Federal Regulations).

(4) Museums, organizations serving museums, organizations providing museum functions, State art agencies, regional arts groups, and currently employed museum professionals are eligible to apply. In the case of museums, the Endowment generally uses the definition of museums developed by the American Association of Museums:

a non-profit institution essentially educational or esthetic in purpose with professional staff, which owns and utilizes tangible objects, cares for them, and exhibits them to the public in some regular schedule.

Accreditation by the American Association of Museums is not a prerequisite for eligibility.

(5) Although there are no restrictions on the number of applications submitted by each organization, the limited funds available to the Endowment make it unlikely that more than one project can receive support under any one category or sub-category.

(6) In general, to be eligible for consideration, projects should be of national or regional impact and should have aesthetic and cultural significance.

(7) Although the Endowment welcomes the vitality of new programs and under all conditions encourages applicants to develop new sources of funds, applications first and foremost should represent the genuine needs of the applicant organization. Accordingly, applicants may request support to strengthen existing programs. Also, under the Services to the Field, General Programs, Museum Training, Conservation (training and regional conservation centers), and Wider Availability of Museum categories, support may be requested for the same project for more than one year. In no instance, however, should organizations attempt to extend their programs beyond their capacity to accommodate and sustain the level of proposed expansion in the future.

STATE/REGIONAL/NATIONAL COOPERATION

The Endowment actively hopes to encourage cooperation among museums, service organizations, State arts agencies, and regional arts groups. Applications may be submitted by any of these groups for projects under the appropriate categories listed in these guidelines. All applications which involve more than one group must include a list of participating organizations and a letter from each of them confirming its participation.

BICENTENNIAL PROJECTS

The Endowment recognizes that the arts will play an important role in the next few years in the celebration of our country's bicentennial. The Endowment welcomes this involvement on the part of artists and cultural organizations. The Endowment has an active interest in participating in these efforts, within funds available to it, and insofar as they are directed to professional creation and presentation of new works, improvement of artistic standards, preservation of our cultural heritage, and increasing the availability of the arts for all Americans. If funds under these guidelines are sought for projects deemed by the applicant to be related to the bicentennial, a brief description of this relationship should be made in the application.

Applicants for bicentennial projects should observe the deadlines listed for the appropriate categories, e.g. Aid to Special Exhibitions, Renovation (Climate Control, Security, Storage), Conservation, Wider Availability of Museums, Catalogue, et cetera.

METHODS OF FUNDING

Program Funds Method. Generally, grants will be made on at least a dollar-for-dollar matching basis. Applicants requesting assistance from Program Funds must present evidence in the proper space (Section X) on the application (Project Grant Application/NEA-3 Rev.) that at least one-half of the total cost of the project will be provided by the applicant. Anticipated sources of matching must be identified. Budgeted funds, as well as newly raised funds, may be used for matching in all programs except Museum Purchase Plan. Applicants are urged to verify the terms for matching in the program descriptions which follow.

Example:

Applicant requests from NEA	\$10,000
Applicant lists match of	10,000
<hr/>		
Total project budget reflects at least	\$20,000

Treasury Fund Method. When the National Endowment for the Arts was created, Congress included a unique provision in its enabling legislation. This provision allows the Endowment to work in partnership with private and other non-Federal sources of funding for the arts. Designed to encourage and stimulate increased private funding for the arts, the Treasury Fund allows non-Federal contributors to join the Endowment in the grant-making process, generally for projects supported by the Endowment under the established program guidelines.

The Endowment encourages use of the Treasury Fund method as an especially effective way of combining Federal and private support, and as an encouragement to all potential donors, particularly those representing new or substantially increased sources of funds.

The Endowment may accept gifts in the form of money and other property. Bequests may be made to the Endow-

ment as well. Donations to the Endowment are generally deductible for federal income, estate, and gift tax purposes.

Donations may be made to the Endowment, under its regular program guidelines, for the support of a non-profit, tax-exempt, cultural organization which has been notified that the Endowment intends to award it a grant—such as a museum, a symphony orchestra, a dance, opera, or theatre company—or for an Endowment program, such as fellowships, touring, conferences, or workshops. When a donation is received it frees an equal amount from the Treasury Fund, and the doubled amount is then made available to pay 50 percent of the project costs.

The Endowment also accepts unrestricted gifts to be used for projects recommended to the Chairman by the National Council on the Arts.

How a Treasury Fund Grant Is Arranged

Those interested in giving for a specific purpose should note the step by step process described below. We will use a museum as an example.

(1) If the project is eligible for consideration under the museum program guidelines, the museum submits to the Endowment a formal application, which may include a list of potential donors.

(2) The application is reviewed first by the appropriate Advisory Panel (in this case the Museum Advisory Panel) and then by the National Council on the Arts and is recommended for approval or rejection. Based on these recommendations, the Chairman makes the final determination and notification is sent to the museum.

(3) If the grant award is approved, the museum officials then request that the donors forward their contributions to the National Endowment for the Arts accompanied by a letter specifying the restricted purpose of the gift (i.e., the name of the museum and specific project supported).

Grantee as Collecting Agent

In order to simplify handling procedures for restricted donations which are to be matched by the Treasury Fund, a grant recipient may collect individual donations of cash or checks (including proceeds from benefits) made for the purpose of the grant, and forward them to the Endowment in the form of a single check. If this method is used, the following conditions apply:

(1) The check representing the aggregate donations must be made payable to the National Endowment for the Arts and be accompanied by a list of donors' names and addresses.

(2) A statement must also be forwarded with the aggregate check indicating that the check amount represents individual donations made to the grant recipient specifically for purposes of the Treasury Fund grant, and that the grant recipient will retain in its files evidence that the donation was made for such purposes. Generally a standard gift transmittal letter (of the type now in use) from each individual donor will

suffice. In cases where benefit proceeds are to be so utilized, other material, such as benefit announcement circulars, posters, et cetera (which indicate donors had prior knowledge that their contributions would be used for the Treasury Fund), may be retained as evidence of donors' intent.

This procedure does not apply to pledges, each of which must be made to the National Endowment for the Arts and sent directly to National Endowment for the Arts. However, consistent with the above stated policy, payments on pledges may be made to and collected by the grantee organization, which then may forward such sums to the Endowment in aggregate form with a covering letter indicating that the sum is for application to, and reduction of, specifically named and unpaid pledges.

For further information, contact the Museum Program, National Endowment for the Arts, Washington, D.C. 20506.

THE PROCESS IN TERMS OF MONEY

Donor's contribution(s) to the Endowment for.....	\$25,000
Endowment matches from the Treasury Fund.....	25,000
	<hr/>
	\$50,000
	<hr/>
Therefore, amount of the Endowment grant is.....	\$50,000
Grantee's additional project cost....	50,000
	<hr/>
Total budget of project is at least....	\$100,000

APPLICATION REVIEW PROCEDURE

All applications will be evaluated with the following criteria in mind:

(1) The significance and the qualitative level of the project.

(2) The ability of the museum staff to undertake such a project successfully.

(3) The degree and nature of potential local, regional, and national impact of the project.

(4) The evident need for the project in relation to the museum's total program.

(5) A realistic appraisal of anticipated costs and income related to the project.

The Endowment's Museum Program staff reviews applications and refers them to the Museum Advisory Panel and then to the National Council on the Arts. Upon recommendation of these bodies and action by the Chairman of the National Endowment for the Arts the applicant will be notified in writing by the Endowment. Details of the grant award procedure will be explained in the letter of notification.

RESOLUTION ON ACCESSIBILITY TO THE ARTS FOR THE HANDICAPPED

One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant

contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (P.L. 90-480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and governments at the state and local levels to take the intent of this legislation into account when building or renovating cultural facilities.

The Council further requests that the National Endowment for the Arts and all of the program areas within the Endowment be mindful of the intent and purposes of this legislation as they formulate their own guidelines and as they review proposals from the field. The Council urges the Endowment to give consideration to all the ways in which the agency can further promote and implement the goal of making cultural facilities and activities accessible to Americans who are physically handicapped.

(Adopted by the National Council on the Arts, September 15, 1973.)

OTHER ARTS ENDOWMENT PROGRAMS

Applicants may be interested in other Arts Endowment Programs such as Architecture + Environmental Arts, Dance, Expansion Arts, Music, Public Media, Theatre, and Visual Arts. Guidelines may be obtained by writing the appropriate Program Office(s), National Endowment for the Arts, Washington, D.C. 20506.

OTHER FEDERAL PROGRAMS FOR MUSEUMS

The following are other Federal Programs for Museums:

- National Endowment for the Humanities
Division of Public Programs
Museum Program
Washington, D.C. 20506
- National Museum Programs
Smithsonian Institution
Washington, D.C. 20560
- National Science Foundation
Washington, D.C. 20550

SPECIAL INSTRUCTIONS FOR COMPLETING APPLICATIONS

(1) All requests must be submitted in triplicate according to instruction of the Endowment's official application form (Project Grant Application/NEA-3 Rev. or Individual Grant Application/NEA-2 Rev.). Please follow closely the instruction sheet attached to your application and supply all information requested. Use the check list at the end of the application form to be certain that you have supplied all the information necessary for prompt processing and consideration of your applications. Failure to do so will result in unavoidable delays that may adversely affect consideration of your proposal.

(2) Each request must be on a separate form. Multiple requests on one form will be returned.

(3) Applications must be submitted by the institution or association named in the IRS letter of determination of tax-exemption.

(4) *Period of Support Requested/Grant Period (Section III)*: Period of support requested is the span of time necessary to plan, execute, and close out the proposed project. Applicants are urged to verify the terms for the grant period in categories for funding described later in this booklet, e.g. Museum Purchase Plan. Generally, the Endowment limits its financial participation in any project to no more than 12 months. However, exhibition, catalogue, museum training, conservation and/or renovation projects that exceed 12 months will be considered.

(5) *Project Description (Section IV)*: The project description should be brief but specific. Spell out concrete details. All essential elements of the proposal must be included in a concise project summary in the space provided on the application. If applicants wish to supply additional information, they should submit no more than five pages (8½" x 11") with the application. Please also complete the Supplementary Information Sheets (if appropriate) which request special information to assist the Endowment in its assessment of the project.

(6) *Budget (Section VI and IX)*: Budget estimates should cover the total project costs. Provide a breakdown on salaries, travel, and all other categories in the budget, including entries under *Other Travel* items on the budget should be substantiated with a statement of the official policy of the institution and the specific nature of the travel. *Indirect Costs (Section VIB and IXB)* are those costs (general and administrative) which must be apportioned to each project of the applicant organization. The Endowment does not advocate a single method of apportionment. The Endowment's sole criterion is that the proposed project carry no more or less than its fair share of those indirect costs not set out as direct costs in some other section of the application. If you use indirect costs in projecting your budget, do not assume that automatic recognition will be given to the figure indicated. The amount of indirect costs must be backed up with an explanation of the method used to compute it and, where possible, reference amounts that can be supported by the prior year's financial statements which should accompany the application.

(7) *Total Amount Requested From NEA (Section VII)*: Maximum amounts listed in the program description are approximate. Applications should show actual expenses and an appropriate request (no more than 50 percent of total costs). Please round amount to nearest \$25.00 (i.e. \$25, 50, 75, 100). Please be sure to complete this section. Applications will be returned if this section is not completed.

(8) *Contributions, Grants, and Revenues (Section X)*: All applicants must complete this section of the application.

The matching funds plus the amount requested from the National Endowment for the Arts must equal the total project costs. The Endowment does not require that the applicant have in hand at the time of application those matching funds listed under Contributions, Grants, and Revenues. However, the applicant is asked to list the possible sources and amounts of such anticipated funds.

(9) *Certification (Section XII)*: The application must be signed by an official of the applicant organization with authority to legally obligate applicant. In addition, please be sure to type name, title, and telephone number of the authorizing official(s), project director, and payee.

(10) Applications must be postmarked no later than the deadline date for the program under which you are applying. Applications (three copies) and appropriate Supplementary Information Sheets for Museum Purchase Plan or Aid to Special Exhibitions (three copies) should be returned to the Grants Office, National Endowment for the Arts, Washington, D.C. 20506.

Additional information and application forms may be obtained from the Museum Program, National Endowment for the Arts, Washington, D.C. 20506. Telephone: (202) 382-5927.

CATEGORIES OF FUNDING

Visiting Specialists. This program provides matching grants for temporary consultation services. As the title of the program implies, the Visiting Specialist should be:

- (1) A person of considerable expertise.
- (2) A person not in the employ of the applicant institution.
- (3) A person who is not to be considered as temporary staff but rather a person who can make a significant contribution to the applicant institution.

Some possible projects are:

- (1) Research on the permanent collection.
- (2) Preparatory research for projected exhibitions.
- (3) Development of improved methods of museum operations, such as administration, registration, exhibition techniques, handling and storage.
- (4) Establishment of suitable museum library systems.
- (5) Surveys to determine the changes necessary to make the building more accessible to the physically handicapped.
- (6) Planning for membership drives and other fund-raising activities.
- (7) Guidance for better programs of education and public service.

Applications for other types of museum consultation services will also be considered. Note: Applications for cataloguing all or a part of the permanent collection or for preparing catalogue copy for eventual publication will be considered under the Catalogue Program, see page 15. Applications for surveys of conservation needs of museum collections will be considered under the Conservation Program, see page 17. Applications for engineering surveys will be considered under the Renovation (Climate Control, Security, Storage) Program, see page 18.

Deadline. Applications are accepted and reviewed throughout the year. Eight months should be allowed for application review and notification.

Grant Period and Notification. Notices of approval or rejection will be sent no earlier than eight months after receipt of application. Programs should not be scheduled to begin before notification.

General Range of Grants. Up to \$10,000.

How to Apply. Please provide the following information in the project description (Section IV):

- (1) Describe the area and the urgency of the need for a visiting specialist.
- (2) How is the area of need related to the other activities of the museum?
- (3) If the proposed specialist has been identified, please indicate his/her qualifications or attach a resume (three copies). If you are considering a number of people for this project, please submit their names and a brief description of their qualifications. In all cases document the availability of the specialist.

General Programs. The Endowment will consider proposals for specific projects which do not fit into any one or a combination of the programs listed. These grants will be awarded generally on a matching basis. Applications will not be accepted for operating expenses, construction, or the funding of new museums.

Deadline. Applications are accepted and reviewed throughout the year. Eight months should be allowed for application review and notification.

Notification. Notices of approval or rejection will be sent no earlier than eight months after receipt of application. Programs should be not scheduled to begin before notification.

General Range of Grants. Up to \$20,000.

How to Apply. Please provide the following information in the project description (Section IV):

- (1) The qualifications of person(s) involved in the project.
- (2) The unique characteristics of the project.
- (3) If this is an experimental or research project, the plans for disseminating information about the results of the project.

Museum Purchase Plan. This program provides matching grants of \$5,000 or \$10,000 to museums for the purchase of works by living American artists. The objectives of the program are to encourage museums to add to their collections of contemporary American art, to create and expand public response to works by living artists through display of their works, and to provide direct financial assistance for artists.

Among the types of art works that might be purchased are paintings, sculptures, photographs, graphic and craft arts, industrial designs, costume and fashion designs, and film prints by independent filmmakers.

The terms of the grant are as follows:

- (1) The grant and matching funds must be used for the direct costs of purchasing two or more works by living American artists. Insurance crating,

shipping, installation, salaries, and travel costs are not to be included.

(2) Museums may apply for a \$5,000 or a \$10,000 grant. The funds must be matched on a dollar-for-dollar basis from new money raised during the grant period specifically for this purpose. Matching funds must not come from already budgeted funds and must be from non-federal sources.

(3) The grant period will be from September 1, 1974 through August 31, 1975.

Deadline. Applications and Supplementary Information Sheets must be postmarked no later than February 4, 1974.

Eligibility. Previous Museum Purchase Plan recipients are eligible provided a final report on the first grant has been submitted to the Museum Program, National Endowment for the Arts.

How to Apply. (1) Please describe in the project description (Section IV) the types of work or specific works that might be acquired with the purchase funds.

(2) Be sure to complete and return with your application the Museum Purchase Plan Supplementary Information Sheets. See page 25.

Aid To Special Exhibitions. The National Endowment for the Arts will provide grants for special museum exhibitions. Grants will be awarded on a matching basis for temporary exhibitions of aesthetic and cultural significance. Expenses for planning and organizing the exhibition, and for the services of an outside specialist may be included in the total budget. Exhibitions related to the bicentennial celebrations are encouraged and should be noted on the application.

Deadline. Applications and Supplementary Information Sheets must be postmarked no later than February 4, 1974.

Grant Period and Notification. Exhibitions for which applications are made should be scheduled to open no earlier than September 1974 and no later than June 1977. The grant period may exceed 12 months. Notices of approval or rejection will not be sent before August 1974.

General Range of Grants. Up to \$50,000. Grant amounts exceeding \$20,000 will generally be made through the Treasury Fund Method (see page 4).

How to Apply. (1) Please provide the title and dates of the exhibition and the purpose and significance of the exhibition (i.e. what makes it important that this particular exhibition be done) in the project description (Section IV).

(2) If a grant is awarded for an exhibition that includes catalogues, the grantee will be required to deposit without charge 150 copies of the catalogue with the USIA for distribution to their libraries abroad. Applicants are urged to make appropriate adjustment for the 150 copies in the budget.

(3) Please be sure to complete and return with your application the Aid To Special Exhibitions Supplementary Information Sheets. See page 29

Services To The Field. This program has been developed to assist groups which provide services to the field including research, publications, workshops, et cetera. These grants will be awarded generally on a matching basis.

Deadline. Applications must be postmarked no later than the deadlines of February 4, 1974 or July 1, 1974.

Grant Period and Notification. For the February 4, 1974 deadline: Programs should not be scheduled to begin earlier than September 1974. Notices of approval or rejection will not be sent before August 1974.

For the July 1, 1974: Programs should not be scheduled to begin earlier than March 1975. Notices of approval or rejection will not be sent before February 1975.

General Range of Grants. Up to \$30,000.

How to Apply. Please provide the following information in the project description (Section IV):

(1) The qualifications of person(s) involved in the project.

(2) How will the project benefit the field?

Fellowships For Museum Professionals. Fellowships for Museum Professionals are to be awarded to professional members of museum staffs so that they may take leaves of absence for periods ranging from one to six months in order to study, do research, travel, write, engage in community projects or in other ways improve their professional qualifications. Proposals must be for specific projects and must clearly demonstrate in what way the leave of absence will improve the applicant's professional qualifications. Priority will be given to assist staff members from minorities. Proposals of direct benefit to the employing institution should be made by the institution under the appropriate category and not by the individual.

Deadline. Applications must be postmarked no later than the deadlines, February 4, 1974 or July 1, 1974.

Grant Period and Notification. For the February 4, 1974 deadline: Programs should not be scheduled to begin earlier than September 1974. Notices of approval or rejection will not be sent before August 1974.

For the July 1, 1974 deadline: Programs should not be scheduled to begin earlier than March 1975. Notices of approval or rejection will not be sent before February 1975.

Eligibility. Professional museum staff members of exceptional talent in areas such as administration, curatorial work, conservation, or education.

General Range of Grants. Grants will be made to individuals on a non-matching basis with amounts varying according to the salaries of the applicants, travel requirements and the materials necessary for completion.

How to Apply. (1) Applicants should use the Individual Grant Application/NEA-2 (Rev.).

(2) Each application should contain a description of the proposed project, an itemized budget including a salary item,

travel (please provide a detailed breakdown of costs), and materials, if necessary.

(3) Applicants should indicate a specified period of time for the leave of absence.

(4) Complete the Career Summary Section of the application.

(5) Enclose a statement from the director of the museum to the effect that the museum is willing to grant the applicant a leave of absence for the specified time.

Taxability of Fellowships. The tax information on page 21 has been reprinted for your information. The Endowment cannot advise you as to the deductibility of all or any portion of a fellowship. Advice should be sought from your own tax counselor or local Internal Revenue Service Office.

Utilization of Museum Collections. This program provides matching grants to assist museums in using their collections in imaginative ways for the benefit of the whole community they serve. The program provides funds for the innovative installation of permanent collections in museum galleries or for the establishment of study-storage centers. Permanent collections may be construed to mean collections formerly in storage that are now to be put on view, recently received or acquired collections, objects presently on view that are now to be brought together or to be more effectively presented. Installation may be construed to include the materials and appurtenances requisite to effective presentation of the collection. Installation may not include major structural modifications of the building. Projects related to the bicentennial celebrations are encouraged and should be noted on the application.

Deadline. Applications must be postmarked no later than March 1, 1974.

Grant Period and Notification. The project should not be scheduled to begin earlier than December 1974. Notices of approval or rejection will not be sent before November 1974.

General Range of Grant. Up to \$40,000. Grant amounts exceeding \$20,000 will generally be made through the Treasury Fund Method. See page 4.

How to Apply. Please provide the following information in the project description (Section IV):

(1) Please be sure to identify the collection to be installed (has it ever been exhibited?) and the individual(s) who will be responsible. What are the qualifications of the person(s) involved?

(2) How is the project related to your museum's purpose and direction and its existing programs and resources?

(3) Please indicate any particular circumstances which give this project high priority in the museum's activities.

(4) Has the museum previously undertaken similar projects? If so, please describe them briefly.

Catalogue

This program is designed to assist in the cataloguing of underworked collections and in the publication of catalogues or handbooks on permanent collections

of aesthetic and cultural significance by matching grants. Projects related to the bicentennial celebrations are encouraged and should be noted on the application. Grants are available in the following areas:

Cataloguing. (1) Cataloguing of uncatalogued or inadequately catalogued permanent collections.

(2) Duplication of traditional catalogue information and/or conversion to machine readable form.

Publication. (1) Research and preparation of catalogue copy for publication. Services of an outside consultant may be included in the budget, if applicable.

(2) Publication of scholarly catalogues or handbooks of the whole or part of the permanent collection.

Where appropriate, applicants may wish to combine research and publication in the same application.

Deadline. Applications must be postmarked no later than March 1, 1974.

Grant Period and Notification. The project should not be scheduled to begin earlier than December 1974. The grant period may exceed 12 months. Notices of approval or rejection will not be sent before November 1974.

General Range of Grants. Up to \$20,000.

How to Apply. Please provide the following information in the project description (Section IV):

(1) The evident need for the project in relation to the museum's total need.

(2) A checklist or representative sample of the collection to be catalogued.

(3) The qualifications of the cataloguer.

(4) If a grant is awarded for a catalogue publication project, the grantee will be required to deposit without charge 150 copies of the catalogue with the USIA for distribution to their libraries abroad. Applicants are urged to make appropriate adjustments for the 150 copies in the budget.

Museum Training. This program provides grants in order to promote the preparation of well-trained museum professionals. Grants in support of museum training are awarded to museums and universities on at least a dollar-for-dollar matching basis. Priority will be given to proposals which specifically include training for people from minority groups. Generally, the following types of projects will be considered for assistance:

(1) University graduate level programs in museum training conducted in conjunction with museums.

(2) Training programs in museum administration or museum education conducted by universities, museums, or both.

(3) Certain undergraduate programs directed toward minorities or unique disciplines. Submission of a draft proposal in letter form with preliminary budget estimates by March 1, 1974 is strongly recommended for programs of this type.

Deadline. Applications must be postmarked no later than June 14, 1974.

Grant Period and Notification. Programs should not be scheduled to begin earlier than March 1975. The grant period may exceed 12 months. Notices of

approval or rejection will not be sent before February 1975.

General Range of Grants. Up to \$60,000.

How to Apply. Please provide the following information in the project description (Section IV):

(1) The number of students.

(2) Teacher/student ratio.

(3) Qualifications of the teacher(s) involved.

(4) Description of intern program or of any other "on the job" training.

(5) Placement of most recent graduating class.

(6) Syllabus of the courses.

Conservation

This program provides matching grants for conservation activities. Assistance is available within the following areas:

Training in Conservation. (1) Support for existing training centers (grants up to \$50,000).

(2) Assistance for new training centers (grants up to \$50,000).

(3) Support for short-term training workshops for museum staff (grants up to \$10,000).

Regional Conservation Centers. (1) Assistance for existing regional centers to increase capacity (equipment, staff, space) (grants up to \$30,000).

(2) Assistance for new regional centers (grants up to \$80,000).

Assistance to Museums for Conservation Work on Collections. (1) Technical consultation for planning programs for museum conservation work (grants up to \$10,000).

(2) Implementation of conservation treatment (grants up to \$10,000).

Deadline. Applications must be postmarked no later than June 14, 1974.

Grant Period and Notification. Projects should not be scheduled to begin earlier than March 1975. The grant period may exceed 12 months. Notices of approval or rejection will not be sent before February 1975.

General Range of Grants. Grant amounts exceeding \$20,000 will generally be made through the Treasury Fund Method. (See above.)

HOW TO APPLY

For Conservation Training Applications. Please provide the following information in the project description (Section IV):

(1) The anticipated number of students.

(2) Describe the placement of the most recent graduating class.

(3) Describe the qualifications of the teaching staff.

(4) Describe the Conservation Facilities.

For Regional Conservation Centers Applications. Please provide the following information in the project description (Section IV):

(1) Describe the nature of your regional center—cooperative association, confederation, et cetera.

(2) List the organizations you propose to serve. Have you received their agreement? If so, please attach copies.

(3) List your staff and briefly describe their qualifications.

(4) Describe your facilities and equipment.

(5) How soon do you expect to be self-supporting?

For Conservation of Collections Applications. Please provide the following information in the project description (Section IV):

(1) Describe your conservation needs.

(2) Where will the work be done and who is your conservator (consultant for planning)? Please describe his/her qualifications.

(3) Identify the work(s) to be treated and describe the nature of the treatment. If possible, please submit a condition report.

(4) What sum do you budget annually for conservation of the permanent collection?

RENOVATION (CLIMATE CONTROL, SECURITY, STORAGE)

This program is designed to assist museums in preserving collections of aesthetic and cultural significance. The program seeks to encourage renovation of facilities for climate control, security and storage in existing structures. Funds will not be available for new construction or for renovation of exhibition spaces except for climate control and/or security systems in these areas. The National Council on the Arts warmly endorses the President's statement of May 1972 urging the public and private sectors to preserve our treasures for generations to come and has recommended that this program be designated as a bicentennial program. Assistance is available within the following areas:

Survey. Priority will be given to requests for consultation services to assess renovation needs in the areas of climate control, security and storage and to suggest concrete measures to alleviate those needs. All grants for consultant's services will be awarded on at least a dollar-for-dollar matching basis.

Installation. Where surveys have already been completed, including a projected plan of renovation and cost estimates, the Endowment will consider funding renovation projects. Please submit a copy of the survey.

NOTE: All such grants will be awarded on the basis of at least three dollars from non-federal sources for every dollar of Endowment funds, i.e. the National Endowment for the Arts will be providing no more than 25 percent of the total project costs, and in most cases, much less. Grants will be made through the Treasury Fund Method. Applicants are encouraged to state their ability to use this, whenever possible, in the application. (Please see above.)

Deadline. Applications for this program must be postmarked no later than June 14, 1974.

Grant Period and Notification. Projects should not be scheduled to begin earlier than March 1975. The grant period (installation projects only) may exceed 12 months. Notices of approval or rejection will not be sent earlier than February 1975.

Wider Availability of Museums. This program is directed toward encouraging full community participation in the activities of museums. The program is broadly conceived, and includes the means of taking the museum to its audience or of bringing the audience to the museum or programs to heighten awareness in the audience. Each proposal whether from a single museum or a co-operating group of museums must clearly indicate in what way or by what means the museum is to be made more widely available to its public. Proposals containing provisions for long-range continuity and effective evaluation will be given special consideration. These grants will be awarded generally on a matching basis. The program does not support the creation of a new museum, operating expenses, acquisition or construction.

Deadline. Applications for this program must be postmarked no later than July 1, 1974.

Grant Period and Notification. Projects should not be scheduled to begin earlier than March 1975. Notices of approval or rejection will not be sent before February 1975.

General Range of Grants. Up to \$60,000. Grant amounts exceeding \$20,000 will generally be made through the Treasury Fund Method (see page 4).

How to Apply. Please provide the following information in the project description (Section IV):

(1) Describe how this project relates to the museum's purpose, direction and past performance.

(2) Please indicate staff who will implement program and their qualifications.

(3) If the applicant has previously received a NEA grant for this project, be sure to include a copy of the Interim or Final Report with the new application.

(4) How will the program be funded in future years?

Additional information and application forms may be obtained from the Museum Program, National Endowment for the Arts, Washington, D.C. 20506. Telephone: (202) 382-5927.

TAX INFORMATION ON FELLOWSHIP GRANTS

Fellowships. A fellowship grant generally means an amount paid or allowed to, or for the benefit of, an individual to aid him in the pursuit of study or research. The term also includes any amount received in the nature of a family allowance as a part of a fellowship grant.

A "research fellowship" grant awarded by the American Heart Association, Inc., to aid individuals in pursuing further training subject to the approval of the Association, qualifies as a fellowship grant.

However, "established investigatorship" awards given to individuals who have the ability to conduct independent research in the cardiovascular field are not fellowship grants since the primary purpose of the research activities is to benefit the grantor's program rather than to train the recipients.

Payments to National Teacher Corps teacher interns during training and in-service periods do not qualify as fellowships.

An award made by the National Foundation on the Arts and Humanities, an independent agency in the Executive Branch of the U.S. Government, to aid an individual in completion of his novel in progress, qualifies as a fellowship grant since it enables him to pursue a program of research, interpretation or original thought. Similarly, grants-in-aid by a tax-exempt foundation to creative writers to enable them to pursue their artistic talents without concern for making a living qualify as fellowship grants.

Compensation for Services. Payments that represent compensation for past, present, or future services performed by you are not excludable. Amounts received by students for services performed on a research project, which a university contracted to perform for a consideration, are compensation regardless of how such consideration is designated. Such amounts are not converted to scholarships or fellowship grants merely because the research can be used for credits toward degrees or may be required to obtain a degree. Normally, if the services are required of all candidates for a particular degree (whether or not recipients of scholarships or fellowship grants) as a condition of receiving the degree, the compensation for the services may be excluded.

Does Your Grant Qualify? If there is some doubt as to the qualification of your grant, you first should consult the grantor. He may have received advice from the Internal Revenue Service about its appropriate tax treatment. You may also write to the District Director of the Internal Revenue Service for the district in which you reside or to the Commissioner of Internal Revenue, Washington, D.C. 20224, Attention: T:I:I., for further information. Be sure to request the information as soon as possible, so that you can receive a timely answer for filing your return. If you request advice by mail be sure to include:

(1) A copy of the application for the grant.

(2) A copy of the grant itself.

(3) A statement as to whether you are a candidate for a degree. If not, include a list of grants received since January 1, 1954, while you were not a candidate for a degree, showing amounts excluded as scholarships and fellowship grants and the number of months for which such amounts were excluded.

(4) A statement as to whether any amounts are received specifically to cover expenses for travel, research, clerical help, or equipment incident to the scholarship or fellowship grant.

(5) A statement showing precisely what your duties and obligations are under the grant; for example, whether you have freedom of choice in your studies or research or they are performed subject to supervision and control; also whether they are accomplished during the course of a specific project of the grantor.

(6) A copy of any published literature or pamphlets describing the grant.

If your grant qualifies as a scholarship or fellowship grant, then the extent of the amount excludable from income will be determined by whether or not you are a candidate for a degree.

Candidate for Degree. A candidate for a degree is an individual, whether an undergraduate or a graduate, who is pursuing studies or conducting research to meet the requirements for an academic or professional degree conferred by a college or university. It is not essential that the study or research be pursued or conducted at an educational institution that confers these degrees if its purpose is to meet the requirements for a degree of a college or university that does confer them. A student who receives a scholarship for study at a secondary school or other educational institution is considered to be a candidate for a degree.

The scholarship or fellowship grant of a candidate for a degree is fully excluded from income for the following:

(1) The basic scholarship or fellowship grant, which consists of the full amount of the grant and the value of any contributed services and accommodations (for example, room and board); plus

(2) Any amount received incident to the grant that is specifically designated to cover expenses for travel (including meals and lodging while traveling and an allowance for travel of the individual's family), research, clerical help, and equipment. To be excluded from income these amounts must actually be spent for the purpose of the grant.

Amounts received under the grant that represent payments for teaching, research, or other part-time employment required as a condition for receiving the grant are taxable, unless required as a condition of receiving a degree. If the grant also includes amounts for travel, research clerical help, and equipment, the portion of these amounts attributable to the compensation is also included in income.

Example 1. Mr. Albert is a candidate for a degree who received a scholarship grant of \$600 per month. As a condition of his grant he is required to work part-time as a laboratory instructor. This work is valued at \$200 per month. Each month, \$400 of Mr. Albert's grant is excluded from income and \$200 is taxable.

Example 2. Mr. Albert, in Example 1 above, also received \$40 a month under the grant for clerical help and \$20 a month for equipment, which he spent for those purposes. Of this total, Mr. Albert must include \$20 each month in gross income. This is based on the ratio of the taxable amount of the grant to the total basic grant. Assuming he commenced work under the grant in September 1971, the taxable portion of the amounts received in the year for clerical help and equipment is computed as follows:

$$[\text{Annual taxable income (4 months} \times \$200) + \text{Annual basic fellowship (4 months} \times \$600)] \times (\$40 + \$20) \times 4 \text{ mos.} \\ = [\$800 + \$2,400] \times \$240 = \$80.$$

Example 3. If, in the above examples, Mr. Albert worked as a laboratory instructor because all candidates for his particular degree were required to perform that duty, then his entire grant of \$800 would be excluded, so long as it was a scholarship or fellowship grant and did not represent payment for services rendered. Also, the entire amount of additional allowances for clerical help and equipment would be excluded, to the extent expended for these purposes.

Studies leading to certification to practice a profession do not qualify you as a candidate for a degree.

Example 1. Miss Harris, a registered nurse, received a grant from a charitable foundation to attend a local university to take training leading to certification as a psychiatric nurse. Her studies for certification are not equivalent to being a candidate for a degree.

Example 2. Mr. Smith, who possesses a Ph.D. degree in psychology, accepted a grant from an educational institution to pursue a 4-year study program leading to certification enabling him to practice psychoanalysis.

The study program does not qualify Mr. Smith as a candidate for a degree.

Graduate student teaching assistantships. Generally, such teaching assistantships are includable in income. To be excludable from income, the graduate student teaching assistantship must meet the general requirements of a scholarship or fellowship grant. (See "Scholarship and Fellowship Grant," above.)

It is immaterial that the teaching requirement is imposed on all candidates for the graduate degree since the exclusion from income is inapplicable unless it is first established that a scholarship or fellowship grant exists.

If you received 2 or more grants during the year, all the amounts should be totaled to determine what portion may be excluded from income. If these amounts are received during the same month or months within the year, each month is counted only once in determining the number of months in which you received amounts under the grants.

Not a Candidate for Degree. Individuals who are not candidates for degrees treat their scholarship or fellowship grants for tax purposes, in the following manner:

(1) The basic grant, which consists of the amount of the scholarship or fellowship plus the value of contributed services and accommodations such as room and board received incident to the grant, is excluded from income in any tax year to the extent of \$300 times the number of months for which amounts under the grant were received during that year. There is a further limitation to the amount of this exclusion, discussed under the "36-month limit," below.

(2) Amounts received incident to the grant that are specifically designated to cover expenses for travel (including meals and lodging while traveling, and an allowance for travel of the individ-

ual's family), research, clerical help, and equipment are fully excluded if actually spent for the stated purposes, but see below.

For an individual who is not a candidate for a degree to receive the tax benefit described above, the grantor of the scholarship or fellowship grant must be one of the following:

(1) A nonprofit organization exempt from Federal income tax and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or the prevention of cruelty to children or animals;

(2) A foreign government;

(3) An international organization, or a binational or multinational educational and cultural foundation or commission created or continued pursuant to the Mutual Educational and Cultural Exchange Act of 1961 (the Fulbright-Hays Act); or

(4) The United States, or an instrumentality or agency thereof, a state, or a possession of the United States, or any political subdivision thereof, or the District of Columbia.

If the grantor is not one of these the grant is taxable income.

The limitation of \$300 per month applies only to the basic grant. It does not apply to amounts received pertaining to the grant that are specifically designated to cover expenses for travel, research, clerical help, or equipment. Such amounts are generally entirely excludable if they are actually spent for these purposes during the term of the scholarship or fellowship grant or within a reasonable time before and after that term. If the amounts are not spent for these purposes they must be included in gross income unless they are returned to the grantor. If the amounts received to cover these expenses are not specifically so designated in the grant they are taxable whether or not spent.

36-month limit. The \$300 per month exclusion may not be claimed for an aggregate of more than 36 months. These 36 months need not be consecutive. Each month for which such an individual receives (or has received) a grant counts, including those months during which he may have received less than \$300. The claiming of the exclusion for the maximum period of 36 months by an individual who is not a candidate for a degree will not prevent the individual from claiming a further exclusion, as explained earlier in this publication, should he or she become a candidate for a degree.

If the basic grant becomes taxable because of the expiration of the 36-month benefit period, amounts pertaining to the basic grant received for travel, research, clerical help, or equipment also become taxable. The computation of the amounts that become taxable because of the expiration of the 36 benefit months is similar to the computation made in Example 2, above, relating to "Candidate for degree."

Example 1. Mr. Baker, who is not a candidate for a degree and has not exhausted his 36-month benefit period, was awarded a postdoctorate fellowship by a tax-exempt U.S. foundation to pursue specified studies at a university in State Y. Under the terms of the grant he is to receive \$500 per month for the nine-month period beginning September 1971. He is also to receive \$250 for research supplies. The State Y Educational Commission awarded him \$400 to cover travel expenses. The university is contributing room and board, which has a value of \$100 a month. He computes the amount of taxable income for the years 1971 and 1972 in the following manner:

1971	
Fellowship (4 months X \$500)	\$2,000
Contributed room and board (4 months X \$100)	400
Travel expenses \$400	-0-
Research supplies \$250	-0-
The last two items are excluded if they are spent for the designated purposes.	
Total	\$2,400
Exclusion (4 months X \$300)	1,200
Amount subject to tax	\$1,200

Total	\$2,400
Exclusion (4 months X \$300)	1,200
Amount subject to tax	\$1,200

1972	
Fellowship (4 months X \$500)	\$2,500
Contributed room and board (5 months X \$100)	500
Total	\$3,000
Exclusion (5 months X \$300)	1,500
Amount subject tax	1,500

Example 2. All the facts are the same as in Example 1, except that Mr. Baker received his entire fellowship of \$4,500 (9 months X \$500) in September of 1971.

1971	
Fellowship (9 months X \$500)	\$4,500
Contributed room and board (4 months X \$100)	400
Total	\$4,900
Exclusion (9 months X \$300)	2,700
Amount subject to tax	\$1,500

1972	
Contributed room and board (5 months X \$100)	\$500
Exclusion	-0-
Total	\$500

Mr. Baker has no exclusion in 1972 because his \$300 per month exclusion for the first five months of 1972 was applied in 1971. The grant must be considered for tax purposes in the year in which it is received. The amounts he received for travel and research supplies are not included in income if they are spent for the designated purposes.

Reprinted from Publication 520 (10-72), Department of the Treasury, Internal Revenue Service.

[FR Doc. 73-25713 Filed 12-4-73; 8:45 am]

**SECURITIES AND EXCHANGE
COMMISSION**

[70-5273]

**AMERICAN NATURAL GAS CO., ET AL.
Post-Effective Amendment Regarding Line
of Credit**

NOVEMBER 27, 1973.

Notice is hereby given that American Natural Gas Company, 30 Rockefeller Plaza, Suite 4545, New York, New York 10020 ("American Natural"), a registered holding company, and its subsidiary companies, Michigan Consolidated Gas Company, One Woodward Avenue, Detroit, Michigan 48226 ("Michigan Consolidated") and Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), have filed a post-effective amendment to their previously amended application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said amended application-declaration, which is summarized below, for a complete statement of the proposed transaction.

By Order dated December 22, 1972 (HCAR No. 17822), the Commission authorized American Natural to issue and sell its short-term notes from time to time until July 1, 1974, up to a maximum of \$40,000,000 outstanding at any one time, to the Institutional Investment Division of First National City Bank, New York, New York ("Investment Division"), and to loan such funds first to Michigan Wisconsin and any available balance (within the \$40,000,000 aggregate maximum) to Michigan Consolidated, in return for their notes, on the same terms, conditions and maturities as American Natural obtains the funds.

Michigan Wisconsin, in order to assure the availability of funds to make any required repayments under the above arrangement, obtained a \$20,000,000 line of credit through January 1, 1974, from the Commercial Division of First National City Bank. Borrowings thereunder would be evidenced by notes ("Notes") to mature no later than the expiration date of the line of credit, and would bear interest at the prevailing prime rate of First National City Bank in effect at the date of issuance and adjusted to the prime rate effective with any change in said rate. Interest is payable every 90 days, and the Notes may be prepaid at any time without penalty. In connection with this line of credit, Michigan Wisconsin must maintain compensating balances with First National City Bank. Translated into terms of American Natural's cost of borrowings from Investment Division, these compensating balances would have the effect of increasing such cost of borrowings by approximately $\frac{1}{2}$ % above the current rate. Michigan Wisconsin states that it has to date been able to utilize internal funds to repay borrowings from American Natural.

Michigan Wisconsin now proposes to borrow up to a maximum of \$20,000,000

outstanding at any one time under a line of credit in effect to July 31, 1974, on the same terms and conditions as the prior line of credit. In all other respects the transactions heretofore authorized and described in the above mentioned Commission Order remain unchanged.

Applicants-declarants propose to continue to report all borrowings and repayments on a quarterly basis to the Commission.

Fees and expenses to be incurred in connection with the proposed transaction are estimated at \$3,500, including counsel fees of \$500. It is stated that no state commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 21, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as further amended by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-25715 Filed 12-4-73;8:45 am]

[File No. 500-1]

OMEGA ALPHA, INC.
Notice of Suspension of Trading

NOVEMBER 26, 1973.

The convertible subordinated debentures 4 $\frac{1}{4}$ % due 1992, subordinated debentures 6 $\frac{1}{2}$ % due 1988, and warrants of Omega Alpha, Incorporated being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the common stock

and all other securities of Omega Alpha, Incorporated being traded otherwise than on a national securities exchange; and

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

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 27, 1973 through December 6, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-25714 Filed 12-4-73;8:45 am]

DEPARTMENT OF LABOR
**Office of Labor-Management and
Welfare-Pension Reports**
ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS
Notice of Meeting

Pursuant to section 14 of the Welfare and Pension Plans Disclosure Act (29 U.S.C. 308e) a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on December 12, 1973, at 9:30 a.m. in Departmental Auditorium Conference Room B, 12th and Constitution Avenue NW, Washington, D.C. The meeting will be open to members of the public who signify an intention to attend.

The agenda for the meeting follows:

1. Approval of Minutes of Last Meeting
2. Bonding Experience Under the Welfare and Pension Plans Disclosure Act
3. Department of Labor Plans Relating to Responsibilities Imposed by Proposed Legislation

Persons desiring to attend should notify Mr. Edward F. Lysczek, Executive Secretary to the Advisory Council (301) 427-8150.

Signed at Washington, D.C., this 30th day of November, 1973.

PAUL J. FASSER, Jr.,
Assistant Secretary for
Labor-Management Relations.

[FR Doc.73-25844 Filed 12-4-73;8:45 am]

**INTERSTATE COMMERCE
COMMISSION**

[Notice No. 400]

ASSIGNMENT OF HEARINGS

NOVEMBER 30, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as

presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-120981 (Sub-No. 15), Bestway Express, Inc., now assigned December 3, 1973, will be held in the State Office Bldg., 4th Floor, Frankfort, Ky., December 4, 1973, in the Ramada Inn, Circle Road, Lexington, Ky., December 6, 1973, at the Landmark Motel, Pikeville, Ky., and December 10, 1973, in the Ramada Inn, Stence Lane and Murrefreesboro Road, Nashville, Tenn.

Ex Parte No. 299, Increases in Freight Rates and Charges to Offset Retirement Tax Increases—1973, and Ex Parte No. 299, Sub 1, Increases in Freight Rates and Charges of the Long Island Railroad Company to Offset Retirement Tax Increases—1973, continued to January 8, 1974, at the Offices of the Inter-State Commerce Commission, Washington, D.C.

MC 138168, Load & Go Truck Line, now assigned November 29, 1973, at Grand Junction, Colo., cancelled and reassigned to December 4, 1973, at the Bar X Motel, 1600 North Ave., Grand Jct., Colorado.

MC-115331 Sub 342, Truck Transport, Inc., now being assigned hearing February 19, 1974 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC-115331 Sub 348, Truck Transport, Inc., now being assigned hearing February 21, 1974 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC-F-11899, Georgia Highway Express, Inc.—Purchase—Goode Transfer, Inc., now being assigned hearing February 25, 1974 (3 days), at St. Louis, Mo., in a hearing room to be later designated.

MC-C-8089, Interstate Motor Freight System, A corporation—Investigation and Revocation of Certificates—now being assigned continued hearing February 28, 1974 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

W-406 Sub 11, Ohio Barge Line, Inc., now assigned continued hearing January 15, 1974, at Washington, D.C., postponed to March 12, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FF-C-50, Sunshine State Shippers and Receivers Association, Inc., Harry De Montmolin, and Florida All State Consolidators, Inc., Jacksonville, Florida—Investigation of Operations—now assigned December 7, 1973, at Jacksonville, Fla., postponed to December 17, 1973, in Room 765, 400 W. Bay St., Jacksonville, Fla. The tentative time allowance is (1 week).

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-25773 Filed 12-4-73;8:45 am]

[Notice No. 39]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 30, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating

convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-29555 (Deviation No. 13), BRIGGS TRANSPORTATION CO., 2360 W. County Road C, St. Paul, Minnesota 55113, filed November 14, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cheyenne, Wyo., over Interstate Highway 80 to junction Nebraska Highway 71, thence over Nebraska Highway 71 to Scottsbluff, Nebr., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cheyenne, Wyo., over U.S. Highway 85 to Torrington, Wyo., thence over U.S. Highway 26 to Scottsbluff, Nebr., and return over the same route.

No. MC-52953 (Deviation No. 20), ET&WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tennessee 37601, filed November 21, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chattanooga, Tenn., over Interstate Highway 24 to junction Interstate Highway 59, thence over Interstate Highway 59 to junction U.S. Highway 82 (using segments of U.S. Highway 11 where Interstate Highway 59 is not completed), thence over U.S. Highway 82 to Greenwood, Miss., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chattanooga, Tenn., over U.S. Highway 64 to Memphis, Tenn., thence over U.S. Highway 61 to Clarksdale, Miss., thence over U.S. Highway 49 to Tutwiler, Miss., thence over U.S. Highway 49E to Greenwood, Miss., and return over the same route.

No. MC-89723 (Deviation No. 28), MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis,

Missouri 63103, filed November 23, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Houston, Tex., over U.S. Highway 290 to Austin, Tex., and return over the same route, for operating convenience only. Only shipments having an immediately prior or subsequent movement by rail may be transported over this deviation route. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Houston, Tex., over Texas Farm Road 149 to junction Texas Farm Road 1774, thence over Texas Farm Road 1774 to Plantersville, Tex., thence over Texas Highway 105 to Navasota, Tex., thence over Texas Highway 6 to Hearne, Tex., thence over U.S. Highway 79 to Round Rock, Tex., thence over U.S. Highway 81 to Austin, Tex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-25779 Filed 12-4-73;8:45 am]

[Notice No. 95]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 30, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Special Notice. The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission Authority which ultimately may be granted as a result of the applications here phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 111656 (Sub-No. 5) (NOTICE OF FILING OF PETITION TO ADD A CONTRACTING SHIPPER), filed November 21, 1973. Petitioner: FRANK LAMBIE, INC., Pier 79 North River, New York, N.Y. 10018. Petitioner's representative: Edward M. and John L. Alfano, 2 West 45th Street, New York, N.Y. 10036. Petitioner presently holds a motor contract carrier permit in No. MC 111656 (Sub-No. 5) issued September 21, 1971, authorizing transportation, over irregular routes, of *yarn*, from carrier's storage facilities at New York, N.Y., to points in Union, Essex, Bergen, Passaic, and Hudson Counties, N.J., and points in

Nassau and Suffolk Counties, N.Y., under a continuing contract or contracts with National Spinning Co., Inc., and Blanchard Yarn Company, Inc., of Whitakers, N.C. By the instant petition, petitioner seeks to add Spectrum Textured Fibres, Inc., of Kings Mountain, N.C., as an additional contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134281 (NOTICE OF FILING OF PETITION FOR MODIFICATION OF CERTIFICATE), filed November 14, 1973. Petitioner: NOBLE GIBSON, INC., P.O. Box 296, Big Flats, N.Y. 14814. Petitioner's representative: Russell R. Sage, Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22304. Petitioner presently holds a motor common carrier certificate in No. MC 134281 issued April 14, 1972, authorizing transportation over irregular routes, of Salt, from the facilities of the Morton Salt Company, Division of Morton International, Inc., at Milo, N.Y., to points in Pennsylvania, New Jersey, Delaware, Maryland, Connecticut, Massachusetts, Vermont, Rhode Island, and New Hampshire. By the instant petition, petitioner seeks to modify its commodity description to read: "Salt and salt products". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC 120456 (Sub-No. 3), filed November 13, 1973. Applicant: BOUMA CARTAGE COMPANY, a Corporation, 146 Pleasant Street SW., Grand Rapids, Mich. 49503. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *New, crated and uncrated furniture, school furniture, office furniture, hospital furniture, and pleasure boats*, between Grand Rapids, Mich., and points in Michigan; (2) *new furniture*, from Grand Ledge, Mich., to points in Michigan; and (3) *household goods, store fixtures, and office furniture*, (a) between points within 25 miles of Grand Rapids, Mich., and (b) between points within 25 miles of Grand Rapids,

Mich., on the one hand, and, on the other, points in Michigan.

Note.—Applicant states that the requested authority can be tacked with the authority applicant seeks to acquire in MC-F-12041 at Muskegon and Grand Rapids, Mich., to serve Chicago, Ill., Milwaukee, Wis., St. Louis, Mo., Syracuse and Jamestown, N.Y., and points in Indiana and Ohio. The purpose of the application is to convert the Certificates of Registration issued in MC 120456 Sub-Nos. 1 and 2 to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 purchase proceeding in MC-F-12041, published in the PR of November 21, 1973. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC-F-12002. (Correction) (CALHOUN LEMON, ARDEN A. LEMON, X. O. BUNCH, AND CHARLES G. PEACE—CONTINUANCE IN CONTROL—CEMENT TRANSPORT, INC.), published in the October 25, 1973, issue of the FEDERAL REGISTER on page 29548. Prior notice should be changed to read: Parties in control of CEMENT TRANSPORT, INC., presently control COOPER MOTOR LINES, INC., P.O. Box 4255 Park Place, 301 Hammett St., Greenville, S.C. 29608 (MC-47171); SOUTHERN BULK HAULERS, INC., P.O. Box 278, Harleyville, S.C. 29448 (MC-119560); SANTEE CEMENT CARRIERS, INC., P.O. Box 638, Holly Hill, S.C. 29059 (MC-127625); and THE GEO. A. RHEMAN CO., INC., P.O. Box 2095 Station A, 2019 Elgin St, Charleston, S.C. 29403 (MC-10319).

No. MC-F-12027. (JENKINS TRUCK LINE, INC. (Indiana)—MERGER—JENKINS TRUCK LINE, INC. (Iowa)), published in the November 7, 1973, issue of the FEDERAL REGISTER on page 30804. Application filed November 26, 1973, for temporary authority under section 210a (b).

No. MC-F-12027. (Correction) (JENKINS TRUCK LINE, INC. (Indiana)—MERGER—JENKINS TRUCK LINE, INC. (Iowa)), published in the November 7, 1973, issue of the FEDERAL REGISTER on page 30804. Prior notice should be changed to read: *Numerous specified commodities*, as a common carrier, over irregular routes, from, to and between all points in the United States (except Alaska and Hawaii), as more specifically described in Docket No. MC-61592 and Subnumbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. JENKINS TRUCK LINE, INC. (Indiana), holds no authority from this Commission. JENKINS TRUCK LINE, INC. (Iowa) controls (1) HAYES TRUCK LINES, INC., Puget Sound National Bank of Tacoma, Executor, 1701 Bay St., Tacoma, WA 98421, Docket No. MC-27719, and (2) RATLIFF & RATLIFF, INC., Rt. 5, Lexington, NC 27292, Docket No. MC-107409.

No. MC-F-12050. Authority sought for purchase by REBER CORPORATION, 2216 Old Arch Road, Norristown, PA 19401, of a portion of the operating rights and property of GUY HEAVENER, INC., 480 School Lane, Harleysville, PA 19438, and for acquisition by FLOYD A. REBER, also of Norristown, PA 19401, of control of such rights and property through the purchase. Applicants' attorney: James W. Patterson, 2107 The Fidelity Bldg., Philadelphia, PA 19109. Operating rights sought to be transferred: *Stone, sand, lime, limestone, limestone products, fly-ash, and bituminous concrete*, in bags, as a common carrier over irregular routes, from the plant site of G. & W. H. Corson, Inc., at Plymouth Meeting, Pa., to points in Mercer County, N.J., and that part of New Jersey on and south of New Jersey Highway 33, Delaware, Maryland, and the District of Columbia. Vendee is authorized to operate as a common carrier in Pennsylvania, New Jersey, New York, Delaware, Maryland, Virginia, West Virginia, Connecticut, Massachusetts, Rhode Island, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12051. Authority sought for purchase by HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566, of the operating rights and property of RUFFALO'S TRUCKING SERVICE, INCORPORATED, P.O. Box 148, Newark, NY 14513, and for acquisition by BENJAMIN H. HERR, 300 Stanton Rd., Quarryville, PA 17566, of control of such rights and property through the purchase. Applicants' attorneys: Robert R. Herr, 406 Quarry Place, Quarryville, PA 17566, and Martin R. Martino, 1025 Connecticut Ave. NW., Washington, DC 20036. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a common carrier over irregular routes, from New York, N.Y., and points in New Jersey within 30 miles of Jersey City, N.J., to Newark, N.Y., and points within 35 miles of Newark, N.Y., between points in Madison, Oneida, and Onondaga Counties, N.Y.; *canned goods and kraut in containers*, from Newark, N.Y., and points within 75 miles of Newark to Passaic, Hackensack, Hoboken, Elizabeth, Jersey City, Newark, Paterson, Perth Amboy, and New Brunswick, N.J., and New York, N.Y., from Newark, N.Y., and points within 75 miles of Newark, N.Y., to Easton, Williamsport, Milton, Sunbury, Harrisburg, Lancaster, Coatesville, and Philadelphia, Pa.; *shell and grit*, and ingredients used in the manufacture of animal and poultry feed, except in bulk, in tank vehicles, from Newfield, N.J., to certain specified points in New York; *canned vegetables and fruits*, from Waterloo, N.Y., to points in Nassau and Westchester Counties, N.Y.; *sauerkraut*, in containers, from Seneca Castle, N.Y., to points in Nassau and Westchester Counties, N.Y.; *canned vegetables*, from Newark, N.Y., to points in Westchester County, N.Y.; *canned and*

preserved foodstuffs, from Rushville, Egypt, Fairport, Newark, Lyons, Red Creek, Waterloo, and Syracuse, N.Y., to points in Nassau, Suffolk, and Westchester Counties, N.Y., with restriction. Vendee is authorized to operate as a common carrier in Rhode Island, New York, Pennsylvania, Delaware, New Jersey, Maryland, Ohio, Connecticut, Massachusetts, Virginia, Maine, New Hampshire, Vermont, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGER

No. MC-F-12052. Authority sought for purchase by ROBERT C. SWARTHOUT AND SPENCER D. FERRIS, doing business as SWARTHOUT & FERRIS BUS SERVICE, 115 Graham Rd., Ithaca, NY 14850, of a portion of the operating rights of CAPITOL BUS COMPANY, 1061 South Cameron St., Harrisburg, PA 17104, and for acquisition by ROBERT C. SWARTHOUT, 123 N. Sunset Dr., Ithaca, NY 14850, and SPENCER D. FERRIS, 208 Valley Rd., Ithaca, NY 14850, of control of such rights through the purchase. Applicants' attorney: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Operating rights sought to be transferred: Passengers and their baggage and express and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Oswego, N.Y., and Ithaca, N.Y., serving all intermediate points. Vendees hold no authority from this Commission. However, they are affiliated with Cortland County Bus Lines, Inc., 115 Graham Rd., Ithaca, NY 14850, MC-11036 which is authorized to operate as a common carrier in New York, Pennsylvania, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12053. Authority sought for purchase by INLAND EXPRESS, INC., P.O. Box 255, Syracuse, NY 13204, of the operating rights of MICHAEL BEDNASZ, doing business as HAMBURG DELIVERY, 3707 Old Lakeview Rd., Hamburg, NY 14075, and for acquisition by CLARENCE G. RUBADO, also of Syracuse, NY 14204, and SAMUEL PEARL, 30 Main St., Peabody, MA 01960, of control of such rights through the purchase. Applicants' attorney: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043. Operating rights sought to be transferred: General commodities, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a common carrier over irregular routes, between Buffalo, and Hamburg, N.Y., and under certificate of registration in Docket No. MC-18691 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York. Vendee is authorized to operate as a common carrier in Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island. Application has not been filed for

temporary authority under section 210a(b).

NOTE.—MC-48022 (Sub-No. 9), is a matter directly related.

No. MC-F-12054. Authority sought for purchase by PENN EMPIRE TRANSPORT, INC., Livingston Ave., Jamestown, NY 14701, of the operating rights of HECTOR TRANSPORTATION CO., INC., 832 Monroe St., Jamestown, NY 14701. Applicants' attorneys: Kenneth T. Johnson, and Ronald W. Malin, Bankers Trust of Jamestown Bldg., Jamestown, NY 14701. Operating rights sought to be transferred: New furniture, as a common carrier over irregular routes, from points in Chautauqua County, N.Y., to points in Chenango, Clinton, Columbia, Essex, Franklin, Greene, Hamilton, Lewis, Otsego, St. Lawrence, Schoharie, and Washington Counties, N.Y., from points in Chenango, Clinton, Columbia, Delaware, Essex, Franklin, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Montgomery, Oswego, Otsego, St. Lawrence, Saratoga, Schoharie, Washington, Wyoming, and Yates Counties, N.Y., to points in Chautauqua County, N.Y., and under certificate of registration in Docket No. MC-57281 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York. Vendee is authorized to operate as a common carrier in Connecticut, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and West Virginia. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-37327 (Sub-No. 5) is a matter directly related.

NOTICE OF FILING

APPLICATION OF PROVIDENCE AND WORCESTER COMPANY AND ROBERT W. MESERVE AND BENJAMIN H. LACY, TRUSTEES OF THE PROPERTY OF BOSTON AND MAINE CORPORATION

Under Section 5(2) of the Interstate Commerce Act for an order approving a purchase and sale of a line of railroad between Worcester, Massachusetts, and Gardner, Massachusetts, and certain trackage rights over and joint use of railroad lines as outlined in an agreement dated August 21, 1973.

Notice is given that the application assigned Finance Docket No. 27515 described above has been filed with the Commission.

(i) The names and addresses of the applicants are as follows:

Providence and Worcester Company
94 Dexter Road
East Providence, Rhode Island 02914
Robert W. Meserve and Benjamin H. Lacy,
Trustees of the Property of Boston and
Maine Corporation, Debtor
150 Causeway Street
Boston, Massachusetts 02114

The names and addresses of the applicants' attorneys are:

Eugene T. Lipfert
John L. Richardson
Vernor, Lipfert, Bernhard & McPherson
1660 L Street, N.W., Suite 1100
Washington, D.C. 20036

Joseph R. DiStefano
94 Dexter Road
East Providence, Rhode Island 02914

Attorneys for Providence and Worcester Company:

John J. Nee
Vice President and General Counsel
Sidney Weinberg
Boston and Maine Corporation
150 Causeway Street
Boston, Massachusetts 02114

Attorneys for Robert W. Meserve and Benjamin H. Lacy,
Trustees of the Property of Boston and
Maine Corporation, Debtor

(ii) The transaction involves the purchase by Providence and Worcester Company of a portion of the line of Boston and Maine Corporation, Debtor, and the acquisition by Providence and Worcester Company of trackage rights over a portion of the line of Boston and Maine Corporation.

More specifically, the application requests approval of a transaction by which the Trustees of the Property of Boston and Maine Corporation will sell a line of railroad which extends from a point approximately four miles north of the terminus of Providence and Worcester Company's line in Worcester, Massachusetts, for 21.93 miles to a point approximately one mile south of Boston and Maine Corporation's main track in Gardner, Massachusetts.

The transaction also contemplates the acquisition by Providence and Worcester Company of trackage rights over lines of Boston and Maine Corporation so as to enable Providence and Worcester Company to operate from the terminus of its line in Worcester to the line to be acquired and, at Gardner, to enable Providence and Worcester Company to operate trains from the terminus of the line to be acquired by Providence and Worcester Company to the Boston and Maine Corporation's main line in Gardner. It is the opinion of the applicants that approval of this application will not have any adverse effect on the quality of the environment.

(iii) By implementation of the agreement at issue, Providence and Worcester Company proposes to commence operations between Worcester, Massachusetts, and Gardner, Massachusetts, said operation is presently being performed by Boston and Maine Corporation at the present time. Providence and Worcester Company currently conducts railroad operations between Providence and East Providence, Rhode Island, and Worcester, Massachusetts.

(iv) The transaction involves a portion of the line of Boston and Maine Corporation running from Worcester, Massachusetts, in a northerly direction through Holden, Princeton and Hubbardston to Gardner, Massachusetts, a distance of 21.93 miles.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than thirty days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-25780 Filed 12-4-73;8:45 am]

[Notice No. 402]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 26, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74826. By order of November 29, 1973, the Motor Carrier Board approved the transfer to George B. Murphy, Glen Ellyn, Ill., of a portion of the operating rights in Certificate No. MC-107299 issued October 26, 1949 to Roberts Cartage Company, a corporation, Chicago, Ill., authorizing the transportation of various commodities from Chicago, Ill. to points and areas in Connecticut, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Nebraska, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and Tennessee. Roger A. Rubin, 10 S. LaSalle St., Chicago, Ill. 60603. Attorney for applicants.

No. MC-FC-74830. By order entered November 28, 1973, the Motor Carrier Board approved the transfer to Henry VanderPol, doing business as Oak Harbor Freight Lines, Seattle, Wash., of the operating rights set forth in Certificates Nos. MC-127960, MC-127960 (Sub-No. 1), MC-127960 (Sub-No. 3), MC-127960 (Sub-No. 5), and MC-127960 (Sub-No. 6), issued by the Commission March 27, 1967, February 17, 1967, November 3, 1966, November 16, 1971, and April 7, 1971, to Gus VanderPol and Henry VanderPol, doing business as Oak Harbor Freight Lines, Seattle, Wash., authorizing the transportation of general com-

modities, with the usual exceptions, between specified points in Washington; and household goods as defined by the Commission, between points on Whidbey Island, Wash., and points in Skagit County, Wash., on the one hand, and, on the other, points in Island, Skagit, Snohomish, and King Counties, Wash. Carl A. Jonson, 300 Central Bldg., Seattle, Wash. 98104, Attorney for applicant.

No. MC-FC-74837. By order entered November 28, 1973, the Motor Carrier Board approved the transfer to Paul Blicher, doing business as Menomonie Trucking Co., Wheeler, Wis., of the operating rights set forth in Certificate No. MC-29144, issued November 15, 1972, to Joe W. Towry, doing business as Menomonie Trucking Co., Menomonie, Wis., authorizing the transportation of livestock, from points in the towns of Elk Mound, Tainter, Red Cedar, and Menomonie, Dunn County, Wis., to South St. Paul, Newport, St. Paul, Minneapolis, Stillwater, and Hopkins, Minn.; and general commodities, with the usual exceptions, from South St. Paul, Newport, St. Paul, Minneapolis, Stillwater, and Hopkins, Minn., to points in the above-specified Wisconsin towns. F. H. Kroeger, 2288 University Ave., St. Paul, Minn. 55114, practitioner for applicants.

No. MC-FC-74855. By order of November 28, 1973, the Motor Carrier Board approved the transfer to E & S Trucking, Inc., West Paterson, N.J., of Certificates Nos. MC-107972 and MC-107972 (Sub-No. 1), issued November 21, 1963, and April 15, 1968, respectively, and acquired by Roger and Mary Zelnick pursuant to approval and consummation of No. MC-FC-74478 on July 2, 1973, authorizing the transportation of general commodities, with exceptions, between specified points in New York and New Jersey. John M. Zachara, P.O. Box "Z", Paterson, N.J. 07509. Applicants Practitioner.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-25777 Filed 12-4-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 30, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed

to or filed with the Interstate Commerce Commission.

California Docket No. 54437 filed November 7, 1973. Applicant: C. N. BATES DRAYAGE, INC., 649 Brannan Street, San Francisco, Calif. 94107. Applicant's representative: William R. Johnson, 350 McAllister Street, San Francisco, Calif. 94102. Notice is hereby given that applicant has filed with the California Public Utilities Commission of the State of California, an application for elimination of a restriction appearing in the Commission's Decision No. 80397, dated August 29, 1972. Application No. 53358. Applicant also is seeking the removal of the same restrictions as it applies to transportation in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations which may be authorized to be conducted. A Certificate of Registration by the Interstate Commerce Commission was issued April 17, 1973. Number MC 121697. RESTRICTIONS: (1) Commodities shall not be transported when in cargo containers. (2) No shipments shall be transported to, from or between points in Solano County, Calif. Applicant respectfully requests that the restriction named in Part (1) only be removed. Applicants Application No. 53358 also listed this restriction. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, 350 McAllister Street, San Francisco, Calif., 94102, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4884 (Sub-No. 3), filed November 9, 1973. Applicant: DAYTON MOTOR EXPRESS, INC., N. Broadway, Dayton, Tenn. 37321. Applicant's representative: William H. Lassiter, Jr., 22nd Floor, L & C Tower, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: I. Transportation of general commodities, except used household goods, commodities in bulk, in tank or hopper vehicles, explosives and commodities requiring special equipment, from Dayton, Tenn., via U.S. Highway 27 to its junction and intersection with Tennessee Highway 68, thence east along Tennessee Highway 68 to its intersection and junction with Tennessee Highway 58; thence south along Tennessee Highway 58 to Decatur, Tenn.; thence south along Tennessee Highway 58 to Chattanooga, Tenn., in conjunction with its present authority to serve Watts Bar Dam, Tenn., serving no intermediate points between Decatur, Tenn., and Chattanooga, Tenn. II. Transportation of general commodities, except used household goods, commodities in bulk, in tank or hopper vehicles, explosives and commodities requiring special equipment in conjunction with its present authority to serve Spring City, Tenn., from Dayton, Tenn., via U.S. Highway 27 north along said U.S. Highway 27 to Rockwood, Tenn., thence along said U.S. Highway 27 to Harriman, Tenn., thence west along U.S. Highway 27 to its intersection with

State Highway 29A, thence south along State Highway 29A to Midtown, Tenn. (at the intersection of State Highway 29A and U.S. Highway 70), thence east along said U.S. Highway 70 to Kingston, Tenn., and return over same routes to Dayton, Tenn., serving all intermediate points between Dayton, and Kingston, Tenn. and III. Transportation of *general commodities*, except used household goods, commodities in bulk, in tank or hopper vehicles, explosives and commodities requiring special equipment in conjunction with its present authority to serve Spring City, Tenn., from Dayton, Tenn., via U.S. Highway 27 north along said U.S. Highway 27 to Rockwood, Tenn., thence along U.S. Highway 27 to the intersection of U.S. Highway 70 and U.S. Highway 27; thence east along U.S. Highway 70 to Midtown, Tenn.; thence east along U.S. Highway 70 to Kingston, Tenn., and return over same routes to Dayton, Tenn. Both interstate and intrastate commerce is sought. HEARING: February 15, 1974, at the Commission's Court Room, Cordell Hull Building, Nashville, Tenn., at 9:30 A.M. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 5441 (Sub-No. 2), filed November 21, 1973. Applicant: NASHVILLE-CLARKSVILLE EXPRESS, INC., 211 Kraft Street, P.O. Box 986, Clarksville, Tenn. 37040. Applicant's representative: Riggs L. Hayes, Sr. (same address as applicant). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except household goods, classes A and B explosives, commodities in bulk and those requiring special equipment, over regular routes, between Clarksville, Tenn., and Shelby County, Tenn.: From Clarksville over Tennessee Highway 13 to its intersection with Tennessee Highway 48, thence over Tennessee Highway 48 to its intersection with Interstate Highway 40, thence over I-40 to Shelby County, Tenn., and return over the same route, serving

no intermediate points between Shelby County and Clarksville. Said authority is to be used in conjunction with applicant's existing authority subject only to the following restriction: "Restricted against the handling of traffic which originates at, is destined to, or interchanged at Nashville, Tenn., and its commercial zone". Interstate, intrastate and foreign commerce authority sought. HEARING: March 4, 1974, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 A.M. Request for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn., 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-25778 Filed 12-4-73;8:45 am]

COST OF LIVING COUNCIL

[Phase IV Price Notice No. 73-4]

REAPPLICATION FOR LOSS OR LOW PROFIT RELIEF; TIER I AND II FIRMS

Phase IV Price Notice

Current regulations provide that a firm which qualified for loss or low profit relief in Phase IV loses its authority to price as a loss or low profit firm "at the end of the current fiscal year" or within 45 days after the end of the fiscal quarter in which the firm achieves its minimum profit margin allowed by the loss-low profit regulations or approaches it within .01 percent at an annual rate. A firm which fully qualified for loss or low profit treatment early in Phase IV, which has a fiscal year ending December 31, and which did not achieve or approach within .01 percent its minimum profit margin allowed by September 30, 1973, would thus be required to reapply for loss or low profit relief for 1974.

Current regulations also provide that, to qualify for loss or low profit treatment, a firm must submit sufficient financial data to support its loss or low profit position "for its current fiscal year." This

raises the question whether a firm with a fiscal year ending December 31, 1973, must wait until its new fiscal year begins on January 1, 1974, to reapply for loss or low profit relief or whether it may apply in advance so that the firm qualifies for loss or low profit relief for the new fiscal year prior to January 1, 1974.

While the regulations state that a firm's application for loss or low profit relief must be made on the basis of its financial position for its current fiscal year, to require a firm to submit its projections for FY 1974 in January, 1974, rather than in November or December, 1973, would serve no useful purpose. Moreover, the application of the 30-day rule for review of loss-low profit applications would temporarily place in jeopardy the firm's pricing levels after December 31, 1973. Therefore, any firm which qualified for loss or low profit relief in Phase IV, which continues to qualify, and which has a fiscal year ending on or before December 31, 1973, may continue to price in accordance with 6 CFR 150.201, without reapplication, until 45 days after the fiscal quarter in which it achieves the minimum profit margin allowed or approaches that margin within .01 percent at an annual rate.

However, firms whose fiscal years end after December 31, 1973, and which otherwise continue to qualify, must reapply with respect to any new fiscal year but may reapply within the 60-day period preceding the end of that fiscal year.

It is the intention of the Council to revise the loss or low profit regulations in the near future to more fully prescribe rules for both continuation of loss or low profit relief and termination of loss or low profit relief. This notice is therefore intended only to provide immediate and temporary guidance concerning reapplication for loss or low profit relief.

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

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

[FR Doc.73-25968 Filed 12-4-73;12:15 am]

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

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WASHINGTON, D.C.

Volume 38 ■ Number 233

PART II



ENVIRONMENTAL PROTECTION AGENCY

■

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Illinois Transportation Control Plan

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGA-
TION OF IMPLEMENTATION PLANSIllinois: Approval and Promulgation of
Transportation Control Plan

BACKGROUND

The transportation control plan submitted by the State of Illinois for attainment of the primary national ambient air quality standard for carbon monoxide (CO) for the Illinois portion of the Metropolitan Chicago Air Quality Control Region (hereafter referred to as the Region) was disapproved on procedural grounds on June 22, 1973 (38 FR 16550). In addition, the State plan did not provide strategies adequate for attaining and maintaining the national ambient air quality standard for carbon monoxide as expeditiously as practicable.

On July 16, 1973 (38 FR 18961), the Environmental Protection Agency (EPA) proposed a transportation control plan for the Region. Public hearings on the proposal were held in Chicago on July 27 and 30, 1973. A complete transcript of the hearings is available for inspection at the Environmental Protection Agency, Region V, 1 North Wacker Drive, Chicago, Illinois, 60606. A General Preamble was published on November 6, 1973 (38 FR 30626), and is incorporated by reference. The State plan for photochemical oxidants was approved on May 31, 1972 (38 FR 10842).

POLLUTION IN THE REGION

The Region consists of nine counties (Cook, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, and Will) in Illinois and two counties (Lake and Porter) in Indiana. The plan for the Indiana portion of the region was approved on May 31, 1972 (37 FR 10842), and that portion is not the subject of this rulemaking.

The national primary ambient air quality standards for carbon monoxide are 9 parts per million (ppm) as a maximum 8-hour average concentration and 35 ppm, as a maximum 1-hour average concentration. Neither standard is to be exceeded more than once per year.

The basis for determining the required carbon monoxide emission reduction in the Region was air quality data obtained during 1971 at the Continuous Air Monitoring Program (CAMP) station located in the downtown Chicago area. In June 1971, an 8-hour concentration of 22.9 ppm was measured. This was the highest measurement in the base year of 1971. The next highest concentration in the base year occurred in April, and again in June, when 18.1 ppm of CO was measured for an 8-hour period. Assuming air quality concentrations to be directly proportional to emission rates, a reduction of 50 percent in emission rates is required from 1971 emission levels in order to ensure that the standard will not be exceeded. The CAMP station, located at 445 South Plymouth Court next

to the Congress Expressway, monitored CO for only 2.5 months during 1972 due to problems with the monitoring equipment. During that time period, the 1971 base line concentration was not exceeded and was matched only once, with an 8-hour CO concentration of 18.1 ppm occurring in February 1972. Therefore, the second highest concentration measured in either year remained at 18.1 ppm.

Shortly before the public hearings, validated CO data from the CAMP station for the first quarter of 1973 became available to the EPA. Analysis of this data indicated that concentrations in excess of 18.1 ppm were measured on several occasions. These data have evidenced the need for further control within the Chicago Transportation Control Area, more stringent than contemplated in the July 16, 1973, proposal. In order to provide for adequate public participation in the rulemaking, however, the plan promulgated herein is based upon the readings contained in the original EPA proposal. The promulgation can be considered the foundation for a more stringent plan that will have to be developed based upon 1973 air quality data. The state of Illinois will be requested to submit a plan revision to obtain a further reduction in CO emissions within the Transportation Control Area. Various alternative strategies now being considered by the EPA in the event that Federal action becomes necessary are discussed later in this preamble.

STATE TRANSPORTATION CONTROL PLAN

Because the public hearings were not conducted by the Pollution Control Board, but instead by the Illinois Environmental Protection Agency the appropriate rulemaking body of the State had not adequately participated in the public comment procedure. Due to this procedural deficiency, the State plan was disapproved.

In addition, the proposed State plan overestimated expected emission reductions for several proposed measures. One of these was the projected impact of the Chicago vehicle inspection program, for which the State estimated a CO emission reduction within the Transportation Control Area of nearly 12.0 percent.

This estimate was based primarily upon two assumptions. First, the State plan estimated an overall emission test failure rate of 50 percent. Second, the State plan projected only a 50 percent deterioration of the tuned engines over the course of a year. Both of these basic assumptions were found to be optimistic and inconsistent with the requirements of Appendix N of 40 CFR Part 51.

The original implementation plan, submitted by the State on January 31, 1972, indicated that when VMT totals were computed for the Region, each light-duty truck was assumed to be equivalent to two automobiles and that each heavy-duty truck was considered to be equivalent to three automobiles with respect to overall emissions. This assumption is not accurate when analyzed with respect to the vehicle emis-

sion factor techniques discussed in *Compilation of Air Pollutant Emission Factors*, AP-42. Furthermore, the plan apparently considers heavy-duty vehicles to be under the same 90 percent Federal emission reduction requirements as light-duty vehicles. However, the FMVCP will not directly affect heavy-duty vehicle emissions before mid-1975. Therefore, the plan assumed greater vehicular emission reduction due to the FMVCP for heavy-duty vehicles than will actually occur.

After the EPA hearings on the Federally proposed rulemaking, the State revised and updated the estimated impacts of the previously proposed strategies, and examined the estimated impacts of alternative strategies not previously considered by the State or included in the EPA plan. The document entitled *Cost Effectiveness of Carbon Monoxide Control Strategies* was published by the Illinois Institute for Environmental Quality in September 1973. Although the report was not officially submitted to the EPA as a revised transportation control plan (and thus not subject to consideration as such), the document was carefully studied by the EPA for possible insight into various alternatives and/or adjustments to the Federal plan.

The Institute report analyzed both the impact and cost effectiveness of the FMVCP, and the idle mode vehicle inspection and maintenance programs for the city of Chicago and for Cook County outside of Chicago, the proposed Federal parking restrictions, the Chicago Traffic Management System, and several taxi fleet retrofit alternatives.

With respect to the analysis of the estimated impact of the FMVCP by the Institute, the EPA agrees that the grid-by-grid analysis of both VMT and vehicular emission factors is a more accurate analysis of vehicular emissions than the analysis of the entire Transportation Control Area as one unit (as originally used in both the EPA and State proposals). The analysis using average vehicle speeds and total VMT in each of the 12 Chicago Area Transportation Study (CATS) grids provides a more representative analysis of vehicle emissions than an analysis for the entire Transportation Control Area. The CATS grids, which have been used for local, State, and Federal traffic planning activities for the Chicago area, divide the metropolitan area into 1700 zones. The zones vary in size from 0.25 square mile within the Transportation Control Area to 36 square miles in some outlying counties.

EPA, however, does not concur with basic design assumptions used in the Institute study. First, the report subdivides the vehicle emission factors into cold start emissions and emissions at the hot operating mode. These separate factors were then applied to the number of origins and total VMT, respectively, for each of the CATS grids. Although this approach is reasonable, no validated cold start data are presently available, and methodology using this approach has not been established. Use of the emission factor techniques as outlined in

the EPA document entitled *Compilation of Air Pollution Emission Factors*, AP-42, is the presently established methodology recommended and used by the EPA (with appropriate adjustments made for the interim 1975 Federal standards). The Institute study also projects a reduction in total VMT to occur within the Transportation Control Area between 1971 and 1975. This reduction was derived from a computer simulation developed originally by CATS. This projection, however, did not consider anticipated impacts of several traffic flow improvement measures expected to be implemented within the city by 1975. Consequently, the CATS representatives have indicated that no reduction in total VMT should be anticipated within the Transportation Control Area between 1971 and 1975.

Another major area of analysis in the Institute report examines the estimated impact of the vehicle inspection and maintenance programs for Chicago and for Cook County outside of Chicago. The EPA estimate of emission reduction was in fairly close agreement with the Institute report in terms of the overall impact of the two programs, although the methodologies used were different. Comparison of the Institute estimates with cost data provided by the City of Chicago in its application for a demonstration grant and cost data provided to the EPA by Scott Research Laboratories demonstrate, however, that cost estimates for the Cook County inspection program outside Chicago appearing in the Institute report are high.

Another area of analysis involved in the City of Chicago Traffic Management System. Detailed analysis of this portion of the study indicated appreciable differences between EPA and Institute estimates of impact.

The final area of analysis concerned the various strategies that could be applied to fleet vehicles, particularly taxis. Both the Illinois Environmental Protection Agency and the Institute made strong presentations to EPA in favor of a strategy that would require catalytic retrofit of the Chicago taxi fleet by 1975 rather than the proposed Cook County inspection program outside Chicago. These presentations were based upon estimates of greater cost effectiveness and greater emission reductions associated with this retrofit strategy. EPA estimates contained in the technical support document to this preamble, however, do not fully confirm these figures. The Administrator believes that further information regarding the initial installation and maintenance cost estimates for the retrofit program presented in the Institute report should be considered.

Promulgation of an inspection program for vehicles registered in Cook County, outside of Chicago, cannot be delayed if timely accomplishment of the program is to be achieved. The taxi retrofit program, however, represents a potentially viable strategy for inclusion in the Chicago transportation control plan that could replace or supplement

the Cook County inspection program outside Chicago.

Reference is therefore made to a notice of proposed rulemaking published by the Administrator today, setting forth a regulation for the implementation of a catalytic retrofit program for taxis registered in the city of Chicago. This program could either be implemented in addition to the Cook County vehicle inspection, or as a substitute for the county inspection program. This recommendation has been informally urged upon the Administrator by the Illinois Environmental Protection Agency. A hearing will be held on December 14, 1973, to receive data and any other related testimony or evidence regarding the technical merits of the taxi retrofit and county inspection programs. Any legal or practical considerations that may affect the transportation control plan, the question as to whether the programs could be implemented before May 31, 1975, and any information or considerations which affect whether the taxi retrofit program or other fleet retrofit programs should be substituted for or added to the Cook County inspection program will be addressed at the hearing. A decision on the programs will be announced as soon as possible after the hearing. However, planning for the Cook County inspection program should not be delayed as the compliance schedule for the program is due on March 1, 1974, with submission of the necessary adopted regulations by no later than June 1, 1974.

As previously stated, available 1973 air quality data have indicated that a more stringent transportation plan, built upon the plan promulgated herein, must subsequently be developed. The revised transportation control plan may call for as much as 54 percent reduction in emissions from 1973 emission levels. This indicates the need for approximately a 30 to 40 percent additional reduction over the impact of the existing plan. For this reason, the EPA is presently considering the following additional strategies directly related to VMT reductions within the Transportation Control Area:

(1) Parking surcharges applicable to all off-street parking facilities in the Transportation Control Area. This strategy would apply a graduated surcharge ranging from \$0.15 to \$0.25 per hour to individuals parking private automobiles in the Transportation Control Area. The fees could be graduated according to car occupancy, number of hours parked, and size of vehicle. The fees collected as a result of this strategy could then be distributed to mass transit to be used as operating subsidies. Strategies similar to this have been promulgated for the Metropolitan Boston Intra-state Air Quality Control Region (38 FR 30966) and for the Los Angeles, San Francisco, and San Diego Intra-state Air Quality Control Region in California (38 FR 31232).

(2) Creation of exclusive express bus/carpool lanes. This strategy would provide for the designation of roadway lanes on specific streets and/or interstate highways in and around the City of Chicago. These lanes would be for the ex-

clusive use of express bus service from outlying areas into the Transportation Control Area and from the Transportation Control Area to outlying areas. These lanes could also be made available for use by privately owned automobiles occupied by three or more passengers. A similar strategy has been developed for application in five California Air Quality Control Regions (38 FR 31232).

(3) Implementation of park and ride facilities using existing parking lots in and around the metropolitan area. This strategy would require the restructuring of some mass routes to take advantage of existing outlying parking lots that are either not presently used to capacity by commuters or simply not used at all. Such lots would include the Midway Airport parking lot and various drive-in movie parking lots. Estimates presented at the recent State hearing the creation of a regional transit authority indicate that as many as 50,000 unused parking spaces are presently available on such lots.

(4) Creation of a bus/carpool matching service to be made available to all commercial, institutional, and industrial entities with offices located within the Transportation Control Area. A detailed guide for the operation of a bus/carpool matching program, along with a discussion of a number of successful programs now operating in various sections of the country, is contained in the U.S. Department of Transportation Federal Highway Administration publication entitled *Carpool and Buspool Matching Guide* (Second Edition), May 1973. This document discusses the considerations involved in the development and implementation of a successful program, such as public information, incentives, data processing, and the continuation and/or updating of the service. The EPA believes that this approach to reducing the total amount of vehicle miles traveled is a viable strategy, involving a minimum of investment and deserving of the active promotion and support of government and industry. A strategy similar to this has been developed for use in the Metropolitan Los Angeles Intra-state Air Quality Control Region (38 FR 31232) and in the Massachusetts portion of the Hartford-New Haven-Springfield Air Quality Control Region (38 FR 30827).

(5) Implementation of a catalytic retrofit system applicable to all taxis registered within the City of Chicago. This strategy would require the purchase, installation, and periodic inspection of oxidizing catalytic retrofit devices on all city-registered taxis by no later than May 31, 1975. The retrofit devices, when properly maintained and inspected, could significantly reduce both carbon monoxide and hydrocarbon emissions from the over 4000 taxis currently registered within the city. Strategies similar to this have been promulgated on a larger scale and under extended time schedule for the Metropolitan Boston Intra-state Air Quality Control Region (38 FR 30966) and for the Metropolitan Los Angeles In-

trastate Air Quality Control Region (38 FR 31232).

(6) Implementation of an employer mass transit priority incentive program for all major firms within the Transportation Control Area. This strategy would require that the employer designated in the applicable regulation set up and enforce an incentive program for their employees to either form carpools or to use available mass transit as a means of commuting to and from the office. A strategy similar to this has been promulgated for the Houston-Galveston, Dallas, Fort Worth, and San Antonio Air Quality Control Regions in Texas (38 FR 30650).

Development of these new strategies, in conjunction with the plan included herein, is expected to provide for achievement of the CO air quality standard in the Transportation Control Area by May 1975, and to ensure the maintenance of the standard in the Chicago metropolitan area.

EPA TRANSPORTATION CONTROL

The original Federal proposal for the transportation control plans promulgated herein defined strategies for an area within which the CO emissions must be reduced. The Transportation Control Area is a section approximately 3.25 square miles bounded by Roosevelt Road, Halsted Street, Chicago Avenue, and Lake Michigan. Within the area is the central core, an area of approximately 1 square mile, bounded by Harrison Street, Michigan Avenue, and the Chicago River. The plan will provide a slightly greater reduction in CO concentration in the central core area than in the remainder of the Transportation Control Area.

The July 16, 1973, proposal for Federal rulemaking contained the following three strategies in addition to the estimated impact of the FMVCP and the existing City of Chicago vehicle inspection program:

(1) A vehicle emission inspection system was proposed for all light-duty vehicles owned and operated in Cook, DuPage, and Lake counties. The program was to include an annual idle-mode inspection using standards equivalent to those promulgated in the City of Chicago Ordinance (effective June 1, 1973). This proposal was aimed at ensuring that 92 percent of the light-duty vehicles coming into the Transportation Control Area would be in compliance with applicable emission standards.

(2) On-street parking restrictions were proposed for the Transportation Control Area. Under this proposal, on-street parking within the Transportation Control Area would be prohibited on one side of all one-way streets, and on both sides of all two-way streets. The proposal would have excluded Grant Park where parking is presently permitted. This proposal was intended to reduce CO emissions by improving traffic flow or increasing average vehicle speed within the Transportation Control Area.

(3) A regulation requiring a permit for construction of any off-street parking facilities was also proposed. This regulation was intended to provide for a review of

such sources prior to construction, and to prevent VMT growth resulting from improved traffic flow.

As a result of the public hearing and comments and analyses of the impact of the strategy received from the city and state, the initial Federal proposal has been significantly revised. The Administrator believes that the adjusted strategies, coupled with the expected impact of the Federal Motor Vehicle Control Program, will provide for the achievement of the ambient air quality standard for CO by May 31, 1975. The Federal Strategies being promulgated are summarized below.

(1) The City of Chicago shall implement a traffic management system within the central core area by May 31, 1975. This program, which involves a computerized traffic signalization network, will increase average vehicle speeds within the core area by as much as 22 percent. The program, designed by Stanford Research Institute, will be administered by the Department of Streets and Sanitation of Chicago.

(2) The City of Chicago shall revise the on-street parking ordinance to prohibit all vehicle stopping or standing and to limit deliveries to one side of designated one-way streets in the core area. This strategy will provide an additional lane that will be continuously open to traffic from 6:00 a.m. to 6:00 p.m. The Administrator believes that this strategy will not substantially interfere with deliveries or the loading and unloading of passengers as these activities will still be allowed on one side of the specified streets. In addition, this strategy is consistent with plans now being considered by the City of Chicago for the creation of exclusive, reversible bus lanes on several of these streets. The streets designated in the Federal rulemaking to be provided with an additional lane exclusively open to moving traffic in the central core are: (north-south) Clark and Dearborn streets; (east-west) Jackson, Adams, Monroe, Madison, Washington, and Randolph streets.

(3) Cook County shall establish an annual vehicle emission inspection program compatible with the City of Chicago inspection program for those portions of the county outside of Chicago. This strategy assures that all light-duty vehicles registered within Cook County meet the same emission standards applied by the City of Chicago vehicle inspection system. In addition, the State of Illinois shall not register any automobile in Cook County (including the City of Chicago) unless the vehicle has successfully passed either the City of Chicago or the Cook County inspection program.

(4) The State is required to monitor the progress of each of the above strategies and to report such progress to the EPA on a quarterly basis.

PUBLIC HEARING COMMENTS

Air Quality. Since the CAMP station is located in the southern half of the 3.75-square-mile Transportation Control Area, questions were raised regarding the applicability of its data to other parts of the

Transportation Control Area. Of particular concern was application of the transportation control strategies to the northern edge of the Transportation Control Area.

In response to these questions, the EPA conducted a special air quality study in cooperation with the City of Chicago, Cook County, and the State of Illinois. The special study consisted of a four-station CO monitoring network operated from August 28 through September 30, 1973. The monitoring stations were carefully located to provide data representative of ambient CO levels occurring in different portions of the Transportation Control Area. Sites were located at:

(1) The northern edge of the Transportation Control Area at the water pumping station near the Water Tower at Chicago and Michigan Avenues;

(2) The Center of the Transportation Control Area at the Civic Center Mall area near Washington Street;

(3) The southwestern edge of the Transportation Control Area at the Cermak Water Pumping Station on Harrison Street next to the Dan Ryan Expressway; and

(4) The southern portion of the Transportation Control Area at the CAMP Station with alternate reference method equipment operating in parallel with the existing equipment to verify accuracy of measurement.

The study indicates that the CAMP Station CO data are characteristic of air quality levels found elsewhere within the Transportation Control Area. In addition, the extent of the CO levels occurring on the northern edge of the Transportation Control Area verifies the validity of including this area in the Transportation Control Area. A statistical analysis of the reading taken at the various sites has been performed by the regional office of the EPA. The results of this analysis are indicated in the technical support document of the promulgation.

City Programs. At the hearing, the city of Chicago recommended that its planned traffic management system to improve traffic flow within the central core be included in the Federal plan. Data supplied to EPA by the City of Chicago Department of Streets and Sanitation verify that the system is now expected to be functional within the necessary time frame. At the same time, the city recommended that the EPA weigh the impact of the designation of existing parking spaces as exclusive bus lanes along approximately four streets within the core area. Subsequent discussion with City officials indicated that the efforts regarding the creation of express bus lanes have been delayed pending the completion of a feasibility study and the creation of the Regional Transit Authority. The traffic management system, designed by the Stanford Research Institute to increase the average vehicle speeds within the core area from the current level of 9 miles per hour (mph) to 11 mph, is now included in the plan as a means of reducing CO emissions in the core area by as much as 15 percent.

Vehicle Inspection/Maintenance. It was proposed on July 16, 1973, that successfully passing an emission inspection program be a prerequisite to the registration of any vehicle by a governmental entity in the counties of Cook, Lake, and DuPage. It has been determined that requiring the State of Illinois to establish an inspection/maintenance program specifically to test vehicles in Lake and DuPage counties would not result in a significant reduction in CO emissions in the Transportation Control Area. Percentage surveys of city parking lots and city traffic counts have demonstrated that only 6 percent of the light-duty vehicles used in the Transportation Control Area could be identified as being registered in those two counties.

Two separate studies were conducted by CATS, and a third study was conducted by Argonne National Laboratory. The CATS studies, conducted in May 1973 and January 1973, established 130 vehicle counting stations within the core area. In addition to determining the type and percentage of vehicle class operating within the core area, the studies traced approximately 1300 license plates to determine vehicle ownership and origin. During the spring of 1973, the Argonne National Laboratory surveyed several city parking lots and garages to determine the distribution of vehicle origin. The study indicates that over 30 percent of the light-duty vehicles stopping in the transportation control area were registered in Cook County outside of Chicago. By applying the inspection system to all of Cook County, it is estimated that vehicles accounting for approximately 92 percent of the light-duty VMT will be inspected. The Chicago inspection system applies to all motor vehicles. The Federal regulation applies only to light-duty vehicles, however, because the EPA is not convinced that implementation of heavy-duty vehicle inspection/maintenance programs can be assured. It was also concluded that requiring all governmental entities that register vehicles in Cook County to obtain proof of inspection would not yield sufficient return to warrant this duplication of effort. Accordingly, the regulation requires only the State to assure compliance with the inspection system prior to registration.

Comment at the hearing indicated that the time schedules allotted for implementation of the Cook County inspection program were unreasonable. Inspection of all county-registered vehicles by May 31, 1975, would necessitate full program initiation at least 1 year prior to that date. This situation caused EPA to adjust the proposed schedules to provide adequate time for program implementation. Thus, since estimates for equipment procurement have varied from 5 to 12 months (from date of order to date of receipt), and allowing up to 1 year for site selection and administrative details to be developed, the date by which all vehicles in Cook County must have successfully passed the inspection program is now December 31, 1975. Following the schedule in the regulation would result in approximately 42 percent of the ve-

hicles being tested prior to May 31, 1975. Because the city of Chicago has already initiated its inspection/maintenance program, the proposed date of May 31, 1975, for all Chicago-registered, light-duty vehicles to have passed the test still applies.

Parking Restrictions. The alleged unreasonableness of the proposed Federal on-street parking restrictions was raised at the public hearings. Hardships that would occur if routine deliveries and short-term business could not be completed because of on-street parking restrictions were cited. Because the traffic management system will be implemented by May 1975, and because of the comments received during the hearings, the EPA has concluded that the proposed on-street parking restrictions should be only partially implemented. The regulations being promulgated herein include a parking prohibition on one side of specifically designated one-way streets in the Transportation Control Area.

Even strict enforcement of the existing city ordinances restricting parking could not be expected to effectively reduce traffic congestion and to increase average vehicle speeds within the core area unless the ordinance could be augmented with restrictions similar to those being promulgated herein. Several alternatives to the originally proposed on-street parking restrictions were carefully considered before the final control measures were selected. By freeing an additional lane on each of the designated one-way streets in the Transportation Control Area, traffic flow can be improved, thereby increasing the favorable impact of the Chicago Traffic Management System.

A requirement for approval by the EPA prior to the construction of any off-street parking facility within the Transportation Control Area was proposed at the public hearing. The purpose of this strategy was to provide some degree of control over vehicular growth patterns. Several comments suggested that this regulation was unnecessary since the City already prohibits the construction of new off-street parking facilities in the central core and that implementation of this restriction in the outer portions of the Transportation Control Area would inhibit the construction of fringe parking lots designed to reduce congestion in the central core. City ordinances control, but do not prohibit, accessory parking. Analysis of the city of Chicago cordon count data for 1972 indicates that, although the number of vehicles registered in the city has increased steadily since 1920, the total number of vehicles entering the core area has not substantially changed since 1958.

Discussion of Other City Programs. As a further result of the public hearing comments on the original Federal proposal, several subsequent discussions were held with representatives of the city of Chicago to determine the potentially favorable impact of several city programs aimed at reducing vehicular

traffic densities within the central core. Two basic strategies were outlined: (1) Programs to reduce overall VMT by providing favorable alternatives to automobile travel, and (2) programs to increase average vehicle speeds through improvements in traffic flow.

The EPA, in cooperation with the city, has attempted to quantify the potential carbon monoxide emission reductions, if any, that could be attributed to these programs. Although it was difficult in many instances to estimate the total impact of any associated emission reductions, the Administrator recommends that these programs be successfully completed and/or expanded where a potential for air quality improvement exists.

Park and Ride Facilities. Chicago was the first city to develop a median lane rapid transit system leading to its central core area. Presently only limited parking exists at several stations along the Eisenhower, Kennedy, and Dan Ryan Expressways. To supplement this parking, the city is constructing park and ride facilities at the Jefferson Park station on the Kennedy Expressway and at the 87th Street station on the Dan Ryan Expressway, both of which are expected to be completed by January 1975.

Each of these facilities will provide parking for 1500 vehicles. Assuming that each station could be used to capacity by vehicular traffic that would normally be driving to the Transportation Control Area, an upper limit can be estimated regarding potential CO reductions. This estimate assumes that the 3000 empty parking spaces downtown will remain unused. A reduction of 3000 vehicles or approximately 9000 VMT could result, with an associated reduction in CO emissions of approximately 100 to 500 kilograms per day (kg/day).

Similar facilities are also expected to be constructed at 69th Street on the Dan Ryan Expressway and at Des Plaines Avenue on the Eisenhower Expressway. These facilities, however, will not be completed by mid-1975. Four additional facilities are planned near Halsted Street on the Dan Ryan Expressway, near Harlem Avenue on the Kennedy Expressway, at River Road on the Kennedy Expressway, and at the Howard Street Elevated Station.

With successful completion of this program and with the provision for a parking fee structure favorable to carpooling at each of these facilities, the effect of this program on VMT reduction in Transportation Control Area could be significant.

Ohio and Ontario Street Widening. The city recently conducted average vehicle speed surveys during rush hour at selected sites on Ohio and Ontario Streets to estimate the effect of the proposed widening of these Streets. The average speed on these streets east of Michigan Avenue was only 7.9 mph as opposed to 11.3 mph west of Michigan Avenue. Assuming that the average vehicle speed east of Michigan Avenue could be increased to 11.3 mph through

the widening effort, an overall emission reduction in CO on the order of approximately 50 kg/day could be achieved. This estimated emission reduction, although not substantial in itself, could provide a small additional increment toward meeting the air quality standard.

Fringe Parking. The time frame for additional fringe parking outside the core is within the mid-1975 requirement. However, it is difficult to quantify the effect of peripheral parking on carbon monoxide emissions.

Consolidation of the off-street parking facilities outside of the densely traveled core area, in conjunction with a shuttle bus system, could reduce overall VMT and hence CO emissions in the core area. The fringe parking facility plan is therefore recommended and should be developed to ensure proper coordination and compatibility with mass transit facilities.

Exclusive Bus Lanes. The Chicago Department of Streets and Sanitation is conducting a feasibility study prior to establishing four exclusive reversible bus lanes in the central core area. Although the scheduled completion date is unknown, minimal effort is required for implementation of this program. Recent estimates have indicated that the bus lanes could be fully operational only a few months after completion of the feasibility study. Although it will be difficult to quantify carbon monoxide emission reductions, traffic flow would be expected to improve through associated increases in average vehicle speeds on the affected streets. The potential now exists for the final development and expansion of an exclusive bus lane system through the use of the various lanes that will now be freed from vehicle congestion through the implementation of the on-street parking restrictions.

Franklin Street Connection. The Franklin Street connection will provide a direct access roadway from the Dan Ryan Expressway to the southwest portion of the central core area. The *Final Environmental Impact Statement* (Chicago Department of Public Works, November 1971) has indicated that the construction of this connection will result in a net decrease in carbon monoxide emissions through an average speed increase on the Dan Ryan Expressway and other core area feeder streets. Because the data in the Environmental Impact Statement (EIS) refer only to peak hourly traffic, it is difficult to verify the effect on air quality that may result from this program. Assuming an average speed of 8 to 20 mph as indicated in the EIS, the resultant speed correction to the vehicle emission factors could result in an overall carbon monoxide emissions reduction of approximately 50 percent during rush hour periods within the core area. A conservative estimate of an overall emission reduction of up to 350 kg/day could be expected, which would provide an additional increment toward meeting the air quality standard.

Illinois Air Rights Development. The Illinois Central Air Rights Development project will involve the extensive residential/commercial redevelopment of the space immediately above the Illinois Central Railroad tracks in the area west of Lake Shore Drive, east of Michigan Avenue, south of the Chicago River, and north of Randolph Street.

Although this project will be analyzed under indirect source review procedures, the EPA has discussed the Illinois Central Air Rights Development with city officials with respect to its potential effects on vehicular emissions. Although the total development will not be completed until the late 1970's, certain interim completion dates could result in reduced carbon monoxide emissions through associated average vehicle speed increases. In particular the Wacker Drive extension, scheduled for completion prior to mid-1975, could conceivably improve the flow of traffic on Lake Shore Drive as well as improve the flow of traffic on Randolph Street.

State Street Mall. The planning for a State Street Mall has been in progress for approximately 2 years. This program calls for extensive face-lifting and redevelopment of Chicago's main artery, with the roadway itself made available only to bus and taxi service. The EPA recommends that the State Street Mall, more accurately called a transit-way, be implemented as quickly as possible. On a short-term basis, the transit-way could be slightly counter-productive because of increased traffic congestion on nearby streets. However, additional VMT controls through the implementation of similar malls or transit-ways in the Transportation Control Area could significantly reduce carbon monoxide emissions.

Bicycle Use. The EPA supports State and local programs providing for the safe and efficient use of bicycles. In addition, the Administrator commends the city of Chicago for designating bike paths on specific streets within the city. More work, however, needs to be done in the creation of specific bike lanes on existing streets within the Transportation Control Area.

Need for Mass Transit. In addition to the above strategies, the EPA has recently taken a strong position in favor of the creation of a Regional Transportation Authority (RTA). Recognizing the long-term benefits to be derived through the maintenance of a flexible, well-coordinated mass transportation system, the EPA submitted a statement of support at the State public hearings regarding the creation of the RTA.

To this end, the EPA will continue to work in conjunction with State and local agencies to bring about necessary improvements in the existing mass transit system.

EVALUATION OF EPA PLAN

The Administrator believes that the transportation control plan promulgated

herein will provide for the achievement of the CO air quality standard by May 31, 1975. As discussed previously, this plan, based upon 1971 air quality data, requires a 50 percent reduction in CO emissions through improvements in individual vehicular emission rates. These improvements are expected to occur through increases in average vehicle speeds and reductions in vehicular congestion, and by providing for the cleanest exhaust emissions possible without requiring retrofit devices.

SOCIAL AND ECONOMIC IMPACT

The various additional costs associated with the Federal strategies have been kept to a minimum because several of the strategies represent previously funded, on-going programs.

The traffic management system has already been planned and funded by the city; the actual implementation of the program should not result in substantial additional expenditures attributable to this plan. Implementation costs for this system have been estimated at \$21,000 per intersection for the 73 intersections within the core area. This would result in a total equipment expenditure of \$1,533,000. To this total is added \$1,000,000, which represents the estimated costs for adjustments and conversions of the actual intersections. Thus, the total estimated cost of the system would be approximately \$2,533,000. The total costs of this system will be partially funded under the TOPICS program at the ratio of 50 percent State, county, and city funds to 50 percent Federal funds.

The cost of the inspection system for Chicago has already been passed on to vehicle owners in the form of an increased vehicle registration fee. It is expected that the cost of inspecting Cook County automobiles outside of Chicago will also be passed on to the vehicle owner. Operating costs for the Chicago inspection system have been estimated to be approximately \$2 per vehicle per year. Average additional cost for maintenance is estimated by EPA to be in the range of \$3 per vehicle per year based upon an annual inspection system. Since there are slightly more than 1 million automobiles registered in Cook County outside of Chicago, expanding the present program to the remainder of the County will cost approximately \$3 million. Detailed cost estimates regarding the expanded inspection system are contained in the technical support document to this preamble.

EMISSION REDUCTIONS

The estimated emission reductions expected to occur within the Transportation Control Area as a result of the Federal plan are summarized in Table 1. The emission reductions achieved are predicated on the basis that no growth in VMT will occur within the study area over the 4-year period.

TABLE 1.—SUMMARY OF TRANSPORTATION CONTROL STRATEGY EFFECTS, MAY 31, 1975

Strategy	Emission reduction, kilogram/day	Emissions remaining, kilogram/day	Percent reduction from baseline
1971 Baseline year emissions		112,185	
1975 Emissions without controls or FMVCP		112,185	
FMVCP	-45,775	66,410	40.8
Inspection/maintenance	-3,979	62,431	3.5
Traffic management	-5,348	57,083	4.8
Parking restrictions	-1,100	55,983	1.0
1975 Controlled emissions		55,983	50.1

The impact of the Federal Motor Vehicle Control Program (FMVCP) is based upon the techniques outlined in the EPA document entitled *Compilation of Air Pollutant Emission Factors (AP-42)* and has been adjusted for the effect of the EPA interim motor vehicle exhaust standard. The estimate of emission reduction achieved through the implementation of the Chicago and Cook County vehicle emission inspection programs is based upon the data contained in Appendix N of 40 CFR Part 51.

The estimates regarding the impact of the Chicago Traffic Management System are directly related to the vehicle emission speed adjustment factors contained in AP-42. Emission reduction estimates pertaining to traffic restrictions are derived from AP-42 with supplemental data supplied by the Stanford Research Institute, which has been involved in the software and systems design of the traffic management program.

The detailed technical analysis of the estimated impacts of the various strategies are contained in the Technical Support Document to this final rulemaking. Copies of this report are available for inspection at the Freedom of Information Center, EPA, Room W232, 401 M Street, SW., Washington, D.C. 20460; and at the Region V Office, EPA, One North Wacker Drive, Chicago, Illinois 60606.

EFFECTIVE DATES

The regulations promulgated today become effective January 4, 1974, except in the case of those regulations that impose requirements for specific action at earlier dates. In such cases, the Administrator has found that good cause exists for accelerating the effective date because of the need to take action as expeditiously as practicable in order to attain and maintain the national ambient air quality standards. (42 U.S.C. § 1857c-5(c) and 1857g.)

Dated: November 21, 1973.

RUSSELL E. TRAIN,
Administrator.

Subpart 0 of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations amended as follows:

Subpart 0—Illinois

§ 52.727 [Amended]

1. In § 52.727, the attainment date table is revised by replacing the date "May 31, 1975, c" for attainment of the national standards for carbon monoxide in the Metropolitan Chicago Interstate Region with the date "May 31, 1975" and by revising footnote "c" to read as follows:

c. Air quality levels presently below secondary standards.

§ 52.728 [Reserved]

2. Section 52.728 is revoked and reserved.

3. Subpart 0 is amended by adding §§ 52.731, 52.732, 52.733, and 52.734 as follows:

§ 52.731 Inspection and maintenance of vehicles.

(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) "Vehicle-for-hire" means any chauffeur-driven, spark-ignition-powered motor vehicle used for the purpose of providing transportation for a fee or charge, such as taxicabs and limousine services.

(3) "Spark-ignition-powered motor vehicle" means a self-propelled over-the-road vehicle that is powered by a spark ignition type of internal combustion engine, including but not limited to engines fueled by gasoline, propane, butane, and methane compounds.

(4) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb gross vehicle weight (GVW) or less.

(5) 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 regulation is applicable in Cook County, Illinois (including the city of Chicago).

(c) (1) The City of Chicago shall design, implement and enforce an inspection and maintenance program applicable to all light-duty, spark-ignition-powered motor vehicles owned and registered in the City of Chicago. The City may exempt any class or category of vehicles that the City finds are rarely used on public streets or highways (such as classic or antique vehicles).

(2) The County of Cook shall design, implement and enforce an inspection and maintenance program applicable to all light-duty, spark-ignition-powered motor vehicles owned and registered outside the City of Chicago but within the geographic limits of the County of Cook. The County may exempt any class or category of vehicles that the County finds are rarely used on public streets or highways (such as classic or antique vehicles).

(d) No later than February 1, 1974, the City of Chicago and no later than June 1,

1974, the County of Cook shall submit to the Administrator for his approval legally adopted regulations establishing the regulatory scheme for the inspection and maintenance programs required by paragraph (c) of this section. The regulations shall include:

(1) Provisions requiring inspection of all light-duty, spark-ignition-powered motor vehicles owned and operated within the respective geographic jurisdictions of the City and County at periodic intervals no more than 1 year apart by means of an idle test, except that Chicago registered light-duty vehicles-for-hire shall be inspected at intervals of no more than 4 months apart.

(2) Provisions setting forth inspection criteria and exhaust emissions standards identical to the inspection criteria and exhaust emission standards set forth in section 17-2A.2 of the Environmental Control Ordinance, Chapter 17 of the Municipal Code of Chicago, effective June 1, 1973, in the City of Chicago.

(3) Provisions ensuring that failed vehicles receive within 30 days the maintenance necessary to achieve compliance with the inspection standards. These shall, at a minimum impose sanctions against individual owners and repair facilities, require retest of failed vehicles following maintenance, require plans for the establishment of a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tests satisfactorily, and provide for such other measures as necessary or appropriate.

(4) Provisions prohibiting vehicles from being intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. These might include authorization of spot checks of idle adjustments and/or requiring a suitable type of physical tagging on vehicles. These provisions shall include appropriate penalties for violation.

(5) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program. Private parties may be designated to conduct parts of the program to certify compliance.

(6) Provisions requiring that, with regard to the first inspection cycle, the inspection and maintenance necessary to achieve compliance with the applicable emission standards established pursuant to paragraph (d) (2) of this section be completed by:

(a) May 31, 1975, for all vehicles subject to the inspection program established by the City of Chicago pursuant to this section;

(b) May 31, 1975, for five-twelfths (5/12) of the vehicles subject to the inspection program established by the County of Cook pursuant to this section; and

(c) December 31, 1975, for the remainder of the vehicles subject to the Cook County inspection program.

(e) After May 31, 1975, the State of Illinois shall not register or allow to operate on its streets or highways and the City of Chicago shall not allow to operate on its streets or highways any light-duty, spark-ignition-powered motor vehicle subject to the City of Chicago inspection program established pursuant to this section that does not comply with the applicable exhaust emission standards adopted in accordance with paragraph (d) (2) of this section. This prohibition shall not apply to the initial registration of a new motor vehicle.

(f) After December 31, 1975, the State of Illinois shall not register or allow to operate on its streets or highways and the County of Cook shall not allow to operate on its streets or highways any light-duty, spark-ignition-powered motor vehicle subject to the Cook County inspection program established pursuant to this section that does not comply with the applicable exhaust emission standards adopted in accordance with paragraph (d) (2) of this section. This prohibition shall not apply to the initial registration of a new motor vehicle.

(g) After May 31, 1975, no person shall cause, permit, or allow the resale, rental, use, or operation of any spark-ignition-powered motor vehicle subject to the inspection program established by the City of Chicago pursuant to this section that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) (2) of this section. This prohibition shall not apply to the initial registration of a new motor vehicle.

(h) After December 31, 1975, no person shall cause, permit, or allow the resale, rental, use, or operation of any spark-ignition-powered motor vehicle subject to the inspection program established by the County of Cook pursuant to this section that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) (2) of this section. This prohibition shall not apply to the initial registration of a new motor vehicle.

(i) No later than February 1, 1974, the City of Chicago and no later than March 1, 1974, the County of Cook shall each submit to the Administrator, for his approval, detailed compliance schedules showing the steps they will take to establish, operate, and enforce the inspection/maintenance programs required by paragraph (c) of this section including the text of proposed or adopted regulations and the date by which proposed regulations will be adopted. The compliance schedule shall also include:

(1) The date by which necessary equipment will be ordered, and

(2) A signed statement from the chief executive officers of the City and/or County identifying the necessary resources including manpower resources and the sources and amounts of funds for the respective programs. If resources cannot be legally obligated under existing statutory authority the text of needed legislation shall be submitted.

§ 52.732 Traffic flow improvements.

(a) Definitions:

(1) "Central Core Area" means that area within the City of Chicago bounded by and including Wacker Drive on the North and West, Michigan Avenue on the East, and Harrison Street on the South.

(b) This regulation is applicable within the City of Chicago, Illinois.

(c) On and after May 31, 1975, the City of Chicago shall operate a traffic-responsive, digital-computer-controlled, traffic signal system covering all intersections within the Central Core Area.

(d) No later than February 1, 1974, the City of Chicago shall submit to the Administrator, for his approval, a detailed compliance schedule showing the steps it will take to establish and operate the traffic flow improvement system required by paragraph (c) of this section including:

(1) A description of the legal authority for establishing and operating the system, including the text of proposed or adopted legislation and regulations, and the dates by which any proposed regulations will be adopted.

(2) Specific dates by which various steps to implement the traffic flow improvement system will be completed. Such steps shall include, as a minimum, the following: submitting final plans and specifications for the system to the Administrator for his approval, ordering necessary equipment, commencing on-site construction and/or installation, and completing of on-site construction and/or installation.

(3) A signed statement from the Mayor of Chicago or his designee identifying the sources and amounts of funds for the traffic flow improvement system. If funds cannot legally be obligated under existing authority, the text of needed legislation shall be submitted.

§ 52.733 Restriction of 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.

(b) (1) Effective September 30, 1974, the City of Chicago shall prohibit on-street parking by any motor vehicle between the hours of 6:30 a.m. and 6:30 p.m., Mondays through Saturdays, on one side of the following streets within the Central Core Area (as defined in § 52.732 of this chapter): Lake, Randolph, Washington, Madison, Monroe, Adams, Jackson, Van Buren, Clark, and Dearborn.

(2) No later than July 31, 1974, the City of Chicago 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 that the owner or operator of such vehicle shall be fined not less than \$50 per violation.

(c) Commencing September 30, 1974, no owner of a motor vehicle shall park, or permit the parking of, said vehicle in violation of the prohibition of paragraph (b) (1) of this section.

(d) No later than May 31, 1974, the City of Chicago shall submit to the Administrator, for his approval, a compliance schedule for implementing the restrictions contained in paragraph (c) of this section. Said compliance schedule shall include:

(1) A description of the legal authority for establishing and enforcing the on-street parking prohibition, including the text of proposed or adopted legislation and regulations, and the date by which any proposed regulations will be adopted;

(2) Designation of the side of the streets on which on-street parking shall be prohibited;

(3) A schedule for installing no parking signs where necessary; and

(4) A strategy for ensuring strict compliance with the prohibition, including identification of the city official responsible for enforcement, and a description of the manpower and financial resources available.

§ 52.734 Monitoring transportation mode trends.

(a) This section is applicable in the Metropolitan Chicago Interstate Air Quality Control Region.

(b) In order to assure the effectiveness of the inspection and maintenance program required under § 52.731, the state of Illinois shall monitor the actual per vehicle emissions reductions occurring as a result of such section. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State in accordance with § 51.7 of this chapter. The first quarterly report shall cover the period July 1-September 30, 1975.

(c) In order to assure the effective implementation of §§ 52.732 and 52.733 of this chapter, the State shall monitor vehicle miles traveled and average vehicle speeds for each area in which such sections are in effect for such time periods as may be appropriate to evaluate the effectiveness of such sections. The first quarterly report shall cover the period from October 1 to December 31, 1974. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State in accordance with § 51.7 of this chapter in the basic format shown in Table 1.

TABLE 1

Time period	VMT or average vehicle speed	
	Vehicle type (1)	Vehicle type (2) ¹
Affected area		
Roadway type		
Freeway		
Arterial		
Collector		
Local		

¹ Continue with other vehicle types as appropriate.

[FR Doc. 73-25121 Filed 12-4-73; 8:45 am]

ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 52]

ILLINOIS TRANSPORTATION CONTROL
PLAN

Notice of Proposed Rule Making

In another section of this issue of the FEDERAL REGISTER, EPA promulgated a transportation plan designed to achieve national ambient air quality standards for carbon monoxide. This plan includes, among other strategies, a requirement that the County of Cook set up an inspection/maintenance system for light-duty motor vehicles registered or owned in the County outside the city limits of Chicago. It is anticipated that this program will affect about 1,000,000 vehicles through an annual inspection. However, although this program could be considered costly with respect to overall costs of operation and maintenance of failed vehicles, it is crucial to the overall strategy for achieving the standards.

Nevertheless, the Illinois Environmental Protection Agency has suggested that a more cost-effective strategy would be the catalytic retrofit of some 4,200 taxicabs registered in the City of Chicago. Studies have been made to determine the percentage of central core area VMT produced by taxicabs, and the estimate was approximately 22 percent of total VMT. Accordingly, the State EPA felt that a catalytic device which reduced emissions by 50 percent on a comparatively small number of vehicles which account for 22 percent of total VMT would provide a more significant and less costly means of reducing carbon monoxide emissions than the county-wide inspection/maintenance program.

While EPA is not convinced that this strategy is a viable alternative in terms of May 31, 1975, it nevertheless believes that opportunity should be afforded the State to present the best possible case for this strategy. Because of extremely tight deadlines and time schedules, it was believed that an acceptable regulation should be proposed at this time as an alternative to the county portion of the inspection/maintenance program. If this strategy appears acceptable as a result of information derived from the public hearing thereon, it could be promulgated fairly quickly and the county inspection program retracted before any commitments are required.

An additional incentive to proposing this regulation is the possibility that it may serve as an acceptable strategy for inclusion in a plan based on 1973 air quality data. To afford the broadest possible scope for comment at the hearing on the concept and impact of retrofitting, EPA will consider extending the retrofit requirement to other fleet vehicles in addition to taxicabs, such as commercial and governmental fleets

which account for nearly 11 percent of the total core VMT, and rented and leased vehicles, which comprise approximately 7 percent of the overall VMT.

A hearing on this proposed revision to the Illinois Transportation Plan will be held on Friday, December 14, 1973, at 9:30 a.m., at the Water Tower Hyatt House, Terrace B, 800 North Michigan, Chicago, Illinois. James O. McDonald is hereby designated Presiding Officer for that hearing. All correspondence concerning the hearings should be addressed to Administrator of the EPA, Attention James O. McDonald, Presiding Officer, Hearing on Transportation Plan for Illinois, 1 North Wacker Drive, Chicago, Illinois 60606.

Interested persons may also participate in this rulemaking by submitting written comments in triplicate to the Presiding Officer at the address listed above. All comments received on or before December 14, 1973, will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. All comments received, as well as copies of the applicable implementation plan, will be available for inspection during normal business hours at the U.S. Environmental Protection Agency, Public Affairs Office, 8th Floor, 1 North Wacker Drive, Chicago, Illinois 60606.

Following consideration of public comments, this proposal will be either withdrawn or promulgated with any appropriate modifications.

This notice of proposed rulemaking is issued under the authority of Section 110 (c) and 301(a) of the Clean Air Act, 42 U.S.C. 1857c-5(c) and 1857g.

Dated: November 21, 1973.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of Chapter 1, Title 40, of the Code of Federal Regulations by adding the following:

Subpart O—Illinois

1. Subpart O is amended by adding the following section:

§ 52.734 Oxidizing catalyst retrofit.

(a) Definitions:

(1) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emissions of hydrocarbons and carbon monoxide from that vehicle by at least 50 percent.

(b) This section is applicable within the City of Chicago, Illinois.

(c) (1) Effective May 31, 1975, all taxicabs of model years 1971 through 1975 that are able to operate on 91 RON gasoline and are subject to taxi registration within the City of Chicago, must be equipped with an appropriate oxidizing catalyst control 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 catalyst.

(2) No later than May 31, 1974, the City shall submit legally adopted regulations sufficient to implement and enforce all of the provisions of this section to the Administrator.

(d) After May 31, 1975, the City of Chicago shall not register or license any vehicle subject to the requirements established pursuant to paragraph (c) (1) of this section that is not in compliance with those requirements. This shall not apply to the initial registration of a new motor vehicle.

(e) After May 31, 1975, no owner of a taxicab subject to the requirement established pursuant to paragraph (c) (1) of this section shall operate or allow the operation of such taxicab when it is not in compliance with the requirements established pursuant to paragraph (c) (1) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) No later than February 1, 1974, the City of Chicago shall submit to the Administrator, for his approval, a detailed program for implementing and enforcing the requirements of paragraph (c) (1) of this section. Such program shall include, as a minimum, the following:

(1) Specific dates for implementing the requirement of paragraph (c) (1) of this section, together with the text of proposed or adopted legislation and regulations and the date by which any proposed regulations will be adopted.

(2) Specific dates for implementing the requirement of paragraph (c) (1) of this section, such steps to include, as a minimum: the adoption of necessary legislation and/or regulations (to be accomplished no later than May 31, 1974), and approval of devices for use in the retrofit program (to be accomplished no later than December 31, 1974).

(3) Designation of an agency or agencies responsible for enforcement of the prohibition contained in paragraph (c) (1) of this section.

(4) Designation of an agency or agencies responsible for evaluating or approving devices for use on vehicles subject to this section.

(5) Proposed methods and procedures for ensuring that those persons installing the devices have the training, technical skills, and ability to perform the needed tasks satisfactorily and that an adequate supply of devices will be available.

(6) Provision for emission testing at the time of device installation and at periodic intervals thereafter, or some other positive assurance that the device is installed and operating properly.

(7) Provision for adequate sanctions against any person removing or otherwise tampering with the device after it is installed whereby it is rendered ineffective.

[FR Doc.73-25650 Filed 12-4-73; 9:45 am]

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federal register

WEDNESDAY, DECEMBER 5, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 233

PART III



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education



RESEARCH PROJECTS IN VOCATIONAL EDUCATION

Closing Date for Receipt of Applications
and Criteria for Selection of Applications

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 103]

RESEARCH PROJECTS IN VOCATIONAL
EDUCATION

Notice of Closing Date for Receipt of
Applications and Criteria for Selection of
Applicants

Pursuant to the authority contained in section 131(a) of Part C of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1281(a), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 103 of Title 45 of the Code of Federal Regulations by adding an Appendix B to read as set forth below. The proposed Appendix B would contain additional criteria for selection of applications under the program of support for Research Projects in Vocational Education.

1. *Program purpose.* Section 131(a) of Part C of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1281(a), provides for Federally administered grants for Research Projects in Vocational Education. The purposes of these research projects are to: (a) Produce information designed to improve vocational education, and to (b) produce products that are designed to improve and extend existing vocational education practices. The projects are conducted under grants or contracts awarded by the U.S. Commissioner of Education, in accordance with the provisions of Part C of the Act and with the applicable Federal Regulations (45 CFR Part 103). Eligible applicants may include local educational agencies, State boards for vocational education, and public and private agencies, institutions or organizations.

2. *Regulations and criteria.* Regulations relating to the administration of the research projects program under Part C of the Vocational Education Act of 1963 are contained in 45 CFR Part 103. (See particularly 45 CFR 103.11-17.) Specific criteria for the review of applications submitted to the Commissioner of Education under the program are contained in 45 CFR § 103.14. Certain changes in the regulations in Part 103 have recently been proposed in a notice of proposed rulemaking published in 38 FR 10386, April 26, 1973, relating to general fiscal and administrative provisions for all OE programs. These general regulations contain general criteria for the review of applications under Office of Education project type programs (45 CFR 100a.26). When they become finally effective, these regulations will also be applicable to the program under Part C.

In addition to the criteria for review of applications already published in the FEDERAL REGISTER, as described above, it is proposed that the additional criteria set forth in the proposed Appendix B to the regulation in 45 CFR Part 103 will be applicable in connection with the review of applications for new projects to be

awarded in fiscal year 1974 under Part C.

Interested persons are invited to submit written comments, suggestions, or objections regarding such proposed additional criteria to the Division of Vocational Education Research, U.S. Office of Education, 7th and D Streets SW., Room 5051-ROB, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material received not later than December 26, 1973.

3. *Submission of applications.* Notice is hereby given that the U.S. Commissioner of Education has established January 4, 1974, as the final closing date for receipt of fiscal year 1974 applications.

Applications must be prepared and submitted in accordance with instructions and forms which may be obtained from the Division of Vocational Education Research, U.S. Office of Education, Washington, D.C. 20202.

Completed applications are to be submitted to, and must be received by, the Application Control Center, U.S. Office of Education, Washington, D.C. 20202, no later than January 4, 1974, to be eligible.

In the case of applications from local educational agencies, a copy of the application should be submitted simultaneously by the local educational agency to the applicable State board of vocational education. To be eligible for review by the Office of Education, an application from a local educational agency must be approved by the State board. In order to permit the consideration of an application from a local educational agency by the Office of Education for funding, the approval of the State board with respect to that application must be received by the Office of Education within thirty days of the deadline for receipt of proposals. All applications from other than local educational agencies must be submitted in accordance with § 103.13(b) of the program regulations (20 U.S.C. 1281(a), 45 CFR 102.13(b)).

Direct grants or contracts are awarded in each State up to the limit of funding available for the U.S. Commissioner of Education to use in that State as allotted under section 131(a) of Part C of the Act. Subject to § 103.15 of the Program Regulations (45 CFR 103.15), the approximate allocations anticipated for initiating new grants during fiscal year 1974 are: Alabama \$170,270; Alaska \$11,130; Arizona \$80,803; Arkansas \$90,526; California \$702,816; Colorado \$97,898; Connecticut \$92,892; Delaware \$19,518; Florida \$273,007; Georgia \$218,449; Hawaii \$28,877; Idaho \$35,882; Illinois \$366,750; Indiana \$214,595; Iowa \$117,897; Kansas \$92,068; Kentucky \$159,506; Louisiana \$184,273; Maine \$46,539; Maryland \$144,992; Massachusetts \$201,856; Michigan \$339,878; Minnesota \$158,789; Mississippi \$111,938; Missouri \$192,898; Montana \$32,742; Nebraska \$61,805; Nevada \$16,076; New Hampshire \$31,352; New Jersey \$227,654; New Mex-

ico \$52,712; New York \$547,023; North Carolina \$257,385; North Dakota \$31,309; Ohio \$420,947; Oklahoma \$119,232; Oregon \$90,266; Pennsylvania \$458,001; Rhode Island \$38,506; South Carolina \$137,984; South Dakota \$33,231; Tennessee \$191,979; Texas \$512,531; Utah \$57,146; Vermont \$20,589; Virginia \$210,043; Washington \$137,365; West Virginia \$84,218; Wisconsin \$188,831; Wyoming \$14,780; District of Columbia \$24,097; American Samoa \$1,346; Guam \$4,290; Puerto Rico \$135,283; Virgin Islands \$2,827; Trust Territory \$4,403.

These projects should not exceed 18 months in duration.

Dated: October 29, 1973.

JOHN OTTINA,
U.S. Commissioner of Education.

Dated: November 30, 1973.

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

(Catalog of Federal Domestic Assistance
Program Number 13.498; Vocational Education Research)

APPENDIX B

RESEARCH PROJECTS IN VOCATIONAL EDUCATION
ADDITIONAL CRITERIA

In the making of awards from funds available for the program (in addition to consideration of the criteria in 45 CFR 103.14 and 100a.26(b)) priority will be given to applications which rank high on the basis of such criteria and which propose projects in one or more of the priority areas described below. In addition, special consideration will be given to programs or projects of national, regional, or interstate significance in one or more of the priority areas described below. The results of these projects should improve and extend existing Federally supported vocational education programs.

Curriculum Studies. Information is needed to undergird curriculum planning and curriculum development activities. Applied studies will be supported to produce information: (1) For developing individualized and performance oriented curricula, including the state-of-the-art, effectiveness, cost, and cost-effectiveness information, (2) that identifies emerging occupations and explicates the curriculum and manpower needs for the area or areas, and (3) that identifies common core of basic skills for one or more occupational cluster areas.

Disadvantaged, Handicapped, and Minority. Information is needed to improve vocational education and vocational education opportunities for disadvantaged, handicapped, and minority populations. Applied studies will be supported to produce information that is designed for use by decision makers at the Federal, State, and local levels. These studies should produce information which will: (1) improve the utilization of existing vocational education resources for target populations, (2) improve the image of vocational education for target populations, and (3) provide a basis for improving access to the field or fields of employment for which individuals in a target group or groups have been trained.

Alternative Work Experience Programs. Information is needed to improve and extend work experience programs. Applied studies will be supported to produce information that: (1) identifies more creative work experience approaches with business, industry, and community and civic organizations, (2) provides a basis for improving student and employer satisfaction in work experience programs, (3) clarifies legal and other barriers to work experience programs, (4) provides a basis for establishing standards for work experience programs, and (5) identifies alternative work experience programs and describes actual or projected costs and cost-benefits of the programs.

Guidance, Counseling, Placement, and Student Followup Services. Comprehensive systems of guidance, counseling, placement, and followup services for students and adults need to be improved. Applied studies will be supported which produce information that: (1) provides the basis for improving career planning for target populations selected by the applicant, (2) provides the basis for improving student assessment capabilities,

and (3) determines the state-of-the-art, impact, cost, and cost-effectiveness information regarding components of comprehensive systems of guidance, counseling, placement, and student followup services.

In addition, several large scale efforts will be supported to develop components of comprehensive systems of guidance, counseling, placement, and followup services for students and adults. These development efforts should focus on: (1) developing procedures to utilize employment information, (2) developing job placement and followup services for students, and (3) producing in-service training materials designed to improve the skills of professionals and support personnel in utilizing employment information, and providing job placement and student followup services.

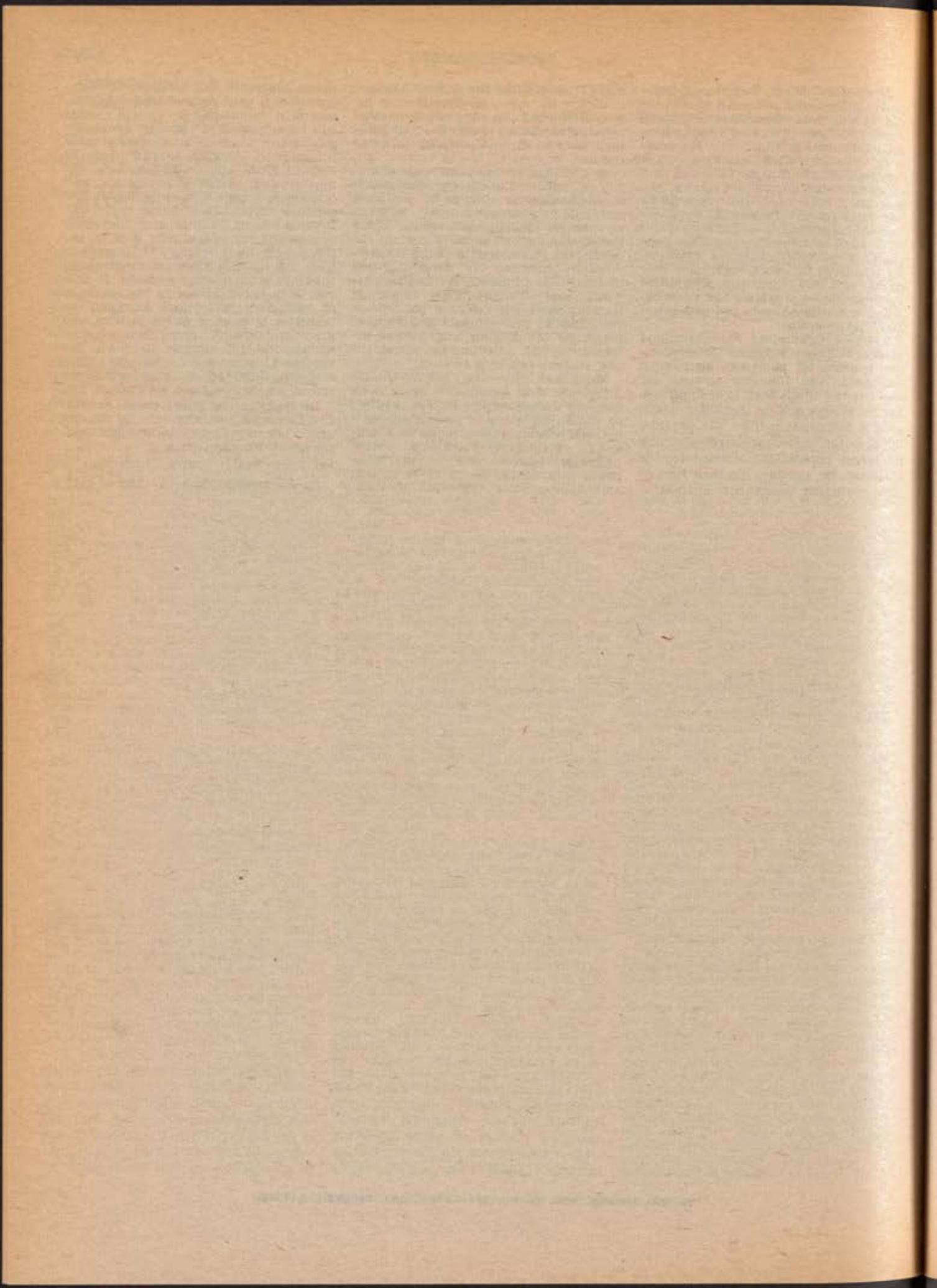
Manpower Information and System for Education. Job, manpower, labor market, and demographic data are required by public, private, and proprietary educational administrators, planners, evaluators, curriculum developers, career counselors, teachers, and students. Manpower information needs to be current and appropriately presented if voca-

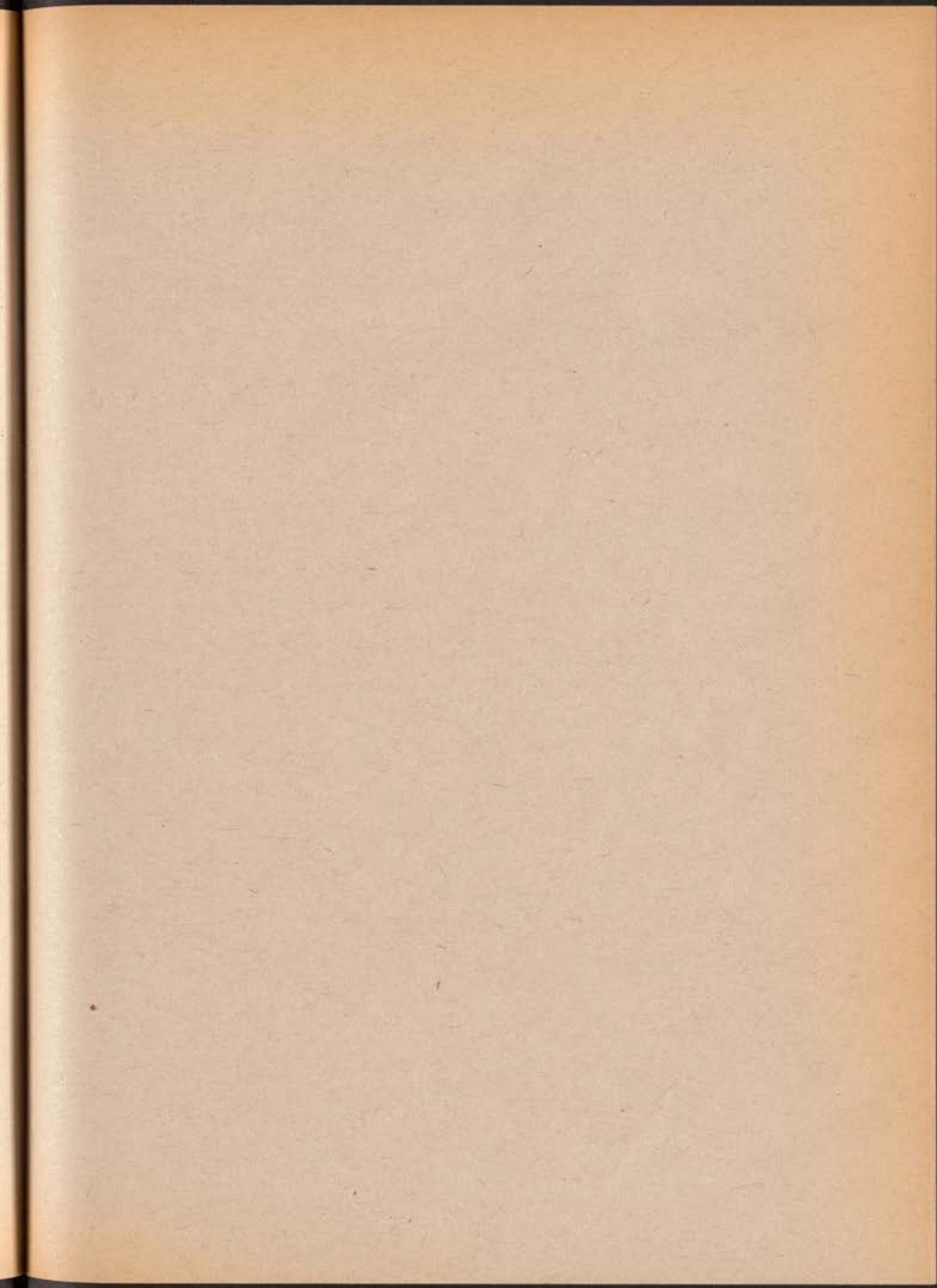
tional education programs are to be responsive to existing and projected employment opportunities. Applied studies will be supported to improve manpower, job, labor market, and demographic information relevant to the needs of Federal, State, and local educational administrators, planners, evaluators, and other user groups. These studies should produce information which will: (1) Provide a basis for improving manpower projections for educational uses at the State and local levels, (2) provide a basis for matching job requirements to the skills of prospective workers, (3) provide a basis for improving the accuracy of manpower projections for jobs, (4) translate manpower forecasts into program and specific curriculum requirements, and (5) provide the basis for vocational education to interface with economic development groups and to assist in job development approaches.

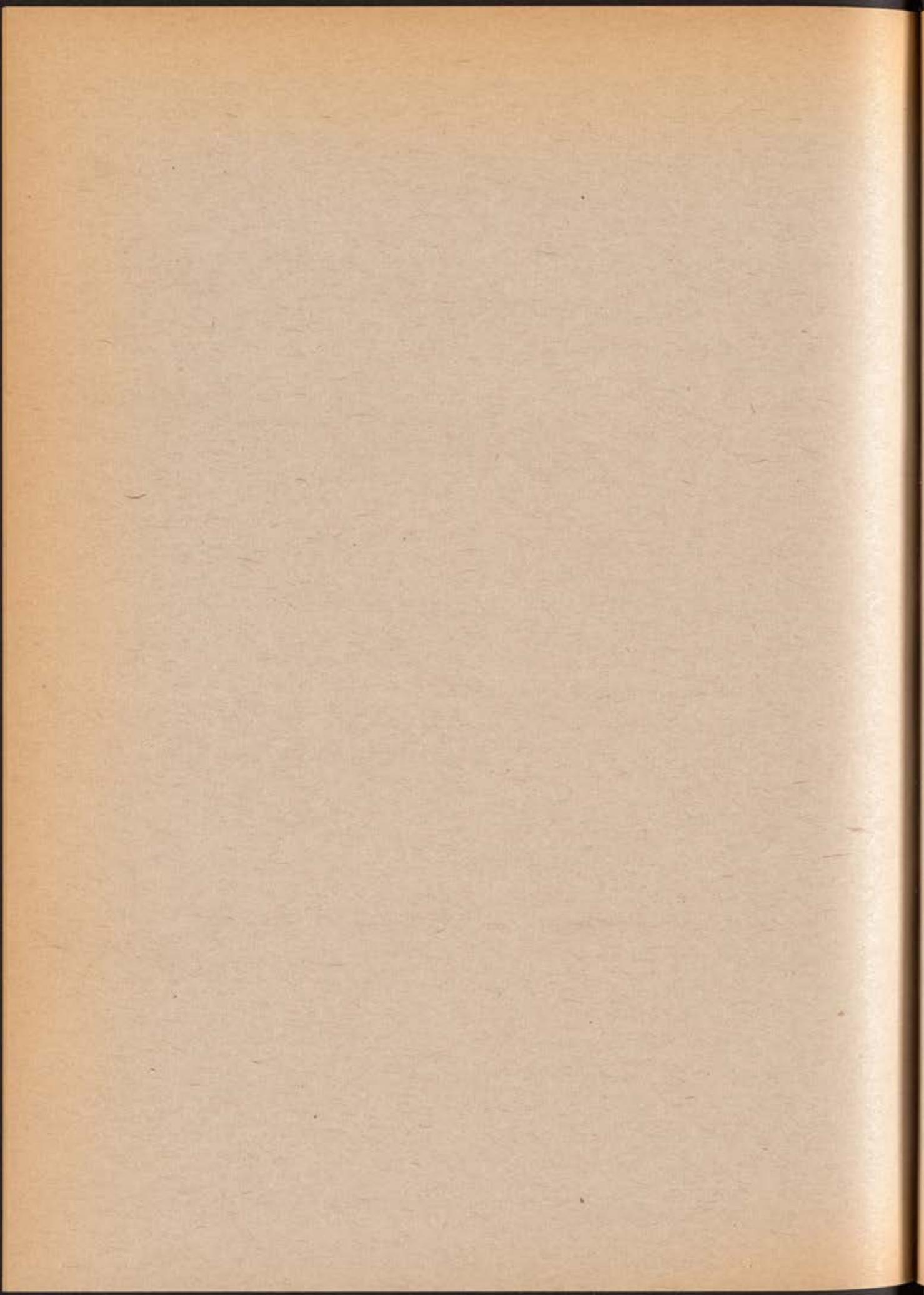
In applying the above stated criteria the Commissioner will seek to provide assistance to programs or projects in all the above described areas.

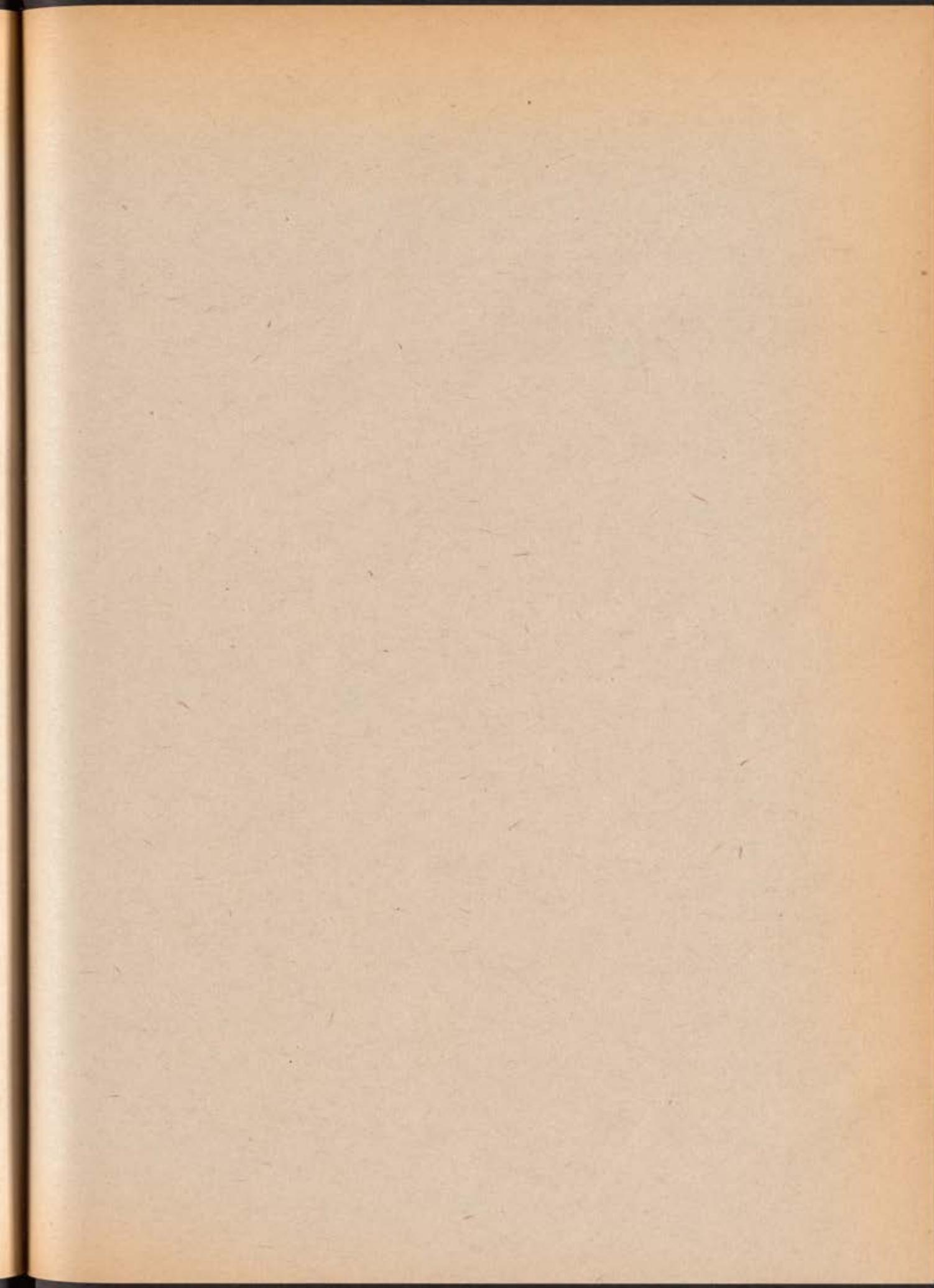
(20 U.S.C. 1248(1), 1281(a), 1282, 1283)

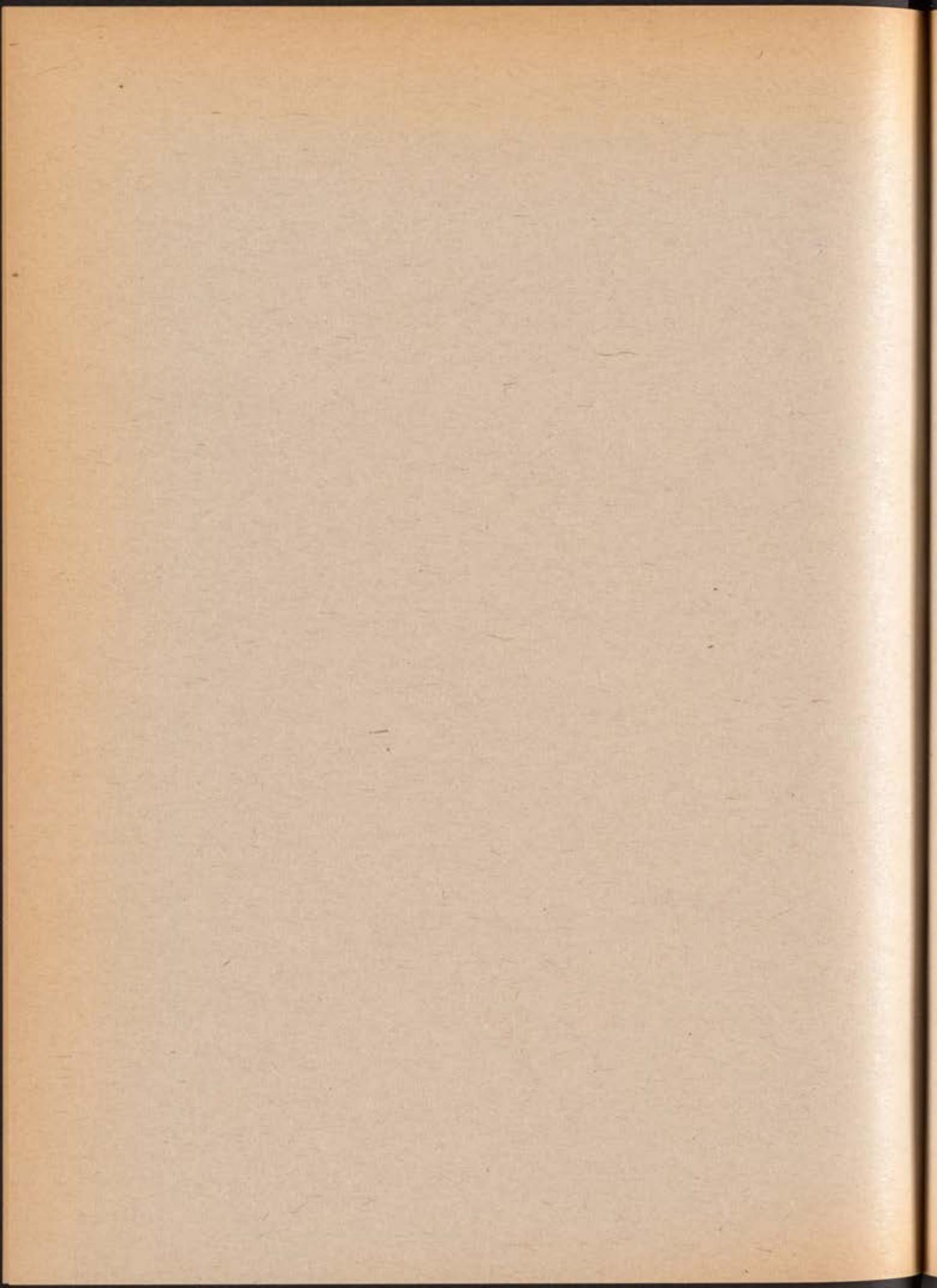
[FR Doc.73-25768 Filed 12-4-73;8:45 am]











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