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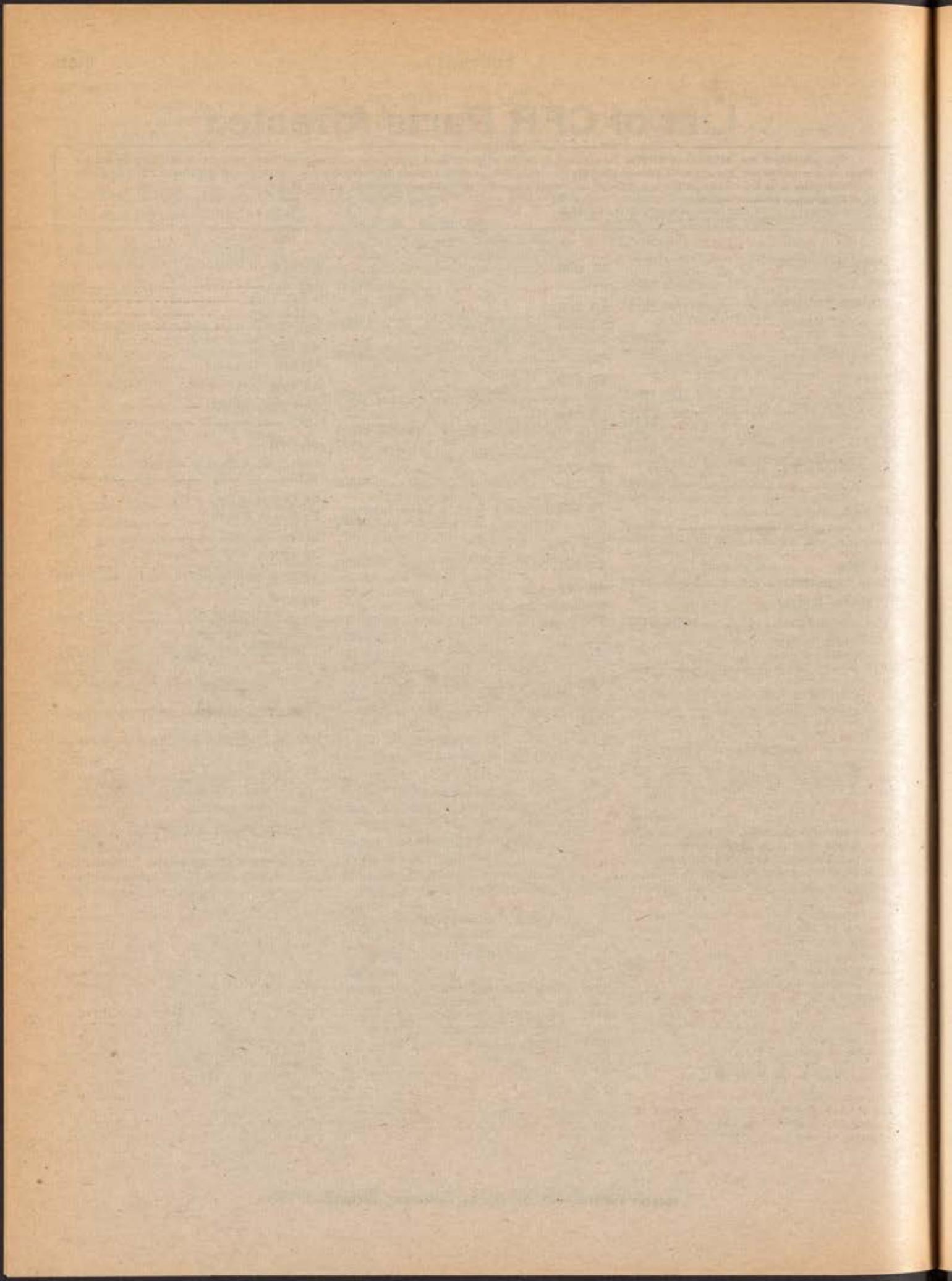
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Rules and Regulations

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 6—Economic Stabilization
CHAPTER I—COST OF LIVING COUNCIL
PART 152—PHASE IV PAY REGULATIONS
Dehydrated-Alfalfa Meal Industry: Pay Exemption

Section 152.36 is added to Part 152 for the purpose of exempting pay adjustments affecting employees engaged on a regular and continuing basis in the production of dehydrated alfalfa meal and dehydrated alfalfa meal pellets. Effective November 27, 1973, the Council reclassified dehydrated alfalfa meal and dehydrated alfalfa meal pellets as exempt raw agricultural products. As a complementary action to the exemption from price controls, the Council has exempted pay adjustments in the dehydrated alfalfa meal industry.

The exemption is inapplicable to any employee who receives an item of executive or variable compensation, or who is a member of an executive control group. It is further inapplicable to any employee whose duties and responsibilities are not of a type exclusively performed in or related to the production of dehydrated alfalfa meal or dehydrated alfalfa meal pellets and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the dehydrated alfalfa meal industry and are not related to the pay adjustments of other employees that are within the exemption. In cases of uncertainty of application, inquiries concerning the scope of coverage of the exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 872, Washington, D.C. 20044.

Because the purpose of this amendment is to grant an immediate exemption from the Phase IV pay regulations, the Council finds that publication in accordance with normal rule making procedures is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489).

In consideration of the foregoing, Part 152 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective November 27, 1973.

Issued in Washington, D.C. December 13, 1973.

JAMES W. McLANE,
Deputy Director,
Cost of Living Council.

In Subpart D of 6 CFR Part 152, a new § 152.36 is added to read as follows:

§ 152.36 Dehydrated alfalfa meal industry.

(a) *Exemption.* Except as provided in paragraph (d) of this section, pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment engaged in the production of dehydrated alfalfa meal or dehydrated alfalfa meal pellets or in support thereof are exempt from and not included in the coverage of this title.

(b) *Definition.* For purposes of this section, "Establishment engaged in the production of dehydrated alfalfa meal or dehydrated alfalfa meal pellets" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industrial Code 2048 and primarily engaged in the production of dehydrated or sun-cured alfalfa meal or alfalfa meal pellets.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the dehydrated alfalfa meal industry or in support thereof only if such employee is employed at an establishment at which dehydrated alfalfa meal is produced and only if such employee is employed by the firm which operates such establishment.

(d) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of executive or variable compensation subject to the provisions of Subpart K of this part, other than an item of executive or variable compensation pursuant to a plan or program subject to § 152.127;

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130); or

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the dehydrated alfalfa meal industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the dehydrated alfalfa meal industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the

dehydrated alfalfa meal industry or in support thereof within the meaning of paragraph (c) of this section.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after November 27, 1973.

[FR Doc. 73-26717 Filed 12-13-73; 12:37 pm]

Title 6—Economic Stabilization
CHAPTER I—COST OF LIVING COUNCIL
 [Phase IV Price Ruling 73-20]
APPENDIX—PHASE IV PRICE RULINGS
Definition of Food

Facts. Firm A produces sodium propionate, monosodium glutamate and similar additives which it sells to a food processor to be used as ingredients in cake mixes and baked goods.

Firm B buys "edible tallow" from a slaughterhouse. Tallow is an animal fat residue composed of glycerin and fatty acids including stearic acid or stearin. Thirty percent of B's annual revenues come from sales of stearin which Firm B produces and sells to food manufacturers for use as an ingredient of margarine. The remainder of B's revenues come from the sale of glycerin intended for use in fabric softeners, candles, and cosmetics.

Issue. Are Firms A or B food manufacturers?

Ruling. Firms A and B are food manufacturers under the Phase IV food regulations.

The Phase IV definition of food as "items produced or manufactured for human or animal ingestion" other than alcoholic beverages, tobacco products and drugs. The definition also includes certain by-products or co-products of food manufacturing. The words, "produced or manufactured for * * * ingestion" bear the same meaning as the Phase III definition of food, which stated that in order to be considered food an item must have entered a processing stage where it is intended for use as or in a product for human ingestion. In Phase IV, however, products for animal ingestion are also included in the definition of food.

Under this test, Firm A is a food manufacturer. All of A's products are intended for use in products for human ingestion. To the extent that Phase IV Q&A 17-1 is inconsistent with this ruling, this ruling prevails.

Firm B's production of stearin comes within the scope of food manufacturing for the same reason. Furthermore, as glycerin is a by-product or co-product of the production of stearin, glycerin is also

"food" by virtue of the by-product and co-product rule stated in 6 CFR 150.606 (b).

Dated: December 12, 1973.

WILLIAM N. WALKER,
General Counsel.

[FR Doc. 73-26718 Filed 12-13-73; 1:06 pm]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICES (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Federal Rice Inspection Services

Correction

In FR Doc. 73-25251 appearing at page 32781 in the issue of Wednesday, November 28, 1973, § 68.42c(f) (3), now reading "Standing time:", should read "Standby time:".

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

Policy and Procedures

The purpose of this publication is to codify existing Soil Conservation Service Basic policy and procedures. Chapter VI of Title 7 of the Code of Federal Regulations is recodified as set forth in the revised index to reflect a rearrangement of the subchapters and a renumbering of the parts.

Part 601 is redesignated as Part 631, Part 600, Functions and Procedures has been redesignated as Part 600, Organization and Part 601, Functions.

The remaining parts of SCS policy and procedure are being prepared and will be published within the next few months.

Since those portions of SCS policy and procedures contained herein are well established and were previously published, it was determined that it is unnecessary, as provided by 5 U.S.C. 533, to invite public participation with respect to this publication. No substantive basic policy or procedural changes have been made.

Dated: December 12, 1973.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

SUBCHAPTER A—GENERAL

PART 600—ORGANIZATION

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600.3	Technical service centers.
600.4	State offices.
600.5	Area offices.
600.6	Field offices.
600.7	Other field offices.
600.8	Plant materials centers.

AUTHORITY: 5 U.S.C. 552

§ 600.1 General.

(a) The Soil Conservation Service (SCS) was established by the Soil Con-

servation Act of 1935 (Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590 (a-f))) to provide for the protection of land resources against soil erosion and for other related purposes. Subsequent legislation has increased and broadened the SCS mission. The SCS organization consists of a national office located in Washington, D.C., 4 technical service centers, 50 state offices and an equivalent office in the Caribbean Area, approximately 3300 area and field offices, approximately 285 specialized other offices, and 20 plant materials centers. Area and field offices provide assistance to soil and water and other types of conservation districts. Most counties in the states, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands are served by a soil and water or other type of conservation district. Other specialized offices serve local public sponsored projects and certain SCS soil survey operations.

(b) SCS is responsible for developing and carrying out a national program of conservation of soil, water, and related resources. Programs administered by SCS include basic soil and water conservation, watershed protection, flood prevention, cooperative river basin surveys and investigations, Great Plains conservation, resource conservation and development, and others as assigned by the Secretary of Agriculture.

§ 600.2 National Office.

(a) Administrator. The Administrator is responsible for the development of rules, policies, and procedures and the general direction and supervision of the programs assigned to SCS.

(b) Associate Administrator. The Associate Administrator assists the Administrator and serves as Acting Administrator in his absence.

(c) Deputy administrators. Four deputy administrators assist the Administrator as follows:

(1) Deputy Administrator for Field Services. This deputy is responsible for the activities of the Engineering, Plant Sciences, and Resource Development divisions.

(2) Deputy Administrator for Management. This deputy is responsible for the activities of the Administrative Services, Budget and Finance, Management and Evaluation, and Personnel divisions.

(3) Deputy Administrator for Soil Survey. This deputy is responsible for the activities of the Cartographic, Land Inventory and Monitoring, Soil Survey Interpretations, Soil Survey Investigations, and Soil Survey Operations divisions.

(4) Deputy Administrator for Water Resources. This deputy is responsible for the activities of the River Basins, Special Projects, Watershed Operations, and Watershed Planning divisions.

(d) Assistants to the Administrator. Each assistant to the Administrator is responsible for providing assistance to the Administrator on assigned specialized activities.

(e) Director of Information. This director is responsible for providing assistance to the Administrator on information activities.

(f) Field representatives. Each field representative represents the Administrator in coordinating and integrating SCS programs. Each field representative also serves as director of a technical service center.

§ 600.3 Technical Service Centers.

Technical service centers are located at Upper Darby, Pennsylvania; Fort Worth, Texas; Lincoln, Nebraska; and Portland, Oregon. Each technical service center provides specialized technical assistance and services to an assigned group of states.

§ 600.4 State offices.

Each state office is under the direction and supervision of a state conservationist. He is responsible to the Administrator for SCS programs in a state. The Caribbean Area office, under the direction and supervision of a director, serves the Commonwealth of Puerto Rico and the U.S. Virgin Islands. The Director of the Caribbean Area has the same responsibility and authority as a state conservationist. All references to state conservationists in this chapter include the Director of the Caribbean Area.

§ 600.5 Area offices.

Except for some states and the Caribbean Area, states have area offices which serve as a supervisory level between the state and field offices. Each area office is under the direction and supervision of an area conservationist who is responsible for SCS activities in his area.

§ 600.6 Field offices.

Each field office is under the direction and supervision of a district conservationist who is responsible for SCS activities in the geographical area served by the field office. Usually, the geographical area of a field office includes one or more conservation districts and one or more counties.

§ 600.7 Other field offices.

Other field offices serve specialized activities, such as watershed protection and flood prevention projects, resource conservation and development projects, and SCS soil survey activities. Direction and supervision of these offices are designated by the state conservationist.

§ 600.8 Plant materials centers.

Plant materials centers assemble and test plant species for conservation uses. Usually, a center serves two or more states, and is under the jurisdiction of the state conservationist of the state in which located. Centers are directed and supervised by a manager who is responsible to an area or the state office as designated by the state conservationist.

PART 601—FUNCTIONS

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601.1	Functions assigned.
601.2	Functions reserved to the Secretary of Agriculture.
601.3	Functions reserved to the Assistant Secretary for Conservation, Research, and Education.
601.4	Natural disaster assistance.
601.5	Defense responsibilities.

AUTHORITY: 37 FR 28463, 38 FR 14945, 7 CFR 2.7-2.12; 38 FR 14945-14948, 7 CFR 2.19-2.20; 38 FR 14951-14952, 7 CFR 2.62

§ 601.1 Functions assigned.

The above authorities assign the following functions to the Soil Conservation Service:

(a) Provide national leadership in the conservation, development, and productive use of the Nation's soil, water, and related resources. Such leadership encompasses soil, water, plant, and wildlife conservation; small watershed protection and flood prevention; and resource conservation and development. Integrated in these programs are erosion control, sediment reduction, pollution abatement, land use planning, multiple use, improvement of water quality, and several surveying and monitoring activities related to environmental improvement. All are designed to assure (1) quality in the natural resource base for sustained use; (2) quality in the environment to provide attractive, convenient, and satisfying places to live, work, and play; and (3) quality in the standard of living based on community improvement and adequate income.

(b) Participate in evaluating and coordinating land use policy.

(c) Administer the basic program of soil and water conservation under Public Law 46, 74th Congress, as amended, and related laws (16 U.S.C. 590 a-f, i-l, q, q-1; 42 U.S.C. 3271-3274; 7 U.S.C. 2201), including:

(1) Technical assistance to land users in carrying out locally adopted soil and water conservation programs primarily through the conservation districts in the 50 States, Puerto Rico, and Virgin Islands, but also to communities, watershed groups, Federal and State agencies and other cooperators including such assistance as:

(i) Comprehensive planning assistance in nonmetropolitan districts.

(ii) Assistance in the field of income producing recreation on rural non-Federal lands.

(iii) Forestry assistance, as a part of total technical assistance to private land owners and land users when such services are an integral part of land management and such services are not available from a State agency; and forestry services in connection with windbreaks and shelter belts to prevent wind and water erosion of lands.

(iv) Assistance in developing programs relating to natural beauty.

(v) Assistance to other Department agencies in connection with the administration of their program, as follows:

(A) Agricultural Stabilization and Conservation Service in the development and technical servicing of certain programs, such as the rural environmental assistance program, water bank program, Appalachian regional development program and other such similar conservation programs.

(B) Farmers Home Administration in connection with their loan programs.

(2) Soil surveys, including:

(i) Providing leadership for the Federal part of the National Cooperative Soil Survey which includes conducting and publishing of soil surveys.

(ii) Conducting soil surveys for resource planning and development.

(iii) Performing the cartographic services essential to carrying out the functions of the Soil Conservation Service, including furnishing photographs, mosaics, and maps.

(3) Conducting and coordinating snow surveys and making water supply forecasts pursuant to Reorganization Plan No. 4 of 1940 (5 U.S.C. App.).

(4) Operating plant materials centers for the assembly and testing of plant species in conservation programs, including the use, administration, and disposition of lands under the administration of the Soil Conservation Service for such purposes under title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1011).

(5) Providing leadership in the inventorying and monitoring of soil, water, land, and related resources of the Nation.

(d) Administer the watershed protection and flood prevention programs, including:

(1) The 11 authorized watershed projects under Public Law 534, 78th Congress, 33 U.S.C. 701b-1, except for responsibilities assigned to the Forest Service.

(2) The emergency flood control work under section 216 of Public Law 516, 81st Congress, 33 U.S.C. 701b-1, except for responsibilities assigned to the Forest Service.

(3) The cooperative river basin surveys and investigations programs under section 6 of Public Law 566, 83rd Congress, 16 U.S.C. 1006, except for responsibilities assigned to the Forest Service. Representation on the Water Resources Council and river basin commissions created by Public Law 89-80, 42 U.S.C. 1962, and on river basin interagency committees.

(4) The pilot watershed projects under Public Law 46, 74th Congress, 16 U.S.C. 590a-f, and Public Law 156, 83rd Congress, except for responsibilities assigned to the Forest Service.

(5) The watershed protection and flood prevention program under Public Law 566, 83rd Congress, as amended, 16 U.S.C. 1001-1009, except for responsibilities assigned to the Farmers Home Administration and the Forest Service.

(6) The joint investigations and surveys with the Department of the Army under Public Law 87-639, 16 U.S.C. 1009.

(e) Administer the Great Plains Conservation program under Public Law 1021, 84th Congress, as amended 16 U.S.C. 590p(b).

(f) Administer the Resource Conservation and Development program under Public Laws 46, 74th Congress, and 703, 87th Congress, as amended 16 U.S.C. 590a and 7 U.S.C. 1010-1011, except for responsibilities assigned to the Farmers Home Administration.

(g) Responsibility for entering into long-term contracts for carrying out conservation and environmental measures in watershed areas.

§ 601.2 Function reserved to the Secretary of Agriculture.

Designation of new project areas in which the resource conservation and development program assistance will be provided.

§ 601.3 Functions reserved to the Assistant Secretary for Conservation, Research, and Education.

(a) Executing cooperative agreements and memoranda of understanding containing representations in the name of the Secretary of the Department of Agriculture as a whole, including the cooperation of the Department with conservation districts and other districts organized for soil and water conservation within the States, territories, and possessions.

(b) Giving final approval and transmitting to the Congress watershed work plans that require congressional approval; and approving and transmitting to the Congress comprehensive river basin reports.

(c) Giving approval for operation of designated Resource Conservation and Development areas; and approving additions to authorized projects.

(d) Land use policy evaluation and coordination.

§ 601.4 Natural disaster assistance.

(a) To assist in emergencies caused by natural disasters, the SCS may:

(1) Provide technical and financial assistance under authority of Section 216 of the Flood Control Act of 1950 (Pub. L. 81-516, 64 Stat. 184, 33 U.S.C. 701b) as set forth in Part 624 of this chapter.

(2) Provide technical assistance for rehabilitation of land and conservation systems for which other U.S. Department of Agriculture agencies provide cost sharing.

(3) Provide technical assistance on rehabilitation of rural lands damaged by natural disaster.

(4) Provide assistance in evaluating the severity of the disaster, assessing problems created, and determining the amount and kind of emergency work needed for restoration.

(5) Provide available information, maps, and reports on projects described in Parts 621, 622, 623, and 640 of this chapter.

(6) Provide assistance in locating heavy earthmoving equipment.

(7) Make light trucks and other types of SCS transportation equipment available for emergency use.

(8) Provide technical assistance in locating alternate routes when existing roads and highways cannot be used.

(b) It is the responsibility of the state conservationist in a major disaster, or the head of area and field offices in a local emergency, to determine the extent of SCS assistance necessary and available.

§ 601.5 Defense responsibilities.

In the event of a nuclear attack SCS is responsible for providing:

(a) Technical guidance, based upon results of radiological monitoring and the extent of radiological contamination, to farmers, ranchers, and others relating to:

(1) The selection and use of land for agricultural production.

(2) The harvesting of crops.

(3) The use of crops stored on the farm.

(4) The use, conservation, disposal, and control of water to insure adequate usable water for agricultural purposes and to prevent floods.

(5) The safety of livestock.

(b) Basic soil information, land use guides, and on-site technical assistance in selecting land for production and in applying practices to increase production of food and fiber with maximum efficiency.

SUBCHAPTER D—LONG TERM CONTRACTING PART 630—GENERAL

Sec.
630.1 Purpose.
630.2 [Reserved.]

§ 630.1 Purpose.

The purpose of this subchapter is to provide for programs to extend cost sharing and technical assistance through long term contracts to landowners and others for making land use changes and to install measures to conserve, develop, and utilize the soil, water, and related natural resources on their lands.

§ 630.2 [Reserved.]

PART 631—GREAT PLAINS CONSERVATION PROGRAM

Subpart A—General Provisions

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AUTHORITY: Pub. L. 75-430, 49 Stat. 1151 (16 U.S.C. 590d); Pub. L. 84-1021, 70 Stat. 1115 (16 U.S.C. 590p(b)); Pub. L. 91-118, 83 Stat. 194 (16 U.S.C. 590d).

Subpart A—General Provisions

§ 631.1 Purpose.

The Great Plains Conservation Program (GPCP) is a long-range voluntary program in addition to other U.S. Department of Agriculture (USDA) programs in the Great Plains area to assist farmers and ranchers to work out a land use development and treatment program which will help them prevent or reduce the effects of the erratic climate of the Great Plains area. In carrying out this program, the Administrator will enter into contracts based upon an approved plan of operations with producers and share the costs of carrying out eligible conservation practices on the operating unit for which cost sharing is appropriate and in the public interest.

§ 631.2 Definitions.

(a) The terms defined shall have the following meaning in this part and all contracts, forms, documents, instructions and procedures in connection therewith, unless the context or subject matter requires otherwise. Words in the singular form shall be deemed to impart the plural, and vice versa, as the case may demand.

(1) *Administrator*. The Administrator of the Soil Conservation Service (SCS), USDA.

(2) *Average cost*. The average of the actual costs and current cost estimates considered necessary to carry out an identifiable unit.

(3) *Conservation practice*. A specific measure applied to land and water according to standards and specifications. It is a part of a resource management system to protect, improve, and use soil, water, and related resources to sustain the highest practical economic, environmental, and social benefits.

(4) *Conservation treatment unit*. A field or fields in a specific land use requiring a particular type of management and the use of related conservation practices.

(5) *Contracting officer*. The SCS employee authorized to sign GPCP contracts on behalf of the Administrator.

(6) *Cost*. The amount actually paid or engaged to be paid by the producer for equipment use, materials and services for carrying out an identifiable unit, or if the

producer uses his own forces in carrying out an identifiable unit, the constructed value of his own labor, his own equipment use and the materials he produced and used. Constructed values shall be developed in accordance with guidelines established by the Administrator.

(7) *County program committee*. The designated SCS technician, who shall be the chairman, the chairman of the county ASC committee of a designated county, and the county supervisor of the Farmers Home Administration of a designated county. The county agricultural extension agent and the governing body of any soil and water conservation district in a designated county shall be invited to participate. As determined by the county program committee, other local, state, and federal agencies operating in the designated county may be invited to participate.

(8) *Designated county*. Any county in the Great Plains area within a Great Plains state, which has been designated by the Administrator where the program is applicable specifically.

(9) *Designated technician*. The SCS district conservationist for a designated county or in the absence thereof the employee named for a designated county by the state conservationist. In those cases involving the functions of the designated SCS technician with respect to the county program committee and eligible conservation practices, it means the employee named for a designated county by the state conservationist.

(10) *Great Plains area*. The currently recognized area determined by the Administrator within the Great Plains states where the program is applicable generally.

(11) *Great Plains Conservation Program (GPCP) or "program"*. The program provided for by the Act of August 7, 1956, (70 Stat. 1115, as amended (16 U.S.C. 590d)).

(12) *Great Plains states*. The states of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

(13) *Identifiable unit*. All of an eligible conservation practice or a part thereof, that when carried out, can be clearly identified as a segment in the sequence of carrying out the conservation practice.

(14) *Operating unit*. A parcel or parcels of land whether contiguous or non-contiguous, constituting a single management unit for agricultural purposes. An operating unit shall be regarded as located in the designated county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the designated county in which the major portion of the operating unit is located.

(15) *Other land*. Nonfarm or ranch land that can be covered by the program to the extent necessary to protect farm or ranch land.

(16) *Owner and operator*. Any person who is a producer and has such control of a farm, ranch or other lands as the Administrator determines to be needed for program participation.

(17) *Person.* An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other nonpublic legal entity. The term "person" shall include two or more persons having a joint or common interest.

(18) *Plan of operations.* A written plan for all the land in an operating unit, which incorporates a time schedule of land use and treatment providing for such combinations of land use adjustments, cropping or grazing systems and conservation measures by conservation treatment units as are needed to develop, use, and conserve the soil, water, and related resources.

(19) *Producer.* Any person having such control of an operating unit as the Administrator determines to be needed for program participation.

(20) *Secretary.* The Secretary of Agriculture of the United States or other representative of the USDA acting in his stead pursuant to delegated authority.

(21) *Soil and water conservation district (SWCD).* A soil conservation district, soil and water conservation district, conservation district, natural resources district, or similar district established under state law, with which the Secretary of Agriculture cooperates pursuant to the Soil Conservation Act of 1935. The members of the governing bodies of these organizations are known as supervisors, directors, or commissioners.

(22) *Specified maximum cost.* The maximum amount, with respect to an identifiable unit to which cost sharing will apply.

(23) *State conservationist.* The SCS employee assigned to direct the SCS activities in a state.

(24) *State program committee.* The state conservationist, who shall be the chairman, the chairman of the state ASC committee, the state director of the Farmers Home Administration, the state director of the Federal Crop Insurance Corporation, and a representative of the Forest Service in each Great Plains state. The state director of the State Cooperative Extension Service, the director of the state agricultural experiment and a representative of the state soil conservation committee (board or commission) shall be invited to participate. Representatives of other interested agencies or groups working in a Great Plains state may be invited to participate, as determined by the state program committee.

§ 631.3 Administration.

(a) The Administrator is delegated the responsibility for administering the program. The contracting officer is authorized to sign GPCP contracts subject to certification of availability of funds by the SCS state office. The county ASC committee will certify that cost-share payments made under this program are not duplicates of payments made under Department of Agriculture programs administered by it, and will determine the status of indebtedness of producers shown on the county register of indebtedness maintained in the office of the county ASC committee. The SCS will ar-

range for making cost-share payments.

(b) The state program committee will assist in developing and reviewing authorizations, policies and general operating procedures best suited to the Great Plains area in the Great Plains state.

(c) The county program committee will assist in developing and reviewing authorizations, policies and general operating procedures best suited in the designated county.

(d) The program shall be carried out in close cooperation with interested federal, state and local governmental units and organizations and other groups and individuals. The program in designated counties shall be coordinated with the work plan of SWCD's operating in such counties and with other USDA activities.

(e) Cooperation and advice of the Great Plains Agricultural Council will be sought in the program operation.

§ 631.4 Land eligible for the program.

The program shall be applicable to (a) privately owned lands, (b) nonfederally owned public lands under private control for the contract period and included in the producer's operating unit, and (c) federally owned lands when the applicability thereto is for installation of conservation practices which directly and primarily conserve or benefit nearby or adjoining privately owned lands of persons who maintain and use the federal lands under agreement with the department or agency having jurisdiction over such lands.

§ 631.5 Program applicability.

The program will be applicable only in counties within the Great Plains area of the Great Plains states designated by the Administrator. These designations will be based upon state program committee recommendations.

§ 631.6 Producer eligibility.

(a) Any producer who submits a plan of operations to the SCS district conservationist in compliance with the terms and conditions of the program is eligible to sign a contract.

(b) Designated county representatives of USDA agencies will assist any producer desiring to participate in the program in preparing an application (prescribed by the Administrator) for assistance and will receive such applications for transmittal to the SCS field office.

§ 631.7 Plan of operations.

(a) The producer is responsible for developing a plan of operations. An approved plan of operations developed in cooperation with an SWCD shall form a basis for a contract. Available technical assistance in preparing the plan of operations will be provided through the SCS district conservationist.

(b) The Administrator is authorized to prescribe the minimum requirements for the plan of operations. Each plan of operations must be approved by the SCS district conservationist.

(c) The producer signatory to the contract is responsible for accomplishing his plan of operations and should use all

available sources of assistance, including any phase of other USDA programs that contribute to achieving the conservation aims. Available technical assistance will be provided to a producer signatory to the contract in accomplishing the plan of operations through the SCS district conservationist.

(d) The SCS may also utilize the services of private, state and other federal agencies in discharging its responsibility for technical assistance.

§ 631.8 Contracts.

(a) In order for a producer to participate in the program, a contract must be entered into by him for the contract period by which he shall agree to accomplish his plan of operations. Any person who has control of the operating unit for the proposed contract period must sign the contract. Evidence satisfactory to the contracting officer of the control of the operating unit by the producer must be presented.

(b) The contract shall be for a period that is needed to carry out and establish the conservation practices in the plan of operations for which federal cost-share commitments are made under the program. Contracts may be entered into during the period ending not later than December 31, 1981. The period of any contract shall not exceed 10 years (120 months).

(c) The contracting officer having determined that the plan of operations is adequate for a contract may execute the contract with the producer subject to certification in the SCS state office that funds are available. It is the responsibility of the producer who signs a contract to keep the contracting officer currently informed of his mailing address.

(d) If, during the contract period, all or part of the right and interest of any producer signatory to the contract in an operating unit is transferred by sale or otherwise, his successor, as transferee, during the contract period may upon his request be substituted under the contract for that transferred by executing a form prescribed by the Administrator for such purposes. Also see § 631.20.

(e) Contracts previously entered into with a producer may be terminated upon mutual agreement of the contract signers and the contracting officer, only if such termination is specifically approved by the Administrator or is authorized under general policies established by him. No contract may be so terminated unless the Administrator determines either specifically or in the general policies authorizing termination that such termination would be in the public interest.

(f) Requirements of contracts previously entered into with a producer may be waived or modified by the contracting officer only if such waiver or modification is specifically authorized in this subpart, or is specifically approved by the Administrator or is authorized under general policies established by him. For waivers or modifications specifically approved by this subpart, the Administrator is authorized to establish general policies. Otherwise, no requirement of a con-

tract may be so waived or modified unless the Administrator determines either specifically or in the general policies authorizing waivers or modifications that such waivers or modifications are desirable to carry out the program purposes or such as to facilitate the practical administration thereof.

(g) The contracting officer may find, in accordance with standards determined by the Administrator that an identifiable unit has been carried out in accordance with applicable program provisions but, due to conditions beyond the control of the producer signatory to the contract, has failed to achieve the desired results. In such cases the contracting officer may agree to modify the contract to authorize cost-share payments for again carrying out the identifiable unit; *Provided*, That the remaining period of the contract is of such length of time as to allow the carrying out and establishment of the identifiable unit. The producer may not be required to again carry out an identifiable unit that has failed due to conditions beyond his control.

(h) The contracting officer may find, in accordance with standards determined by the Administrator that an identifiable unit has been carried out in accordance with applicable program provisions and has achieved the desired results but, due to conditions beyond the control of the producer signatory to the contract, subsequently deteriorated during the contract period to the point of need of repeat applications. In such cases the contracting officer may agree to modify the contract to authorize cost-share payments for again carrying out the identifiable unit; *Provided*, That the remaining period of the contract is of such length of time as to allow the carrying out and establishment of the identifiable unit. The producer may not be required to again carry out an identifiable unit that has deteriorated due to circumstances beyond his control.

§ 631.9 Conservation practice maintenance.

Each producer signatory to the contract shall agree to maintain for the contract period or, if lesser, for the period of his control of the operating unit, conservation practices on the operating unit as specified in the contract. Failure to maintain for the required period the conservation practices shall be considered a contract violation.

§ 631.10 Selection of conservation practices.

(a) The producer on the operating unit shall determine how he will use his land and the combination of conservation practices he will use in treating each conservation treatment unit.

(b) The conservation practices agreed to be carried out shall be carried out in conformity with the plan of operations. Conservation practices shall be carried out in accordance with the specifications obtained from the SCS field office or in accordance with the specifications applicable to the appropriate program. Conservation practices for which specifica-

tions are obtained from the SCS field office shall be carried out in accordance with specifications which are applicable at the time the conservation practice is carried out or contracted. The choice is the producer's.

§ 631.11 Eligible conservation practices.

(a) The GPCP practice list of soil and water conservation practices particularly suited to the Great Plains area are shown below. These practices are eligible for federal cost shares when carried out in combinations set forth in plans of operations for the primary purpose of protection against wind or water erosion, including improving cropping and grazing systems as a part of needed land use adjustments. Such plans may also include cost-shared practices and measures for enhancing fish and wildlife and recreation resources, promoting the economic use of land, and reducing or controlling agricultural related pollution.

(1) GP-1 *Establishment of permanent vegetative cover*. Establishing needed vegetative cover on land presently in cultivation or land that has been out of cultivation less than 5 years prior to the date of the contract.

(2) GP-2 *Initial establishment of field or wind stripcropping*. Growing crops in a systematic arrangement of strips or bands across the general slope or at angles to offset adverse effects of prevailing winds. Strips of grass or close-growing crops are alternated with strips of clean-tilled crops or fallow, or strips of grass are alternated with strips of close-growing crops.

(3) GP-3 *Initial establishment of contour stripcropping*. Growing crops in a systematic arrangement of strips or bands on the contour. Strips of grass or close-growing crops are alternated with strips of clean-tilled crops or fallow, or strips of grass are alternated with strips of close-growing crops.

(4) GP-4 *Initial establishment of contour farming operations on nonterraced land*. (This practice not applicable to contracts entered into after Dec. 31, 1970).

(5) GP-5 *Reestablishing grasslands*. Improving vegetative cover by artificial seeding, sprigging, or sodding on land that has been out of cultivated crop use longer than 5 years prior to the date of the contract.

(6) GP-6 *Establishment of trees or shrubs*. Establishing a stand of suitable trees or shrubs. No federal cost sharing will be allowed for planting orchard trees, or for plantings for ornamental purposes including nursery stock.

(7) GP-7 *Establishment of permanent waterways*. Constructing waterways and establishing needed protective cover for safe disposal of excess water.

(8) GP-8 *Terraces*. Constructing an earth embankment or ridges and channels across the slope at suitable spacings. Necessary protective outlet or waterway must be provided. Construction cost may include necessary leveling and filling.

(9) GP-9 *Diversions*. Constructing a channel with a supporting ridge on the

lower side and located across the slope. Necessary protective outlet or waterway must be provided. Construction cost may include necessary leveling and filling.

(10) GP-10 *Grassland mechanical treatment*. Renovating grassland by pitting, furrowing, chiseling, ripping, scarifying, listing or other mechanical means. Mechanical operations must be performed as nearly as practicable on the contour.

(11) GP-11 *Erosion control, detention, or sediment retention dams*. Installing floodwater retarding structures, debris basins, and similar structures to prevent or heal gullying or to retard and control the release of water.

(12) GP-12 *Grade stabilization structures*. Installing channel lining, chutes, drop spillways, pipe drops, inlets or similar structures to protect and stabilize grades, outlets and channels that dispose of excess water.

(13) GP-13 *Streambank or shore protection and stabilization; channel clearance, enlargement or realignment; or construction, enlargement or realignment of floodways, levees or dikes*. Installing structures or establishing vegetation to prevent erosion or flood damage. This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land or where its primary purpose is to bring new land into agricultural production.

(14) GP-14 *Diversion dams and spreader ditches or dikes to divert and spread water*. Installing structures to permit beneficial use of runoff, to replenish ground water supply or to prevent erosion.

(15) GP-15 *Reorganizing irrigation systems*. This practice must be carried out in accordance with a reorganization plan to conserve water and prevent erosion, approved by the responsible technician. Federal cost sharing will not be allowed for cleaning ditches, or for structures primarily for the convenience of the producer, or for portable pipe. No federal cost sharing will be allowed for reorganizing an irrigation system if the primary purpose of the reorganization is to bring additional land under irrigation.

(16) GP-16 *Irrigation land leveling*. Reshaping the surface of land to planned grades for efficient use of irrigation water and to prevent erosion based on adequate soils information. Federal cost sharing will not be allowed for floating or restoration of grade. No federal cost sharing will be allowed for leveling land if the primary purpose of the leveling is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture.

(17) GP-17 *Constructing, enlarging, or sealing dams, pits or ponds for irrigation water*. Installing, enlarging or sealing a reservoir to regulate or store an irrigation water supply necessary for the conservation of soil and water resources. Federal cost sharing in excess of \$2,500 will not be made for any structure under this conservation practice. No federal cost sharing will be allowed for con-

structing or sealing dams, pits, or ponds, the primary purpose of which is to bring into agricultural production land which was not devoted to the production of cultivated crops or crops normally seeded for hay or pasture.

(18) GP-18 *Lining irrigation ditches, canals or laterals.* Installing a permanent lining of impervious material in field ditches, canals or laterals that are properly located and constructed as a part of an existing irrigation system to prevent erosion and loss of water by seepage.

(19) GP-19 *Wells.* Constructing or deepening wells. Pumping equipment must be installed, except for artesian wells. Needed water storage facilities must be provided. No federal cost sharing will be allowed for wells constructed primarily for the use of headquarters or for pumping facilities.

(20) GP-20 *Developing springs and seeps.* Improving springs and seeps by excavating, enlarging, cleaning, intercepting, capping, and providing collection facilities. Needed water storage facilities must be provided. No federal cost sharing will be allowed for developing springs and seeps primarily for the use of headquarters.

(21) GP-21 *Construction, enlarging or sealing dams, pits or ponds.* Installing or sealing a dam, pit or pond, for impoundment of water for purposes other than irrigation.

(22) GP-22 *Pipelines.* Installing pipelines for conveyance of water for purposes other than irrigation. Needed water storage facilities must be provided. No federal cost sharing will be allowed for installing pipelines primarily for the use of headquarters.

(23) GP-23 *Controlling competitive shrubs.* Controlling undesirable competitive shrubs to permit growth of desirable vegetative cover on noncropland. This practice shall not be approved on areas where it is determined that the control of competitive shrubs will reduce the vegetative cover to such an extent as to induce erosion, unless followed by re-seeding or other approved erosion control measures.

(24) GP-24 *Fences.* Installing needed permanent fences. No federal cost sharing will be allowed for outside boundary fences of an operating unit or to fence out a road.

(25) GP-25 *Critical area treatment.* Establishing permanent vegetation cover such as adapted grasses or legumes, trees, shrubs, or vines by seeding, sodding, sprigging, planting seedlings, cuttings, or other means on sediment producing and eroding areas. Includes needed grading and shaping.

(26) GP-26 *Irrigation tailwater recovery system.* Installing facilities for collecting and storing irrigation tailwater for reuse in the irrigation distribution system and to reduce transporting of agricultural-related pollutants. Includes pick-up ditches and sumps, pits or ponds. No federal cost sharing will be allowed for pumping equipment, chemical treatment equipment, or for pipelines, under this practice.

(27) GP-27 *Disposal lagoons.* Constructing an excavated pit, dam embankment, dike, levee or combination of these for disposal of animal wastes. No federal cost sharing will be allowed for pumping equipment or for chemical treatment facilities.

(28) GP-28 *Recreation land grading and shaping.* Altering the surface of the land to meet the requirements of recreation facilities. Needed protective cover must be established.

(29) GP-29 *Water storage facilities.* Constructing water storage facilities for purposes other than irrigation. Facilities must be needed, permanent and adequate for the intended use. No federal cost sharing will be allowed for constructing water storage facilities primarily for the use of headquarters.

(30) GP-30 *Catchment basins.* Installing water collection facilities in areas where it is impractical to provide adequate water by other means, such as pipelines, wells, ponds, or springs. Needed water storage facilities must be provided and permanent fences must be installed to protect catchment basin.

(31) GP-31 *Shallow water areas.* Developing shallow water areas suitable for waterfowl, fur bearers, and other wildlife.

(32) GP-32 *Holding Ponds and Tanks.* Constructing or installing animal waste storage, facilities such as holding ponds, pits, liquid manure tanks, collection basins, bins, or similar facilities. Cost sharing may be authorized for permanently installed equipment needed as an integral part of the system. No federal cost sharing will be allowed for portable pumps or for spreading equipment.

(33) *Special conservation practices.* Consistent with the principles set forth in this program, any conservation practice not included in the subparagraphs of this paragraph but which is needed to meet particular conservation problems in a designated county must be approved by the Administrator. Such approval may be given only upon the recommendation of the state conservationist and the chairman of the state ASC committee, and upon their findings (i) that the conservation problem exists on a substantial number of operating units in the designated county or counties, (ii) that the conservation practices listed in this program will not provide adequate treatment of the problem, (iii) that the proposed conservation practice would not be performed to the extent needed without federal cost sharing, (iv) that the proposed conservation practice will provide the most enduring solution to the problem practicably attainable under existing wording of a similar conservation practice or elsewhere in this program, circumstances, and (v) that the proposed conservation practice is one on which the offering of financial assistance is fully justified as being appropriate and in the public interest. Costs will not be shared under this conservation practice for elements of performance for which cost sharing is specifically precluded by the wording of a similar conservation practice or elsewhere in this program.

(b) State Practice List.

(1) A list of eligible conservation practices selected from the GPCP practice list, with a cost-share rate for each practice shall be developed for each Great Plains state. This list of any change thereto shall be approved by the state conservationist and the chairman of the state ASC committee after consultation with the state program committee.

(2) The maximum cost-share rate for carrying out a practice or an identifiable unit shall not exceed 80 percent.

(3) The addition of special conservation practices must be submitted to the Administrator for approval.

(c) A list of practices selected from the state list shall be developed for each designated county. This list shall include the cost-share rate for each practice and identifiable unit included in the list. The cost-share rate in this list may not exceed, but may be lower than, the cost-share rate in the state list. This list shall also include an average cost or a specified maximum cost developed in accordance with paragraph (e) of this section for each practice or identifiable unit included in the list. This list when developed, and when approved by the designated SCS technician and the chairman of the county ASC committee after consultation with the county program committee, must be approved by the state conservationist and the chairman of the state ASC committee, or their designees.

(d) Average costs and specified maximum costs shall be determined annually from the cost data collected on a continuing basis as prescribed by the Administrator.

(e) Average costs, specified maximum costs, and cost-share rates that will apply to each designated county for a 12-month period shall be approved by the designated SCS technician, county ASC chairman, state conservationist and the chairman of the state ASC committee, or their designees, not later than March 1, each year.

(f) Changes in average costs, specified maximum costs, and cost-share rates may be approved at any time the designated SCS technician, county ASC chairman, state conservationist and the chairman of the state ASC committee, or their designees.

(g) Approvals required in paragraphs (b), (c), (e), and (f) of this section shall be in a format prescribed by the Administrator.

Subpart B—Cost-Share Payments

§ 631.12 Cost-share payments.

(a) Cost-share payments shall be made at cost-share rates specified in the contract, at the average cost, or the actual cost not to exceed the average cost, or the actual cost not to exceed the specified maximum cost as set forth in the contract. *Provided*, That if the average cost or the specified maximum cost applicable at the time of initial action to carry out the identifiable unit is less than the average cost or specified maximum cost set forth in the contract, payment shall be made on the basis of such lower

average cost or lower specified cost: *Provided further*, That whenever the approved average cost or specified maximum cost in effect at the time of the initial action to carry out the identifiable unit is in excess of the average cost or specified maximum cost set out in the contract, such contract may be modified to reflect such increased average cost or specified maximum cost.

(b) Cost-share payments are made for carrying out identifiable units and are conditioned upon approval of the certificate of performance and compliance by the SCS district conservationist. The county ASC committee will certify that cost-share payments made under this program are not duplicates of payment made under U.S. Department of Agriculture (USDA) programs administered by it, and will determine the status of indebtedness of producers shown on the county register of indebtedness, maintained in the office of the county ASC committee. The SCS district conservationist shall certify performance and compliance and submit to the SCS state office the application for payment. The SCS district conservationist may utilize the assistance of private, state and other federal agencies in discharging his responsibility for certification of performance and compliance.

(c) A producer is not eligible to receive cost-share payments under the program for an identifiable unit which was not carried out under this program.

(d) No funds appropriated after June 30, 1971, for cost sharing under the Great Plains Conservation Program (GPCP) may be used to make production or other payments, to any producer who after such date harvests, or knowingly permits to be harvested for illegal use, marijuana (*Cannabis sativa*) or other such prohibited drug-producing plant on any part of lands owned or controlled by such producer. For the purpose of the regulations in this part, the following plants in addition to marijuana are prohibited: opium poppies (*Papaver somniferum*), coca bushes (*Erythroxylum coca*), cacti of the genus *Lophophora*, and other drug-producing plants, the planting, growing, or harvesting of which is prohibited by federal or state law.

§ 631.13 Conservation material or services (Authorizations).

(a) Conservation materials or services needed by producers to carry out their contracts will be obtained or contracted for by producers. In sharing the cost of carrying out eligible conservation practices, the contract between the producer and the United States may provide that part or all of the federal cost share for an eligible conservation practice may be made to those who furnish conservation materials or services to the producer under the program for use in carrying out the eligible conservation practice after the conservation material or service has been purchased by the producer and supplied to him under his purchase. This method may not be used if the producer

signatory to the contract is indebted to the United States as indicated by the register of indebtedness maintained in the office of the county ASC committee, except in those cases where the agency to which the debt is owed waives its rights set off in order to permit this method of sharing the cost of carrying out eligible conservation practices.

(b) Federal cost shares will be made as provided in this section, under instructions issued by the Administrator, not in excess of the cost share attributable to the use of the material or service or not in excess of the cost share for all identifiable units as may be requested by the producer, with the approval of the contracting officer in accordance with standards determined by the Administrator.

(c) The producer signatory to the contract who purchases a material or service as provided in this section will be relieved of responsibility for the material or service upon determination by the contracting officer that the material or service was used for the purpose for which it was purchased and that any other identifiable units, on which the amount of the federal cost share toward the cost of the material or service was determined, have been carried out in accordance with applicable program provisions. If the producer uses any material or service obtained under this section for any purpose other than for which it was purchased under an authorization, he shall be indebted to the United States for that part of the cost of the material or service paid by the United States as provided in this section and shall pay such amount to the SCS or such amount shall be withheld from the cost-share payments otherwise due him under the program.

(d) The Administrator shall prescribe the procedure for authorizing the procurement of conservation materials or services to be cost shared, and designate the individuals who may authorize the procurement of such materials or services.

§ 631.14 Materials and services; defective; inspection and analysis.

(a) As a condition to making payments under authorizations, opportunity must be given to inspect materials or services and to take necessary samples in accordance with instructions issued by the Administrator: *Provided, however*, That the inspection and analysis controls exercised by state regulatory authorities may be deemed a sufficient protection to the United States as to the quality standard of any material over which authority is exercised: *Provided, further*, That this shall not deprive the United States of the opportunity of the taking of additional samples nor shall it deprive the United States of the opportunity for the making of separate inspections of materials in any case where such further action is necessary to adequately protect the interest of the United States.

(b) Conservation material or service furnished to a producer to be cost shared

shall be deemed to be defective if such material or service does not meet the quality standard specified in the authorization.

(c) Conservation material or service deemed defective as provided herein may be accepted by the producer and the cost-share payment may be made for such defective material or service only if: (1) The material or service deemed defective will satisfactorily serve the purpose for which such material or service was procured, and (2) a deduction is made from the cost-share payment equal to the difference between the price of the conservation material or service of the quality specified and the value of the material or service furnished to the producer.

(d) The Administrator shall designate the individual who shall determine the value of material or service deemed defective which is to be accepted.

§ 631.15 Payments due persons who have died, disappeared, or have been declared incompetent.

(a) Death: Where any person who is otherwise eligible to receive a cost-shared payment dies before payment is received, payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, in accordance with the following order of precedence:

(1) To the administrator or executor of the deceased person's estate.

(2) To the surviving spouse, if there is no administrator or executor and none is expected to be appointed, or if an administrator or executor was appointed but the administration of the estate is closed (i) prior to application by the administrator or executor for such payment, or (ii) prior to the time when a check, draft or certificate issued for such payment to the administrator or executor is negotiated or used.

(3) If there is no surviving spouse, to the children of the deceased person in equal shares. Children of a deceased child of a deceased person shall be entitled to their parent's share of such payment, share and share alike. If there are no surviving children of a deceased child of such deceased person, the share of such a payment which otherwise would have been made to such child of the deceased person shall be divided equally among the surviving children of the deceased person and the estates of any deceased child where there are surviving direct descendants.

(4) If there is no surviving spouse and no direct descendant, payment shall be made to the father and mother of the deceased person in equal shares, or the whole thereof to the surviving father or mother.

(5) If there is no surviving spouse, no direct descendant, and no surviving parent, payment shall be made to the brothers and sisters of the deceased person in equal shares. Children of a deceased brother or sister shall be entitled to their parent's share of the cost-share payment, share and share alike. If there

are no surviving direct descendants of the deceased brother or sister of such deceased person, the share of the payment which otherwise would have been made to such brother or sister shall be divided equally among the surviving brothers and sisters of such deceased person and the estates of any deceased brothers or sisters where there are surviving direct descendants.

(6) If there is no surviving spouse, direct descendant, parent, or brothers or sisters or their descendants, the payment shall be made to the heirs-at-law in accordance with the law of the state of domicile of the deceased person. Any person entitled to payment under the above order of precedence who is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed, payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds \$1,000, in which event payment shall be made only to his legal guardian. Any cost-share payment which the deceased person could have received may be made jointly to the persons found to be entitled to such payment or shares thereof under this section. A separate check may be issued to each person entitled to share in such payment.

(b) Disappearance:

(1) In case any person otherwise eligible to receive a cost-share payment disappears before receiving payment, such payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to one of the following in the order mentioned:

(i) The conservator or liquidator of his estate, if one be duly appointed.

(ii) The spouse.

(iii) An adult son or daughter or grandchild for the benefit of his estate.

(iv) The mother or father for the benefit of his estate.

(v) An adult brother or sister for the benefit of his estate.

(vi) Such person as may be authorized under state law to receive payment for the benefit of his estate.

(2) A person shall be deemed to have disappeared if (i) he has been missing for a period of more than 3 months, (ii) a diligent search has failed to reveal his whereabouts, and (iii) such person has not communicated during such period with other persons who would be expected to have heard from him. Evidence of such disappearance must be presented to the state conservationist in the form of a statement executed by the person making the application for payment, setting forth the above facts, and must be substantiated by a statement from a disinterested person who was well acquainted with the person who has disappeared.

(c) Incompetency: Where any person who is otherwise eligible to receive a cost-share payment is adjudged incompetent by a court or competent jurisdiction before payment is received, payment may be made, upon proper application therefor, without regard to claims of creditors

other than the United States, to the guardian or committee legally appointed, payment, if not more than \$1,000, may be made without regard to claims of creditors other than the United States, to one of the following in the order mentioned for the benefit of the incompetent person:

(1) The spouse.

(2) An adult son, daughter, or grandchild.

(3) The father or mother.

(4) An adult brother or sister.

(5) Such person as may be authorized under State law to receive payment for the incompetent.

(d) In case any person entitled to apply for a cost-share payment pursuant to the provisions of this section, dies, disappears, or is adjudged incompetent, as the case may be, after he has applied for such payment but before payment is received, payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to the person next entitled thereto in accordance with the order of precedence set forth herein.

(e) Definitions: As used in this section, the term "person" when relating to one who dies, disappears, or becomes incompetent, prior to receiving payment, means an individual producer who is due a cost-share payment pursuant to these regulations. "Children" shall include legally adopted children who shall be entitled to share in any cost-share payment in the same manner and to the same extent as legitimate children of natural parents. "Brother" or "sister," when relating to one who, pursuant to the regulations, is eligible to apply for a cost-share payment which is due a person who dies, disappears, or becomes incompetent prior to the receipt of such payment, shall include brothers and sisters of the half blood who shall be considered the same as brothers and sisters of the whole blood. "Payment" means issuance of a check by the U.S. Treasury Disbursing Officer pursuant to these regulations. (7 U.S.C. 1385)

§ 631.16 Manner and time of cost-share payments.

Cost-share payments shall be paid to the producer after he has carried out an identifiable unit of his plan of operations and arrangements therefor shall be made by the SCS state office. Payments shall be made as soon as practicable after the identifiable unit is carried out and the extent of performance has been established. It shall be the responsibility of the producer eligible for cost-share payments to establish his claim to such payments. Cost-share payments for identifiable units carried out under the program will be made only upon application submitted to the district conservationist on the form prescribed by the Administrator. Such application shall be filed by June 30 of the year following the calendar year in which the identifiable unit was carried out, except that with respect to any application filed after such date the Administrator may authorize cost-share payments to be made upon

such application if in his judgment such action is warranted by the circumstances of the particular case. Application for cost-share payments shall specify the proportion of each producer's contribution to the carrying out of each identifiable unit. Cost-share payments will be made for the identifiable units carried out in the year as shown on the time schedule of land use and treatment unless otherwise provided for by modification of the contract.

§ 631.17 Division of cost-share payments between producers signatory to a contract.

The federal cost share attributable to the use of conservation materials or services shall be credited to the producer to whom the authorization for purchase of materials or services is furnished. The remainder of the cost share shall be credited to the producer who carried out the identifiable unit by which such remainder of the cost share is earned. If more than one producer contributed to the carrying out of an identifiable unit, the cost-share payment shall be divided among the producers in proportion to the extent which they contributed to the carrying out of the identifiable unit as set forth in the approved application for cost-share payments. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any identifiable unit.

Subpart C—Miscellaneous

§ 631.18 Reconstitution of operating units.

If, for any cause:

(a) Two or more operating units as constituted at the time a contract is entered into are later combined, or

(b) One operating unit as constituted at the time the contract is entered into is later divided into two or more operating units, or

(c) Land is added to, or deleted from, an operating unit under a contract which significantly affects the plan of operations; the operating unit shall be considered reconstituted. When an operating unit is reconstituted, the contract shall be modified in accordance with procedures prescribed by the Administrator.

§ 631.19 Identifiable units carried out with state or federal aid.

The total extent of any identifiable unit carried out shall be reduced for the purpose of computing federal cost shares by the percentage of the total cost of the items carried out on which costs are shared which the SCS district conservationist determines was furnished by a state or subdivision thereof or federal agency.

§ 631.20 Successors-in-interest.

(a) If during the contract period all or a part of the right and interest of any producer signatory to the contract in the operating unit is transferred by sale or otherwise, the contract shall terminate as to such producer with respect to the acreage which has been transferred. In

the event of such termination the producer whose right and interest is transferred shall forfeit all rights to further cost-share payments or grants made to him under the contract with respect to the acreage which has been transferred and all cost-share payments or grants made to him under the contract shall be refunded with respect to such acreage unless the transferee who acquires his right and interest in such acreage is or becomes a party to a contract which will assume all obligations of the producer under the contract.

(b) The contract shall remain in full force and effect in accordance with the original terms and conditions of the contract with respect to the right and interest remaining in the producer, to be modified by the contracting officer and the producer signatory to the contract, however, to reflect the changes, if any, brought about by any transfer. In the event necessary modifications cannot be agreed to with the contracting officer, the producer shall refund all cost-share payments or grants theretofore made to him with respect to his remaining right and interest in the operating unit and to the producer in the contract. If this refund occurs, the producer would have no further rights or obligations under the contract.

(c) Except as this subpart may require otherwise, the transfer of all or part of the operating unit by any producer signatory to the contract shall not affect the rights and obligations of all other producers signatory to the contract.

§ 631.21 Pooling arrangements.

Producers in any local area may, with the prior approval of the contracting officer, enter two or more operating units jointly in the program if a plan of operations satisfactory to the designated SCS technician is developed that would result in a better land use and treatment program for the operating units through such joint participation than would be obtained through individual operating unit participation.

§ 631.22 Actions that tend to defeat the purposes of a contract.

(a) A producer who knowingly or negligently destroys or breaks up a conservation practice in the plan of operations, unless prior approval in writing is given by the contracting officer, shall be in violation of his contract.

(b) Adoption of any practice by a producer on an operating unit during the life of the contract, which tends to defeat the program purpose shall constitute a violation of the contract.

§ 631.23 Appeals.

(a) Prior to execution of contract.

(1) Any producer may request the contracting officer or the SCS district conservationist to reconsider, prior to the execution of the contract by the producer, any determination made by him affecting the contract except this may not include development of eligible conservation practices, cost-share rates and average costs. Such requests shall be in writing

and shall be filed within 15 days after receiving notice of such determination. A producer shall be deemed to have received notice of the determination if a letter, form or other document has been mailed or delivered to him which discloses such determination. The contracting officer or the SCS district conservationist shall notify the producer of his decision in writing (by mailing or by delivery of the decision) within 15 days after the filing of the written request for reconsideration.

(2) If the producer is dissatisfied with the decision of the contracting officer or the SCS district conservationist, he may within 15 days after receiving written notice of the decision, file a written appeal with the state conservationist. The state conservationist shall notify the producer of his decision in writing (by mailing or by delivery of the decision) within 30 days after filing of the appeal. If the producer fails to request reconsideration of a determination by the contracting officer or SCS district conservationist, or fails to appeal from a decision of the contracting officer or the SCS district conservationist, within the 15-day period, the determination or decision of the contracting officer or the SCS district conservationist shall be final.

(3) The contracting officer or SCS district conservationist may submit statements or briefs, including a review of the case, to the State conservationist.

(b) Any dispute concerning a question of fact arising under the contract, except contract violations (which are governed by separate regulations in this subpart), which is not disposed of by written agreement after a reasonable time shall be referred to the State conservationist for a decision. The State conservationist shall notify the producer in writing (by mailing or delivery of the notice) that the matter will be considered on a date specified in the notice, which date shall be not less than 30 days subsequent to receiving the notice. If the producer files a request for such an opportunity within 15 days from receiving such notice, the producer will be afforded an opportunity to appear and present his views orally and to offer relevant evidence in support of his position. If the producer does not request an opportunity to appear and to present relevant evidence, the State conservationist shall promptly proceed to consider the matter on the basis of such information as may be available to him, including statements or briefs of the authorized representatives of the Administrator whose actions are in dispute. The State conservationist shall notify the producer of his decision in writing by mailing or delivery of the decision.

(c) Any producer adversely affected may appeal to the Administrator from a decision of the State conservationist. A producer who wishes to take such action must file his appeal and any briefs or statements in the office of the Administrator within 30 days from receiving notice of the decision of the State conservationist. The State conservationist may file a brief or statement in the

office of the Administrator within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the issues or disputes and records before the State conservationist. The State conservationist shall submit the record before him, which will include his decision, to the Administrator. The Administrator upon receipt of the record, will make a decision from which there shall be no further appeal in the U.S. Department of Agriculture (USDA). The producer shall be notified of this decision in writing.

(d) Whenever the regulations in this section require the filing of a document, it is deemed filed when received in the office of the individual concerned.

§ 631.24 Contract violations.

(a) The producer shall agree by signing a contract to forfeit all rights to further cost-share payments or grants under the contract and to refund all cost-share payments or grants received thereunder, if the Administrator determines that there has been a violation of the contract during the time the producer has control of the operating unit and that such violation is of such a nature as to warrant termination of the contract. The producer who signs the contract will be obligated to refund all cost-share payments and all cost shares paid under authorizations.

(b) The producer shall agree by signing a contract to make refunds of cost-share payments or grants received under the contract or to accept payment adjustments in the contract, if the Administrator determines that there has been a violation of the contract during the time the producer has control of the operating unit and that such violation is of such a nature as not to warrant termination of the contract. Payment adjustments may include decreasing the rate of a cost share or deleting from the contract a cost-share commitment or withholding cost-share payments earned but not paid. The producer who signs the contract will be obligated to refund cost-share payments and cost shares paid under authorizations.

§ 631.25 Contract violations procedure.

(a) This section prescribes the regulations for determining whether a violation of a contract has occurred and for the effect and result of such violation. The Administrator reserves the right upon notice to modify, amend, revise, or supplement any of the provisions of this section at any time: *Provided*, That such action shall not adversely affect any producer where determination of decision has been made and the producer has been officially notified thereof before such action is taken. No cost-share payment or cost share shall be made pending the determination or decision as to whether a contract violation has occurred.

(b) If the contracting officer receives information indicating that a violation of a contract may have occurred but determines, without the issuance of a notice, with the approval of the state conservationist, that no violation has

occurred, or that the violation does not call for any forfeiture, refund, or payment adjustment, no further action shall be taken.

(c) If all of the producers subject to a forfeiture, refund, payment adjustment, or termination agree in writing on a form prescribed by the Administrator to accept such forfeiture, refund, payment adjustment or termination, no further proceeding shall be undertaken. The contracting officer and the state conservationist shall give approval to this agreement. The agreement shall specify what occurs to the contract.

(d) Notice of violation.

(1) If the state conservationist believes, on information submitted by the contracting officer or otherwise, that a violation of a contract has occurred which would call for a forfeiture, refund, payment adjustment or termination, written notice thereof, on a form prescribed by the Administrator shall be given to each producer signatory to the contract.

(2) Notice to a producer may be shown by (i) a written statement by an authorized representative of the Administrator that the notice was personally delivered to the producer; (ii) a written statement by a producer acknowledging receipt of the notice; and (iii) a post office return receipt (registered or certified mail) showing that the notice was delivered at the last address of the producer or showing that the notice could not be delivered to the producer at his last address because he had moved without a forwarding address, or because the producer refused to accept delivery at his last address, or because the last address does not exist. A producer under this section will be considered to have received the notice at the time of personal receipt, at the time of the delivery of a registered or certified letter, or at the time of the return of an undelivered registered or certified letter.

(3) The notice shall set forth the nature of the alleged violation and shall inform the producer that he will be given an opportunity to appear at a hearing before a person designated by the state conservationist to conduct a hearing if he files a written request for such hearing in the SCS field office not later than 30 days after the time he received the notice. The producer shall be notified in writing by the hearing officer of the time, date, and place set for the hearing. When practicable, the hearing will be held in the designated county where the operating unit is regarded as being located. If the producer does not file written request for a hearing, or does not appear at the appointed time or is not represented at a hearing so requested, he shall have no further right to a hearing before a hearing officer. However, a hearing officer already appointed may in his discretion, permit such producer to appear before him. A request filed by any producer with the SCS field office shall be deemed to be the request of all producers signatory to the contract.

(e) The hearing before the hearing officer shall be held at the time and place

and on the date set forth in the notice of the hearing to the producer. The hearing shall be conducted in the manner deemed most likely to obtain the facts relevant to the alleged violation. The hearing officer shall have full authority to confine the presentation of facts and evidence to pertinent matters and to exclude irrelevant, immaterial or unduly repetitious evidence, information or questions. In so doing, the hearing officer shall not be bound by the strict rules of evidence as required in courts of law. Witnesses may be sworn at the discretion of the hearing officer. The hearing shall be public.

(f) The producer, or his representative, at the hearing shall be given a full opportunity to present facts and information relevant to the alleged violation and may present oral or documentary evidence. Statements and evidence may be submitted at the hearing by the United States. Individuals not otherwise presented at the hearing to give information or evidence may, in the discretion of the hearing officer, be requested or permitted to give information or evidence. The hearing officer, in his discretion, may permit witnesses to be cross-examined, including those individuals called by him.

(g) The hearing officer shall provide for the making of a record at the hearing as will enable him to make a summary of the testimony received at the hearing if the producer and the state conservationist agree. If the state conservationist feels that the nature of the case is such as to make a transcript desirable or if the producer requests such a transcript a reasonable period prior to the time that the hearing begins, a transcript of the hearing shall be made. If a transcript is desired only by a producer, he will be required to provide for its preparation and for the payment of expense thereof. If a transcript is desired by both the state conservationist and the producer, the producer will be required to pay only the expense of a copy of the transcript. The remainder of the expense will be paid by the United States.

(h) If, at the time scheduled for the hearing, the producer is absent and no appearance is made on his behalf, the hearing officer shall, after a lapse of such a period of time as he may consider proper and reasonable, close the hearing, or may, in his discretion, accept information and evidence submitted by others present for the hearing.

(i) In every where a producer is sent a notice of an alleged violation pursuant to paragraph (d) of this section, except where the producer agrees to the forfeiture, refund, payment adjustment or termination as provided in paragraph (c) of this section, the hearing officer shall furnish the state conservationist with a written report setting forth his findings, conclusions, and recommendations. The report shall include the summary of testimony or transcript made of any hearing before the hearing officer and all other information which would be of aid to the state conservationist in reaching his determination.

(j) The state conservationist shall make a determination on the basis of the hearing officer's report, recommendation of the SWCD board, if any, and any other information available to him as to whether a violation of the contract has occurred, and in accordance with the provisions of this section, the amount of the forfeiture, refund, or payment adjustment. The determination of the state conservationist shall specifically state whether the violation is of such a nature as to warrant termination of the contract or that the violation does not warrant termination of the contract. Each producer who signed the contract shall be notified in writing of the determination reached by the state conservationist.

(k) The state conservationist may authorize or require the reopening of any hearing before a hearing officer for any reason at any time prior to his determination.

(l) Any producer adversely affected by a determination of the state conservationist shall have the right of appeal to the Administrator. A producer who wishes to appeal to the Administrator must file in the office of the Administrator, his appeal. This appeal and any briefs or statements must be received in such office within 30 days after the producer has received notice of the determination of the state conservationist. The state conservationist may file a brief or statement in the office of the Administrator within 15 days after the producer's brief or statement is received there. Such an appeal shall be limited to the records and the issues made before the state conservationist which records shall be submitted to the Administrator by the state conservationist. The Administrator will make his decision from which there shall be no further appeal in the USDA. The decision will be based upon the record before him and the issues presented by the appeal and the producer shall be notified in writing.

(m) If the determination or decision is that the violation is of such a nature as to warrant termination of the contract, the determination or decision shall state that the contract is terminated and that all rights to further cost-share payments or grants under the contract are forfeited and that all cost-share payments or grants received under the contracts shall be refunded. The determination or decision will state the amount of the refund and how payment may be accomplished.

(n) If the determination or decision is that the violation is of such a nature as not to warrant termination of the contract, the producer may be required to make a refund of cost-share payments or grants or to accept payment adjustments. The determination or decision shall state the extent of refunds of cost-share payments or grants or payment adjustments. In arriving at the extent of a refund of cost-share payments or grants or payment adjustments under this section there will be considered (1) the extent of the violation; (2) whether the violation was deliberate or the result of negligence or was due to cir-

cumstances beyond the control of the producer; (3) the effect on the program if no refund or payment or adjustment is required; (4) the extent to which the producer benefited by the violation; (5) the effect of the violation on the contract as a whole; and (6) other pertinent considerations including the appropriateness and reasonableness of the refund or payment adjustment.

§ 631.26 Assignments.

Assignments by any producer who may be entitled to any cost-share payment under the program are prohibited unless made in accordance with the provisions of section 203, Title 31, U.S.C., and any amendments thereto, and section 15, Title 41, U.S.C., and any amendments thereto.

§ 631.27 Cost-share payments not subject to claim.

Any cost-share payment, or portion thereof, due any producers hereunder shall be determined and allowed without deduction of claims for advances (except as provided in § 631.26 of this subpart and except for indebtedness to the United States subject to setoff); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner of the operating unit or any other creditor.

§ 631.28 Filing of false claims.

No producer shall file a claim for a cost-share payment to which he knows he is not entitled under the provisions of the program, including claim for a cost-share payment not carried out or for eligible conservation practices carried out in such a manner that they do not meet the required specifications therefor, and the filing of any such claim shall constitute a violation of the contract.

§ 631.29 Setoffs.

If any producer to whom compensation is payable under the program is indebted to the USDA, or any agency thereof, including the Commodity Credit Corporation and Federal Crop Insurance Corporation, or is indebted to any other agency of the United States, and such indebtedness to such other agency is listed on the county register of indebtedness maintained in the office of the county ASC committee, the compensation due such producer shall be setoff against such indebtedness. Indebtedness owing to the USDA, or any agency thereof, shall be given first consideration. Setoffs made pursuant to this section shall not deprive the producer of any right to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 631.30 Compliance with regulatory measures.

Producers who carry out conservation practices shall be responsible for obtaining the authorities, rights, easements or other approvals necessary to the carrying out and maintenance of the con-

servation practices in keeping with applicable laws and regulations. Producers shall save the United States harmless from any infringements upon the rights of others or from any failure to comply with applicable laws or regulations.

§ 631.31 Misuse of authorizations.

No producer shall knowingly use an authorization issued to him for obtaining conservation materials or services for a purpose other than for which it was issued and the misuse of the authorization shall constitute a contract violation.

§ 631.32 Access to operating unit and program records.

Any authorized representative of the Administrator, for the purpose of ascertaining the accuracy of any of the representations made in or in connection with or leading up to any contract entered into hereunder and the entering into any contract or the performance of the terms and conditions of such contract shall have the right to enter the operating unit at any reasonable time in order to measure the acreage, to render technical assistance, to inspect the work undertaken under any contract and to examine any program records pertaining to the operating unit and the producer shall furnish such information relating to the operating unit as may be requested by authorized representatives of the Administrator.

§ 631.33 State conservationist approval of designated county program determinations.

The state conservationist, upon his own initiative, may revise or require revision of any determination made by the contracting officer or the designated SCS technician in connection with the program except that the state conservationist may not make a revision of any executed contract other than as may specifically be authorized herein.

§ 631.34 Effect on acreage allotment and marketing quota programs.

(a) The acreage on any operating unit which is diverted from the production of any commodity subject to acreage allotments or marketing quotas in order to carry out any contract entered into under this program are preserved so long as the producer maintains the diverted land in grass.

(b) In applying the provisions of paragraph (6) of Public Law 74, 77th Congress (7 U.S.C. 1340(6)), and section 326 (b) of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1326(b)), relating to reduction of the storage amount of wheat, the acreage on any operating unit which is diverted from the production of wheat in order to carry out a contract shall be regarded as wheat acreage on the operating unit.

KENNETH E. GRANT,
Administrator.

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Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. G]

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

Transfers

Pursuant to section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g), the Board is adopting the following amendment to Part 207 by adding § 207.4(g). The change provides for the transfer of credit from one person registered with the Federal Reserve System pursuant to Regulation G to another such registrant. The amendment is set forth below.

§ 207.4 Miscellaneous provisions.

(g) *Transfers.* A person who is registered pursuant to the requirement of § 207.1(a) of this part may, without following the requirements of this part as to the extension of a credit, accept the transfer of a credit originally extended in conformity with the requirements of this part directly from another such person: *Provided*, That the statement of purpose, executed by the customer in connection with the original extension of credit and accepted in good faith and signed by the transferor in conformity with the requirements of § 207.1(e) of this part, is obtained and kept with each such transferee account: *And provided further*, That any transfer pursuant to this paragraph is made as a bona fide incident to a transaction not undertaken for the purpose of avoiding the requirements of this part, the amount of the credit in connection with the transfer is not increased, and the collateral for the transferred credit is not changed; and, after such transfer, a lender may permit such withdrawals and substitutions of collateral as are permitted in respect to a credit it extends subject to this part.

The Board has found, based upon its experience in administering Regulation G, that its inspection procedures with respect to persons registered pursuant to the regulation provide safeguards against possible circumvention of the regulation by means of transfer equivalent to those under Regulations T and U. The lack of a transfer provision similar to parallel provisions in Regulations T and U imposes a hardship on borrowers if credit under Regulation G is undermargined prior to transfer. For the reasons stated above and since the borrower may not be able to exercise control over the creditor's decision to transfer a credit, the Board finds that the hardship has become undue. Since the amendment relieves this hardship to the extent warranted by the Board's experience in administering Regulation G, the Board finds that compliance with the provisions of 5 U.S.C. 553 with respect to notice and public participation is unnecessary and contrary to the public interest.

The requirement of 5 U.S.C. § 553 with respect to delayed effective date was not followed in connection with this amendment because it relieves a restriction.

This amendment shall become effective immediately.

By Order of the Board of Governors,
December 6, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.
[FR Doc.73-26588 Filed 12-14-73;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM [No. 73-1809]

PART 531—STATEMENTS OF POLICY Policy on Nondiscrimination in Lending

DECEMBER 7, 1973.

The Federal Home Loan Bank Board considers it desirable to amend Part 531 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 531) for the purpose of adding a statement of the Board's policy regarding nondiscrimination in lending by Federal Home Loan Bank System member institutions.

Said Part 531 is amended by adding a new § 531.8 thereto (12 CFR 531.8), for the purpose of providing guidance to member institutions in developing and implementing nondiscriminatory lending policies. The intent of the nondiscrimination policy guidelines is to point out that activities of lenders which may not be intended to be discriminatory might still be so in their effects, and thus contrary to the Board's non-discrimination regulations or the purposes of the Board's basic statutes, and also to provide member institutions with examples of certain loan underwriting practices which might have the unintended effect of causing a prohibited discrimination.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 531 by adding thereto new § 531.8 to read as set forth below.

§ 531.8 Guidelines relating to nondiscrimination in lending.

(a) *General.* Fair housing and equal opportunity in home financing is a policy of the United States established by Federal statutes and Presidential orders and proclamations. In furtherance of the Federal civil rights laws and of the economical home financing purposes of the statutes administered by the Board, the Board has adopted, in Parts 528 and 529 of this subchapter, nondiscrimination regulations which, among other things, prohibit discrimination based on race, color, religion, or national origin in fixing the amount, interest rate, duration, application procedures, collection or enforcement procedures, or other terms or conditions of housing related loans. This section provides supplementary guidelines to aid member institutions in developing and implementing nondiscriminatory lending policies. Each member

institution should re-examine its underwriting standards from time to time in order to insure equal opportunity.

(b) *Loan underwriting standards.* The basic purpose of the Board's nondiscrimination regulations is to require that every applicant be given an equal opportunity to obtain a loan. Each loan applicant's credit worthiness should be evaluated on an individual basis without reference to presumed characteristics of a group. The use of lending standards which have no economic basis and which are discriminatory in effect is a violation of law even in the absence of an actual intent to discriminate. However, a standard which has a discriminatory effect is not necessarily improper if its use achieves a sound business purpose which cannot be achieved by means which are not discriminatory in effect or less discriminatory in effect.

(c) *Discriminatory practices—(1) Discrimination based on age, sex or marital status.* The Civil Rights Act of 1968 does not specifically prohibit discrimination in lending on the basis of age, sex or marital status, and the Board's regulations are, at present, limited to the scope of that Act. However, such discrimination is contrary to the principle of, and may in fact violate, Constitutional provisions which guarantee equal protection of the law for all persons. In addition, such practices impede the achievement of the objectives of Federal laws intended to promote sound, economical home financing, fair housing opportunity and a decent home for every American. Discrimination on the basis of sex or marital status may additionally result in racial or ethnic discrimination. For example, a larger proportion of minority group families rely on the wife's income to afford housing and other necessities. The type of practices considered by this paragraph includes loan underwriting decisions which differentiate loan applicants on the basis of assumptions regarding comparative differences in credit worthiness between men and women, or between older and younger persons, or among married, single, widowed or divorced individuals without actual consideration being given to the applicants' credit histories and present and reasonably foreseeable economic prospects.

(2) *Discrimination on the basis of language.* Requiring fluency in the English language as a prerequisite for obtaining a loan may be a discrimination practice based on national origin.

(3) *Supplementary income.* Lending standards which consider as effective only the non-overtime income of the primary wage-earner may result in discrimination because they do not take account of variations in employment patterns among individuals and families. The Board favors loan underwriting which reasonably evaluates the credit worthiness of each applicant based on a realistic appraisal of his or her own past, present and foreseeable economic circumstances. The determination as to whether primary income or additional income qualifies as effective for credit

purposes should depend upon whether such income may reasonably be expected to continue through the early period of the mortgage risk. Automatically discounting all or a part of the income of a working wife, or other income from bonuses, overtime, or part-time employment, will cause some applicants to be denied financing without a realistic analysis of their credit worthiness. Since statistics show that minority group members and low- and moderate-income families rely more often on such supplemental income, the practice may be racially discriminatory in effect, as well as artificially restrictive of opportunities for home financing.

(4) *Age, income level, or racial composition of neighborhood.* Refusal to lend in a particular area solely because of the age of the homes or the income level in a neighborhood may be discriminatory in effect since minority group persons are more likely to purchase used housing and to live in low-income neighborhoods. The racial composition of the neighborhood where the loan is to be made is always an improper underwriting consideration.

(5) *Borrowers' prior history.* Unstable or irresponsible behavior, especially toward credit obligations, is a proper consideration in making lending decisions. However, the application of a rigid and arbitrary rule may be a discriminatory lending practice. An isolated experience in the distant past should not be a ground for denial of a loan if subsequent experience and present circumstances indicate stability. A policy favoring applicants who have previously owned homes may perpetuate prior discrimination. Job or residential changes may indicate upward mobility. Emphasis should be upon a realistic assessment of the credit worthiness of each applicant without resorting to unreasonable standards.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-26663 Filed 12-14-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-21-AD; Amdt. 39-1758]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TSE331-3U-303N

Engines

There has been a failure of the fuel control drive on the AiResearch Model TSE331-3U-303N engine that resulted in overspeed of the engine and resultant third stage turbine rotor failure. AD 73-16-1 also concerns this subject. Since this condition is likely to exist or develop in other engines of the same type design, an Airworthiness Directive is being issued to impose a recurring inspection of the fuel control drive of the Model TSE331-3U-303N engines. Adjustment of the fuel

control overspeed governor minimum flow stop screw is required, unless previously accomplished.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

AIRRESEARCH MANUFACTURING COMPANY OF ARIZONA: Applies to Model TSE331-3U-303N Engines

Compliance required as indicated.

To detect abnormal wear of the fuel control drive consisting of the external splines of the fuel pump output shaft, P/N 868484; internal splines of the coupling, P/N 893646; and, the fuel control input shaft external splines, Woodward P/N 3499-034, accomplish the following after the effective date of this AD:

(a) Within 25 hours additional time in service, or before accumulating 400 hours total time in service, whichever occurs later, unless previously accomplished within the last 375 hours time in service, and at intervals not to exceed 400 hours time in service thereafter, inspect the fuel control drive per the instructions of paragraph 2.c of AirResearch Service Bulletin TSE331-73-5006, dated October 26, 1973, or later FAA-approved revisions.

(b) Within the next 25 hours time in service, unless already accomplished, adjust the fuel control overspeed governor minimum flow stop screw per instructions of paragraphs 2(H), and (I) of AirResearch Service Bulletin TSE331-73-5005, dated July 20, 1973, or later FAA-approved revisions.

(c) Prior to installation of spare fuel controls, verify the accomplishment of the actions required by this AD per the instructions of the referenced Service Bulletins.

(d) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, Western Region, upon submission of adequate substantiating data.

This amendment becomes effective December 28, 1973.

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

Issued in Los Angeles, California on December 5, 1973.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.73-26607 Filed 12-14-73;8:45 am]

[Docket No. 6362; Amdt. 39-1759]

PART 39—AIRWORTHINESS DIRECTIVES

Certain Beech Airplanes

AD 57-18-1, applicable to Beech Model 35 series airplanes and Model Super V conversions of standard Beech version of Models 35, A35, or B35 airplanes, last revised February 16, 1965, is an Airworthiness Directive (AD) which in part requires a check of the static balance of the rudder on these aircraft. Subsequent to the issuance of AD

57-18-1 the agency has been advised of a number of misinterpretations of the guidance material referenced in paragraph B of the AD. Therefore, to clarify the applicability of the guidance material and to provide static balance information for Super V converted aircraft, the guidance material in Paragraph B is being amended appropriately.

Since this amendment is clarifying in nature and is in the interest of safety, it imposes no additional burden on any person. Consequently, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, paragraph B of AD 57-18-1, is amended so that it now reads as follows:

In Paragraph B of AD 57-18-1, delete the parenthesized sentences which read "(Guidance material on this subject is contained in CAM 18.30-17(f). Beech Service Bulletin No. 35-26, dated May 20, 1958, and Bonanza Maintenance Manual 35-590073-9 cover this subject.)" and substitute therefor the following:

"(Guidance material on this subject is contained in CAM 18.30-17(f). For Beech Model 35 series aircraft, Beech Service Bulletin No. 35-26, dated May 20, 1958, and Bonanza Maintenance Manual 35-590073-9 cover this subject. Rudder balance limitations for Super V conversions are:

1. With the root weight removed, the static unbalance of the rudder with the tip weight attached should be $+19.80 \pm 1.00$ inch pounds tail heavy.

2. Adding the root weight to condition "1" above, the total unbalance of the rudder should be $+7.00 \pm 1.00$ inch pounds tail heavy.

The root balance weight is only used on the Super V conversions.)"

This amendment becomes effective December 20, 1973.

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

Issued in Kansas City, Missouri, on December 6, 1973.

A. L. COULTER,
Director, Central Region.

[FR Doc.73-26610 Filed 12-14-73;8:45 am]

[Docket No. 73-EA-106; Amdt. 39-1757]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 73-19-10 applicable to Grumman G-164 type aircraft.

AD 73-19-10 presently requires a repetitive inspection of the bolts attaching the elevator control horn to the side elevator. It appears, however, that the bolt designation, AN4-12A, should read AN4-11A. Thus, the amendment is corrective in nature, not requiring notice and public procedure and, for the fore-

going reasons, may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended so as to amend AD 73-19-10 as follows:

1. Delete the figures AN4-12A wherever they appear and insert in lieu thereof "AN4-11A".

2. Insert the phrase "NAS 1304-12 bolts or" after the word "or" in paragraph 3.

This amendment is effective December 20, 1973.

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

Issued in Jamaica, N.Y., on December 6, 1973.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.73-26608 Filed 12-14-73;8:45 am]

[Airworthiness Docket No. 73-WE-19-AD, Amdt. 39-1760]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10-10, DC-10-30, and DC-10-30F Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on November 7, 1973, and made effective immediately by telegram as to all known United States operators of McDonnell Douglas Model DC-10-10, DC-10-30, and DC-10-30F airplanes. The directive requires inspection of wing mounted engine nose cowl attach bolts, replacement of improper bolts, a check of the bolt locking device, and proper installation of the bolts.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of McDonnell Douglas Model DC-10-10, DC-10-30 and DC-10-30F airplanes by individual telegrams dated November 7, 1973. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

The telegraphic AD referred to McDonnell Douglas wires C1-SVC-DC10 COM-167 and C1-SVC-DC10 COM-168. Later, McDonnell Douglas issued wires C1-SVC-DC10COM-170 and C1-SVC-DC10COM-176 with instructions for FAA Western Region approved alternative corrective action. The following AD incorporates the instructions contained in the four wires and provides for FAA-approved equivalent installation.

McDONNELL, DOUGLAS: Applies to Model DC-10-10, DC-10-30, and DC-10-30F Airplanes Certificated in all Categories
Compliance required within the next 10 hours of flight for Model DC-10-10 airplanes

and 50 hours' of flight for Model DC-10-30 and DC-10-30F airplanes after the effective date of this AD, unless already accomplished.

To determine that the correct nose cowl attach bolts are installed and to assure the proper installation of the bolts, conduct a one-time inspection of the wing mounted engine nose cowl attach bolts and take corrective action in accordance with the following:

(a) Remove bolts P/N 71658-6 (identified by 71658-6 stamped on the bolt head), if installed, and replace with P/N EWB 22-6-14 bolts, or FAA Western Region approved equivalent bolts (see paragraph (f)), in accordance with the instructions in paragraph (b).

(b) Install bolts P/N EWB 22-6-14, identified by HI PSI EWB 22-6 stamped on the bolt head, or FAA Western Region approved equivalent. Bolts must protrude through the nut by .030 to .180 inch. Bolts protruding more than .180 inch must have washers P/N MS 20002-6, P/N WPL 22-6, or FAA Western Region approved equivalent washers added between the existing countersunk washer P/N WCL22-6 and the nose cowl attach fitting to meet the .030 to .180 inch protrusion range. The grip length, -14, is not indicated on the bolt head, and numbers stamped on the bolt head other than EWB 22-6 should be disregarded.

(c) Inspect all engine flange nutplates and replace any that are cracked or have attach rivets sheared off. As an alternative, accomplish either (1) or (2) below.

(1) Remove the nut from the nutplate by bending the tangs of the retainer and install a new nut from nutplate General Electric (G.E.) P/N 9698M80P01 and rebend the nutplate tangs to secure the nut.

(2) Remove the nutplate by chisel or grinding rivets. Modify washer P/N MS20002-5 by drilling I.D. to 3/8"-3/8" inch. Reidentify the washer as G.E. P/N 9146M84P01 and install under nut G.E. P/N 9629M48P06.

(d) Back all bolts out until clampup torque is removed and make a running torque check of nut retention. Nuts with less than 10 inch-pounds of locking torque must be replaced, or accomplish either (1) or (2) below.

(1) Thoroughly clean the nose cowl and mating engine flange holes, bolts and nut threads with a brush and 1, 1, 1 Trichloroethane (MIL-T-81533), Naptha, or MEK (FED TT-M-261). Allow to dry completely after cleaning. Apply primer MIL-S-22473, Grade T, Form R, to bolt threads and allow to dry completely. Apply locking sealant MIL-S-22473, Grade A or Grade AV, or Loctite 271 on the first three bolt threads. These instructions are per Douglas Process Standard (DPS) 3.51, except that Loctite is an acceptable material not covered by the DPS.

(2) After the bolts have been torqued in accordance with paragraph (e), below, clean the exposed threads and nut end per (d) (1), above, and puddle PR1422 class B sealant with accelerator to fill bolt end exposed threads. Cap bolt end with PR1422 sealant and extend the sealant partially over the nut (Reference DPS 2.50).

(e) Lubricate nuts, bolt threads, and washers with MIL-L-25681 per DPS 1.22, or with an FAA Western Region approved equivalent lubricant. If the (d) (1) procedure is used, lubricate bolt shank and washers under the bolt head only (no lubricant on the bolt or nut threads). Torque bolts to 28 to 32 foot pounds. Reference: McDonnell Douglas Maintenance Manual Chapter 71-11-00, page 206.

(f) Bolts P/N R21T5B1-6F14, P/N VS2003 F6-14, P/N EWB TM9-6-14, or P/N BAC B30MT6T14 are, for the purpose of complying with this AD, FAA Western Region ap-

proved equivalents for bolt P/N EWB 22-6-14. When bolt P/N BAC B30MT6T14 is installed, the bolt must protrude through the nut by .030 to .130 inch and have washers installed per paragraph (b) if the bolt protrudes more than .130 inch.

Note: McDonnell Douglas wires C1-SVC-DC10COM-167, C1-SVC-DC10COM-168, C1-SVC-DC10COM-170, C1-SVC-DC10COM-176 cover the procedures described above.

(g) Special flight permits may be issued under FARs 21.197 and 21.199 for the purpose of moving the aircraft to a base to accomplish maintenance to comply with this AD.

(h) Prior to installation of any quick engine change (QEC) unit, verify accomplishment of this AD.

This amendment is effective December 19, 1973, for all persons except those to whom it was made effective immediately by telegram dated November 7, 1973.

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

Issued in Los Angeles, California on December 6, 1973.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.73-26611 Filed 12-14-73; 8:45 am]

[Docket No. 73-EA-47; Amdt. 39-1756]

PART 39—AIRWORTHINESS DIRECTIVES

Scott Aviation Division, ATO Inc.

On page 27624 of the FEDERAL REGISTER for October 5, 1973, the Federal Aviation Administration published a proposed rule so as to issue an airworthiness directive applicable to Scott Aviation Chemical Oxygen Generators.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulation have been received.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended hereby and the airworthiness directive adopted to read as follows:

SCOTT AVIATION DIVISION OF ATO INC. Applies to chemical oxygen generators, Scott Part Numbers 801386-01, -02, and -03, and 801462-01, -02, and -03.

Compliance required within the next six months after the effective date of this A.D., unless already accomplished.

To detect generators showing evidence of corrosion, and to replace corroded units, accomplish Scott Aviation Service Bulletin 35-38, dated February 1, 1973, and Revision Number 1, dated May 11, 1973, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective December 20, 1973.

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

Issued in Jamaica, N.Y., on December 6, 1973.

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

[FR Doc.73-26609 Filed 12-14-73; 8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-1]

PART 153—ANTIDUMPING

Elemental Sulphur From Canada

DECEMBER 12, 1973.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that elemental sulphur from Canada is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of July 24, 1973 (38 FR 19844).) Imports of elemental sulphur produced and sold by Texasgulf, Inc., and Canadian Occidental Petroleum, Ltd., were excluded from this determination.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on October 19, 1973, it notified the Secretary of the Treasury that an industry in the United States is likely to be injured by reason of the importation of elemental sulphur from Canada sold at less than fair value. (Published in the FEDERAL REGISTER of October 26, 1973 (38 FR 29655).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to elemental sulphur from Canada, except importations of sulphur produced and sold by Texasgulf, Inc., and Canadian Occidental Petroleum, Ltd.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Elemental sulphur, except shipments produced and sold by Texasgulf, Inc., and Canadian Occidental Petroleum, Ltd.	Canada.....	74-1

(Secs. 201, 407, 42 Stat. 11, as amended, 18; (19 U.S.C. 160, 173))

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

[FR Doc.73-26670 Filed 12-14-73; 8:45 am]

RULES AND REGULATIONS

Title 20—Employees' Benefits
 CHAPTER II—RAILROAD RETIREMENT BOARD
 PART 200—PROCEDURES AND FORMS
 Availability of Information to Public

This document provides a revision of the Board's Regulations to assure that the Board's procedure for considering requests for records and material under the Freedom of Information Act includes a final review of denials by the Board.

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, as amended; 45 U.S.C. 228j) and in section 12 of the act of

June 25, 1938 (52 Stat. 1107, as amended; 45 U.S.C. 362), § 200.3 of Part 200 (20 CFR 200.3) of the Regulations under such acts is amended by Board Order 13-134, dated December 3, 1973, by the addition of paragraph (h), to read as follows:

§ 200.3 Availability of information to public.

(h) Any person whose request for materials or records under any paragraph of this section has been denied by the head of the bureau or office having custody of such materials or records shall have a right to a final appeal of such

denial to the Board itself. The Board shall promptly consider such request and make a final decision thereon: *Provided, however,* That the Board shall consult the Freedom of Information Committee of the Department of Justice before making any such final decision as would have the effect of a final denial of such request.

Dated: December 10, 1973.

By Authority of the Board.

[SEAL]

R. F. BUTLER,
Secretary of the Board.

[FR Doc.73-26621 Filed 12-14-73;8:45 am]

Title 24—Housing and Urban Development
 CHAPTER X—FEDERAL INSURANCE ADMINISTRATION
 SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-269]

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 flood.
California	Glenn	Unincorporated Areas				Dec. 11, 1973. Emergency.
Illinois	Lake	Grayslake, Village of				Do.
Michigan	Muskegon	Fruitland, Township of				Do.
Do.	do	North Muskegon, City of				Do.
Mississippi	Mississippi	Yazoo City, City of				Do.
Missouri	New Madrid	New Madrid, City of				Do.
Do.	St. Louis	Cool Valley, Village of				Do.
North Carolina	Craven	New Bern, City of				Do.
South Carolina	Sumter	Sumter, City of				Do.
Virginia	Sussex	Unincorporated Areas				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17904, 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: December 5, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-26505 Filed 12-14-73;8:45 am]

[Docket No. FI-270]

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
Illinois	Cook	Northbrook, Village of				Dec. 12, 1973, Emergency.
Georgia	Clayton	Riverdale, City of				Do.
Kentucky	Davless	Unincorporated areas				Do.
North Carolina	Carteret	Cape Carteret, Town of				Do.
Ohio	Montgomery	Kettering, City of				Do.
Oklahoma	Cleveland	Norman, City of				Do.
Pennsylvania	Carbon	Parryville, Borough of				Do.
Wisconsin	Kenosha	Unincorporated areas				Do.
Wyoming	Laramie	Cheyenne, City of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, 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: December 5, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc. 73-26504 Filed 12-14-73; 8:45 am]

[Docket No. FI-268]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective December 14, 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	Barbour	Eufaula, City of	H 01 005 1050 01 through H 01 005 1050 04	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104.	Mayor, City of Eufaula, City Hall, Eufaula, Ala. 36027.	Dec. 14, 1973.
Do.	Calhoun	Anniston, City of	H 01 015 0100 01 through H 01 015 0100 08	do.	Mayor, City of Anniston, City Hall, Anniston, Ala. 36201.	Do.
Do.	Dallas	Selma, City of	H 01 047 2760 01 through H 01 047 2760 08	do.	Mayor, City of Selma, City Hall, Selma, Ala. 36701.	Do.
Do.	Mobile	Mount Vernon, Town of	H 01 097 2175 01 through H 01 097 2175 05	do.	Town Manager, Town of Mt. Vernon, Town Hall, Mt. Vernon, Ala. 36560.	Do.
Arizona	Pima	Marana, City of	H 04 019 0295 01	Arizona State Land Department, 1634 W. Adams, Room #00, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7008, 718 W. Glenrosa, Phoenix, Ariz. 85011.	Mayor, City of Marana, City Hall, Marana, Ariz. 85238.	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
Arkansas	Mississippi	Oseola, City of	H 05 003 2970 01 through H 05 003 2970 03	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 of Oseola, City Hall, Oseola, Ark. 72270.	Do.
Idaho	Ada	Garden City, City of	H 16 001 0570 01 through H 16 001 0570 04	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City of Garden City, 201 W. 33d, Garden City, Idaho 83704.	Do.
Do.	Madison	Rexburg, City of	H 16 065 1520 01 through H 16 065 1520 04	.....do.....	Mayor, City of Rexburg, City Bldg., Rexburg, Idaho 83440.	Do.
Illinois	Crawford	Hutsonville, Village of	H 17 033 4110 01	Governor's Task Force on Flood Control, Natural Resources Service Center, Thornhill Bldg., P.O. Box 473, Lisle, Ill. 60532. Illinois Insurance Department, 525 W. Jefferson St., Springfield, Ill. 62702.	Mayor, Village of Hutsonville, City Hall, Hutsonville, Ill. 62453.	Do.
Do.	Gallatin	Old Shawnee- town, Village of	H 17 059 6506 01	.....do.....	President, Village Board, Village of Old Shawneetown, Village Hall, Rural Route No. 1, Shawneetown, Ill. 62984.	Do.
Do.	Greene	Eldred, Village of	H 17 061 2685 01	.....do.....	President, Village Board, Village of Eldred, Eldred, Ill. 62027.	Do.
Do.	Hancock	Warsaw, City of	H 17 067 9010 01 through H 17 067 9010 02	.....do.....	Mayor, City of Warsaw, City Hall, Warsaw, Ill. 62370.	Do.
Do.	Hardin	Rosiclare, City of	H 17 069 7530 01 through H 17 069 7530 02	.....do.....	Mayor, City of Rosiclare, Rosiclare, Ill. 62982.	Do.
Do.	Henry	Geneseo, City of	H 17 073 3290 01 through H 17 073 3290 07	.....do.....	City Engineer, City of Geneseo, P.O. Box 64, Geneseo, Ill. 61254.	Do.
Do.	Jasper	Newton, City of	H 17 079 6100 01 through H 17 079 6100 03	.....do.....	Mayor, City of Newton, City Hall, 114 N. Van Huren, Newton, Ill. 62448.	Do.
Do.	Mason	Bath, Village of	H 17 125 0570 01	.....do.....	Mayor, Village of Bath, Town Hall, Bath, Ill. 62617.	Do.
Do.	Monroe	Fulta, Village of	H 17 133 3234 01	.....do.....	Mayor, Village of Fulta, P.O. Box 5, Fulta, Ill. 62244.	Do.
Do.	Piatt	Monticello, City of	H 17 147 5730 01 through H 17 147 5730 02	.....do.....	Mayor, City of Monticello, Municipal Bldg., Monticello, Ill. 61856.	Do.
Do.	Pike	Valley City, Village of	H 17 149 8785 01	.....do.....	Mayor, Village of Valley City, Valley City, Ill.	Do.
Do.	Randolph	Kaskaskia, Village of	H 17 157 4402 01	.....do.....	Chairman, Randolph County Board of Supervisors, Village of Kaskaskia, County Courthouse, Chester, Ill. 62223.	Do.
Do.	Stephenson	Ridott, Village of	H 17 177 7313 01	.....do.....	Chairman, Village Council, Village of Ridott, Ridott, Ill. 61067.	Do.
Indiana	Allen	New Haven, City of	H 18 003 3480 01 through H 18 003 3480 02	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, City of New Haven, New Haven, Ind. 46774.	Do.
Do.	Fountain	Veedersburg, Town of	H 18 045 4280 01	.....do.....	Chairman, Town Board, Town of Veedersburg, Veedersburg, Ind. 47987.	Do.
Do.	Hendricks	Danville, Town of	H 18 063 1160 01	.....do.....	Chairman, Town Board, Town of Danville, 77 S. Kentucky St., Dau- ville, Ind. 46122.	Do.
Do.	Howard	Kokomo, City of	H 18 067 2430 01 through H 18 071 4440 01	.....do.....	Mayor, City of Kokomo, City Bldg., Kokomo, Ind. 46901.	Do.
Do.	Jackson	Seymour, Town of	H 18 067 2430 05 through H 18 071 4440 05	.....do.....	Mayor, Town of Seymour, Municipal Bldg., Seymour, Ind. 47274.	Do.
Do.	Lake	Munster, Town of	H 18 089 3370 01 through H 18 089 3370 03	.....do.....	Chairman, Town Board of Trustees, Town of Munster, 805 Ridge Rd., Munster, Ind. 46321.	Do.
Do.	Lake	Schneider, Town of	H 18 089 3300 01	.....do.....	Chairman, Town Board of Trustees, Town of Schneider, Schneider, Ind. 46376.	Do.
Do.	Madison	Chesterfield, Town of	H 18 095 0610 01 through H 18 095 0610 02	.....do.....	Town Board, Town of Chesterfield, Town Hall, Chesterfield, Ind. 46017.	Do.
Do.	Madison	Frankton, Town of	H 18 095 1660 01	.....do.....	Town Board, Town of Frankton, Town Hall, Frankton, Ind. 46044.	Do.
Do.	Madison	Pendleton, Town of	H 18 095 3910 01	.....do.....	Town Board, Town of Pendleton, Town Hall, Pendleton, Ind. 46064.	Do.
Do.	Owen	Spencer, City of	H 18 119 4630 01	.....do.....	Town Board, City of Spencer, City Hall, 13 E. Franklin, Spencer, Ind. 47460.	Do.
Do.	Parke	Judson, Town of	H 18 121 2300 01	.....do.....	Chairman, Town Board, Town of Judson, Judson, Ind. 47836.	Do.
Do.	Parke	Montezuma, Town of	H 18 121 3180 01	.....do.....	Chairman, Town Board, Town of Montezuma, Montezuma, Ind. 47862.	Do.
Do.	Pike	Winslow, Town of	H 18 125 3300 01	.....do.....	Town Manager, Town of Winslow, Town Hall, Winslow, Ind. 47598.	Do.
Do.	Randolph	Winchester, City of	H 18 135 3330 01 through H 18 135 3330 04	.....do.....	Mayor, City of Winchester, City Bldg., West Franklin St., Winchester, Ind. 47394.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	St. Joseph	Osceola, Town of	H 18 141 3790 01	do	Chairman, Town Board, Town of Osceola, Osceola, Ind. 46561.	Do.
Do.	Shelby	Shelbyville, City of	H 18 145 4470 01 H 18 145 4470 07	do	Mayor, City of Shelbyville, City Hall, Shelbyville, Ind. 46176.	Do.
Do.	Warren	Williamsport, Town of	H 18 171 5330 01	do	Chairman, Town Board, Town of Williamsport, City Hall, Williamsport, Ind. 47993.	Do.
Do.	Washington	Fredericksburg, Town of	H 18 175 1670 01	do	Town Board, Town of Fredericksburg, Fredericksburg, Ind. 47120.	Do.
Do.	Whitley	Columbia, City of	H 18 183 0980 01	do	Columbia City Plan Commission, City Hall, Columbia City, Ind. 46725.	Do.
Iowa	Dubuque	Cascade, City of	H 19 061 1280 01 H 19 061 1280 02	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City of Cascade, Cascade, Iowa 52033.	Do.
Do.	Scott	LeClaire, City of	H 19 163 4600 01 H 19 163 4600 02	do	Mayor, City of Scott, City Hall, LeClaire, Iowa 52733.	Do.
Do.	Wapello	Eldon, Town of	H 19 179 2620 01	do	Mayor, Town of Eldon, Eldon, Iowa 52554.	Do.
Kansas	Allen	Iola, City of	H 20 001 2700 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City of Iola, City Bldg., Iola, Kans. 66749.	Do.
Do.	McPherson	Lindsborg, City of	H 20 113 3210 01 H 20 113 3210 02	do	101 S. Main, P.O. Box 70, Lindsborg, Kans. 67456.	Do.
Do.	McPherson	Marquette, City of	H 20 113 3550 01	do	Mayor, City of Marquette, City Hall, Marquette, Kans. 67461.	Do.
Do.	Miami	Paola, City of	H 20 121 4320 01 H 20 121 4320 02	do	City Manager, City of Paola, City Hall, Paola, Kans. 66071.	Do.
Do.	Montgomery	Independence, City of	H 20 125 2670 01 H 20 125 2670 02	do	City Manager, City of Independence, City Hall, Independence, Kans. 67301.	Do.
Louisiana	Catahoula Parish	Jonesville, Town of	H 22 025 1160 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Town of Jonesville, Town Hall, Jonesville, La. 71343.	Do.
Do.	Franklin Parish	Winnsboro, Town of	H 22 041 2450 01 H 22 041 2450 02	do	Town of Winnsboro, Winnsboro, La. 71295.	Do.
Do.	Ouachita Parish	Sterlington, Town of	H 22 073 2208 01 H 22 073 2208 02	do	Mayor, Town of Sterlington, City Hall, Sterlington, La. 71280.	Do.
Minnesota	Stern	St. Cloud, City of	H 27 145 6290 01 H 27 145 6290 08	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-219 State Office Bldg., St. Paul, Minn. 55101.	Chief, Building Inspector, Engineering & Building Inspection Office, 102 3d Ave., S., St. Cloud, Minn. 55301.	Do.
Missouri	Johnson	Warrensburg, City of	H 29 101 8110 01 H 29 101 8110 04	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 600, Jefferson City, Mo. 65101.	City Manager, City of Warrensburg, City Hall, Warrensburg, Mo. 64003.	Do.
Do.	Knox	Edina, City of	H 29 163 2410 01 H 29 163 2410 02	do	Mayor, City of Edina, City Hall, Edina, Mo. 63537.	Do.
Do.	Platte	Platte, City of	H 29 165 6320 01 H 29 165 6320 04	do	Mayor, Town of Platte City, P.O. Box 716, Platte City, Mo. 64079.	Do.
Do.	St. Francois	Elvins, City of	H 29 187 2530 01 H 29 187 2530 02	do	City Council, City of Elvins, City Hall, Elvins, Mo. 63639.	Do.
Do.	St. Louis	Pagedale, City of	H 29 189 6040 01 H 29 189 6040 03	do	Mayor, City of Pagedale, City Hall, Pagedale, Mo. 63133.	Do.
Do.	do	Manchester, City of	H 29 189 4887 01 H 29 189 4887 04	do	Mayor, City of Manchester, City Hall, Manchester, Mo. 63011.	Do.
Do.	do	Valley Park, City of	H 29 189 7940 01 H 29 189 7940 03	do	Mayor, City of Valley Park, City Hall, Valley Park, Mo. 63088.	Do.
Do.	do	Wellston, City of	H 29 189 8250 01 H 29 189 8250 02	do	Mayor, City of Wellston, City Hall, Wellston, Mo. 63133.	Do.
Do.	do	Winchester, City of	H 29 189 8420 01	do	Mayor, City of Winchester, City Hall, Winchester, Mo. 63011.	Do.
Do.	Vernon	Nevada, City of	H 29 217 5590 01 H 29 217 5590 02	do	City Council, City of Nevada, City Hall, Nevada, Mo. 64772.	Do.
Nebraska	Antelope	Neligh, City of	H 31 063 3380 01	Nebraska Natural Resources Commission, P.O. Box 9473, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City of Neligh, Neligh, Nebr. 68766.	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.	Cuming	Beemer, Town of	H 31 039 0430 01	do.	Mayor, Town of Beemer, Beemer, Nebr. 68716.	Do.
Do.	Lancaster	Waverly, City of	H 31 109 5140 01	do.	Mayor, City of Waverly, City Council, Waverly, Nebr. 68462.	Do.
Do.	Nemaha	Auburn, City of	H 31 127 0250 01 through H 31 127 0270 02 H 31 157 4820 01	do.	Mayor, City of Auburn, Auburn, Nebr. 68305.	Do.
Do.	Scotts Bluff	Terrytown, Village of	H 31 177 0180 01	do.	Mayor, Village of Terrytown, Terrytown, Nebr. 69341.	Do.
Do.	Washington	Arlington, Village of	H 31 177 0180 01	do.	Mayor, Village of Arlington, Arlington, Nebr. 68002.	Do.
North Carolina	Columbus	Fair Bluff, Town of	H 37 047 1600 01 H 37 047 1600 06	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27087, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Town of Fair Bluff, Fair Bluff, N.C. 28438.	Do.
Do.	Hallfax	Scotland Neck, Town of	H 37 083 4110 01	do.	Mayor, Town of Scotland Neck, Scotland Neck, N.C. 27874.	Do.
Do.	Pitt and Lenoir	Grifton, Town of	H 37 147 1900 01 through H 37 147 1900 02 H 37 153 2020 01	do.	Mayor, Town of Grifton, Town Hall, Grifton, N.C. 28330.	Do.
Do.	Richmond	Hamlet, Town of	H 37 153 2020 01	do.	Mayor, Town of Hamlet, Hamlet, N.C. 28345.	Do.
Ohio	Lake	Waite Hill, Village of	H 39 085 8480 01	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 E. Rich St., Columbus, Ohio 43215.	Village Manager, Village of Waite Hill, Waite Hill, Ohio.	Do.
Do.	Lucas	Sylvania, City of	H 39 095 7980 01 through H 39 095 7980 03	do.	Sylvania Municipal Bldg., 6635 Maplewood Ave., Sylvania, Ohio 43560.	Do.
Do.	Stark	Canton, City of	H 39 151 1320 01 through H 39 151 1320 08	do.	Mayor, City of Canton, City Hall, Canton, Ohio 44702.	Do.
Oklahoma	Osage	Barnsdall, City of	H 40 113 0290 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, City of Barnsdall, Barnsdall, Okla. 74966.	Do.
Do.	Tillman	Frederick, City of	H 40 141 1750 01 through H 40 141 1750 02	do.	Mayor, City of Frederick, City Hall, Frederick, Okla. 73542.	Do.
Oregon	Clackamas	West Linn, City of	H 41 005 2210 01 through H 41 005 2210 04	Executive Department, State of Oregon, Salem, Ore. 97310. Oregon Insurance Division, Dept. of Commerce, 188 12th St., N.E., Salem, Ore. 97310.	West Linn City Hall, Highway 43, Mill St., West Linn, Ore. 97068.	Do.
Do.	Grant	Canyon City, City of	H 41 023 0270 01	do.	Mayor, City of Canyon City, City Hall, Canyon City, Ore. 97825.	Do.
Do.	Lincoln	Siletz, City of	H 41 041 1910 01 through H 41 041 1910 02 H 41 043 1340 01	do.	Mayor, City of Siletz, Siletz, Ore. 97380.	Do.
Do.	Marion and Linn	Mill City, City of	H 41 043 1340 01	do.	Mayor, City of Mill City, City Hall, Mill City, Ore. 97360.	Do.
Texas	Austin	Sealy, City of	H 48 015 6280 01 through H 48 015 6280 02	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City of Sealy, City Hall, Sealy, Tex. 77474.	Do.
Do.	Bowie	New Boston, City of	H 48 037 4860 01 through H 48 037 4860 03	do.	Mayor, City of New Boston, City Hall, New Boston, Tex. 75570.	Do.
Do.	La Salle	Cotulla, City of	H 48 283 1580 01	do.	Mayor, City of Cotulla, City Hall, Cotulla, Tex. 78014.	Do.
Do.	Runnels	Winters, City of	H 48 399 7570 01 through H 48 399 7570 02 H 48 439 2200 01	do.	Mayor, City of Winters, City Hall, Winters, Tex. 75367.	Do.
Do.	Tarrant	Everman, City of	H 48 439 2200 01	do.	Mayor, City of Everman, 105 Hansbarger, Everman, Tex. 76140.	Do.
Do.	do.	Blue Mound, City of	H 48 439 0719 01	do.	Mayor, City of Blue Mound, 1600 Bell Ave., Ft. Worth, Tex. 76131.	Do.
Washington	Kittitas	Ellensburg, City of	H 53 037 0620 01 through H 53 037 0620 03	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	City Manager, City of Ellensburg, City Hall, 420 N. Pearl, Ellensburg, Wash. 98926.	Do.
Wisconsin	Ashland	Mellen, City of	H 55 003 2950 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 N. Bassett St., Madison, Wis. 53703.	Mayor, City of Mellen, City Hall, Mellen, Wis. 54546.	Do.
Do.	Barron	Barron, City of	H 55 005 0330 01	do.	Mayor, City of Barron, City Hall, Barron, Wis. 54812.	Do.
Do.	Chippewa	Cornell, City of	H 55 017 1160 01 through H 55 017 1160 02	do.	Mayor, City of Cornell, City Hall, Cornell, Wis. 54732.	Do.
Do.	do.	Cadott, Village of	H 55 017 0790 01	do.	President, Village of Cadott, Village Rd., Cadott, Wis. 54727.	Do.
Do.	Columbia	Columbus, City of	H 55 021 1120 01 through H 55 021 1120 03	do.	Mayor, City of Columbus, Columbus, Wis. 53025.	Do.
Do.	do.	Wisconsin Dells, City of	H 55 021 5390 01	do.	Mayor, City of Wisconsin Dells, Wisconsin Dells, Wis. 53965.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Dane	Black Earth, Village of	H 55 025 0630 01	do	Village President, Village of Black Earth, Black Earth, Wis. 53515.	Do.
Do.	do	Cambridge, Village of	H 55 025 0810 01	do	Village President, Village of Cambridge, Cambridge, Wis. 53532.	Do.
Do.	do	Middleton, City of	H 55 025 3050 01 H 55 025 3050 02	do	Mayor, City of Middleton, 7125 Hubbard Ave., Middleton, Wis. 53562.	Do.
Do.	do	Stoughton, City of	H 55 025 4660 01	do	Mayor, City of Stoughton, Stoughton, Wis. 53589.	Do.
Do.	do	McFarland, Village of	H 55 025 2770 01 H 55 025 2270 02	do	Village President, Village of McFarland, McFarland, Wis. 53558.	Do.
Do.	do	Marshall, Village of	H 55 025 2870 01	do	Village President, Village of Marshall, Marshall, Wis. 53559.	Do.
Do.	do	Wausaukee, Village of	H 55 025 5070 01	do	Village President, Village of Wausaukee, Wausaukee, Wis. 53597.	Do.
Do.	do	Beaver Dam, City of	H 55 027 0380 01 H 55 027 0380 02	do	Mayor, City of Beaver Dam, City Hall, Beaver Dam, Wis. 53916.	Do.
Do.	Grant	Boscobel, City of	H 55 043 0630 01	do	Mayor, City of Boscobel, City Hall, Boscobel, Wis. 53905.	Do.
Do.	Green	Monticello, Village of	H 55 045 3180 01	do	President, Village of Monticello, Monticello, Wis. 53570.	Do.
Do.	Green Lake	Kingston, Village of	H 55 047 2450 01	do	Village President, Village of Kingston, Kingston, Wis. 53030.	Do.
Do.	Iowa	Arena, Village of	H 55 049 0190 01	do	Village President, Village of Arena, Village Hall, Arena, Wis. 53503.	Do.
Do.	Jackson	Black River Falls, City of	H 55 053 0540 01	do	Mayor, City of Black River Falls, City Hall, Black River Falls, Wis. 54615.	Do.
Do.	do	Melrose, Village of	H 55 053 2960 01	do	Village President, Village of Melrose, Box 28, Melrose, Wis. 54642.	Do.
Do.	Juneau	Mauston, City of	H 55 057 2910 01	do	Mayor, City of Mauston, City Hall, Mauston, Wis. 53948.	Do.
Do.	do	New Lisbon, City of	H 55 057 3380 01	do	Mayor, City of New Lisbon, City Bldg., New Lisbon, Wis. 53966.	Do.
Do.	Lafayette	Blanchardville, Village of	H 55 065 0660 01	do	President, Village of Blanchardville, Blanchardville, Wis. 53516.	Do.
Do.	Marathon	Brokaw, Village of	H 55 073 0700 01	do	Village President, Village of Brokaw, Brokaw, Wis. 54417.	Do.
Do.	do	Stratford, Village of	H 55 073 4670 01 H 55 073 4670 02	do	Village President, Village of Stratford, Stratford, Wis. 54484.	Do.
Do.	Marquette	Endeavor, Village of	H 55 077 1610 01	do	Village President, Village of Endeavor, Endeavor, Wis. 53630.	Do.
Do.	Milwaukee	Brown Deer, Village of	H 55 079 0715 01 H 55 079 0715 02	do	Village President, Village of Brown Deer, 8053 N. 45th St., Milwaukee, Wis. 53233.	Do.
Do.	do	Glendale, City of	H 55 079 1921 01 H 55 079 1921 03	do	Office of the City Engineer, Municipal Bldg., City of Glendale, 5909 N. Milwaukee River Roadway, Glendale, Wis. 53309.	Do.
Do.	do	River Hills, Village of	H 55 079 4150 01 H 55 079 4150 02	do	Village President, Village of River Hills, 1907 W. County Line Rd., Milwaukee, Wis. 53217.	Do.
Do.	do	Shorewood, Village of	H 55 079 4380 01	do	Village President, Village of Shorewood, Village Hall, Shorewood, Wis. 53211.	Do.
Do.	Oneida	Rhineland, Town of	H 55 085 4060 01	do	Mayor, Town of Rhineland, City Hall, Rhineland, Wis. 54501.	Do.
Do.	Racine	Waterford, Village of	H 55 101 5030 01	do	Village President, Village of Waterford, 5120 Hunt Club Rd., Racine, Wis. 53402.	Do.
Do.	Rock	Edgerton, City of	H 55 105 1590 01	do	Mayor, City of Edgerton, City Hall, Edgerton, Wis. 53534.	Do.
Do.	Sauk	Baraboo, City of	H 55 111 0310 01	do	Municipal Bldg., City Clerk's Office, Baraboo, Wis. 53913.	Do.
Do.	do	Lake Delton, Village of	H 55 111 2515 01	do	Village of President, Village of Lake Delton, Box 87, Lake Delton, Wis. 53940.	Do.
Do.	do	North Freedom, Village of	H 55 111 3400 01	do	Village President, Village of North Freedom, North Freedom, Wis. 53951.	Do.
Do.	do	Reedsburg, City of	H 55 111 4030 01	do	Mayor, City of Reedsburg, City Hall, Reedsburg, Wis. 53959.	Do.
Do.	do	Rock Springs, Village of	H 55 111 4300 01	do	Village President, Village of Rock Springs, Rock Springs, Wis. 53691.	Do.
Do.	Trempealeau	Eleva, Village of	H 55 121 1530 01	do	Village President, Village of Eleva, Eleva, Wis. 54738.	Do.
Do.	do	Whitehall, City of	H 55 121 5280 01	do	Mayor, City of Whitehall, City Hall, Whitehall, Wis. 54773.	Do.
Do.	do	Independence, City of	H 55 121 2260 01	do	Mayor, City of Independence, Independence, Wis. 54747.	Do.
Do.	Vernon	La Farge, Village of	H 55 123 2510 01	do	President, Village Board, Village of La Farge, La Farge, Wis. 54639.	Do.
Do.	Vernon and Richland	Viola, Village of	H 55 123 4960 01	do	President, Village Board, Village of Viola, Viola, Wis. 54604.	Do.
Do.	Waukesha	Mukwonago, Village of	H 55 133 3240 01 H 55 133 3240 02	do	Village President, Village of Mukwonago, Mukwonago, Wis. 53149.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Waupaca	Clintonville, City of.	H 55 135 1040 01	do.	Mayor, City of Clintonville, City Hall, Clintonville, Wis. 54929.	Do.
Do.	do.	Embarrass, Village of.	H 55 135 1000 01	do.	President, Village Board, Village of Embarrass, Embarrass, Wis. 54933.	Do.
Do.	do.	Weyauwega, City of.	H 55 135 5240 01	do.	Mayor, City of Weyauwega, Weyauwega, Wis. 54983.	Do.
Do.	Wood	Pittsville, City of.	H 55 141 3700 01	do.	Mayor, City of Pittsville, City Hall, Pittsville, Wis. 54466.	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: December 3, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-26506 Filed 12-14-73;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

In FR Doc. 73-25787, appearing in the issue of Wednesday, December 5, 1973, on page 33470, the effective date reading "February 1, 1973" should read "February 1, 1974".

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Directive 73-2]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart R—Drug Enforcement Administration

APPENDIX TO SUBPART R, REDELEGATION OF FUNCTIONS

Under the authority delegated to the Administrator of the Drug Enforcement Administration by § 0.100 and § 0.104 of Subpart R, the Appendix to Subpart R (Directive 73-1; 38 FR 18381) is hereby supplemented by adding the following section 6 to read as follows:

SEC. 6. *Promulgation of regulations.* The Deputy Administrator is authorized to exercise all necessary functions with respect to the promulgation and implementation of the following regulations published in Chapter II, Title 21, Code of Federal Regulations:

(a) Part 1301, incident to the registration of manufacturers, distributors, and dispensers of controlled substances, except that final orders in connection with suspension, denial or revocation of

registration shall be made by the Administrator.

(b) Part 1302 relating to labelling and packaging requirements for controlled substances.

(c) Part 1304 relating to records and reports of registrants.

(d) Part 1305 relating to order forms.

(e) Part 1306 relating to prescriptions, except provisions relating to dispensing of narcotic drugs for maintenance purposes.

(f) Part 1307, Title 21, Code of Federal Regulations, relating to miscellaneous provisions, except § 1307.31 concerning special exempt persons.

(g) The following sections of Part 1308: § 1308.21 relating to excluded non-narcotic substances; § 1308.23 relating to exempt chemical preparations; and § 1308.31 relating to excepted stimulant or depressant compounds, except that any final order following a contested proposed rulemaking shall be made by the Administrator.

(h) Part 1311 relating to registration of importers and exporters of controlled substances, except that final orders in connection with suspension, denial or revocation of registration shall be made by the Administrator.

(i) Part 1312 relating to importation and exportation of controlled substances, except those functions specified in section 5 of this Appendix to Subpart R which are delegated to the Chief, Registration and Audit Division. Also, all final orders following a contested proposed rulemaking regarding the denial of an application for an import, export or transshipment permit shall be made by the Administrator.

Dated: December 10, 1973.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.73-26623 Filed 12-14-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[Federal Procurement Regs.; Temporary Reg. 27, Supp. 5]

PART 1-1—GENERAL

PART 1-3—PROCUREMENT BY NEGOTIATION

PART 1-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Negotiated Nondefense Contracts

1. *Purpose.* This regulation provides that the standards of the Cost Accounting Standards Board (CASB) on the Allocation of Home Office Expenses to Segments and the Capitalization of Tangible Assets are applicable to negotiated nondefense contracts under the provisions of FPR Temporary Regulation 27.

2. *Effective date.* This regulation is effective December 1, 1973. It may be observed earlier by the agencies to which it is applicable.

3. *Expiration date.* This regulation will continue in effect until canceled.

4. *Background.* FPR Temporary Regulation 27, including Supplements 1, 2, 3, and 4, implements the CASB standards and regulations with respect to negotiated defense contracts. The application of the Board's rules, subject to certain exemptions, has been extended to negotiated nondefense contracts in the interest of Government-wide uniformity of procurement policies and procedures. FPR Temporary Regulation 27 provides that CASB standards are operative for defense contracts as the standards become effective. However, individual implementation of new standards is required with respect to nondefense contracts. The CASB now has promulgated standards on the Allocation of Home Office Expenses to Segments (4 CFR Part

403, 37 FR 26680, December 14, 1972) and Capitalization of Tangible Assets (4 CFR Part 404, 38 FR 5318, February 27, 1973).

5. *Agency action.* Agencies entering into negotiated nondefense contracts which are subject to CASB standards and regulations, by reason of the requirements of FPR Temporary Regulation 27, shall require the contractors and subcontractors under such contracts to comply with the CASB standards on the Allocation of Home Office Expenses to Segments and Capitalization of Tangible Assets which have been prescribed by the CASB in accordance with the terms of those standards. As indicated in paragraph 4 above, the referenced standards are also applicable to negotiated defense contracts.

ARTHUR F. SAMPSON,
Administrator of General Services.

DECEMBER 10, 1973.

[FR Doc. 73-26640 Filed 12-14-73; 8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-137]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Late Bids, Proposals, Modifications, and Withdrawals

This change deletes the late proposals clause for ADPE procurements now in § 101-32.408-4 (this clause did not set a specific time beyond which the Government would not consider late proposals) and substitutes cross-references to the new late bids and late proposals clauses recently included in the Federal Procurement Regulations (41 CFR 1-2.201(a)(31) and 1-3.802-1(a) (38 FR 26913)). The new clauses provide procedures for determining a specific time after which late bids, proposals, modifications, and withdrawals will not be considered.

Subpart 101-32.4—Procurement and Contracting

Section 101-32.408-4 is revised (and the Table of contents for Part 101-32.4 is amended accordingly) as follows:

§ 101-32.408-4 Late bids, proposals, modifications, and withdrawals.

(a) The late bids, modifications of bids, or withdrawal of bids clause set forth in § 1-2.201(a)(31) shall be inserted in all invitations for bids on ADPE, software, maintenance services, or supplies.

(b) The late proposals and modifications of proposals clause set forth in § 1-3.802-1(a) shall be inserted in all solicitation documents for negotiated procurement: for ADPE, software, maintenance services, or supplies except that the alternate clause set forth in § 1-3.802-2(b) may be used in those instances in which overriding mitigating circumstances clearly make use of the alternate clause in the best interest of the Government; and

(1) The head of an agency or his designated representative authorizes use

of the alternate clause for the individual procurement in question; and

(2) Prior specific approval is obtained from the Commissioner, Automated Data and Telecommunications Service, Washington, D.C. 20405.

(c) Late bids, modifications of bids, or withdrawals of bids shall be handled in accordance with the procedures set forth in Subpart 1-2.3.

(d) Late proposals and late modifications shall be handled in accordance with §§ 1-3.802-1 or 1-3.802-2 when applicable.

(e) The records specified in § 1-2.303-8 shall, if available, be included in the purchasing office files with respect to each bid or proposal and late modification.

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

Effective date. This regulation is effective December 17, 1973.

Dated: December 10, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc. 73-26639 Filed 12-14-73; 8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

SUBCHAPTER D—RANGE MANAGEMENT

[Circular No. 2355]

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

Subpart 4114—Advisory Boards and Local Associations

NATIONAL ADVISORY BOARD COUNCIL

On page 19914 of the FEDERAL REGISTER of July 25, 1973, there was published a notice and text of a proposed amendment to Subpart 4114 of Title 43, Code of Federal Regulations. The purpose of the amendment is to restructure the membership of the National Advisory Board Council to represent more fully the various multiple uses of the lands under the administrative jurisdiction of the Bureau of Land Management. The total membership of the Council would be reduced from 42 to 36. Livestock and wildlife representatives would be reduced from 30 to 16 while other representatives would be increased from 12 to 20.

Interested persons were given until August 20, 1973 to submit comments, suggestions, or objections to the proposed amendment. Nine letters of comment on the proposal were received. No one objected to restructuring of the Council.

Three persons endorsed the proposal without further recommendation. One endorsed the proposal and suggested that the Director, BLM, be the Federal representative on the Council. This has been the practice of the Department for the past several years. The question of Federal representation on the NABC and other boards is now being considered in connection with the requirements of the Federal Advisory Committee Act (Pub. L. 92-463). This suggestion therefore is

not considered appropriate for inclusion in the regulation at this time.

One person suggested increase of the size of the Council to include at least three sheep representatives. Another objected to the "drastic" reduction in the numbers of livestock representatives. The questions of the total number of livestock representatives and appropriate representation of various segments of livestock operations, including sheep operations, were discussed by the Council. Its conclusion was that the recommended structure should prove adequate for livestock representation. Since 36 is a substantial number for an advisory board of this type, increase of the size of the Council is not desirable. Also, the State boards under the proposal have the opportunity to insure adequate representation. These suggestions are therefore not adopted.

Three persons addressed themselves to the nature of representation. One suggested that the mining representatives should represent "mining interests" rather than the "mining industry". Another suggested that specific provision be made for a "representative of the coal industry." A third suggested that where there is dual representation provided, one representative should be an industry representative and the other should be a representative of a "voluntary organization especially concerned with controlling or restricting" the type of use involved. He also suggested the selection of a "tourist, sightseer, and/or camper—and from a large urban area." With respect to the representation in question, the proposed regulation provides for representation of types of uses and not for representation of any particular organized interest, public or private, economic or otherwise. The objective is to provide the Secretary of the Interior and the Director, Bureau of Land Management, with knowledgeable advice concerning multiple use management of the public's lands. The proposed regulation is designed to permit the Secretary full flexibility to achieve the balanced representation he needs for this purpose. No changes have, therefore, been made in the description of the nature of representation.

Other suggestions included addition of "language to encourage continuity of wildlife representatives", addition of provisions limiting individual membership in the Council to 3-5 years, and more flexibility as to the sources of names from which the Secretary would make membership selections. The formula for wildlife representation in the proposal was suggested by the wildlife members of the Council in the interest of furthering area coverage and continuity. The Department will assist in the maintenance of continuity. The question of limitation of individual Council service is being considered in connection with the requirements of the Federal Advisory Committee Act. The proposed regulation places no limitations on the sources from which the Secretary can draw. These suggestions, therefore, have not been deemed appropriate for adoption at this time.

Minor editorial and administrative corrections have been made in the published proposal as follows:

1. In § 4114.3-1 the term "National resource lands" is amended to read "public lands under the jurisdiction of the Bureau of Land Management."

2. By amending the last sentence of § 4114.3-2(a) to delete the words "or his authorized representative" and to substitute the word "county" for the word "country."

It is hereby determined that the publication of this amendment is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

Accordingly, the proposed amendment is hereby adopted, with two minor editorial corrections, and is set forth below. This amendment shall become effective January 15, 1974.

JACK O. HORTON,
Assistant Secretary
of the Interior.

DECEMBER 11, 1973.

Subpart 4114 of Part 4110 of Chapter II is amended as follows:

Section 4114.3 is revised to read as follows:

§ 4114.3 National Advisory Board Council.

§ 4114.3-1 Function and duties.

The National Advisory Board Council shall consider and make recommendations on policies and problems of a national scope related to all resources and uses of the public lands under the jurisdiction of the Bureau of Land Management.

§ 4114.3-2 Membership.

(a) The livestock members of each State Advisory Board shall select from its members, at a meeting of each new term, one member to represent livestock on the National Advisory Board Council. The elected wildlife member on each State Advisory Board will serve on the National Advisory Board Council representing wildlife interests as follows: (1) In odd numbered calendar years, members from Arizona, Colorado, Idaho, Montana, California, and Alaska; (2) in even numbered years, members from New Mexico, Utah, Wyoming, Oregon, Nevada, and Alaska. The State Directors of each of the 10 Western States having grazing districts created under section 1 of the Taylor Grazing Act (43 U.S.C. 315) shall submit a list of nominees selected from nonlivestock and nonwildlife interests in their States. From this list and from other sources as he may determine, the Secretary of the Interior shall appoint 20 members to the National Advisory Board Council as follows: 1 representative from the State of Washington, 1 representative from the State of Alaska, 2 mining representatives, 2 forestry representatives, 2 leaseable mineral representatives, 3 outdoor recreation representatives, 2 urban-suburban representatives (includ-

ing real estate development), 1 environmental quality representative, 1 public information representative, 2 county government representatives, 1 State government representative, 1 soil and water conservation representative, and 1 public utilities representative.

§ 4114.3-3 Meetings.

The Council shall meet at the call of the Secretary of the Interior or his authorized representative and shall elect its own officers. Committees of the Council shall meet at the call of the Director, Bureau of Land Management, or his authorized representative. The Federal representative at all meetings shall be the Director, Bureau of Land Management or his authorized representative.

§ 4114.3-4 Administrative support.

Administrative support of the Council shall be the responsibility of the Director, Bureau of Land Management.

[FR Doc.73-26602 Filed 12-14-73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION

[CGD 73-183R]

SUBCHAPTER A—PROCEDURES APPLICABLE TO
THE PUBLIC

PART 1—ORGANIZATION, GENERAL
COURSE AND METHODS GOVERNING
MARINE SAFETY FUNCTIONS

SUBCHAPTER K—MARINE INVESTIGATIONS
AND SUSPENSION AND REVOCATION PRO-
CEEDINGS

PART 137—SUSPENSION AND
REVOCATION PROCEEDINGS

Delegation of Authority

Correction

In FR Doc. 73-24949 appearing at page 32448 of the issue for Monday, November 26, 1973, the CGD number in the hearings should be placed as set forth above, and under § 1.20 [Amended], in the second line of sentence b., "(e) (2)" should read "(c) (2)".

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE
COMMISSION

SUBCHAPTER A—GENERAL RULES AND
REGULATIONS

[Second Rev. S.O. 1120, Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 6th day of December 1973.

Upon further consideration of Second Revised Service Order No. 1120 (38 FR 22398), and good cause appearing therefor:

It is ordered, That: § 1033.1120 *Second Revised Service Order No. 1120 (Distribution of covered hopper cars)* 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.,

June 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 15, 1973.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26602 Filed 12-14-73;8:45 am]

[S. O. 1148, Amdt. 1]

PART 1033—CAR SERVICE

Graham County Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 6th day of December 1973.

Upon further consideration of Service Order No. 1148 (38 FR 22482), and good cause appearing therefor:

It is ordered, That: § 1033.1148 *Service Order No. 1148 Graham County Railroad Company authorized to operate over trackage in Graham County, North Carolina* be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 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.73-26661 Filed 12-14-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Montezuma National Wildlife Refuge; New York

The following special regulation is issued and is effective during the period January 1, 1974 through December 31, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Sport fishing in state waters in compliance with state regulations is permitted from refuge lands. The three areas open to access to fishing are designated by signs and delineated on maps available from the Refuge Manager, Montezuma National Wildlife Refuge, R.D. #1, Box 232, Seneca Falls, New York 13148 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations governing fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33, and are effective through December 31, 1974.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 10, 1973.

[FR Doc.73-26603 Filed 12-14-73;8:45 am]

PART 33—SPORT FISHING

Moosehorn National Wildlife Refuge; Maine

The following special regulation is issued and is effective during the period January 1, 1974 through December 31, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Sport fishing on the Moosehorn National Wildlife Refuge, Calais, Maine, is permitted on the areas designated by signs as open to fishing. These open areas, comprising 500 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Massachusetts

02109. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The use of boats without motors is permitted on Bearce, Conic, and Cranberry Lakes.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in 50 CFR, Part 33, and are effective through December 31, 1974.

WILLARD M. SPAULDING, JR.,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 10, 1973.

[FR Doc.73-26604 Filed 12-14-73;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10552]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Transactions in Certain Options

Adoption of a Rule specifying special procedure in connection with exchange transactions in options; Chicago Board Options Exchange, Inc. Option Plan declared effective pursuant to Rule 9b-1 (17 CFR 240.9b-1).

Notice is hereby given that the Securities and Exchange Commission adopted Rule 9b-1 under the Securities Exchange Act of 1934 (the "Act") (17 CFR 240.9b-1), effective January 17, 1974. The new rule prohibits transactions on an exchange in puts, calls, straddles and other options or privileges of buying or selling a security except in accordance with a plan established by the exchange that the Commission has declared to be effective as being necessary or appropriate in the public interest or for the protection of investors.

Rule 9b-1 was release originally for public comment on January 9, 1973 (in the FEDERAL REGISTER for January 17, 1973 at 38 FR 1646). In view of the comments received by the Commission, the rule was revised, primarily for purposes of simplicity and clarity, and republished for public comment on September 21, 1973 (in the FEDERAL REGISTER for September 27, 1973 at 38 FR 29643).

The rule arises out of the registration of the Chicago Board Options Exchange, Inc., ("CBOE") as a national securities exchange and the consideration also being given by other registered exchanges to trading options. Consistent with the Commission's announced intention to maintain close surveillance over the progress of the CBOE's pilot project, the rule will provide the Commission with the additional authority needed to monitor closely the activity of the CBOE during the period of the CBOE's experimental status.

Historically, exchanges have not traded options. The Commission is of the

view that, in addition to the novelty of exchange option trading, such trading may involve complex problems and special risks to investors and to the integrity of the market place. Rather than attempts to supplant entirely the self-regulatory functions of the exchanges, the Commission believes it appropriate to utilize the broad rulemaking powers granted to it under sections 9 and 23 of the Act to provide specific and flexible procedures for Commission oversight of the regulation by exchanges of such trading.

Rule 9b-1 makes it unlawful for an exchange or exchange member to effect any transaction in options, or to permit option transactions to be effected by use of the exchange's facilities except in accordance with a plan regulating option trading declared effective by the Commission after it has found the plan to be necessary or appropriate in the public interest or for the protection of investors—the standards prescribed in section 9(b) of the Securities Exchange Act, 15 U.S.C. 78i(b). The rule also provides that the Commission, consistent with these standards, may require an exchange to make changes in its plan. Exchanges will be required to file with the Commission copies of any proposed amendments to their plans, and the Commission may disapprove such amendments prior to their becoming effective. In each of these situations—original approval of the plan or modification at the initiation of either the exchange or the Commission—interested persons will be given notice of the proposal and have an opportunity to submit "written data, views or arguments" in accordance with the rulemaking procedures of section 4 of the Administrative Procedure Act, as codified, 5 U.S.C. 553.

Plans filed by exchanges pursuant to Rule 9b-1 are required to include all rules, regulations, by-laws and other requirements of the exchange that relate "solely or significantly to transactions in options," and must contain specific provisions relating to:

- (1) The effecting of transactions in options on the exchange by members thereof for their own account and the accounts of customers;
- (2) The clearance and settlement of transactions in options;
- (3) The endorsement and guarantee of performance of options;
- (4) The reporting of transactions in options; and
- (5) The listing and delisting of and the admission to and removal of trading privileges on the exchange for options.

It has been suggested that more detailed formal procedures be adopted and followed by the Commission in connection with its approval of and amendment to plans submitted by exchanges under this rule. In the Commission's view, excessive formalism will serve no useful function and might serve unnecessarily to delay needed action in some cases. The Commission intends to comply fully with the rulemaking procedures prescribed by the Administrative Procedure Act, including public notice and opportunity to comment upon all pro-

posed plans and proposed changes in effective plans. The Commission will, of course, articulate a "concise general statement of * * * [the] basis and purpose" of any action it may take under the rule as provided in that Act. See 5 U.S.C. 553(c). Following adequate opportunity to have their views presented and considered, any persons affected by the Commission's action will be able to understand the reason why it was taken.

By adopting Rule 9b-1, the Commission does not wish to imply that it has made any definite determination with respect to option trading on exchanges or that the rule presently adopted will ultimately be found to be necessarily the best way to promote the public interest or to assure the protection of investors in connection with trading of options on exchanges. Nor has the Commission made any final decision with respect to the trading of options simultaneously on more than one exchange or on exchanges that also trade other forms of securities. The operation of the CBOE is presently on a pilot basis and further evaluation will be required before these and other policy questions can be decided more definitively.⁸

As stated in the release republishing proposed Rule 9b-1, the Commission considers the constitution and rules of the CBOE and its clearing corporation to constitute the CBOE's plan pursuant to Rule 9b-1. In connection with the registration of the CBOE as a national securities exchange the Commission sought and obtained public comment on substantially the same constitution and rules as are now in effect and gave careful consideration to those comments before concluding that the rules of the CBOE "are just and adequate to insure fair dealing and to protect investors" under section 6(d) of the Act, 15 U.S.C. 78(f)(d).⁹ And the amendments adopted since that time have also been given close scrutiny. Although further public comment on the CBOE's plan was solicited when proposed Rule 9b-1 was republished on September 21, 1973, no public comments have been received by the Commission on CBOE's plan. The Commission finds that it would be contrary to the public interest to interrupt the operation of CBOE's experimental project. Accordingly, the Commission finds that CBOE's plan as a pilot project is appropriate in the public interest and for the protection of investors and hereby declares CBOE's plan effective pursuant to Rule 9b-1.

STATUTORY BASIS

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 9(b), 9(c), and 23 (a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting § 240.9b-1 as set forth below, effective January 7, 1974.

TEXT OF RULE

§ 240.9b-1 Exchange rules concerning transactions in certain options.

(a) It shall be unlawful for a national securities exchange, or for any member thereof, to effect any transaction in an option, or to permit any transaction in an option to be effected, by the use of the facilities of the exchange, except in accordance with a plan regulating transactions in options on the exchange that is declared effective by the Commission pursuant to this rule.

(1) Before an exchange or a member may effect any transaction in options or permit any transaction in options to be effected by use of the facilities of the exchange, the exchange shall propose and file with the Commission a plan regulating transactions in options on the exchange. After appropriate notice and opportunity for interested persons to submit written data, views or arguments, the Commission shall declare the plan effective if it finds the plan to be necessary or appropriate in the public interest or for the protection of investors.

(2) The Commission shall give prompt notice of any proposal filed by an exchange to alter, amend, supplement, or rescind a plan in effect pursuant to subparagraph (1) of this paragraph, and the proposed change shall become effective upon the 30th day after notice has been given by the Commission, or upon such earlier date as the Commission may allow, unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors. Interested persons may submit to the Commission written data, views or arguments with respect to any proposed change either before or after it has become effective.

(3) After appropriate notice and opportunity for submission by interested persons of written data, views or arguments, the Commission may require that an exchange, alter, amend, supplement, or rescind its plan in the manner and to the extent that the Commission finds to be necessary or appropriate in the public interest or for the protection of investors.

(4) The Commission may take action under any provision of this paragraph (a) without notice and opportunity for interested persons to submit written data, views or arguments when the Commission, for good cause, finds that notice and public procedure thereon are impractical, unnecessary or contrary to the public interest; but in any such case, the Commission shall incorporate its findings and a brief statement of the reasons therefor in a public announcement of the action taken.

(b) Plans filed pursuant to this rule shall contain those provisions of the regulations, rules, by-laws, constitutional provisions and other requirements of the exchange that relate solely or significantly to transactions in options on the exchange, and shall include provisions relating to—

(1) Effecting transactions in options

on the exchange by members thereof for their own account and the accounts of customers;

(2) The clearance or settlement of transactions in options;

(3) The endorsement and guarantee of performance of options;

(4) The reporting of transactions in options; and

(5) The listing and delisting of, and the admission to and removal of trading privileges on the exchange for, options.

(c) For purposes of this rule, the term "option" shall include any put or call straddle or other option or privilege of buying or selling a security without being bound to do so, but shall not include any registered warrant, right or convertible security.

(d) An exchange shall file with the Commission three copies of any plan or any alteration, amendment, supplementation, or rescission of any plan submitted to the Commission pursuant to this rule, and may incorporate by reference material on file with the Commission.

(Secs. 9(b), 9(c), 23(a); 48 Stat. 889, 901; as amended 49 Stat. 1379, 15 U.S.C. 781(b), 781(c), 78w(a).)

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 13, 1973.

⁸ Securities Exchange Act Release No. 9690 (January 9, 1973).

⁹ Securities Exchange Act Release No. 10397 (September 21, 1973).

¹⁰ In the Matter of the Application of the Chicago Board Options Exchange, Inc. for Registration as a National Securities Exchange, Securities Exchange Act Release No. 9985 (February 1, 1973).

¹¹ The legislative history of Section 9 of the Act reflects these concerns. See H.R. Rep. No. 1383, 73d Cong., 2d Sess. 10-21 (1934); S. Rep. No. 792, 73d Cong., 2d Sess. 117 (1934); S. Rep. 1455, 73d Cong., 2d Sess. 55 (1934); 78 Cong. Rec. 7922 (1934) (Remarks of Representative Mages).

¹² The Commission expects that an exchange submitting a modification of its plan pursuant to the rule will incorporate a concise statement of the purpose and reasons for the modification in its filing as is done in connection with modifications of and amendments to rules filed pursuant to Rule 17a-8 under the Act. At the time the Commission gives public notice of the fact that the exchange has proposed an amendment to its plan, the exchange's statement would be publicly available for inspection by interested persons.

¹³ On November 14, 1973, the Commission announced (in Release No. 34-10490) that it intends to study various broad questions relating to trading of options, including such trading on exchanges, and soliciting the views of interested persons. Among other things, the Commission's study will concentrate on the economic functions of options trading, whether these functions serve the public interest and whether exchange option trading should be limited at this time to the Chicago Board Option Exchange, Inc. pilot project. As a result of the study's findings and conclusion the Commission may modify Rule 9b-1, if it deems such action necessary.

¹⁴ Supra, n. 3.

[FR Doc. 73-26611 Filed 12-14-73; 12:26 p.m.]

Title 32A—National Defense Appendix
CHAPTER X—OFFICE OF OIL AND GAS,
DEPARTMENT OF THE INTERIOR

[O.I. Reg. I (Rev. 5) Amdt. 60]

O.I. REG. I—OIL IMPORT REGULATION

Extension of Expiration Date on Most
Existing Oil Import Licenses

Presidential Proclamation 4210 provided that any allocation periods expiring prior to May 1, 1974 be extended to April 30, 1974. In accordance with this proviso Amendment 60 to Oil Import Regulation 1 (Revision 5), as amended, extended to April 30, 1974 the current allocation period of all fee exempt allocations except those allocations made pursuant to sections 9A and 11A. Amendment 60 was published in the FEDERAL REGISTER on September 13, 1973 (38 FR 25437). The preamble to the notice in the

FEDERAL REGISTER stated that all licenses issued prior to the effective date of Amendment 60 would expire on the expiration date shown on the face of the license. In most cases this would be December 31, 1973.

The purpose of allowing the licenses to expire as issued was to encourage the exchange use of the licenses in the last four months of 1973. However, the Arab embargo of oil, and the resultant difficulty in obtaining crude and unfinished oils, have in many cases precluded the utilization of the import licenses. Therefore, pursuant to the authority granted in section 7 of Oil Import Regulation 1 (Revision 5), as amended, I hereby extend the expiration date of all licenses for fee exempt allocations, except those licenses issued pursuant to section 9A, section 11A, or an Oil Import Appeals Board grant until April 30, 1974. Fee

paid licenses are not affected by this directive.

Licenses qualifying for an extension of the expiration date should not be returned to the Office of Oil and Gas for modification or reissue but merely presented to the Customs Inspector in the usual manner. District Directors of Customs are authorized to honor such licenses without modification. In the case of imports from Canada by pipeline, Presidential Proclamation 4210 does not provide authority for the additional 15 day allowance for entry. Therefore, all such entries must be made prior to midnight April 30, 1974.

DUKE R. LIGON,

Director, Office of Oil and Gas.

DECEMBER 14, 1973.

[FR Doc. 73-26776 Filed 12-14-73; 10:56 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 6]

AIR COMMERCE REGULATIONS

Granting of Permission for First Landing of Scheduled Aircraft Operated by Scheduled Airlines When Landing Will Be Elsewhere Than at an International Airport

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624), section 1109, 72 Stat. 799, as amended (49 U.S.C. 1509), it is proposed to amend § 6.2(a) of the Customs regulations pertaining to the granting of permission for first landing of scheduled aircraft operated by scheduled airlines when landing will be elsewhere than at an international airport.

Section 6.2(a) of the Customs regulations requires that permission for first landing of scheduled aircraft operated by scheduled airlines be granted by the United States Customs Service when the first landing will be elsewhere than at an international airport. In order to expedite the decision-making process, the proposed amendment provides regional commissioners with this authority.

Accordingly, it is proposed to amend the third, fourth, and fifth sentences of § 6.2(a), Customs regulations, as set forth below:

6.2 Landing requirements.

(a) *Place of landing.* * * *. In the case of scheduled aircraft operated by scheduled airlines, such permission shall be granted by the regional commissioner of Customs, or his designee, of the region where the place of first landing will occur, and in all other cases by the district director or other Customs officer in charge at the port of entry or Customs station nearest the intended place of first landing. For procedure to be followed in case of emergency or forced landing, see paragraph (g) of this section. When permission is granted to land elsewhere than at an international airport, the Public Health Service, the Immigration and Naturalization Service, and any other Agency likely to be concerned with the landing shall be immediately notified by the Customs officer granting the permission. * * *

Consideration will be given to relevant data, views, or arguments pertaining to the proposed amendment which are submitted to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received on or before January 16, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs regulations (19 CFR 103.3(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

Approved: December 5, 1973.

(SEAL) VERNON D. ACREE,
Commissioner of Customs.

JAMES B. CLAWSON,
Acting Assistant Secretary of the
Treasury.

[FR Doc. 73-26647 Filed 12-14-73; 8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR OATS

Proposed Revision

Pursuant to section 4 of the United States Grain Standards Act, as amended (82 Stat. 762, 7 U.S.C. 76), notice is hereby given according to the administrative procedure provisions of section 553 of Title 5, United States Code, that the U.S. Department of Agriculture has under consideration a proposed revision of the Official Grain Standards of the United States for Oats (7 CFR 26.251 et seq.).

Statement of considerations. The United States Grain Standards Act provides for official U.S. standards to designate the levels of quality of grain for voluntary use by producers, merchandisers, and consumers in the domestic marketing of grain and for mandatory use in the export marketing of grain. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Under the official grain standards, oats are classed on the basis of kernel characteristics, including the color and markings on the hulls. The classes are white, red, gray, black, and mixed. The groats (inner kernels) of all classes are similar in color and, with cross-breeding, tend to be similar in end-use properties.

There are no standardized objective tests for distinguishing the classes of oats. Further, the kernel characteristics, such as the color of the hull, vary by variety, location, and season. As a result, the classing of certain varieties of white oats (*Avena sativa*) and certain varieties of red oats (*Avena byzantina*) has been and is one of the more difficult grain grading activities. The classing of some

of the newer varieties, such as Goodfield and Clintford, is especially difficult because they contain germ plasm and kernel characteristics of both red and white oats.

The problem in accurately classing white and red oats has resulted in inter-market grading differences and in trade complaints. This problem is seriously detracting from the marketing of oats in one or more markets.

To minimize the difficulty in classing white and red oats, the Department has considered two alternatives. One, adjust the classification of white oats to include oats that have a significant red appearance. It has been found that such an adjustment would apparently simplify the classing of oats grown in certain upper midwest areas but would create new classing problems in oats grown in other areas.

The other alternative involves the deletion of class designations in the oat standards. The classes "gray" and "black" are no longer produced in commercial quantities. The "white" and "red" classes are produced in commercial quantities but, through plant breeding, are developing into one class.

The distinction between the end-use properties of red and white oats is being openly questioned. One of the larger food processing firms indicates there is no significant difference between the properties of red and white oats grown in the upper midwest areas, when used for food purposes. Further, in the merchandising of oats for food purposes, many processors use their own specifications, on an end-use basis, to supplement the official standards. Several processors have indicated that there would be no adverse effect on the marketing of oats if all class names were deleted. Feed processors have also indicated there would be no problem if class names were deleted. Exporters have indicated there would be no problem if the export certificates for oats could show, upon request, an approved statement with respect to the color of the hulls. Accordingly, it seems there is sufficient justification for proposing the deletion of class names.

Through selective plant breeding the test weight of commercially grown oats has steadily increased. In the last 8 years the average test weight for all oats inspected was 37.7 pounds per bushel, significantly higher than the minimum requirement of 34.0 pounds per bushel for grade U.S. No. 1. During this same period, an average of 83.3 percent of lots inspected were assigned the special grade designation "Heavy" and "Extra-heavy." Accordingly, it appears there is sufficient

justification for proposing an increase in the test weight requirements for oats in grades U.S. Nos. 1 and 2 and the special grades "Heavy oats" and "Extra-heavy oats."

The special grade "Ergoty oats" is presently applied to oats containing ergot in excess of 0.3 percent. Livestock feeding trials have shown significant symptoms of toxicity in animals regularly consuming feed containing as little as 0.06 percent of ergot. Crop quality reports do not report the presence of ergot in oats that are inspected because the incidence of oats containing ergot is not significant. Accordingly, it appears there is sufficient justification for restricting the allowable limits for this toxic substance and proposing that the designation "Ergoty" be applied to oats containing ergot in excess of 0.1 percent.

It is proposed to amend the standards for oats to provide for these and related changes, as follows:

1. Delete all reference to class names—to simplify and help standardize the grading of oats.

2. Revise the format of the standards by:

a. Arranging the terms in alphabetical order—for ease in use.

b. Deleting the definition for "Grades" from "Terms Defined"—the term is adequately defined in "Grades, Grade Requirements, and Grade Designations."

c. Including "Moisture" and "Test weight per bushel" under "Terms Defined"—these terms were previously included in "Principles Governing Application of Standards."

d. Incorporating the term "crotalaria seed" under U.S. Sample grade (§ 26.255) and showing numerical limits for crotalaria seed and stones—to more clearly define the Sample grade designation.

3. Add to the definition for "Other grains" the following grains: guar, non-grain sorghum, popcorn, rice, sweet corn, and triticale—to provide for designation of those grains likely to be found in oats.

4. Substitute the term "Sound oats" for the term "Sound cultivated oats" and add the words "diseased," "insect-bored," and "mold-damaged" to the definition—to simplify the term and clarify the definition.

5. Express test weight per bushel in terms of whole and half pounds—to conform with approved inspection procedures.

6. Define the term "Distinctly low quality"—to more clearly identify the term.

7. Add the section "Temporary adjustment in equipment and procedures" (§ 26.253) to "Principles Governing Application of Standards."

8. Redefine "Moisture," "Test weight per bushel," and "Thin oats"—to show information that is considered significant to the meaning and application of the standards.

9. Clarify the definition for "Percentages"—to provide for uniformity in expressing percentages for grade determinations.

10. Increase the minimum test weight requirement for grade U.S. No. 2 from 32 pounds to 33 pounds and for grade

U.S. No. 1 from 34 pounds to 36 pounds, and increase the test weight requirement for the special grade "Heavy oats" from "36 pounds or more but less than 38 pounds" to "38 pounds or more but less than 40 pounds" and for the special grade "Extra-heavy oats" from "38 pounds or more" to "40 pounds or more"—to more accurately reflect the current quality of oats.

11. Redefine "Ergoty oats" as oats containing ergot in excess of 0.1 percent—to further restrict the allowance of this toxic material.

12. Make nonsubstantive changes of an editorial nature.

The Department proposes that the Official Grain Standards of the United States for Oats be revised to read as follows:

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR OATS¹

TERMS DEFINED

§ 26.251 Definitions.

For the purposes of these standards the following terms shall have the meanings stated below:

(a) *Distinctly low quality.* Oats which are obviously of inferior quality because they contain foreign substances or because they are in an unusual state or condition, and which cannot be properly graded by use of the other grading factors provided in the standards.

(b) *Fine seeds.* All matter which may be removed from a test portion of the original sample by an approved device in accordance with procedures prescribed in the Grain Inspection Manual.² For the purpose of this paragraph, "approved device" shall be the 5/64 triangular-hole sieve.³

(c) *Foreign material.* All matter other than oats, wild oats, and other grains. Oat clippings and detached oat hulls are foreign material.

(d) *Heat-damaged kernels.* Kernels and pieces of kernels of oats, other grains, and wild oats which are materially discolored and damaged as a result of heating.

(e) *Moisture.* Water content in oats as determined by an approved device in accordance with procedures prescribed in the Grain Inspection Manual.² For the purpose of this paragraph "approved device" shall include the Motomco Moisture Meter and any other equipment that is approved by the Administrator as giving equivalent results.⁴

¹ Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

² Grain Inspection Manual, GR Instruction 918-6, revised August 28, 1972. Copies may be obtained from the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782.

³ Requests for information concerning approved devices and procedures, criteria for approved devices, and request for approval of devices should be directed to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782.

(f) *Oats.* Grain which consists of 50 percent or more of oats (*Avena sativa* and *A. byzantina*) and may contain, singly or in combination, not more than 25 percent of wild oats and other grains for which standards have been established under the United States Grain Standards Act.

(g) *Other grains.* Barley, corn, cultivated buckwheat, einkorn, emmer, flaxseed, grain sorghum, guar, hull-less barley, non-grain sorghum, Polish wheat, popcorn, poulard wheat, rice, rye, soybeans, spelt, sweet corn, triticale, and wheat.

(h) *Sieves.* (1) *5/64 triangular-hole sieve.* A metal sieve 0.032 inch thick with equilateral triangular perforations the inscribed circles of which are 0.0781 (5/64) inch in diameter.

(2) *0.064 x 3/8 oblong-hole sieve.* A metal sieve 0.032 inch thick with oblong perforations 0.064 inch by 0.375 (3/8) inch.

(i) *Sound oats.* Kernels and pieces of kernels of oats (except wild oats) which are not badly ground-damaged, badly weather-damaged, diseased, frost-damaged, heat-damaged, insect-bored, mold-damaged, sprout-damaged, or otherwise materially damaged.

(j) *Stones.* Concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(k) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel (2,150.42 cubic inch capacity) as determined on a test portion of the original sample by an approved device in accordance with instructions in the Grain Inspection Manual.² For the purpose of this paragraph "approved device" shall include the Fairbanks-Morse or Ohaus Test Weight Per Bushel Apparatus and any other equipment that is approved by the Administrator as giving equivalent results.⁴

Test weight per bushel, for grade determination, shall be stated in terms of whole and half pounds; a fraction of a pound when equal to or greater than one-half shall be stated as one-half and when less than one-half shall be disregarded; e.g., 41.1 through 41.4 shall be 41.0 and 41.5 through 41.9 shall be 41.5.

(l) *Wild oats.* Seeds of *Avena fatua* and *A. sterilis*.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 26.252 Basis of determination.

All determinations shall be on a test portion of the original sample.

§ 26.253 Temporary adjustments in equipment and procedures.

The equipment and procedures referred to in the oats standards are applicable to oats produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvest of oats may require temporary adjustments in the procedures or equipment. When these adjustments are necessary, Grain Division Field Offices and official inspection agencies will be notified in writing of the change.

§ 26.254 Percentages.

Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(a) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., 0.46, report as 0.5.

(b) When the figure to be rounded is followed by a figure less than 5, round to the next lowest figure; e.g., 0.54, report as 0.5.

(c) When the figure to be rounded is even and it is followed by the figure 5, retain the even figure. When the figure to be rounded is odd and it is followed by 5, round the figure to the next highest number; e.g., 0.45, report as 0.4; 0.55, report as 0.6.

Percentages, except when determining the identity of oats shall be stated in whole and tenth percent to the nearest tenth percent, unless otherwise prescribed in the Grain Inspection Manual.² The percentage of oats, wild oats, and other grains in determining the identity of oats shall be stated to the nearest whole percent.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 26.255 Grades and grade requirements for oats.

(See also § 26.257.)

Grade	Minimum limits		Maximum limits		
	Test weight per bushel	Sound oats	Heat-damaged kernels	Foreign material	Wild oats
	Pounds	Percent	Percent	Percent	Percent
U.S. No. 1.....	36.0	97.0	0.1	2.0	2.0
U.S. No. 2.....	33.0	94.0	.3	3.0	3.0
U.S. No. 3 ¹	30.0	90.0	1.0	4.0	5.0
U.S. No. 4 ²	27.0	80.0	2.0	5.0	10.0
U.S. sample grade ³	(7)	(7)	(7)	(7)	(7)

¹ Oats that are slightly weathered shall be graded not higher than U.S. No. 3.

² Oats that are badly stained or materially weathered shall be graded not higher than U.S. No. 4.

³ U.S. Sample grade shall be oats which—

- Do not meet the requirements for the grades U.S. No. 1, 2, 3, or 4.
- Contain more than 7 stones which have an aggregate weight in excess of 0.2 percent of the sample weight or more than 2 *Crotalaria* seeds (*Crotalaria* spp.) per 1,000 grams of oats or more than 16 percent of moisture.
- Have musty, sour, or commercially objectionable foreign odor (except smut or garlic odor), or
- Are heating or otherwise of distinctly low quality.

§ 26.256 Grade designations.

The grade designations for oats shall include in the following order: (a) The letters "U.S.," (b) the number of the grade or the words "Sample grade," (c) certain special grade designations, if applicable (see § 26.258), (d) the word "oats," and (e) certain special grade designations, if applicable. (see § 26.258).

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 26.257 Special grades and special grade requirements.

A special grade, when applicable, is supplemental to the grade assigned under § 26.255. Such special grades are established and determined as follows:

(a) *Bleached oats.* Oats which in whole or in part, have been treated with sulphurous acid or any other bleaching agent.

(b) *Bright oats.* Oats, except Bleached oats, that are of good natural color.

(c) *Ergoty oats.* Oats which contain ergot in excess of 0.1 percent.

(d) *Extra-heavy oats.* Oats which have a test weight per bushel of 40 pounds or more.

(e) *Garlicky oats.* Oats which contain 4 or more green garlic bulblets or an equivalent quantity of dry or partly dry bulblets in 500 grams of oats.

(f) *Heavy oats.* Oats which have a test weight per bushel of 38 pounds or more but less than 40 pounds.

(g) *Smutty oats.* Oats which have kernels covered with smut spores or which contain smut masses and smut balls in excess of 0.2 percent.

(h) *Thin oats.* Oats which contain more than 20.0 percent of oats and other matter, except "fine seeds," which may be removed from a test portion of the original sample by approved devices in accordance with the procedures prescribed in the Grain Inspection Manual.² For the purpose of this paragraph "approved devices" shall be the 0.064 x 3/8 oblong-hole sieve and the 3/16 triangular-hole sieve.³

(i) *Tough oats.* Oats which contain more than 14.0 percent but not more than 16.0 percent of moisture.

(j) *Weevily oats.* Oats which are infested with live weevils or other insects injurious to stored grain.

§ 26.258 Special grade designations.

(See also § 26.257.)

The grade designation for bright, extra-heavy, and heavy oats shall include, preceding the word "oats," the word(s) "Bright," "Extra-heavy," or "Heavy," as warranted, and all other information prescribed in § 26.256. The grade designation for bleached, ergoty, garlicky, smutty, thin, tough, and weevily oats shall include, following the word "oats," the word(s) "Bleached," "Ergoty," "Garlicky," "Smutty," "Thin," "Tough," and "Weevily," as warranted, and all other information prescribed in § 26.256.

Comments and effective date. The United States Grain Standards Act, as amended, requires that public notice shall be given on any amendment of the standards and that no changes shall become effective less than 1 year after promulgation thereof, unless, in the judgment of the Secretary, the public health, interest, or safety require that they become effective sooner. It is desirable that new standards become effective before the beginning of harvest to minimize possible disruption of normal marketing procedures.

If the proposed revision as set forth herein is adopted in whole or in part, it is intended that the revision would be made effective on or about June 1, 1974.

Public hearings on the proposed revision will not be held but all persons who desire to submit written data, views, or arguments on this proposal should file

them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than January 31, 1974.

Any persons who desire to submit their views orally in an informal manner, should so advise the Director, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782 (telephone (301) 436-8776) so that arrangements may be made for such submission by said date. A summary of such views will be made and furnished for verification to the person making the submission and if approved may be filed by him in the Office of the Hearing Clerk. All comments so filed will be available for public inspection during official hours of business [7 CFR 1.27(b)]. Consideration will be given to all comments filed with the Hearing Clerk, and to all other information available to the U.S. Department of Agriculture, in arriving at a decision on the proposed revision of the oats standards.

Copies of the current oat standards may be obtained from the Director, Grain Division, Agricultural Marketing Service, 6525 Belcrest Road, Hyattsville, Maryland 20782, or from any field office of the Grain Division. Field office locations can be found in the telephone directory.

For a period of 6 months after adoption of these amendments, grain inspectors would, upon request, show on inspection certificates the grade under both the old and new standards.

Done at Washington, D.C., on December 10, 1973.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.73-26501 Filed 12-14-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-SW-82]

CONTROL ZONE AND TRANSITION AREA Proposed Alteration

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

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before January 16, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

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

DEL RIO, TEX.

Within a 5-mile radius of Laughlin AFB (latitude 29°21'35" N, longitude 100°46'35" W); within 3 miles each side of the Laughlin VORTAC 305° radial extending from the 5-mile radius zone to 7 miles northwest of the VORTAC; within 3 miles each side of the Laughlin VORTAC 315° radial extending from the 5-mile radius zone to 14 miles northwest of the VORTAC; within 3 miles each side of the Laughlin VORTAC 148° radial extending from the 5-mile radius zone to 12 miles southeast of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

DEL RIO, TEX.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of latitude 29°23'00" N., longitude 100°50'15" W., and within 4.5 miles west and 9.5 miles east of the Laughlin VORTAC 148° radial extending from the 12-mile radius area to 22 miles southeast of the VORTAC and within 3 miles west and 6.5 miles east of the Laughlin VORTAC 315° radial extending from the 12-mile radius area to 18 miles northwest of the VORTAC, excluding the portion outside the United States.

The proposed amendments to controlled airspace are made necessary by the decommissioning of the Laughlin VOR and TACAN facilities and the relocation of the Laughlin VORTAC.

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

Issued in Fort Worth, TX, on December 6, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-26613 Filed 12-14-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-GL-54]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to

designate a transition area at Camp Ripley, Minnesota.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before January 16, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for Miller Army Air Field, Camp Ripley, based on the Brainerd VORTAC. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Camp Ripley, Minnesota.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

CAMP RIPLEY, MINN.

That airspace extending upward from 700 feet above the surface within a 6 mile radius of Ray S. Miller Army Air Field (latitude 46°05'00" N., longitude 94°21'10" W.); and within 5 miles northwest and 5 miles southeast of the 042° bearing from the Army Air Field extending from the airport to 18 miles northeast excluding that portion which overlies the Brainerd, Minnesota transition area.

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

Issued in Des Plaines, Illinois, on November 21, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-26612 Filed 12-14-73;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-SW-81]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations to alter controlled airspace in the Mineral Wells, Tex., terminal area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before January 16, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

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

MINERAL WELLS, TEX.

Within a 5-mile radius of Mineral Wells Airport (latitude 32°46'59" N., longitude 98°03'34" W.) and within 3 miles each side of the 140°T (131°M) bearing from the Mineral Wells RBN, extending from the 5-mile radius zone to 8 miles SE of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date will thereafter be continuously published in the Airman's Information Manual.

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

MINERAL WELLS, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mineral Wells Airport (latitude 32°46'59" N., longitude 98°03'34" W.) and within 3 miles each side of the 140°T (131°M) bearing from the Mineral Wells RBN, extending from the 5-mile radius area to 8 miles SE of the RBN.

Alteration of the control zone and transition area is necessary to provide controlled airspace for revised VOR and NDB standard instrument approach procedures.

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

Issued in Fort Worth, TX., on December 4, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-26615 Filed 12-14-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-80-79]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Jacksboro, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, PO Box 20636, Atlanta, Ga. 30320. All communications received on or before January 16, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 770, 3400 Whipple Street, East Point, Ga.

The Jacksboro transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Campbell County Airport (latitude 36°20'03" N, longitude 84°09'46" W).

The proposed designation is required to provide controlled airspace protection for IFR operations at Campbell County Airport. A prescribed instrument approach procedure to this airport, utilizing the Jacksboro (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on December 3, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-26614 Filed 12-14-73;8:45 am]

FEDERAL COMMUNICATIONS
COMMISSION

[47 CFR Part 61]

[Docket No. 19528]

PROPOSALS FOR NEW OR REVISED
CLASSES

Extension of Time for Filing Reply
Comments

Order. In the matter of proposals for new or revised classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS).

1. We have before us a Motion for Extending Time in this proceeding filed by Computer Business Equipment Manufacturers Association (CBEMA) which requests that the time for filing of Reply Comments due December 17, 1973 be extended for ninety days. In support of its Motion CBEMA states inter alia, that: (1) Voluminous materials of highly complex and technical nature have been filed that require substantial amounts of time for proper evaluation and; (2) the absence of service requirements in Commission Rulemaking Procedures caused a delay in gathering and assembling the filings of the various parties.

2. For the reasons stated in our Order of October 3, 1973, Docket No. 19528, in which we denied the Motion of IBM for a 90-day extension of time, we are of the view that a 90-day extension is unwarranted. We there stated:

We have previously granted three, thirty-day extensions of time in this case; the first upon the request of the Ad Hoc Telecommunications Committee (38 FR 13663 May 24, 1973), and the second upon the request of the Association of American Railroads (AAR) (38 FR 18269, July 9, 1973), and the third upon the request of NATA (38 FR 24920, September 11, 1973). We stated in our last order extending time for 30 days, that the full 90 days requested by NATA would not be granted since the First Supplemental Notice was released on April 3, 1973 (40 F.C.C. 2d 315) and subsequent to that time two extensions had been granted.

***the comments we have requested herein are primarily technical in nature and relate to recommended interconnection standards and associated enforcement programs that were the subject of extensive exploration and study in open and public advisory Committee meetings commencing more than three years ago. . . . Accordingly, we conclude that IBM as well as other interested parties have had ample time to prepare their comments on the matters specified in our First Supplemental Notice and that no further extension of the comment dates is justified.

3. However, we believe that, in view of the large volume of material submitted in the comments, we would be justified in allowing an extension of time of 30-days for the submission of the replies thereto. Therefore, *It is ordered*, Pursuant to § 0.303(c) of the Commission's rules that

the time for filing of Reply Comments in this proceeding is extended 30 days to January 16, 1974.

[SEAL] BERNARD STRASSBURG,
Chief, Common Carrier Bureau.

[FR Doc.73-26636 Filed 12-13-74;8:45 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 1501]

SUPPORT FOR IMPROVEMENT OF
POSTSECONDARY EDUCATION

Notice of Deadline Date for Applications

Pursuant to the authority contained in section 404 of the General Education Provisions Act (20 U.S.C. 1221d), "Support for improvement of postsecondary education", notice is hereby given that the Director of the Fund for the Improvement of Postsecondary Education has established a final closing date for receipt of applications and preapplications for grants and contracts under this Section for Fiscal Year 1974. Such applications and preapplications must be postmarked on or before January 15, 1974.

A notice of proposed rulemaking respecting grants and contracts authorized under this section, covering program purposes, application procedures, and selection criteria, was published in the FEDERAL REGISTER, at 38 FR 52814 on November 28, 1973, and will govern the program except to the extent amended when final regulations for the program are published in the FEDERAL REGISTER.

Interested persons are invited to submit applications and preapplications to, or to request them from, the office administering this program, the Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare, 400 Maryland Avenue, SW, Room 3139, Washington, D.C. 20202.

(Federal Domestic Assistance Catalogue No. 13.538: Fund for the Improvement of Postsecondary Education)

Dated: December 14, 1973.

RUSSELL EDGERTON,
Acting Director of the Fund
for the Improvement of Post-
secondary Education.

[FR Doc.73-26772 Filed 12-14-73;10:53 am]

COST OF LIVING COUNCIL

[6 CFR Part 150]

REFINERY INCENTIVE PLAN

Proposed Implementation of Second Step

Notice is hereby given that, pursuant to the authority of Executive Orders 11695 and 11730, the Cost of Living

Council is considering the adoption of certain amendments to the petroleum regulations. The proposed amendments are the second step in an announced program designed to increase refiners' incentives to produce distillate fuels in quantities consistent with the national energy goals.

The amendments as proposed provide a schedule for a refiner's computation of base prices for middle distillate fuels by specifying a permitted price increase in relation to the refiner's increases in distillate production. The schedule sets forth amounts which, beginning with January 1974, a refiner may add to the May 15, 1973 selling prices of these products after an adjustment is made during that month pursuant to the provisions of the Council's prior amendments of December 5, 1973.

In the first stage of the refinery incentive plan, the Council amended the base price provisions of § 150.355 to allow a two-cent increase in the price of middle distillates, beginning with January 1974, to encourage increased production of those products. A related decrease in gasoline prices was also part of that first stage. This second stage as proposed extends the incentive to produce these distillate fuels by use of a sliding scale matrix in a new § 150.357, which permits continued, measured increments in distillate fuel prices to the extent that production of these fuels exceeds their production level which resulted from the first stage adjustment, during December 1973.

Increases in the prices of middle distillates are specified in the matrix and permitted under these new rules. The increases are not designed to provide any increase in a refiner's total revenues. Since some refineries are operating under different economic parameters than that of the refinery model used to design the matrix, use of the full increase specified in the matrix would create windfall profits for them. Therefore, § 150.357(d)(1), limits a refiner's increase in price due to increased production of middle distillates to that portion of the amounts specified in the matrix which will not cause any increase in total revenues. Monthly reports concerning production levels and percentage yield will be required.

Interested persons are invited to participate in the rulemaking by submitting written data, views or comments with respect to the proposed regulations set forth in this notice to the Executive Secretariat, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

Comments should be identified on the outside envelope and on the document submitted with the designation "Proposed Second Step of Refinery Incentive Plan" and should be organized so that those comments dealing with a particular rule are on a separate page from those dealing with other rules. Ten copies should be submitted. All comments received by December 24, 1973, will be considered by the Council before final action

is taken on the proposed regulations. The proposed regulations may be changed in light of the comments received. All comments received in response to this notice will be available for examination and copying by interested persons at the Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508, during the hours of 9 a.m. to 5 p.m., Monday through Friday.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1469.)

In consideration of the foregoing, it is proposed to amend Part 150 of Title 6 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., on December 14, 1973.

JOHN T. DUNLOP

Director, Cost of Living Council.

1. Section 150.355 is amended in paragraphs (g)(1)(i) and (g)(2)(i) to read as follows:

§ 150.355 Price rule: Refiners.

(g) *Base price*—(1) *General rule.* (i) The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus (A) increased product costs incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 150.356 and (B) the refiner incentive factor calculated and permitted pursuant to the provisions of § 150.357. In computing the base price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973.

(2) *Special products.* (i) Notwithstanding the general rule in paragraph (g)(1) of this section, in computing the base price for special products for each month beginning with January 1974, a refiner may use adjusted May 15, 1973 selling prices for No. 2 heating oil and No. 2-D diesel fuel, and must use adjusted May 15, 1973 selling prices for gasoline. In computing base prices for special products, a refiner may not increase its May 15, 1973 selling price to each class of purchaser more than once in any calendar month to reflect the increased product costs allowable pursuant to the provisions of § 150.356, the adjustment specified in paragraph (g)(2)(ii) of this section, or the incentive factor permitted pursuant to § 150.357, but may implement the increase on any day during that month.

3. Section 150.357 is added to read as follows:

§ 150.357 Refiner's incentive factor.

(a) *Scope.* This section sets forth an incentive plan designed to increase the yield of middle distillates by allowing an

increase in May 15, 1973 selling prices for middle distillates in proportion to the increase in yield of middle distillate products.

(b) *Applicability.* This section prescribes the requirements governing the inclusion of the incentive factor in a refiner's adjusted May 15, 1973 selling prices used to compute its base prices of middle distillates pursuant to § 150.355(g).

(c) *Definitions.* For purposes of this section—

"Adjusted base percentage distillate yield" means the higher of either (1) the base percentage distillate yield or (2) the ratio which the maximum economic distillate production bears to estimated crude runs to stills in the current month.

"Base percentage distillate yield" means the ratio which the total number of barrels of middle distillates produced by the refiner in December 1973, bears to the refiner's total crude runs to stills in that month and expressed as a percentage.

"Crude runs to stills" means the total barrels of refinery input to crude oil distillation units processed by the refiner and measured in accordance with Bureau of Mines form 6-1300-M.

"Crude capacity" means the operable refinery capacity of all of the refiner's refineries for the current month, expressed in terms of the maximum number of barrels of input to crude oil distillation units that can be processed during the current month, calculated and measured in accordance with the conditions and stipulations described in Bureau of Mines form 6-1300-M.

"Current month" means the calendar month in which the adjustment to May 15, 1973 selling prices are to be applied.

"Current percentage distillate yield" means the ratio which the estimated total number of barrels of middle distillates to be produced by the refiner in the current month bears to the refiner's total estimated crude runs to stills in the current month and expressed as a percentage.

"Maximum economic distillate production" means the total number of barrels of middle distillates that would have to be produced by the refiner in the current month in order to maximize profits using May 15, 1973 selling prices plus the increased cost allowable in the period of measurement pursuant to § 150.356, and the adjustment to May 15, 1973 selling prices pursuant to § 150.355(g).

"Middle distillates" means No. 1 and 2 heating oil, Nos. 1-D, 2-D and 4-D diesel fuels, No. 4 fuel oil, kerosene and aviation turbine fuel.

"Percentage of refinery capacity operated" means the ratio which estimated crude runs to stills bears to crude capacity in the current month.

"Residual fuel oil" means those fuel oils commonly known as Nos. 5 and 6 fuel oils, Bunker C and all other fuel oils which have a fifty percent boiling

point over 700°F. in the ASTM D 86 standard distillation test.

(d) *Rule*—(1) *Middle distillates*. In computing base prices under § 150.355(g) for middle distillates for a particular month beginning with January, 1974, a refiner whose current percentage distillate yield exceeds the adjusted base percentage distillate yield may add to the adjusted May 15, 1973 selling prices for each middle distillate a maximum amount determined according to the matrix in paragraph (d) (2) of this section: *Provided*, That its percentage yield of residual fuel oil in the current month is equal to or greater than the refiner's percentage yield of residual fuel oil in December 1973, and that the maximum amount so determined is decreased whenever and to the extent necessary to assure that a refiner's total revenues do

not increase because of the application of the incentive factor.

(2) *Matrix*. The matrix shown below is the table to be used in applying the price rule of paragraph (d) (1) of this section. Application of the matrix may be illustrated as follows:

Refiner R, operating at 73 percent of refinery capacity, produced a middle distillate yield during December 1973 of 24 percent of the total crude runs to stills. R's adjusted base percentage distillate yield is 27 percent. By January 1, 1974, R estimates an increase in production of middle distillate so that its "current percentage distillate yield" is 30 percent.

To determine the maximum allowable increase from the matrix which R may use in computing its base prices for January 1974, R first locates the entry corresponding to the percent of refinery capacity operated and moves across that row to the appropriate "cell" for its adjusted base percentage dis-

tillate yield. R then continues along that row horizontally, accumulating the value in each new "cell" entered until reaching the "cell" located in the column corresponding to R's current percentage distillate yield. (R does not include the value shown in the starting "cell", but does include the value shown in the ending "cell".) Using this method, R's computations are as follows:

(1) Starting at row "less than 80" under the caption "percentage of refinery capacity operated", move to "cell" at column "27" under the caption "Percentage of distillate yield on crude runs to stills";

(2) Move along that same row horizontally, accumulating the values shown:

0.52¢ (or \$.0052) (under column "28").
+0.50¢ (or \$.0050) (under column "29").
+0.50¢ (or \$.0050) (under column "30").

1.52¢ (or \$.0152) per gallon = the maximum allowable incentive amount which R may use to compute January 1974 base prices for middle distillates.

INCENTIVE MATRIX—DISTILLATE PRODUCTION

ALLOWABLE INCREASES IN MAY 15 SELLING PRICES FOR REFINER'S DISTILLATE YIELDS
(Fraction of a Cent Per Gallon)

Percentage of refinery capacity operated	Percentage distillate yield on crude runs to stills																			
	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
Less than 80.....	0.52	0.52	0.52	0.52	0.52	0.52	0.52	0.52	0.50	0.50	0.50	0.50	0.48	0.48	0.45	0.45	0.45	0.45	0.45	0.45
80 to 90.....	.50	.50	.50	.50	.50	.48	.48	.48	.48	.48	.48	.45	.45	.45	.45	.45	.45	.45	.45	.45
90 to 95.....	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45
More than 95.....	.31	.33	.36	.36	.38	.40	.40	.40	.43	.43	.43	.43	.45	.45	.45	.45	.45	.45	.45	.45

4. Section 150.363 is amended in paragraph (a) (2) by adding a sentence to read as follows:

§ 150.353 Reports and recordkeeping.

(a) Reports.

(2) Refiners, retailers, and resellers.

Each refiner shall submit monthly reports concerning increased percentage production yields and prices of middle distillates and production levels of residual fuel oils under § 150.357 in ac-

cordance with forms and instructions issued by the Council.

[FR Doc. 73-26808 Filed 12-14-73; 1:47 pm]

[6 CFR Part 152] EXECUTIVE AND VARIABLE COMPENSATION Notice of Proposed Rulemaking Correction

In F.R. Doc. 73-18704 appearing on page 23628 in the issue of Friday, August 31, 1973, the following phrase should be added between the second and third lines of § 152.130(c) (10) of page 23639: "rectly or indirectly controlled by the".

Notices

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

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 73-339]

FOREIGN CURRENCIES

Certification of Rates

DECEMBER 10, 1973.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 73-294 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Austria schilling:	
December 3, 1973	\$0.0516
December 4, 1973	.0515
December 5, 1973	.0514
December 6, 1973	.0516
December 7, 1973	.0516
Belgium franc:	
December 3, 1973	\$0.025145
December 4, 1973	.024875
December 5, 1973	.024950
December 6, 1973	.025035
December 7, 1973	.024940
Denmark krone:	
December 3, 1973	\$0.1633
December 4, 1973	.1608
December 5, 1973	.1615
December 6, 1973	.1617
December 7, 1973	.1610
France franc:	
December 3, 1973	\$0.2222
December 4, 1973	.2202
December 5, 1973	.2204
December 6, 1973	.2212
December 7, 1973	.2201
Germany deutsche mark:	
December 3, 1973	\$0.3806
December 4, 1973	.3784
December 5, 1973	.3791
December 6, 1973	.3808
December 7, 1973	.3794
Italy lira:	
December 3, 1973	\$0.001646
December 4, 1973	.001632
December 5, 1973	.001631
December 6, 1973	.001642
December 7, 1973	.001644
Japan yen:	
December 3, 1973	\$0.003570
December 4, 1973	.003570
December 5, 1973	.003570
December 6, 1973	.003570
December 7, 1973	.003570
Netherlands guilder:	
December 3, 1973	\$0.3596
December 4, 1973	.3555

December 5, 1973	.3571
December 6, 1973	.3576
December 7, 1973	.3557
Portugal escudo:	
December 3, 1973	\$0.0400
December 4, 1973	.0400
December 5, 1973	.0398
December 6, 1973	.0398
December 7, 1973	.0398
Sweden krona:	
December 3, 1973	\$0.2241
December 4, 1973	.2214
December 5, 1973	.2226
December 6, 1973	.2229
December 7, 1973	.2220
Switzerland franc:	
December 3, 1973	\$0.3122
December 4, 1973	.3115
December 5, 1973	.3130

[SEAL] JAMES D. COLEMAN,
Acting Director, Appraisal
and Collections Division.

[FR Doc.73-26648 Filed 12-14-73;8:45 am]

Office of the Secretary

HAND-OPERATED, PLASTIC PISTOL-GRIP TYPE LIQUID SPRAYERS FROM THE REPUBLIC OF KOREA

Discontinuance of Antidumping Investigation

DECEMBER 12, 1973.

On October 15, 1973, there was published in the FEDERAL REGISTER a notice of "Tentative Discontinuance of Antidumping Investigation" (38 FR 28576) concerning hand-operated, plastic pistol-grip type liquid sprayers from the Republic of Korea.

The statement of reasons for the tentative action was published in the above-mentioned notice, and interested persons were afforded an opportunity to make written submissions and to present oral views in connection with the tentative discontinuance.

No written submissions have been received and the sole request to present oral views was withdrawn. For the reasons stated in the notice of "Tentative Discontinuance of Investigation," I hereby discontinue the antidumping investigation of hand-operated, plastic pistol-grip type liquid sprayers from the Republic of Korea.

This "Discontinuance of Antidumping Investigation" is published pursuant to § 153.15(d) of the Customs regulations (19 CFR 153.15(d)).

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

[FR Doc.73-26669 Filed 12-14-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD

Notice of Advisory Committee Meeting

The Defense Science Board will meet in closed session in the Pentagon, Washington, D.C., January 8 and 9, 1974.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

DECEMBER 12, 1973.

[FR Doc.73-26641 Filed 12-14-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BAKERSFIELD DISTRICT ADVISORY BOARD

Notice of Meeting

DECEMBER 7, 1973.

Notice is hereby given that the Bakersfield, California, District Advisory Board will hold a meeting on January 22, 1974, beginning at 9:00 a.m., P.s.t., in Room 224, Federal Building, 800 Truxtun Avenue, Bakersfield, California. The purpose of this meeting will be to hear protests of the adverse recommendations pertaining to the 1974-75 grazing applications and to act on late applications. This meeting will be open to the public.

Those wishing to appear or file a written statement must inform the chairman in writing prior to the meeting. Written statements and requests to appear before the board should be submitted to J. Glenn Alexander, Chairman, c/o District Manager, Bureau of Land Management, Federal Building, Room 311, 800 Truxtun Avenue, Bakersfield, California 93301.

LOUIS A. BOLL,
Bakersfield District Manager.

[FR Doc.73-26605 Filed 12-14-73;8:45 am]

National Park Service

OZARK NATIONAL SCENIC RIVERWAYS

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before January 16, 1974, the Department of the Interior, through the Superintendent, Ozark Na-

tional Scenic Riverways proposes to extend a concession permit to Douglas Keeling authorizing him to continue to provide concession facilities and services for the public at Round Spring site within Ozark National Scenic Riverways for a period of two years from December 31, 1973 through December 31, 1975.

The foregoing Concessioner has performed his obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before January 16, 1974.

Interested parties should contact the Superintendent, Ozark National Scenic Riverways for information as to the requirements of the proposed permit.

Dated: October 30, 1973.

RANDALL R. POPE,
Superintendent, Ozark
National Scenic Riverways.

[FR Doc.73-26806 Filed 12-14-73;8:45 am]

[INT FES 73-70]

**CHIRICAHUA NATIONAL MONUMENT,
ARIZONA**

**Availability of Final Environmental
Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for Proposed Wilderness Area, Chiricahua National Monument, Arizona.

The final environmental statement considers the designation of 6,925 acres of Chiricahua National Monument as wilderness.

Copies are available from, or for inspection at, the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

General Superintendent, Southern Arizona Group, National Park Service, 1115 N. First Street, Phoenix, Ariz. 85004.

Chiricahua National Monument, Dos Cabezas Star Route, Willcox, Ariz. 85643.

Dated: December 10, 1973.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary
of the Interior.

[FR Doc.73-26599 Filed 12-14-73;8:45 am]

Office of the Secretary

[INT FES 73-69]

**NATIONWIDE OUTDOOR RECREATION
PLAN**

**Availability of Final Environmental
Statement**

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

1969 (Pub. L. 91-190), the Department of the Interior has prepared a final environmental statement on the Nationwide Outdoor Recreation Plan, in compliance with Pub. L. 88-29. Notice of availability of the draft environmental statement inviting comments was announced in the FEDERAL REGISTER on May 10, 1973.

This statement recognizes the needs and demands of the public for outdoor recreation and the availability of outdoor recreation resources, present and future, to meet those needs. The Plan provides a policy framework for Federal programs and a guide for programs of other public and private agencies.

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

Room 7218, Office of Communications, Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343-4662.

Room 4421, Office of Information, Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240. Telephone: (202) 343-5726.

**Regional Offices, Bureau of Outdoor
Recreation:**

Northeast

Federal Office Building, 600 Arch Street, Philadelphia, Pa. 19106. Telephone: (215) 597-7989.

Southeast

148 Cain Street, Atlanta, Ga. 30303. Telephone: (404) 526-4405.

Lake Central

3853 Research Park Drive, Ann Arbor, Mich. 48104. Telephone: (313) 768-3211.

Mid-Continent

Denver Federal Center, Building 41, P.O. Box 25387, Denver, Colo. 80225. Telephone: (303) 234-2634.

South Central

5000 Marble Avenue NE., Albuquerque, N. Mex. 87110. Telephone: (505) 766-3514.

Northwest

1000 Second Avenue, Seattle, Wash. 98104. Telephone: (206) 442-4706.

Pacific Southwest

450 Golden Gate Avenue, San Francisco, Calif. 94102. Telephone: (415) 556-0182.

A limited number of single copies is available and may be obtained by writing to the Director, Bureau of Outdoor Recreation, Room 4410, Department of the Interior, Washington, D.C. 20240. Otherwise, copies may be purchased by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: December 10, 1973.

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

[FR Doc.73-26601 Filed 12-14-73;8:45 am]

[INT DES 73-78]

**PROPOSED HART MOUNTAIN
WILDERNESS AREA, OREGON**

**Availability of Draft Environmental
Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the proposed Hart Mountain Wilderness Area, Oregon, and invites written comments on or before January 11, 1974.

The proposal recommends approximately 16,462 acres within the Hart Mountain National Antelope Refuge in Lake County, Oregon, be designated as wilderness within the National Wilderness Preservation System and that another 42,829 acres within this same study area be added to wilderness when acquisition of non-Federal lands within the suggested boundaries is completed.

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

Bureau of Sport Fisheries and Wildlife
1500 Plaza Building
1500 NE. Irving Street
P.O. Box 3737
Portland, Oregon 97208

Headquarters
Hart Mountain National Antelope Refuge
Box 111
Lakeview, Oregon 97630

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and "C" Streets, NW.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated: December 10, 1973.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary,
Program Development and Budget.

[FR Doc.73-26600 Filed 12-14-73;8:45 am]

[INT DES 73-77]

**WOLF CREEK NATIONAL FISH HATCHERY,
KENTUCKY**

**Availability of Draft Environmental
Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the proposed Wolf Creek National Fish Hatchery in Russell County, Kentucky, and invites written comments on or before January 31, 1974.

The Wolf Creek National Fish Hatchery below Wolf Creek Dam in Russell County, Kentucky will be constructed,

operated and maintained for the propagation of rainbow trout. When completed, the Wolf Creek Hatchery will produce about 500,000 trout annually, weighing approximately 150,000 pounds. The fish are needed for the management of streams, lakes, reservoirs, and tailwaters in Kentucky. Most of the production will support the fishery in waters associated with Federal dam construction projects.

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

Dale Hollow National Fish Hatchery
P.O. Box C
Celina, Tennessee 38551

Bureau of Sport Fisheries and Wildlife
17 Executive Park Drive, NE.
Atlanta, Georgia 30329

Bureau of Sport Fisheries and Wildlife,
Office of Environmental Quality
Department of the Interior
Room 2246
18th and C Streets, NW,
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated: December 10, 1973.

WILLIAM A. VOGELY,
*Acting Deputy Assistant Secretary,
Program Development and Budget.*

[FR Doc.73-26598 Filed 12-14-73;8:45 am]

FEDERAL METAL AND NONMETAL MINE SAFETY ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Federal Metal and Nonmetal Mine Safety Advisory Committee, authorized to be established under the Federal Metal and Nonmetallic Mine Safety Act (Pub. L. 89-577), will meet on Wednesday, January 16, 1974 and Thursday, January 17, 1974, starting at 8:30 a.m. each day, in the Ramada Inn East, 3801 E. Van Buren Street, Phoenix, Arizona 85008—telephone number 602-275-7878.

The matters to be discussed at this meeting are suggested new and revised health and safety standards and definitions relating to (1) fire prevention and control, ventilation, loading, hauling, dumping, and man hoisting, and (2) a final review of the actions taken by the Advisory Committee during the previous meeting held in Washington, D.C., on October 10 and 11, 1973. Copies of the agenda and the suggested standards are available for the public and may be obtained from or may be examined in the Office of the Executive Secretary.

The meeting of the Advisory Committee is open to the public. Public attendance will be limited to the seating available in the meeting room of the Ramada Inn East. Persons desiring to attend this meeting are requested to notify the Executive Secretary in writing of their intention to attend the meeting by Thursday, January 10, 1974.

Written data, views or arguments concerning the subjects to be considered may be filed with the Executive Secretary by Thursday, January 10, 1974. Any such submission, timely received, will be provided to the members of the Advisory Committee and will be included in the record of the meeting. Persons wishing to orally address the committee at the meeting should submit a written request to be heard to the Executive Secretary no later than January 10, 1974. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. At the meeting the Chairman will announce whether oral presentations will be allowed and, if so, under what conditions.

All written notices and requests to the Executive Secretary should be addressed as follows:

Mr. Robin A. Van Meter
Acting Executive Secretary
Federal Metal and Nonmetal Mine Safety Advisory Committee
Room 2421
U.S. Department of the Interior
Washington, D.C. 20240
Telephone Number: 202-343-6261

Dated: December 12, 1973.

C. K. MALLORY,
*Deputy Assistant Secretary
of the Interior.*

[FR Doc.73-26635 Filed 12-14-73;8:45 am]

[INT DES 73-76]

PROPOSED TAMARAC WILDERNESS AREA, MINNESOTA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the proposed Tamarac Wilderness Area, Minnesota, and invites written comments on or before January 31, 1974.

The proposal recommends approximately 2,065 acres within the Tamarac National Wildlife Refuge in Becker County, Minnesota, be designated as wilderness within the National Wilderness Preservation System.

Copies of the draft statement are available for inspection at the following location:

Bureau of Sport Fisheries and Wildlife
Federal Building—Fort Snelling
Room 630
Twin Cities, Minnesota 55111
Headquarters
Tamarac National Wildlife Refuge

Rural Route
Rochert, Minnesota 56578

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and "C" Streets, NW
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated: December 7, 1973.

WILLIAM A. VOGELY,
*Acting Deputy Assistant Secretary,
Program Development
and Budget.*

[FR Doc.73-26642 Filed 12-14-73;8:45 am]

[INT. PES 73-68]

PROPOSED WILDERNESS CLASSIFICATION FOR GRAND CANYON COMPLEX, ARIZONA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for Proposed Wilderness Classification for Grand Canyon Complex, Arizona.

The final environmental statement considers the designation of 512,870 acres of Marble Canyon and Grand Canyon National Monuments, and Grand Canyon National Park as wilderness, and the designation of 86,156 acres as potential wilderness addition.

Copies are available from or for inspection at the following locations:

Western Regional Office
National Park Service
450 Golden Gate Avenue, Box 36063
San Francisco, California 94102

Grand Canyon National Park
P.O. Box 129
Grand Canyon, Arizona 86023

Dated: December 7, 1973.

WILLIAM A. VOGELY,
*Acting Deputy Assistant Secretary
of the Interior.*

[FR Doc.73-26643 Filed 12-14-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CANADIAN FACE PLANNING UNIT LAND USE PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Canadian Face Planning Unit Land Use Plan, report number USDA-FS-DES (Adm) 74-48.

The environmental statement concerns a proposed plan for management of 24,650 acres of National Forest in northern Ferry County, Washington.

This draft environmental statement was filed with CEQ on December 11, 1973.

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

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA Forest Service
Northern Region
Federal Building, Room 3077
Missoula, Montana 59801

USDA Forest Service
Colville National Forest
Federal Building
Colville, Washington 99114

USDA Forest Service
Kettle Falls Ranger Station
Kettle Falls, Washington 99141

USDA Forest Service
Republic Ranger Station
Republic, Washington 99168

A limited number of single copies are available upon request to Forest Supervisor, Colville National Forest, Federal Building, Colville, Washington 99114.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Colville National Forest, Federal Building, Colville, Washington 99114.

Comments must be received by February 11, 1974 in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

DECEMBER 12, 1973.

[FR Doc.73-26649 Filed 12-14-73; 8:45 am]

CHOLMONDELEY MANAGEMENT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Cholmon-

deley Management Plan, USDA-FS-DES (Adm) 74-47.

This environmental statement deals with the management plan for the Cholmondeley Sound drainage, Prince of Wales Island on the Tongass National Forest. Timber, fish, wildlife, and outdoor recreation are all important resources in the area. The primary action proposed is timber harvest by clearcutting. The plan deals with protecting other resources from damage by timber harvest and associated activities to give optimum public benefits from all resources combined.

This draft environmental statement was transmitted to CEQ on December 11, 1973.

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

USDA Forest Service
So. Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA Forest Service
Alaska Region
Federal Office Building
Juneau, Alaska 99801

Area Manager, Chatham Area
Tongass National Forest
Federal Building
Sitka, Alaska 99835

Area Manager, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833

Area Manager, Ketchikan Area
Tongass National Forest Federal Building,
Room 313
Ketchikan, Alaska 99901

A limited number of single copies are available upon request to Richard M. Wilson, Area Manager, Tongass National Forest, Ketchikan Area, Box 2278, Ketchikan, Alaska 99901.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Richard M. Wilson, Area Manager, Tongass National Forest, Ketchikan Area, Box 2278, Ketchikan, Alaska 99901. Comments must be received by February 11, 1974 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief,
Forest Service.

DECEMBER 12, 1973.

[FR Doc.73-26653 Filed 12-14-73; 8:45 am]

CIBOLA NATIONAL FOREST; PROPOSED TIMBER MANAGEMENT PLAN

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for a Proposed Timber Management Plan, Cibola National Forest, USDA-FS-FES (Adm) 72-40.

The environmental statement considers probable environmental effects of the proposed timber management program.

The final environmental statement was filed with CEQ on December 11, 1973.

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

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
14th & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Southwestern Region
517 Gold Avenue, SW.
Albuquerque, New Mexico 87102

Cibola National Forest
10308 Candelaria, NE.
Albuquerque, New Mexico 87112

A limited number of single copies are available upon request to William D. Hurst, Regional Forester, Southwestern Region, U.S. Forest Service, 517 Gold Avenue, SW., Albuquerque, New Mexico 87102.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151; and the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality guidelines.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

DECEMBER 12, 1973.

[FR Doc.73-26654 Filed 12-14-73; 8:45 am]

MULTIPLE USE PLAN; GOLD CREEK PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for implementation of a revised Multiple Use Plan for the Gold Creek Planning Unit, Lolo National Forest, Missoula County, State of Montana; Forest Service report number USDA-FS-DES (Adm) 74-49.

The environmental statement concerns a proposed Multiple Use Plan intended to provide the District Ranger with general management guidance for the Gold

Creek Planning Unit. The planning unit is subdivided into seven management units having similar resource potentials and problems.

This draft environmental statement was filed with CEQ on December 11, 1973.

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

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building, Room 3077
Missoula, Montana 59801

USDA, Forest Service
Lolo National Forest
2801 Russell
Missoula, Montana 59801

A limited number of single copies are available upon request to Forest Supervisor Jackson D. Large, Lolo National Forest, 2801 Russell, Missoula, Montana 59801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Jackson D. Large, Lolo National Forest, 2801 Russell, Missoula, Montana 59801.

Comments must be received by February 11, 1974 in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

DECEMBER 12, 1973.

[FR Doc.73-26650 Filed 12-14-73;8:45 am]

STANISLAUS NATIONAL FOREST; TIMBER MANAGEMENT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Timber Management Plan, Stanislaus National Forest, California USDA-FS-DES (Adm)-74-50.

The environmental statement con-

cerns a proposed timber management plan for the 475,000 acres of National Forest lands classified as commercial forest on the Stanislaus National Forest, in Alpine, Calaveras, Mariposa, and Tuolumne Counties. Eleven thousand acres of commercial forest land have been inventoried as roadless, and are not included in the lands to be managed for timber production. In addition, one hundred and twenty-one thousand acres on this National Forest are in wilderness or being considered for wilderness at this writing.

This draft environmental statement was filed with CEQ on December 11, 1973.

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

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C.

Regional Forester's Office
630 Sansome St., Room 531
San Francisco, California

Forest Supervisor's Office
Stanislaus National Forest
175 S. Fairview Lane
Sonora, California

A limited number of single copies are available, upon request, from Forest Supervisor Gary E. Cargill, Stanislaus National Forest, 175 S. Fairview Lane, Sonora, California 95370.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effect for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor, Gary E. Cargill, Stanislaus National Forest, 175 S. Fairview Lane, Sonora, California 95370. Comments must be received within 45 days after filing with CEQ in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

DECEMBER 12, 1973.

[FR Doc.73-26651 Filed 12-14-73;8:45 am]

WILSON CREEK UNIT PLAN

Notice of Availability of Final Environmental Statement

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

1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Wilson Creek Unit Plan, USDA-FS-FES(Adm) 73-65.

The environmental statement concerns a proposed 10-year management of the Wilson Creek Unit, Grandfather Ranger District, Pisgah National Forest, located in Avery and Caldwell Counties, North Carolina. The Unit contains 35,828 acres of National Forest land.

The management direction and action proposed and described is for a 10-year planning period beginning July 1, 1973. Included are specific projects and proposals for recreation management, timber harvest and stand improvement, vegetative manipulation to benefit wildlife, erosion control, transportation management, and others.

This final environmental statement was filed with CEQ on December 11, 1973.

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

USDA, Forest Service
So. Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Road, NW.
Atlanta, Georgia 30309

USDA, Forest Service
Forest Supervisor
B-Level Plateau Bldg.
50 S. French Broad, P.O. Box 2750
Asheville, North Carolina 28802

A limited number of single copies are available upon request to Forest Supervisor, B-Level Plateau Bldg., 50 S. French Broad, P.O. Box 2750, Asheville, North Carolina 28802.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

DECEMBER 12, 1973.

[FR Doc.73-26652 Filed 12-14-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN SHIPHOLDING CORP.

Construction of Ten 390,000 DWT Tankers; Filing of Application for Construction-Differential Subsidy

Notice is hereby given that American Shipholding Corporation has filed, pursuant to Title V of the Merchant Marine Act, 1936, as amended, an application on December 11, 1973 for a construction-differential subsidy to aid in the construction of ten new tank vessels of approximately 390,000 deadweight tons for

use in the foreign commerce of the United States.

Any person may inspect this application in the Office of the Secretary, Room 3099B, Maritime Administration, Department of Commerce, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: December 12, 1973.

So ordered by the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[PR Doc.73-26664 Filed 12-14-73;8:45 am]

[Docket No. S-401]

**HAWAIIAN INTERNATIONAL SHIPPING
CORP.**

Notice of Application

Notice is hereby given that Hawaiian International Shipping Corporation has filed an application dated November 9, 1973, for operating-differential subsidy on four (4) tankers (to be constructed) of approximately 89,700 deadweight tons each or four (4) ore/bulk/oil carriers (to be constructed) of approximately 80,000 deadweight tons each. Said vessels will operate generally from ports in the Persian Gulf, Borneo and Indonesia to Hawaiian and United States West Coast ports in the carriage of crude oil, and may be operated in other worldwide service in the carriage of liquid bulk cargoes and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before, December 28, 1973, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: December 12, 1973.

By order of the Maritime Subsidy Board.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

JAMES S. DAWSON, Jr.,
Secretary.

[PR Doc.73-26666 Filed 12-14-73;8:45 am]

**National Oceanic and Atmospheric
Administration**

JOHN MEHRTENS, ET AL.

Applications for Public Display Permits

Notice is hereby given that the following applicants have applied for permits for the public display of marine mammals as authorized by section 101(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) 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 applications sufficient for consideration under the provisions of § 216.15(a) of the Regulations.

1. John Mehtens, Executive Director, Columbia Zoological Park, P.O. Box 1143, Columbia, South Carolina 29202, to take seven California sea lions (*Zalophus californianus*), three harbor seals (*Phoca vitulina richardi*), and either three northern elephant seals (*Mirounga angustirostris*) or five southern (Patagonian) sea lions (*Otario byronia*), for public display.

The Applicant states:

a. The animals will be captured by professional seal and sea lion capturers along the Coast of California and South America prior to April 1, 1974, and transported to the Applicant's facility by air freight in appropriate containers;

b. The animals will be held in a kidney shaped pool 122 feet long by 46 feet wide by 8 feet deep. There will be two islands at each end of the pool;

c. John Mehtens, Executive Director of Columbia Zoological Park, has been associated with various zoological parks for the past twenty years. Jerry S. Fisher, Assistant Director, has seventeen years experience in zoological parks. E. R. Von deGriff III, D.V.M., a graduate of the University of Georgia, received his degree in 1965. Palmer Krantz III, hospital/laboratory supervisor, graduated from Clemson University, South Carolina, in 1972, with a degree in zoology. In addition, he has approximately eight years

experience as a veterinarian's assistant and laboratory technician;

d. The estimated attendance will be 900,000 persons annually. However, the animals will also be utilized for such research projects relative to the husbandry of captive pinnipeds and/or the reproduction of captive pinnipeds, provided that such research, whether undertaken by the Applicant's staff or cooperating institutions, will not in any way interfere with the health, welfare, or reproductive potential of individual animals;

e. The Applicant's facilities and arrangements for transporting and maintaining the animals have been personally inspected and reviewed by a licensed veterinarian, who has certified that such arrangements are adequate for the well-being of the animals.

2. Mystic Aquarium, Inc., 1144 Union Commerce Building, Cleveland, Ohio 44115, and P.O. Box 190, Mystic, Connecticut 06355, to take three Pacific pilot whales (*Globicephala scammoni*) for public display at its facility currently under construction at Mystic, Connecticut.

The Applicant states:

a. It is an Ohio corporation owned by the same shareholders who own and are financing Aquarium Systems, Inc., which has been engaged in scientific study and development of water management systems and salts to culture marine organisms, and which operates the only salt water aquarium in the northern United States which operates year round;

b. Two whales will be taken between November and February, the third to be taken one year later, using a breakaway snare hoop net, within a 100 mile radius of San Diego, Orange and Los Angeles counties, California, transported by boat to suitable holding facilities and held until they are hand feeding on whole fish, then shipped to Boston by air in conventional holding boxes (equipped with sling, spray bar and pumps);

c. The whales will be maintained in a pool 40 feet wide, 70 feet long and 20 feet deep;

d. The prospective staff at the Mystic facility has had considerable experience in aquarium maintenance techniques, and have contributed significantly to further development of such techniques;

e. The facility at Mystic, Connecticut will afford enjoyment and education to as many as 800,000 persons annually, as well as provide research opportunities for scientists and educators.

3. Stephen Newswanger, Life Science Museum, Santa Barbara City College, Santa Barbara, California 93109, to take up to three stranded, dead specimens of each of the following listed species of cetaceans and pinnipeds for public display.

The Applicant states:

a. Species desired: Minke whale (*Balaenoptera acutorostrata*), Pacific bottle-nose dolphin (*Tursiops gilli*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), spotted dolphin (*Stenella dubia*), common dolphin (*Del-*

phinus delphis), northern right-whale dolphin (*Lissodelphis borealis*), short-finned pilot whale (*Globicephala macrorhyncha*), killer whale (*Orcinus orca*), harbor porpoise (*Phocoena phocoena*), Dall porpoise (*Phocoenoides dalli*), pygmy sperm whale (*Kogia breviceps*), and arch-beaked whale (*Mesoplodon carlhubbsi*), California sea lion (*Zalophus californianus*), northern sea lion (*Eumetopias jubata*), northern fur seal (*Callorhinus ursinus*), and harbor seal (*Phoca vitulina*);

b. He requests that Life Science Museum be granted permission to be considered a depository for housing one specimen of each of two endangered species, the gray whale (*Eschrichtius robustus*) and the northern elephant seal (*Mirounga angustirostris*);

c. The animals will be collected as they are found, stranded and dead, along the coast of central California. No animals will be killed;

d. The principal Applicant, Mr. Newswanger, is an undergraduate student at Santa Barbara City College, and has been Museum Curator of the Life Science Museum for the past two years. Other participants in the Application are Dr. Glenn G. Gooder, Superintendent-President, Santa Barbara Community College District and Dr. Robert J. Profant, Museum Director and Professor of Life Science;

e. All specimens will remain part of the Life Science Museum collection. The collection is available to students, researchers, and the general public, and will be used in association with the academic curricula of the College.

4. Clayton F. Freiheit, Denver Zoological Gardens, City Park, Denver, Colorado 80205, to take one male and two female California sea lions (*Zalophus californianus*) for public display.

The Applicant states:

a. The animals will be taken on the beach of the Channel Islands, California, by professional collectors using a hoop net under appropriate wind and temperature conditions, prior to April 1, 1974, and transported via commercial airline to the Applicant's facility;

b. The sea lion facility consists of an artificial rock work exhibit 20 feet wide and 50 feet long. A water course in the form of a horseshoe-shaped channel eight feet wide and 110 feet long encircles a central island. Water depth varies from 2 to 3 feet. A heated indoor shelter is available for the animal's use;

c. The primary staff members have from eight to twelve years experience in zoological park work, with practical experience in captive maintenance of marine mammals;

d. The animals will be exhibited at the Denver Zoological Gardens for the purposes of recreation, education, conservation and research, and will be viewed by an estimated 820,000 visitors annually.

5. William J. and Mae C. Kukaska/"The Aquarium," Box 14, Depoe Bay, Oregon 97341, to take up to ten abandoned or disabled harbor seal pups (*Phoca vitulina*) annually for rescue,

nursing care and eventual public display.

The Applicants state:

a. The harbor seals taken would be stranded on coastal beaches of Oregon and would be collected by the Applicants upon notification by the Oregon State Police, humane organizations or private individuals;

b. The seals are immediately wrapped in a blanket and transported by station wagon to the Applicants' facility;

c. At the facility, the harbor seals receive appropriate medical attention and nursing care;

d. The Applicants have been conducting this operation over a period of nine years;

e. Of the seal pups taken, approximately 50% survive. Autopsies on those seals which did not survive indicated that death was caused by pneumonia, due to overexposure. Deceased seals are buried;

f. Recovered and sufficiently mature seals are placed into a large tiled pool, 13 feet wide and 23 feet long. Up to 14 seals have been satisfactorily maintained in this pool at one time. Seven or eight seals are usually present. Seals in this pool may be observed and fed by as many as 80,000 persons annually;

g. Surviving animals in excess of those which can be maintained at the Aquarium are given to the Sea Side Aquarium, Sea Side, Oregon, either given outright or as part of a trade involving other aquarium species;

Documents submitted in connection with these applications are available for viewing at the following locations:

Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-4543 (All applications);

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813-893-3141 (Application No. 1);

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617-281-0640 (Application No. 2);

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-548-2575 (Applications Nos. 1, 2, 3, 4);

Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109, telephone 206-442-7575 (Application No. 5).

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is sending copies of the applications 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 these applications on or before January 16, 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 these appli-

cations are those of the Applicants and do not reflect the views of the National Marine Fisheries Service.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

DECEMBER 11, 1973.

[FR Doc. 73-26644 Filed 12-14-73; 8:45 am]

KENNETH S. NORRIS

Application for Scientific Research Permit

Notice is hereby given that the following applicant has applied for a permit to take marine mammals for scientific research as authorized by section 101(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, et seq.) 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 permits (38 FR 26622, September 24, 1973). The Secretary considers the following application sufficient for consideration under the provisions of section 216.15(a) of the regulations.

1. Kenneth S. Norris, Professor of Natural History, University of California, Santa Cruz, California 95064, to take, tag with instrument bearing harnesses and release five suckling gray whales (*Eschrichtius robustus*) for scientific research.

The applicant states:

a. The animals will be instrumented and tracked during January and February, 1974, in the vicinity of Boca Soldad, upper Magdalena Bay, Baja California;

b. The young whales will be captured by netting them from a boat and slipping nylon lines around the body at the tail stock and anterior to the pectoral flippers. The whales will then be hauled onto a shallow shelf, on the east bank of the lagoon, to be harnessed. The instrumented harness will be slipped on under the snout and worked posteriorly to the pectorals which will then be inserted through the harness;

c. After a predetermined period of time, dependent upon the rate of dissolution of magnesium retaining pins, the harness will be released and recovered;

d. The proposed project is part of a continuing effort to develop tracking methods which do not harm or disrupt the animals concerned, and which permit precise definition of migration patterns;

e. That he desires to work with the endangered gray whale since, in initial tests, it is necessary to work with small animals under calm conditions. The great number of suckling gray whale calves in the sheltered lagoons of the Baja California coast uniquely fit these requirements. Subsequently, the perfected techniques and equipment will be applied to gathering information about the dynamics of various oceanic species;

f. No mortality is expected with any of the animals.

Dr. Norris has 65 publications dealing with the ecology, behavior and systematics of fish, reptiles and marine mammals.

Documents submitted in connection with this application are available as follows:

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 213-548-2575.

Concurrent with the publication of 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 16, 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.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

DECEMBER 12, 1973.
[FR Doc.73-26645 Filed 12-14-73;8:45 am]

NOMENCLATURE OF FISH, SHELLFISH, AND PRODUCTS FOR PURPOSES OF MARKETING AND LABELING

Statement of Interest and Intent

DECEMBER 11, 1973.

The Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, has concluded that an urgent need exists for the clarification and refinement of policy and procedures that govern the nomenclature of fish, shellfish and their products for purposes of their marketing and labeling. Problems related to nomenclature constitute an obstacle to development of underutilized fishery resources, and thereby limit opportunities for alleviating shortages in fishery products associated with traditional fisheries.

Several thousands of marine food species carry taxonomically accurate scientific names, but characteristically many species are known under various common names in different locales. This situation leads to confusion in the marketplace and is contrary to the public interest. Orderly market development is thwarted and consumers are misled, or endure unwarranted difficulty in making purchasing selections. These problems

are accentuated in the cases of many nutritious species with aesthetically objectionable common names that severely limit their marketability (e.g., ratfish, dogfish, wolfish, and cancer crab, among others). Additionally, confusion has arisen about naming and labeling new product forms that are manufactured from multiple ingredients and species.

The regulation of matters pertaining to common or usual names of foods is the responsibility of the Food and Drug Administration under the general authority set forth in the Food, Drug and Cosmetic Act of 1966, as amended. Decisions on allowable names for fishery products generally have been obtained through formal and informal adjudication, on a case by case basis. Most common names in use, however, are untested hence open to question. As a result, uncertainty with respect to product nomenclature adversely inhibits technological development and commerce in fishery products based on species in good abundance but not fully utilized in U.S. markets.

The National Marine Fisheries Service is responsible under the Fish and Wildlife Act of 1956, as amended, for services to provide current information on production and trade, market promotion, and development of commercial fisheries, in addition to other activities. Under the Agriculture Marketing Act of 1946 (7 U.S.C. 1621-1627), the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742(a)-754) and Reorganization Plan No. 4 of 1970 (84 Stat. 2090), NMFS is charged to conduct, assist, foster and direct studies and informational programs designed to eliminate artificial barriers to the free movement of fish and fishery products. Among the various functions performed under those authorities, the National Marine Fisheries Service develops grade standards and descriptions for fishery products, and conducts an extensive consumer education program. A logical and necessary extension of these activities would cover matters pertaining to market nomenclature of fishery products. Accordingly, the National Marine Fisheries Service proposes to organize and coordinate an effort to clarify existing market nomenclature for fishery products and to provide an improved systematic procedure for establishing or changing legally acceptable nomenclature.

The key objective of the NMFS effort toward an improved nomenclature situation for fishery products is to provide systematic and expert support for the ultimate decision making processes of the Food and Drug Administration as applied to fishery product nomenclature. Initially, the Director, NMFS, will designate an expert individual who will coordinate the development of an improved procedure to achieve the nomenclature objectives. The coordinator will contact, and work closely with, all interested parties in the private and public sectors, and he will maintain close liaison with the Food and Drug Administration.

At this stage, it would be highly useful to establish the widest possible communication between NMFS and interested parties. Therefore, the Director, NMFS, cordially invites the written views, recommendations, and comments of all parties with an interest in these matters related to nomenclature of fishery products. All such views, recommendations and comments should be submitted to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235, on or before February 11, 1974.

ROBERT M. WHITE,
Administrator.

[FR Doc.73-26597 Filed 12-14-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 4A2949]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 4A2949) has been filed by Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804, proposing that § 121.1088 Boiler water additives (21 CFR 121.1088) be amended to include potassium tripolyphosphate anhydrous for use as a boiler water additive to be used in the preparation of steam that will contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the Office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the Office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852 during working hours, Monday through Friday.

Dated: December 7, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-26624 Filed 12-14-73;8:45 am]

Health Resources Administration NATIONAL ADVISORY COUNCIL ON REGIONAL MEDICAL PROGRAMS

Notice of Meeting

The Administrator, Health Resources Administration, announces the meeting date and other required information for the following National Advisory Council scheduled to assemble during the month of January 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Regional Medical Programs	January 15-16, 9 a.m. Conference, Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—a.m. of January 15. Closed—remainder of meeting. Contact: Mr. Kenneth Baum, Room 11-11, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-1520.

Purpose. The Council advises and assists the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this Program. Reviews applications for grants under Title IX, and recommends to the Secretary with respect to approval of applications for, and the amounts of, grants under this Title.

Agenda. The Council will discuss policy matters and conduct other business, and this portion of the meeting shall be open to the public. The Council will review grant applications, and this portion of the meeting shall be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to the provisions of Pub. L. 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the Council may be obtained from the contact person listed above.

Dated: December 6, 1973.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.73-26559 Filed 12-14-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-140]

OKLAHOMA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Pub. L. 92-209 (85 Stat. 742); notice is hereby given that on December 10, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms and flooding, beginning about November 19, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 91-606. I therefore declare that such a major disaster exists in the State of Oklahoma. You are to

determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11725, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to administer the Disaster Relief Act of 1970 (Pub. L. 91-606, as amended), I hereby appoint Mr. Joe D. Winkle, HUD Region 6, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Oklahoma to have been adversely affected by this declared major disaster:

The Counties of:

Cleveland McClain
Kay

This disaster has been designated as FDAA-409-DR.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated: December 10, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-26830 Filed 12-14-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

FAA AIR TRAFFIC CONTROL TOWER AT CAHOKIA, ILLINOIS

Notice of Commissioning

Notice is hereby given that on December 4, 1973 the East St. Louis Airport Traffic Control Tower at Bi-State Parks Airport, Cahokia, Illinois was 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
1200 St. Patrick Blvd.
Cahokia, Illinois 62206

Issued in Des Plaines, Illinois on November 23, 1973.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.73-26616 Filed 12-14-73;8:45 am]

ATOMIC ENERGY COMMISSION

[License No. 6-15214-02E]

EMHART CORP.

Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 6-15214-02E to the Emhart Corporation, 950 Cottage Grove Road, Bloomfield, Connecticut 06002, which authorized the distribution of Model 222B fire

detectors to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR Part 30.

1. The devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of the detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium 241.

2. The byproduct material incorporated in the detector is americium in the oxide form contained in foils manufactured by Nuclear Radiation Developments (Model A-001). The nominal activity contained in the unit is 0.35 microcurie but the maximum activity is 0.39 microcurie.

3. Each exempt unit will have a label identifying the manufacturer (Notifier Company) and the byproduct material (americium 241) contained in the unit and recommending that the unit be returned to the Notifier Company for repair or disposal.

A copy of the license and a safety evaluation containing additional information, prepared by the Directorate of Licensing, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Maryland December 7, 1973.

For the Atomic Energy Commission.

JAMES C. MALARO,
Chief, Materials Branch,
Directorate of Licensing.

[FR Doc.73-26618 Filed 12-14-73;8:45 am]

[Docket No. 50-323]

PACIFIC GAS AND ELECTRIC CO.

Order Relative to Prehearing Conference

In the matter of Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant Unit 2).

Take notice in a prehearing conference on June 7, 1973, the Board rejected a contention of the Consolidated Intervenor relating to energy conservation. The Board is persuaded by the Commission's Memorandum and Order, Niagara Mohawk Power Corporation (Nine Mile Point, Unit No. 2), November 6, 1973, that this ruling was in error. The Board has determined that the record should be reopened to consider the matter.

A prehearing conference will be held in the Jury Assembly Room (Room 19414) United States District Court, 450 Golden Gate Avenue, San Francisco, California, at 10:00 a.m., (local time) on January 3, 1974. The proceeding will commence with the submission of a revised contention on energy conservation by the Consolidated Intervenor in accordance with the conference call agreement on November 29, 1973.

Issued at Washington, D.C. this 11th day of December 1973.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
ELIZABETH S. BOWERS,
Chairman.

[FR Doc. 73-26617 Filed 12-14-73; 8:45 am]

[Dockets Nos. 50-443A & 50-444A]

**PUBLIC SERVICE CO. OF
NEW HAMPSHIRE, ET AL.**

**Receipt of Attorney General's Advice and
Time for Filing of Petitions To Intervene
on Antitrust Matters**

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated December 4, 1973, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by January 18, 1974, either (1) by delivery to the AEC Public Document Room at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attn: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust & In-
demnity, Directorate of Li-
censing.

APPENDIX "A"

Re: Public Service Company of New Hampshire et al.—Seabrook Nuclear Power Station, Units No. 1 and No. 2, AEC Docket Nos. 50-443A & 50-444A, Department of Justice File 60-415-72.

DECEMBER 4, 1973.

DEAR MR. SHAPAR: You have requested our advice pursuant to Section 105 of the Atomic Energy Act of 1954, as amended by P.L. 91-560, in regard to the above-captioned application.

The Applicants, Seabrook Units No. 1 and No. 2 will be identical and will be constructed together on a staggered schedule so that No. 2 will come on line about 2 years after No. 1. The application embraces both units.

The Seabrook facility will be jointly owned by a considerable number of privately and publicly owned systems in the New England region. The applicants fall into two groups. First, nine privately owned companies are firmly committed to ownership participation in the units. The companies and the ownership participation of each are as follows:

	Percent
Public Service Company of New Hampshire	50.0000
The United Illuminating Company	20.0000
Central Maine Power Company	2.5505
The Connecticut Light and Power	

Company	11.9776
Fitchburg Gas and Electric Light Company	.1716
Montaup Electric Company	1.9064
New Bedford Gas and Edison Light Company	1.3539
New England Power Company	8.9430
Vermont Electric Power Company, Inc.	3.0970
	100.0000

Thus, PSNH and UI, the lead sponsors, will own a 70 percent share of the units.

The second group of applicants consists of municipal electric systems and rural electric cooperatives. The nine privately owned chief sponsors have agreed to relinquish a portion of their ownership shares so as to accommodate the needs of this second group. The names of the thirteen applicants which comprise the second group, and the ownership share made available to each, is as follows:

	Percent
Ashburnham Municipal Light Plant	0.01195
Burlington Electric Light Department	.22175
Eastern Maine Electric Cooperative, Inc.	.00256
Holyoke Gas and Electric Department	.09046
Hudson Light and Power Department	.05780
Hull Municipal Lighting Plant	.01345
Marblehead Municipal Light Department	.95965
Middleborough Gas & Electric Department	.05598
Middleton Municipal Light Department	.02563
New Hampshire Electric Cooperative, Inc.	2.41542
North Attleborough Electric Department	.03648
South Norwalk Electric Works	.00855
Templeton Municipal Light Plant	.03023
	3.03491

As of the date of the filing of the application there existed a question concerning the legal authority of the publicly owned systems to participate as owners of the Seabrook units. The subsequent enactment of legislation in Massachusetts specifically designed to clear the way for municipal electric system participation in the New England Power Pool (NEPOOL) and in ownership of NEPOOL planned units, of which Seabrook is one, has eliminated this problem. However, at this juncture it is unclear precisely how many municipal systems will avail themselves of the opportunity to become joint owners of the Seabrook units.

Background. In our previous advice letters concerning the Boston Edison Company application for the Pilgrim Nuclear Power Station, AEC Docket No. 59-293, dated August 2, 1971, and the Connecticut Light and Power Company et al. application for Millstone Nuclear Power Station Unit No. 3, AEC Docket No. 50-432A, dated August 10, 1973, we described the allegations of anticompetitive behavior by the large privately owned electric companies directed against the smaller electric systems, particularly publicly owned systems. These allegations generally concerned various difficulties encountered by the small systems in gaining access to low cost bulk power supply on the same basis as the large systems, and most of the allegations related to events which occurred some time ago.

In our Millstone advice letter we commented at length upon the dramatic improvement in the relations among the various segments of the electric power industry in

New England in recent years, capped by the settlement agreement signed in mid-1973 by virtually all of the privately owned companies and most of the publicly owned systems. The upshot of the settlement agreement is that the disputes concerning key portions of the NEPOOL agreement have been compromised and the FPC proceeding relative to NEPOOL is settled. Henceforth, planning regarding bulk power supply in the entire New England region will occur within the context of NEPOOL, and all systems, regardless of size or form of ownership, will have an opportunity to participate both in the planning and in the utilization of new bulk power supplies.

In this connection, it should be noted that Seabrook Units No. 1 and No. 2 have been designated as NEPOOL planned and supported units, and, therefore, the capacity which is excess to the needs of PSNH and UI, the lead sponsors, has been apportioned on a region-wide basis pursuant to a formula prescribed by NEPOOL.

Additionally, the settlement agreement provides that none of the signatories will intervene in any proceeding in opposition to the grant of a license for any of 11 designated pool-planned units, among which is the Seabrook facility. Thus, no system has indicated any opposition to the grant of the Seabrook construction permit.

Finally, as noted earlier, the settlement agreement provides that the privately owned systems would support the effort by municipal electric systems in Massachusetts to obtain legislation which would permit the latter to participate fully in NEPOOL and to become owners of NEPOOL planned units. This legislation has now become law, thus removing a principal impediment to full participation in the benefits of regional bulk power supply coordination.

Results of antitrust review. The inquiries we made of electric systems in the New England area produced no complaints concerning the behavior of the principal sponsors of the Seabrook project. It appears that the recent successful negotiations among the electric systems in New England have eliminated much of the intense hostility which gave rise to most of the past allegations of anticompetitive behavior in New England.

We conclude that the creation of a truly open, nonexclusive NEPOOL means that all systems can have a dependable framework within which to obtain fair and non-discriminatory access to economical and reliable bulk power supply.

Conclusion. There is no need for a hearing on the antitrust impact of Seabrook Units No. 1 and No. 2.

[FR Doc. 73-26619 Filed 12-14-73; 8:45 am]

[Docket No. 50-333]

**NEW YORK STATE POWER AUTHORITY
AND NIAGARA MOHAWK POWER CORP.**

Notice of Availability of Initial Decision

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations set forth in 10 CFR Part 50, Appendix D, paragraphs A.9 and A.11, notice is hereby given that an Initial Decision dated November 12, 1973, by the Atomic Safety and Licensing Board in

the above captioned proceeding authorizing issuance of an operating license to the Power Authority of the State of New York and Niagara Mohawk Power Corporation for operation of the James A. FitzPatrick Nuclear Power Plant located on the southeast shore of Lake Ontario in Oswego County, New York, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Oswego City Library, 120 East Second Street, Oswego, New York 13126.

The Initial Decision is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, New York 13202.

Based upon the record developed in the public hearing in the above captioned matter, the Initial Decision modified in certain respects the contents of the Final Environmental Statement relating to the operation of the FitzPatrick Nuclear Power Plant, prepared by the Commission's Directorate of Licensing. Pursuant to the provisions of 10 CFR Part 50, Appendix D, Section A.11, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the Initial Decision are different from those contained in the Final Environmental Statement dated March 1973. As required by Appendix D, Section A.11, a copy of the Initial Decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

Single copies of the Initial Decision and of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland this 6th day of December 1973.

For the Atomic Energy Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects
Branch No. 4, Directorate of
Licensing.

[FR Doc.73-26744 Filed 12-14-73;8:45 am]

COMMITTEE ON EMERGENCY PREPAREDNESS

NATIONAL PETROLEUM COUNCIL

Notice of Meeting

Pursuant to Executive Order 11686, notice is hereby given of the following meeting:

The Committee on Emergency Preparedness of the National Petroleum Council will meet at 1:00 p.m. on Monday, December 17, 1973. The exact location of this meeting has not yet been determined but inquiries may be directed to the Director of Information, the National Petroleum Council, Washington,

D.C., telephone 393-6100. The proposed agenda includes remarks by the Chairman of the Committee, the Honorable William E. Simon, Administrator, Federal Energy Office, discussion of a work schedule to carry out the study requested by the Secretary of Interior on November 30, 1973, and other pertinent matters.

The purpose of the National Petroleum Council is solely to advise, inform and make recommendations to the Secretary of the Interior on any matter relating to petroleum or the petroleum industry. The meeting is open to the public to the extent that the determined facilities will permit.

BEN TAFORYA,
Industrial Specialist.

DECEMBER 13, 1973.

[FR Doc.73-26716 Filed 12-14-73;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ARTIFICIAL TURF

Notice of Meeting

The Consumer Product Safety Commission has denied a petition by the National Football League Players Association to commence proceedings for the issuance of a consumer product safety standard for artificial turf or to declare such product to be a banned hazardous product. (The notice of denial of the NFLPA petition will be published in the FEDERAL REGISTER of December 13, 1973.)

The NFLPA, however, has requested the Commission to reconsider its decision in this matter and requested that a public hearing be held to obtain information relevant to the decision regarding artificial turf.

The Commission finds that instead of holding a public hearing it should schedule a meeting with the NFLPA to obtain information to assist the Commission in making a decision on the request for a public hearing. The Commission is specifically interested in learning what information the NFLPA believes the Commission could obtain by further inquiry and whether such further inquiry would be a proper use of Commission resources and in the public interest.

Accordingly, notice is given that a meeting will be held on Friday, January 4, 1974, at 10:00 a.m., in the Hearing Room, Consumer Product Safety Commission, 6th floor, 1750 K Street N.W., Washington, D.C., between representatives of the NFLPA and the Commission.

Other interested parties wishing to attend should notify Don Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, DC. 20207 (phone 301-496-7197). Due to limited space, attendance will be determined on the basis of earliest requests therefor.

Dated: December 10, 1973.

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

[FR Doc.73-26625 Filed 12-14-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ETHYL 4-(METHYLTHIO)-m-TOLYL ISOPROPYLPHOSPHORAMIDATE

Notice of Extension of Temporary Tolerance

Correction

In FR Doc. 73-22287 appearing on page 28968 of the issue for Thursday, October 18, 1973, in the fifth line of the first paragraph "isopropyl-" should read "isopropyl-"; and in the sixth line of that paragraph "phosphoramidate" should read "phosphoramidate".

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Notice of Meeting and Agenda

Notice is hereby given of a meeting of the effluent standards and water quality information advisory committee, established under section 515 of the Federal Water Pollution Control Act ("the Act") 33 U.S.C. 1374; Pub. L. 92-500, to be held in Room 1112 (conference room), Bldg. #2, Crystal Mall, Arlington, Virginia, December 27, 1973, 9:00 a.m. This is a regularly scheduled meeting of the committee.

The agenda for this meeting includes: Organic Chemicals Industry effluent limitations determined by the matrix model; economic costs comparison of various models—University of Houston, Texas, and resources for the future model.

The meeting will be open to the public and under the direction of the committee chairman. Any member of the public wishing to attend or participate should contact Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, Room 821, CM#2, Washington, D.C. 20460 (Tel: 703-557-7390).

Dated: December 12, 1973.

MARTHA SAGER,
Chairman, Effluent Standards
and Water Quality Informa-
tion Advisory Committee.

[FR Doc.73-26698 Filed 12-14-73;8:45 am]

NATIONAL AIR POLLUTION CONTROL TECHNIQUES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held at 9:00 a.m. on January 8, 9, and 10, 1974 at Crystal Mall, Building 2, Room 1112, Arlington, Virginia. The address for the Crystal Mall Building is 1921 Jefferson Davis Highway.

The purpose of the meeting will be (1) a discussion of what constitutes a modification under section 111 of the Clean Air Act, and (2) a review of Group III new source performance standards—coal preparation plants, phosphate fertilizer plants, primary aluminum plants, electric arc furnaces, ferroalloy plants, and stationary gas turbines.

The meeting will be open to the public. Anyone wishing to attend or to submit a paper should contact Mr. Don R. Goodwin, Director, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

The telephone number and area code are 919-688-8146, extension 271.

Dated: December 10, 1973.

ROBERT L. SANSON, *Assistant Administrator for Air and Water Programs.*

[FR Doc. 73-26620 Filed 12-14-73; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 678]

COMMON CARRIER SERVICES INFORMATION¹

Domestic Public Radio Services Applications Accepted for Filing²

DECEMBER 10, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions

¹ All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

² The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] VINCENT J. MULLINS, *Secretary.*

APPLICATIONS ACCEPTED FOR FILING DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 20613-C2-AL-(5)-74, West Texas Telephone Company. Consent to Assignment of License from West Texas Telephone Company, ASSIGNOR to Continental Telephone Company of Texas, ASSIGNEE. Stations: KKB865, Dumas, Texas; KKQ060, Vega, Texas; KLB503, Pecos, Texas; KLB623, Van Horn, Texas; and KLB789, Dimmitt, Texas.
- 20614-C2-AL-74, Carteret Radio Telephone Services. Consent to Assignment of License from Carteret Radio Telephone Services, ASSIGNOR to Anser-Quik Enterprises, Inc., ASSIGNEE. Station: KUC900, Morehead City, North Carolina.
- 20615-C2-P-74, General Telephone Company of the Southwest (KLP468): C.P. for additional facilities to operate on 152.51 MHz located at East side of FM2012, 2.5 miles North of intersection of FM2012 and FM918, Kilgore, Texas.
- 20617-C2-P-74, United Telephone Company of Florida (KIJ354): C.P. for additional facilities to operate on 152.57 MHz located at 1520 Lee Street, Fort Myers, Florida.
- 20618-C2-P-74, United Telephone Company of Florida (NEW): C.P. for a new 1-way station to operate on 152.84 MHz to be located at 1520 Lee Street, Fort Myers, Florida.
- 20619-C2-P-74, RCC of Virginia, Inc. (NEW): C.P. for a new 1-way station to operate on 152.24 MHz to be located at 3004 North Main Street, Danville, Virginia.
- 20620-C2-P-74, Gabriel Communications Corporation d/b as Boca Mobilphone (KFQ-941): C.P. additional facilities to operate on 454.025 MHz located at 351 S.W. First Avenue, Boca Raton, Florida.
- 20621-C2-P-74, E-Z Call Communications, Inc. (NEW): C.P. for a new 2-way station to operate on 152.210 MHz to be located at 22nd & Main Streets, City Water Tower, Keokuk, Iowa.
- 20622-C2-P-74, E-Z Call Communications, Inc. (NEW): C.P. for a new 1-way station to operate on 152.24 MHz to be located at 22nd & Main Streets, City Water Tower, Keokuk, Iowa.
- 20623-C2-P-74, AAA Anserphone, Inc.—Jackson (NEW): C.P. for a new 1-way station to operate on 35.58 MHz to be located one mile S. of State Line, 0.2 miles East of Highway 51, Southaven, Mississippi.
- 20624-C2-P-74, AAA Answering Service, Inc. (KLB703): C.P. to change antenna location operating on 153.15 MHz to new Loc. #1; on Highway 45, 2.5 miles South of Meridian, Mississippi.
- 20625-C2-P-74, Havre Answering Service (NEW): C.P. for a new 2-way station to operate on 152.21 MHz to be located at 9th Street and Wilson Avenue, Havre, Montana.
- 20626-C2-AL-(3)-74, May G. Evans. Consent to Assignment of License from May G. Evans, ASSIGNOR to Evans Radio Company, Inc., ASSIGNEE. Stations: KLY760, KSV889, and KTS235, Columbia, South Carolina.
- 20627-C2-P-74, Wisconsin Telephone Company (KSC879): C.P. to change antenna system and location and replace transmitter operating on 152.81 MHz located at 2945 96th Street, Sturtevant, Wisconsin.

20628-C2-P-(3)-74, Two-Way Radio of Carolina, Inc. (KLY754): C.P. to change antenna system and frequency and replace transmitter to operate on control frequency 75.98 MHz at Loc. #2: 203 Main Street, Hamlet, North Carolina; and to change frequency at repeater station to operate on 72.96 MHz at Loc. #1: 1500' NE Highway 211, 7 miles SE of Aberdeen, North Carolina.

20630-C2-P-74, Northwestern Bell Telephone Company (KSV902): C.P. to change antenna system operating on 152.80 MHz located at 403 Sycamore Street, Waterloo, Iowa.

20631-C2-P-74, Howard A. Maddox, Inc. (NEW): C.P. for a new 2-way station to operate on 152.15 MHz to be located at 124 North 4th Street, Wauchula, Florida.

20632-C2-P-74, AAA Anserphone, Inc.—Jackson (NEW): C.P. for a new 1-way station to operate on 158.70 MHz to be located at 127 S. Roach Street, Jackson, Mississippi.

20633-C2-P-74, New Jersey Mobile Telephone Company, Inc. (KEK290): C.P. to add antenna location #3 to operate on 454.200 at 318 Eagle Rock Avenue, W. Orange, New Jersey.

20634-C2-P-74, AAA Answering Service, Inc. (NEW): C.P. for a new 1-way station to operate on 158.70 MHz to be located on Hwy. 45, 1.8 mile S. of Meridian, Mississippi.

Correction

20635-C2-R-74, Michigan Bell Telephone Co. (KQM40) (Developmental). This corrects file number and service which was previously entered erroneously as 405-C1-R-74, Point to Point Microwave Service on PN #662 dated August 30, 1973.

RURAL RADIO SERVICE

Renewal of License expiring November 1, 1973 TERM: 11/1/73 to 11/1/78

Licensee Call Sign
Gabriel Communications Corp., KJJ50
d/b as Mobile Dispatching Ser.

POINT TO POINT MICROWAVE RADIO SERVICE

2053-C1-P-74, Illinois Bell Telephone Company (KSN61), 2.8 Miles ESE of Norway, Illinois. Lat. 41°27'21" N., Long. 88°37'15" W. C.P. to add freq. 4170V MHz toward Odell, Ill., on azimuth 177°20'.

2064-C1-P-74, Same (KSO77), 3.5 Miles WNW of Odell, Illinois. Lat. 41°01'07" N., Long. 88°35'38" W. C.P. to add freq. 4130V MHz toward Norway, Ill. on azimuth 357°21'; freq. 4130V MHz toward Benson, Ill., on azimuth 251°22'.

2065-C1-P-74, Same (KSO79), 2.2 Miles North of Benson, Illinois. Lat. 40°52'55" N., Long. 89°07'24" W. C.P. to add freq. 4170V MHz toward Sunnyland, Ill., on azimuth 239°42'; freq. 4170V MHz toward Odell, Ill., on azimuth 71°02'.

2066-C1-P-74, Same (KSO78), 1.8 Miles NNE of Sunnyland, Illinois. Lat. 40°42'58" N., Long. 89°29'42" W. C.P. to add freqs. 4130V 3790H MHz toward Peoria, Ill., on azimuth 251°42'; freq. 4130V MHz toward Benson, Ill., on azimuth 59°28'; freq. 4030H MHz toward Delavan, Ill., on azimuth 185°05'.

2067-C1-P-74, Same (KSO76), 320 Fulton Street, Peoria, Illinois. Lat. 40°41'31" N., Long. 89°35'27" W. C.P. to add freqs. 4070H, 4170V MHz toward Sunnyland, Ill., on azimuth 71°38'.

2068-C1-P-74, Same (KSO96), 2.6 Miles SSW of Delevan, Illinois. Lat. 40°20'11" N., Long. 89°33'24" W. C.P. to add freq. 3830H MHz toward Sunnyland, Ill., on azimuth 07°03'; freq. 4070V MHz toward Lake Fork, Ill., on azimuth 153°19'.

- 2060-C1-P-74, Same (KSO95), 2.1 Miles ESE of Lake Fork, Illinois. Lat. 39°57'44" N., Long. 89°18'45" W. C.P. to add freq. 3790H MHz toward Delavan, Ill., on azimuth 333°29'; freq. 4030H MHz toward Springfield, Ill., on azimuth 237°19'.
- 2070-C1-P-74, Same (KSO34), 620 South 5th Street, Springfield, Illinois. Lat. 39°47'43" N., Long. 89°39'56" W. C.P. to add freq. 3830V MHz toward Lake Fork, Ill., on azimuth 57°06'.
- 2071-C1-AL-(15)-74, West Texas Telephone Company. Consent to Assignment of Permit from West Texas Telephone Company, ASSIGNOR to Continental Telephone Company of Texas, ASSIGNEE for stations: KGC69—Kent, Tex.; KOB73—Pecos, Tex.; KOB74—Mentone, Tex.; KOB75—Orla, Tex.; KOB78—Orla, Tex.; KRR34—Dumas, Tex.; KRR35—Fritch, Tex.; KVV51—Pecos, Tex.; KVV52—Kent, Tex.; KVV53—Van Horn, Tex.; WHT95—Valentine, Tex.; WHT97—Lobo, Tex.; KLU37—H.D. Lewis Ranch, Tex.; KYC40—Within territory of grantee and WHT98—Sierra Blanca, Tex.
- 2105-C1-P-74, American Telephone and Telegraph Company (KID70), Charlotte, North Carolina. Lat. 35°15'07" N., Long. 80°49'45" W. C.P. to add freq. 3790H MHz toward Lambert, N.C., on azimuth 81°00'.
- 2106-C1-P-74, Same (KJM61), 1.0 Mile SW of Lambert, North Carolina. Lat. 35°18'36" N., Long. 80°22'31" W. C.P. to add freq. 3830H MHz toward Graniteville, N.C. on azimuth 261°16'; freq. 3830H MHz toward Troy, N.C., on azimuth 73°50'.
- 2107-C1-P-74, Same (KJM62), 4.9 Miles NW of Troy, North Carolina. Lat. 35°24'33" N., Long. 79°57'16" W. C.P. to add freq. 3790H MHz toward Lambert, N.C. on azimuth 254°04'; freq. 3790H MHz toward Coleridge, N.C., on azimuth 54°46'.
- 2108-C1-P-74, Same (KJM63), 4.8 Miles SW of Coleridge, North Carolina. Lat. 35°34'41" N., Long. 79°39'40" W. C.P. to add freq. 3830H MHz toward Troy, N.C., on azimuth 234°56'; freq. 3830H MHz toward Silk Hope, N.C., on azimuth 36°39'.
- 2109-C1-P-74, Same (KJM64), 3 Miles SSE of Snow Camp, North Carolina. Lat. 35°51'08" N., Long. 79°24'37" W. C.P. to add freq. 3790H MHz toward Coleridge, N.C., on azimuth 216°48'; freq. 3790H MHz toward Hillsboro, N.C., on azimuth 53°33'.
- 2110-C1-P-74, Same (KIL27), 3.5 Miles South of Hillsboro, North Carolina. Lat. 36°01'32" N., Long. 79°07'15" W. C.P. to add freq. 3830V MHz toward Silk Hope, N.C., on azimuth 233°43'; freq. 3770H MHz toward Westover, N.C., on azimuth 126°23'.
- 2111-C1-P-74, Same (KIL28), 0.5 Mile SW of Westover, North Carolina. Lat. 35°47'17" N., Long. 78°43'35" W. C.P. to add freq. 4130H MHz toward Hillsboro, N.C., on azimuth 306°37'; freq. 3810V MHz toward Raleigh, N.C., on azimuth 97°32'.
- 2112-C1-P-74, Same (KJE58), 121 West Morgan Street, Raleigh, North Carolina. Lat. 35°46'44" N., Long. 78°38'30" W. C.P. to add freq. 4090V MHz toward Westover, N.C., on azimuth 277°35'.
- 2113-C1-AL-(11)-74, The Midland Telephone Company. Consent to Assignment of License from The Midland Telephone Company, ASSIGNOR to Continental Telephone Company of Utah, ASSIGNEE for stations: KPC53—Abajo Peak, Utah; KPC54—Monticello, Utah; KPC55—Mexican Hat, Utah; KPN73—Bald Mesa, Utah; KPT20—Helper, Utah; KPX20—Blanding, Utah; KPY77—Moab, Utah; WOE34—Escalante, Utah; WOE35—Mexican Hat—Utah; WOE36—Mexican Hat, Utah and WOE37—Monticello, Utah.
- 2114-C1-TC-(4)-74, Tex-Mex Communications Company. Consent to Transfer of Control from Tex-Mex Communications Company, TRANSFEROR to C. E. Sharp, TRANSFEREE for stations: KLT71—Priona, Tex.; KLT72—Muleshoe, Tex.; KLM97—Deaf Smith, Tex., and KLN75—Denver City, Tex.
- 2115-C1-TC-(11)-74, Video Service Company. Consent to Transfer of Control from Video Service Company, TRANSFEROR to Cox Cable Communications, Inc., TRANSFEREE for stations: KSO92—Scircleville, Ind.; KSO93—Wellsboro, Ind.; KSO94—Delong, Ind.; KSP63—Logansport, Ind.; KSP64—Monticello, Ind.; KSQ37—Attica, Ind.; KVD52—Peru, Ind.; WQQ96—Kokomo, Ind.; WQQ97—Anderson, Ind.; WQQ98—Morristown, Ind. and KSQ36—Attica, Ind.
- 2116-C1-TC-(23)-74, Video Microwave, Inc. Consent to Transfer of Control from Video Microwave, Inc., TRANSFEROR, to Southern Pacific Communications Company, TRANSFEREE for stations: WLJ76—Woburn, Mass.; WLJ84—Derry, N.H.; WLJ85—York, Maine; WLJ86—Beacon Pole Hill, R.I.; WLJ87—Tiverton, R.I.; WLJ88—Charlton, Mass.; WLJ89—Blandford, Mass.; WOE21—Berlin, N.Y.; WOE23—Avon, Conn.; WOE25—Prospect, Conn.; WOE27—New York, N.Y.; WOE26—Booth Hill, Conn.; WOE28—New York, N.Y.; WOE29—New York, N.Y.; WOE30—New York, N.Y.; KR2386—Within territory of grantee; WSL25—Greensboro, N.C.; WSL26—Martinsville, Va.; WSL27—Elliston, Va.; WSL28—Jefferson National Forest, Va.; WSL29—Talcott, W. Va.; WSL30—Ansted, W. Va., and WSL31—Charleston, W. Va.
- 2144-C1-ML-74, American Telephone and Telegraph Company (KOC26) Chicago No. 6, Illinois. Mod. of License to change polarization from H to V on freqs. 10795, 11035 MHz toward Morton Grove, Ill.
- 2145-C1-ML-74, Same (KSO56), Morton Grove, Illinois. Mod. of License to change freqs. from 11285V, 11525V MHz to 11245V, 11485V MHz toward Chicago No. 6, Ill.
- 2146-C1-ML-74, Same (WJL25), Northbrook, Illinois. Mod. of License to change freqs. from 10795V, 11035V MHz to 11075V, 10835V MHz toward Morton Grove, Ill.
- 2147-C1-ML-74, Southern Bell Telephone and Telegraph Company (KJA95). Mod. of License to change polarization from H to V on freqs. 3970, 4050, 4130 MHz toward Camp Creek Bald, Tenn.
- 2150-C1-P-74, American Telephone and Telegraph Company (KSP81), 129 NW 5th Street, Evansville, Indiana. Lat. 37°58'26" N., Long. 87°34'16" W. C.P. to add freq. 3850V MHz toward Stanley, Ind., on azimuth 42°24'.
- 2151-C1-P-74, Same (KSP80), 2 Miles SW of Stanley, Indiana. Lat. 38°08'37" N., Long. 87°22'29" W. C.P. to add freq. 3970V MHz toward Evansville, Ind., on azimuth 222°31'; freq. 3810V MHz toward Petersburg, Ind., on azimuth 21°53'.
- 2152-C1-74, American Telephone and Telegraph Company (KSP79) 4.7 Miles SE of Petersburg, Indiana. Lat. 38°25'43" N., Long. 87°13'45" W. C.P. to add freq. 4010V MHz toward Stanley, Ind., on azimuth 201°58'; freq. 3810V MHz toward Bruceville, Ind., on azimuth 341°35'.
- 2153-C1-P-74, Same (KSP78), 2 Miles ENE of Bruceville, Indiana. Lat. 38°45'44" N., Long. 87°22'16" W. C.P. to add freq. 4010V MHz toward Petersburg, Ind., on azimuth 161°29'; freq. 3850V MHz toward Graysville, Ind., on azimuth 342°30'.
- 2154-C1-P-74, Same (KSP77), 2.5 miles NE of Graysville, Indiana. Lat. 39°08'25" N., Long. 87°31'27" W. C.P. to add freq. 3970V MHz toward Bruceville, Ind., on azimuth 182°25'; freq. 3810V MHz toward Terre Haute, Ind., on azimuth 15°25'.
- 2155-C1-P-74, Same (KSB69), 663 Ohio St., Terre Haute, Indiana. Lat. 39°27'54" N., Long. 87°24'31" W. C.P. to add freq. 4010V MHz toward Graysville, Ind., on azimuth 195°30'.
- 2156-C1-P-74, Same (KQH36), 114 N. Division St., Grand Rapids, Michigan. Lat. 42°57'57" N., Long. 85°40'03" W. C.P. to add freqs. 3870V, 3950V, 4030V, MHz toward Ada, Mich., on azimuth 76°44'.
- 2157-C1-P-74, Same (WHT48), 3.2 Miles NNE of Ada, Michigan. Lat. 43°00'06" N., Long. 85°27'34" W. C.P. to add freqs. 3910V, 3990V, 4070V, MHz toward Grand Rapids, Mich., on azimuth 256°52'; freqs. 3910H, 3990H, 4070H, MHz toward Saranac, Mich., on azimuth 117°12'.
- 2158-C1-P-74, Same (KQH35), 4.0 Miles SE of Saranac, Michigan. Lat. 42°53'08" N., Long. 85°09'12" W. C.P. to add freqs. 3870H, 3950H, 4030H, MHz toward Ada, Mich., on azimuth 297°25'.
- 2159-C1-P-74, Same (KVV49), 1.9 Miles NW of Cedar Brook, New Jersey. Lat. 39°44'41" N., Long. 74°54'48" W. C.P. to add freq. 6004.5H MHz toward Columbus, N.J., on azimuth 28°38'.
- 2160-C1-P-74, Same (WBP72), 2.7 Miles NE of Columbus, New Jersey. Lat. 40°05'11" N., Long. 74°40'13" W. C.P. to add freq. 6256.5H MHz toward Cedar Brook #2, N.J., on azimuth 208°48'; freq. 6256.5V MHz toward Hamilton Square, N.J., on azimuth 354°09'.
- 2161-C1-P-74, Same (WBP73), 2 Miles SW of Hamilton Square, New Jersey. Lat. 40°12'32" N., Long. 74°41'12" W. C.P. to add freq. 6004.5H MHz toward Columbus, N.J., on azimuth 174°08'; freqs. 6004.5V, 6123.1V MHz toward New Britain, Pa., on azimuth 287°40'.
- 2162-C1-P-74, American Telephone and Telegraph Company (WBP74), New Britain, 2.1 Miles NW of Doylestown, Pennsylvania. Lat. 40°19'33" N., Long. 75°10'20" W. C.P. to add freqs. 6256.5H, 6375.2H MHz toward Hamilton Square, Pa., on azimuth 107°18'; freqs. 6256.5V, 6375.2V MHz toward Finland, Md., on azimuth 288°32'.
- 2163-C1-P-74, Same (KGP40), 0.95 Mile NW of Finland, Pennsylvania. Lat. 40°23'36" N., Long. 75°26'12" W. C.P. to add freqs. 6004.5H, 6123.1H MHz toward New Britain, Pa., on azimuth 108°22'.
- 2164-C1-P-74, Same (KKO37), 10th & Jackson Streets, Amarillo, Texas. Lat. 35°13'25" N., Long. 101°50'21" W. C.P. to add freq. 3830H MHz toward Borger, Tex., on azimuth 28°54'.
- 2165-C1-P-74, Same (KKU89), 16.0 Miles SW of Borger, Texas. Lat. 35°31'08" N., Long. 101°38'23" W. C.P. to add freq. 3790H MHz toward Pringle, Tex., on azimuth 16°59'.
- 2166-C1-P-74, Same (KKU90), 2.0 Miles North of Pringle, Texas. Lat. 35°58'46" N., Long. 101°28'00" W. C.P. to add freq. 3830H MHz toward Gruver, Tex., on azimuth 12°15'.
- 2167-C1-P-74, Same (KKU91), 9.0 Miles NE of Gruver, Texas. Lat. 36°23'51" N., Long. 101°21'16" W. C.P. to add freq. 3790H MHz toward Hooker, Okla., on azimuth 36°10'.
- 2168-C1-P-74, Same (KKU92), 12.0 Miles SE of Hooker, Oklahoma. Lat. 36°44'57" N., Long. 101°02'05" W. C.P. to add freq. 3830H MHz toward Liberal, Kans., on azimuth 15°25'.
- 2169-C1-P-74, Same (KAM44), 5.0 Miles North of Liberal, Kansas. Lat. 37°06'47" N., Long. 100°54'34" W. C.P. to add freq. 3760H MHz toward Sublette, Kans., on azimuth 07°05'.
- 2170-C1-P-74, Same (KAM45), 1.0 Mile SW of Sublette, Kansas. Lat. 37°28'28" N., Long. 100°51'11" W. C.P. to add freq. 3830H MHz toward Montezuma, Kans., on azimuth 62°35'.

- 2171-C1-P-74, Same (KAM46), 2.5 Miles NW of Monteruma, Kansas, Lat. 37°38'04" N., Long. 100°27'49" W. C.P. to add freq. 3790H MHz toward Dodge City Jct., Kans., on azimuth 68°49'.
- 2172-C1-P-74, South Georgia Telephone Company (New), 200 Martin St., Folkston, Georgia, Lat. 30°49'45" N., Long. 82°00'18" W. C.P. for a new station on freq. 2170H MHz toward St. George, Ga., on azimuth 185°16'; freq. 2178V MHz toward Newell, Ga., on azimuth 353°26'.
- 2173-C1-P-74, South Georgia Telephone Company (New), North of St. George, Georgia, Lat. 30°32'24" N., Long. 82°02'09" W. C.P. for a new station on freq. 2120H MHz toward Folkston, Ga., on azimuth 5°15'.
- 2174-C1-P-74, Rock Hill Telephone Company (KJA68), Leslie, South Carolina, Lat. 34°53'29" N., Long. 80°57'35" W. C.P. to add freq. 6004.5V MHz toward Rock Hill, S.C., on azimuth 299°44'.
- 2175-C1-P-74, Same (KJA69), Pleasant Hill, South Carolina, Lat. 34°37'20" N., Long. 80°41'13" W. C.P. to add freq. 6315.9V MHz toward Leslie, S.C., on azimuth 320°10'; freq. 6315.9H MHz toward Lancaster, S.C., on azimuth 323°43'.
- 2176-C1-P-74, Eastern Microwave, Inc. (WAX90), 1.54 Miles WNW of Elmira, New York, Lat. 42°06'20" N., Long. 76°52'17" W. C.P. to change point of communication at Horseheads, New York, to coordinates Lat. 42°11'20" N., Long. 76°47'38" W., on azimuth 34°39'.
- Major Amendments*
- 402-C1-P-72, United Video, Inc. (New), Station located at 1851 Southampton Road, Jacksonville, Florida, (WJXT-TV), Lat. 30°18'47" N., Long. 81°39'0" W. Delete frequency 4190H MHz on azimuth of 212°35' and add frequency 11305H MHz on an azimuth of 116°25' toward Jacksonville (formerly Orange Park).
- 403-C1-P-72, Same as Above (New), Station located at 1070 E. Adams Street, Jacksonville, Florida (WTLV-TV), Lat. 30°19'22" N., Long. 81°38'34" W. Delete frequency 6375.2V MHz on azimuth of 212°35' and add frequency 11385V MHz on azimuth of 124°11' toward Jacksonville (formerly Orange Park).
- 404-C1-P-72, Same as Above (New), Change station name and location to 1.0 miles S.E. of Jacksonville, Florida, Lat. 30°16'30" N., Long. 81°33'41" W. Change azimuth to 178°41' toward Mill Creek, Florida; delete frequency 6034.2H MHz and add frequency 6004.5V MHz. Delete frequency 10795H MHz toward WJKS-TV. Change azimuth from 32°32' to 296°28' toward WJXT-TV. Delete frequency 10875V MHz and add frequency 10815H MHz. Change azimuth to 304°14' toward WTLV-TV; delete frequency 10715V MHz and add frequency 10895V MHz.
- 405-C1-P-72, Same as Above (New), Change station location to Florida Route 13, 2½ miles west of Mill Creek, Florida, Lat. 29°58'18" N., Long. 81°32'28" W. Change azimuth to 173°33' toward Hastings, Florida; delete frequencies 6315.9V, 6375.2V, 6286.2H MHz, and add frequencies 6197.2V, 6226.9H, 6345.5H MHz. Change azimuth from 314°59' to 356°42' toward Jacksonville (formerly Orange Park); delete frequency 6315.9V MHz and add frequency 6404.6V MHz and change polarization of freq. 6256.5 MHz from V to H.
- 406-C1-P-72, Same as Above (New), Station located at Hastings, Florida, Lat. 29°41'31" N., Long. 81°30'17" W. Change azimuth to 150°03' toward Bunnell, Florida; delete frequencies 6063.8V, 6123.1V, 6034.2H MHz and add frequencies 5945.2V, 5974.8H, 6093.5H MHz. Change azimuth to 353°34' toward Mill Creek, Florida; delete frequency 6063.8H MHz and add frequency 5945.2H MHz.
- 407-C1-P-72, United Video, Inc. (New), Change station location to 5 miles SW of Bunnell, Florida, Lat. 29°26'21" N., Long. 81°20'15" W. Change azimuth to 205°56' toward Barberville, Florida. Change azimuth to 330°08' toward Hastings, Florida; delete frequencies 6256.5V and 6315.9V MHz and add frequencies 6226.9V and 6404.8V MHz.
- 408-C1-P-72, Same as Above (New), change station location 3 miles of Barberville, Florida, Lat. 29°10'51" N., Long. 81°28'53" W. Change azimuth to 176°10' toward Cassia, Florida, and change polarizations of all frequencies to 3750H, 3770V, 3830H, 3850V, 3930V MHz. Change azimuth to 25°52' toward Bunnell, Florida.
- 409-C1-P-72, Same as Above (New), change station location to 1 mile south of Cassia, Florida, Lat. 28°52'33" N., Long. 81°27'35" W. Change azimuth to 189°09' toward Ocoee, Florida, and to 356°27' toward Barberville, Florida.
- 410-C1-P-72, Same as Above (New), Change station location to Clark Road, 1.5 miles east of Ocoee, Florida, Lat. 28°33'50" N., Long. 81°31'01" W. Change azimuth to 209°41' toward Davenport Lake, Florida, and change polarizations of frequencies to 3750V, 3770H, 3830V, 3850H, 3930H MHz. Change azimuth to 9°08' toward Cassia, Florida. Change azimuth from 90°16' to 79°14' toward WESH-TV and change frequency from 10735H MHz to 10895H MHz. Change azimuth from 109°02' to 160°59' toward WFTV and change frequency from 10895H MHz to 10815V MHz on this azimuth. Change azimuth to 95°30' toward WDBO-TV, and change frequency from 10815V MHz to 10735H MHz.
- 414-C1-P-72, Same as Above (New), Change station location to ½ mile west of U.S. Highway 27, 12 miles north of Davenport, Florida, Lat. 28°18'37" N., Long. 81°40'52" W. Change azimuth to 203°50' toward Auburndale, Florida. Change azimuth to 29°37' toward Ocoee, Florida.
- 415-C1-P-72, Same as Above (New), Change station location to Thornhill Road, 1½ miles SW of Auburndale, Florida, Lat. 28°02'58" N., Long. 81°48'42" W. Change azimuth to 230°52' toward Keyville, Florida and change polarizations of frequencies to 3750H, 3770V, 3830H, 3850V, 3930V MHz. Change azimuth to 23°47' toward Davenport Lake, Florida and change polarizations of freqs. 4150, 4170 to H and V respectively.
- 416-C1-P-72, Same as Above (New), Station located at Keyville, Florida, Lat. 27°51'04" N., Long. 82°05'13" W. Change azimuth from 286°04' to 282°29' toward Tampa, Florida. Delete frequency 3950H MHz and add frequency 3730V MHz. Change azimuth to 50°44' toward Auburndale, Florida, and change polarizations of frequencies 4110, 4130 MHz to horizontal and vertical respectively.
- 417-C1-P-72, United Video, Inc. Change station location to Hartford Street, 5 miles SE of Tampa, Florida, Lat. 27°54'36" N., Long. 82°33'23" W. Change azimuth to 102°20' toward Keyville, Florida and change polarization of frequency 4150H MHz to vertical. Change azimuth to 305°25' toward WFLA-TV and change frequency from 10755V MHz to 10735H MHz. Change azimuth to 290°03' toward WTVT-TV and change frequency from 10835H MHz to 10815V MHz. Change azimuth to 259°03' toward WLCY-TV and change frequency from 10915V MHz to 6226.9H MHz.
- 418-C1-P-72, Same as Above (New), Station located at 11450 Gandy Boulevard, St. Petersburg, Florida (WLCY-TV), Lat. 27°52'15" N., Long. 82°37'03" W. Change azimuth to 78°58' toward Tampa, Florida.
- 420-C1-P-72, Same as Above (New), Change station location to 2.4 miles East of Buchanan, Florida, Lat. 27°25'02" N., Long. 82°37'03" W. Change azimuth to 196°08' toward Arcadia, Florida, and change polarizations of freqs. 3710V, 3730H, 3790V, 3810H, 3870V MHz.
- 421-C1-P-72, Same as Above (New), 3.5 miles SE of Arcadia, Florida, Lat. 27°09'27" N., Long. 81°50'22" W. Change polarizations of freqs. on azimuth 146°09' toward Bermond, Fla. to 3750H, 3770V, 3830H, 3850V, 3930V MHz. Change freq. 4170V MHz to 4070V MHz and change polarization of freq. 4150 MHz to vertical on azimuth 16°06' toward Buchanan, Fla.
- 422-C1-P-72, Same as Above (New), Station located 5.1 miles East of Bermond, Florida, Lat. 26°56'40" N., Long. 81°40'45" W. Change polarizations of freqs. 4110, 4130 MHz to horizontal and vertical respectively toward Arcadia, Fla. on azimuth 326°13'; delete 3950H and add 4030H MHz toward Ft. Myers, Fla., on azimuth 208°16'; change azimuth toward Ft. Denaud, Fla., to 143°54'.
- 424-C1-P-72, Same as Above (New), Change station location to 1 mile NW of Port Denaud, Florida, Lat. 26°44'47" N., Long. 81°31'03" W. Change azimuth to 121°25' toward Keri Station, Florida. Change azimuth to 323°58' toward Bermond, Florida, and change polarizations of frequencies 4150, 4170 MHz to vertical and horizontal respectively.
- 426-C1-P-72, Same as Above (New), Station located 24.7 miles East of Immokalee, Seminole, Florida, Lat. 26°27'45" N., Long. 81°01'55" W. Delete 3770V, 3850V MHz and add 3850H, 3930H, 3750V MHz on azimuth 41°14' toward Lake Harbor, Florida.
- 427-C1-P-72, Same as Above (New), Station located SW corner of intersection of State Road 89 and Miami Canal, Lake Harbor, Florida, Lat. 26°41'25" N., Long. 80°48'30" W. Delete freq. 2123.6V MHz on azimuth 221°20'. Add freq. 3710H MHz on azimuth 92°08' toward Belle Glade, Fla.
- 428-C1-P-72, UNITED VIDEO, INC. (New), Station located 10 miles east of Belle Glade, Florida, Lat. 26°40'07" N., Long. 80°30'04" W. Delete frequency 2173.6H MHz on azimuth of 272°16'. Delete frequencies 4090H and 4170H MHz on azimuth of 87°19' and add 4170V, 3850V, 3830H MHz on azimuth of 87°15' toward West Palm Beach, Florida.
- 429-C1-P-72, Same as Above (New), Change station location to Arkona Building, 1515 S. Flagler Drive, West Palm Beach, Florida, Lat. 26°41'54" N., Long. 80°03'05" W. Change azimuth to 208°05' toward WEAT-TV. Delete frequency 5974.8H MHz and add frequency 10815V MHz on this azimuth. Change azimuth to 2°53' toward WPTV-TV and change polarization of frequency 10735 MHz from V to H on this azimuth. Delete passive repeater at Palm Beach Towers. Delete frequency 2123.6V MHz on azimuth of 267°23' toward Belle Glade, Florida.
- 430-C1-P-72, Same as Above (New), Change station location to 7 miles SE of Indian Reservation, Big Cypress, Florida, Lat. 26°13'55" N., Long. 80°55'10" W. Change azimuth to 107°43' toward Alligator Alley, Florida. Change azimuth to 336°24' toward Seminole, Florida.
- 431-C1-P-72, Same as Above (New), Change station location to 10.5 miles west of Andytown, Alligator Alley, Lat. 26°08'50" N., Long. 80°37'30" W. Change azimuth from 123°53' to 126°28' toward Hollywood, Florida (formerly Perry). Change azimuth to 287°51' toward Big Cypress, Florida.
- 432-C1-P-72, Same as Above (New), Change station name and location to 9 miles west of Hollywood, Florida, Lat. 25°58'18" N., Long. 80°21'39" W. Change azimuth to

305°33' towards Alligator Alley, Florida, and change polarizations of frequencies 4110, 4130 MHz to horizontal and vertical, respectively. (All other particulars same as reported on Public Notices dated 8-9-71, 1-3-72 and 1-17-72. Applications were originally filed by Microwave Relay Service, Inc.)
 1644-C1-P-74, American Microwave & Communications (New), Walker, 6.1 Miles West of Grand Rapids, Michigan, Lat. 42°58'31" N., Long. 85°47'27" W. Application amended to change location of point of communication at Wyoming, Mich., to Lat. 42°53'55" N., Long. 85°41'18" W., and change bearing to 134°56'.
 7961-C1-P-73, Eastern Microwave, Inc. (New), Montclair, New York, Lat. 40°51'53"

N., Long. 74°12'03" W. Application amended as follows: (1) Change transmit location to the above coordinates; (2) Change freq. to 10775H MHz; (3) Change point of communication to West Milford, New Jersey, Lat. 41°02'26" N., Long. 74°23'57" W. along azimuth 319°31'.
 7960-C1-P-73, Same (New), New York City, New York, Lat. 40°46'09" N., Long. 73°58'55" W. Application amended to change point of communication to Montclair, N.J. (Lat. 40°51'53" N., Long. 74°12'03" W.), on azimuth 299°57'.
 7962-C1-P-73, Same (New), West Milford, New Jersey, Lat. 41°02'26" N., Long. 73°58'55" W. Application amended to change

transit location to the above coordinates; and to change freq. to 11385H MHz toward Highland Lakes, N.J., on azimuth 328°06'.
 9984-C1-P-73, Same (KTF96), Italy Hill, New York, Lat. 42°37'13" N., Long. 74°23'57" W. Application amended to change point of communication at Scipio, N.Y., to Lat. 42°48'28" N., Long. 76°33'34" W. on azimuth 69°40'.

Correction

1707-C1-P-72, Michigan Bell Telephone Company (KQ162), Stutsmanville, Michigan. CORRECT polarization toward Central Lake, Mich., on azimuth 190°55' from 4150V to 4150H MHz.

[FR Doc.73-26510 Filed 12-14-73;8:45 am]

[Canadian List 317]

CANADIAN BROADCAST STATIONS
 Notification List

NOVEMBER 23, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CHIC (increase in power— PO 790 kHz 1D/0.5N, DA-2).	Brampton, Ontario, N. 43°35'20", W. 79°52'54".	790 kHz 5	DA-2	U	III				E.L.O. 11-23-74.
CHRL (now in operation)	Roberval, Quebec, N. 48°28'25", W. 72°06'47".	910 kHz 10D/2.5N	DA-N ND-D-182.5	U	III				
CFRY (now in operation)	Portage la Prairie, Manitoba, N. 49°58'10", W. 98°22'30".	980 kHz 10	DA-3	U	III				
CFML (delete assignment— now in operation 1170 kHz).	Cornwall, Ontario, N. 45°00'27", W. 74°37'05".	1110 kHz 1	DA-D	D	II				
CJTR (Now in operation)	Three Rivers, Quebec, N. 46°14' 09", W. 72°33'33".	1140 kHz 10	DA-2	U	II				
CJTR (delete assignment—now in operation 1140 kHz).	Three Rivers, Quebec, N. 46°18' 50", W. 72°31'55".	1160 kHz 10D/1N	DA-2	U	III				
CFML (now in operation)	Cornwall, Ontario, N. 45°00'27", W. 74°37'05".	1170 kHz 10	DA-D	D	II				
CKIM (now in operation)	Bale Verte, Newfoundland, N. 49° 57'28", W. 58°10'45".	1840 kHz 1D/0.5N	ND-180.5	U	IV	132.2	120	317	
CFAN (now in operation)	Asbestos, Quebec, N. 45°45'05", W. 71°56'30".	1850 kHz 1D/0.35N	DA-D ND-N-185	U	IV				
CKOX (now in operation)	Woodstock, Ontario, N. 43°06'18", W. 80°45'49".	1850 kHz 1D/0.35N	DA-D ND-N-185	U	IV				
CKTL (now in operation)	Plessisville, Quebec, N. 46°12'47", W. 71°44'28".	1180 kHz 1D/0.5N	DA-N ND-D-188	U	III				
CPRW (now in operation)	Winnipeg, Manitoba, N. 49°47'68", W. 97°16'29".	1470 kHz 10	DA-1	U	III				

[SEAL]

WALLACE E. JOHNSON,
 Chief, Broadcast Bureau,
 Federal Communications Commission.

[FR Doc.73-26637 Filed 12-14-73;8:45 am]

FEDERAL RESERVE SYSTEM CAPRICE CORP.

Formation of Bank Holding Company

Caprice Corporation, Red Lake Falls, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 percent or more of the voting shares of Red Lake County State Bank, Red Lake Falls, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than January 7, 1974.

Board of Governors of the Federal Reserve System, December 10, 1973.

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

[FR Doc.73-26590 Filed 12-14-73; 8:45 am]

CEDAR HOLDINGS LIMITED, BANKERS

Order Approving Formation of Bank Holding Company

Cedar Holdings Limited, Bankers, London, England, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of up to 51 percent or more of the voting shares of The Chester National Bank, Chester, New York ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, organized under British law, is engaged primarily in second mortgage lending through offices in London and Glasgow, Scotland and holds deposits of \$94.7 million.² Applicant also controls four nonbank subsidiaries; neither Applicant nor its subsidiaries engage in business activity within the United States.

Bank, which controls deposits of \$45.3 million, operates in both the Middletown and Mid-Hudson markets. It is the sixth largest of 15 banks in the Middletown market and the nineteenth largest of 26 banks in the Mid-Hudson market. It controls 6.0 percent and 1.1 percent of total deposits in those two markets, respectively.

¹ All banking data are as of December 31, 1972.

The proposed plan of acquisition includes a tender offer to all common shareholders of Bank to acquire up to 51 percent of total outstanding shares of Bank. As British exchange controls restrict investments in a foreign bank by organizations such as Applicant (which is not considered a "bank" for exchange control purposes) to 20 percent of a foreign bank's total shares outstanding, Applicant will divest all shares acquired over 20 percent to its institutional shareholders. Applicant will then propose a rights offering, whereby all shareholders of Bank's common stock will be entitled to purchase an additional share for each share held. All unexercised rights will be publically auctioned and Applicant and its institutional shareholders will be free to purchase rights so auctioned and therefore increase their combined holdings (Applicant would still hold 20 percent; the average to be assumed by the institutional shareholders).

Since Applicant does no business in the United States, it is clear that consummation of the proposal would eliminate no existing or likely potential competition between Applicant and Bank. Adequate banking services are presently offered in the relevant market area. Bank presently provides limited retail banking services and Applicant's proposal to offer its expertise in international financing would at best be of limited benefit to Bank and its customers. Thus, the convenience and needs of the community will be minimally served by approval of the application.

The managerial and financial resources of Applicant are generally satisfactory, while those of Bank are considered fair. Bank is somewhat undercapitalized and Applicant plans to meet its capital needs. Banking factor considerations lend only slight weight toward approval of the application.

On the basis of the record,² the application is approved for the reasons set forth in the Board's Order of this date. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order of (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,³ effective December 10, 1973.

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

[FR Doc.73-26591 Filed 12-14-73; 8:45 am]

² Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., or to the Federal Reserve Bank of New York.

³ Voting for this action: Chairman Burns and Governors Sheehan, Bucher and Holland. Voting against this action: Governor Brimmer. Absent and not voting: Governors Mitchell and Daane.

CENTRAL BANCORPORATION, INC.

Order Approving Acquisition of the Commercial Banking & Trust Co.

The Central Bancorporation, Inc., Cincinnati, Ohio (Applicant), a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval of the Board of Governors of the Federal Reserve System, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire up to 100 percent, less directors' qualifying shares, of the successor by merger to The Commercial Banking & Trust Company, Wooster, Ohio (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and none have been timely received. The Reserve Bank has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the ninth largest banking organization in Ohio, control six banks with aggregate deposits of \$854.7 million or 3.29 percent of total deposits in commercial banks in the State.¹

Consummation of the proposal would increase Applicant's share of total deposits in the State to 3.38 percent and Applicant would continue to rank as the ninth largest banking organization.

Bank, with deposits of \$24.6 million, is the fourth largest banking organization in the Wooster banking market² having 11.2 percent of market deposits. The nearest offices of one of Applicant's subsidiary banks are located from seventeen to twenty-four miles from a branch of Bank. These offices are in an adjacent county and the intervening area is served by numerous offices of other banks. There is no significant competition between the offices of Applicant's banking subsidiaries and Bank and little is likely to develop since Ohio law prevents banks from establishing branches outside the county in which the main office is located except in certain circumstances not relevant in this case. De novo entry into the Wooster banking market is also unlikely in view of the rural nature of most of the area, the presence of nine banking organizations in the market, and the population to banking office ratio.

Although there is no evidence that the banking needs of the communities involved are not being adequately met,

¹ Banking data are as of June 30, 1973.

² The Wooster banking market has been defined to include all of Wayne County, except for the extreme northeastern corner which is in the Akron banking market, and the village of Big Prairie located in Holmes County to the south.

Applicant proposes to provide, through Bank, an alternative source of specialized banking services, such as commercial and mortgage loans. Therefore, factors related to the convenience and needs of the communities involved lend some weight toward approval.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval.

On the basis of the record summarized above, the Federal Reserve Bank of Cleveland approves the application provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Cleveland, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective December 6, 1973.

[SEAL] WILLIS J. WINN,
President.

[FR Doc.73-26589 Filed 12-14-73;8:45 am]

CITY NATIONAL BANK CORP.

Acquisition of Bank

City National Bank Corporation, Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of City Bank of North Miami, North Miami, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of 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 January 6, 1974.

Board of Governors of the Federal Reserve System, December 10, 1973.

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

[FR Doc.73-26592 Filed 12-14-73;8:45 am]

FLORIDA BANKSHARES, INC.

Acquisition of Bank

Florida Bankshares, Inc., Hollywood, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of First National Bank of Moore Haven, Moore Haven, Glades County, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of 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 January 5, 1974.

Board of Governors of the Federal Reserve System, December 6, 1973.

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

[FR Doc.73-26593 Filed 12-14-73;8:45 am]

LLOYDS BANK LTD. AND LLOYDS FIRST WESTERN CORP.

Order Approving Formation of Bank Holding Companies

Lloyds Bank Limited, London, England ("Lloyds Bank") and its wholly-owned subsidiary Lloyds First Western Corporation, Wilmington, Delaware ("Lloyds First Western"), have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of bank holding companies through the acquisition of up to 100 percent of the voting shares of First Western Bank and Trust Company, Los Angeles, California ("Bank"). Lloyds First Western is a Delaware corporation recently organized by Lloyds Bank for the sole purpose of acquiring Bank and has engaged in no business activities and has no subsidiaries. Accordingly, the applications of Lloyds Bank and Lloyds First Western have been considered together and this Order contains the Board's findings and conclusions with respect to both such applications.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Lloyds Bank, with total consolidated assets of approximately \$13.4 billion,¹ operates over 2,300 branches throughout England, Wales and the Channel Islands and, with its many subsidiary and associated companies, provides a comprehensive range of worldwide banking and financial services. Lloyds Bank and its banking subsidiaries control approximately \$12.4 billion of deposits making Lloyds Bank the fourth largest commercial bank in Great Britain. Lloyds & Bolsa International Bank, Limited, London, England, a wholly-owned subsidiary of Lloyds Bank, engages in banking activities in New York City through a branch office, which holds approximately \$362 million of deposits. Lloyds Bank and its subsidiaries have no other banking offices in the United States.

¹ All banking and financial data pertaining to Lloyds Bank and its subsidiaries are as of December 31, 1972 and reflect a conversion rate of £1 = \$2.3465.

Bank, which operates 96 offices throughout California, is the eighth largest commercial bank in the State as it holds \$1.1 billion of deposits representing 1.7 percent of the total commercial bank deposits in the State.² Since Lloyds Bank and its subsidiaries do not compete with Bank in any of the relevant banking markets in California which Bank serves, consummation of the proposal would eliminate no existing competition, nor would it have a significant effect on the concentration of banking resources in any relevant area.

Although Lloyds Bank could enter any of the local banking markets in California served by Bank either de novo or through the acquisition of a smaller bank, the acquisition of Bank by Lloyds Bank would not have an adverse effect on potential competition because consummation of the proposal would not give Lloyds Bank a dominant share of the banking resources in any market served by Bank, nor would it appear to foreclose the entry of other banking organizations into any such markets. Moreover, it appears that consummation of the proposal may increase competition, as affiliation with Lloyds Bank should make Bank a stronger and more vigorous competitor of other California banks in local banking markets throughout the State. Accordingly, the Board concludes that competitive considerations are consistent with approval of the applications.

The financial and managerial resources and the future prospects of Lloyds Bank and its subsidiaries appear satisfactory. Since Lloyds First Western is a nonoperating corporation organized for the sole purpose of acquiring Bank, its prospects depend entirely upon those of Bank. The financial condition and future prospects of Bank appear satisfactory in view of the twofold commitment of Lloyds Bank through Lloyds First Western to inject an additional \$10 million in capital into Bank as soon as practicable after consummation of the proposal, and to increase Bank's capital in the future by reducing Bank's level of dividend payments, which have been high under its present owners.³ Though Bank's management is considered satisfactory, Bank has suffered from high management turnover due to several changes in ownership during the past 12 years and uncertainty concerning the future ownership of Bank.⁴ Approval of the proposed transaction would provide Bank with needed managerial stability and depth and would make available to Bank's management the knowledge and experience of the staff of Lloyds Bank, especially in the areas of international and wholesale banking, where Bank has not been an aggressive competitor relative to its size. In addition, as previously noted, these increased financial and managerial resources should significantly strengthen Bank's ability to compete with other California banks. Thus, considerations relating to the financial and

² All banking data for Bank are as of June 30, 1973.

managerial resources of Bank lend weight toward approval of the application. There is no evidence in the record to indicate that the banking needs of the areas served by Bank are not being met. However, the proposed acquisition, by increasing the financial and managerial resources available to Bank, would enable Bank to offer a wider range of services, particularly in international and wholesale banking. In retail banking, Bank would once more be able to open new branches, thus increasing services and competition in local banking markets throughout the State.⁸ Therefore, the convenience and needs of the communities to be served lend some weight toward approval of the application. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

In connection with the present application, Lloyd Bank has also applied for the Board's permission to retain its indirect investments in the voting shares of Balfour, Williamson, Inc., New York City, and of Export Credit and Marketing Corporation, New York City ("ECMC"), and of ECMC's wholly-owned subsidiaries Drake America Corporation, New York City, Drake America Corporation (P.R.), New York City, and Export Credit Corporation, New York City. These matters will be the subject of separate

⁸ Bank disbursed dividends averaging 67.8 percent of net income in the period 1969-1972.

⁹ Bank was established by Western Bancorporation in 1961 pursuant to an agreement with the Antitrust Division of the United States Department of Justice for the settlement of certain antitrust litigation then pending against Western Bancorporation. The Board approved this acquisition of Bank, a proposed new bank, by Western Bancorporation (then named Firstamerica Corporation) in its Order of January 27, 1961 (47 Federal Reserve Bulletin 157). In 1963, Bank was sold to Greatamerica Corp., Dallas, Texas, which owned no other banking organizations. Bank was again sold in 1968 to Worldamerica Investors Corp., its present owner, a wholly-owned subsidiary of World Airways, Inc., Oakland, California, which both became one-bank holding companies as a result of the 1970 Amendments to the Act. World Airways, Inc. is a certified U.S. Supplemental Air Carrier providing charter carriage of passengers and cargo in and between the United States and many foreign countries and apparently has held Bank primarily as an investment. A proposed merger of Bank into Wells Fargo Bank, N.A., San Francisco, California, was approved by the Comptroller of the Currency on December 20, 1971, conditioned upon divestiture by Wells Fargo Bank, N.A. of all Bank's northern California banking offices to another bank approved by the Comptroller. On January 17, 1972, consummation of the merger was enjoined by an antitrust action instituted by the Antitrust Division of the United States Department of Justice, which alleged that the transaction would violate the provisions of the Clayton Antitrust Act. In October, 1972, the merger agreement between Bank and Wells Fargo Bank, N.A. was terminated due to the inability of the parties and the Antitrust Division to reach a mutually agreeable settlement.

⁸ Bank has not opened any new branch offices in California since 1970.

consideration by the Board under section 4(c) (9) of the Act.

On the basis of the record, the applications are 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 San Francisco pursuant to delegated authority.

By order of the Board of Governors,
Effective December 10, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.
[FR Doc.73-26594 Filed 12-14-73;8:45 am]

NORTHERN STATES BANCORPORATION, INC. AND TWIN GATES CORP.

Order Approving Acquisition of Bank

Twin Gates Corporation, Wilmington, Delaware ("Twin Gates"), a bank holding company within the meaning of the Bank Holding Company Act, and its subsidiary, Northern States Bancorporation, Inc., Detroit, Michigan ("Northern States"), a registered bank holding company, have applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire not less than 51 percent of the voting shares of First Citizens Bank, Troy, Michigan ("Bank").

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Northern States is the sixth largest banking organization in Michigan and presently controls City National Bank of Detroit, Detroit, Michigan, and Bank of Lansing, Lansing, Michigan,² with combined deposits of \$719.1 million or 2.82 percent of total State deposits.³ Northern States received Board's approval for the acquisition of Kelly Mortgage and Investment Company, Flint, Michigan, on October 12, 1973. In addition, Northern States has applications pending to acquire voting shares of First National Bank of Lake City, Lake City, Michigan; Union National Bank and Trust Com-

⁴ Voting for this action: Chairman Burns and Governors Brimmer, Sheehan and Holland. Present and abstaining: Governor Bucher. Absent and not voting: Governors Mitchell and Daane.

¹ In addition, Twin Gates directly owns 20 percent of the outstanding voting shares of the National Bank of Rochester, Rochester, Michigan. A profit sharing trust for the benefit of employees of Northern States' subsidiary, City National Bank of Detroit, Detroit, Michigan, also controls 13.2 percent of the outstanding shares of National Bank of Rochester.

² Source: Report of Condition December 31, 1972. All deposit data is from the same source.

pany of Marquette, Marquette, Michigan; and National Bank of Rochester, Rochester, Michigan. Upon acquisition of Bank (\$9.7 million deposits), Northern States' share of State deposits would increase by .94 percent to 2.86 percent and Northern States would remain the sixth largest banking organization in Michigan. If the proposed bank acquisitions in Lake City, Marquette and Rochester are consummated, Northern States' share of State deposits would increase to 3.1 percent, and its rank in the State would not change.

Bank and Northern States' lead bank, City National Bank of Detroit, are both located in the Detroit market area, approximated by Wayne, Oakland, and Macomb counties. Bank ranks 42 in the market and holds an insignificant percent of total market deposits, and absorption of this relatively small amount of deposits would have a negligible effect upon concentration in the market. Northern States would remain the sixth largest banking organization in the market, and its market share of deposits would increase from 4.07 percent to only 4.14 percent. A degree of service area overlap exists between Bank and three branches of City National Bank of Detroit. However, only an inconsequential amount of existing competition would be eliminated. The same conclusion may be reached with respect to Kelly Mortgage and Investment Company, a subsidiary of Northern States with an office in Birmingham, a Detroit suburb neighboring Troy. The amount of participation in the mortgage market by both Bank and Kelly Mortgage and Investment Company is small relative to the total market size, and approval of this proposal would not eliminate any significant competition in mortgage product lines. Significant future competition could, arguably, develop between these offices in the future; however, any anti-competitive effect associated with that aspect of the proposal is outweighed by the more immediate prospect of Bank becoming a viable competitor in the Detroit banking market through access to the resources and banking expertise of Northern States.

Bank opened for business in 1970 and has two direct competitors in the primary service area of Troy which are subsidiaries of substantial bank holding companies. One of the competitors, Michigan National Bank—North Metro (Michigan National), is the only bank other than Bank which can legally branch within Troy. Affiliation of Northern States and Bank would permit Bank to more effectively compete against Michigan National, which has eight offices in Troy (plus three applications pending), as opposed to Bank's two temporary offices and one pending branch application.

The financial and managerial resources of Northern States and Twin Gates are generally satisfactory, and their prospects appear favorable. Bank would benefit from the managerial and the capital assistance which Northern States is capable of providing, and Bank's financial condition would be strengthened and

its prospects enhanced. As a result, considerations relating to banking factors lend weight toward approval.

Considerations relating to the convenience and needs of the community to be served also lend some weight toward approval of the applications. Northern States plans to assist Bank in introducing more sophisticated services, initiating a new trust department, instituting an aggressive branching program, serving credit-lines beyond Bank's legal lending limit, and introducing modern techniques of budgeting and profit planning. It is this Federal Reserve Bank's judgment that the proposed transaction is in the public interest and that the applications should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Chicago approves the applications, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective November 30, 1973.

[SEAL] ROBERT P. MAYO,
President.

[FR Doc.73-26595 Filed 12-14-73;8:45 am]

TENNESSEE VALLEY BANCORP, INC. Order Approving Acquisition of Bank

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire 90 percent or more of the voting shares of the successor by merger to First Trust & Savings Bank, Clarksville, Tennessee ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization in Tennessee, controls three banks with aggregate deposits of \$760.9

million,¹ which represent 7.1 percent of total deposits in commercial banks in the State. The proposed acquisition would not significantly alter Applicant's share of total commercial bank deposits in Tennessee.

Bank, with deposits of \$33.9 million, is the smallest of three commercial banks in the Montgomery County banking market² and controls about 27 percent of total deposits in commercial banks in said market. Consummation of this proposal would constitute Applicant's initial entry into the Montgomery County banking market. Applicant's nearest banking office a branch of its lead bank, is located outside of Montgomery County, in Springfield, Tennessee, about 31 miles east of Bank. No competition exists between any of Applicant's subsidiary banks and Bank; and, therefore, no competition will be eliminated as a result of consummation of this proposal. Moreover, Tennessee's restrictive branching laws limit the possibility that such competition would develop in the future. In addition, it appears unlikely that Applicant would enter Bank's market de novo in the near future due to that market's population to banking office ratio, which is below the statewide average. On the basis of the record, the Board considers that consummation of the proposed acquisition would not adversely affect competition in any relevant area to any significant extent.

Applicant has committed itself to inject equity capital into Bank and Applicant's lead bank before June 30, 1974. In light of these commitments and all facts of record, it appears that financial and managerial resources and future prospects of Applicant, its present subsidiary banks, and Bank are satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the community are likewise consistent with approval. Affiliation with Applicant will assist Bank in meeting the borrowing needs of its larger customers; and such affiliation will make available to Clarksville citizens certain services not currently available in that community, such as, for example, commercial data processing services. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be 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 Fed-

¹ Unless otherwise indicated, deposit data are as of June 30, 1973, adjusted to reflect holding company acquisitions and formations approved by the Board through October 31, 1973.

² Approximated by Montgomery County, Tennessee.

eral Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors, effective December 7, 1973.

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

[FR Doc.73-26596 Filed 12-14-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

COAL MINE BUDDIES AND CARL MORRIS COAL CO.

Applications for Initial Permits; Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

- (1) ICP Docket No. 4025-000, JOHN, JOE & RONALD POTOCHAR, COAL MINER BUDDIES, Old 39 Berwind Mine, Mine ID No. 36 01506 0, Hooversville, Pennsylvania.
- (2) ICP Docket No. 4034-000, CARL MORRIS COAL COMPANY, River No. 1 Mine, Mine ID No. 15 02316 0, Heldrick, Kentucky.

In accordance with the provisions of section 305(a) (2) (30 U.S.C. 865 (a) (2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

DECEMBER 11, 1973.

[FR Doc.73-26632 Filed 12-14-73;8:45 am]

SUNSHINE COAL CO., AND BIRCH COAL CO.

Applications for Initial Permits; Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

- (1) ICP Docket No. 4027-000, SUNSHINE COAL COMPANY, Love's Branch Mine, Mine ID No. 15 04249 0, Whitesburg, Kentucky.

² Voting for this action: Chairman Burns and Governors Daane, Brimmer, Bucher, and Holland. Absent and not voting: Governors Mitchell and Sheehan.

(2) ICP Docket No. 4033-000, BIRCH COAL COMPANY, Mine No. 4, Mine ID No. 15 02542 0, Heldrick, Kentucky.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. § 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

DECEMBER 11, 1973.

[FR Doc. 73-26633 Filed 12-14-73; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-38]

POWER SYSTEMS, INC. AND BALDWIN ASSOCIATES

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. Notice of application. Notice is hereby given that Power Systems, Inc., 1211 E. Tower Road, Schaumburg, Illinois 60172, also operating as Baldwin Associates at the same address, has made application pursuant to section 6 (d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1926.451(1)(4), and (5) concerning boatswain's chairs and 29 CFR 1926.552(c) concerning personnel hoists.

The addresses of the places of employment that will be affected by the application are any of the chimney construction projects supervised by the applicant in various locations around the country.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by § 1926.552(c) concerning personnel hoists, and § 1926.451(1)(4) and (5) concerning boatswain's chairs.

The applicant states that in erecting or repairing a chimney and/or chimney liner, an elevated working platform or scaffolding is moved upward with the construction. To reach such a platform an access ladder or equivalent safe access must be provided pursuant to 29 CFR 1926.451(a)(13). The use of an access ladder soon becomes impractical as the height of the construction increases and therefore another safe means of access must be provided.

The applicant further states that it is not feasible to use personnel hoists meeting the requirements of § 1926.552(c) inside a chimney. In a small chimney there would be insufficient room to construct a hoist tower and the hoist tower would interfere with the design and construction of the chimney and/or chimney liner.

Instead, the applicant states that it would use a system incorporating Special Workmen's Hoist and Safety Cages, boatswain's chairs, and a material hoist. Specifically, the applicant proposes to transport personnel to and from the elevated platform, during maintenance (repair) or construction work on chimneys, utilizing a Special Workmen's Hoist, including the hoist machine, safety cage with safety cables on opposite sides, safety devices that will grip the safety cables in the event of any failure of the hoisting cable and limit switches to prevent overrun of the cage at both top and bottom of the chimney; to transport personnel one at a time to and from the elevated scaffold during maintenance or construction work on chimneys or chimney liners of a small diameter or from a bracket scaffold on the outside of a chimney utilizing a boatswain's chair attached to the hoisting cable of a material hoist from which the material bucket shall be temporarily disconnected; to attach the safety belt of the personnel being transported one at a time to or from the elevated scaffold in the boatswain's chair to a clamp riding a separate lifeline of 3/8-inch diameter wire rope securely attached to the rigging at the top and to a weight at the bottom; to substitute the material hoist for the "block and falls" when transporting personnel one at a time in a boatswain's chair; in accordance with the following additional conditions, in lieu of the requirements of 29 CFR 1926.451(1)(4) and (5) and 29 CFR 1926.552(c).

A. Hoist Machine.

1. The hoist machine shall be a type designated as a Portable Man-Hoist, which meets all the conditions set forth herein.

2. The hoist machine shall be powered both in the up and down direction and shall be located far enough from the footblock to obtain correct fleet angle or proper spooling on the hoist drum.

3. The hoist machine shall be equipped with:

i. Torque converter and forward-reverse transmission. No friction gear, clutch mechanism, or belt drive shall be used.

ii. Winding drum not less than 30 times diameter of rope used, and flange diameter not less than 1 1/2 times the drum diameter. Cable not to be spooled closer than 2" to edge of flanges on drum.

iii. A "Deadman" Control Switch in top of operating lever which shall stop the hoist immediately if released; and

iv. A line speed indicator maintained in good working order.

4. i. The hoist shall be equipped with two independently operated brakes, each capable of holding the load. Braking shall be automatically applied with an electromagnetic braking device, capable of holding 150 percent of the rated load upon cessation of power.

ii. Electromagnetic brake shall be located on input shaft to gear reducer. In addition, an externally contracting bandtype brake shall be mounted directly on the hoist drum. A foot pedal shall be located near the operator's seat for sitdown control. The gear reduction shall be totally enclosed worm gear reducer in oil bath.

5. Hoist machine frame shall be a self-supporting, rigid, welded steel frame with skid base. Holding brackets for anchor lines shall be located at corners, as well as legs for anchor bolts.

6. Hoisting machine wiring shall be equipped with terminal blocks for connections with limit switches that are placed at upper and lower end of travel to prevent the bottom of the cage from being taken above the platform level of the top scaffold or below the bottom loading platform. The hoist shall stop automatically if limit switch contact is opened.

7. All electrical equipment shall be waterproof.

8. Single lever control for both speed and direction shall be used.

B. Operating Control.

1. The operator of the hoist shall be an experienced operator.

2. The hoist shall not be operated in excess of 250 f.p.m. when carrying personnel.

3. Signals shall consist of two-way radio or wired intercom between hoist operator, the lower landing, and the upper landing.

C. Hoist Rope.

1. The hoisting rope shall be improved plow steel or equivalent quality of nonrotating type or regular lay rope with proper swivel and shall be not less than 1/2-inch diameter. It shall be attached to the cage by a closed hook or hook with locking swivel safety latch.

2. Where clip fastening is used, they shall meet the requirements of Table H-20 and they shall be installed with "U" of clip on dead end of rope. Spacing, clip-to-clip, shall be six times the diameter of the rope.

3. Load end of hoist rope shall be weighted to prevent line run.

D. Footblock.

1. The footblock shall be of construction type of solid single piece ball.

2. The line diameter of the footblock shall be not less than 24 times the rope diameter.

3. The change in directions of hoist rope at the footblock shall be approximately 90°.

E. Cathead.

1. The overhead sheave supports shall be securely fastened together by bolts to prevent spreading. The sheaves shall be installed between the supporting members and shall rotate on a fixed shaft or the shaft shall revolve in pillow block bearings.

2. The sheaves used on cathead shall have a minimum diameter equal to 24 times diameter of rope when travel of rope on the sheaves is approximately 90°. When using ½ inch diameter rope, the corresponding minimum sheave diameter shall be 12 inches.

F. Safety Cables.

1. There shall be two steel safety cables suitable for use with safety clamps, as described in paragraphs (g) (6), (7), and (8), or equivalent. One end shall be fastened to overhead support and the bottom end attached to a 100-pound weight with cable grips for adjusting. Safety cables shall be ¾ inch diameter when used with two-man cage or ½ inch diameter when used with four-man cage.

2. Clamping device used for fastening weight must be of type that will not damage the ropes and will not require acute bending of the rope.

3. Where the cage passes through the platform at top of project, adequate beveled cone shaped guard shall be provided at the underside of the working platform.

G. Cage.

1. The cage shall be of welded construction, of two-man, or four-man capacity.

2. The framework of the cage shall be covered with aluminum expand-x or equivalent covering.

3. The floor shall be of plywood securely fastened in place, ¾ inch thick, for two-man cage or 1 inch thick for four-man cage.

4. The roof shall be two thicknesses of ¾ inch plywood or in case of a steeply sloped roof shall be of ½ inch aluminum sheet.

5. The entrance to the cage shall have a hinged gate equipped with a mechanical locking device.

6. Safety clamps shall be of a type that are portable and can be attached or detached from the lifeline. The clamps shall be fabricated 100% of stainless steel, have instant holding action, and a solid self-locking pin, spring loaded for locking the two parts together.

7. The safety clamps attached on opposite sides of the cage shall grip the safety cables in case of emergency.

8. The safety clamps shall operate on the broken rope principle.

H. Capacity.

1. The maximum capacity for the two-man cage shall be two men or 400 pounds, and for the four-man cage, four men or 800 pounds. A sign stating capacity shall be posted in the cage.

I. Emergency Escape.

1. An emergency escape device with accommodations for each man in the cage with a minimum ⅝ inch braided nylon rope or better, long enough to reach the bottom landing from the highest escape point below the upper landing shall be securely attached to the inside of the cage. Not more than one man shall use the escape means at a time.

J. Welding.

1. All welding shall be done by welders in accordance with § 1926.556(b) (5) of the construction standards.

K. 1. When the safety cage is not being used to transport personnel, the safety cage and safety cables shall be pulled aside on the foundation and the hoisting hook transferred to the material hoist for hoisting materials. The procedure shall be reversed when transporting of workmen is again required.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street N.W., Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1200
Chicago, Illinois 60606

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views, and arguments relating to the pertinent application no later than January 16, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than January 16, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship to the applicant and its employees pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Power Systems, Inc. be, and it is hereby, authorized to use the methods described in its application to transport personnel to the elevated platforms used in the construction, and maintenance of chimneys and/or chimney liners.

Power Systems, Inc. shall give notice of this interim order to employees af-

ected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of December 17, 1973, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 12th day of Dec., 1973.

JOHN STENDER,
Assistant Secretary
of Labor.

[FR Doc. 73-26638 Filed 12-14-73; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 409]

ASSIGNMENT OF HEARINGS

DECEMBER 12, 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-C-8087, Larsen Motor Lines, Inc.—Investigation and Revocation of Certificate—Now being assigned hearing March 12, 1974 (1 day) at New Orleans, La., in a hearing room to be later designated.

MC121060 Sub 22, Arrow Truck Lines, Inc., Extension-Morreo, La., now being assigned hearing March 4, 1974 (1 day), at New Orleans, La., in a hearing room to be later designated.

MC-P-11951, Jones Truck Lines, Inc.—Cont. & Merger—M-F-Express, Inc., and Poplarville Truck Line, Inc., now being assigned hearing March 5, 1974 (2 days), at New Orleans, La., in a hearing room to be later designated.

MC-P-11991, Roadway Express, Inc.—Purchase (Portion)—England Transportation Company, Inc., now being assigned hearing March 7, 1974 (2 days), at New Orleans, La., in a hearing room to be later designated.

MC-129215 Sub 15, Martin Trailer Toters, Inc., now being assigned hearing March 11, 1974, (1 week), at New Orleans, La., in a hearing room to be later designated.

MC-C-8108, Ideal Truck Lines, Inc.—Investigation and Revocation of Certificate—MC 989 Sub 21, Ideal Truck Lines, Inc., now assigned January 14, 1974, at Lincoln, Nebr., is cancelled and transferred to Modified Procedure.

MC-C-8067, Eagle Trucking Company—Investigation and Revocation of Certificate—now being assigned hearing February 4, 1974 (2 days), at New Orleans, La., in a hearing room to be later designated.

MC-P-11883, Ligon Specialized Hauler, Inc.—Purchase (Portion)—Buckner Trucking, Inc., now being assigned hearing February 6, 1974 (3 days), at New Orleans, La., in a hearing room to be later designated.

MC 133168 Sub 2, Delta Express, Inc., now being assigned hearing February 11, 1974 (1 week), at New Orleans, La., in a hearing room to be later designated.

No. 35820, Big Mac Trucking Co., Thunderbird Cartage Corporation, and Thyssen Steel Corporation—Investigation Of Operations And Practices, now being assigned February 4, 1974, at Houston, Texas in a hearing room to be later designated.

MC 43867 Sub 25, A. Leander McAllister Trucking Company, now being assigned February 6, 1974 (3 days), at Dallas, Texas in a hearing room to be later designated.

MC 119789 Sub 162, Caravan Refrigerated Cargo, Inc., now being assigned February 11, 1974 (1 week), at Dallas, Texas in a hearing room to be later designated.

MC-129862 Sub 3, Rajor, Inc., now assigned January 21, 1974, at Chicago, Ill., is postponed indefinitely.

MC-138890 Sub 2, Moodie, Inc., now being assigned hearing January 21, 1974, in Room 672, 536 S. Clark St., Chicago, Ill.

MC-127042 Sub 117, Hagen, Inc., now being assigned hearing January 21, 1974, in Room 672, 536 S. Clark St., Chicago, Ill.

MC-113678 Sub 503, Curtis, Inc., now being assigned hearing January 23, 1974, in Room 672, 536 S. Clark St., Chicago, Ill.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26657 Filed 12-14-73; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 12, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before January 2, 1974.

FSA No. 42784—*Joint Rail-Water Container Rates—Zim Israel Navigation Co., Ltd.* Filed by Zim Israel Navigation Co., Ltd., (No. 5), for itself and interested rail carriers. Rates on general commodities, from Hong Kong, to rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

Tariff—Zim Israel Navigation Co., Ltd., tariff I.C.C. No. 4. Rates are published to become effective on January 23, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26658 Filed 12-14-73; 8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 12, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the appli-

cation to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before January 2, 1974.

FSA No. 42783—*Joint Water-Rail Container Rates—American President Lines, Ltd.* Filed by American President Lines, Ltd. (No. 8), for itself and interested rail carriers. Rates on general commodities, from ports in Thailand, to rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26656 Filed 12-14-73; 8:45 am]

[Notice 169]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 10, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) and 311(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 22229 (Sub-No. 80 TA), filed November 12, 1973. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue, SE., Mfg. Box 1918 (Box zip 30301), Atlanta, Ga. 30316. Applicant's representative: Harold H. Clokey, 414 The Equitable Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except articles of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities

in bulk and those requiring special equipment), that area of Florida between Florida City and Key West, Fla. usually referred to as the Florida Keys, for 180 days.

NOTE.—Applicant intends to tack with MC 22229 and Subs.

SUPPORTING SHIPPERS: There are approximately 50 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: William L. Seroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree St. NW., Atlanta, Ga. 30309.

No. MC 29120 (Sub-No. 173 TA), filed November 30, 1973. Applicant: ALL-AMERICAN, INC., 900 West Delaware (P.O. Box 769), Sioux Falls, S. Dak. 57104. Applicant's representative: Michael J. Ogborn (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bentonite clay, foundry molding sand treating compounds, in bags and water impendence boards, from the plantsite of Federal Bentonite Company at Colony, Wyo., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Ohio, Michigan, Illinois, Indiana, Kentucky, and Tennessee, for 180 days.

NOTE.—Applicant intends to interline with other carriers at Colony, Wyo. or Spearfish, S. Dak.

SUPPORTING SHIPPER: Federal Bentonite Company, P.O. Box 309, Belle Fourche, S. Dak. 57717, John T. McKean, Plant Manager. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 52460 (Sub-No. 129 TA), filed November 29, 1973. Applicant: HUGH BREEDING, INC., 1420 W. 35th Street, P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Refrigeration units and parts and accessories used in the installation thereof, from Louisville, Ga., to Tulsa, Okla., for 180 days. SUPPORTING SHIPPER: Thermo King of Tulsa, Inc., Mr. Darrell L. Neuman, Manager of Special Services, Tulsa, Okla. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240—Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 59806 (Sub-No. 3 TA), filed November 29, 1973. Applicant: GROSS & HECHT TRUCKING, INC., Box 514, 35 Brunswick Ave., Edison, N.J. 08817. Applicant's representative: Bowes & Millner (same address as above). Authority sought to operate as a contract car-

rier, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials supplies used in the conduct of such business, between the warehouse of the Great Atlantic and Pacific Tea Company, Inc., at Edison, Fair Lawn and Hawthorne, N.J., on the one hand, and, on the other, points in Orange, Rockland, Sullivan and Ulster Counties, N.Y., and those in Sussex County, N.J., for 180 days. RESTRICTION: Restricted to a transportation service to be performed under a continuing contract or contracts with the Great Atlantic & Pacific Tea Company, Inc., of New York, N.Y. SUPPORTING SHIPPER: The Great Atlantic & Pacific Tea Company, Inc., 950 Stuyvesant Ave., Union, N.J. 07083. SEND PROTESTS TO: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.*

No. MC 107012 (Sub-No. 194 TA), filed November 29, 1973. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway, East & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Donald C. Lewis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lawn mowers* and (2) *lawn and garden tools*, (1) from Indiana, Miss. and Lawrenceburg, Tenn., to points in the United States, and (2) from Statesville, N.C., to points in the United States, for 180 days. SUPPORTING SHIPPER: Western Auto Supply Company, 2107 Grand Avenue, Kansas City, Mo. 64108. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 111201 (Sub-No. 18 TA), filed November 19, 1973. Applicant: J. N. ZELLNER & SON TRANSFER COMPANY, Mail: P.O. Box 90818, Off: 1488 Cleveland Avenue, East Point, Ga. 30344. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, corrugated cartons and fillers*, between the plantsite and warehouse facilities of Midland Glass Company, Inc. located at or near Warner Robbins, Ga. and Jacksonville, Fla., for 180 days. SUPPORTING SHIPPER: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, N.J. 07721. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 113651 (Sub-No. 167 TA), filed November 29, 1973. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen and non-frozen, and non-edible foods* (except commodities in bulk), from the cold storage and warehouse facilities of Logansport Refrigerated Services Division of Southern Michigan Cold Storage Company, Logansport, Ind., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, West Virginia, Tennessee, Virginia, Mississippi, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to the origin and destinations listed above, for 180 days. SUPPORTING SHIPPER: Logansport Refrigerated Services Division of Southern Michigan Cold Storage Company, RR #2, Box 94-C, Logansport, Ind. 46947. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 117730 (Sub-No. 16 TA), filed November 29, 1973. Applicant: KOU-BENEC MOTOR SERVICE, INC., Route 47, Huntley, Ill. 60142. Applicant's representative: Leonard R. Kafkin, 39 So. La-Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica Sand*, in bulk, in hopper and conveyor trailers, from Utica, Ill., to points in Indiana, Ohio, Pennsylvania, and Kansas, for 180 days. SUPPORTING SHIPPER: Attn: Richard E. Sheffel, Bellrose Silica Company, Box 460, Ottawa, Ill. 61350. SEND PROTESTS TO: District Supervisor William J. Gray, Jr., Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 118468 (Sub-No. 38 TA), filed November 30, 1973. Applicant: UMTHUN TRUCKING CO., 910 South Jackson, P.O. Box 236, Eagle Grove, Iowa 50533. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from St. Paul, Minn., to points in North Dakota and South Dakota, for 180 days. SUPPORTING SHIPPER: Emmer Bros., Inc., 6800 France Avenue, Edina, Minn. 55435. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 118468 (Sub-No. 39 TA), filed November 30, 1973. Applicant: UMTHUN TRUCKING CO., 910 South Jackson, P.O. Box 236, Eagle Grove, Iowa 50533. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Eagle Grove,

Iowa, to points in Missouri and Illinois, for 180 days. SUPPORTING SHIPPER: Emmer Bros., Inc., 6800 France Avenue, Edina, Minn. 55435. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 125023 (Sub-No. 20 TA), filed December 3, 1973. Applicant: SIGMA-4 EXPRESS, INC., 3825-Beech Avenue, Erie, Pa. 16508. Applicant's representative: Richard G. McCurdy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis., to points in New York and Pennsylvania (except Johnstown, Somerset, Indiana, Greensburg, Punxsutawney, McKeesport, Uniontown, State College, Altoona, Washington, Blairsville, Brandy Camp, Belle Vernon, Carrolltown, Warren, Cannonsburg, Lewistown, Butler, Kittanning, Lock Haven, Chambersburg, Meadville, and Vandergrift, Pa.), for 180 days. SUPPORTING SHIPPER: Pabst Brewing Company, 917 West Juneau Avenue, Milwaukee, Wis. 53201. SEND PROTESTS TO: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 133231 (Sub-No. 11 TA), filed November 29, 1973. Applicant: ROBERT A. BRINKER, INC., 21 Diaz St., Isel, N.J. 08830. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, lids, ends, covers, and equipment, materials, and supplies used in the manufacture thereof*, for account of Metro Containers, an operation of Kraftco Corp., between Mt. Carmel, Pa., Avon, N.Y., Kenilworth and Hoboken, N.J., for 180 days. SUPPORTING SHIPPER: Metro Containers, An Operation of Kraftco Corp., 1099 Wall Street West, Lyndhurst, N.J. SEND PROTESTS TO: District Supervisor S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 133666 (Sub-No. 9 TA), filed November 28, 1973. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Avenue South, Wheaton, Minn. 56296. Applicant's representative: Samuel Rubenstein, 301 N. 5th St., Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the terminal of Northern Propane Gas Company at or near Rosemount, Minn., to points in North Dakota, South Dakota, Wisconsin, Iowa, and the Upper Peninsula of Michigan, for 180 days. SUPPORTING SHIPPER: Northern Propane Gas Company, 4820 Excelsior Blvd., Minneapolis, Minn. 55416. SEND PROTESTS TO: District Supervisor A. N. Spath, Interstate Commerce Commission, Bureau of Operations, 448

Federal Bldg. and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 138259 (Sub-No. 2 TA), filed November 30, 1973. Applicant: NORTHWEST EXPRESS, INC., 3318 3rd Avenue North, Billings, Mont. 59101. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, forest products, wood products, particle board, and fibre board*, from points in Beaverhead, Flathead, Lake, and Lincoln Counties, Mont., to points in Colorado, Illinois, Iowa, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, North Dakota, South Dakota, Wisconsin, and Wyoming, for 180 days. SUPPORTING SHIPPERS: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 138328 (Sub-No. 5 TA), filed November 29, 1973. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bulk or in bags, from the facilities of Murray Elevators at or near Murray, Utah, to points in Arkansas, California, Iowa, Missouri, Montana, Oregon, Washington, Wisconsin, and Wyoming, for 180 days. SUPPORTING SHIPPER: Sterling H. Nelson & Sons, Inc., Murray Elevators Division, 118 West 4800 South, Murray, Utah 84107. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138530 (Sub-No. 4 TA), filed November 28, 1973. Applicant: C.O.P. TRANSPORT, INC., 28 South Second, Greenville, Pa. 16125. Applicant's representative: Warren R. Keck, III (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper and copper alloys, material used in the manufacture of copper and copper alloys*, from Leetsdale, Pa., to points in Delaware, Ohio, Louisiana, North Carolina, South Carolina, Indiana, Iowa, Virginia, Maryland, District of Columbia, West Virginia, Tennessee, Minnesota, Kansas, Nebraska, Kentucky, Colorado, Washington, California, and Pennsylvania, for 180 days. SUPPORTING SHIPPER: Hussey Metals Division of Copper Range Co., Leetsdale, Pa. 15056. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Bureau of

Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 139122 (Sub-No. 2 TA), filed November 30, 1973. Applicant: JACK G. ROBERTS, doing business as JACK'S TRUCKING CO., Route 5, Box 497, Ocala, Fla. 32670. Applicant's representative: Felix A. Johnston, Jr., 547 North Monroe Street, Tallahassee, Fla. 32301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Government owned mobile homes*, from Wilkes-Barre, Pa.; Mechanicsburg, Pa.; and Elmira, N.Y., to Forest Park, Ga.; Richmond, Ky.; Granite City, Ill.; Greenville, Miss.; and Bastrop, Tex., for 180 days. SUPPORTING SHIPPER: Department of Housing & Urban Development, 451 7th Street SW., Washington, D.C. 20410. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 139196 (Sub-No. 1 TA), filed November 30, 1973. Applicant: RAY WAGNER & SON TRUCKING CO., INC., Box 117, Owen, Wis. 54460. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and feed ingredients*, from Minneapolis, Minn., to points in McHenry County, Ill., Iowa, the upper Peninsula of Michigan, Minnesota, points on and east of U.S. Highway 83 in Nebraska and South Dakota, and points in Wisconsin (except Ashland, Brown, Door, Florence, Forest, Iron, Kewaunee, Lincoln, Oconto, Marathon, Marinette, Oneida, Outagamie, Price, Shawano, Taylor, and Vilas Counties), for 180 days. SUPPORTING SHIPPER: Heger Company, 2562 East 7th Avenue, North St. Paul, Minn. 55109. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 139300 TA, filed November 30, 1973. Applicant: CANNELLA SALES, INC., 111 8th St. SE., Mason City, Iowa 50401. Applicant's representative: James J. Cannella (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising*, (1) between Mason City, Iowa, and Minneapolis-St. Paul, Minn., and (2) between Mason City, Iowa, and Milwaukee, Wis., for 180 days. SUPPORTING SHIPPER: Cannella Wholesale, Inc., 111 8th St. SE., Mason City, Iowa 50401. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

WATER CARRIERS OF PROPERTY

No. W-1265 (Sub-No. 2 TA), filed November 28, 1973. Applicant: BIGGE

DRAYAGE CO., 10700 Bigge Avenue, San Leandro, Calif. 94577. Applicant's representative: Edward J. Hegarty, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to engage in operation, in interstate or foreign commerce as a *contract carrier* by water in the transportation of (1) *Commodities* exceeding 19 feet in height, or 12 feet in width, or 90 feet in length, or 50 net tons in weight and (2) *Parts, materials, equipment, and supplies* incidental to the operation or installation of the commodities described in (1) above, from Long Beach, Calif., to Avila Beach, Calif., for 30 days.

NOTE.—Completion of job requires movement of a 530-ton nuclear generator stator commencing December 4, 1973 and subsequent movement of 380-ton nuclear reactor and an 88-ton reactor head.

SUPPORTING SHIPPER: Pacific Gas and Electric Company, John A. Marino, Supervisor of Traffic, 77 Beale Street, San Francisco, Calif. SEND PROTESTS TO: District Supervisor A. J. Rodriguez, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[PR Doc.73-26659 Filed 12-14-73; 8:45 am]

[Notice 170]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 11, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub-No. 63 TA), filed December 3, 1973. Applicant: PRESTON TRUCKING COMPANY, INC., 151 East

ton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper forms, computing machine paper and related paper products*, from Snow Hill, Md., to Sidman, Pa., for 180 days. SUPPORTING SHIPPER: Mr. Raymond Bromhall, Plant Manager, Moore Business Forms, Inc., Belt & Collins Streets, Snow Hill, Md. 21863. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 31389 (Sub-No. 176 TA), filed December 3, 1973. Applicant: McLEAN TRUCKING COMPANY, P.O. Box 213 (Box zip 27102), 617 Waughtown Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* with the usual exceptions, serving that part of De Soto County, Miss., on and bounded by a line beginning at the Tennessee-Mississippi State line and extending along German-town Road to junction Goodman Road, thence along Goodman Road to junction Center Hill Road, thence along Center Hill Road to the Tennessee-Mississippi State line to the point of beginning as an off-route in connection with the carriers authorized regular route operations from and to Memphis, Tenn., for 180 days. The area described above is generally referred to as the Holiday Industrial Park, De Soto County, Miss.

NOTE.—Applicant does intend to tack with MC 31389.

SUPPORTING SHIPPER: Holiday Inns, Inc., Parent Corporation of Holiday Press, Inc., Master Kraft, Inc., Modern Plastics, Inc., 3796 Lamar Avenue, Memphis, Tenn. 38118. SEND PROTESTS TO: Terrell Price, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road—CC516, Charlotte, N.C. 28205.

No. MC 61396 (Sub-No. 260 TA), filed December 3, 1973. Applicant: HERMAN BROS. INC., P.O. Box 189 (Box zip 68101), Downtown Station, 2501 N. 11th Street, Omaha, Nebr. 68110. Applicant's representative: J. R. Chesney (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oils*, in bulk, in tank vehicles, from El Dorado, Ark., to Omaha, Nebr., for 180 days. SUPPORTING SHIPPER: Liberty Gas & Oil Company, Inc., 1112 North 13th Street, Omaha, Nebr. 68102. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 820, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 99780 (Sub-No. 33 TA), filed November 30, 1973. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 N.E. Bond Street, Mlg: P.O. Box 1345,

(Box zip 61601), Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those commodities of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities in bulk), from, to or between the plant sites of S. C. Johnson & Son, Inc., at Waxdale, Wis., and Racine, Wis., and points in Illinois, Indiana, Iowa, and Missouri, restricted to traffic originating at the above specified plant sites and destined to the above specified destinations, for 180 days. SUPPORTING SHIPPER: Gilbert H. Anderson, Traffic Manager, S. C. Johnson, Inc., 1525 Howe Street, Racine, Wis. 53402. SEND PROTESTS TO: Richard K. Shulaw, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 105269 (Sub-No. 55 TA) (correction), filed November 5, 1973, published in the FEDERAL REGISTER issue of November 20, 1973, and republished as corrected this issue. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Box 986 (Box zip 49001), Kalamazoo, Mich. 49005. Applicant's representative: John M. Veale, Suite 1700, One Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wrapping papers, plain and indented, and packaging pads, machine pressed*, from Brownstown, Ind., to Broadview, Chicago, Danville, East Peoria, Galva, Kankakee, Ottawa, River Forest, and Salem, Ill.; Davenport, Iowa; Louisville, Ky.; Brownstown Township, Wayne County, Detroit, Ecorse, Grand Rapids, Kalamazoo, Mt. Clemens, and Utica, Mich.; St. Louis, Mo.; Cincinnati, Cleveland, Lockland, Crestline, Toledo, Warren, West Marion, Youngstown, and Zanesville, Ohio; Pittsburgh and Roscoe, Pa.; Huntington, W. Va.; Columbus, Kaukauna, Kewaskum, and Sheboygan, Wis., and (2) *Waste paper*, from the aforementioned destinations, to Brownstown, Ind., for 180 days. SUPPORTING SHIPPER: Kieffer Paper Mills, Inc., 1220 West Spring Street, Brownstown, Ind. 47220. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

NOTE.—The purpose of this republication is to correct the territory description in part (1).

No. MC 109638 (Sub-No. 24 TA), filed December 4, 1973. Applicant: WOODROW EVERETTE, doing business as W. EVERETTE TRUCK LINE, Washington Heights, P.O. Box 145, Off Hodges Avenue, Washington, N.C. 27889. Applicant's representative: Woodrow Everette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Lumber*, (1) from Weyerhaeuser Company at Plymouth, N.C., and from Weyerhaeuser Company located within a five-mile radius of Askins, N.C., to points in North Carolina and (2) from Weyerhaeuser Company located within a five-mile radius of Askins, N.C., to points in Virginia, for 180 days. SUPPORTING SHIPPER: Weyerhaeuser Company, P.O. Box 787, Plymouth, N.C. 27962. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 109638 (Sub-No. 25 TA), filed December 4, 1973. Applicant: WOODROW EVERETTE, doing business as W. EVERETTE TRUCK LINE, Washington Heights, P.O. Box 145, Off Hodges Avenue, Washington, N.C. 27889. Applicant's representative: Woodrow Everette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodpulp*, not powdered, NOI, in packages, also truckload, loose, from Weyco or Askin, N.C., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, New Hampshire, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, and returned shipments of the above-described commodities and packaging material, from the destination states to Plymouth, N.C., for 180 days. SUPPORTING SHIPPER: Weyerhaeuser Company, P.O. Box 787, Plymouth, N.C. 27962. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 109638 (Sub-No. 26 TA), filed December 4, 1973. Applicant: WOODROW EVERETTE, doing business as W. EVERETTE TRUCK LINE, Washington Heights, P.O. Box 145, Off Hodges Avenue, Washington, N.C. 27889. Applicant's representative: Woodrow Everette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *logs, fireplace, ground wood or sawdust, compressed, palletized* and (2) *paper and paper products, including pulpwood and paper, printing*, from Plymouth, N.C., to points in Connecticut, New Hampshire, Delaware, Georgia, Florida, Illinois, Indiana, New Jersey, Kentucky, Maryland, Massachusetts, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia and returned shipments of the above-described commodities and packaging materials, from the destination states to Plymouth, N.C., for 180 days. SUPPORTING SHIPPER: Weyerhaeuser Company, P.O. Box 787, Plymouth, N.C. 27962. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Com-

mission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 119384 (Sub-No. 26 TA), filed December 3, 1973. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, P.O. Box 96, Perry, Iowa 50220. Applicant's representative: Robert R. Rydell, 900 Savings & Loan Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, articles distributed by meat packinghouses, and such commodities* as are used by meat packers in the conduct of their business, as defined in Appendix I, Sections A, C, and D, to the Commission's report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Oscar Mayer & Co., Madison, Wis., to the plantsite and storage facilities of Oscar Mayer & Co., Davenport, Iowa, for 180 days. SUPPORTING SHIPPER: Oscar Mayer & Co., Inc., 910 Mayer Avenue, Madison, Wis. 53701. SEND PROTESTS TO: Herbert W. Ailen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 133119 (Sub-No. 36 TA), filed December 3, 1973. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: Roger Heyl (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing houses, from the plantsite and storage facilities of John Morrell & Co., Fergus Falls, Minn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Mississippi, Louisiana, Texas, and Tennessee, for 180 days.* SUPPORTING SHIPPER: John Morrell & Co., 208 South LaSalle Street, Chicago, Ill. 60604. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 133492 (Sub-No. 11 TA), filed November 21, 1973. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31096. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road, NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Galvanized steel farm gates and chain link gates, from Dublin, Ga., to points in Florida, Alabama, Maryland, Mississippi, North*

Carolina, South Carolina, Tennessee, and Virginia, for 180 days. SUPPORTING SHIPPER: Farmmaster Products Co., Division of the Wickes Corp., P.O. Box 160, Dublin, Ga. 31021. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree St., NW., Atlanta, Ga. 30309.

No. MC 136371 (Sub-No. 12 TA), filed December 3, 1973. Applicant: CONCORD TRUCKING CO., INC., 30 Pulaski Street, Bayonne, N.J. 07002. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, for the account of Roda Lee, (1) Between the facilities and suppliers of Roda Lee located at New York, N.Y. Commercial Zone, as defined by the Commission, on the one hand, and, on the other, Seattle, Tacoma, Spokane, Yakima, Bellevue, Kent, North Spokane, Everett, Richland, Bellingham, and Vancouver, Wash.; Reno, Nev.; Great Falls, Mont.; Portland, Eugene, and Salem, Oreg.; Los Angeles and San Francisco, Calif.; (2) Between the facilities and suppliers of Roda Lee located at Seattle, Tacoma, Spokane, Yakima, Bellevue, Kent, North Spokane, Everett, Richland, Bellingham, and Vancouver, Wash., on the one hand, and, on the other, Reno, Nev.; Great Falls, Mont.; Portland, Eugene, and Salem, Oreg.; Los Angeles and San Francisco, Calif.; (3) Between the facilities and suppliers of Roda Lee located at Los Angeles and San Francisco, Calif., on the one hand, and, on the other, Reno, Nev.; Great Falls, Mont.; Portland, Eugene, and Salem, Oreg.; and (4) Between the facilities and suppliers of Roda Lee located at Reno, Nev., and Great Falls, Mont., on the one hand, and, on the other, Portland, Eugene, and Salem, Oreg., under contract with Roda Lee, for 180 days. SUPPORTING SHIPPER: Roda Lee, 832 So. Fidalgo, Seattle, Wash. 98108. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 136371 (Sub-No. 13 TA), filed December 3, 1973. Applicant: CONCORD TRUCKING CO., INC., 30 Pulaski Street, Bayonne, N.J. 07002. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount department stores, for the account of Lady Rose Division, between the facilities of

Lady Rose Division located in Westbury, N.Y., on the one hand, and, on the other, Lorain, Ohio; Trenton, N.J.; Johnstown, Dewitt, North Syracuse, Fulton, Oneonta, and Lancaster, N.Y.; Duluth, Grand Rapids, Mankato, and Willmar, Minn.; and Rockford, Ill., under contract with Lady Rose Division, for 180 days. SUPPORTING SHIPPER: Lady Rose Division, 725 Summa Avenue, Westbury, N.Y. 11590. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 136601 (Sub-No. 2 TA), filed December 3, 1973. Applicant: WILLIAM L. MAYS AND RAYMOND F. MAYS, doing business as RAYMOND F. MAYS & SON, P.O. Box 237, Blue Ridge, Va. 24064. Applicant's representative: R. Cameron Rollins, 321 East Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone, gravel, crushed rock and sand, from Gray Stone Quarry at or near Henderson, N.C., to Bracey, Va., for 180 days.* SUPPORTING SHIPPER: Vulcan Materials Company, P.O. Box 4195, Winston-Salem, N.C. 27105. SEND PROTESTS TO: Clatin M. Harmond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26660 Filed 12-14-73; 8:45 am]

EMERGENCY ADVISORY COMMITTEE FOR NATURAL GAS

Notice of Meeting

A meeting of the Emergency Advisory Committee for Natural Gas will be held Thursday, December 20, 1973, at 10:00 a.m. in Room 4121 of the U.S. Department of the Treasury, 15th Street and Pennsylvania Avenue, NW., Washington, D.C. The purpose of the meeting is to discuss the new proposed regulations for the Propane-Butane Mandatory Allocation Program.

The meeting will be open to the public to the extent that space and facilities will permit.

For further information call Mr. L. A. D'Andrea, Office of Oil and Gas, U.S. Department of the Interior, Washington, D.C. Area code 202-343-3211.

L. A. D'ANDREA,
Executive Secretary, Emergency
Advisory Committee for Natural Gas.

[FR Doc.73-26799 Filed 12-14-73; 2:21 pm]

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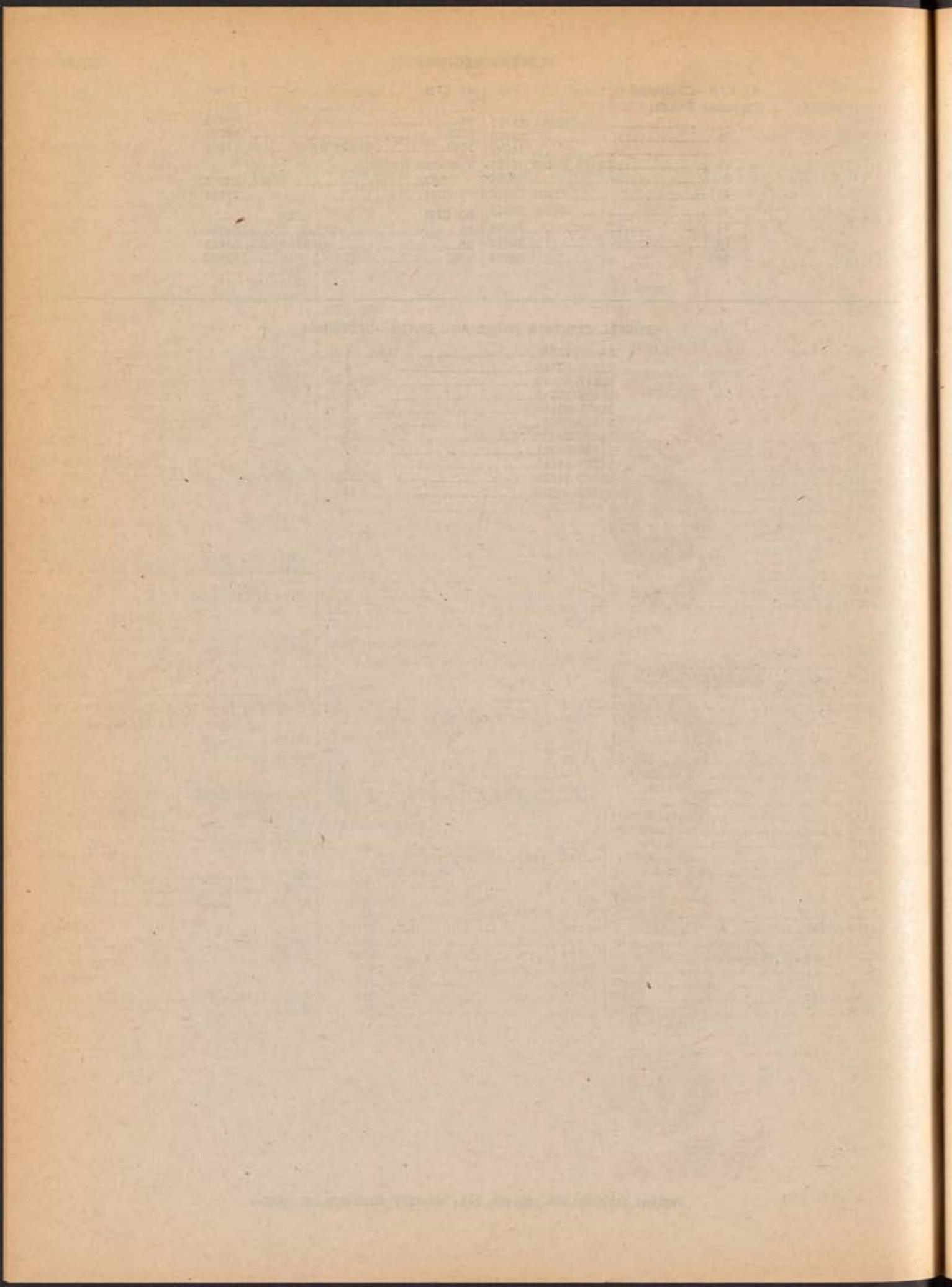
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federal register

MONDAY, DECEMBER 17, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 241

PART II



ENVIRONMENTAL PROTECTION AGENCY

■

PROPOSED EFFLUENT LIMITATIONS GUIDELINES

Organic Chemicals Manufacturing
Industry

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 414]

EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE ORGANIC CHEMICALS MANUFACTURING INDUSTRY POINT SOURCE CATEGORY

Notice of Proposed Rule-Making

Notice is hereby given that effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA) for the nonaqueous processes subcategory (Subpart A), processes with process water contact as steam diluent or absorbent subcategory (Subpart B), aqueous liquid phase reaction systems subcategory (Subpart C), and batch and semicontinuous processes subcategory (Subpart D) of the organic chemicals manufacturing category pursuant to sections 301, 304(b), 304(c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314(b) and (c), 1316 (b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500) (the "Act").

(a) *Legal authority* — (1) Existing point sources. Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301 (b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

(2) Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the nonaqueous processes subcategory (Subpart A); processes with process water contact as steam diluent or absorbent subcategory (Subpart B), aqueous liquid phase reaction systems subcategory (Subpart C), and batch and semicontinuous processes

subcategory (Subpart D) of the organic chemicals manufacturing category.

(3) New sources. Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives including where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources for the nonaqueous processes subcategory (Subpart A), processes with process water contact as steam diluent or absorbent subcategory (Subpart B), aqueous liquid phase reaction systems subcategory (Subpart C), and batch and semicontinuous processes subcategory (Subpart D) of the organic chemicals manufacturing category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 414.15, 414.25, 414.35 and 414.45 proposed below provide pretreatment standards for new sources within the nonaqueous processes subcategory (Subpart A), processes with process water contact as steam diluent or absorbent subcategory (Subpart B), aqueous liquid phase reaction systems subcategory (Subpart C), and batch and semicontinuous processes subcategory (Subpart D) of the organic chemicals manufacturing category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants, to implement standards of performance under section 306 of the Act. The Development Document referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures, or operating methods.

(b) *Summary and basis of proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources*—(1) General methodology. The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point sources category was

first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the operation; and (2) the constituents of the waste which should be subject to effluent limitations guidelines and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation, was identified. The energy requirements of each control and treatment technology were determined, as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact including energy requirements and other factors.

The data on which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and the industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standard proposed for existing sources under of 40 CFR

Part 128. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" and requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 414.15, 414.25, 414.35 and 414.45 below amend § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the nonaqueous processes subcategory (Subpart A), processes with process water contact as steam diluent or absorbent subcategory (Subpart B), aqueous liquid phase reaction systems subcategory (Subpart C), and batch and semicontinuous processes subcategory (Subpart D) of the organic chemicals manufacturing category.

(1) Industry description. The organic chemical industry in the United States is a complex matrix in which interrelated chemicals compete for raw materials and markets via increasingly competitive technologies. The water use and subsequent waste water discharges within the industry are closely related to this mix of products and manufacturing processes.

The structure of the industry can be studied by several approaches. There are some companies which specialize in making products for use by another industry, while other firms specialize in the production of compounds having common chemical functional groups or compounds made by similar unit processes.

The concept of horizontal integration is a strong motivating force in the behavior of many companies which produce several products with a common end use. By maintaining a position in each of these products, a company protects itself against intrusion into these common end use markets. Another major influence has been the need for vertical integration. Firms that until recently were content to produce intermediate or end products, have been under constant pressure either to integrate backwards by acquiring their own sources of raw materials or to integrate forward by gaining control of their customers.

Backward integration within the industry has in turn been affected by the changing availability of economical raw materials. Prior to World War II, the organic chemicals industry relied primarily on feedstocks derived from coal. After World War II, more readily processed feedstocks were introduced in the form of refinery dry gas and olefins. These became available through the growth of catalytic cracking installations

for gasoline manufacture in refinery operations.

This kind of feedstock was in turn replaced, starting in the early 1950's, by a low priced liquid petroleum gas (LPG) by-product (ethane and propane) from a rapidly expanding natural gas industry based on the Gulf Coast.

During the decade of the 1960's the rapid growth of the industry was twice that of the source of its feedstock supply, natural gas. This situation has led to the increased use of distillates derived from crude oil (naphtha) as feedstocks. Currently, there is sharp competition within the industry for both of these feedstocks. The competition has been intensified by alternate uses for them outside the organic chemicals industry.

In the past, the natural gas industry has found advantages in selling ethane and propane for chemical usage. However, the drastically increased demand for pollution free sources of fuel has completely changed this picture.

Light liquid distillates derived from crude oil have an alternative use and value in gasoline. This has led to sharp competition between chemical producers and oil refiners for the same barrel of crude oil.

A given set of feedstocks, intermediates, and products associated with the operation of any specific facility represents the sum of these considerations as they relate to an individual company. Each plant's set of process operations and production is a unique contribution to a profitable operation.

The term "production" must be accurately defined when applied to a chemical plant. It is erroneous to base production only on those commodities which are finally shipped across plant boundaries for sale. The true production associated with any given plant must include the captive utilization of feedstocks and intermediate processing steps between the initial feedstock (e.g. LPG, naphtha) and final products.

Each process is itself a series of unit operations which effect chemical and physical changes in the feedstock or products. In the commercial synthesis of a simple product from a single feedstock, there are normally sections of the process associated with the preparation of the feedstock, the chemical reaction, the separation of reaction products, and the final purification of the desired product. Each unit operation may have drastically different water usages associated with it. The type and quantity of waste water produced by a given facility is therefore directly related to the nature of the various processes within its boundaries.

The production from a given process module is related to the design capacities of the individual unit operations within it. In many cases, some unit operations such as the central reaction, are carried out in several small reactors operating in parallel.

The flow of material between unit operations within a process may be either a continuous stream or through a series of batch transfers. Both types of processes normally have an associated design

capacity, which can be expressed as millions of pounds of product per year.

The actual rate at which a product is produced may be higher or lower than the rated capacity, depending on such factors as down time (for maintenance, catalyst regeneration, etc.), process "debottlenecking", variations in feedstock availability, and product demand.

To insure the smooth operation of the different segments within a producing facility, manufacturers maintain inventories of the amounts of feedstock, intermediate products, and final products available for subsequent reaction or shipment from the plant. Depending on the nature of the operation, these inventories are updated on a monthly, weekly, or even daily basis. The examination of historical production inventories and associated manufacturing processes for a given facility provides the most meaningful picture of the activities within its boundaries. This is directly related to the type and quantity of wastes which are generated.

(ii) Categorization. The organic chemicals manufacturing category consists of approximately 260 product commodities listed under the Governments Standard Industrial Classifications (SIC) 2865 (formerly SIC 2815), Cyclic Intermediates, Dyes, Organic Pigments and Coal Tar Crudes, and SIC 2869 (formerly SIC 2818), Industrial Organic Chemicals not elsewhere classified. Of these 260 product commodities listed under SIC 2865 and SIC 2869, 210 significant product commodities, which are manufactured by 269 processes, were identified. These product-process segments are estimated to comprise greater than 99 percent of the industry's production capacity. From the list of 269 significant product-process segments, 41 major product-process segments were selected, as they represent approximately 75 percent of the industry's production capacity. These product-process segments are presented in Table I. Effluent limitations, as set forth in these regulations (Part 414), are applicable to the product-process segments shown in Table I.

TABLE I

SUBCATEGORY A NONAQUEOUS PROCESSES	
MAJOR PRODUCTS AND PROCESSES	
Product	Process
Cyclohexane	Hydrogenation of Benzene.
Ethyl Benzene....	Alkylation of Benzene with Ethylene.
Vinyl Chloride....	Addition of Hydrochloric Acid to Acetylene.
BTX Aromatics....	Hydrotreatment of Pyrolysis Gasoline.
BTX Aromatics....	Solvent Extraction from Reformate.
SUBCATEGORY B PROCESSES WITH PROCESS WATER CONTACT AS STEAM DILUENT OR ABSORBENT	
MAJOR PRODUCTS AND PROCESSES	
Product	Process
Ethylene and Propylene.	Pyrolysis of Naphtha or Liquid Petroleum Gas.
Butadiene	Co-Product of Ethylene.

Product	Process
Butadiene	Oxidative Dehydrogenation of n-Butane.
Butadiene	Dehydrogenation of n-Butane.
Methanol	Steam Reforming of Natural Gas.
Acetone	Dehydrogenation of Isopropanol.
Acetaldehyde	Oxidative Dehydrogenation of Ethanol.
Vinyl Acetate	Synthesis of Ethylene and Acetic Acid.
Acetylene	Partial Oxidation of Methane.
Ethylene Oxide	Catalytic Oxidation of Ethylene.
Formaldehyde	Oxidation of Methanol.
Ethylene Dichloride	Direct Chlorination of Ethylene.
Vinyl Chloride	Cracking of Ethylene Dichloride.
Styrene	Dehydrogenation of Ethyl Benzene.
Methyl Amines	Addition of Ammonia to Methanol.

SUBCATEGORY C AQUEOUS LIQUID REACTION SYSTEMS MAJOR PRODUCTS AND PROCESSES

Product	Process
Phenol	Chlorobenzene Process.
Phenol and Acetone	Cumene Oxidation and Cleavage.
Oxo Chemicals	Carbonylation and Condensation.
Acetaldehyde	Oxidation of Ethylene.
Acetic Acid	Oxidation of Acetaldehyde.
Methyl Methacrylate	Acetone Cyanohydrin Process.
Ethylene Glycol	Hydration of Ethylene Oxide.
Acrylic Acid	Synthesis with Carbon Monoxide and Acetylene.
Acrylates	Esterification of Acrylic Acid.
Terephthalic Acid (TPA)	Nitric Acid Oxidation of p-Xylene Catalytic.
Terephthalic Acid (TPA)	Catalytic Oxidation of p-Xylene.
Polymer Grade TPA	Purification of Crude Terephthalic Acid.
Dimethyl Terephthalate	Esterification of Terephthalic Acid.
p-Cresol	Sulfonation of Toluene.
Aniline	Hydrogenation of Nitrobenzene.
Bisphenol A	Condensation of Phenol and Acetone.
Caprolactam	Oxidation of Cyclohexane.
Tetraethyl Lead	Addition of Ethyl Chloride to Lead Amalgam.
Coal Tar Products	Coal Tar Distillation. Pitch Forming.

SUBCATEGORY D BATCH AND SEMICONTINUOUS PROCESSES MAJOR PRODUCTS AND PROCESSES

Organic Dye Products:

Azoic Dyes and Components.

The organic chemicals manufacturing category was subcategorized by the identification of four major process related subcategories in which all 269 product-process segments were classified. Subcategories A, B, and C are comprised of continuously operated processes. Subcategory D is comprised of batch and semicontinuous processes. Each subcategory is defined on the basis of manufacturing process technology and process waste water generated. These subcategories are defined as follows:

(1) *Subpart A—Nonaqueous processes subcategory:* These processes have minimal contact between water and reactants or products within the process.

Water is not required as a reactant or diluent and is not formed as a reaction product. The only water usage stems from periodic washes of working fluids or catalyst hydration.

(2) *Subpart B—Processes with process water contact as steam diluent or absorbent subcategory:* Process water usage is in the form of dilution steam, direct contact quench, or as an absorbent for reactor effluent gases. Reactions are all vapor-phase and carried out over solid catalysts. Most processes have an absorber coupled with steam stripping of chemicals for purification and recycle.

(3) *Subpart C—Aqueous liquid-phase reaction systems subcategory:* These are liquid-phase reactions where the catalyst is generally in aqueous media such as dissolved or emulsified mineral salt, or acid and caustic solutions. Continuous regeneration of catalyst system requires extensive water usage. Substantial removal of spent inorganic salt by-products may also be required. Working aqueous catalyst solution is normally corrosive. Additional process water is required in final purification or neutralization of products.

(4) *Subpart D—Batch and semicontinuous processes subcategory:* Processes are carried out in reaction kettles equipped with agitators, scrapers, reflux condensers, etc. depending on the nature of the operation. Many reactions are liquid-phase with aqueous catalyst systems. Reactants are transferred to batch reactors by gravity flow, pumping, or pressurization with air or inert gas. Much of the material handling is manual, and there is limited use of automatic process control. Filter presses and centrifuges are commonly used to separate solid products from liquid. Where drying is required, air or vacuum ovens are used. Cleaning of noncontinuous production equipment constitutes a major source of process waste water.

Due to the large range of raw waste loads for product-process segments in subcategories B and C, it was necessary to establish effluent limitations within each of these subcategories. This was accomplished by determining the median raw waste loads of product-process segments in each subcategory. Product-process segments with raw waste loads below the median value were subsequently designated B1 and C1 respectively. Those product-process segments with raw waste loads above the median value were designated B2 and C2 respectively.

(iii) Constituents of waste water pollutants. In determining the major pollutants and effectiveness of various treatment alternatives, the following pollutant parameters were measured: biochemical oxygen demand (BOD₅), chemical oxygen demand (COD), total organic carbon (TOC), total suspended solids (TSS), phenols, pH, cyanide (CN), ammonia (NH₃), total kjeldahl nitrogen (TKN), extractable oils, sulfate, total

phosphorus (TP), zinc (Zn), copper (Cu), iron (Fe), chromium (Cr), and cadmium (Cd).

It was determined that dissolved organic chemicals constitute the major pollutant source in this industry. The following pollutant parameters were selected on this basis: Biochemical oxygen demand (BOD₅), chemical oxygen demand (COD), total suspended solids (TSS), and phenols. Other pollutant parameters were found to be less significant in the raw waste loads or treated effluent.

Effluent limitations have not been established for cyanide (CN) and cadmium (Cd) although trace quantities of these pollutants were found in certain process waste streams. Significant reductions of these pollutants are expected to occur after end-of-process treatment by best practicable control technology currently available.

(iv) Cost and energy requirements. Capital and annual end-of-process treatment costs have been estimated for each level of technology and are presented in the Development Document. These costs were also estimated by treatment plant size with treated effluent flows: 0.072, 0.36, 0.72, and 2.16 million gallons per day. Annual costs were also calculated per 1000 gal treated effluent and per pound of BOD₅ removed.

Total industry cost for best practicable control technology currently available is estimated at \$1,030 million ("Economic Impact of Water Pollution Control on the Organic Chemicals Industry," Arthur D. Little, Inc., Cambridge, Mass., 1973). This cost includes a substantial portion of capital (approximately 25 percent) which has been invested as of 1973.

Annual energy requirements for best practicable control technology currently available (BPCTCA) treatment and control are estimated to be 2 trillion BTU (600 million Kwh) for the entire industry. This is relatively insignificant (less than 1 percent) when compared to the total energy requirements for this industry.

(v) Nonwater quality environmental impact. The major nonwater quality consideration which may be associated with in-process control measures is the use of alternate means of ultimate disposal. As process raw waste loads are reduced in volume using water conservation and reuse, industry may wish to decide on alternate disposal technologies such as incineration, ocean discharge, deep well injection, and land disposal. Each of these alternatives must be evaluated on a case by case basis within EPA's policy and statutory requirements for air quality, ocean, deep well, and land disposal.

No increased air pollution problems should develop as a result of water treatment processes.

Solid wastes will increase as a result of the removal of suspended solids from process waste water. Best practicable control technology and best available control technology as they are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and

liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

Thermal pollution is not considered significant for this industry. However, specific situations may require compliance with thermal discharge regulations as water quality considerations dictate.

(vi) Control and treatment technologies. The best practicable control technology currently available (BPCTCA) has been uniformly defined for all four major subcategories in the organic chemicals manufacturing industry as biological waste treatment. In determining this technology, it was first necessary to determine the performance of exemplary biological waste treatment systems. These systems consist of various combinations of biological processes: activated sludge, activated sludge preceded by trickling filters, aerated lagoons, anaerobic and aerobic lagoons, and activated sludge followed by aerated lagoons. The following model system was used for cost estimating purposes and does not limit the BPCTCA solely to these processes: equalization with pH control and oil separation, activated sludge with chemical addition of coagulants to aid in clarification of suspended solids. Effluent limitations based upon the application of BPCTCA biological treatment systems do not preclude the use of equivalent chemical-physical or other treatment systems wherever applicable.

Determining the best available demonstrated control technology (BADCT) for new organic chemical manufacturing sources involved the evaluation of the best in-process control measures and end-of-process technologies. Some in-process controls which would involve the most exemplary practice are as follows:

(a) The substitution of nonprocess contact heat exchangers (using air, water or refrigerants) for direct contact water cooling (barometric condensers);

(b) The use of nonaqueous quench media (e.g. hydrocarbons such as furnace oil) as a substitute for water, where direct contact quench is required;

(c) The recycle of process water, such as between absorber and stripper;

(d) The reuse of process water (after treatment) as make-up to evaporative cooling towers through which noncontact cooling water is circulated;

(e) The use of process water to produce low pressure steam by noncontact heat exchangers in reflux condensers or distillation columns;

(f) The recovery of spent acid or caustic solutions for reuse;

(g) The recovery and reuse of spent catalyst solutions;

(h) The use of nonaqueous solvents for extraction of products.

End-of-process waste treatment systems consist of biological waste treatment with additional suspended solids removal by such processes as flotation, sedimentation, flocculation, coagulation, sand filtration and dual media filtration.

Although biological treatment has been described as the basis for the BADCT, it is recognized that chemical-physical systems such as activated carbon may also be employed as an end-of-process technology or as an in-process recovery system. It may also be necessary to remove certain wastes which are harmful to or interfere with biological waste treatment systems by in-process chemical physical control processes.

In determining the best available technology economically achievable for all sources by 1983, it was necessary to evaluate the best control and treatment technologies. This analysis was focused on the reduction of the major pollutant, dissolved organic chemicals as measured by the chemical oxygen demand (COD) analysis. Applicable in-process controls as previously described for the BADCT maximize the reductions of raw wastes, particularly from harmful and bio-refractory sources. The model end-of-process system for all four subcategories involves addition of activated carbon to the biological waste treatment model for BADCT. As previously emphasized, this model does not preclude the use of equivalent systems. It has been recognized that in-process controls are frequently used to recover products or by-products and remove substances which interfere with biological treatment systems. These in-process systems may preclude the need for additional end-of-process activated carbon treatment.

(vii) Effluent limitations are based upon the median raw waste load data for each subcategory and the degree of reduction attainable by each treatment and control technology. The following pollutant parameters were limited by application of BPCTCA: biochemical oxygen demand, 5 day, total suspended solids (TSS), and phenols. The same pollutant parameters are limited for the new sources (BADCT) and best available technology economically achievable (BATEA) with the addition of a limitation for chemical oxygen demand (COD).

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Major Organic Products Segment of the Organic Chemicals Manufacturing Point Source Category," which details the analysis undertaken in support of the regulations being proposed herein, is available for inspection in the EPA Information Center, Room 227, West

Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulations is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's advance notice of public review procedures, 38 FR 21202, Aug. 6, 1973.) An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

(c) Summary of public participation.

Prior to the publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of the effluent limitations guidelines and standards of performance for the organic chemicals manufacturing industry. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) All States and U.S. Territorial Pollution Control Agencies; (3) New England Interstate Water Pollution Control Commission; (4) Ohio River Valley Sanitation Commission; (5) Delaware River Basin Commission; (6) The American Society of Civil Engineers; (7) The American Society of Mechanical Engineers; (8) Hudson River Sloop Restoration, Inc.; (9) The Conservation Foundation; (10) Environmental Defense Fund, Inc.; (11) National Resources Defense Fund, Inc.; (12) National Resources Defense Council; (13) Water Pollution Control Federation; (14) The National Wildlife Federation; (15) The New York Scientists Committee for Public Information; (16) Department of the Interior; (17) Department of Commerce; (18) Water Resources Council; (19) Department of the Treasury; (20) Department of Defense; (21) Atomic Energy Commission; (22) Department of Health, Education, and Welfare; (23) Manufacturing Chemists Association; and (24) Synthetic Organic Chemical Manufacturers Association.

The following organizations responded with comments: Effluent Standards and Water Quality Information Advisory Committee; State of Arizona; State of California; State of Colorado; State of Georgia; State of Hawaii; State of Illinois; State of Kentucky; State of Maine; State of Michigan; State of Missouri; State of New York; State of North Carolina; State of Ohio; State of Washington; Delaware River Basin Commission; American Society of Civil Engineers; Environmental Defense Fund, Inc.; National Resources Defense Council; United States Water Resources Council; Atomic

Energy Commission; Department of Commerce; Department of Defense; Department of Health, Education, and Welfare; Department of the Interior; Monsanto Company; Union Carbide Corporation; and the Manufacturing Chemists Association.

The primary issues raised from those who responded in the development of these proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows. Public comments on all these suggestions are solicited.

(1) Most commenters expressed general agreement that the process oriented categorization system is reasonable, explains raw waste load variations to a reasonable extent, and is useful in simplifying what is universally understood to be a complex industry. Some commenters questioned the lack of consideration for factors such as age, size of plants, location, waste load variations within categories, and waste load treatability.

The analysis used in categorizing the industry shows that the subcategories adequately characterize the industry as to process technology and raw waste load variations. Hence, this approach will be followed. Additionally, the subcategories also explain to a large extent factors such as age, location, size, treatability, and raw waste load variations. Age of plant is generally not considered to be a relevant factor for most chemical plants since the industry is constantly in the state of technological change. Subcategory A and B product-processes are common to large petrochemical plants located in the South and Gulf Coast areas. These plants are characteristically large volume operations employing the latest control technology. Subcategory C product-processes comprise a large mixture of processes (aqueous phase reactions) and raw waste loads. The higher waste load product-processes (C2) are sometimes characteristic of older and less competitive processes; for example, the nitric acid TPA process. Subcategory D product-processes comprise a large variety of specialty organic chemicals manufactured by batch and semicontinuous processes as compared to the continuously separated A, B, and C Subcategories. Effluent limitations are specified for organic dyes and organic pigments in Subcategory D. Subcategory D plants are relatively small in size, tend to employ less efficient process technologies and are generally located in large metropolitan areas in the Northeast. These plants are also most likely to discharge their effluent to municipal waste treatment plants.

(2) Most commenters questioned the contractor's approach in determining effluent limitations for industry segments within subcategories which are based solely on process waste water flow.

This approach did not adequately consider raw waste loads as a factor in determining effluent limitations. Inequities would also occur for plants that practice water conservation and reuse since simi-

lar plants that utilize excessive quantities of water would receive higher effluent load allocations. In developing the effluent limitations that are presented in this document (Part 414) median raw waste loads were determined for each subcategory. Due to the large raw waste load variations within Subcategories B and C, product-process segments within each subcategory were further subcategorized into two groups and the median raw waste load value for each calculated. Finally, effluent limitations were determined from reductions of raw waste loads achievable by the application BPCTCA end-of-process waste treatment systems.

(3) Some commenters expressed the view that the organic chemicals manufacturing industry is too complex for effluent limitations and standards and that the intent of the law would be fulfilled by publishing only guidelines.

Section 301 requires the achievement by July 1, 1977 of "effluent limitations" for point sources. Data obtained for major segments of this industry has indicated that a "range" of achievable limitations is not necessary. In developing effluent limitations and standards, the organic chemicals industry was first categorized. These factors were also evaluated: age, size of plant, location, process, raw waste, treatability, the full range of control and treatment technologies and treatment process variability. Industry categorization and subsequent effluent limitations contained in Part 414 do not require further consideration and variance as a result of these factors. Daily maximum and monthly maximum limitations were based upon normal treatment variations resulting from temperature, wasteload, operations, testing and other factors which were observed from properly designed and operated waste treatment facilities.

(4) Many commenters disagreed with the contractor's recommendation of BOD₅, TOC and COD limitations for the best practicable control technology currently available.

The biochemical oxygen demand parameter (BOD₅) was determined to be the more appropriate oxygen demand pollutant parameter for biological waste treatment systems as recommended for BPCTCA. Other pollutant parameters such as chemical oxygen demand (COD) and total organic carbon (TOC) measure the non-biodegradable as well as the biodegradable pollutants in waste streams. It is not possible, at this time, to establish a direct relationship between BOD₅, COD, and TOC that would be appropriate for the various mixtures of pollutants in the treated effluent from biological treatment systems. However, such a correlation may often be determined for a particular waste stream. For such cases, either the COD or TOC pollutant parameters could be specified in lieu of or in addition to the BOD₅ parameter.

(5) Some commenters expressed disagreement with the use of activated carbon treatment technology for new sources (BADCT) as well as BATEA.

The best available demonstrated control technology (BADCT) for new sources has been defined as biological treatment with additional suspended solids removal. Best available technology economically achievable (BATEA) which is applicable by July 1, 1983, is defined as biological with activated carbon end-of-process treatment. Although activated carbon waste treatment systems are presently utilized in certain applications, this technology is not universally applicable to all organic chemical waste effluents at this time. It is expected that activated carbon waste treatment systems will be fully developed and available industry-wide by the effective date for the best available technology economically achievable.

(6) Many commenters disagreed with the contractor's cost data.

These costs were reviewed and modifications made where appropriate.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before January 16, 1974, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: December 4, 1973.

JOHN QUARLES,
Acting Administrator.

PART 414—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE ORGANIC CHEMICALS MANUFACTURING INDUSTRY POINT SOURCE CATEGORY

Subpart A—Nonaqueous Processes Subcategory

- 414.10 Applicability: Description of nonaqueous processes subcategory.
- 414.11 Special definitions.
- 414.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of best practicable control technology currently available.
- 414.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of best available technology economically achievable.
- 414.14 Standards of performance for new sources.
- 414.15 Pretreatment standards for new sources.

Subpart B—Processes With Process Water Contact as Steam Diluent or Absorbent Subcategory

- 414.20 Applicability: Definition of processes with process water contact as steam diluent or absorbent subcategory.
- 414.21 Special definitions.
- 414.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of best practicable control technology currently available.
- 414.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of best available technology economically achievable.
- 414.24 Standards of performance for new sources.
- 414.25 Pretreatment standards for new sources.

Subpart C—Aqueous Liquid Phase Reaction Systems Subcategory

- 414.30 Applicability: Definition of aqueous liquid phase reaction systems subcategory.
- 414.31 Special definitions.
- 414.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of best practicable control technology currently available.
- 414.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of best available technology economically achievable.
- 414.34 Standards of performance for new sources.
- 414.35 Pretreatment standards for new sources.

Subpart D—Batch and Semicontinuous Process Subcategory

- 414.40 Applicability: Description of batch and semi-continuous processes subcategory.
- 414.41 Special definitions.
- 414.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of best practicable control technology currently available.
- 414.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of best available technology economically achievable.
- 414.44 Standards of performance for new sources.
- 414.45 Pretreatment standards for new sources.

Subpart A—Nonaqueous Processes Subcategory

§ 414.10 Applicability: Description of the nonaqueous processes subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the manufacture of the following products:

Products	Process descriptions
Cyclohexane.....	Hydrogenation of benzene.
Ethyl benzene.....	Alkylation of benzene with ethylene.
Vinyl Chloride.....	Addition of hydrochloric acid to acetylene.
BTX Aromatics.....	Hydrotreatment of pyrolysis gasoline.
BTX Aromatics.....	Solvent extraction from reformate.

§ 414.11 Special definitions for purposes of this subpart.

(a) The term "phenols" shall mean those components of a waste water amenable to measurement by the method described in 1972 Annual Book of ASTM Standards, Part 23, 1972, Standard D1783-70, pg. 445.

(b) The following abbreviations shall mean: (i) "BOD5" shall mean five day biochemical oxygen demand; (ii) "COD" shall mean chemical oxygen demand; (iii) "TSS" shall mean total suspended non-filterable solids; (iv) "kg" shall mean kilogram(s); (v) "kkg" shall mean 1000 kilograms; and (vi) "lb" shall mean pound(s).

§ 414.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristics	Effluent limitation
BOD5.....	Maximum for any one day 0.045 kg/kkg of product (0.045 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.025 kg/kkg of product (0.025 lb/1000 lb).
TSS.....	Maximum for any one day 0.038 kg/kkg of product (0.038 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.023 kg/kkg of product (0.023 lb/1000 lb).
Phenols.....	Maximum for any one day 0.0005 kg/kkg of product (0.0005 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00025 kg/kkg of product (0.00025 lb/1000 lb).
pH.....	Within the range of 6.0 to 9.0.

§ 414.13 Effluent limitations guidelines representing the degree of reduction attainable by the application of best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristics	Effluent limitation
COD.....	Maximum for any one day 0.04 kg/kkg of product (0.04 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.02 kg/kkg of product (0.02 lb/1000 lb).
BOD5.....	Maximum for any one day 0.004 kg/kkg of product (0.004 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.002 kg/kkg of product (0.002 lb/1000 lb).
TSS.....	Maximum for any one day 0.006 kg/kkg of product (0.006 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.004 kg/kkg of product (0.004 lb/1000 lb).
Phenols.....	Maximum for any one day 0.00005 kg/kkg of product (0.00005 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.000025 kg/kkg of product (0.000025 lb/1000 lb).
pH.....	Within the range of 6.0 to 9.0.

§ 414.14 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristics	Effluent limitation
BOD5.....	Maximum for any one day 0.02 kg/kkg of product (0.02 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.012 kg/kkg of product (0.012 lb/1000 lb).
COD.....	Maximum for any one day 0.15 kg/kkg of product (0.15 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.10 kg/kkg of product (0.10 lb/1000 lb).

<i>Effluent characteristics</i>	<i>Effluent limitation</i>
TSS	Maximum for any one day 0.012 kg/kg of product (0.012 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0075 kg/kg of product (0.0075 lb/1000 lb).
Phenols	Maximum for any one day 0.00010 kg/kg of product (0.00010 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00005 kg/kg of product (0.00005 lb/1000 lb).
pH	Within the range of 6.0 to 9.0.

§ 414.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the nonaqueous processes subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standards set forth in 40 CFR, Part 128, except that for the purposes of this section, 40 CFR 128.133, shall read as follows: "In addition to the prohibitions set forth in § 128.133, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in 40 CFR 414.14: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart B—Processes With Process Water Contact as Steam Diluent or Absorbent Subcategory

§ 414.20 Applicability: Description of the processes with process contact as steam diluent or absorbent subcategory.

The provisions of this subpart are applicable to the process waste water discharges resulting from the manufacture of the following products:

<i>B1 products</i>	<i>B1 process descriptions</i>
Ethylene and propylene	Pyrolysis of naphtha or liquid petroleum gas.
Butadiene	Co-product of ethylene.
Methanol	Steam reforming of natural gas.
Acetone	Dehydrogenation of isopropanol.
Acetaldehyde	Dehydrogenation of ethanol.
Vinyl acetate	Synthesis of ethylene and acetic acid.
<i>B2 products</i>	<i>B2 process descriptions</i>
Butadiene	Dehydrogenation of n-butane.
Butadiene	Oxidative dehydrogenation of n-butane.
Acetylene	Partial oxidation of methane.
Ethylene oxide	Catalytic oxidation of ethylene.

<i>B2 products</i>	<i>B2 process descriptions</i>
Formaldehyde	Oxidation of methanol.
Ethylene dichloride	Direct chlorination of ethylene.
Vinyl chloride	Cracking of ethylene dichloride.
Styrene	Dehydrogenation of ethyl benzene.
Methyl amines	Addition of ammonia to methane.

§ 414.21 Special definitions.

For purposes of this subpart:

(a) The term "phenols" shall mean those components of a waste water amenable to measurement by the method described in 1972 Annual Book of ASTM Standards, Part 23, 1972, Standard D 173-70, pg. 445.

(b) The following abbreviations shall mean: (i) "BOD5" shall mean five day biochemical oxygen demand; (ii) "COD" shall mean chemical oxygen demand; (iii) "TSS" shall mean total suspended non-filterable solids; (iv) "kg" shall mean kilogram(s); (v) "kkg" shall mean 1000 kilograms; and (vi) "lb" shall mean pound(s).

§ 414.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to provisions of this subpart:

(a) The following limitations constitute the maximum permissible discharge for ethylene, propylene, butadiene (co-product of ethylene), methanol, acetone, acetaldehyde (dehydrogenation of ethanol), and vinyl acetate manufacturing on the basis of production:

<i>Effluent characteristics</i>	<i>Effluent limitation</i>
BOD5	Maximum for any one day 0.10 kg/kg of product (0.10 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.06 kg/kg of product (0.06 lb/1000 lb).
TSS	Maximum for any one day 0.10 kg/kg of product (0.10 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.06 kg/kg of product (0.06 lb/1000 lb).
Phenols	Maximum for any one day 0.0013 kg/kg of product (0.0013 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00066 kg/kg of product (0.00066 lb/1000 lb).
pH	Within the range of 6.0 to 9.0.

(b) The following limitations constitute the maximum permissible discharge for butadiene (dehydrogenation or oxidative dehydrogenation of n-butane), acetylene, ethylene oxide, formaldehyde, ethylene dichloride, vinyl chloride, sty-

rene and methyl amines manufacturing on the basis of production:

<i>Effluent characteristics</i>	<i>Effluent limitation</i>
BOD5	Maximum for any one day 0.30 kg/kg of product (0.30 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.17 kg/kg of product (0.17 lb/1000 lb).
TSS	Maximum for any one day 0.27 kg/kg of product (0.27 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.16 kg/kg of product (0.16 lb/1000 lb).
Phenols	Maximum for any one day 0.0034 kg/kg of product (0.0034 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0017 kg/kg of product (0.0017 lb/1000 lb).
pH	Within the range of 6.0 to 9.0.

§ 414.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

(a) The following limitations constitute the maximum permissible discharge for ethylene, propylene, butadiene (co-product of ethylene), methanol, acetone, acetaldehyde (dehydrogenation of ethanol), and vinyl acetate manufacturing on the basis of production:

<i>Effluent Characteristics</i>	<i>Effluent limitation</i>
COD	Maximum for any one day 0.13 kg/kg of product (0.13 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.065 kg/kg of product (0.065 lb/1000 lb).
BOD5	Maximum for any one day 0.008 kg/kg of product (0.008 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.004 kg/kg of product (0.004 lb/1000 lb).
TSS	Maximum for any one day 0.017 kg/kg of product (0.017 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.010 kg/kg of product (0.010 lb/1000 lb).
Phenols	Maximum for any one day 0.00013 kg/kg of product (0.00013 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.000065 kg/kg of product (0.000065 lb/1000 lb).
pH	Within the range of 6.0 to 9.0.

(b) The following limitations constitute the maximum permissible discharge for butadiene (dehydrogenation or oxidative dehydrogenation of n-butane), acetylene, ethylene oxide, formaldehyde, ethylene dichloride, vinyl chloride, styrene, and methyl amines manufacturing on the basis of production:

<i>Effluent characteristics</i>	<i>Effluent limitation</i>
COD.....	Maximum for any one day 0.74 kg/kkg of product (0.74 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.37 kg/kkg of product (0.37 lb/1000 lb).
BOD5.....	Maximum for any one day 0.02 kg/kkg of product (0.02 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.01 kg/kkg of product (0.01 lb/1000 lb).
TSS.....	Maximum for any one day 0.0042 kg/kkg of product (0.0042 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0025 kg/kkg of product (0.0025 lb/1000 lb).
Phenols.....	Maximum for any one day 0.00034 kg/kkg of product (0.00034 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00017 kg/kkg of product (0.00017 lb/1000 lb).
pH.....	Within the range of 6.0 to 9.0.

§ 414.24 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

(a) The following limitations constitute the maximum permissible discharge for ethylene, propylene, butadiene (co-product of ethylene), methanol, acetone, acetaldehyde (dehydrogenation of ethanol), and vinyl acetate manufacturing on the basis of production:

<i>Effluent characteristics</i>	<i>Effluent limitation</i>
BOD5.....	Maximum for any one day 0.06 kg/kkg of product (0.06 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.035 kg/kkg of product (0.035 lb/1000 lb).
COD.....	Maximum for any one day 0.55 kg/kkg of product (0.55 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.40 kg/kkg of product (0.40 lb/1000 lb).

<i>Effluent characteristics</i>	<i>Effluent limitation</i>
TSS.....	Maximum for any one day 0.033 kg/kkg of product (0.033 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.02 kg/kkg of product (0.02 lb/1000 lb).
Phenols.....	Maximum for any one day 0.00026 kg/kkg of product (0.00026 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00013 kg/kkg of product (0.00013 lb/1000 lb).
pH.....	Within the range of 6.0 to 9.0.

(b) The following limitations constitute the maximum permissible discharge for butadiene (dehydrogenation of n-butane), acetylene, ethylene oxide, formaldehyde, ethylene dichloride, vinyl chloride, styrene, and methyl amines manufacturing on the basis of production.

<i>Effluent characteristics</i>	<i>Effluent limitation</i>
BOD5.....	Maximum for any one day 0.15 kg/kkg of product (0.15 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.085 kg/kkg of product (0.085 lb/1000 lb).
COD.....	Maximum for any one day 3.0 kg/kkg of product (3.0 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 2.2 kg/kkg of product (2.2 lb/1000 lb).
TSS.....	Maximum for any one day 0.083 kg/kkg of product (0.083 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.05 kg/kkg of product (0.05 lb/1000 lb).
Phenols.....	Maximum for any one day 0.00068 kg/kkg of product (0.00068 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00034 kg/kkg of product (0.00034 lb/1000 lb).
pH.....	Within the range of 6.0 to 9.0.

§ 414.25 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the processes with process water contact as steam diluent or absorbent subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standards set forth in 40 CFR Part 128, except that for the purposes of this section, 40 CFR 128.133, shall read as follows: "In addition to the prohibitions set forth in § 128.133, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major con-

tributing industry shall be the standard of performance for new sources specified in 40 CFR 414.24: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart C—Aqueous Liquid Phase Reaction Systems Subcategory

§ 414.30 Applicability: Description of the aqueous liquid phase reaction systems subcategory.

The provisions of this subpart are applicable to the process waste water discharges resulting from the manufacturing of the following products:

<i>C1 products</i>	<i>C1 process descriptions</i>
Acetaldehyde.....	Oxidation of ethylene with air.
Acetaldehyde.....	Oxidation of ethylene with oxygen.
Acetic acid.....	Oxidation of acetaldehyde.
Acrylic acid.....	Synthesis with carbon monoxide and acetylene.
Aniline.....	Nitration and hydrogenation of benzene.
Bisphenol A.....	Condensation of phenol and acetone.
Coal tar.....	Pitch forming.
Coal tar.....	Distillation.
Dimethyl terephthalate.....	Esterification of terephthalic acid.
Ethylene glycol.....	Hydrogenation of ethylene oxide.
Oxo chemicals.....	Carbonylation and condensation.
Terephthalic acid.....	Catalytic oxidation of p-xylene.
Terephthalic acid (polymer grade).....	Purification of crude terephthalic acid.
<i>C2 products</i>	<i>C2 process descriptions</i>
Acrylates.....	Esterification of acrylic acids.
p-Cresol.....	Sulfonation of toluene.
Methyl methacrylate.....	Acetone cyanohydrin process.
Terephthalic acid.....	Nitric acid process.
Tetraethyl lead.....	Addition of ethyl chloride to lead amalgam.

§ 414.31 Special definitions.

For purposes of this subpart:

(a) The term "phenols" shall mean those components of a waste water amenable to measurement by the method described in "1972 Annual Book of ASTM Standards", Part 23, 1972, Standard D1783-70, page 445.

(b) The following abbreviations shall mean: (i) "BOD5" shall mean five day biochemical oxygen demand; (ii) "COD" shall mean chemical oxygen demand; (iii) "TSS" shall mean total suspended non-filterable solids; (iv) "kg" shall mean kilogram(s); (v) "kkg" shall mean 1000 kilograms; and (vi) "lb" shall mean pound(s).

§ 414.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

(a) The following limitations constitute the maximum permissible discharge for acetaldehyde (oxidation of ethylene with air or oxygen), acetic acid, acrylic acid, aniline, bisphenol A, coal tar, dimethyl terephthalate, ethylene glycol, oxo chemicals, terephthalic acid (oxidation of p-xylene), and polymer grade terephthalic acid manufacturing on the basis of production:

Effluent characteristics	Effluent limitation
BOD5	Maximum for any one day 0.30 kg/kg of product (0.30 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.17 kg/kg of product (0.17 lb/1000 lb).
TSS	Maximum for any one day 0.27 kg/kg of product (0.27 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.16 kg/kg of product (0.16 lb/1000 lb).
Phenols	Maximum for any one day 0.0034 kg/kg of product (0.0034 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0017 kg/kg of product (0.0017 lb/1000 lb).
pH	Within the range of 6.0 to 9.0.

(b) The following limitations constitute the maximum permissible discharge for acrylates, p-cresol, methyl methacrylate, terephthalic acid (nitric acid process) and tetraethyl lead manufacturing on the basis of production:

Effluent characteristics	Effluent limitation
BOB5	Maximum for any one day 1.5 kg/kg of product (1.5 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.9 kg/kg of product (0.9 lb/1000 lb).
TSS	Maximum for any one day 0.80 kg/kg of product (0.80 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.49 kg/kg of product (0.49 lb/1000 lb).
Phenols	Maximum for any one day 0.011 kg/kg of product (0.011 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.005 kg/kg of product (0.005 lb/1000 lb).
pH	Within the range of 6.0 to 9.0.

§ 414.33 Effluent limitations guidelines representing the degree of reduction attainable by the application of best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

(a) The following limitations constitute the maximum permissible discharge for acetaldehyde (oxidation of ethylene with air or oxygen), acetic acid, acrylic acid, aniline, bisphenol A, coal tar, dimethyl terephthalate, ethylene glycol, oxo chemicals, terephthalic acid (oxidation of p-xylene), and polymer grade terephthalic acid manufacturing on the basis of production:

Effluent characteristics	Effluent limitation
COD	Maximum for any one day 0.78 kg/kg of product (0.78 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.39 kg/kg of product (0.39 lb/1000 lb).
BOD5	Maximum for any one day 0.02 kg/kg of product (0.02 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.01 kg/kg of product (0.01 lb/1000 lb).
TSS	Maximum for any one day 0.0083 kg/kg of product (0.0083 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.005 kg/kg of product (0.005 lb/1000 lb).
Phenols	Maximum for any one day 0.00068 kg/kg of product (0.00068 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00034 kg/kg of product (0.00034 lb/1000 lb).
pH	Within the range of 6.0 to 9.0.

(b) The following limitations constitute the maximum permissible discharge for acrylates, p-cresol, methyl methacrylate, terephthalic acid (nitric acid process) and tetraethyl lead manufacturing on the basis of production:

Effluent characteristics	Effluent limitation
COD	Maximum for any one day 14.4 kg/kg of product (14.4 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 7.2 kg/kg of product (7.2 lb/1000 lb).
BOD5	Maximum for any one day 0.4 kg/kg of product (0.4 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.2 kg/kg of product (0.2 lb/1000 lb).

Effluent characteristics	Effluent limitation
TSS	Maximum for any one day 0.27 kg/kg of product (0.27 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.16 kg/kg of product (0.16 lb/1000 lb).
Phenols	Maximum for any one day 0.0022 kg/kg of product (0.0022 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0011 kg/kg of product (0.0011 lb/1000 lb).
pH	Within the range of 6.0 to 9.0.

§ 414.34 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

(a) The following limitations constitute the maximum permissible discharge for acetaldehyde (oxidation of ethylene with air or oxygen), acetic acid, acrylic acid, aniline, bisphenol A, coal tar, dimethyl terephthalate, ethylene glycol, oxo chemicals, terephthalic acid (oxidation of p-xylene), and polymer grade terephthalic acid manufacturing on the basis of production:

Effluent characteristics	Effluent limitation
BOD5	Maximum for any one day 0.15 kg/kg of product (0.15 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.085 kg/kg of product (0.085 lb/1000 lb).
COD	Maximum for any one day 3.3 kg/kg of product (3.3 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 2.3 kg/kg of product (2.3 lb/1000 lb).
TSS	Maximum for any one day 0.083 kg/kg of product (0.083 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.05 kg/kg of product (0.05 lb/1000 lb).
Phenols	Maximum for any one day 0.00068 kg/kg of product (0.00068 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.00034 kg/kg of product (0.00034 lb/1000 lb).
pH	Within the range of 6.0 to 9.0.

(b) The following limitations constitute the maximum permissible discharge for acrylates, p-cresol, methyl methacrylate, terephthalic acid (nitric acid

process) and tetraethyl lead manufacturing on the basis of production:

<i>Effluent characteristics</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any one day 0.75 kg/kkg of product (0.75 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.40 kg/kkg of product (0.40 lb/1000 lb).
COD-----	Maximum for any one day 60 kg/kkg of product (60 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 40 kg/kkg of product (40 lb/1000 lb).
TSS-----	Maximum for any one day 0.27 kg/kkg of product (0.27 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.16 kg/kkg of product (0.16 lb/1000 lb).
Phenols-----	Maximum for any one day 0.0022 kg/kkg of product (0.0022 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0011 kg/kkg of product (0.0011 lb/1000 lb).
pH-----	Within the range of 6.0 to 9.0.

§ 414.35 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the aqueous liquid phase reaction systems subcategory, which is an industrial user of a publicly owned treatment works, (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standards set forth in 40 CFR Part 128, except that for purposes of this section 40 CFR 128.133, shall read as follows: "In addition to the prohibitions set forth in § 128.133, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in 40 CFR 414.34: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart D—Batch and Semicontinuous Process Subcategory

§ 414.40 Applicability: Description of the batch and semicontinuous processes subcategory.

The provisions of this subpart are applicable to process waste water discharges resulting from the manufacture of the following products:

<i>Products</i>	<i>Process description</i>
Organic dyes: Azole Dyes and Compounds	Batch and semi-continuous processes.

§ 414.41 Special definitions.

For the purposes of this subpart:
(a) The term "phenols" shall mean those components of a waste water amenable to measurement by the method described in 1972 Annual Book of ASTM Standards, Part 23, 1972, Standard D1783-70, page 445.
(b) The following abbreviations shall mean: (i) "BOD5" shall mean five day biochemical oxygen demand; (ii) "COD" shall mean chemical oxygen demand; (iii) "TSS" shall mean total suspended non-filterable solids; (iv) "kg" shall mean kilogram(s); (v) "kkg" shall mean 1000 kilograms; and (vi) "lb" shall mean pound(s).

§ 414.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

<i>Effluent characteristics</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any one day 15.0 kg/kkg of product (15.0 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 9.0 kg/kkg of product (9.0 lb/1000 lb).
TSS-----	Maximum for any one day 13.0 kg/kkg of product (13.0 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 7.88 kg/kkg of product (7.88 lb/1000 lb).
Phenols-----	Maximum for any one day 0.17 kg/kkg of product (0.17 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.088 kg/kkg of product (0.088 lb/1000 lb).
pH-----	Within the range of 6.0 to 9.0.

§ 414.43 Effluent limitations guidelines representing the degree of reduction attainable by the application of best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

<i>Effluent characteristics</i>	<i>Effluent limitation</i>
COD-----	Maximum for any one day 130.0 kg/kkg of product (130.0 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 65.0 kg/kkg of product (65.0 lb/1000 lb).

<i>Effluent characteristics</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any one day 0.80 kg/kkg of product (0.80 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.40 kg/kkg of product (0.40 lb/1000 lb).
TSS-----	Maximum for any one day 2.19 kg/kkg of product (2.19 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 1.30 kg/kkg of product (1.30 lb/1000 lb).
Phenols-----	Maximum for any one day 0.017 kg/kkg of product (0.017 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.0085 kg/kkg of product (0.0085 lb/1000 lb).
pH-----	Within the range of 6.0 to 9.0.

§ 414.44 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

<i>Effluent characteristics</i>	<i>Effluent limitation</i>
BOD5-----	Maximum for any one day 1.5 kg/kkg of product (1.5 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.85 kg/kkg of product (0.85 lb/1000 lb).
COD-----	Maximum for any one day 540 kg/kkg of product (540 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 390 kg/kkg of product (390 lb/1000 lb).
TSS-----	Maximum for any one day 4.38 kg/kkg of product (4.38 lb/1000 lb). Maximum average of daily values for any period or thirty consecutive days 2.60 kg/kg of product (2.60 lb/1000 lb).
Phenols-----	Maximum for any one day 0.034 kg/kkg of product (0.034 lb/1000 lb). Maximum average of daily values for any period of thirty consecutive days 0.017 kg/kkg of product (0.017 lb/1000 lb).
pH-----	Within the range of 6.0 to 9.0.

§ 414.45 Pretreatment standards for new sources.

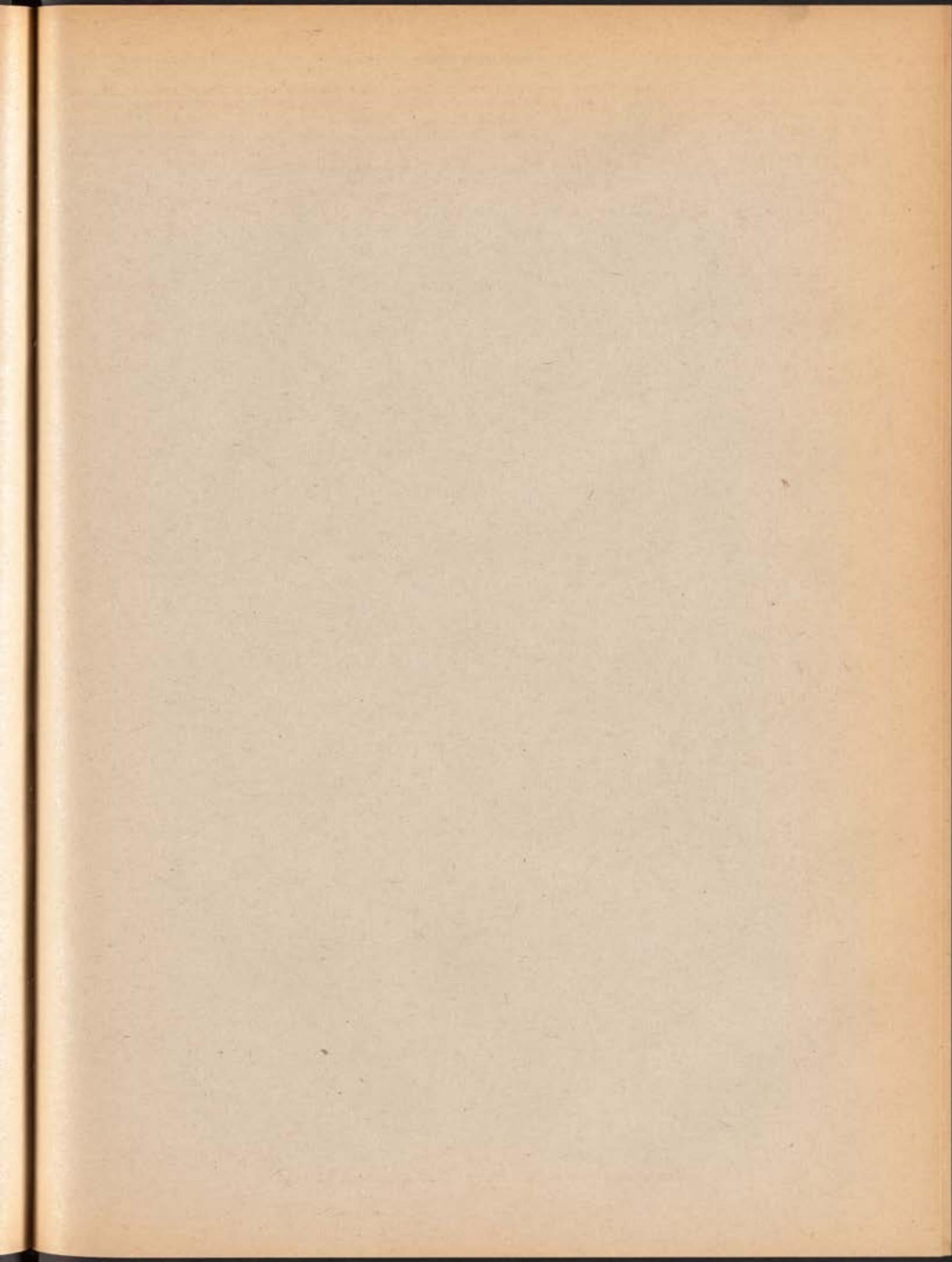
The pretreatment standards under section 307(c) of the Act, for a source within the batch and semicontinuous processes

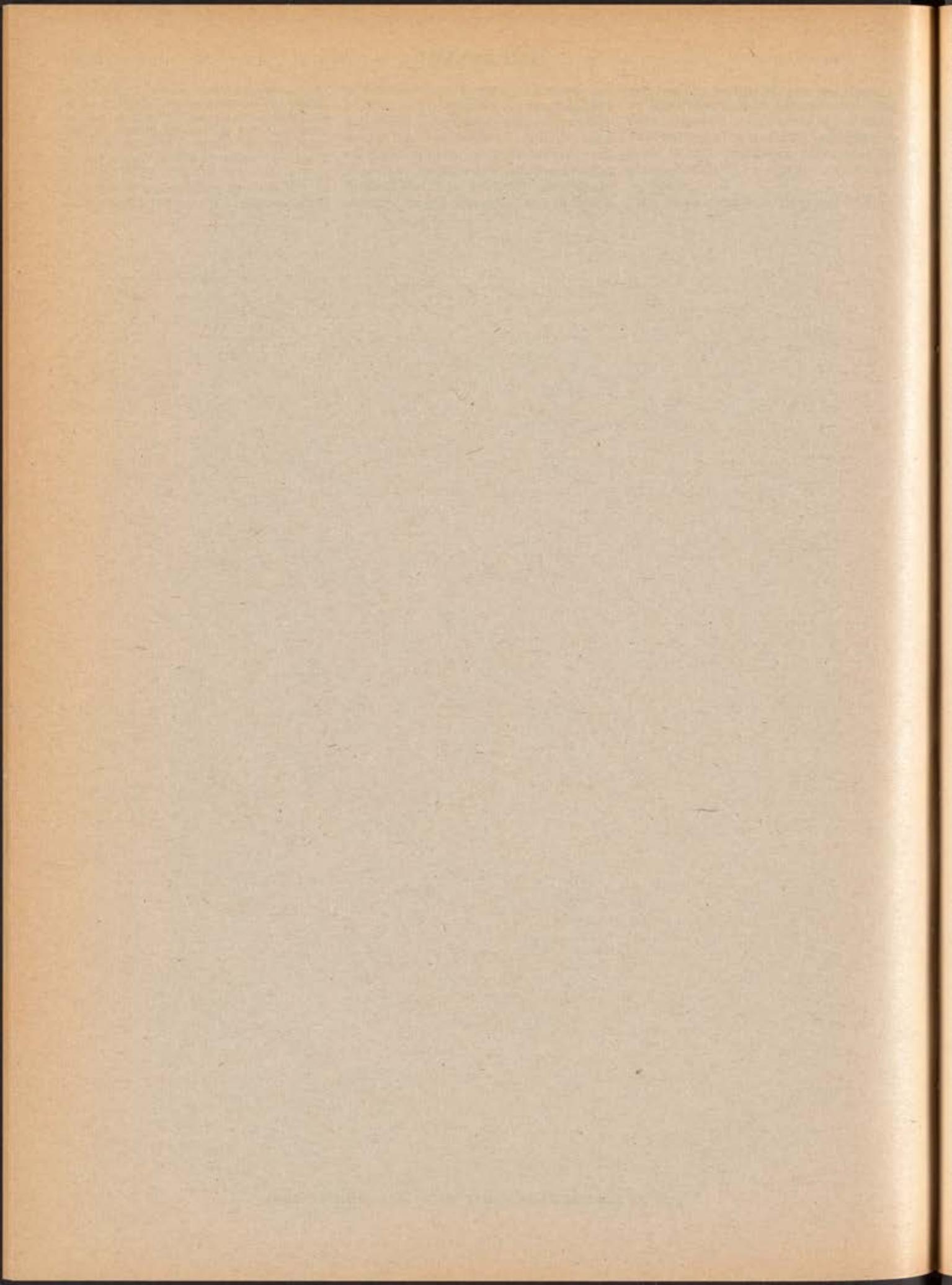
subcategory, which is an industrial user of a publicly owned treatment works, (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to navigable waters), shall be the standards set forth in 40 CFR Part 128 except that for the purposes of this section, 40 CFR 128.133 shall read as follows: "In addition to the

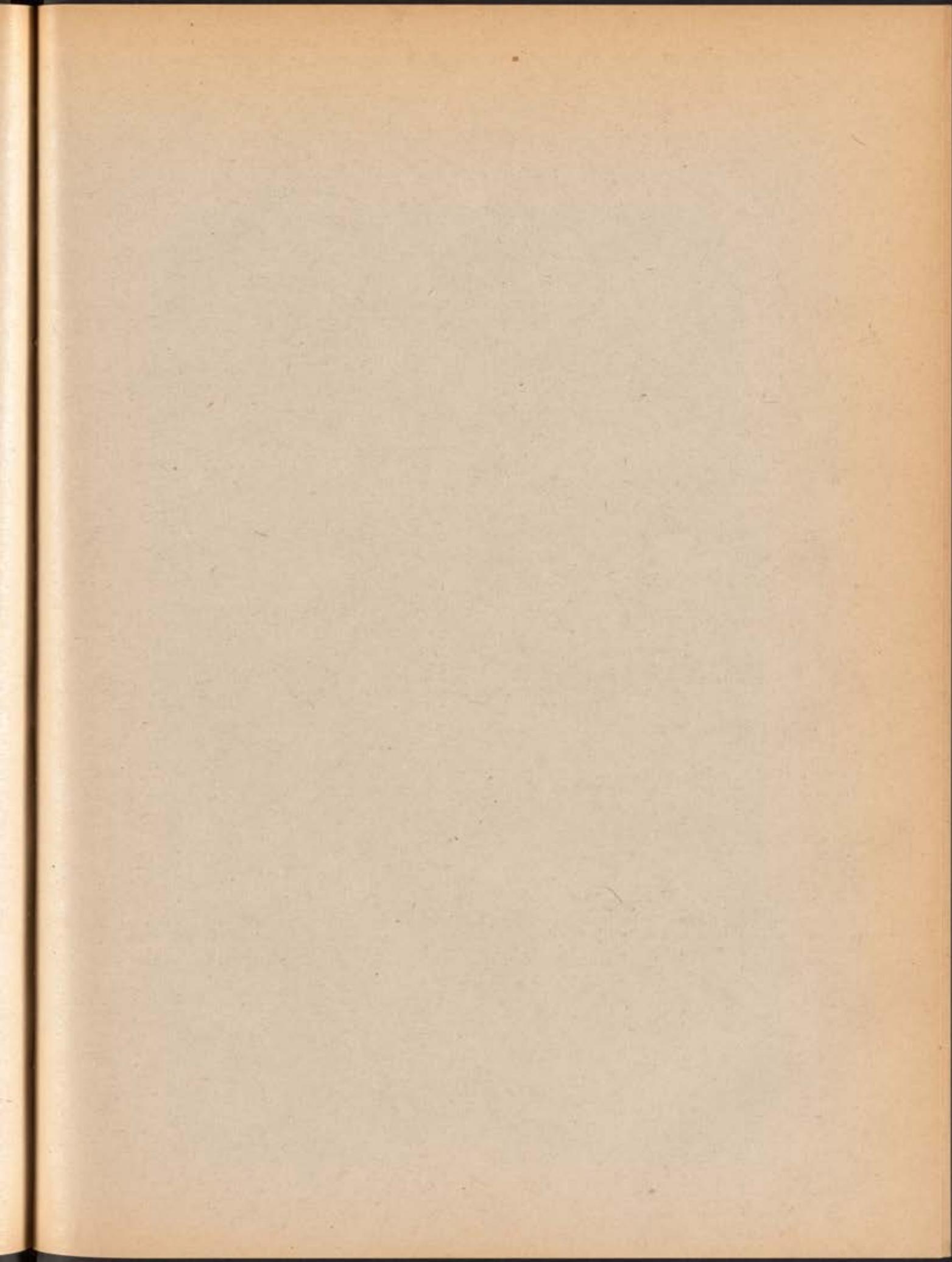
prohibitions set forth in § 128.133, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in 40 CFR 414.44: *Provided*, That, if the publicly owned treatment works which

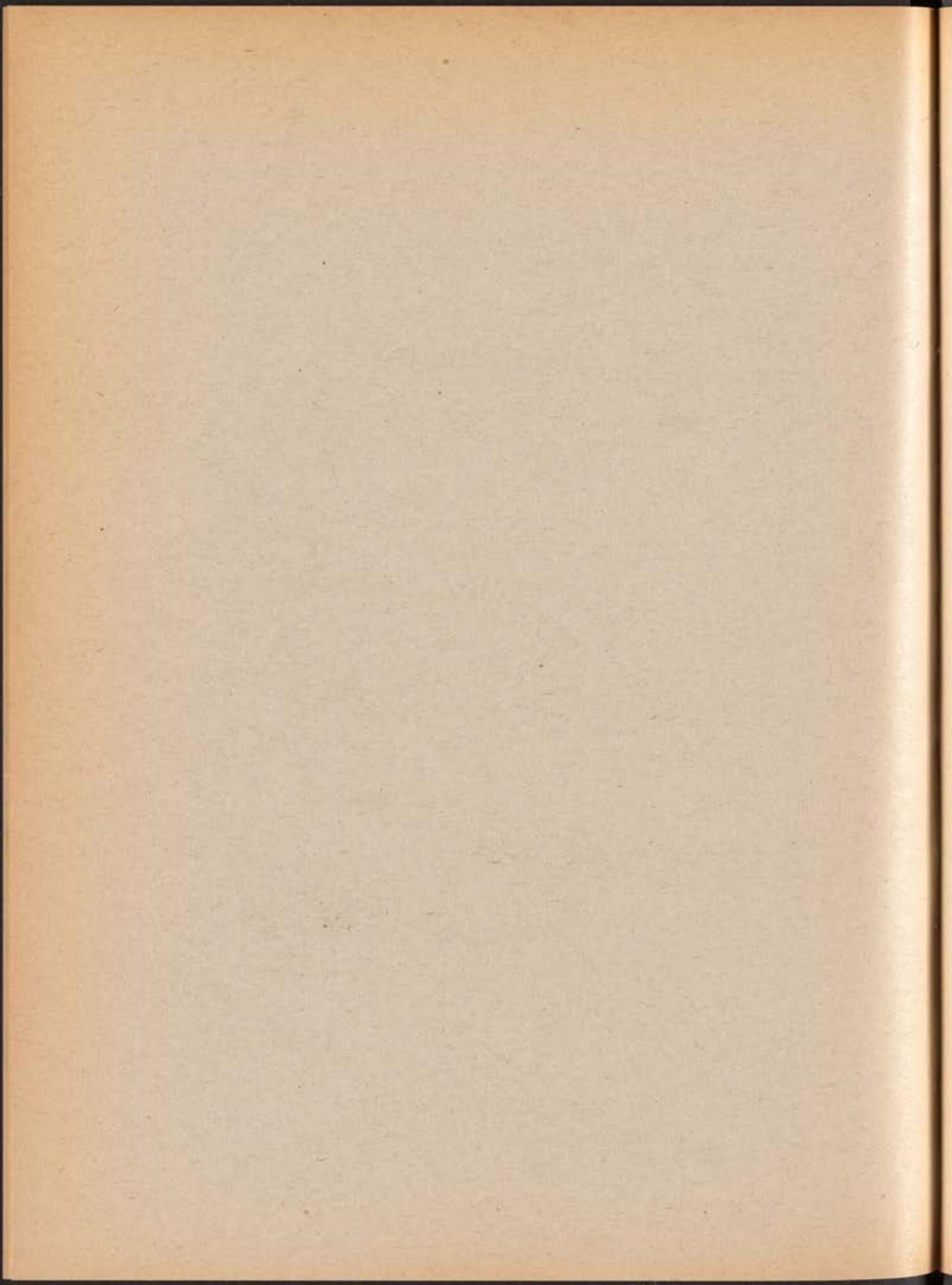
receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant.

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