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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 150—PHASE IV PRICE REGULATIONS

Amendments of Nonferrous Metals Regulations

1. Section 150.209, which applies to intra-firm transfers of certain nonferrous metals by integrated producers of those metals, is amended to broaden its applicability to include any integrated producer of nonferrous metals. As originally promulgated, the section was limited to integrated producers of nonferrous metals which customarily make intra-firm transfers of nonferrous metal items at market prices. From comments received since the announcement of § 150.209, the Cost of Living Council has determined that many integrated producers of nonferrous metals make intra-firm transfers at prices other than market prices. Thus, the applicability has been extended to put all integrated producers of nonferrous metals on an equal footing.

Additionally, the basic rule of the section, § 150.209(b), is modified to conform to the expanded applicability of the section. Under the rule as modified, a firm will be permitted to use as cost justification for an intra-firm transfer the difference between its current external prices and external prices during the base cost period. Specifically, a firm may compute its current cost for a nonferrous metal item in an intra-firm transfer using the difference between the Phase IV base price determined according to § 150.102 and the Phase IV base price determined according to § 150.208 or the cost-justified price for the item in domestic sales to unrelated firms during the current cost period.

For nonferrous metal items subject to the exemptions of § 150.54 the firm shall use the difference between the domestic market price for the item and the base price determined according to § 150.102.

2. A new Special Rule Number 3 is added to the Appendix to Subpart J to grant a limited form of price relief to both integrated from nonintegrated Tier I fabricators of nonferrous metals. The actions taken on December 6, 1973 with respect to nonferrous metals do not apply to the price of products fabricated from nonferrous metals. As a result of the December 6, 1973 actions nonferrous metals percentage price increases in many instances will be substantial. Without some relief, firms using these metals in their manufacturing activities would be required to absorb these higher costs during the prenotification process.

The new Special Rule is intended to alleviate in part the impact of these increases in nonferrous metals prices on prenotification firms which use significant amounts (30% or more of the value by product line) of these metals in fabricating activities. The Special Rule grants these firms special authority to make adjustments not subject to prenotification to reflect, on a dollar for dollar basis, the increased costs of nonferrous metals. To compute the nonferrous metal value of a product line, a firm shall use the ratio of nonferrous metals costs to sales in the base cost period. Only those metals subject to the base price adjustment of § 150.208 or the exemptions of § 150.54(p) or § 150.54(v) and which were not the subject of a volatile pricing order under § 150.156 may be included in determining nonferrous metals costs.

The Special Rule requires firms to adjust prices in accordance with all rules of the Phase IV program, except those requiring prenotification of price increases. Thus, a firm adjusting prices pursuant to this rule may adjust prices only to the extent that the price adjustment above base price is fully cost justified. As with other Phase IV price increases, this means that a firm seeking to adjust prices above adjusted freeze price levels must cost justify the full increase above base price including that portion of the adjusted freeze price which exceeds the base price.

The price adjustments may be implemented 30 days after the firm incurs the increased nonferrous metal costs stemming from the Council's December 6, 1973 actions. The authority to make adjustments under this special rule expires January 31, 1974, and a firm which uses its provisions must make a special report to the Council no later than February 15, 1974. After January 31, 1974, all firms seeking further price adjustments arising from increased nonferrous metal input costs will be required either to prenotify or request volatile pricing authority in accordance with existing procedures.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these regulations. 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 150 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective December 21, 1973.

Issued in Washington, D.C., on December 21, 1973.

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

1. Section 150.209 is amended in paragraphs (a) and (b) to read as follows:

§ 150.209 Intra-firm transfers of nonferrous metals.

(a) *Applicability.* This section applies to intra-firm transfers of products subject to the provisions of § 150.208 or nonferrous metal items the sale of which is exempt under § 150.54 by a firm which is an integrated producer of nonferrous metals. The intra-firm transfers to which this section applies must be of products manufactured by the firm concerned.

(b) *Rule.* For the purpose of determining whether net allowable costs have been incurred which justify a price in excess of the base price pursuant to § 150.73(d), a firm may compute the current cost for a transfer subject to this section by adding to the intra-firm transfer price during the base cost period the difference between (1) the base price determined under § 150.208, the cost-justified price for the item in domestic sales to unrelated firms during the current cost period or, in the case of nonferrous metal items the sale of which is exempt under § 150.54, the domestic market price and (2) the base price for the item determined under § 150.102.

* * * * *

2. The Appendix to Subpart J is amended by adding a new Special Rule Number 3 to read as follows:

APPENDIX—SPECIAL RULE NUMBER 3

(1) *Scope.*

(a) This special rule applies to prices charged by Price Category I firms for items having a raw material content by value of 30% or more nonferrous metals subject to the provisions of § 150.208 or exempt under the provisions of §§ 150.54(p) or 150.54(v).

(b) A firm shall determine the percentage content by value of an item by using the ratio of nonferrous metals

costs to sales in the base cost period for the product line, as defined in § 150.31, which includes the item. For purposes of this special rule "nonferrous metals costs" means the total cost of nonferrous metals subject to the provisions of § 150.208 or exempt under §§ 150.54(v) or 150.54(p) less the costs of those nonferrous metals subject to a volatile pricing authorization granted under § 150.156.

2. *Relief from prenotification.*

A firm which incurs increased costs for nonferrous metals as a result of the exemptions of §§ 150.54(p) or 150.54(v) or as a result of the base price adjustment permitted by § 150.208 may, 30 days after incurring those increased costs, make price adjustments on those items subject to this special rule based on those cost increases in accordance with the rules of Part 150, but without regard to the prenotification provisions of Subpart H.

3. *Reporting.*

A firm which makes price adjustments pursuant to this special rule shall, no later than February 15, 1974, file a special report on form CLC-22 providing the Council information on the product lines affected, the amount of the nonferrous metals cost increases and the price adjustments made pursuant to this special rule.

4. *Limitation.*

The authority to make price adjustments pursuant to this special rule shall expire January 31, 1974.

[FR Doc.73-27197 Filed 12-21-73;12:10 pm]

PART 150—COST OF LIVING COUNCIL

Phase IV Price Regulations

The purpose of this amendment is to revise § 150.453 so that it will have a more limited scope. That section now requires the redetermination of construction contracts in excess of $500,000, all or part of which are performed by construction workers whose wages and salaries are subject to review by the Construction Industry Stabilization Committee (CISC) or the Cost of Living Council (Council) and whose wage and salary levels are reduced as a result of CISC or Council action. As revised, § 150.453 will further limit the requirement for redetermination of construction contracts in excess of $500,000, to those construction contracts, all or part of which are performed by construction workers whose wages and salaries are: (1) Set by a collective bargaining agreement entered into before March 29, 1971, subject to review by CISC or Council and reduced as a result of CISC or Council action; or (2) set by a collective bargaining agreement entered into on or after March 29, 1971, subject to review by CISC and approved by CISC prior to November 14, 1971. CISC action includes those CISC actions issued pursuant to Executive Order 11588, as amended, or Pay Board Order No. 2, as amended.

In addition, a technical change has been made in paragraph (c) of § 150.455 for the purpose of clarifying existing Council policy that windfall profits will not be considered by the Council in defense or mitigation of a profit margin violation.

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

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 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 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective December 21, 1973.

Issued in Washington, D.C., on December 21, 1973.

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

1. Revise § 150.453 to read as follows:

§ 150.453 Redetermination of contracts over $500,000 when wages reduced by CISC or the Council.

(a) The contract price for each construction contract in excess of $500,000, all or part of which is performed by construction workers whose wages and salaries are:

(1) (i) Set by a collective bargaining agreement entered into before March 29, 1971,

(ii) Subject to review by the Construction Industry Stabilization Committee (CISC) or the Cost of Living Council (Council), and

(iii) Reduced as a result of CISC or Council action; or

(2) (i) Set by a collective bargaining agreement entered into on or after March 29, 1971,

(ii) Subject to review by CISC, and

(iii) Approved by CISC action prior to November 14, 1971,

Shall be redetermined prior to final payment. The amount by which the contract price is reduced as a result of the redetermination must fairly reflect the results of the CISC or Council action, including any cost increases directly resulting from the CISC or Council action.

(b) Redetermination of any Federal Government fixed-price prime construction contract in excess of $500,000 affected by CISC or Council action shall be conducted in the manner provided in the Federal Procurement Regulations and applicable regulations of the Department of Defense.

(c) Redetermination of fixed-price prime construction contracts provided for in paragraph (a) of this section, other than those referred to in paragraph (b) of this section, shall be conducted in the following manner:

(1) Upon notification of a reduction in the wages and salaries of construction workers subject to CISC or Council review, each subcontractor performing work under the prime contract, whose construction workers have had a reduction of wages and salaries as a result of CISC or Council action, shall promptly notify the prime contractor of any such reduction, notwithstanding the dollar value of the subcontract.

(2) In the absence of a contract clause relating to redetermination of the contract price, and after notification by his subcontractors, the owner or user, CISC, or the Council, of a reduction in the wages and salaries of construction workers as a result of CISC or Council action, the prime contractor shall offer in writing to redetermine the contract price with the owner or user prior to final payment, and furnish the owner or user with a statement of the estimated number of employees affected by the CISC or Council action.

(3) The owner or user shall notify the contractor of his intention to jointly redetermine the contract price within 90 days after receipt of the offer referred to in paragraph (c) (2) of this section.

(d) (1) In complying with this section, the prime contractor may require each subcontractor, regardless of tier, to submit to him a statement of the estimated number of employees affected by the results of the CISC or Council action. The final payment due the subcontractor engaged to perform the subcontracted work shall be jointly redetermined to reflect fairly the results of the CISC or Council action, including any cost increases directly resulting from such action.

(2) Pending notification by the owner or user of his intent to redetermine the contract price, and if the prime contractor does not hold sufficient funds in the form of retainage to fairly reflect the CISC or Council action, the prime contractor may place in escrow an amount which fairly reflects that action. The prime contractor shall refund to the subcontractor the amount placed in escrow if the owner or user does not indicate to the prime contractor his intention to jointly redetermine the contract price within the 90 day period specified, or if the owner or user does notify the prime contractor during that time period that he will not redetermine the contract price.

2. Amend § 150.455 by revising paragraph (c) as follows:

§ 150.455 Profit margin limitation.

* * * * *

(c) When a firm is in violation of its profit margin limitation on construction operations, the Council in determining an appropriate sanction will consider whether the excess results from factors such as variation in the profit margin caused by the accounting method used on multiyear projects, or other factors which are unique to the construction industry and which would distort the comparison of a firm's current profit margin on construction operations with that which prevailed in its base period. For purposes of this paragraph, the words, "other factors which are unique to the construction industry" do not include windfall profits which may result from a CISC or Council reduction in wages and

salaries where the contractor is not required to redetermine the contract price under the provisions of § 150.453 of this part.

* * * * *

[FR Doc.73-27199 Filed 12-21-73;1:33 pm]

Title 7—Agriculture

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

PART 661—PUBLIC INFORMATION, AVAILABILITY OF MATERIALS AND RECORDS

Public Availability

The purpose of this publication is to codify existing Soil Conservation Service basic policy and procedures which were published in a general notice document on July 4, 1967 (FR Doc. 67-7727).

Since the policy and procedures contained herein are well establishd 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 14, 1973.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

Part 661 reads as follows:

Sec.
661.1 Purpose and scope.
661.2 Policy.
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661.4 Availability of staff manual items, forms, and descriptive publications.
661.5 Availability of identifiable records.
661.6 Appeals to Administrator.
661.7 Requests for material of other agencies.
661.8 Fees for materials and records and related services.
661.9 Compulsory process.

AUTHORITY: 5 U.S.C. 552, 559.

§ 661.1 Purpose and scope.

This part prescribes the policies, procedures, and authorizations governing the public availability of Soil Conservation Service (SCS) materials and records under the Public Information Act (5 U.S.C. 552).

§ 661.2 Policy.

SCS will make materials and records available to the public to the maximum extent consistent with the national welfare and the rights of the individual citizens. Subject to the exemptions listed in § 661.5(a) of this part, the materials and records of SCS are freely available for public inspection and copying. The public may request from SCS copies of such materials and records upon payment of applicable fees as provided in § 661.8 of this part.

§ 661.3 Definitions.

"Descriptive publications" means SCS pamphlets, leaflets, and flyers, and press, radio, and television releases.

"Forms" means blank copies of SCS forms and forms of other agencies used by SCS.

"Indexes" means the indexes developed by SCS national and state offices to show what SCS information is available to the public.

"Records" means SCS documents, papers, and other information contained in SCS files other than staff manual items, forms, descriptive publications, and indexes.

"Staff manual items" means SCS administrative and technical memorandums, advisory notices, handbooks, technical notes, releases, information tips, etc.

§ 661.4 Availability of staff manual items, forms, and descriptive publications.

(a) The national office and each state office will make available for inspection and copying by any member of the public all staff manual items, blank copies of forms, descriptive publications, and indexes maintained by such offices. Requests for inspection and copying of these materials may be made orally or in writing. Copies of these materials may also be obtained on payment of applicable fees as provided in § 661.8 of this part.

(b) The facilities for inspection and copying by the public and for obtaining copies of materials covered by paragraph (a) of this section will be provided by the Deputy Administrator for Management in the national office and the state conservationist in each state office. The person requesting such materials (the requester) will be promptly notified that on business days during regular office hours he may inspect and copy materials, or that upon payment of applicable fees as set forth in § 661.8 of this part, SCS will provide the requested copies. If any materials requested are not located at the SCS office to which the request is made, the requester will be informed of the name and address of the SCS office where the materials are available. If a requester desires, his request will be forwarded to the SCS office where the materials are available.

§ 661.5 Availability of identifiable records.

(a) Upon request, SCS will make available with reasonable promptness any SCS records for inspection, copying, or obtaining copies, except the following:

(1) Materials specifically required by Executive Orders to be kept secret.

(2) Materials related solely to internal personnel rules and practices of SCS.

(3) Materials specifically exempted from disclosure by statute.

(4) Trade secrets and commercial or financial information obtained from a person and considered privileged or confidential. Among SCS records in this class are conservation plans showing operation of farms or other enterprises, information showing the scope of operations including boundaries, and economic data collected from the public which are used in economic evaluation of watersheds and other projects.

(5) Interagency or intra-agency memorandums or letters which by law are not available to a party other than an agency in litigation with SCS.

(6) Personnel, medical, and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(7) Geological and geophysical information, data, and maps concerning wells.

(b) Requests for records may be made in person or by mail. The request must contain a reasonably specific description of the particular record requested, including name(s), date(s), subject matter, and location, if known, so as to enable SCS to locate the record with reasonable ease. The request also must provide for payment of any applicable fees as provided in § 661.8 of this part if SCS is to furnish the copies.

(c) Subject to the advance payment of any applicable fees prescribed by § 661.8 of this part, the Deputy Administrator for Management and each state conservationist will make available with reasonable promptness any records requested in accordance with this section, unless such records are exempt as set forth in paragraph (a) of this section. In the event an exempt record is requested, the Deputy Administrator for Management or state conservationist, as the case may be, shall give prompt written notice to the requester of the determination denying public availability. The written notice of denial shall state the reasons for such determination and a notice that an appeal from the decision may be filed with the Administrator as provided by § 661.6 of this part.

(d) Any person who is a party to a litigation with the government or his counsel who requests information relating to the litigation must direct his request to either the appropriate Office of the General Counsel of the U.S. Department of Agriculture or the U.S. Attorney. Such requested information will in no case be released until clearance is received from the General Counsel or the U.S. Attorney.

§ 661.6 Appeals to Administrator.

In the event of a denial by the Deputy Administrator for Management or a state conservationist of a request for an SCS record, the requester will be informed that he may appeal to the SCS Administrator, whose address is Soil Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. The appeal must be made in writing within 30 days of the date of the notice of denial. The Administrator will notify the requester in writing of the final determination.

§ 661.7 Requests for material of other agencies.

If a request is made to SCS for materials or records created or primarily developed by another agency, the requester will be informed to submit his request to the appropriate agency. The regulations in this part deal only with records in the possession or control of SCS. This regulation imposes no obliga-

tion on SCS to compile or procure a non-SCS record in response to a request.

§ 661.8 Fees for materials and records and related services.

The Fee Schedule and related provisions published by the Director, Office of Plant and Operations, U.S. Department of Agriculture, in § 1.2(b) of this title apply in furnishing copies of SCS materials and records and related services. Fees will be collected to the fullest extent possible in advance or at the time of the transaction. When the material or record is furnished to the requester in person during a visit to an SCS office, the fee will be collected before or at the time the material or record is furnished. When the request is made by mail, the fee is to be collected before the material or record is sent to the requester. Fee payments may be made in the form of a check, draft, or money order payable to the Soil Conservation Service, USDA. The acceptance of cash in small amounts is permissible when the material or record is furnished to the requester in person at an SCS office.

§ 661.9 Compulsory process.

If records, materials, or information acquired by an SCS employee in the performance of his official duties or because of his official status are sought by subpena, order, or other compulsory process or demand, the procedures set forth in § 1.5 of this title are to be followed. The term "agency head" as used in § 1.5 of this title, in reference to SCS, means the Administrator of SCS.

[FR Doc.73-27014 Filed 12-26-73;8:45 am]

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

SUBCHAPTER C—SPECIAL PROGRAMS

PART 775—FEED GRAINS

Subpart—Feed Grain Program for Crop Years 1974–1977

1974 National Feed Grain Allotment

A new subpart is being issued to govern the Feed Grain Program for the Crop Years 1974–1977. Section 775.4 is issued to determine and proclaim the 1974 national allotment for feed grains (the remaining text of the subpart will be issued as an amendment).

Pursuant to section 105(b)(2) of the Agricultural Act of 1949, as amended by the Agriculture and Consumer Protection Act of 1973, Pub. L. 93-86, 87 Stat. 221, 231 (1973), the Secretary is required, prior to January 1 of each calendar year, to determine and proclaim for the crop produced in such calendar year a national acreage allotment for feed grains which shall be the number of acres he determines, on the basis of the estimated national average yield of the feed grains included in the program for the crop for which the determination is being made, will produce the quantity (less imports) of such feed grains that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of any of the feed grains are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the feed grain allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks.

The determination in § 775.4 of the 1974 national feed grain allotment is based on the acreages, yields, and usage set out therein. The determination has been made on the basis of the latest available statistics of the Federal Government. Compliance with the feed grain allotment is not a condition of eligibility for participation in the program, and feed grain acreage on the farm may vary widely from the farm feed grain allotment. Hence, in determining the national allotment, an adjustment for the purpose of increasing carryover stocks to a more desirable level was not considered necessary, and no such adjustment was made.

§ 775.4 1974 national feed grain allotment.

Based on estimated utilization (less imports) for the 1974–75 marketing year of 5,999 million bushels of corn, 975 million bushels of grain sorghum, and 465 million bushels of barley and estimated national yields of 97.0 bushels per acre for corn, 58.0 bushels per acre for grain sorghum, and 46.0 bushels per acre for barley, the combined acreage of corn, grain sorghum, and barley needed to produce a quantity of feed grains equal to estimated utilization is determined to be 89.0 million acres and a 1974 national feed grain allotment of 89.0 million acres is hereby proclaimed.

(Sec. 105, 63 Stat. 1054, as amended; 87 Stat. 231 (7 U.S.C. 1441 note))

Effective date. Since farmers need to be informed of their allotments as soon as possible, and in order that State and county ASC committees may complete the necessary work for issuing farm allotment notices in a timely manner, it is essential that these provisions be made effective as soon as possible. Accordingly, it is hereby found that compliance with the notice and public procedure provisions of (5 U.S.C. 553) is impracticable and contrary to the public interest. Accordingly, § 775.4 shall be effective December 27, 1973.

Signed at Washington, D.C., on December 19, 1973.

Earl L. Butz,
Secretary of Agriculture.

[FR Doc.73-27086 Filed 12-26-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

Miscellaneous Amendments

Pursuant to (5 U.S.C. 552) and the authority contained in (8 U.S.C. 1103) and 8 CFR 2.1, 8 CFR 103.1, and 103.7 are hereby republished.

The purpose of this republication of §§ 103.1 and 103.7 is to combine the numerous amendments which have been made to the sections since they were published November 26, 1958 (23 FR 9120) and August 30, 1969 (34 FR 13920), respectively. The republication is editorial in nature and is done as a matter of reader convenience in conjunction with the next revised edition of Title 8 of the Code of Federal Regulations. No changes, other than minor editorial changes, are made in §§ 103.1 and 103.7 at this time.

Sections 103.1 and 103.7, combining the numerous amendments made thereto since November 26, 1958 and August 30, 1969, respectively, read as follows:

§ 103.1 Delegations of authority.

Without divesting the Commissioner of any of the powers, privileges, and duties delegated to him by the Attorney General under the immigation and naturalization laws of the United States, coextensive authority is hereby delegated to the following described officers of the Service:

(a) *Associate Commissioner, Operations.* All of the operational activities of the Service.

(1) *Deputy Associate Commissioner, Domestic Control.* The operational activities of the Service relating to investigations and enforcement.

(i) *Assistant Commissioner, Investigations.* The investigations and adminministrative prosecution activities of the Service.

(ii) *Assistant Commissioner, Enforcement.* The border patrol activities of the Service.

(2) *Deputy Associate Commissioner, Travel Control.* The operational activities of the Service relating to authorizations, Service activities outside the United States, and inspections at ports of entry.

(i) *Assistant Commissioner, Examinations.* The authorization and inspection activities of the Service.

(ii) *Assistant Commissioner, Special Projects.* The Service activities outside the United States, other than the Mexico City, Mexico, district.

(b) *Associate Commissioner, Management.* All of the management activities of the Service.

(1) *Deputy Associate Commissioner, Security.* The management activities of the Service, relating to field inspections, security, intelligence, and naturalization.

(i) *Assistant Commissioner, Field Inspection and Security.* The field inspection, intelligence, and security activities of the Service.

(ii) *Assistant Commissioner, Naturalization.* The naturalization activities of the Service.

(2) *Deputy Associate Commissioner, Administrative Services.* The management activities of the Service relating to administration, detention, and deportation.

(i) *Assistant Commissioner, Administration.* The personnel, budget, fiscal,

statistics, procurement, and records activities of the Service.

(ii) *Assistant Commissioner, Detention and Deportation.* The detention and deportation activities of the Service.

(c) *General Counsel.* The legal advisory, legislative, litigation, and trial attorney (including appellate trial attorney at the Board of Immigration Appeals) activities of the Service. The General Counsel is authorized to approve production or disclosure in response to subpoenas or demands of courts or other authorities, as provided in 28 CFR 16.23(b)(2)(iii).

(d) *Chief Special Inquiry Officer.* The exclusion and expulsion hearing activities of the Service.

(e) *Regional commissioners.* The activities of the Service within their respective regional areas, including authority to settle tort claims of $2,500 or less pursuant to section 2672 of Title 28, United States Code, and authority pursuant to sections 951 and 952 of Title 31, United States Code, to compromise or to suspend or terminate collection efforts of, claims of the United States which do not exceed $20,000, exclusive of interest, as well as the following appellate jurisdiction specified in this chapter:

(1) Decisions on breaching of bonds as provided in § 103.6(e);

(2) Decisions on third- and sixth-preference petitions, as provided in § 204.1(c), of this chapter except when the denial of the petition is based upon the lack of a certification by the Secretary of Labor pursuant to section 212(a)(14) of the Act;

(3) [Reserved]

(4) Decisions on orphan petitions, as provided in § 204.1(b) of this Chapter;

(5) [Reserved]

(6) Decisions revoking approval of certain petitions, as provided in § 205.3 of this Chapter;

(7) Decisions on applications for permission to reapply for admission to the United States after deportation or removal, as provided in § 212.2 of this Chapter;

(8) Decisions on applications for waiver of certain grounds of excludability, as provided in § 212.7(a) of this Chapter;

(9) Decisions on applications for waiver of the two-year foreign residence requirement, as provided in § 212.7(c) of this chapter;

(10) Decisions on petitions for approval of schools, as provided in § 214.3 of this chapter;

(10a) Decisions by special inquiry officers in proceedings to withdraw the approval of petitions by schools, as provided in § 214.4(j) of this chapter;

(11) Decisions on petitions for temporary workers or trainees and fiancees or fiances of citizens of the United States, as provided in § 214.2 of this chapter;

(12) Decisions an applications for issuance of reentry permits, as provided in § 223.1 of this chapter;

(12a) Decisions on applications for refugee travel documents, as provided in § 223a.4 of this chapter;

(13) Decisions on applications for benefits of section 13 of the Act of September 11, 1957, as provided in § 245.3 of this chapter;

(14) Decisions on adjustment of status of certain resident aliens to nonimmigrants, as provided in § 247.12(b) of this chapter;

(15) Decisions on applications for change of nonimmigrant status, as provided in § 248.3(d) of this chapter;

(16) Decisions on applications to preserve residence for naturalization purposes, as provided in § 316a.21(c) of this chapter;

(17) Decisions on applications for certificates of citizenship, as provided in § 341.6 of this chapter;

(18) Decisions on administrative cancellation of certificates, documents, or records, as provided in § 342.8 of this chapter;

(19) Decisions on applications for certificates of naturalization or repatriation, as provided in § 343.1 of this chapter;

(20) Decisions on applications for new naturalization or citizenship papers, as provided in § 343a.1(c) of this chapter; and

(21) Decisions on applications for special certificates of naturalization, as provided in § 343b.11(b) of this chapter.

(e-1) *Regional counsels.* In addition to other legal activities performed under the executive direction of the General Counsel, authority within their respective regional areas, concurrent with that of the General Counsel, to approve production or disclosure in response to subpoenas or demands of courts or other authorities, as provided in 28 CFR 16.23(b)(2)(iii).

(f) *District directors.* Under the executive direction of a regional commissioner (except district directors outside the United States who operate under the executive direction of the Assistant Commissioner, Special Projects), the grant or denial of any application or petition submitted to the Service, the initiation of any authorized proceeding in their respective districts, and the exercise of the authorities under §§ 242.1(a), 242.2(a), and 242.7 of this chapter without regard to geographical limitations. District directors outside the United States (except Mexico) have all appellate jurisdiction specified in this chapter not reserved to the Board of Immigration Appeals for matters arising in their respective districts. District directors, acting district directors and deputy district directors are authorized to conduct the proceeding provided for in § 252.5 of this chapter.

(g) *Officers in charge.* The supervision of inspection at ports of entries and the authorizations of extensions of nonimmigrant admission periods and of voluntary departure prior to the commencement of deportation hearings. Officers in charge in Districts 33, 34, and 37 have the same powers with respect to petitions and applications submitted by citizens or aliens residing in their respective areas as are conferred on district directors in the United States. The officers in charge in the places enumerated in § 212.1(i) of this chapter have the authority to act on requests for waiver of visa and passport requirements under the provisions of section 212(d)(4)(A) of the Act. The officers in charge of the offices located in Frankfurt, Germany; Athens, Greece; Rome, Italy; Naples, Italy; Palermo, Italy; Vienna, Austria; Manila, Philippines; Tokyo, Japan; and Hong Kong, B.C.C., are authorized to perform the following functions: Authorize waivers of grounds of excludability under sections 212(h) and (i) of the Act; adjudicate applications for permission to reapply for admission to the United States after deportation or removal if filed by an applicant for an immigrant visa in conjunction with an application for waiver of grounds of excludability under section 212(h) or (i) of the Act, or if filed by an applicant for a nonimmigrant visa under section 101(a)(15)(K) of the Act; approve visa petitions for any immediate relative or preference status except third and sixth preferences; in cases in which the Department of State had delegated recommending power to the consular officer, approve recommendations made by consular officers for waiver of grounds of excludability in behalf of nonimmigrant visa applicants under section 212(d)(3) of the Act and concur in proposed waivers by consular officers of the requirement of visa or passport by a nonimmigrant on the basis of unforeseen emergency; exercise discretion to grant applications for the benefits of sections 211 and 212(c) of the Act; process Form I-90 applications and deliver duplicate Forms I-151; extend reentry permits; and process Form N-565 applications and deliver certificates issued thereunder. The officers in charge of the offices located in the following places are authorized to perform the following functions:

(1) Athens—Authorize conditional entry under section 203(a)(7) of the Act;

(2) Frankfurt—Authorize conditional entry under section 203(a)(7) of the Act;

(3) Hamilton—Preinspection of passengers and crew on aircraft and surface vessels departing directly to the U.S. mainland;

(4) Montreal—Preinspection of passengers and crew of aircraft departing directly to the U.S. mainland and authorize waivers of grounds of excludability under sections 212(h) and (i); also, approve applications for permission to reapply for admission to the United States after deportation or removal, when filed in conjunction with an application for waiver of grounds of excludability under section 212(h) or (i) of the Act;

(5) Nassau—Preinspection of passengers and crew on aircraft and surface vessels departing directly to the U.S. mainland;

(6) Rome—Authorize conditional entry under section 203(a)(7) of the Act;

(7) Vienna—Authorize conditional entry under section 203(a)(7) of the Act; and

(8) Hong Kong—Authorize conditional entry under section 203(a)(7) of the Act.

(h) *Special inquiry officers.* Following selection by the Commissioner, the exer-

cise of the powers and duties in this chapter regarding the conduct of exclusion and expulsion hearings, proceedings, for withdrawal of school approval, proceedings for rescission of adjustment of status, and such other proceedings which the Commissioner may assign them to conduct.

(i) *Immigration officer.* Any immigration inspector, immigration examiner, border patrol agent, airplane pilot, deportation officer, detention guard, investigator, general attorney (nationality), trial attorney (immigration) or supervisory officer of such employees is hereby designated as an immigration officer authorized to exercise the powers and duties of such officer as specified by the Act, or this chapter.

(j) *Chief patrol agents.* Under the executive direction of a regional commissioner, the Border Patrol activities of the Service within their respective sector areas, including exercise of the authority contained in section 242(b) of the Act to permit aliens to depart voluntarily from the United States prior to commencement of hearing.

§ 103.7 Fees.

(a) *Remittances.* Fees prescribed within the framework of 31 U.S.C. 483a shall be submitted with any formal application or petition prescribed in this chapter and shall be in the amount prescribed by law or regulation. When any discretionary relief in exclusion or deportation proceedings is granted absent an application and fee therefor, the district director having jurisdiction over the place where the original proceeding was conducted shall require the filing of the application and the payment of the fee. Every remittance shall be accepted subject to collection. A receipt issued by a Service officer for any such remittance shall not be binding if the remittance is found uncollectible. Remittances must be drawn on a bank or other institution located in the United States and be payable in United States currency. Fees in the form of postage stamps shall not be accepted. Remittances shall be made payable to the "Immigration and Naturalization Service," except that in case of applicants residing in the Virgin Islands of the United States, the remittances shall be made payable to the "Commissioner of Finance of the Virgin Islands," and, in the case of applicants residing in Guam, the remittances shall be made payable to the "Treasurer, Guam." If payment is made by international money order of the type that cannot be mailed with the application or petition, the money order must be drawn on the postmaster of the city in the United States to which the application or petition is being mailed.

(b) *Amounts of fees.* (1) The following fees and charges are prescribed:

For filing application for Alien Registration Receipt Card (Form I-151), in lieu of one lost, mutilated, or destroyed, or in a changed name	$10.00
For filing application for a United States Citizen Identification Card	10.00
For filing application for permission to reapply for an excluded or deported alien, an alien who has fallen into distress and has been removed as an alien enemy, or an alien who has been removed at Government expense in lieu of deportation	25.00
For filing application for passport or visa waiver prior to or at the time application is made for temporary admission to the United States	[1] 10.00
For filing application for visa waiver when application is made for admission as a returning resident	[1] 10.00
For filing application for passport waiver prior to or at the time application is made for permanent admission	[1] 10.00
For filing appeal from or motion to reopen or reconsider, any decision under the immigration laws, except an exclusion or deportation proceeding. (The minimum fee of $25 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	25.00
For filing petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the Act	25.00
For filing petition to classify nonimmigrant as fiancee or fiance under section 214(d) of the Act	10.00
For filing petition to classify status of alien relative for issuance of immigrant visa under section 204(a) of the Act	10.00
For filing application for issuance or extension of reentry permit	10.00
For filing application for issuance or extension of refuge travel document	10.00
For filing application for extension of stay of a nonimmigrant, other than one described in section 101(a)(15)(F) or 101(a)(15)(J) of the Act, and, upon a basis of reciprocity, a nonimmigrant described in section 101(a)(15)(A)(iii) or 101(a)(15)(G)(v) of the Act	10.00
For filing petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act	25.00
For filing petition to classify orphan as an immediate relative for issuance of immigrant visa under section 204(a) of the Act. (When more than one petition is submitted by the same petitioner in behalf of orphans who are brothers or sisters, only one fee will be required.)	25.00
For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof	25.00
For filing application for discretionary relief under section 212(c) of the Act	25.00
For filing application for discretionary relief under section 212(d)(3) of the Act, except in an emergency case, or where the approval of the application is in the interest of the United States Government	25.00
For filing application for waiver of the foreign-residence requirement under section 212(e) of the Act	25.00
For filing application for waiver of ground of excludability under section 212(h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections.)	25.00
For filing application for adjustment of status to that of a permanent resident under section 245 of the Act	25.00
For filing application for adjustment of status to that of a permanent resident under section 13 of the Act of September 11, 1957	25.00
record of admission for permanent residence under section 249 of the Act	25.00
For filing application to record lawful admission for permanent residence under section 214(d) of the Act	25.00
For filing application for change of nonimmigrant classification under section 248 of the Act	25.00
For filing appeal from, or a motion to reopen or reconsider, a decision in an exclusion or deportation proceeding, except when a motion to reopen or reconsider is made concurrently with an application for stay of deportation under Part 243 of this chapter, or concurrently with an application for temporary withholding of deportation under section 243(h) of the Act, or concurrently with an application for suspension of deportation under section 244 of the Act, for adjustment of status under section 245 of the Act, or for creation of a record of lawful admission for permanent residence under section 249 of the Act. (The minimum fee of $25 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	25.00
For filing application for stay of deportation under Part 243 of this chapter	25.00
For filing application for temporary withholding of deportation under section 243(h) of the Act	25.00
For filing application for suspension of deportation under section 244 of the Act	50.00
For filing application for transfer of petition for naturalization under section 335(i) of the Act, except when transfer is of a petition for naturalization filed under the Act of October 24, 1968, P.L. 90-633	5.00
For filing application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; or for a certificate of citizenship in a changed name under section 343(b) or (d) of the Act	5.00
For filing application for certificate of citizenship on Form N-600 under section 309(c) or section 341 of the Act	10.00
For filing application for certificate of citizenship on Form N-400 by a parent, and the issuance thereof, under section 341 of the Act	10.00
For filing application for a special certificate of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(c) of the Act	5.00
For filing application for a certificate of naturalization or repatriation under section 343(a) of the Immigration and Nationality Act or the 12th subdivision of section 4 of the Act of June 29, 1906	5.00
For filing application for section 316(b) or 317 of the Act benefits	10.00
For special statistical tabulations a charge will be made to cover the cost of the work involved	

[1] Plus communication costs.

For set of monthly, semiannual, or annual tables entitled "Passenger Travel Reports via Sea and Air"... 5.00
For annual subscription for "Passenger Travel Reports via Sea and Air" ... 75.00

(2) For the filing of each Form N-585 or Form I-550, and for the services expended in searching for or making available records or copies thereof under (5 U.S.C. 552), the following user charges are deemed fair and equitable and, except as otherwise provided in § 103.10(a)(2) and in paragraph (c) of this section, shall be assessed against the person who requests that records be made available:

Requests. Each Form N-585 or Form I-550 shall be accompanied by a payment of ... $3.00
(This charge shall be retained whether or not an identified record is located. However, when additional fees in connection with the request are chargeable under this section, the above-described payment shall be applied against them, and only so much of such fee as exceeds $3.00 shall be collected.)
Clerical searches. For each one quarter hour spent by clerical personnel in excess of the first quarter hour in searching for and producing a requested record ... 1.25
Monitoring inspection. For each one quarter hour spent in monitoring the requester's inspection of records ... 1.25
Copies of documents. (Maximum of ten copies will be supplied.) Per page ... .10
Certification. For certification of true copies, each ... 1.00
Attestation. For attestation under seal ... 3.00
Nonroutine, nonclerical searches. Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely, for each one quarter hour spent in excess of the first quarter hour by such higher level personnel in searching for a requested record ... 3.75

When records must be screened or obtained from a computer. The Service shall conform its charges with the policies of the Department of Justice, stated in subparagraphs (7) and (8) of 28 CFR 16.9(b), concerning charges for examination and related tasks in screening records and charges for services involving computerized records.

Notice of anticipated fees in excess of $25.00. Where it is anticipated that the fees chargeable under this section will amount to more than $25.00, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases an advance deposit may be required. The notice of request for an advance deposit shall extend an offer to the requester to confer with knowledgeable Service personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such a notice or request shall toll the running of the period for response by the Service until a reply is received from the requester.

(3) Except as otherwise provided in paragraph (c) of this section, for services performed under section 344(a) of the Act the clerk of court shall charge, collect, and account for the following fees:

For receiving and filing a declaration of intention ... $5.00
For making, filing, and docketing a petition for naturalization ... 25.00

(c) *Waiver of fees.* (1) Except as otherwise provided in this paragraph and in § 3.3(b) of this chapter, any of the fees prescribed in paragraph (b) of this section relating to applications, petitions, appeals, motions, or requests may be waived in any case in which the alien or other party affected is unable to pay the prescribed fee if he files his affidavit asking for permission to prosecute without payment of fee the application, petition, appeal, motion, or request, and stating his belief that he is entitled to or deserving of the benefit requested and the reasons for his inability to pay. The officer of the Service having jurisdiction to render a decision on the application, petition, appeal, motion, or request may, in his discretion, grant the waiver of fee. Fees for "Passenger Travel Reports via Sea and Air" and for special statistical tabulations may not be waived.

(2) When the prescribed fee is for services to be performed by the clerk of court under section 344(a) of the Act, the affidavit for waiver of the fee shall be filed with the district director or officer in charge of the Service having administrative jurisdiction over the place in which the court is located at least 7 days prior to the date the fee is required to be paid. If the waiver is granted, there shall be delivered to the clerk of court by a Service representative on or before the date the fee is required to be paid, a notice prepared on Service letterhead and signed by the officer granting the waiver, that the fee has been waived pursuant to this paragraph.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance since the republication of §§ 103.1 and 103.7 is editorial in nature.

Dated: December 19, 1973.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.73-27094 Filed 12-26-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER II—PACKERS AND STOCKYARDS ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

General Bonding Provisions, Market Agency and Dealer Bonds

Correction

In FR Doc. 73-26150 appearing at page 33965 in the issue of Monday, December 10, 1973, make the following changes:

1. In § 201.27(c), in the 6th line from the bottom of paragraph (d) of the bond text, the word "mlaim" should read "claim".

2. In the "Trust Fund Agreement in Lieu of Bond Required of Livestock Agencies and Dealers" in § 201.27(c), the second line of paragraph (d) reading "ment may be filed with either the Trustee or", should read "ment must be filed in writing with either the Trustee or".

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL

[No. 73-1866]

PART 500—ORGANIZATION AND CHANNELLING OF FUNCTIONS

Amendment Relating to Forms

DECEMBER 19, 1973.

The Federal Home Loan Bank Board by Resolution No. 73-852 (dated June 20, 1973; 38 FR 19017), in part, adopted a codified statement of organization and channelling of functions (12 CFR Part 500). The Board considers it desirable to revise paragraphs (a)(1) and (a)(2) of § 500.31 (12 CFR 500.31) in order to revise the lists of forms contained therein to reflect the current status of the forms used by the public in its submissions of information to the Board.

Section 500.31(a)(1) is hereby amended by adding form numbers 154, 167, 248, 551, 778, 877a, 877b, 895, 901, 921, and SD-1 together with the titles thereof as set forth below and by deleting form number 646, and § 500.31(a)(2) is hereby amended by adding form number H(e)4 together with the title thereof as set below, effective December 27, 1973.

§ 500.31 Forms.

(a) The following forms, which are available at the offices of agents of the Board and the Federal Savings and Loan Insurance Corporation at the Federal Home Loan Banks, shall be used for the purposes indicated.

(1) Forms with permanent numbers, excepting Savings and Loan Holding Company forms in the H and HC series:

* * * * *

154..... Semiannual report: Interest/Dividend Rates and Savings Account Structure (Insured Institutions)

* * * * *

167	Real Estate Foreclosure (quarterly sample of recorders of deeds)
* * * * *	
248	Semiannual report: Savings at Branch Offices (Insured Associations)
* * * * *	
551	Mortgage Lending Activity (monthly sample of insured associations)
* * * * *	
646	[Deleted]
* * * * *	
778	Semiannual report: Savings Account Balances as of December 31
* * * * *	
877a	Rates & Terms on Conventional 1-Family Nonfarm Mortgage Loans: Loans closed (monthly sample of insured associations and mortgage companies)
877b	Rates & Terms on Conventional 1-Family Nonfarm Mortgage Loans: Policy on Interest Rates and Fees (monthly sample of insured associations and mortgage companies)
* * * * *	
895	Semiannual report: Cash & Investment Securities (Insured Associations)
* * * * *	
901	Semiannual report: Officers, Directors, Attorneys and Employees.
921	Semiannual report: Federal Income Tax Data (Insured Associations)
SD-1	Application for the Issuance of Subordinated Debt Securities

(2) Savings and Loan Holding Company forms (described more fully in § 584.10 of this chapter):

* * * * *	
H(e)4	Application under § 584.4-1
* * * * *	

(Secs. 17, 18, 47 Stat. 736, 737, as amended; (12 U.S.C. 1437, 1438). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-27099 Filed 12-26-73;8:45 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-1826]

PART 545—OPERATIONS

Amendment Relating to Service Corporations

DECEMBER 14, 1973.

The Federal Home Loan Bank Board, by Resolution No. 73-1152, dated August 15, 1973, proposed to amend § 545.9-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) by adding a new subdivision (iv) to § 545.9-1(b)(3) in order to require prior Board approval for certain investments in and by certain service corporations in which Federal savings and loan associations may invest. Notice of such proposed rule making was duly published in the FEDERAL REGISTER on September 6, 1973 (38 FR 24228), with an invitation for interested persons to submit written comments by October 8, 1973.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to amend said Part 545 as set forth in said proposal. Accordingly, the Board hereby amends said Part 545 by adding a new subdivision (iv) to § 545.9-1(b)(3) to read as set forth below, effective January 27, 1974.

§ 545.9-1 **Service corporations.**

* * * * *

(b) *Other service corporations.* In addition to investment in a service corporation which meets the requirements of paragraph (a) of this section, a Federal association which has a charter in the form of Charter N or K (rev.) may invest in the capital stock, obligations, or other securities of any service corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of the association is located if:

* * * * *

(3) The following limitations are complied with:

* * * * *

(iv) In the case of a service corporation of the type described in paragraph (b)(2)(ii) of this section, the approval of the Board is required for any investment

(a) by a Federal association in such a service corporation or in a corporation which will become such a service corporation as a result of such investment, and

(b) by such a service corporation directly or indirectly through one or more wholly-owned subsidiaries or joint ventures of such service corporation if the purpose of such investment is to acquire a going business for an amount exceeding the fair market value of the tangible net assets attributable to that business from a director or officer of a Federal association which owns any of the capital stock of such a service corporation or from an entity in which a director or officer of such Federal association has a direct or indirect beneficial interest or is a director officer, controlling person, partner or trustee.

* * * * *

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

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-27100 Filed 12-26-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-22-AD; Amdt. 39-1765]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Models 22, 22M, and 30A Airplanes

There have been failures of freon pack electric compressor motors that have resulted in partial or total loss of generator power in Model 22 airplanes. Since this condition is likely to exist or develop in other General Dynamics Models 22, 22M, and 30A airplanes, an airworthiness directive is being issued to require replacement of existing electric freon pack compressor motor fuses having current ratings in excess of 110 amperes with 110 ampere fuses in the Model 22 airplanes, and modification of the electric freon pack compressor motor protectors to provide faster trip time in the Models 22, 22M and 30A airplanes.

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:

GENERAL DYNAMICS. Applies to all Models 22, 22M, and 30A airplanes certificated in all categories incorporating Hamilton Standard Electric Freon Packs Part Numbers 574056 or 573970 (Model 22), P/N 573971 (Model 22M), P/N 574057 (Model 30A).

Compliance required as indicated.

To prevent partial or total loss of generator power due to electric freon pack compressor motor failure, accomplish the following:

(a) Model 22 airplanes.

Within 50 hours' time in service after the effective date of this AD, unless already accomplished, replace the freon pack fuses with LPN 110 fuses, per paragraph 2B., Accomplishment Instructions, General Dynamics Service Bulletin 880 S.B. No. 24-56, dated November 21, 1973, or later FAA-approved revisions. Airplanes with existing fuses rated at 110 amperes or less need not accomplish the foregoing installation.

(b) Models 22, 22M and 30A airplanes.

Within 300 hours' time in service after the effective date of this AD, unless already accomplished, modify the freon pack compressor motor protectors, P/N 573667, per paragraph 2A., Accomplishment Instructions General Dynamics Service Bulletins 880 S.B. No. 24-56, dated November 21, 1973 (for Model 22), 880M S.B. No. 24-15, dated November 21, 1973 (for Model 22M), and 990 S.B. No. 24-16, dated November 21, 1973 (for Model 30A), or later FAA-approved revisions to the bulletins.

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

(d) Airplanes may be operated to a maintenance base under special flight permits per §§ 21.197 and 21.199 of the Federal Aviation

Regulations for the purpose of accomplishing this AD.

This amendment becomes effective February 1, 1974.

(Secs. 313(a), 601, and 603 of the 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 12, 1973.

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

[FR Doc.73-26990 Filed 12-26-73;8:45 am]

[Airworthiness Docket No. 71-WE-28-AD; Amdt. 39-1766]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 Series and C-9A (DC-9-32F) Airplanes

Amendment 39-1378 (37 FR 665), AD 72-2-3, as amended by Amendment 39-1399 (37 FR 4702), requires inspection of the main landing gear attach fittings for cracks and treatment or replacement, if necessary, on McDonnell Douglas DC-9--10, -20, -30, -40 Series and C-9A (DC-9-32F) airplanes. After issuing Amendment 39-1399 McDonnell Douglas amended Service Bulletin 57-86 by incorporating a Phase III corrosion preventative procedure. The Phase III corrosion preventative procedure is equivalent to the Phase II corrosion preventative procedure required in the AD. Therefore, the AD is being amended to provide for the use of Phase III as an alternate method of compliance.

Since this amendment provides an alternate means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment 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 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1378 (37 FR 665), AD 72-2-3, as amended by Amendment 39-1399 (37 FR 4702), is further amended as follows:

(1) Amend the last sentence of paragrap A.1.(b) to read, in pertinent part, as follows:

"* * * FAA-approved inspection periods; or"

(2) Add a new paragraph A.1.(c) as follows:

"(c) Accomplish the permanent preventative shot-peening in accordance with Phase III of Douglas Service Bulletin 57-86, Revision 7, dated April 17, 1973, or later FAA-approved revisions or an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region. When this is accomplished the operator may return to the normal FAA-approved inspection periods."

This amendment becomes effective January 2, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on December 14, 1973.

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

[FR Doc.73-27073 Filed 12-26-73;8:45 am]

(Airspace Docket No. 73-WE-17)

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

Alteration of Control Zone

The Department of the Air Force has advised that they no longer have a requirement for the Rittenhouse, Arizona VOR. This facility is owned by the Air Force and used primarily for the recovery of T-37 aircraft at Williams AFB, Arizona. The VOR is not used in the National Airspace System nor are there any public procedures utilizing the facility. Decommissioning the VOR will require amending the description of the Chandler, Arizona control zone. Altering the control zone will reduce its configuration by revoking the airspace currently described on the Rittenhouse VOR.

Since this amendment will not impose any hardship on any person, notice and public procedure hereon is unnecessary.

In view of the foregoing, in Part 71 of the Federal Aviation Regulations (39 FR 354), the description of the Chandler, Arizona control zone is amended to read as follows:

CHANDLER, ARIZONA

Within a 5 mile radius of Williams AFB (latitude 33°18'30" N., longitude 111°39' 27" W.), within 3 miles each side of the Chandler VORTAC 130° radial, extending from the 5 mile radius zone to 9 miles SE of the VORTAC, and within 2 miles each side of the Chandler VORTAC 319° radial, extending from the 5 mile radius zone to 9 miles NW of the VORTAC. This control zone is effective from 0600 to 0200 hours local time Monday through Friday, 0800 to 1600 hours local time Saturday, and 1000 to 1600 hours local time Sunday, excluding Federal legal holidays.

Effective date. This amendment is effective 0901 g.m.t., February 28, 1974.

This amendment is issued under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348 (a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on December 12, 1973.

ROBT. O. BLANCHARD,
Director, FAA Western Region.

[FR Doc. 73-27074 Filed 12-26-73; 8:45 am]

[Airspace Docket No. 73-SO-80]

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

Redesignation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Sumter, S. C., control zone.

The Sumter control zone is described in § 71.171 (39 FR 354) and is presently designated as part time, with effective hours from 0700 to 2300 hours, local time, daily. Due to increased military activity in the interest of national defense and to avoid attempting to compress this increased activity within the current operating hours, which would compromise safety, it is necessary to redesignate the control zone to be effective 24 hours. Because of this requirement, it is necessary to alter the Sumter control zone description to reflect this change.

In consideration of the foregoing, notice and public procedure hereon are unnecessary, and Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., January 2, 1974, as hereinafter set forth.

In § 71.171 (39 FR 354), the Sumter, S. C., control zone is amended as follows:

". . . This control zone is effective from 0700 to 2300 hours, local time, daily, during e.s.t., and from 0800 to 2400 hours, local time, daily, during e.d.s.t. . . ." is deleted.

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

Issued in East Point, Ga., on December 10, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 73-27075 Filed 12-26-73; 8:45 am]

[Docket No. 13392; Amdt. No. 895]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue,

SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.21 is amended by originating, amending, or canceling the following L/MF SIAPs, *effective January 31, 1974.*

Nome, Alas.—Nome Arpt., LFR Rwy 27, Amdt. 9, canceled.

2. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective January 31, 1974.*

Alexandria, Ind.—Alexandria Arpt., VOR Rwy 27, Amdt. 1.
Aurora, Neb.—Aurora Municipal Arpt., VOR/DME-A, Orig.
Baton Rouge, La.—Ryan Arpt., VOR Rwy 4, Amdt. 11.
Blythe, Cal.—Blythe Arpt., VOR-A, Amdt. 1.
Blythe, Cal.—Blythe Arpt., VOR Rwy 26, Orig.
Butte, Mont.—Bert Mooney Silver Bow Co. Arpt., VOR-A, Orig.
Butte, Mont.—Bert Mooney Silver Bow Co. Arpt., VOR Rwy 11, Orig.
Butte, Mont.—Silver Bow Co. Arpt., VOR-A, Amdt. 7, canceled.
Butte, Mont.—Silver Bow Co. Arpt., VOR-B, Amdt. 4, canceled.
Butte, Mont.—Silver Bow Co. Arpt., VOR/DME-A, Amdt. 2, canceled.
Calverton, N.Y.—Peconic River Plant (Grumman) Arpt., VOR-A, Amdt. 5.
Centre, Ala.—Centre Muncipal Arpt., VOR/DME Rwy 27, Orig.
Chicago, Ill.—Chicago O'Hare Int'l. Arpt., VOR Rwy 4L, Orig.
Chicago, Ill.—Chicago O'Hare Int'l. Arpt., VOR Rwy 22R, Orig.
Dallas, Tex.—Redbird Arpt., VOR Rwy 17, Orig.
Danbury, Conn.—Danbury Municipal, VOR-A, Amdt. 3.
Ft. Myers, Fla.—Page Field, VOR Rwy 13, Amdt. 1.
Hays, Kans.—Hays Municipal Arpt., VOR Rwy 34, Amdt. 1.
Imperial, Cal.—Imperial County Arpt., VOR-A, Amdt. 1.
Imperial, Cal.—Imperial County Arpt., VOR Rwy 32, Orig.
La Verne, Cal.—Brackett Field, VOR/DME-B, Amdt. 1.
Newburgh, N.Y.—Stewart Arpt., VOR Rwy 27, Orig.
Palm Springs, Cal.—Palm Springs Municipal Arpt., VOR-A, Amdt. 1.
San Diego, Cal.—Montgomery Field, VOR/DME-C, Orig.
Vacaville, Cal.—Nut Tree Arpt., VOR-A, Amdt. 1.

* * * effective *December 7, 1973*

Jackson, Tenn.—McKellar Field, VOR Rwy 2, Amdt. 9.

3. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective January 31, 1974.*

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., LOC (BC) Rwy 22R, Amdt. 7.
Cold Bay, Alas.—Cold Bay Arpt., LOC/DME (BC) Rwy 32, Amdt. 1.
Los Angeles, Cal.—Van Nuys Arpt., LDA-C, Amdt. 2.

* * * *effective January 10, 1974*

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., LOC Rwy 33, Orig., canceled.

* * * *effective December 27, 1973*

Niagara Falls, N.Y.—Niagara Falls Int'l. Arpt., LOC (BC) Rwy 10L, Amdt. 2.

4. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective January 31, 1974.*

Clinton, Okla.—Clinton Municipal Arpt., NDB Rwy 35, Amdt. 1.
Majuro Atoll Trust Territories—Marshall Islands Int'l. Arpt., NDB Rwy. 25, Amdt. 1.
Nome, Alas.—Nome Arpt., NDB Rwy 27, Orig.
Ogallala, Neb.—Searle Field, NDB Rwy 8, Amdt. 1.
Ogallala, Neb.—Searle Field, NDB Rwy 26, Orig.
Wichita Falls, Tex.—Kickapoo Arpt., NDB-A, Amdt. 1.

* * * *effective December 27, 1973*

Oxford, Conn.—Waterbury-Oxford Arpt., NDB Rwy 18, Orig., canceled.
Oxford, Conn.—Waterbury-Oxford Arpt., NDB Rwy 18, Orig.

* * * *effective December 7, 1973*

Jackson, Tenn.—McKellar Field, NDB Rwy 2, Amdt. 1.

5. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective January 31, 1974.*

Burbank, Cal.—Hollywood-Burbank Arpt., ILS Rwy 7, Amdt. 27.
Calverton, N.Y.—Peconic River Plant (Grumman) Arpt., ILS Rwy 5, Amdt. 7.
Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., ILS Rwy 5R, Amdt. 11.
Yakima, Wash.—Yakima Air Terminal, ILS Rwy 27, Amdt. 21.

* * * *effective January 10, 1974*

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 33, Orig.

* * * *effective December 27, 1973*

Oxford, Conn.—Waterbury-Oxford Arpt., ILS Rwy 36, Orig.

* * * *effective December 10, 1973*

Keene, N.H.—Dillant-Hopkins Arpt., ILS Rwy 2, Amdt. 5.

* * * *effective December 7, 1973*

Jackson, Tenn.—McKellar Field, ILS Rwy 2, Amdt. 1.

* * * *effective November 28, 1973*

Salinas, Cal.—Salinas Municipal Arpt., ILS/DME Rwy 31, Orig., canceled.

6. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs, *effective January 31, 1974.*

Lexington, Ky.—Blue Grass Arpt., Radar-1, Amdt. 2.
Philadelphia, Pa.—Philadelphia Int'l. Arpt., Radar-1, Amdt. 14.

(Secs. 307, 313, 601, 110, Federal Aviation Act of 1948; (49 U.S.C. 1438, 1354, 1421, 1510) Sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552 (a)(1)))

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

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the FEDERAL REGISTER on May 12, 1969 (35 FR 5610).

[FR Doc.73-26989 Filed 12-26-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Ex Parte Communications

The Commission announces the following amendment to 16 CFR Ch. I effective December 27, 1973. The amendment provides for public record, non-trial record treatment of all ex parte comments made by non-Commission nonparties to an adjudication.

Section 4.7(c) is amended to read as follows:

§ 4.7 *Ex parte* communications.

* * * * *

(c) In an adjudicative proceeding, if an ex parte communication is made to or by any member of the Commission, the Administrative Law Judge, or employee involved in the decisional process, in violation of paragraph (a) or (b) of this section, such member, Administrative Law Judge, or employee, as the case may be, shall promptly inform the Commission of the substance of such communication and the circumstances thereof. The Commission will take such action thereon as may be considered appropriate, provided that any written ex parte communication and a summary of any oral ex parte communication falling within the terms of this subsection and made by a member of the public not a party to the adjudication to which the ex parte communication relates shall be made part of the public records of the Commission, pursuant to § 4.8, and placed in the docket binder of the case to which it pertains, but will not be considered by the Commission as part of the record for purposes of decision unless

introduced into evidence by one of the parties to the proceeding.

* * * * *

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46))

By direction of the Commission dated December 11, 1973.

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

[FR Doc.73-27003 Filed 12-26-73;8:45 am]

[Docket No. C-2478]

PART 13—PROHIBITED TRADE PRACTICES

City Investing Company, et al.

Subpart—Advertising falsely or misleadingly: § 13.20 *Comparative data or merits;* § 13.175 *Quality of product or service;* § 13.205 *Scientific or other relevant facts;* § 13.280 *Unique nature or advantages.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.051-10 Accurate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts;* § 13.1770 *Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45)) [Cease and desist order, City Investing Company, et al., New York, New York, Docket C-2478, December 3, 1973]

In the Matter of City Investing Company, a corporation, and Rheem Manufacturing Company, a corporation.

Consent order requiring a New York City holding company and one of its enterprises engaged in the manufacture and sale of residential central air conditioning equipment, among other things to cease misrepresenting the comparative qualities or properties of their products; making statements as to their products' performance characteristics without substantiation backing-up such representations; and failing to maintain accurate records. Further, respondents are required to maintain documenting records for a three-year period following future performance characteristics claims.

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

It is ordered, That respondents City Investing Company and Rheem Manufacturing Company, their successors and assigns, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of Rheem Manufacturing Company residential air conditioning products or systems, do forthwith cease and desist from:

1. Representing, directly or by implication, that Rheem Manufacturing Company residential air conditioning products or systems are:

(a) The most efficient cooling products or systems available unless, at the time such representation is made, respondents have a reasonable basis for such representation, which shall consist of competent scientific tests, or industrywide standards based on such tests established by the Air Conditioning and Refrigeration Institutes or by the American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc. or other standards for comparing the efficiency of residential air conditioning products promulgated by similar organizations and based on competent scientific tests.

(b) Revolutionary or more advanced products or systems as compared to those offered by competitors because they recondition and refresh inside air every second; or representing in any manner that any such products or systems are revolutionary or more advanced than other products or systems in any respect unless the characteristics which actually render the products or systems more revolutionary or more advanced than clearly and conspicuously disclosed in immediate conjunction therewith.

2. Representing, directly or by implication, that Rheem Manufacturing Company residential air conditioning products or systems are the quietest such products or systems available to consumers unless, at the time such representation is made, respondents have a reasonable basis for such representation, which shall consist of competent scientific tests, or industrywide standards based on such tests established by the Air Conditioning and Refrigeration Institute or by the American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc. or other standards for comparing sound or noise levels of residential air conditioning products promulgated by similar organizations and based on competent scientific tests.

3. Making, directly or by implication, any other statements or representations as to the performance characteristics of any residential air conditioning products or systems unless, at the time of such representations or statements, respondents have a reasonable basis for making such representations or statements which shall consist of competent scientific, engineering, or other similar objective material.

4. Failing to maintain accurate records which may be inspected by Commission staff members upon reasonable notice:

(a) Which consist of documentation to support any and all claims made after the effective date of this order in advertising or sales promotion material concerning the performance characteristics of any and all residential air conditioning products or systems;

(b) Which provided the basis upon which respondents relied as of the time those claims were made; and

(c) Which shall be maintained by respondents for a period of three years from the date such advertising or sales promotion material was last disseminated.

It is further ordered, That each respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions involved in the advertising promotion, distribution, or sale of Rheem residential air conditioning products or systems.

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

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

Issued: December 3, 1973.

By the Commission.

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

[FR Doc.73-27022 Filed 12-26-73;8:45 am]

[Docket No. C-2479]

PART 13—PROHIBITED TRADE PRACTICES

Eccles Motor Company and Julian W. Eccles

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

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605)) [Cease and desist order, Eccles Motor Company, et al., Klamath Falls, Oregon, Docket C-2479, December 3, 1973]

In the Matter of Eccles Motor Company, a corporation, and Julia W. Eccles, individually and as an officer of said corporation.

Consent order requiring a Klamath Falls, Oregon, retailer of new and used motor vehicles, among other things, to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondents Eccles Motor Company, a corporation, and its officers, and Julian W. Eccles, individually and as an officer of said corporation, and respondents' successors, assigns, agents, representatives and employees,

directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321 (15 U.S.C. 1601 et seq.)) do forthwith cease and desist from:

1. Failing to use the term "cash price," as defined in § 226.2(i) of Regulation Z, to describe the purchase price of the vehicle, as required by § 226.8(c)(1) of Regulation Z.

2. Failing to use the term "cash downpayment" to describe the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment, as required by § 226.8(c)(3) of Regulation Z.

4. Failing to use the term "amount financed" to describe the amount of credit extended as required by § 226.8(c)(7) of Regulation Z.

5. Failing to disclose the sum of all charges required by § 226.4 of Regulation Z to be included therein, and to describe that sum as the "finance charge," as required by § 226.8(c)(8)(i) of Regulation Z.

6. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

7. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by § 226.8(c)(8)(ii) of Regulation Z.

8. Failing to disclose the number, amounts and due dates or periods of payments scheduled to repay the indebtedness, and the sum of such payments, and to describe said sum as the "total of payments," as required by § 226.8(b)(3) of Regulation Z.

9. Failing to identify the amount or the method of computing the amount of any default, delinquency or similar charge payable in the event of late payments, as required by § 226.8(b)(4) of Regulation Z.

10. Failing to describe the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, as required by § 226.8(b)(5) of Regulation Z.

11. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by § 226.8(b)(7) of Regulation Z.

12. Failing to obtain specific dated and separately signed affirmative written indication of the customer's desire to have insurance coverage, after furnishing to him a clear written disclosure of the cost of such insurance as provided in § 226.4(a)(5)(ii).

13. Failing to furnish to the customer, before the transaction is consummated, a duplicate of the instrument or a statement on which the disclosures prescribed by § 226.8 of Regulation Z are made, as required by § 226.8(a) of Regulation Z.

14. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with sections 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8 and 226.10 of Regulation Z.

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

It is further ordered, That respondents prominently display no less than two signs on the premises which will clearly and conspicuously state that a customer must receive a complete copy of the consumer credit cost disclosures, as required by the Truth in Lending Act, in any transaction which is financed, before the transaction is consummated.

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

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

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

By the Commission.

Issued: December 3, 1973.

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

[FR Doc.73-27021 Filed 12-26-73;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Certain Lead-Containing Paints and Other Similar Surface-Coating Materials as Banned Hazardous Substances; Extension of Regulations

The purpose of this promulgation is to amend, by extending the date 1 year, the regulations under the Federal Hazardous Substances Act which ban the distribution of household paints and other similar surface coatings containing more than 0.5 percent of lead and toys or other children's articles bearing such paint or coating.

In the FEDERAL REGISTER of March 11, 1972 (37 FR 5229), the Food and Drug Administration promulgated regulations declaring paints and other similar surface-coating materials for use in or around the household, containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or the dried film, and toys or other articles intended for use by children bearing such paint or other similar surface-coating materials, shipped in interstate commerce between December 31, 1972, and December 31, 1973, to be banned hazardous substances (21 CFR 191.9(a)(6)(i)(b) and (ii)(b)).

The FDA promulgation also declared paints and other similar surface-coating materials for use in or around the household, containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.06 percent of the total weight of the contained solids or the dried film, and toys or other articles intended for use by children bearing such paint or other similar surface-coating materials, shipped in interstate commerce after December 31, 1973, to be banned hazardous substances (21 CFR 191.9(a)(6)(i)(a) and (ii)(a)).

On August 10, 1973 (37 FR 16078), FDA confirmed those portions of the regulations pertaining to the 0.5-percent lead level and stated that the portions pertaining to the 0.06-percent lead level would be the subject of a separate document to be published later. The result of these actions is that the 0.5-percent portions of the regulations are effective during the year 1973 and the 0.06-percent portions are indefinitely stayed pending confirmation. Thus, unless the 0.5-percent portions are extended or the 0.06-percent portions confirmed, none of the subject regulations will be effective beginning January 1, 1974.

Effective May 14, 1973, functions under the Federal Hazardous Substances Act were transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(a)). Subsequently, on September 27, 1973 (38 FR 27012), the Consumer Product Safety Commission revised and transferred the regulations under the Federal Hazardous Substances Act (21 CFR Parts 191 and 191b became 16 CFR Parts 1500 and 1505). Accordingly, 21 CFR 191.9(a)(6) became 16 CFR 1500.17(a)(6).

To obtain information and data that would be of assistance in determining a level for the maximum content of lead in household paints, the National Academy of Sciences—National Research Council, on March 22, 1973, was requested to convene an ad hoc committee to evaluate the hazard of lead paint in dwellings and, on November 29, 1972, the New York University Institute of Environmental Medi-

cine was requested to investigate the effects of lead paint driers in juvenile baboons.

The report received from the NAS-NRC ad hoc committee on November 12, 1973, is inconclusive with respect to the establishment of a maximum content of lead in household paints. A copy of the report may be seen in the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street NW., 10th floor, Washington, D.C. 20207. The final report from the NYU Institute of Environmental Medicine has not been received.

Public Law 93-151 (87 Stat. 565), enacted November 9, 1973, amended the Lead Based Paint Poisoning Prevention Act (Pub. L. 91-695, 84 Stat. 2078; (42 U.S.C. 4801)). As amended, the Lead Based Paint Poisoning Prevention Act, among other things, under section 301(b) directs the Chairman of the Consumer Product Safety Commission to conduct appropriate research on multiple layers of dried paint film containing the various lead compounds commonly used, to ascertain the safe level of lead in residential paint products. The CPSC Chairman is required to submit to Congress no later than December 31, 1974, a full and complete report of his findings and recommendations as developed under such programs, including a statement of any new legislation that should be enacted or any changes in existing law that should be made in order to carry out such recommendations.

Studies now in progress and additional studies on lead paints that may be initiated under amended Public Law 91-695, as well as other relevant material, will be considered in the establishment of a maximum content of lead in paint under the Federal Hazardous Substances Act.

To help protect children from the cumulative toxicity problems associated with the ingestion of lead, the Commission concludes that the regulations under the Federal Hazardous Substances Act which ban the distribution of household paints and other similar surface coatings containing more than 0.5 percent of lead, and toys or other children's articles bearing such paint or coating, should be extended through December 31, 1974.

Notice and public procedure are not prerequisites to this promulgation because delaying the extension of the specified regulations would be contrary to the interest of the public health and safety.

Further, since the order of March 11, 1972 (37 FR 5229), promulgating the regulations being extended herein, complied with the provisions of 21 U.S.C. 701(e), (f), and (g) as to submission of objections and delayed effective date, this promulgation is not subject to application of that statute.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (sec. 2(f)(1)(A), (q), 74 Stat. 372, 374, as amended 80 Stat. 1304-05 (15 U.S.C. 1261(f)(1)(A), (q))), and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a))), 16 CFR 1500.17 is amended by revising paragraph (a)(6)(i)(B) and (ii)(B) to read as follows (although unchanged, the introductory statements of paragraph (a)(6)(i) and (ii) are included for context):

§ 1500.17 Banned hazardous substances.

(a) * * *

(6)(i) Any paint or other similar surface-coating material intended, or packaged in a form suitable, for use in or around the household that:

* * * * *

(B) Is shipped in interstate commerce between December 31, 1972, and December 31, 1974, and contains lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film.

(ii) Any toy or other article intended for use by children that:

* * * * *

(B) Is shipped in interstate commerce between December 31, 1972, and December 31, 1974, and bears any paint or other similar surface-coating material containing lead compounds of which the lead content (calculated as the metal) is in excess of 0.5 percent of the total weight of the contained solids or dried paint film.

* * * * *

Effective date. This order shall become effective on December 27, 1973.

(Sec. 2(f)(1)(A), (q), 74 Stat. 372, 374, as amended 80 Stat. 1304-05; (15 U.S.C. 1261(f)(1)(A), (q)))

Dated: December 18, 1973.

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

[FR Doc.73-27016 Filed 12-26-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10511]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Relocation of the Public Reference Room in Washington, D.C.

The Public Reference Room of the Securities and Exchange Commission's Headquarters Offices has been moved from 500 North Capitol Street, into Room 6101 at 1100 L Street, NW., Washington, D.C. where it will continue to provide the full range of services to the public which were available at its former location.

Visiting hours of the Public Reference Room are from 9:00 a.m. to 4:30 p.m. on regular business days of the Commission. The new telephone number is (Area Code 202) 523-5506. Written requests should continue to be addressed to the Public Reference Section, 500 North Capitol Street, Washington, D.C. 20549.

Commission action. To reflect the foregoing change, the Securities and Exchange Commission hereby amends the first sentence in, and adds a new sentence at the end of, subparagraph (1) of paragraph (b) of § 200.80 in Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 200.80 Commission records and information.

* * * * *

(b) *Public reference facilities; materials and records available.* (1) The Commission has a specially staffed and equipped public reference room located at 1100 L Street, NW., Washington, D.C., and public reference facilities in the New York and Chicago Regional Offices. * * *. Written requests should continue to be addressed to the Public Reference Section, 500 North Capitol Street, Washington, D.C. 20549.

The Commission finds that the foregoing amendment affects only the Commission's rules of agency organization and, therefore, notice and procedures under 5 U.S.C. 553 are unnecessary. The foregoing action, therefore, is effective immediately.

For the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 19, 1973.

[FR Doc.73-27116 Filed 12-26-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

AMPROLIUM, ETHOPABATE, BACITRACIN METHYLENE DISALICYLATE

Correction

In FR Doc. 73-21921 appearing on page 28820 in the issue of October 17, 1973, the effective date in the last sentence reading "October 15, 1973," should read "October 17, 1973."

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7300]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Extension of Reliance Period for Certain Charitable, etc., Organizations

The prior regulations under section 508 of the Internal Revenue Code of 1954 generally allow certain contributors to organizations which have notified the Commissioner of Internal Revenue that they are not private foundations to rely upon such notice with respect to grants, contributions, and distributions made before January 1, 1974. The amendment to the regulations which appears below extends the period of reliance to grants, contributions, and distributions made before January 1, 1975. This will permit grantors, contributors, and distributors

who make grants, contributions, and distributions during 1974 generally to rely upon the claimed public charity status of such organizations.

Amendments to the regulations. The Income Tax Regulations (26 CFR Part 1) are amended as follows:

PARAGRAPH 1. Paragraph (b)(4) of § 1.508–1 is amended to read as follows:

§ 1.508–1 Notices.

* * * * *

(b) *Presumption that old and new organizations are private foundations.* * * *

(4) *Effect of notice upon grantors or contributors to the filing organization.* In the case of grants, contributions, or distributions made prior to January 1, 1975, any organization which has properly filed the notice described in section 508(b) prior to March 22, 1973 will not be treated as a private foundation for purposes of making any determination under the internal revenue laws with respect to a grantor, contributor or distributor (as for example, a private foundation distributing all of its net assets pursuant to a section 507(b)(1)(A) termination) thereto, unless the organization is controlled directly or indirectly by such grantor, contributor or distributor, if by the 30th day after the day on which such notice is filed, the organization has not been notified by the Commissioner that the notice filed by such organization has failed to establish that such organization is not a private foundation. See paragraph (b)(6) of this section for the effect of an adverse notice by the Internal Revenue Service. For purposes of this subparagraph, an organization which has properly filed the notice described in section 508(b) prior to March 22, 1973, and which has claimed recognition of its status under only one paragraph of section 509(a) in such notice, will be treated only for purposes of grantors, contributors or distributors as having the classification claimed in the notice if the provisions of this subparagraph are otherwise satisfied.

* * * * *

Because this Treasury decision extends certain transitional rules and because of the need for immediate guidance with respect to the provisions contained in the Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under section 553(b) of title 5 of the United States Code, or subject to the effective date of limitations of subsection (d) of such section.

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

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: December 19, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury.

[FR Doc.73-27049 Filed 12-26-73;8:45 am]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7299]

PART 53—FOUNDATION EXCISE TAXES

Definition of "Knowing" With Respect to Foundation Excise Taxes on Foundation Managers and Government Officials

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Tuesday, April 17, 1973 (38 FR 9512), amendments to the Foundation Excise Tax Regulations (26 CFR Part 53) under sections 4941, 4944, and 4945 of the Internal Revenue Code of 1954 were published.

These proposed regulations, which proposed revised rules relating to the definition of the term "knowing" as it applies to the excise taxes imposed on foundation managers and government officials, are adopted in this document with certain changes made in response to comments made by members of the general public and persons within the Treasury Department.

Section 4941(a)(2) imposes a tax on the participation of a foundation manager in an act of self-dealing, "knowing it is such an act, * * * unless such participation is not willful and is due to reasonable cause." Similarly, sections 4944 and 4945, respectively, impose taxes on a foundation manager who participates in the making of a jeopardizing investment or agrees to a taxable expenditure, "knowing" it is such a participation or agreement, unless it is "not willful and is due to reasonable cause." In addition, section 4941(a)(1) imposes a self-dealing tax on any government official who participates in an act of self-dealing "knowing that it is such an act".

The present regulations under sections 4944 and 4945 state that a foundation manager has acted "knowing" that an act is a jeopardizing investment or a taxable expenditure if he has actual knowledge of sufficient facts to make the act taxable under these sections and he is "generally aware that such an expenditure under these circumstances might be inconsistent with the law governing foundations."

Generally, the revised regulations retain the first component of the "knowing" test, make minor modifications to the second component, and add a third component—that the foundation manager (or government official) must have been negligent in not making reasonable attempts to ascertain whether the act would result in the imposition of tax under sections 4941, 4944, or 4945, as the case may be.

Adoption of amendments to the regulations. In view of the foregoing and after consideration of all relevant matter as was presented by interested persons regarding the notice of proposed rule making dated April 17, 1973, the Foundation Excise Tax Regulations (26 CFR Part 53) under sections 4941, 4944, and 4945, relating to taxes on self-dealing, investments which jeopardize charitable purpose, and taxable expenditures, are amended as follows:

Paragraph (b)(3) of § 53.4941(a)–1 and paragraph (b)(2)(i) of § 53.4944–1 are amended to read as follows, and § 53.4945–1 is amended by revising paragraph (a)(2)(iii) and example (1) of paragraph (c)(3). These amended and added provisions read as follows:

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

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: December 19, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury.

§ 53.4941(a)–1 Imposition of initial taxes.

* * * * *

(b) *Tax on foundation manager* * * *

(3) *Knowing.*—For purposes of section 4941, a person shall be considered to have participated in a transaction "knowing" that it is an act of self-dealing only if—

(i) He has actual knowledge of sufficient facts so that, based solely upon such facts, such transaction would be an act of self-dealing,

(ii) He is aware that such an act under these circumstances may violate the provisions of federal tax law governing self-dealing, and

(iii) He negligently fails to make reasonable attempts to ascertain whether the transaction is an act of self-dealing, or he is in fact aware that it is such an act.

For purposes of this part and chapter 42, the term "knowing" does not mean "having reason to know". However, evidence tending to show that a person has reason to know of a particular fact or particular rule is relevant in determining whether he had actual knowledge of such fact or rule. Thus, for example, evidence tending to show that a person has reason to know of sufficient facts so that, based solely upon such facts, a transaction would be an act of self-dealing is relevant in determining whether he has actual knowledge of such facts.

* * * * *

§ 53.4944–1 Initial taxes.

* * * * *

(b) *On the management* * * *

(2) *Definitions and special rules.*—(i) *Knowing.*—For purposes of section 4944, a foundation manager shall be considered to have participated in the making of an investment "knowing" that it is jeopardizing the carrying out of any of the foundation's exempt purposes only if—

(a) He has actual knowledge of sufficient facts so that, based solely upon such facts, such investment would be a jeopardizing investment under paragraph (a)(2) of this section,

(b) He is aware that such an investment under these circumstances may violate the provisions of federal tax law governing jeopardizing investments, and

(c) He negligently fails to make reasonable attempts to ascertain whether

the investment is a jeopardizing investment, or he is in fact aware that it is such an investment.

For purposes of this part and chapter 42, the term "knowing" does not mean "having reason to know". However, evidence tending to show that a foundation manager has reason to know of a particular fact or particular rule is relevant in determining whether he had actual knowledge of such fact or rule. Thus, for example, evidence tending to show that a foundation manager has reason to know of sufficient facts so that, based solely upon such facts, an investment would be a jeopardizing investment is relevant in determining whether he has actual knowledge of such facts.

* * * * *

§ 53.4945–1 Taxes on taxable expenditures.

(a) *Imposition of initial taxes* * * *

(2) *Tax on foundation manager* * * *

(iii) *Knowing.*—For purposes of section 4945, a foundation manager shall be considered to have agreed to an expenditure "knowing" that it is a taxable expenditure only if—

(*a*) He has actual knowledge of sufficient facts so that, based solely upon such facts, such expenditure would be a taxable expenditure,

(*b*) He is aware that such an expenditure under these circumstances may violate the provisions of federal tax law governing taxable expenditures, and

(c) He negligently fails to make reasonable attempts to ascertain whether the expenditure is a taxable expenditure, or he is in fact aware that it is such an expenditure.

For purposes of this part and chapter 42, the term "knowing" does not mean "having reason to know". However, evidence tending to show that a foundation manager has reason to know of a particular fact or particular rule is relevant in determining whether he had actual knowledge of such fact or rule. Thus, for example, evidence tending to show that a foundation manager has reason to know of sufficient facts so that, based solely upon such facts, an expenditure would be a taxable expenditure is relevant in determining whether he has actual knowledge of such facts.

* * * * *

(c) *Special rules* * * *

(3) *Examples.* * * *

Example (1). A, B, and C comprise the board of directors of Foundation M. They vote unanimously in favor of a grant of $100,000 to D, a business associate of each of the directors. The grant is to be used by D for travel and educational purposes and is not made in accordance with the requirements of section 4945(g). Each director knows that D was selected as the recipient of the grant solely because of his friendship with the directors and is aware that some grants made for travel, study, or other similar purposes may be taxable expenditures. Also, none of the directors makes any attempt to consult counsel, or to otherwise determine, whether this grant is a taxable expenditure. Initial taxes are imposed under paragraphs (1) and (2) of section 4945(a). The tax to be paid by the foundation is $10,000 (10 percent of $100,000). The tax to be paid by the board of directors is $2,500 (2½ percent of $100,000). A, B, and C are jointly and severally liable for this $2,500 and this sum may be collected by the Service from any one of them.

* * * * *

[FR Doc.73–27048 Filed 12–21–73;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 724—HOSPITAL AND RELATED INSTITUTIONS INDUSTRY IN PUERTO RICO

Wage Order

Pursant to sections 5, 6 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order Nos. 625 (38 FR 9031) and 627 (38 FR 21505), respectively, the Secretary of Labor appointed and convened Industry Committee No. 114–B for the Hospital and Related Institutions Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 114–B are hereby published, amending § 724.2 by increasing the wage rate in paragraph (c). The amended wage rate published on January 13, 1971 in 36 FR 429 for Classification A in § 724.2 (b) is also restated, and a minor editorial change is made.

As amended § 724.2 reads as follows:

§ 724.2 Wage rates.

* * * * *

(b) *Classification A.* (1) The minimum wage for this classification is $1.60 an hour.

* * * * *

(c) *Classification B.* (1) The minimum wage for this classification is $1.60 an hour.

(2) Classification B is defined as all activities in the hospital and related institutions industry in Puerto Rico except those within Classification A.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064 as amended (29 U.S.C. 205, 206, 208))

Effective date. This amendment shall become effective January 10, 1974.

Signed at Washington, D.C., this 19th day of December, 1973.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.73–27133 Filed 12–26–73;8:45 am]

PART 725—EDUCATION INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208)) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order Nos. 625 (38 FR 9031) and 627 (38 FR 21505), respectively the Secretary of Labor appointed and convened Industry Committee No. 114–A for the Education Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 114–A are hereby published, amending § 725.2 by increasing the wage rate to $1.60 an hour.

As amended § 725.2 reads as follows:

§ 725.2 Wage rates.

Wages at the rate of not less than $1.60 an hour shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in any activity in the education industry in Puerto Rico, which was brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1966, or by section 906 of the Education Amendments of 1972.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; (29 U.S.C. 205, 206, 208))

Effective date. This amendment shall become effective January 10, 1974.

Signed at Washington, D.C., this 19th day of December, 1973.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.73–27134 Filed 12–26–73;8:45 am]

Title 31—Money and Finance

CHAPTER II—FISCAL SERVICE

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 345—REGULATIONS GOVERNING 5 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS—R.E.A. SERIES

The regulations in Department of the Treasury Circular, Public Debt Series No. 11–73 (31 CFR Part 345), set forth below, are issued under the authority of 31 U.S.C. 754, 754b, and 5 U.S.C. 301.

This offering of 5 Percent Treasury Certificates of Indebtedness—R.E.A. Series relates to the fiscal management of

the United States and notice and public procedures thereon are unnecessary.

The regulations were adopted on December 19, 1973.

Dated: December 19, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary of the Treasury.

Sec.
345.0 Offering of certificates
345.1 Description of certificates
345.2 Subscription for purchase
345.3 Issue date and payment
345.4 Redemption/reinvestment
345.5 General provisions

AUTHORITY: 31 U.S.C. 754 and 754b; 5 U.S.C. 301.

§ 345.0 Offering of certificates.

The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, offers to borrowers from the Rural Electrification Administration and Rural Telephone Bank, U.S. Department of Agriculture, 5 Percent Treasury Certificates of Indebtedness—R.E.A. Series. This offering will continue until terminated by the Secretary of the Treasury.

§ 345.1 Description of certificates.

(a) *General.* The certificates of indebtness will be issued in book-entry form on the books of the Department of the Treasury, Bureau of the Public Debt, Washington, D.C. 20226. They may not be transferred by sale, exchange, assignment or pledge, or otherwise.

(b) *Terms and rates of interest.* The certificates, bearing interest at the rate of 5 percent per annum, will be issued in multiples of $1,000, and will mature one year from issue date. Interest on the certificates will be computed on an annual basis and, unless redeemed prior to maturity, will be payable six months from issue date and at maturity.

§ 345.2 Subscription for purchase.

The recipient of a 5 percent loan from the Rural Electrification Administration or Rural Telephone Bank may subscribe for certificates under this offering, up to the amount of the unexpended portion of the loan, by submitting a subscription, together with the remittance, to the Bureau of the Public Debt, Division of Securities Operations, Washington, D.C. 20226. The subscription form must show the amount of certificates desired, and give the title of the designated official of the borrower authorized to redeem them.

§ 345.3 Issue date and payment.

The issue date of a certificate shall be the date on which the subscription form, and funds in full payment therefor, are received by the office described in § 345.2. A confirmation of the issuance, in the form of a written advice, which shall specify the amount and describe the certificates by title and maturity date, shall be issued to the subscriber.

§ 345.4 Redemption/reinvestment.

(a) *At maturity.* A certificate may not be called for redemption by the Secretary of the Treasury prior to maturity except when the amount of the unexpended portion of the loan from the Rural Electrification Administration or Rural Telephone Bank is less than the face amount of the certificate. Unless the Treasury has received from the owner, at least one week prior to the maturity date of a certificate, a written request for payment at maturity, it shall automatically redeem the same at maturity, and reinvest in the owner's name the principal amount in a new certificate having the same description in all material respects as the one redeemed. No such automatic reinvestment shall be made, however, in excess of the amount of the unexpended portion of the loan from the Rural Electrification Administration or the Rural Telephone Bank.

(b) *Prior to maturity.* A certificate may be redeemed prior to maturity at par and accrued interest at the owner's option on one week's notice in writing after one month from the issue date. A certificate issued upon reinvestment, as provided in paragraph (a) of this section, shall not be subject to the one-month holding period. A notice to redeem a certificate prior to its maturity date must be given by the official authorized to redeem it, as shown in the subscription for purchase, to the Bureau of the Public Debt, Division of Securities Operations, Washington, D.C. 20226, by letter or wire.

§ 345.5 General provisions.

(a) *Regulations.* Five Percent Treasury Certificates of Indebtedness—R.E.A. Series shall be subject to the general regulations with respect to United States securities, which are set forth in the Department of the Treasury Circular No. 300, current revision (31 CFR Part 306), to the extent applicable. Copies of the circular may be obtained from the Bureau of the Public Debt, Department of the Treasury, Washington, D.C. 20226, or a Federal Reserve Bank or Branch.

(b) *Reservations.* The Secretary of the Treasury reserves the right to reject any application for the purchase of certificates hereunder, in whole or in part, and to refuse to issue or permit to be issued any such certificates in any case or any class or classes of cases if he deems such action to be in the public interest, and his action in any such respect shall be final. The Secretary of the Treasury may also at any time, or from time to time, supplement or amend the terms of these regulations, or of any amendments or supplements thereto.

[FR Doc.73-27109 Filed 12-26-73;8:45 am]

SUBCHAPTER C—OFFICE OF THE TREASURER OF THE UNITED STATES

PART 365—ISSUE OF SUBSTITUTES OF LOST, DESTROYED, MUTILATED AND DEFACED CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

Undertaking of Indemnity

The Department of the Treasury has determined that it is appropriate to amend its regulations at 31 CFR Part 365 (also appearing as Treasury Department Circular No. 1001, Revision No. 1, as Supplemented), governing the issuance of substitute checks for checks drawn on the Treasurer of the United States and lost, destroyed, mutilated or defaced.

More specifically, the Department has determined to eliminate from 31 CFR 365.3(b)(4) the requirement that an original check be unendorsed by the payee, for a waiver of the need for an undertaking of indemnity executed by the claimant to support issuance of a substitute. The governing law, codified at 31 U.S.C. 528(b)(4), does not include such a requirement of non-endorsement.

The Department finds, under 5 U.S.C. 553, that notice and public procedure are unnecessary because the amendment constitutes a rule of agency procedure.

Accordingly, § 365.3(b)(4) of Title 31 of the Code of Federal Regulations is amended, effective January 1, 1974, by deleting "and the check has not been endorsed by the payee". As amended, § 365.3(b)(4) reads:

§ 365.3 Request for substitute check; requirements for undertaking of indemnity; execution of applications in foreign countries.

* * * * *

(b) Unless the Treasurer of the United States deems that an undertaking of indemnity is essential in the public interest, no undertaking of indemnity shall be required in the following classes of cases:

* * * * *

(4) If the amount of the check is not more than $200.00;

* * * * *

(R.S. 3646, as amended (31 U.S.C. 528))

Dated: December 19, 1973.

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

[FR Doc.73-27108 Filed 12-26-73;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER XIII—FEDERAL ENERGY OFFICE

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

Aviation Gasoline

The purpose of this amendment is to extend the coverage of the Mandatory Allocation Program for Middle Distillate Fuel to aviation gasoline.

EPO Reg. 1 for the Mandatory Allocation Program for Middle Distillate Fuels was published in the FEDERAL REGISTER of October 16, 1973 (38 FR 28660) which became effective November 1, 1973. As published EPO Reg. 1 does not cover aviation gasoline which although it is a petroleum derivative, is not technically middle distillates as that term is defined in the regulation. However, the use and production of aviation gasoline has a serious impact upon the production of middle distillate fuels. Accordingly, it has been determined that until such time as new regulations can be prepared, aviation gasoline should be covered under the allocation program for middle distillates.

Because of the emergency nature of this regulation due to the possibility of present and prospective shortages of

middle distillates, it has been determined that this amendment shal become effective December 27, 1973.

EPO Regulation 1 (38 FR 28660) is amended as follows:

1. In Sec. 2 add a new definition at the end to read as follows:

Sec. 2 Definitions.

* * * * *

"Aviation gasoline" for the purposes of this regulation is defined by ASTM No. D910-70.

2. In Sec. 3 add a new paragraph (d) to read as follows:

Sec. 3 Coverage of program.

* * * * *

(d) The program also applies to the allocation of aviation gasoline, which although not technically a middle distillate within the definition of that term in Sec. 2 of this regulation, is a petroleum derivative, the use and production of which affects the production of middle distillate fuels and therefore is covered by the program.

(Sec. 203(a)(3), Economic Stabilization Act of 1970 as added on April 30, 1973, by sec. 2(b), Economic Stabilization Act Amendments of 1973 (Pub. L. 93-28); Executive Order No. 11748).

JOHN C. SAWHILL,
Deputy Administrator,
Federal Energy Office.

DECEMBER 20, 1973.

[FR Doc.73-27156 Filed 12-26-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 5-73-07 R]

PART 127—SECURITY ZONES

Hampton Roads, James River, Newport News, Va.

This amendment to the Coast Guard's Security Zone Regulations establishes the waters of the James River in the area of the Newport News Shipbuilding and Drydock Company, Newport News, Virginia as a Security Zone. This security zone is established to prevent interference with the launching of the submarine Richard B. Russell at the Newport News Shipbuilding and Drydock Company, Newport News, Virginia.

This amendment is issued without publication of a notice of proposed rule making; and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a military function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.501 to read as follows:

§ 127.501 Hampton Roads-James River-Newport News, Virginia.

The waters within the following boundary is a security zone: A line beginning at position 36°58'48" N, 76°-26'26" W to James River Buoy No. 1 at 36°57'53" N, 76°26'42" W thence to a point at position 36°59'07" N, 76°-27'57" W thence to a point on shore at position 36°59'35" N, 76°26'55" W thence to the beginning point.

(46 Stat. 220, as amended (sec. 1, 63 Stat. 503), sec. 6(b), 80 Stat. 937; (50 U.S.C. 191, 14 U.S.C. 91, 49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR, 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date: This amendment is effective from 1145R to 1400R January 12, 1974.

G. N. WOOD,
Captain, United States Coast Guard, Captain of the Port, Hampton Roads Area.

[FR Doc.73-27081 Filed 12-26-73;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 214—GRANTS TO STATES FOR ESTABLISHING YOUTH CONSERVATION CORPS PROGRAMS

Interim Grant Regulations

A new Part 214 to Title 36 of the Code of Federal Regulations is herein issued. The new Part consists of interim regulations to implement the Pilot Grant Program for State projects under the Youth Conservation Act of 1970 (Pub. L. 91-378), as amended by Pub. L. 92-597. Final regulations will be issued by January 1, 1975. This pilot program will assist States in meeting the cost of projects for the employment of young men and women to develop, preserve, and maintain non-Federal public lands and waters within the States.

These regulations were developed jointly by the Department of Agriculture and the Department of the Interior. The Department of the Interior will publish the same interim regulations under Title 43 of the Code of Federal Regulations, Subtitle A, Part 26.

Specifically, these are interim regulations which cover State Youth Conservation (YCC) program requirements and grant application procedures. These interim regulations will be used in developing final regulations, and will remain in effect until December 31, 1974, unless extended or superseded.

Findings and Determinations. While 5 U.S.C. 553 exempts from rulemaking procedures regulations relating to grants, the Secretary of Agriculture has issued a policy (36 FR 13804), that such procedures will be followed except where it is determined to be impractical and unnecessary. A draft of these interim regulations was referred to the Advisory Commission on Intergovernmental Relations. Comments that were received were acted upon in drafting the final interim regulations. In addition, a copy of the draft interim regulations was sent to the Governor's designated YCC representative in each State. Comments that were received were also considered. Since those eligible to participate in the grant program have been given notice of the regulations, it is determined that it is unnecessary to issue these regulations in proposal form for additional public comment.

When the States were sent a copy of the draft interim regulations, it was believed that the deadline period to receive grant applications would be November 1, 1973, for the 1974 program year. As a result States were authorized to submit applications commencing on October 1, 1973. Some applications have already been received. Accordingly, these regulations are made effective as of October 1, 1973. Since the regulations, however, could not be published before that time and to allow all States sufficient time to submit applications, the deadline for submitting grant applications for the 1974 program has been extended to January 30, 1974.

The new Part 214 will read as follows:

Sec.
214.1 Introduction.
214.2 Definitions.
214.3 Program Purpose and Objectives.
214.4 Legislation.
214.5 Administrative Requirements.
214.6 Request for Grant.
214.7 Application Format and Instructions.
214.8 Program Reporting Requirements.
214.9 Consideration and Criteria for Awarding Grants.
214.10 Comments or Recommendations.

AUTHORITY: The provisions of this Part 214 issued under Sec. 4, 86 Stat. 1320.

§ 214.1 Introduction.

(a) The Youth Conservation Corps (YCC) is a program of summer employment for young men and women, aged 15 through 18, who work, earn, and learn together by doing projects which further the development and conservation of the natural resources of the United States. The Corps is open to youth of both sexes, and youth of all social, economic, and racial classifications who are permanent residents of the United States, its territories, possession, or trust territories.

(b) The Youth Conservation Corps Act of 1970 (P.L. 91-378) provided for a 3-year pilot program to be carried out on lands and waters under the jurisdiction of the Secretary of Agriculture or the Secretary of the Interior. Public Law 92-597 amended the 1970 act to include a pilot program (beginning in FY 1974) under which grants shall be made to States, to assist them in meeting the cost of Youth Conservation Corps projects on non-Federal public lands and waters within the States.

§ 214.2 Definitions.

(a) Terms used in these regulations are defined as follows:

(1) *Act.* The Youth Conservation Corps Act of 1970. Pub. L. 91-378 as amended by Pub. L. 92-597.

(2) *Secretaries.* The Secretaries of Agriculture and the Interior, or their designated representatives, who jointly administer the pilot grant program. Within the Department of Agriculture, the YCC program is administered by the Forest Service; within the Department of the Interior, it is administered by the Office of Manpower Training and Youth Activities.

(3) *States.* Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(4) *Grant.* Money, or property provided in lieu of money, paid or furnished by the Secretaries pursuant to the Act to a State to carry out YCC programs on non-Federal public lands and waters. The amount of any grant shall be determined jointly by the Secretaries, except that no grant for any project may exceed 50 per centum of the cost (as determined by the Secretaries) of said project in FY 1974.

(5) *Grantee.* Any State which receives Federal grant funds for the operation of a YCC grant program.

(6) *Sub-Grantee.* Any public organization or agency or any private nonprofit agency or organization which has been in existence for at least five years, which contracts with a State for the operation of a YCC project within that State.

(7) *Program Agent.* State Agent designated by the State to have program responsibility for all aspects of YCC operations in that State except for those projects conducted under Federal auspices.

(8) *Grant Program.* The YCC program which consists of one or more projects operated by the State with State funds and Federal grant funds.

(9) *Project.* The operating unit or camp of the State YCC grant program, either of residential or nonresidential program type, as follows:

(i) Residential Project—One in which youths reside either seven or five days per week at a camp on or adjacent to the public lands where they conduct their work-education program.

(ii) Nonresidential Project—One in which youths reside at home and daily commute to the public lands to conduct their work-education program.

(10) *Operating Year.* November 1 to October 31.

(11) *Non-Federal Public Lands and Waters.* Any lands or waters within the territorial limits of a State owned either in fee simple by a State or political subdivision thereof or over which a State or political subdivision thereof has, as determined by the Secretaries, sufficient long-term jurisdiction so that improvements made as the result of a grant will accrue primarily to the benefit of the public as a whole. Federally-owned public lands and waters administered by a State or political subdivision thereof under agreement with a Department or Agency of the Federal Government are eligible under such definition if the Secretaries determine that the State or political subdivision thereof is entitled to or is likely to retain administrative responsibility for an extended period of time sufficient to justify classification as non-Federal public lands or waters.

§ 214.3 Program purpose and objectives.

(a) The purpose of the Act is to further the development and maintenance of the natural resources of the United States, by the youth upon whom will fall the ultimate responsibility for maintaining and managing these resources for the American people. The Departments of Agriculture and the Interior have stressed the following three equally important objectives of the Youth Conservation Corps as reflected in the law:

(1) Accomplish needed conservation work on public lands.

(2) Provide gainful employment for 15 through 18 year-old males and females from all social, economic, ethnic, and racial backgrounds.

(3) Develop an understanding and appreciation, in participating youths, of the Nation's natural environment and heritage.

(b) These objectives will be accomplished in a manner that will provide the youth with an opportunity to acquire increased self-dignity and self-discipline, better work with and relate with peers and supervisors, and build lasting cultural bridges between youth from various social, ethnic, racial, and economic background.

§ 214.4 Legislation.

State programs must meet all of the requirements of section 4 of the Act. Section 4 of the Act which applies to the grant program reads in part as follows:

SEC. 4(a) The Secretary of the Interior and the Secretary of Agriculture shall jointly establish a pilot grant program under which grants shall be made to States to assist them in meeting the cost of projects for the employment of young men and women to develop, preserve, and maintain non-Federal public lands and waters within the States. For purposes of this section, the term "States" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(b)(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary of the Interior and the Secretary of Agriculture. Such application shall be in such form, and submitted in such manner, as the Secretaries shall jointly by regulation prescribe, and shall contain—

(A) assurances satisfactory to the Secretaries that individuals employed under the project for which the application is submitted shall: (i) Have attained the age of fifteen but not attained the age of nineteen, (ii) be permanent residents of the United States or its territories, possessions, or Trust Territory of the Pacific Islands, (iii) be employed without regard to the personnel laws, rules, and regulations applicable to full-time employees of the applicant, (iv) be employed for a period of not more than ninety days in any calendar year, and (v) be employed without regard to their sex or social, economic, or racial classification; and

(B) such other information as the Secretaries may jointly by regulation prescribe.

(2) The Secretaries may approve applications which they determine (A) meet the requirements of paragraph (1) and (B) are for projects which will further the development, preservation, or maintenance of the non-Federal public lands or waters within the jurisdiction of the applicant.

§ 214.5 Administrative requirements.

(a) The following administrative requirements must be met:

(1) Recruiting must be conducted to insure that the youth in each project constitute a representative cross-sample of the eligible youth within the recruiting area. This is to meet the cornerstone requirement that there be a social, economic, and racial mix of enrollees. State programs should encourage participation by needy and urban youth.

(2) Young women must receive equal encouragement in the application process to that which young men receive. Although individual projects are not required to be coeducational, the State program as a whole should include both sexes.

(3) To the maximum extent practicable, enrollees should be selected from an area within one day's surface travel from their residence to a YCC Camp. Urban and rural youth should be given an equal opportunity to participate in the program.

(4) Capital outlays for facilities should be kept at a minimum.

(5) YCC projects may be conducted during periods other than summer months provided that enrollees will not leave school in order to participate.

(6) The enrollee is an employee of the grantee or sub-grantee. The Enrollee Pay Plan should comply with Federal or State Minimum Wage Laws whichever may be higher. To the maximum extent practicable, State YCC enrollees should receive the same rate of pay as Federal YCC enrollees.

(7) Grantees must provide for an effective accident control, health, and safety program. As a minimum, grantees should follow U.S. Department of Labor Bulletin 158, "State Child Labor Standards."

(8) Grantees will have a financial management system which will provide the information called for in Attachment G of OMB Circular A–102.

(9) "Request for Advance or Reimbursement" as outlined in OMB Circular A–102 will be used to obtain an advance to start the program or a reimbursement during or at the end of the project. An advance equal to half the Federal share can be made 30 days prior to the start of the project with the additional funds provided after 30 days of operation. "Financial Status Report" as outlined in OMB Circular A–102 will be submitted to Secretaries' Representatives within 90 days upon completion of the project funded under the grant program. Instructions and forms will be supplied to the grantee at time of grant award.

(10) Allowable costs under the grant program are defined in OMB Circulars A–102 and A–87.

(11) Records retention and custodial requirements for records are prescribed by Attachment C to OMB Circular A–102.

(12) Because of the short duration of each project, budget revisions normally should be unnecessary; however, if a budget revision becomes necessary, the grantee will be governed by Attachment K of the OMB Circular A–102.

(13) Grantees shall comply with the provisions of Attachments O and N of Circular A–102 in regard to nonexpend-

able personal property and procurement standards.

(14) Grantees shall permit the Secretaries to periodically inspect the conduct of the program by the State.

(15) Grantees will supervise those projects in the State being administered by sub-grantees. Sub-grantees will be required to operate in accordance with the procedures outlined in these regulations and the grant agreement with the State. Periodic inspection of sub-grantee projects will be made by the grantee under the direction of the Program Agent or his designee.

(16) If the grantee fails to comply with the grant award stipulations, standards, or conditions, the Secretaries may suspend the grant. Subsequent to or during any period of suspension of the grant, the Federal Government shall not be obligated to reimburse the grantee for any incurrence of obligations other than direct salaries of enrollees and then only for a period of time which the Secretaries shall determine to be reasonable. In addition, the Secretaries may, for convenience, terminate the grant with the authorization of the grantee. Termination shall be effected by a notice of termination.

(b) Upon receipt of a notice of termination, the grantee shall:

(1) Discontinue further commitments of grant funds.

(2) Cancel all subgrants or contracts scheduled for payment with grant funds.

(3) Supply the Secretaries within two months after receipt of the notice of termination, a final financial statement, along with a refund check for any unused portion of funds advanced, or a request for reimbursement for allowable expenditures incurred in the grant program.

§ 214.6 Request for grant.

(a) Of the amount available for the Youth Conservation Corps, 30 percent will be allocated for State projects. All States will be given an opportunity to participate in the program. Allocated funds not needed by a State will be reallocated based on the merits of applications. All proposed projects should be listed by priority. Grant funds are for State projects only. A grant to a State must be matched by the State for each project. Matching can consist of either direct expenditures or services of an in-kind nature.

(b) Pursuant to section 4(c)(i) of Pub. L. 92-597, States may receive grants up to but not to exceed 80 percent of the cost of funding a project from the Federal Government. For 1974, however, it has been administratively determined that a maximum of 50 percent of total cost of State projects is to be financed by Federal grant. No grant is to be made for construction of residential facilities other than to provide temporary facilities and their necessary basic infrastructure and necessary renovation or modification of existing facilities.

(c) "Application for Federal Assistance (short form)" will be used by applicants in applying for grants under this program. Application forms will be supplied to Program Agents. Only a Program Agent may submit an application. A separate form will be submitted for each project or camp. If there is more than one project proposed for a State program, the State should indicate priorities of projects for consideration and approval of the Secretaries.

(d) The Secretaries have designated individuals in each State who will jointly represent them. Grant applications (original and three copies) must be submitted to the designated representative of either Secretary. November 1 has been established as the deadline date for acceptance of applications for each operating year, except for the 1974 program, January 30, 1974, is the deadline for submission of applications for the 1974 program. Names and addresses of designated representatives will be furnished to each State. The Secretaries' representatives will also be available for technical assistance and advice.

§ 214.7 Application format and instructions.

Grant proposals must be made using the Office of Management and Budget form entitled "Application for Federal Assistance (short form)." Instructions for completing the form by part numbers follow:

(a) Part I—Shall be completed.

(b) Part II—(Budget Data) lines 1–8 need not be used. However, the following information is needed in supplemental form in order to provide information relative to the YCC program. Please prepare a supplemental sheet using the following functional headings:

General.
Staff Pay.
Enrollee Pay.
Camp Opening and Closing Costs.
Food.
Work Project Costs.
Program Direction.

A description of the items to be included under each of these functional headings are:

(1) *General.* Include expenditures for (1) construction, (2) other (medical, first aid expense, utilities, maintenance costs, recreation, all supplies not otherwise identified).

(2) *Staff Pay.* Includes pay, benefits, and travel, net of any deductions made for meals and quarters furnished.

(3) *Enrollee Pay.* Includes pay, benefits, and transportation of enrollees.

(4) *Camp Opening and Closing Costs.*

(5) *Food.* Includes cost of food and related freight charges.

(6) *Work Project Costs.* Safety equipment, transportation, and work supplies and materials.

(7) *Program Direction.* Includes support services, and program administration expenses at locations other than at projects. The total of the above categories should be entered on line 9 of Part II, and the rest of Part II completed.

(8) *Indirect Costs.* Compute the appropriate allowance for indirect costs on line 15 and enter on line 10.

(C) Part III—(Program Narrative Statement) should include the following information:

(1) Location of project (address and county).

(2) Distance to nearest town; name of town.

(3) Number of youth planned for project.

(4) Type of project (7-day residential; 5-day residential; nonresidential; other).

(5) Length of session (i.e., number of weeks) and proposed beginning and ending dates.

(6) Description of living conditions (types of facilities, age, condition, tents, cabins, dormitories).

(7) Project staff (number and position titles).

(8) Rates of pay for enrollees.

(9) Description of health and safety program.

(10) Enrollee recruiting system and recruiting areas.

(11) Description of the work-learning program.

(12) Types of work projects that will be available (an integrated environmental work-learning program is preferred).

(13) States agreement to administer tests, conduct interviews, or otherwise assist the Federal Government in collecting data on the grant program. The data is to be used for the required report to the President and Congress on accomplishing the purposes of the Act.

(d) Part IV—(Assurances) is preprinted and is to be included as part of the application.

§ 214.8 Program reporting requirements.

(a) Monitoring and reporting of program performance will be in accordance with Attachment I of Circular A-102. Grantees will submit performance reports with the Financial Status Report filed at the end of each project to the Secretaries' Representatives. This report is due 90 days after termination of the project. The performance report will include the number of youth enrolled in the project, number of weeks of camp operation, youth loss rate, value of work accomplished by resource category (for example, timber management, recreation, etc.), narratives of significant project accomplishments, hours of youth work-learning experience by resource category and value of work supplies and materials by resource category.

(b) As a part of the performance report, grantees must provide the Secretaries' Representatives with detailed information on the demographic characteristics of enrollees in State projects as follows:

(1) Number of youth by age.

(2) Number of male and female, by project.

(3) Number from communities of up to 2,500 population, 2,500 to 50,000 population, 50,000 to 750,000 population, and number over 750,000 population.

(4) Number from families of under $5,000 annual family income, $5,000 to $10,000 family income, $10,000 to $15,000 family income, and over $15,000 family income.

(5) Race of enrollees; number of Black, White, Spanish Surname, American Indian, Oriental, and other.

§ 214.9 Consideration and criteria for awarding grants.

(a) The decision by the Secretaries' Representatives on grants to individual States will consider the following:

(1) Amount of grant funds appropriated and available.

(2) The quality of the proposed program in terms of meeting program objectives as reflected in the State application. After the initial year, actual performance of the States in administering YCC projects in prior years will also be considered.

(3) The cost to the Federal Government of the State program in relation to quality and quantity of projects proposed.

(4) The population of the State in relation to the total population of the United States, and the number of Federal YCC slots programmed for youth in the State. In addition, States with few Federal public lands will be given preference, assuming that applications are comparable.

(b) To place each State on equal footing, evaluation of an application will be based on the proposed cost for enrollee, calculated on an eight-week operating cycle regardless of project duration in the proposal.

§ 241.10 Comments on recommendations.

Interested persons may submit written comments or recommendations on the pilot grant program to: (1) The Department of Agriculture, Forest Service, Division of Manpower and Youth Conservation, Programs, South Agriculture Building, Room 3243, Washington, D.C. 20250, or (2) the Department of the Interior, Office of Manpower Training and Youth Activities, 18th and C Streets, N.W., Washington, D.C. 20240. Comments should be sent by November 1, 1974, to either address.

All written comments will be available for public inspection in the offices listed above during regular business hours (7 CFR 1.27(b)). Further information about this program may be obtained from the above addresses.

Dated: December 20, 1973.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

[FR Doc.73-27136 Filed 12-26-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 15—ADMINISTRATION OF THE CLEAN AIR ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

Pursuant to his authority under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.) and particularly section 306 of the Act, which was added by the Clean Air Amendments of 1970 (Pub. L. 91-604), the President issued Executive Order 11602, which was superseded by Executive Order 11738, dated September 10, 1973, providing for the administration of the Clean Air Act with respect to Federal contracts, grants, or loans.

Section 5 of the Order requires the Administrator of the Environmental Protection Agency (EPA) to issue implementing rules and regulations. On June 21, 1973, notice was published in the FEDERAL REGISTER (38 FR 16241) that EPA was proposing by regulation policies and procedures to carry out this requirement. The program is intended to ensure that Federal agencies in their contracting, granting, and lending activities carry out the purposes of the Executive Order and the Clean Air Act. The program provides for the establishment by EPA of a List of Violating Facilities which will reflect those facilities which will be ineligible for utilization in a Federally awarded contract, grant, or loan.

Written comments on the proposed regulation were invited and received from interested parties. EPA has carefully considered all submitted comments. All written comments are on file with the Agency. Certain of these comments have been adopted or substantially satisfied by editorial changes, deletions from, or additions to the regulation. Several of the major comments and their disposition are discussed below.

(a) *The following comments were not adopted by EPA:* (1) Several commenters recommended that the basis for EPA to consider listing a facility (see § 15.20(a)), and thereby make the facility ineligible for utilization in any Federally awarded contract, grant, or loan, be limited to Federal criminal conviction pursuant to section 306(a) of the Clean Air Act. The commenters argue that EPA does not have the authority to expand the basis for consideration of listing a facility. However, pursuant to section 306(c) of the Clean Air Act and sections 4, 5, and 7 of Executive Order 11738, EPA was delegated the responsibility to carry out the purposes of the Act and the Executive Order, including the responsibility for setting forth the bases for consideration of listing a facility.

(2) Several commenters recommend that EPA eliminate the applicability of the Regulation to subcontractors, subgrantees, and subborrowers arguing that the provisions of section 306 of the Clean Air Act and the Executive Order were not intended to cover subparties, that is to "flow-down." Section 306 of the Act and the Executive Order did not explicitly address flow-down. However, pursuant to the authority delegated to EPA under the Executive Order, EPA as a matter of equity extended the coverage under the Regulation to subparties. This is recognition of the fact that it is quite easy for a party to drop down a tier to become a subparty. Also, the measure is consistent with approaches taken in similar programs involving Federal financial assistance.

(3) A commenter suggested that the Regulation with regard to EPA listing a violating facility lacked requisite due process (see § 15.20(a)(2)). However, in all cases, EPA provides a Listing Proceeding to the representatives of the alleged violating facility before listing the facility. Each proceeding will meet the requirements of due process in accordance with the latest case in law in Horne Bros. Inc. v. Laird, U.S. Court of Appeals for the D.C. Circuit, 463 F. 2d 1268.

(4) A commenter suggested that latitude be provided in the regulation that the responsibility for the Governor's referral of facilities to the Office of Federal Activities be delegated to any person designated by the Governor, thereby facilitating State participation in the program (see § 15.23(b)). However, considering the ramifications of this referral, EPA believes that such a decision should rest solely with each Governor.

(5) Several commenters suggested that the Regulation provide that change orders or alterations issued within the original scope or intent of a contract, grant, or loan be defined as not creating an extension or renewal of such contract, grant, or loan (see § 15.20(b)). EPA concurs with the commenters' position that such change orders or alterations do not constitute an extension or renewal of a contract, grant, or loan. However pursuant to § 15.4(b), the agencies responsible for promulgating contract, grant, or loan regulations are required to provide this definitional language in their regulations.

(b) *The following comments were adopted by EPA:* (1) The effective date of program implementation was amended to be July 1, 1974, except for facilities giving rise to a Federal criminal conviction for which the program is effective immediately. The effective date was extended to coincide with the beginning of the new fiscal year in order to give Federal agency contracting, granting, and lending offices sufficient time to amend their operating regulations and to educate employees. The immediately effective date for facilities having given rise to a Federal criminal conviction recognizes the fact that section 306(a) of the Clean Air Act is a self-operating provision which was effective the date of the Act. There have been, however, no Federal criminal convictions under section 306(a) of the Act to this date.

(2) The definition of "facility" was revised to eliminate the requirement that the facility be non-Federal (see § 15.3(1)). This amendment was made in recognition that under certain lease arrangements for utilization of Federal properties, private contractors, grantees, and borrowers agree to assume the primary responsibility for pollution abatement and, therefore, these federally owned properties would be covered under this Regulation.

(3) The exemption for grants, the purpose of which was to assist a facility in complying with clean air standards was extended to include loans which are for the same purpose (see § 15.5(a)(3)). This addition was made to correct an oversight. Of times, loans which are in-

tended to assist a facility to operate will be used to assist facilities in complying with pollution abatement requirements.

(4) The duty of Federal contracting officers or awarding officials to report to EPA the identification by any applicant for a contract, grant, or loan of any facility which has given rise to the issuance of an administrative notice or order or the initiation of court action has been revised to require only the reporting of those facilities which have been previously notified by EPA as under consideration for listing (see §§ 15.4(c)(3) and 15.23(a)). This action was taken to minimize further the administrative burden on Federal awarding officials and representatives of applicants. EPA will rely on in-house data reporting to remain apprised of applicants' compliance status.

(5) The List of Violating Facilities will be published in the FEDERAL REGISTER to assist officials in administering the program (see § 15.20(a)(3)).

Accordingly, pursuant to the authority granted under section 306 of the Clean Air Act (42 U.S.C. 1857h–4) and Executive Order 11738, dated September 10, 1973 (38 FR 25161), the regulation providing for the administration of the Clean Air Act with respect to Federal contracts, grants, and loans, is hereby promulgated.

Effective date. The final regulations promulgated hereby shall become effective January 28, 1974.

Dated: December 14, 1973.

JOHN QUARLES,
Acting Administrator.

A new Part 15 is added to 40 Code of Federal Regulations, as follows:

Subpart A—Administrative Requirements

Sec.
15.1 Purpose.
15.2 Administrative responsibility.
15.3 Definitions.
15.4 Agency responsibilities.
15.5 Exemptions.

Subpart B—Remedies

15.20 List of violating facilities.
15.21 Hearings.
15.22 Public participation.
15.23 Agency participation.
15.24 Investigation.
15.25 Referral to the Justice Department.

Subpart C—Ancillary Matters

15.40 Interpretations.
15.41 Reports.
15.42 Delegation of authority by the Director.

AUTHORITY: 42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604; E.O. 11738.

Subpart A—Administrative Requirements

§ 15.1 Purpose.

The regulations in this Part are issued pursuant to the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91–604) and Executive Order 11738, to provide certain prohibitions and requirements concerning administration of the Clean Air Act with respect to Federal contracts, grants, or loans. The regulations in this Part apply to all agencies in the Executive Branch of the Government which award contracts, grants, or loans. The regulations also apply to contractors and subcontractors and to recipients of funds under grants and loans to the extent set forth in this Part.

The rights and remedies of the Government hereunder are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Administrator, Federal agencies, or other parties of powers not herein specifically set forth, but otherwise granted to them by the Act or the Order.

The program provides for the establishment of a List of Violating Facilities which will reflect those ineligible for the award of a Federal contract, grant, or loan. Facilities will be listed upon a determination by EPA of continuing or recurring noncompliance with clean air standards. Federal, State, and local criminal convictions, civil adjudications, and administrative determinations of noncompliance may serve as a basis for consideration of listing. In cases where a facility has been subjected to a State or local civil adjudication or administrative determination that such facility is in noncompliance with clean air standards, EPA shall consider listing at the request of the Governor. The program will apply to any contract, grant, or loan in excess of $100,000, except those contracts involving a facility giving rise to a Federal criminal conviction to which the $100,000 and under dollar exclusion is not applicable, unless otherwise exempted.

§ 15.2 Administrative responsibility.

The Director, Office of Federal Activities, is hereby delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Administrator under the Order, except the power to issue rules and regulations, and provided that the Assistant Administrator for Enforcement and General Counsel, EPA, shall continue to exercise principal responsibility for EPA's enforcement of the Clean Air Act and clean air standards. All correspondence regarding the Order or the regulations in this Part should be addressed to the Director, Office of Federal Activities, U.S. Environmental Protection Agency, Washington, D.C. 20460.

§ 15.3 Definitions.

(a) The term "Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq. as amended by Pub. L. 91–604).

(b) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(c) The term "agency" means any department, agency, establishment, or instrumentality in the Executive Branch of the Federal Government, including wholly-owned government corporations which award contracts, grants, or loans.

(d) The term "applicant" means any person who has applied for but has not yet received a contract, grant, or loan and includes a bidder or proposer for a contract which is not yet awarded.

(e) The term "air pollution control agency" means any agency which is defined in section 302(b) or section 302(c) of the Act.

(f) The term "borrower" means a prime recipient of a loan.

(g) The term "clean air standards" means any rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Act or the Order, an applicable implementation plan as described in section 110(d) of the Act, an approved implementation procedure and plan under section 111 (c) and (d), respectively, of the Act, or an approved implementation procedure under section 112(d) of the Act.

(h) The term "compliance" means compliance with clean air standards or a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency, or an air pollution control agency, in accordance with the requirements of the Act and regulations issued pursuant thereto.

(i) The term "contract" means any Federal contract for the procurement of goods, materials, or services.

(j) The term "contractor" means the prime contractor with whom the Federal Government has contracted for procurement of goods, materials, or services.

(k) The term "Director" means the Director, Office of Federal Activities, U.S. Environmental Protection Agency, or any person to whom he delegates authority under the regulations in this Part.

(l) The term "facility" means any building, plant, installation, structure, mine, location or site of operations owned, leased, or supervised by an applicant, contractor, subcontractor, grantee, subgrantee, borrower or subborrower to be utilized in the performance of a contract, grant, or loan. Where a location, or site of operations contains or includes more than one building, plant, installation, or structure, the entire location or site shall be deemed to be a facility, except where the Director determines that independent facilities are co-located in one geographic area.

(m) The term "Governor" means the Governor or principal executive officer of each State.

(n) The term "grant" means any Federal grant, including grant-in-aid.

(o) The term "grantee" means the prime recipient of a grant.

(p) The term "loan" means a loan of Federal funds.

(q) The term "Order" means Executive Order 11738, dated September 10, 1973, (38 FR 25161), which superseded Executive Order 11602, dated June 29, 1971, (36 FR 12475).

(r) The term "person" means any natural person, corporation, partnership, unincorporated association, State or local government, or any agency, instrumentality, or subdivision of such a government.

(s) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands,

Guam, American Samoa, or the Trust Territories of the Pacific Islands.

(t) The term "subborrower" means any person holding a subloan.

(u) The term "subcontract" means any agreement or arrangement under which any portion of the contractor's obligation is performed, undertaken, or assumed.

(v) The term "subcontractor" means any person holding a subcontract.

(w) The term "subgrant" means any agreement or arrangement under which any portion of the activity or program which is being assisted under the grant is performed, undertaken, or assumed.

(x) The term "subgrantee" means any person holding a subgrant.

(y) The term "subloan" means any agreement or arrangement under which any portion of the business, program, or activity which is being assisted under the loan is performed, undertaken, or assumed.

(z) The term "United States" as used herein includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands.

§ 15.4 Agency responsibilities.

(a) *General.* Pursuant to the Order, each agency will take appropriate steps to ensure that all officers and employees whose duties entail compliance or comparable functions with respect to contracts, grants, and loans are familiar with the Order and the regulations under this Part. Such officers and employees will promptly report to the head of the agency or his designee any condition in any facility involved in a contract, grant, or loan made by an agency which may involve noncompliance with the clean air standards and which comes to their attention in the performance of their regular duties. The head of the agency or his designee will promptly transmit such reports to the Director. The Director shall take action as may be appropriate in accordance with §§ 15.24 and 15.20 of this Part.

(b) *Procurement, grant, and loan regulations.* Section 4 of the Order provides that agencies responsible for promulgating contract, grant, and loan regulations shall, following consultation with the Administrator, amend such regulations to require, as a condition of entering into, renewing, or extending any nonexempt contract for the procurement of goods, materials, and services, or extending any financial assistance by way of nonexempt contract, grant, or loan, compliance with the Act and standards issued pursuant thereto. Pursuant to the authorities vested in the Administrator in section 5 of the Order, agencies responsible for promulgating contract, grant, and loan regulations shall be governed by this Part. Such regulations shall be amended to require, no later than July 1, 1974, the use of the provisions set forth below.

(c) *Procurement regulations.* The Federal Procurement Regulations, Armed Services Procurement Regulations, and to the extent necessary any supplemental or comparable regulations issued by any agency shall be amended to incorporate the following requirements with respect to nonexempt transactions to carry out the purposes of the Act, the Order, and this Part:

(1) A stipulation by the contractor that any facility to be utilized in the performance of any nonexempt contract is not listed on the EPA List of Violating Facilities pursuant to § 15.20 of this part.

(2) Agreement by the contractor to comply with all the requirements of section 114 of the Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and all regulations and guidelines issued thereunder.

(3) A stipulation that as a condition for the award of a contract the applicant or contractor shall notify the awarding official of the receipt of any communication from the Director indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities. Prompt notification shall be required prior to contract award.

(4) Agreement by the contractor that he will include or cause to be included the criteria and requirements of paragraphs (1) through (4) in every nonexempt subcontract and requiring that the contractor will take such action as the Government may direct as a means of enforcing such provisions.

(d) Grant and loan provisions. To carry out the purposes of the Act, the Order, and this part, agency grant and loan regulations shall be amended as necessary to incorporate the requirements set forth in § 15.4(c)(1) through (4) above with respect to nonexempt transactions.

§ 15.5 Exemptions.

(a) *Exempted transactions.*—(1) *Transactions $100,000 and under.* Contracts, subcontracts, grants, subgrants, loans, and subloans not exceeding $100,000 are exempt from this Part.

(2) *Contracts and subcontracts for indefinite quantities.* With respect to contracts and subcontracts for indefinite quantities (including but not limited to time and material contracts, requirements contracts, and basic ordering agreements), this part shall be applicable unless the purchaser has reason to believe that the amount to be ordered in any year under such contract will not exceed $100,000.

(3) *Assistance to abate, control, or prevent environmental pollution.* Any grant, subgrant, loan, or subloan, a principal purpose of which is to assist a facility or facilities to comply with any Federal, State, or local law, regulation, limitation, guideline, standard, or other requirement relating to the abatement, control, or prevention of environmental pollution is exempt from this Part.

(4) *Exclusion.* The foregoing exemptions shall not apply to a proposed contractor whose facility is listed on the basis of § 15.20(a)(1)(i) of this part. Utilization of such a facility through the award of a Federal contract is barred by section 306(a) of the Act where a conviction has been obtained pursuant to section 113(c)(1) of the Act.

(b) *Authority of heads of agencies.* Where a head of an agency determines that the paramount interest of the United States so requires, he may exempt any individual contract, subcontract, grant, subgrant, loan, or subloan for a period of one year, and by rule or regulation any class of contracts, grants, or loans. In the case of an individual exemption, the head of the agency granting the exemption shall notify the Director as soon before or after granting the exemption as practicable. The justification for such an exemption or any renewal thereof, shall fully describe the purpose of the contract, grant, or loan, except as the interests of national security preclude, and shall indicate the manner in which the paramount interest of the United States requires that the exemption be made.

(c) *Facilities located outside the United States.* This part shall not apply to the use of facilities located outside the United States.

Subpart B—Remedies

§ 15.20 List of violating facilities.

(a) *Listing of facilities.* Sections 2, 4, and 5 of the Order and section 306 of the Act require the Administrator to establish procedures which will identify for Federal agencies those facilities giving rise to a criminal conviction under the Act and which will establish sanctions and penalties necessary to assure that contracts, grants, and loans are not awarded to applicants whose facilities are found to be in noncompliance with clean air standards. The Director shall maintain the List of Violating Facilities in accordance with the following procedures:

(1) *Basis for consideration of listing.* Federal, State, or local criminal convictions, civil adjudications, or administrative determinations of noncompliance may serve as the basis for consideration of listing facilities. However, the listing of a facility based on a State or local civil adjudication or administrative determination shall not be considered unless the Governor of the State has referred the applicant, contractor, grantee, or borrower whose facility has given rise to such adjudication or determination to the Director in accordance with § 15.23 of this part. The following Federal, State, and local determinations may serve as a basis for listing:

(i) Facilities which have given rise to a conviction under section 113(c)(1) of the Act.

(ii) Facilities which have given rise to any permanent order, judgment, decree or other form of civil ruling by a Federal, State, or local court issued as a result of noncompliance with clean air standards or facilities which have given rise to a conviction in a State or local court for noncompliance with clean air standards.

(iii) Facilities which are subject to the commencement of a court action under section 113 of the Act, or which are subject to the commencement of equivalent

State or local proceedings to enforce clean air standards.

(2) *Listing proceedings.* No facility shall be listed until there has been notification to the owner and where appropriate the operator by the Director of his intent to place the facility on the List and the basis therefor, the representatives of the facility have been afforded an opportunity to confer with the Director and present orally or in writing, and with assistance of counsel, data or information relating to the proposed placement of the facilitiy on the List, and the Director determines before listing that there is adequate evidence of continuing or recurring noncompliance with clean air standards at the facility. The Director's determination to list shall be in writing and shall summarize the basis for his action.

(3) *The List.* Upon carrying out the aforesaid requirements, the Director may list a facility. The List shall be distributed periodically to all agencies and published in the FEDERAL REGISTER. The List shall contain as a minimum the name of each person whose noncomplying facility has given rise to the listing, the name of such facility, the basis for the listing, and the date for each listing.

(4) *Effective date.* The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on § 15.20(a)(1)(i) above effective immediately. The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on § 15.20(a)(1)(ii) or (iii) above effective July 1, 1974.

(b) *Prohibition of award to listed facilities.* No agency shall enter into, renew, or extend any nonexempt contract for the procurement of goods, materials, or services or extend Federal financial assistance by way of a nonexempt grant, loan, or contract where a facility listed would be utilized for the contract, grant, or loan.

(c) *Removal of facility from List.* If a conviction, order, judgment, decree, or other form of civil ruling which has constituted the basis for consideration of listing a facility is reversed or otherwise modified to remove such basis, the facility shall be removed promptly from such listing effective upon receipt of notification of the reversal or modification by the Director. Requests for removal of facilities from the list for any other basis including a request from a Governor shall be addressed to the Director. Such requests shall be in writing and should contain appropriate evidence of compliance by the facility with clean air standards. In the event the request for removal is denied, a hearing pursuant to § 15.21 shall be granted by the Director, if requested within twenty (20) days of receipt of a notice of denial.

§ 15.21 Hearings.

(a) Hearings held pursuant to § 15.20(c) shall be conducted by a hearing officer designated by the Administrator. Each party shall have the right of counsel and a fair opportunity to present evidence and argument and to cross-examine. Other persons may be permitted to participate upon a showing that such persons have substantial interest in the proceedings and will contribute materially to the proper disposition thereof. The hearing officer shall base his decision solely upon the record before him.

(b) The decision of the hearing officer shall be final unless within twenty (20) days from the date of receipt of the decision the party adversely affected requests in writing a review by the Administrator.

§ 15.22 Public participation.

(a) Persons who wish to bring an alleged failure of compliance with clean air standards under this Part to the attention of the Government should file a statement in writing with the Director, Office of Federal Activities, U.S. Environmental Protection Agency, Washington, D.C. 20460.

(b) The statement should include the name, address, and telephone number of the person responsible for its filing, the name and address or other accurate description of the facility allegedly in violation, a description of the violation, with any available accompanying data considered to show that the violation has occurred, and any other pertinent information which will assist in the investigation and resolution of the reported noncompliance. The statement must be signed by the person responsible for the filing or his authorized representative.

(c) The Director shall review the statement and within a reasonable period advise the person of the disposition of his statement.

§ 15.23 Agency participation.

(a) Federal agency participation. Pursuant to §§ 15.4(c) and (d) of this part, applicants must indicate whether a facility to be utilized in the performance of any nonexempt contract, grant, or loan has been identified by the Director as under consideration for listing. Federal contracting officers or awarding officials must determine whether any facility to be utilized in the performance of a nonexempt contract, grant, or loan appears on the List distributed by the Director under § 15.20 of this part. If such facility has been identified by the Director but the facility does not appear on the List, the contracting officer or awarding official shall promptly notify the Director. In accordance with § 15.24 of this part, the Director may request that the award of the contract, grant, or loan be withheld for a period not to exceed fifteen (15) working days pending completion of an appropriate investigation.

(b) State participation. Whenever a facility is determined to be in continuing or recurring noncompliance with clean air standards, as may be ascertained by the Governor, the Governor may notify the Director. The Director shall take the necessary steps, under § 15.20 of this Part, to determine whether a listing shall occur. When continuing or recurring noncompliance with clean air standards by a facility becomes evident and the State has failed to notify the Director of such violation, the Director may request that the Governor investigate and report his findings to the Director.

§ 15.24 Investigation.

(a) When substantial evidence of noncompliance with clean air standards is presented by private individuals, agency employees, a Governor, or other sources, the Director after consultation with the agency whose proposed contract, grant, or loan is involved, may request that the award of the contract, grant, or loan be withheld for a period not to exceed fifteen (15) working days effective the date the Director, as well as the interested Federal agency, is notified of the existence of such evidence and the initiation of the investigation. The agency shall withhold such award except when it is determined that the delay is likely to prejudice the agency's programs or otherwise seriously disadvantage the Government. Prompt notice shall be given to the Director in any case where such determination to award has been made.

(b) The Director shall promptly inform the agency whose contract, grant, or loan is involved of the findings, dispositions, or actions resulting from the investigation. Where the information causing the investigation was presented by a private individual or Governor, that individual or Governor shall also be promptly notified.

§ 15.25 Referral to the Justice Department.

The Administrator may recommend that appropriate legal proceedings or other action be taken in reference to the requirements set forth in the regulations contained in this part. Referrals of any matters arising under such regulations to the Department of Justice shall be made only by the Administrator or with his express approval.

Subpart C—Ancillary Matters

§ 15.40 Interpretations.

Interpretations of the regulations contained in this Part shall be made by the Administrator or his designee.

§ 15.41 Reports.

(a) *Agency reports.* The head of each agency shall ensure that the Administrator is informed of each exemption granted under § 15.5(b) during the preceding fiscal year annually before August 1.

(b) *EPA reports.*

(1) The Administrator will annually report to the President on measures taken toward implementation of section 306 of the Act, the Order, and regulations in this Part, including but not limited to the progress and problems associated with such implementation.

(2) The Administrator will annually notify the President and the Congress of all exemtpions granted or in effect under this part during the preceding year.

§ 15.42 Delegation of authority by the Director.

The Director is authorized to redelegate the authority conferred upon him by this part.

[FR Doc.73-27059 Filed 12-26-73;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

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

O,S-Dimethyl Phosphoramidothioate

In response to a petition (PP 4E1424) submitted by Chemagro Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of November 6, 1973 (38 FR 30565), proposing establishment of tolerances for residues of the insecticide *O,S*-dimethyl phosphoramidothioate in or on the raw agricultural commodities cucumbers, eggplant, peppers, and tomatoes at 1 part per million and melons at 0.5 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.315 is amended by revising the paragraph, "1 part per million * * *" and by adding a new paragraph, "0.5 part per million * * *", as follows:

§ 180.315 *O,S*-Dimethyl phosphoramidothioate; tolerances for residues.

* * * * *

1 part per million in or on broccoli, brussels sprouts, cabbage, cauliflower, cucumbers, eggplant, lettuce, peppers, and tomatoes.

0.5 part per million in or on melons.

Any person who will be adversely affected by the foregoing order may at any time on or before January 28, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on December 27, 1973.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: December 14, 1973.

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

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Title 41—Public Contracts and Property Management

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

PART 60-11—CHICAGO PLAN

Affirmative Action Program on Federally-Involved Construction Contracts in the Chicago Area

These rules are issued pursuant to Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303).

These rules concern matters relating to public contracts. While public participation in this rule making is not required by the Administrative Procedure Act (5 U.S.C. 553), it is the policy of the Secretary of Labor, stated in 29 CFR 2.7 (36 FR 12976), not to rely upon this exemption as a reason for not complying with the notice and public participation requirements thereof. However, pursuant to 5 U.S.C. 553(b)(3)(B), I have determined that any delay in implementation of these rules is contrary to the public interest in establishing an enforceable Federally-imposed affirmative action program in the Chicago, Illinois area. My determination is based upon the findings recited in § 60-11.3 and contained herein. Due to the failure to develop an effective voluntary affirmative action plan in the Chicago, Illinois area for the more than four years since the Department of Labor completed its public hearings and investigations indicating a need therefor it is considered contrary to the public interest to countenance any further delay in imposing an affirmative action program for the Chicago area construction industry. Thus I find that no delay in effective date is is required by 5 U.S.C. 553(d).

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553 and 29 CFR 2.7, interested persons may submit written comments, suggestions, data, or arguments to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, within 45 days of publication of the rules contained in this part. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, Part 60-11 shall remain in effect, thus permitting the public business to proceed more expeditiously.

Therefore, and pursuant to Executive Order 11246 (30 FR 12319, 3 CFR 1964-65, Comp., p. 406) and §§ 60-1.1 and 60-1.40 of Title 41 of the Code of Federal Regulations, Chapter 60 of these regulations is hereby amended by adding a new Part 60-11, reading as follows:

Subpart A—Purpose; Applicability; Background

Sec.
60-11.1 Purpose.
60-11.2 Applicability.
60-11.3 Background.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force; Conclusion of Findings

Sec.
60-11.10 General findings.
60-11.11 Minority participation in the specified trades.
60-11.12 Availability of minority group persons for employment.
60-11.13 Need for training.
60-11.14 The impact of the plan upon the existing labor force.
60-11.15 Conclusion of findings.

Subpart C—Non-Discriminatory Purpose of the Plan; The Requirements of the Chicago Plan; Exemptions; Authority; Effective Date

60-11.20 Non-discriminatory purpose of the plan.
60-11.21 Requirements.
60-11.22 Exemptions.

Subpart D—Appendix A

60-11.30 Appendix A.

AUTHORITY: Sections 201, 202, 205, 211, 301, 302, 303 of Executive Order 11246 (30 FR 12319, 3 CFR 1964-65, Comp., p. 406) and §§ 60-1.1 and 60-1.40 of Title 41 of the Code of Federal Regulations.

Subpart A—Purpose; Applicability; Background

§ 60-11.1 Purpose of the Chicago Plan.

The purpose of these regulations is to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors and Federally-assisted construction contractors and subcontractors in the Chicago, Illinois Standard Metropolitan Statistical Area (SMSA).

§ 60-11.2 Applicability.

While a contractor or subcontractor is performing on Federally involved (Federal or Federally-assisted) construction contracts for projects, in the Chicago, Illinois SMSA, which includes Cook, DuPage, Kane, Lake, McHenry and Will Counties (hereinafter referred to as the Chicago, Illinois area), the estimated cost of which exceeds $500,000, all construction activities (including all activities on nonfederally involved work) of such a contractor or subcontractor within the Chicago, Illinois area shall be subject to the requirements of these regulations: *Provided, however,* That if an areawide agreement is developed for any trade covered by these regulations or any such trade is covered by an approved multitrade agreement (hometown plan), then the Office of Federal Contract Compliance (OFCC) may, in its complete discretion, accept such program in lieu of any or all of the requirements of these regulations, subject to such terms and conditions as OFCC may specify. *Furthermore,* those contractors and subcontractors performing on Federally-involved (Federal or Federally-assisted) construction contracts subject to the Federal EEO Bid Conditions which incorporate the New Chicago Plan will continue to be bound by the requirements of Part II of those Bid Conditions for the duration of their contracts.

§ 60–11.3 Background.

Public hearings were conducted by representatives of the Department of Labor in Chicago, Illinois, on September 25 and September 26, 1969, to determine what action should be taken to ensure equal employment opportunity in the construction industry serving the Chicago, Illinois area. Testimony was heard and data received on the following:

(a) The current extent of minority group participation in each construction trade;

(b) Present employee recruitment methods, including union involvement in the recruitment and referral process;

(c) The availability of qualified and qualifiable minority group persons for employment in the construction industry;

(d) An evaluation of existing training programs in the area and the extent of minority involvement in them;

(e) The number of additional workers that can be absorbed into each trade without displacing present employees, including consideration of present employee shortages, projected growth of the trade, projected employee turnover;

(f) The availability and utilization of minority contractors on Federally-involved contracts;

(g) The desirability and extent, including the geographical scope, of possible Federal action to ensure equal employment opportunity in the construction trades;

(h) Recommendations of governmental compliance agencies active in the Chicago, Illinois area.

Immediately prior to the commencement of the Department's hearings, the Department of Housing and Urban Development (HUD), deployed a special task force to evaluate the problem of minority unemployment and underemployment in the construction trades in the Chicago SMSA. HUD was designated to conduct their investigation because of the substantial amount of Federal and Federally-assisted construction projects in which they were then and were to be involved, in the Chicago SMSA. The report of that task force, which was entered into the hearing record, dramatically points up the urgent need for affirmative action directed towards the recruitment, training, employment and upward mobility of minority group employees in the construction industry.

Subsequent to the hearings, the Federal government, in cooperation with officials of the City of Chicago and representatives of contractors, unions and the minority community, attempted on two occasions to meet the problem of minority underutilization by the development of a "hometown" agreement.

The Chicago Plan, Inc., a hometown agreement, was executed on January 9, 1970, by and between the Chicago and Cook County Building Trade Council, the Building Construction Employers Association of Chicago, Inc., and the Coalition for United Community Action. Pursuant to the Agreement, the Department made substantial funds available for minority training through Chicago Plan, Inc. Subsequent developments revealed that the Agreement and its training components were not utilized in such a way as to significantly increase minority manpower utilization in the Chicago, Illinois area construction industry.

On October 18, 1972, the New Chicago Plan was executed. It was a hometown agreement by and between the Chicago and Cook County Building Trades Council and the Building Construction Employers Association of Chicago, Inc. A Manpower Service Contract was also executed between the Chicago Urban League, Inc. and the Department to provide certain services to the parties to the Agreement. From its inception, the New Chicago Plan was plagued by the inability of the new Chicago Plan participants to voluntarily devise by negotiation and implement an effective affirmative action program. Although all of the parties demonstrated a good faith effort to create a workable and effective affirmative action program, there were too many issues which could not be resolved through good faith negotiation.

Therefore, although fault cannot be fairly assessed against any one party or parties, the New Chicago Plan has been found not to be an acceptable, voluntary, affirmative action plan which would permit further inaction by the Department. While the Department will continue to support hometown solutions, this support is based on the assumption that a hometown solution is more likely to be effective than an imposed plan. Where, as here, the hometown solution although adequately funded has not been effective, it becomes necessary to impose a plan where the underutilization of minority manpower is clear and continuing.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force; Conclusion of Findings

§ 60–11.10 General findings.

Based on the evidence adduced at the hearing, and upon other information subsequently obtained by the Department, and the present inability of the contractors, unions and minority community representatives concerned to reach accord, it is found that minority workers (Negroes, Spanish surnamed Americans, Orientals and American Indians) including both men and women require action on the part of their government to ensure the enjoyment of equal employment opportunities necessitating action on a broad scale. The underutilization of minorities is due in substantial measure to the unique nature of employment practices in the construction industry where contractors and subcontractors rely on construction craft unions as their prime or sole labor source. Collective bargaining agreements and/or established custom and usage between construction contractors and subcontractors and labor organizations frequently provide for or result in exclusive hiring halls. Even where the collective bargaining agreement contains no such hiring agreement or the custom is not rigid, as a practical matter, most people working in these classifications are referred to the jobs by such labor organizations. As a result, referral by the labor organization is a virtual necessity for obtaining meaningful employment in union construction projects. Minorities have in the past and in some instances are still excluded from access to union membership, apprenticeship and other training programs in certain construction trades. As a result of the foregoing minority persons still do not enjoy full equal employment opportunities in the Chicago, Illiniois area construction trades.

It is further found that the previous efforts to correct this inequity have not been successful and that it is necessary in order to achieve the objectives of these regulations to adopt a specific program which will provide for equal employment opportunity in the Chicago, Illinois area construction industry.

§ 60–11.11 Minority participation in the specific trades.

The population of the Chicago, Illinois area is 6,978,947. Of that number, 1,306,377 or 18.7 percent are minority group persons.

The average unemployment rate for the Chicago, Illinois area for calendar year 1972 was 5.1 percent, the rate for white persons, 4.3 percent, and that for minorities, 10.1 percent. The rate for the inner city area for that period averaged 6.3 percent, 5.0 percent for the white community and 9.8 percent for minorities.

Included among the minorities in the employed category in 1972 were 11,000 person who were employed part-time only and 80,000 persons who worked full time but had a family income at or below the poverty level. Additionally, 28,000 minority persons remained outside the work force because of employment barriers. These facts serve to underscore the underutilization of minority group persons for employment in the Chicago area.

Total employment in the contract construction industry in the Chicago SMSA is approximately 132,900. The total number of journeymen in a sampling of specified building and construction trade unions accounting for approximately half the industry workforce in the Chicago, Illinois area exceeds 64,000 of which approximately 2,039 or 3.2 percent are minorities. Moreover, minority representation in the most highly skilled and most remunerative trades remains even lower.

The most current and reliable data developed at the hearings and otherwise obtained by investigation and government statistical analysis, reveal the following as the current minority representation in various construction trade unions in the Chicago SMSA.

	Journeymen	Minorities	Percent
Asbestos workers	900	3	0.4
Bricklayers	4,400	252	5.7
Carpenters	29,350	550	1.9
Electricians	10,400	425	4.0
Elevator installers	625	1	0.2
Glaziers	400	1	0.3
Ironworkers	1,880	29	1.8
Metal lathers	700	0	0.0
Painters	11,000	350	3.2
Plasterers	3,673	524	14.3
Plumbers/pipefitters	14,921	259	1.7
Roofers	1,070	74	6.9
Sheetmetal workers	4,668	4	0.1
Sprinkler fitters	260	0	0.0
Operating engineers	8,000	486	4.6

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

§ 60–11.12 Availability of minority group persons for employment.

In addition to the 102,000 minority employees who, as indicated earlier, are currently underemployed, there are 28,000 minority persons altogether excluded from the workforce due to employment barriers, and in excess of 6,000 minority veterans returning to the Chicago area during the preceding calendar year.

In addition to this source of willing and available manpower, there are approximately 1,900 minority persons currently employed in non-union status, and in excess of 3,000, receiving training for employment in the construction trades or otherwise indicating their interest in and availability for such employment.

(a) *Non-union and self-employed minority tradesmen.*

There are currently in excess of 1,900 minority tradesmen possessing skills ranging from helper to journeymen in the principal construction trades, who are either self-employed or employed on non-union projects, the latter due only to their lack of union membership.

(b) *A.I.C.*

The Apprenticeship Information Center serving the Chicago area has on record the names of 1,685 minority youths who have sought apprenticeship training opportunities in the Chicago area construction industry.

(c) *Apprenticeship programs.*

The Apprenticeship Programs currently operational in the Chicago area have in excess of 1,045 minority trainees enrolled for training in the construction trades. Assisting the AIC in the recruitment of minorities for registration has been the Chicago Urban League which has to date referred in excess of 1,500 minority youths to the AIC.

(d) *Vocational education.*

Day and evening vocational education programs operating in the Chicago area have a current minority enrollment of 300 students receiving institutional training for employment in the construction industry.

(e) *MDTA programs.*

Programs funded under the Manpower Development and Training Act in the Chicago area currently provide training for skills required in the construction trades to 109 minorities.

(f) *Community involvement.*

Additionally, testimony presented at the hearings revealed that, consistent with the Department's own experience, the effectiveness of any program designed to recruit minority trainees depends in large measure upon meaningful, active involvement of minority organizations in the community. In this regard, various representatives of minority organizations indicated that they would have little, if any, difficulty in recruiting minority workers for training and jobs in sufficient numbers to meet the present and prospective manpower demands of the Chicago area construction industry.

(g) *Minority subcontractors.*

Information gained at the hearing indicated, and it is found, that a number of minority subcontractors are operating effectively within the Chicago area. Utilization of these subcontractors by contractors could significantly expand the participation of minority craftsmen on projects of Federal construction contractors.

§ 60–11.13 Need for training.

(a) *Existing programs.*

A readily available source of minority manpower, most of whom could be utilized in the skilled trades with skills refinement training only, may be found in the number of minority laborers currently in labor unions having jurisdiction in the Chicago, Illinois area, self-employed or non-union employed tradesmen who lack union membership, and the various training programs currently in operation in the Chicago, Illinois area.

In this regard, the continuation of currently operational training programs with appropriately increased funding is expected to yield a sufficient quantity of trained minority manpower to meet the demands of the industry in the foreseeable future. The development of additional community involved training programs shall, however, continue to be encouraged. Further, the Manpower Administration stands ready to provide necessary funding to carry out reasonable and effective training programs in furtherance of the objective of these Regulations and consistent with the policy and standards of the Manpower Administration as illustrated in the President's statement of March 17, 1970, directing a 50 percent increase in construction skills training by 1975.

§ 60–11.14 The impact of the plan upon the existing labor force.

(a) *Increased minority participation.* It has been found and determined, that a contractor could commit himself to minority hiring up to the annual rate of job vacancies for each trade without adverse impact upon the existing labor force or displacing any incumbents. Specific information presented at the hearings and national statistics provided by the Bureau of Labor Statistics indicate that annual replacement needs for the selected trades total approximately 1,800 for an average of 1.9 percent. Additionally, the anticipated rate of growth for the selected trades approximates 1.7 percent annually. Thus, the expected rate of annual new job openings for the selected trades is projected to be 3.6 percent annually for a total of 3,318 job vancancies annually. The annual number of new job openings per craft for selected trades is as follows:

Trade:	*Annual number of job openings*
Asbestos Workers	32
Bricklayers	169
Carpenters	1,110
Electricians	304
Elevator Installers	24
Glaziers	15
Ironworkers	80
Metal Lathers	26
Painters	395
Plumbers/Pipefitters	500
Plasterers	120
Roofers	52
Sheetmetal Workers	179
Operating Engineers	300
Sprinkler Fitters	12

These projections are not inconsistent with conservative national statistics which reveal that approximately 7.5 percent of construction trade workers are replaced each year due to death, retirement, disability, and outmigration.

(b) *Timetable.* In an effort to provide an affirmative action program and practical ranges for the utilization of minority manpower which can be met by employers in hiring productive, qualified, and qualifiable minority craftsmen, these ranges should be developed to cover a 5-year period of time. Therefore, it is found and determined that in order for these regulations to effect equal employment to the fullest extent, the standards of minority utilization should be determined for the next 5 years.

§ 60–11.15 Conclusion of findings.

(a) *Current minority participation.* It is found in the Chicago, Illinois area workforce data submitted at the public hearing, and since updated, it appears that the most skilled and most remunerative trades have a level of minority representation far below that which should have resulted from meaningful past participation in the industry without regard to race, color, or national origin. Therefore, it is determined that these rules are necessary to provide for minority participation in the following trades:

Asbestos Workers
Bricklayers
Carpenters
Electricians
Elevator Installers
Glaziers
Ironworkers
Metal Lathers
Painters
Plumbers/Pipefitters
Plasters
Roofers
Sheetmetal Workers
Operating Engineers
Sprinkler Fitters

(b) *Effect of plan.* A construction contractor working in the Chicago, Illinois area could increase the minority participation in his trade significantly by hiring only minorities to fill new job openings (attrition plus growth). However, to do so would inevitably result in the exclusion of qualified nonminorities

from such job opportunities. Based upon the fact that the minority population in the Chicago, Illinois area is approximately 18.7 percent of the total population, upon the fact that the minority unemployment rate in the Chicago, Illinois area is substantially greater than that of non-minority unemployment, upon the fact that there exists substantial minority underemployment in the area and upon the further fact that significant and effective training programs now exist, it may be reasonably expected that in the filling of new and vacant jobs, effective affirmative action efforts should produce at least one minority applicant for each nonminority applicant for effective construction employment.

(c) *Increased minority participation.* If new and vacated positions in the trades covered by these rules totaling approximately 16,590 through 1978 were filled by one minority worker for each nonminority worker, the resultant increased minority participation in those trades alone through December 1978 would be approximately 8,855 workers. Within the anticipated increase in those who should be available over the next 5 years, it appears that more than sufficient numbers of minority workers will be available to effectively fill new and vacated construction trade positions.

(d) *Purpose of Ranges.* By establishing ranges which anticipate good faith efforts by construction contractors to fill new and vacated jobs on at least a 1-to-1 minority-to-nonminority basis through 1978, contractors should be able to meet their commitments through effective affirmative recruitment efforts from available minority manpower without displacing any existing craftsmen and without discriminating against any nonminority applicant for employment.

(e) *Evaluation and Advisory Recommendations.* The Department recognizes that the contractors, unions and minority community, who must operate on a day-to-day basis under the requirements of these regulations, are in the best positions to evaluate the effectiveness of these regulations. Therefore, the Department shall make every effort to encourage and develop a voluntary committee representing these three groups, which committee shall periodically review the effectiveness of these regulations and make advisory recommendations to the Department in this regard.

Subpart C—Non-Discriminatory Purpose of the Plan; the Requirements; Exemptions; Authority; Effective Date

§ 60–11.20 Non-Discriminatory purpose of the plan.

The purpose of the contractor's commitment to specific goals is to meet the contractor's affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee.

§ 60–11.21 Requirements.

After full consideration and in view of the foregoing, it is determined that:

(a) No contracts or subcontracts shall be awarded for Federal and Federally-assisted construction in the Chicago, Illinois SMSA on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, the document identified as Appendix A, notice of requirement for submission of affirmative action plan to insure equal employment opportunity or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated therein which will be used by the contractor on all of his work (both Federal and nonfederal) within the Chicago SMSA during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges set forth in Appendix A. Such appendix is for all purpose a part of these regulations and shall be deemed a part of all contracts executed pursuant to these regulations. Minority manpower means, for the purposes of these rules, Negroes, Spanish surnamed Americans, Orientals and American Indians and includes both men and women. The trades utilizing the following classifications of employees are covered by these rules:

Asbestos Workers
Bricklayers
Carpenters
Electricians
Elevator Installers
Glaziers
Ironworkers
Metal Lathers
Painters
Plumbers/Pipefitters
Plasterers
Roofers
Sheetmetal Workers
Operating Engineers
Sprinkler Fitters

Subpart D—Appendix A

§ 60–11.23 Appendix A.

For inclusion in the invitation or other solicitation for bids for a federally-involved construction contract in the Chicago SMSA when the estimated total cost of the construction project exceeds $500,000.

NOTICE OF REQUIREMENT SUBMISSION OF AFFIRMATIVE ACTION PLAN TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

TO BE ELIGIBLE FOR AWARD OF THE CONTRACT, EACH BIDDER MUST FULLY COMPLY WITH THE REQUIREMENTS, TERMS AND CONDITIONS OF THIS APPENDIX A

The following are hereby submitted by the undersigned bidder as its goals for minority manpower utilization ("minority" being Negro, Spanish surnamed Americans, Orientals and American Indians and includes both men and women) to be achieved on all work of the bidder within the Chicago, Illinois area during the terms of his performance of this contract in the trades specified below in conformity with the requirements, terms and conditions of this Appendix A hereinafter set forth:

TOTAL NUMBER OF MANHOURS TO BE WORKED BY MINORITY PERSONS ON ALL BIDDER'S PROJECTS WITHIN THE CHICAGO SMSA INCLUDING ON THIS CONTRACT EXPRESSED IN TERMS OF A PERCENTAGE OF THE TOTAL NUMBER OF MANHOURS TO BE

Worked Until December 31, 1974

Trade:
Asbestos workers_____
Bricklayers_____
Carpenters_____
Electricians_____
Elevator installers_____
Glaziers_____
Ironworkers_____
Metal lathers_____
Painters_____
Plumbers/pipefitters_____
Plasterers_____
Roofers_____
Sheetmetal workers_____
Sprinkler fitters_____
Operating engineers_____

From January 1, 1975 Until December 31, 1976

Trade:
Asbestos workers_____
Bricklayers_____
Carpenters_____
Electricians_____
Elevator installers_____
Glaziers_____
Ironworkers_____
Metal lathers_____
Painters_____
Plumbers/pipefitters_____
Plasterers_____
Roofers_____
Sheetmetal workers_____
Sprinkler fitters_____
Operating engineers_____

From January 1, 1976 Until December 31, 1976

Trade:
Asbestos workers_____
Bricklayers_____
Carpenters_____
Electricians_____
Elevator installers_____
Glaziers_____
Ironworkers_____
Metal Lathers_____
Painters_____
Plumbers/pipefitters_____
Plasterers_____
Roofers_____
Sheetmetal workers_____
Sprinkler fitters_____
Operating engineers_____

From January 1, 1977 Until December 31, 1977.

Trade:
Asbestos workers_____
Bricklayers _____
Carpenters _____
Electricians _____
Elevator installers_____
Glaziers _____
Ironworkers _____
Metal lathers_____
Painters _____
Plumbers/pipefitters _____
Plasterers _____
Roofers _____
Sheetmetal workers_____
Sprinkler fitters_____
Operating engineers_____

From January 1, 1978 Until December 31, 1978.

Trade:	
Asbestos workers	
Bricklayers	
Carpenters	
Electricians	
Elevator installers	
Glaziers	
Ironworkers	
Metal lathers	
Painters	
Plumbers/pipefitters	
Plasterers	
Roofers	
Sheetmetal workers	
Sprinkler fitters	
Operating engineers	

REQUIREMENTS, TERMS AND CONDITIONS

1. No contracts or subcontracts shall be awarded for Federal or Federally-assisted construction in the Chicago SMSA on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, this document designated as Appendix A, or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all his work (both Federal and nonfederal) within the Chicago SMSA during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established by this Appendix in section 2 thereof. Minority manpower means, for the purposes of this Appendix, Negroes, Spanish surnamed Americans, Orientals and American Indians and includes both men and women. The trades utilizing the following classifications of employees are covered by this Appendix:

Asbestos Workers
Bricklayers
Carpenters
Electricians
Elevator Installers
Glaziers
Ironworkers
Metal Lathers
Painters
Plumbers/Pipefitters
Plasterers
Roofers
Sheetmetal Workers
Sprinkler Fitters
Operating Engineers

A bidder who fails or refuses to complete or submit such goals shall not be deemed a responsive bidder and may not be awarded the contract or subcontract, but such goals need be submitted only for those trades which the contractor contemplates to be used in the performance of the Federally-involved contract. In no case shall there be any negotiations over the provisions of the specific goals submitted by the bidder after the opening of bids and prior to the award of the contract.

2. The following ranges, constituting acceptable minimums within which a prospective contractor or subcontractor must establish his goals are hereby established as the standards for minority manpower utilization for each of the designated trades in the Chicago SMSA for the next five years:

Trade:	*Range of minority group employment until Dec. 31, 1974* (Percent)
Asbestos workers	1.8– 3.5
Bricklayers	8.7–10.6
Carpenters	3.8– 5.6
Electricians	5.7– 7.0
Elevator installers	2.0– 3.9
Glaziers	2.2– 4.2
Ironworkers	6.0– 8.0
Metal lathers	2.0– 4.0
Painters	5.7– 7.5
Plumbers/pipefitters	3.4– 4.9
Plasterers	18.8–20.2
Roofers	10.0–12.0
Sheetmetal workers	2.3– 4.1
Sprinkler fitters	1.7– 3.3
Operating engineers	10.2–13.9

Trade:	*Range of minority group employment from Jan. 1, 1975 until Dec. 31, 1975* (Percent)
Asbestors workers	3.5– 5.2
Bricklayers	10.6–12.5
Carpenters	5.6– 7.4
Electricians	7.0– 8.3
Elevator installers	3.9– 5.8
Glaziers	4.2– 6.2
Ironworkers	8.0–10.0
Metal lathers	4.0– 6.0
Painters	7.5– 8.3
Plumbers/pipefitters	4.9– 6.4
Plasterers	20.2–21.6
Roofers	12.0–14.0
Sheetmetal workers	4.1– 5.9
Sprinkler fitters	3.3– 5.0
Operating engineers	13.9–17.6

Trade:	*Range of minority group employment from Jan. 1, 1976 until Dec. 31, 1976* (Percent)
Asbestos workers	5.2– 6.9
Bricklayers	12.5–14.4
Carpenters	7.4– 9.2
Electricians	8.3– 9.6
Elevator installers	5.8– 7.7
Glaziers	6.2– 8.2
Ironworkers	10.0–12.0
Metal lathers	6.0– 8.0
Painters	8.3– 9.5
Plumbers/pipefitters	6.4– 7.9
Plasterers	21.6–23.0
Roofers	14.0–16.0
Sheetmetal workers	5.9– 7.7
Sprinkler fitters	5.0– 6.6
Operating engineers	17.6–21.3

Trade:	*Range of minority group employment from Jan. 1, 1977 until Dec. 31, 1977* (Percent)
Asbestos workers	6.9– 8.8
Bricklayers	14.4–16.3
Carpenters	9.2–11.0
Electricians	9.6–10.9
Elevator installers	7.7– 9.6
Glaziers	8.2–10.2
Ironworkers	12.0–14.0
Metal lathers	8.0–10.0
Painters	9.5–10.3
Plumbers/pipefitters	7.9– 9.4
Plasterers	23.0–24.4
Roofers	16.0–18.0
Sheetmetal workers	7.7– 9.5
Sprinkler fitters	6.6– 8.3
Operating engineers	21.3–24.0

Trade:	*Range of minority group employment from Jan. 1, 1978 until Dec. 31, 1978* (Percent)
Asbestos workers	8.6–10.3
Bricklayers	16.3–18.2
Carpenters	11.0–12.8
Electricians	10.9–12.2
Elevator installers	9.6–11.5
Glaziers	10.2–12.2
Ironworkers	14.0–16.0
Metal lathers	10.0–12.0
Painters	10.3–12.1
Plumbers/pipefitters	9.4–10.9
Plasterers	24.4–25.8
Roofers	18.0–20.0
Sheetmetal workers	9.5–11.3
Sprinkler fitters	8.3– 9.9
Operating engineers	24.0–27.7

After the first year of the program, the standards (trades and ranges) set forth herein shall be reviewed to determine whether the projections on which these standards are based adequately reflect the construction labor market situation at that time. Reductions or other significant fluctuations in Federally-involved construction shall be specifically reviewed from time to time as to their effect upon the practicality of the standards. In no event, however, shall the standards be increased or trades be added to the list of covered trades after bids have been received.

The contractor's or subcontractor's goals established within the above ranges shall express the contractor's or subcontractor's commitment to the percentage of minority personnel who will be working in each specified craft on each of his projects (whether Federally-involved or otherwise) within the Chicago SMSA during the term of the covered contract.

The manhours for minority workers must be substantially uniform throughout the entire length of the contract for each of the designated trades, to the effect that the per-

centage of minority workers in the designated trades must be working throughout the length of work on each project in each trade. The contractor or subcontractor shall be deemed to have met his commitment to specific goals for minority manpower utilization:

(a) If the minority manpower utilization rate of the contractor or subcontractor itself meets the goals of the total of all of the contractor's or subcontractor's facilities within the Chicago SMSA: *Provided, however*, That if the contractor has denied equal employment opportunity: he shall not be in compliance with this Appendix, or

(b) If the contractor or subcontractor can establish that it is a member of a contractor's association or other employer organization or association which has as one of its purposes the expanded utilization of minority manpower and the total utilization rate of minority craftsman by all member contractors and subcontractors of such an association or organization on all projects in which they are involved within the Chicago area meets the contractor's or subcontractor's commitments in this Appendix A: *Provided, however*, That if the contractor has denied equal employment opportunity, he shall not be in compliance with this Appendix, or

(c) If the contractor or subcontractor can establish that it has a collective bargaining agreement with a labor organization, that it utilizes such organization as its source for over 80 percent of its manpower needs and (i) that the percentage total of minority membership of such organization and the total percentage of minorities referred for employment on all projects within the Chicago area meets the contractor's or subcontractor's commitments or (ii) that such labor organization has made good faith efforts as described in 5 below in the referral of minorities for employment and the admission of minorities to membership: *Provided, however*, That if the contractor has denied equal employment opportunity, he shall not be in compliance with this Appendix.

3. Whenever a contractor or subcontractor uses trades covered by this Appendix which were not contemplated at the time of his bid and he therefore does not submit goals for such trades, he shall be deemed to be committed to the minority group employment goal of the minimum percentage range for that trade for the appropriate year.

In the event that under a contract subject to this Appendix any work by a trade covered by this Appendix is performed after December 31, 1978, the determined ranges of minority group employment for the year ending December 31, 1978, shall be applicable to such work.

4. The contractor's or subcontractor's commitment to specific goals is to meet affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the bidder's or contractor's attention that the goals are being used in a discriminatory manner, he shall immediately report that fact to the Office of Federal Contract Compliance of the U.S. Department of Labor in order that appropriate proceedings may be instituted.

5. The contractor's or subcontractor's (collectively hereinafter referred to as "contractor") commitment to specific goals for minority manpower utilization as required by this Appendix A shall constitute a commitment that it or the labor organization described in 2(c) above, will make every good faith effort to meet such goals. If the contractor has failed to meet his goals, a determination of "good faith" will be based upon his efforts or those of such labor union to broaden its recruitment base which efforts shall include but not be limited to the following as applicable:

(a) Notification to the community organizations that the contractor or union has employment opportunities available and maintenance of records regarding the organizations' response.

(b) Maintenance of a file of the names and addresses of each minority worker referred by the union or to the contractor and what action was taken with respect to each such referred worker. If such worker was not sent to the union hiring hall for referral or if such worker was not referred by the union or not employed by the contractor, the file should document this and the reasons therefor.

(c) The contractor shall promptly notify the OFCC Associate Assistant Regional Director when the union or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral process has impeded him in his efforts to meet his goal.

(d) Participation in training programs in the area, especially those funded by the Department of Labor.

(e) Dissemination of the contractor's or unions EEO policy within the respective organizations as applicable, by including it in any policy manual; by publicizing it in company or union newspapers, annual report, etc.; by posting of the policy; and by specific review of the policy with minority employees or members.

(f) Dissemination of its EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; and by notifying and discussing it with all contractors and subcontractors.

(g) Specific and constant personal (both written and oral) recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations and minority training organizations, within the contractor's or union's recruitment area.

(h) Specific efforts to encourage present minority employees or members to recruit their friends and relatives.

(i) Validation of all man specifications, selection requirements, tests, etc.

(j) Making every effort to provide after school, summer and vacation employment to minority youths.

(k) Where reasonable, the development of on-the-job training opportunities and participation and assistance in any association or group training programs relevant to the contractor's or union's needs.

(l) Continuing inventory and evaluation of all minority personnel or members for promotional opportunities and encouragement of minority employees or members to seek such opportunities.

(m) Assuring that seniority practices, job classifications, etc., do not have a discriminatory effect.

(n) Assuring that all facilities and activities are non-segregated.

(o) Continual monitoring of all personnel activities to insure that its EEO policy is being carried out.

(p) The contractor shall solicit bids for subcontracts from available minority subcontractors with the trades covered by this Appendix, to the maximum extent practicable including circulation of minority contractor associations.

6. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the contractor or subcontractor meets its goals or if the contractor or subcontractor can demonstrate that it has made every good faith effort to meet those goals, and is not otherwise violating any existing equal employment opportunity laws or regulations, the contractor shall be presumed to be in compliance with Executive Order 11246, the implementing regulations and its obligations under this Appendix and no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency otherwise determined that the contractor or subcontractor is not providing equal employment opportunities. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under this Appendix, the agency shall take such action and impose such sanctions as may be appropriate under the Executive Order and the regulations. When the agency proceeds with such formal action it has the burden of proving that the contractor has not met the requirements of this Appendix, but the contractor's failure to meet his goals shall shift to him the requirement to come forward with evidence to show that either he or his labor union described in 2(c) above, has made every "good faith" effort (as described above in 5) to meet such goals. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a "responsible prospective contractor" within the meaning of the Federal procurement regulations.

7. Except as provided herein, it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act, as amended, and Title VII of the Civil Rights Act of 1964. It is the longstanding uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in Federally-involved contracts. To the extent they have delegated the responsibility for some of their employment practices to a labor organization which does not meet the criteria prescribed in 5 above and they are, thus, prevented from meeting the obligations pursuant to Executive Order 11246 (as amended), such contractors cannot be considered to be in compliance with Executive Order 11246 (as amended), or the implementing rules, regulations, and orders.

8. All prime contractors and subcontractors shall include in all bid invitations or other prebid communications, written or otherwise, with respect to their prospective subcontractors, the goals, as applicable, which are required under this Appendix. Whenever a prime contractor or subcontractor subcontracts a portion of the work in any trade designated herein, he shall include in such subcontract his commitment made under this Appendix, and reference to the provisions of paragraph 3, of this Appendix, as applicable, which shall be adopted by his subcontractor, who shall be bound thereby and by this Appendix to the full extent as if he were the prime contractor. The prime contractor shall not be accountable for the failure of his subcontractor to fulfill his requirements. However, the prime contractor or subcontractor shall give notice to the

Associate Assistant Regional Director of the Office of Federal Contract Compliance of the Department of Labor and the contracting agency of any refusal or failure of any subcontractor to fulfill his obligations under this Appendix. Failure of compliance by any subcontractor will be treated in the same manner as such failure by the prime contractor.

9. Contractors and subcontractors must keep such records and file such reports relating to the provisions of this Appendix as shall be required by the contracting or administering agency.

10. Nothing in this Appendix shall be interpreted to diminish the responsibilities of the contracting and administering agencies nor the obligations of contractors or subcontractors pursuant to Executive Order 11246 for those trades and those contracts not covered by this Appendix.

11. The procedures set forth in this Appendix shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such procedure is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within 30 days.

12. Nothing in this Appendix shall be interpreted to diminish the present contract compliance review and complaint programs.

13. Requests for exemptions from this Appendix must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

14. This Appendix shall be signed in the space provided below.

(Bidders)

---- By: ----
(Date)

Signed at Washington, D.C., this 19th day of December 1973.

PETER J. BRENNAN,
Secretary of Labor.

BERNARD DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.73-27140 Filed 12-26-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17196, RM-807]

PART 1—PRACTICE AND PROCEDURE

Order; Type Acceptance of Transmitters Used by Class B and Class D Stations in the Citizens Radio Service

1. In order to conform Part 1 of the Commission's rules to the rules adopted in the Report and Order adopted on October 11, 1973 in Docket 17196 (FCC 73-1049), § 1.933 is amended as follows:

§ 1.933 Installation or removal of apparatus.

* * * * *

(b) In the Citizens Radio Service, replacement of transmitting equipment may be made without prior authorization: *Provided*, The replacement transmitter appears in the Commission's "Radio Equipment List", as designated for use in the Citizens Radio Service or, in the case of a Class C station [or a Class D station until November 23, 1978 if first licensed prior to November 22, 1974] using crystal control, the substitute equipment is crystal controlled: *Provided further*, That the substitute equipment employs the same type of emission and does not exceed the frequency tolerance and power limitations prescribed for the particular class of station involved.

2. Since this rule amendment is editorial and nonsubstantive in nature the provisions in 5 U.S.C. 553 on prior notice and effective date of the amended rules are not applicable.

3. Accordingly, pursuant to the authority delegated in § 0.231(d), *it is ordered*, That § 1.933 is amended as set forth above, effective January 4, 1974.

Adopted: December 13, 1973.

Released: December 18, 1973.

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

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN TORBET,
Executive Director.

[FR Doc.73-27107 Filed 12-26-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 984]

[Docket No. AO 192-A5]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Notice of Hearing With Respect to Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674)), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 38 FR 29797), notice is hereby given of a public hearing to be held in the Customs House Building, Room 503, 555 Battery Street, San Francisco, California, beginning at 9:30 a.m., local time, January 15, 1974, with respect to a proposed amendment of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions which relate to the proposed amendment, hereinafter set forth, and to any appropriate modifications thereof.

The Walnut Control Board, the administrative agency established pursuant to the amended marketing agreement and order, submitted the following amendatory proposals and requested a hearing thereon.

1. Revise § 984.4 to read:

§ 984.4 Area of production.

"Area of production" means the States of California, Oregon and Washington, of which the State of California shall be Area 1, and the States of Oregon and Washington Area 2.

2. Revise § 984.6 to read:

§ 984.6 Board.

"Board" means the Walnut Marketing Board established pursuant to § 984.35.

3. Revise paragraph (a) of § 984.11 to read:

§ 984.11 Merchantable walnuts.

(a) *Inshell.* "Mechantable inshell walnuts" means all inshell walnuts meeting the minimum grade and size regulations effective pursuant to § 984.50.

* * * * *

4. Revise § 984.13 to read:

§ 984.13 To handle.

"To handle" means to sell, consign, transport or ship (except as a common or contract carrier of walnuts owned by another person), or in any other way to put walnuts, inshell or shelled, in the current of commerce either within the area of production, or from such area to any point outside thereof, or for a manufacturer or retailer within the area of production to purchase directly from a grower: Except, that the term "to handle" shall not include (a) sales and deliveries within the area of production by growers to handlers, (b) the authorized disposition of surplus or substandard walnuts, or (c) the sale by a grower of walnuts of his own production to consumers at a roadside stand operated by him and located on his farm(s).

5. Revise § 984.15 to read:

§ 984.15 Packing.

"Packing" means to bleach, clean, grade or otherwise prepare walnuts for market as inshell walnuts.

§§ 984.16-984.18 [Deleted]

6. Delete §§ 984.16, 984.17, and 984.18.

7. Revise § 984.20 to read:

§ 984.20 Kernelweight.

"Kernelweight" means the total weight of the kernels in a quantity of walnuts regardless of their quality, except as provided in § 984.51(b).

8. Revise § 984.21 to read:

§ 984.21 Handler carryover.

"Handler carryover" as of any date means all merchantable walnuts wherever located, then held by handler or for its account (whether or not sold), plus (1) the estimated quantity of merchantable inshell walnuts in lots then held by handlers for packing as merchantable inshell walnuts, and (2) the estimated quantity of merchantable shelled walnuts to be produced from shelling stock and unsorted material then held by handler.

§ 984.22 [Amended]

9. Revise § 984.22 by deleting paragraph (c).

10. Revise § 984.23 to read:

§ 984.23 Free walnuts.

"Free walnuts" means walnuts which are included in the free percentage established by the Secretary pursuant to § 984.49.

§§ 984.24-984.25 [Deleted]

11. Delete §§ 984.24 and 984.25.

12. Revise § 984.26 to read:

§ 984.26 Surplus walnuts.

"Surplus walnuts" means those walnuts which are held to meet a surplus obligation.

§§ 984.27-984.30 [Deleted]

13. Delete §§ 984.27, 984.28, 984.29, and 984.30.

14. Add a new § 984.32 to read:

§ 984.32 Withholding factor.

"Withholding factor" means the quotient, expressed as a percentage rounded to the nearest one-tenth, resulting from dividing the surplus percentage by the free percentage and established by the Secretary pursuant to § 984.49.

15. Revise § 984.35 to read:

§ 984.35 Walnut Marketing Board.

(a) A Walnut Marketing Board is hereby established consisting of ten members and one nonvoting delegate, selected by the Secretary, each of whom shall have an alternate nominated and selected in the same way and with the same qualifications as the member and nonvoting delegate member. The members and nonvoting delegate and their alternates shall be selected by the Secretary from nominees submitted by each of the following groups or from other eligible persons belonging to such groups:

(1) Two members to represent cooperative handlers in Area 1;

(2) Two members to represent independent handlers in Area 1;

(3) Two members to represent growers who market their walnuts through cooperative handlers in Area 1;

(4) One member to represent growers who market their walnuts through cooperative handlers or independent handlers in Area 1 whichever of such handlers handled more than 50 percent of the walnuts handled by all handlers during the two marketing years preceding the year in which nominations are made: Such a member representing growers who market their walnuts through independent handlers shall be nominated at large;

(5) One member to represent growers from District 1 who market their walnuts through independent handlers in California, and those who market their walnuts through independent or cooperative handlers in Oregon and Washington;

(6) One member to represent growers from District 2 who market their walnuts through independent handlers;

(7) One nonvoting delegate to represent independent and cooperative handlers whose plants are located in the States of Oregon or Washington.

(b) The tenth member and alternate shall be selected after the selection of

the nine voting members from the above specified groups and after opportunity for such voting members to nominate the tenth member and alternate. The tenth member shall be neither a walnut grower nor a handler.

(c) "Cooperative handler" means any handler which is a cooperative marketing association of growers.

(d) "Independent handler" means any handler which is not a cooperative marketing association of growers.

(e) Grower Districts:

(1) *District 1.* District 1 encompasses the States of Oregon and Washington and counties in the State of California that lie north of a line drawn on the south boundaries of San Mateo, Alameda, San Joaquin, Calaveras, and Alpine Counties.

(2) *District 2.* District 2 shall consist of all other walnut producing counties in the State of California south of the boundary line delineated in District 1.

(3) The Secretary on the basis of a recommendation of the Board or other information may establish different districts within the area of production. In recommending any changes the Board shall consider shifts in walnut acreage within and among the districts and other relevant information.

16. Revise paragraph (a) of § 984.37 to read:

§ 984.37 Nominations.

(a) Members and the nonvoting delegate and their alternates shall be nominated for the positions specified in § 984.35(a)(1) through (7). Nominations for each handler group shall be submitted on ballots mailed by the Board to all handlers in such group. Nominations on behalf of growers who market their walnuts through a cooperative handler shall be submitted on a ballot cast by each such handler for its growers on a tonnage basis. Nominations on behalf of Groups (5) and (6) shall be submitted after ballot by such growers pursuant to announcement by press releases of the Board to the principal papers in the walnut producing area in each specified district. Such releases shall provide pertinent voting information including the names of the candidates and the location where ballots may be obtained. The ballots shall be accompanied by full instructions as to their markings and mailing and shall include the names of the incumbents who are willing to continue serving on the Board and such other candidates as may be proposed pursuant to methods established by the Board with the approval of the Secretary. Each grower shall be entitled to cast only one vote for a member nominee and one vote for an alternate member nominee in a district in which he is a grower and no grower shall vote for nominees in more than one district. In case he is a grower in more than one district he shall elect in which of such districts he will vote and notify the Board as to his choice. All handlers' votes shall be weighted by the quantity of the kernelweight of merchantable walnuts handled by each such handler during the preceding marketing year and independent grower votes shall be given equal weight. Each independent handler in Area 1 may vote for the independent handler member nominees and their alternates from that Area. However, no independent handler shall have more than one person on the Board either as member or alternate member. The tenth member shall be nominated by not less than six votes.

* * * * *

17. Revise § 984.38 to read:

§ 984.38 Eligibility.

No person shall be selected or continue to serve as a member or alternate, or as a nonvoting delegate or his alternate, who is not actually engaged in the business of one of the groups in § 984.35(a), which he represents either in his own behalf or as an officer or employee of a business unit engaged in such business.

18. Revise paragraph (c) of § 984.45 to read:

§ 984.45 Procedure.

* * * * *

(c) The Board may vote by mail or telegram upon due notice to all members. When any proposition is submitted to be voted on by such method one dissenting vote shall prevent its adoption.

19. Revise § 984.46 to read:

§ 984.46 Research and development.

The Board, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects, designed to assist, improve or promote the marketing, distribution and consumption or efficient production of walnuts. The expense of such projects shall be paid from funds collected pursuant to § 948.69.

20. Revise § 984.48 to read:

§ 984.48 Marketing estimates and recommendations.

(a) Each marketing year the Board shall hold a meeting, prior to October 1, for the purpose of recommending to the Secretary a marketing policy for such year. Each such recommendation shall be adopted by the affirmative vote of at least six members of the Board and shall include the following, and where applicable, on a kernelweight basis:

(1) Its estimate of the orchard-run production in the area of production for the marketing year for each area;

(2) Its estimate of the handler carryover on August 1 of inshell and shelled walnuts;

(3) Its estimate of the merchantable and substandard walnuts in the production;

(4) Its estimate of the trade demand for such marketing year for shelled and inshell walnuts, taking into consideration trade carryover, import prices, competing nut supplies and other factors;

(5) Its recommendation for desirable handler carryover of inshell and shelled walnuts on July 31 of such marketing year;

(6) Its recommendation as to the free and surplus percentages to be fixed for walnuts produced in Area 1 and Area 2, but the surplus percentage recommended for walnuts produced in Area 2 shall be one-half of the surplus percentage in Area 1;

(7) Its estimate as to whether grower prices are likely to exceed parity;

(8) Its recommendation as to any changes in grade and size regulations.

21. Revise § 984.49 to read:

§ 984.49 Volume regulation.

(a) *Free and surplus percentages.* Whenever the Secretary finds on the basis of the Board's recommendations or other information that limiting the quantity of walnuts which may be handled during a marketing year would tend to effectuate the declared policy of the Act, he shall establish for Area 1 a free percentage to prescribe the portion of such walnuts which may be handled in normal markets and a surplus percentage to prescribe the portion that must be withheld from such handling, and similarly for Area 2 except that the surplus percentage shall be one-half that of Area 1.

(b) *Establishment of withholding factors.* The Secretary shall establish withholding factors for each area when surplus percentages of other than zero are established.

(c) *Revision of percentages and withholding factors.* Prior to February 15 of the marketing year the Board may recommend that the free percentages be increased, the surplus percentages be decreased, and the withholding factors modified. On the basis of the Board's recommendation or other information the Secretary may establish such revisions and modifications. Upon revision, all surplus obligations theretofore accrued on walnuts handled or declared for handling during such year on the basis of previously effective percentages shall be adjusted accordingly.

§ 984.50 [Amended]

22. Revise paragraph (a) of § 984.50 by deleting "U.S. No. 3" in the first sentence and substituting "U.S. No. 2" in lieu thereof.

23. Revise paragraph (d) of § 984.50 to read:

§ 984.50 Grade and size regulations.

* * * * *

(d) *Additional grade and size regulation.* The Board may recommend to the Secretary additional grade and size regulations in the form of more restrictive minimum standards than those specified in this section. If the Secretary finds on the basis of such recommendation or other information that such additional grade and size regulations would tend to effectuate the declared policy of the Act, he shall establish such regulations.

* * * * *

24. Amend § 984.51 by deleting paragraph (a), redesignating paragraphs (b) and (c) as paragraphs (c) and (d), and adding new paragraphs (a) and (b) reading as follows:

§ 984.51 **Inspection and certification of inshell and shelled walnuts.**

(a) Before or upon handling any walnuts or disposing of any surplus walnuts each handler at its own expense shall cause such walnuts to be inspected to determine whether they meet the then applicable grade and size regulations by the inspection service designated by the Board with the approval of the Secretary. Each certificate shall show the identity of the handler, quantity of walnuts, the date of inspection, and for inshell walnuts the grade and size of such walnuts set forth in the United States Standards for Walnuts (Juglans Regia) in the Shell. Certificates covering surplus shelled walnuts for export shall also show the grade, size and color of such walnuts as set forth in the United States Standards for Shelled Walnuts (Juglans Regia). Handlers shall obtain a certificate for each inspection and cause a copy of each certificate issued by the inspection service to be furnished to the Board. The Board may prescribe such additional information to be shown on the inspection certificates as it deems necessary for the proper administration of this part.

(b) *Merchantable inshell kernelweight.* The kernelweight of merchantable inshell walnuts produced in the area of production shall be converted to their kernelweight at 45 percent of their inshell weight. This conversion percentage may be changed by the Board with the approval of the Secretary.

25. Revise the center heading "Controlled Walnuts" to "Surplus Walnuts" and revise § 984.54 to read:

§ 984.54 **Establishment of obligation.**

(a) *Surplus obligation.* Whenever free and surplus percentages are in effect for a marketing year, each handler shall withhold from handling the quantity of walnuts equal to the application of the withholding factor to the quantity of kernelweight handled or declared for handling. The quantity of walnuts hereby required to be withheld from handling shall constitute, and may be referred to as, the "surplus obligation" of a handler. The walnuts handled as free walnuts by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8a (5) of the Act.

(b) *Holding requirement.* Each handler shall at all times hold in its possession or under its control in proper storage for the account of the Board the quantity of walnuts necessary to meets its surplus obligation less: (1) Any quantity for which it has a temporary deferment pursuant to § 984.55; (2) any quantity which was disposed of by it pursuant to § 984.56; and (3) any quantity for which it is otherwise relieved by the Board of responsibility to so hold walnuts.

26. Delete § 984.55 and add a new § 984.55 to read:

§ 984.55 **Deferment of time for holding surplus.**

(a) *General.* Compliance by any handler with the requirements of § 984.54 for holding surplus walnuts may be deferred to any date up to March 31. The deferment shall be granted only upon the execution and delivery by such handler to the Board of a written undertaking that on or prior to the date specified it will have fully satisfied its surplus obligation. Such undertaking shall be secured by bond or bonds to be filed with, and acceptable to, the Board in the amount or amounts computed in accordance with paragraph (b) of this section, conditioned upon full compliance with such undertaking.

(b) *Bonding*—(1) *General.* If the applying handler desires to furnish a bond as security, the bond shall be a commercial surety bond or a personal bond with surety to be filed with, and acceptable to, the Board. It shall be in an amount equal to the total kernelweight of the deferred obligation multiplied by the bonding rate prescribed in subparagraph (2) (i) of this paragraph, and conditioned upon full compliance with such undertaking. The cost of the bond shall be borne by the handler.

(2) *Bonding rate*—(i) *Establishment.* The bonding rate for surplus walnuts shall be the price per pound for bulk U.S. Commercial grade light amber halves and pieces, f.o.b. shipping point as determined by the Board to be prevailing at the time the bonding rate is established, which shall be not later than October 15, of any marketing year in which surplus percentages are effective.

(ii) *Effective period.* The bonding rate established for any marketing year shall continue in effect after the end of such marketing year until such bonding rate is modified. After the bonding rate is established for the new marketing year, the new rate shall be applicable and any bonds theretofore given for that marketing year shall be adjusted to the new rate.

(3) *Disposition of bond collections*—(i) *Disposition of bond collections.* Any sums collected through default of a handler on his bond shall be used by the Board to purchase from handlers walnuts not to exceed the total quantity or default referable to such bond or that represented by the sums collected, whichever is lesser. The Board shall at all times purchase the lowest priced walnuts offered.

(ii) *Unexpended sums.* Any unexpended sums, which have been collected by the Board through default of a handler on his bond, remaining in the possession of the Board at the end of a marketing year shall be used to reimburse the Board for its expenses, including administrative and other costs, incurred in the collection of such sums and in the purchase of walnuts. Any balance remaining after reimbursement of such expenses shall be returned to the defaulting handler.

(iii) Walnuts purchased as provided for in paragraph (b) (3) (i) of this section shall be turned over to the defaulting handler who shall hold them for the account of the Board. If the quantity represented by the bond collection cannot be purchased, the Board shall distribute any unexpended sum collected, after deducting necessary expenses, to all handlers on the basis of their total handling kernelweight basis.

(4) *Satisfaction of surplus obligation.* Collection by the Board upon any bond filed pursuant to the provisions of this section shall be deemed a satisfaction of the surplus obligation represented by such collection and the handler shall be credited on its surplus obligation with that quantity of walnuts represented by the bond sums collected on account of such default.

27. Delete § 984.56 and add a new § 984.56 to read:

§ 984.56 **Disposition of surplus walnuts.**

(a) *General.* Surplus walnuts shall be disposed of as provided in this section.

(b) *Agent of the Board.* Sale or shipment of merchantable surplus walnuts (1) in export to destinations outside of the United States, Puerto Rico, and the Canal Zone, (2) to Government agencies, or (3) to charitable institutions, shall be made only by the Board. The Board shall be obligated to dispose of only such quantities for which it is able to find satisfactory outlets. The Board, with the approval of the Secretary, may designate other outlets which are noncompetitive with normal market outlets for walnuts. Any handler may be designated an agent of the Board under such terms and conditions as the Board may specify for such sales or shipments.

(c) *Credits.* The kernelweight of surplus walnuts disposed of in accordance with paragraph (b) of this section shall be credited against the applicable handler's surplus obligation: *Provided,* That the disposition intention is filed with the Board by August 31 of the succeeding marketing year and shipment from the area of production is completed by the following September 15. Upon a handler's written request, but no later than September 15 of the succeeding marketing year, the Board shall transfer a part or all of the handler's surplus credits, excess to its surplus obligation, to such other handlers as the requesting handler may designate.

(d) *Pooling.* Surplus walnuts which are not disposed of in accordance with paragraph (b) of this section, or for which a handler is not relieved by the Board of the responsibility to hold, shall be pooled no later than August 31 of the succeeding marketing year. Upon demand of the Board, surplus walnuts shall be delivered to the Board f.o.b. handler's warehouse or point of storage, except that the Board shall not make such demand upon handlers with respect to surplus walnuts for which the time for holding has been deferred pursuant to § 984.55, or for which the handler has agreed to undertake disposition pursuant to Board authority. Such walnuts shall be disposed of by the Board upon the best terms and highest prices obtainable consistent with the ultimate complete disposition of surplus, subject to the following conditions: (1) No such surplus walnuts shall be sold in the United States, Puerto Rico, and the Canal Zone, other than to Government agencies or to charitable institutions for charitable

purposes or for diversion into walnut oil, poultry or animal feed, or such other uses as the Board finds to be noncompetitive with normal markets and with proper safeguards in each case to prevent such walnuts thereafter entering the channels of trade in such normal markets; and (2) the Board shall not accept delivery of any surplus walnuts for pooling and disposition prior to making a determination on or before December 15 of any marketing year as to the percentage of a handler's surplus obligation which may be accepted for pooling and disposition prior to February 15 of such year.

The Board may rent and operate, or arrange for the use of facilities for storage and handling of surplus walnuts delivered to it. Expenses incurred by the Board in receiving, handling, holding, and disposing of pooled surplus walnuts shall be charged against the proceeds of the sales of such surplus walnuts. The remaining proceeds from the disposition of pooled surplus walnuts shall be distributed by the Board to handlers in proportion to their contribution thereto, measured in kernelweight.

28. Add a new § 984.57 to read:

§ 984.57 Declaration privilege.

Any handler may at any time prior to the end of the marketing year satisfy its surplus obligation with respect to a specified quantity of merchantable walnuts which it then owns and has on hand and on which it declares to the Board its intention to handle, by holding a quantity of merchantable walnuts sufficient to meet the surplus obligation on the walnuts so declared for handling. In order to so declare the handler must have satisfied its surplus obligation on all handlings to the date of declaration.

29. Add a new § 984.58 to read:

§ 984.58 Surplus disposition credits.

(a) *Transfer of credits.* At any time during a marketing year, upon a handler's written request, the Board shall transfer a part or all of a handler's surplus disposition credits excess to its surplus obligation to any other handler named by the requesting handler. Following the end of a marketing year, upon a written request received no later than September 15 of the next marketing year the Board shall transfer a part or all of a handler's excess surplus disposition credits to another handler as the requesting handler may name.

(b) *Retroactive credits.* Surplus disposition credits earned during the period August 1 through September 15 may be applied no later than September 15 of the marketing year and may be applied to a surplus obligation of the preceding or current marketing year.

30. Add a new § 984.59 to read:

§ 984.59 Interhandler transfers.

Within the area of production inshell walnuts may be sold or delivered by one handler to another for packing or shelling and the receiving handler shall comply with the regulations made effective pursuant to this part with respect to such walnuts.

§§ 984.60–984.62 [Amended]

31. Delete the center heading "Disposition of Controlled Walnuts", and §§ 984.60, 984.61, and 984.62.

32. Revise § 984.63 to read:

§ 984.63 Storage facilities.

The Board may rent and operate or arrange for the use of facilities for storage and disposition of surplus walnuts.

33. Revise § 984.64 to read:

§ 984.64 Disposition of substandard walnuts.

No handler shall dispose of substandard walnuts except for manufacture into oil, livestock feed, or any other uses the Board determines to be noncompetitive with existing normal markets for walnuts. Any authorized disposition of substandard walnuts shall be under proper safeguards to prevent these walnuts from entering normal market outlets.

34. Revise § 984.66 to read:

§ 984.66 Assistance of Board in meeting surplus obligations.

The Board, on written request, may assist handlers in accounting for their surplus obligations and may aid any handler in acquiring walnuts to meet any deficiency in a handler's surplus obligation, or in accounting for and disposing of surplus walnuts.

§ 984.67 [Deleted]

35. Delete § 984.67.

36. Revise § 984.71 to read:

§ 984.71 Reports of handler carryover.

Each handler shall submit to the Board in such form and at such intervals as the Board may prescribe, reports showing his carryover of inshell and shelled walnuts.

§ 984.73 [Deleted]

37. Delete § 984.73.

38. Revise § 984.74 to read:

§ 984.74 Reports of interarea shipments of walnuts.

Any shipment of walnuts between the State of California and the States of Oregon and Washington for sale or delivery to a handler shall be reported to the Board by the receiving handler, upon receipt, on forms prescribed by the Board, showing the net weight of each shipment and such other information pertinent thereto as the Board may specify.

39. Revise § 984.76 to read:

§ 984.76 Other reports.

Upon the request of the Board each handler shall furnish such other reports and information, including but not limited to information concerning the receipt of walnuts by handlers from growers, as are needed to enable the Board to perform its functions under this subpart.

40. Make such other changes in the marketing agreement and order program as may be necessary to make the entire marketing agreement and order conform to any amendment which may result from the hearing.

Copies of this notice may be obtained from the San Francisco Marketing Field Office, Fruit and Vegetable Division, U.S. Department of Agriculture, 630 Sansome Street, Room 835, San Francisco, CA 94111, or from the Walnut Control Board, 2040 Pioneer Court, San Mateo, CA 94402.

Dated: December 20, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-27137 Filed 12-26-73;8:45 am]

Packers and Stockyards Administration

[9 CFR Part 201]

SCALE TICKETS EVIDENCING WEIGHING OF LIVESTOCK

Proposed Requirements

Notice is hereby given that pursuant to §§ 402 and 407(a) of the Packers and Stockyards Act, 1921, as amended (42 Stat. 169, as amended; (7 U.S.C. 222, 228(a))), and sec. 6(g) of the Federal Trade Commission Act (38 Stat. 721, (15 U.S.C. 46(g))), the Packers and Stockyards Administration proposes to amend § 201.49 (9 CFR 201.49) of the regulations under said Act (9 CFR Part 201), as set forth below.

Statement of Considerations. The purpose of the following proposal is to eliminate the reference to scale tickets for live poultry which is now covered in § 201.107 of the regulations and to make the regulations more concise and understandable. It also eliminates reference to National Bureau of Standards specifications for scale tickets and reference to type-registering weighbeams since stamped or printed weights are now required on all livestock scales under §§ 201.71 and 201.78. Since the regulation is designed to apply to various types of marketing, the requirements as to the number of copies of scale tickets would be changed to read, "sufficient copies shall be executed to provide a copy to all parties to the transaction." Language would also be added to exempt markets which use automatic weighing and recording equipment from issuing scale tickets when the weight value is recorded directly on the account of sale or other basic record provided the seller or consignor.

Requirements as to correction tickets or correction slips would be deleted since this appears to be an unnecessary requirement on the industry.

In summation, the purpose of the proposed regulation is to clarify and update the existing regulation to fit present-day livestock marketing conditions. Requirements for scale tickets issued by meat packers are covered in § 201.78 of the regulations.

Section 201.49 would be amended to read:

§ 201.49 Requirements regarding scale tickets evidencing weighing of livestock.

(a) When livestock is weighed for purposes of purchase or sale, a scale ticket

shall be issued which shall show: (1) The name and location of the agency performing the weighing services; (2) the date of the weighing; (3) the name of the buyer and seller or consignor, or a designation by which they may be readily identified; (4) the number of head; (5) kind; (6) actual weight of the livestock; and (7) the name, initials, or number of the person who weighed the livestock, or if required by State law, the signature of the weighmaster. Scale tickets issued under this section shall be serially numbered and sufficient copies executed to provide a copy to all parties to the transaction.

(b) In instances where the weight values are recorded by means of automatic weighing and recording equipment directly on the account of sale or other basic record, this record may serve in lieu of a scale ticket.

(c) Stockyard owners, market agencies, and dealers who own or operate livestock scales shall be responsible for the accurate weighing of livestock and the execution and issuance of scale tickets.

Any person who desires to submit written data, views, or statements in connection with the aforesaid proposal should file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before January 28, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at such time and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., December 19, 1973.

MARVIN L. MCLAIN
Administrator, Packers and Stockyards Administration.

[FR Doc.73-27087 Filed 12-26-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-100]

VOR FEDERAL AIRWAY

Proposed Establishment

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would establish VOR Federal Airway No. 499 from Lancaster, Pa., to Binghamton, N.Y.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would establish V-499 from Lancaster, Pa., direct to Binghamton, N.Y. Use of the proposed route would reduce the airway mileage between Washington, D.C., and Binghamton, N.Y., approximately 11 miles. It is estimated that this would benefit more than 1500 scheduled and nonscheduled flights annually.

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

Issued in Washington, D.C., on December 19, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-27076 Filed 12-26-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Proposed Compliance Schedules for Mississippi

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of Mississippi's State Implementation Plan.

On March 6, 1973, pursuant to 40 CFR 51.6, the State of Mississippi submitted for the Environmental Protection Agency's approval revisions to the compliance schedule portion of its plan. This publication proposes that certain of the revisions be approved. Each proposed revision establishes a new date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Branch
Environmental Protection Agency
Region IV
1421 Peachtree Street, NE.
Atlanta, Georgia 30309

Division of Air Pollution Control
Mississippi Air and Water Pollution Control Commission
Robert E. Lee Building
Jackson, Mississippi 39205

Each compliance schedule has been adopted by the Mississippi Air and Water Pollution Control Commission and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. Each also satisfies the substantive requirements of 40 CFR Part 51 pertaining to compliance schedules, and has been determined to be consistent with the approved control strategies for the State of Mississippi.

An evaluation of the Mississippi compliance schedule submittal is available for public inspection at the Atlanta location listed above.

All interested parties are encouraged to submit written comments on the proposed plan revisions. These comments will be weighed carefully by EPA before the agency decides to approve or disapprove these changes in the Mississippi plan. Comments will be accepted on or before January 21, 1974. These should be addressed to the Director, Air and Water Programs Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street, NE., Atlanta, Georgia 30309, Attention: Mr. Strickland. Receipt of comments will be acknowledged, but no substantive response will be made.

(42 U.S.C. 1857c-5)

Dated: December 14, 1973.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 52 of Chapter 1, Title 40 CFR as follows:

SUBPART Z—MISSISSIPPI

1. A new § 52.1274 is added as follows:

§ 52.1274 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 and § 51.6 of this chapter. All regulations cited are air pollution control regulations of the State.

MISSISSIPPI

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
ADAMS COUNTY					
Calumet Petrochemicals, Inc.	Natchez	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
T. L. James & Co., Inc.	Washington	APC-S-1, Sec. III	do	do	Do.
Jefferson Davis Memorial	Natchez	APC-S-1, Sec. III	do	do	Do.
Natchez Charity Hospital	do	APC-S-1, Sec. III	do	do	Do.
Ricks Lumber Co.	do	do	do	do	Do.
Woolco Department Store	do	APC-S-1, Sec. III	do	do	Do.
ALCORN COUNTY					
Biggersville Gin Co.	Corinth	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Burnett Gin Co., Inc.	Rienzi	APC-S-1, Sec. III	do	do	Do.
Burkeye Cellulose Corp.	Corinth	APC-S-1, Sec. III	do	do	Do.
East Side Planing Mill	do	APC-S-1, Sec. III	do	do	May 17, 1974
Gateway Corp.	do	APC-S-1, Sec. III	do	do	Do.
Gould, Inc.	do	APC-S-1, Sec. III	do	do	Do.
ITT Telephone Communication.	do	APC-S-1, Sec. III	do	do	Do.
Kossuth Gin Co.	Kossuth	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Magnolia Hospital	Corinth	APC-S-1, Sec. III	do	do	Mar. 16, 1974
Wilbanks & Coleman	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Wurlitzer Co.	do	APC-S-1, Sec. III	do	do	May 17, 1974
AMITE COUNTY					
Hood Lumber Co.	Crosby	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 15, 1974
ATTALA COUNTY					
Attala Lumber Co.	Attala	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
C. W. Comfort Gin	Kosciusko	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Gibson's of Kosciusko	do	APC-S-1, Sec. III	do	do	May 17, 1974
International Paper Co.	do	APC-S-1, Sec. III	do	do	Dec. 1, 1973
Kosciusko Hosiery Mills	do	APC-S-1, Sec. III	do	do	May 17, 1974
McCool Gin	McCool	APC-S-1, Sec. III	do	do	Dec. 1, 1974
West Attala Gin Co.	Sallis	APC-S-1, Sec. III	do	do	Do.
BENTON COUNTY					
W. T. Akins Gin Co., Inc.	Ashland	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
O. L. Brown Gin Co.	Lamar	APC-S-1, Sec. III	do	do	Dec. 1, 1974
R. C. Davis Sawmill	Hickory Flat	APC-S-1, Sec. III	do	do	May 1, 1974
Early Grove Gin	Lamar	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Hopewell Gin Co.	Hopewell Community.	APC-S-1, Sec. III	do	do	Do.
Michigan City Gin Co.	Michigan City	APC-S-1, Sec. III	do	do	Do.
BOLIVAR COUNTY					
Beulah Gin Co.	Beulah	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Choctaw Gin and Elevator Co.	Shaw	APC-S-1, Sec. III	do	do	Do.
Cotton Producer's Gin	Rosedale	APC-S-1, Sec. III	do	do	July 31, 1975
Deeson Planting Co.	Duncan	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Delta Gin of Shelby	Shelby	APC-S-1, Sec. III	do	do	Do.
Denton Gin Co., Inc.	do	APC-S-1, Sec. III	do	do	Do.
Doesett Plantations, Inc., Gin.	Beulah	APC-S-1, Sec. III	do	do	Do.
Enterprise Gin Co.	Gunnison	APC-S-1, Sec. III	do	do	Do.
Farmers Gin of Duncan	Duncan	APC-S-1, Sec. III	do	do	Do.
J. J. Ferguson Ready-Mix	Greenwood	APC-S-1, Sec. III	do	do	May 17, 1974
Gibson Products Co.	Cleveland	APC-S-1, Sec. III	do	do	Do.
B. J. Green	Benoit	APC-S-1, Sec. III	do	do	Do.
Green Gin	Scott	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Gunnison Planting Seed and Gin.	Gunnison	APC-S-1, Sec. III	do	do	Do.
H. B. Hood & Sons Gin Co.	do	APC-S-1, Sec. III	do	do	July 1, 1975
Hushpockena Ginning Corp.	Shelby	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Jones-Pemble Gin Co.	Merigold	APC-S-1, Sec. III	do	do	Do.
Kline Planting Co.	Alligator	APC-S-1, Sec. III	do	do	July 1, 1975
Mound Bayou Community Hospital.	Mound Bayou	APC-S-1, Sec. III	do	do	May 17, 1974
Mound Bayou Gin Co., Inc.	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974

MISSISSIPPI—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
BOLIVAR COUNTY—Continued					
New Alligator Gin Co.	Alligator	APC-S-1, Sec. III	do	do	July 1, 1975
O'Reilly Gin Co., Inc.	Boyle	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Pace Gin Co.	Pace	APC-S-1, Sec. III	do	do	July 1, 1975
Peoples Gin Co.	Shelby	APC-S-1, Sec. III	do	do	Do.
Planters Gin	Duncan	APC-S-1, Sec. III	do	do	Do.
Pleasant Gin	Shaw	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Presley Gin Co.	Alligator	APC-S-1, Sec. III	do	do	Do.
Prewitt-Reed Gin Co., Inc.	Boyle	APC-S-1, Sec. III	do	do	July 1, 1975
Progressive Gin Co., Inc.	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Robbins-Long Gin Co.	Rosedale	APC-S-1, Sec. III	do	do	Do.
Robbins-Long Gin Co.	Shelby	APC-S-1, Sec. III	do	do	Do.
Scott Gin and Delinter	Scott	APC-S-1, Sec. III	do	do	Do.
Scott Hospital	do	APC-S-1, Sec. III	do	do	May 17, 1974
Shelby Gin	Shelby	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Thompson Gin Co.	Mound Bayou	APC-S-1, Sec. III	do	do	Do.
Travenol Laboratories	Cleveland	APC-S-1, Sec. III	do	do	Mar. 16, 1974
Valley Gin Co.	Shelby	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Waxhaw Gin Co.	Rosedale	APC-S-1, Sec. III	do	do	Do.
Zumbo Plantation Gin	Cleveland	APC-S-1, Sec. III	do	do	Do.
CALHOUN COUNTY					
Boland Gin Co.	Calhoun City	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
E. L. Bruce Co., Division of Cook Industries.	Bruce	APC-S-1, Sec. III	do	do	May 17, 1974
Calhoun County Hospital	do	APC-S-1, Sec. III	do	do	Apr. 1, 1973
Caviness Woodworking Co.	Calhoun City	APC-S-1, Sec. III	do	do	Feb. 24, 1974
Caviness Woodworking Co. (Incinerator).	do	APC-S-1, Sec. III	do	do	May 17, 1974
Davis Gin & Farm Supply, Inc.	Bruce	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Doolittle Cotton Gin	Slate Springs	APC-S-1, Sec. III	do	do	Do.
Furniture-Wood Products, Inc.	Vardaman	APC-S-1, Sec. III	do	do	Do.
Phillips Gin Co.	Calhoun City	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Vardaman Gin Co., Inc.	Vardaman	APC-S-1, Sec. III	do	do	Do.
Warner Gin Co.	Big Creek	APC-S-1, Sec. III	do	do	Do.
Williams Gin Co.	Hoolka	APC-S-1, Sec. III	do	do	Do.
CARROLL COUNTY					
Farmers Gin Co., Inc.	North Carrollton.	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
McCravey Brothers Sawmill	McCorley	APC-S-1, Sec. III	do	do	May 17, 1974
Valden Gin Co.	Valden	APC-S-1, Sec. III	do	do	Dec. 1, 1974
CHICKASAW COUNTY					
H. B. Carter Co., Inc.	Van Vleet	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Chickasaw Handle Co., Inc.	Houston	APC-S-1, Sec. III	do	do	May 17, 1974
R. W. Coleman Gin	Okolona	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Consolidated Package Co., Southern Container Div.	Houston	APC-S-1, Sec. III	do	do	May 17, 1974
Houston Hospital, Inc.	do	APC-S-1, Sec. III	do	do	Jan. 1, 1974
Okolona Community Hospital.	Okolona	APC-S-1, Sec. III	do	do	Apr. 15, 1974
Shannon Chair Co.	Houston	APC-S-1, Sec. III	do	do	June 1, 1973
Trebboc Gin Co.	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
U.S. Plastics, Inc.	do	APC-S-1, Sec. III	do	do	May 17, 1974
Woodland Gin	Woodland	APC-S-1, Sec. III	do	do	Dec. 1, 1974
CHOCTAW COUNTY					
Ackerman Planing Mill Co.	Ackerman	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Foodren & McAdams Sawmill.	Mathiston	APC-S-1, Sec. III	do	do	Do.
CLAIBORNE COUNTY					
Hood Lumber Co.	Hermanville	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Sept. 15, 1974
Pickens Brothers Lumber Co., Inc.	Port Gibson	APC-S-1, Sec. III	do	do	May 17, 1974

MISSISSIPPI—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
CLARKE COUNTY					
Gay Doors, Inc.	Quitman	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Hood Charcoal Co.	Pachuta	APC-S-1, Sec. III	do	do	Nov. 30, 1974
Mayo Lumber Co.	Quitman	APC-S-1, Sec. III	do	do	May 17, 1974
Standard Cotton Gin Co., Inc.	do	APC-S-1, Sec. III	do	do	Sept. 30, 1973
CLAY COUNTY					
Babock and Wilcox Co.	West Point	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1973
Intex Dyeing Finishes	do	APC-S-1, Sec. III	do	do	May 17, 1974
Leisure Group, Inc., Blazen Division.	do	APC-S-1, Sec. III	do	do	Do.
Walters Gin Co.	Phelps	APC-S-1, Sec. III	do	do	Dec. 1, 1974
COAHOMA COUNTY					
Adams Gin Co.	Clarksdale	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Carr Gin Co.	do	APC-S-1, Sec. III	do	do	Do.
Clarksdale King-Anderson Co.	do	APC-S-1, Sec. III	do	do	Do.
Connell & Co.	do	APC-S-1, Sec. III	do	do	Do.
Cotton Gin Co.	Dublin	APC-S-1, Sec. III	do	do	Do.
County Line Gin Co., Inc.	Jonestown	APC-S-1, Sec. III	do	do	Do.
Eastover Plantation Gin	Bobo	APC-S-1, Sec. III	do	do	Do.
Eastside Gin Co.	Jonestown	APC-S-1, Sec. III	do	do	Do.
F & S Gin Co.	Coahoma	APC-S-1, Sec. III	do	do	Do.
Farrell Gin Co.	Clarksdale	APC-S-1, Sec. III	do	do	Do.
Flowers Brothers Gin	Dublin	APC-S-1, Sec. III	do	do	Do.
Flowers Brothers Gin	Tutweiler	APC-S-1, Sec. III	do	do	Do.
Flowers Gin Co.	Mattson	APC-S-1, Sec. III	do	do	Do.
Garrett Sons Gin	Clarksdale	APC-S-1, Sec. III	do	do	Do.
Jonestown Delta Gin Co.	Jonestown	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Kyle Manufacturing Co., Inc.	Clarksdale	APC-S-1, Sec. III	do	do	May 17, 1974
Kyle and Williams Gin, Inc.	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Lula Gin Co.	Lula	APC-S-1, Sec. III	do	do	Do.
Maryland Planting Co.	Clarksdale	APC-S-1, Sec. III	do	do	Do.
Carl C. May Gin	Lula	APC-S-1, Sec. III	do	do	Do.
Mahead Planting Co.	do	APC-S-1, Sec. III	do	do	July 31, 1973
Premium Gin Co.	Bobo	APC-S-1, Sec. III	do	do	Do.
Quality Concrete Products	Clarksdale	APC-S-1, Sec. III	do	do	May 17, 1974
Rich Gin Co.	Rich	APC-S-1, Sec. III	do	do	Dec. 1, 1974
L. A. Ross Gin Co.	Clarksdale	APC-S-1, Sec. III	do	do	July 31, 1973
Rudyard Gin Co., Inc.	Coahoma	APC-S-1, Sec. III	do	do	Dec. 1, 1974
John H. Sherrard & Sons Gin	Sherrard	APC-S-1, Sec. III	do	do	Do.
Stovall Gin Co.	Stovall	APC-S-1, Sec. III	do	do	Do.
COPIAH COUNTY					
Carpenter's Gin	Carpenter	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Central Box Co.	Crystal Springs	APC-S-1	do	do	Mar. 29, 1974
Copiah County Manufacturing Co.	Hazlehurst	APC-S-1, Sec. III	do	do	May 17, 1974
General Equipment Manufacturing, Inc.	Crystal Springs	APC-S-1, Sec. III	do	do	Do.
Georgetown Gin Co.	Georgetown	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Edward Hyman Co.	Hazlehurst	APC-S-1, Sec. III	do	do	Apr. 1, 1973
Kellwood Co., Kingwell Group.	Wesson	APC-S-1, Sec. III	do	do	May 17, 1974
Kopper's Co., Inc.	Georgetown	APC-S-1, Sec. III	do	do	Do.
Pitt's Cotton Gin	Hazlehurst	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Royal Maid, Inc.	do	APC-S-1, Sec. III	do	do	May 17, 1974
Hardy Wilson Memorial Hospital.	do	APC-S-1, Sec. III	do	do	Do.
COVINGTON COUNTY					
Mount Olive Compress	Mount Olive	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Seminary Gin Co.	Seminary	APC-S-1, Sec. III	do	do	Do.

MISSISSIPPI—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
DESOTO COUNTY					
Continental Foundry and Machine Works.	Olive Branch	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Desoto Redi-Mix Co.	Southaven	APC-S-1, Sec. III	do	do	Do.
Dover Corporation	Horn Lake	APC-S-1, Sec. III	do	do	Do.
Farmer's Gin Co.	Nesbit	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Green Duck	Hernando	APC-S-1, Sec. III	do	do	May 17, 1974
Hernando Packing Co.	do	APC-S-1, Sec. III	do	do	Do.
Hernando Ready-Mix, Inc.	do	APC-S-1, Sec. III	do	do	Do.
Imperial Manufacturing Co.	Walls	APC-S-1, Sec. III	do	do	May 1, 1974
	Mineral Wells	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Producers Gin of Hernando	Hernando	APC-S-1, Sec. III	do	do	Dec. 1, 1973
Specialty Feeds, Inc.	Southaven	APC-S-1, Sec. III	do	do	May 17, 1974
Tract-O-Land Plantation	Lake Cormorant.	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Underwood Glass Co.	Mineral Wells	APC-S-1, Sec. III	do	do	May 17, 1974
Walls Gin Co.	Walls	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Watson Gin Co.	Byhalia	APC-S-1, Sec. III	do	do	Do.
Wire Fabricating Co.	Hernando	APC-S-1, Sec. III	do	do	May 17, 1974
FORREST					
Big Yank Corp.	Hattiesburg	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Big Yank Corp. (100 Furgeson).	do	APC-S-1, Sec. III	do	do	Do.
Dixie Pine Products Co.	do	APC-S-1, Sec. III	do	do	Do.
Hattiesburg Gin	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Hattiesburg Mfg. Co.	do	APC-S-1, Sec. III	do	do	May 17, 1974
Hood Lumber Co.	do	APC-S-1, Sec. III	do	do	Mar. 1, 1974
Inland Container Corp.	do	APC-S-1, Sec. III	do	do	May 17, 1974
MFC Services, Bovis Pl.	do	APC-S-1, Sec. III	do	do	Do.
Mississippi Chemical Corp.	do	APC-S-1, Sec. III	do	do	Sept. 1, 1973
FRANKLIN					
Ford Construction Co.	Lucien	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	June 1, 1973
Franklin County Memorial Hospital.	Meadville	APC-S-1, Sec. III	do	do	May 17, 1974
Koppers Co., Inc.	Bude	APC-S-1, Sec. III	do	do	Do.
Southern American Corp.	Bude	APC-S-1, Sec. III	do	do	Do.
GEORGE					
George County Hospital	Lucedale	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Lucedale Ready Mix Concrete Co.	do	APC-S-1, Sec. III	do	do	Do.
GRENADA					
Graysport Cooperative Gin	Gore Springs	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Grenada Concrete Products Co.	Grenada	APC-S-1, Sec. III	do	do	May 17, 1974
W. E. Hames Gin	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Hankins Lumber Co.	do	APC-S-1, Sec. III	do	do	May 17, 1974
Holbomb Electric Gin	Holcomb	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Leflore Farms Gin	Leflore	APC-S-1	do	do	Do.
North American Rockwell Corp.	Grenada	APC-S-1, Sec. III	do	do	Do.
Round the Clock Hosiery, Div. of U.S. Industries.	do	APC-S-1, Sec. III	do	do	May 17, 1974
Sunflower Food Store	do	APC-S-1, Sec. III	do	do	Do.
Koppers Co., Inc.	Tie Plant	APC-S-1, Sec. III	do	do	May 17, 1973
HANCOCK					
T. L. James & Co.	Pearlington (near I-10).	APC-S-1, Sec. III	Feb. 27 1973	Immediately	May 17, 1974
do	Pearlington (on Hwy 607).	APC-S-1, Sec. III	do	do	Do.
Jitney Jungle No. 34	Bay St. Louis	APC-S-1, Sec. III	do	do	Do.

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Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
HARRISON					
Howard Memorial Hospital	Biloxi	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Jitney Jungle No. 32	Gulfport	APC-S-1, Sec. III	do	do	May 30, 1974
Litchfield Plating	do	APC-S-1, Sec. III	do	do	May 17, 1974
Mississippi-Gulfport Compress & Warehouse	Ocean Springs	APC-S-1, Sec. III	do	do	Do.
HINDS					
Asphalt Paving Co	Jackson	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Farmers Gin Co	Edwards	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Farmers Gin Co., Inc	Pocobontas	APC-S-1, Sec. III	do	do	Do.
Gaddis & McLaurin Gin Inc	Bolton	APC-S-1, Sec. III	do	do	Do.
General Electric Co., Jackson Glass Plant.	Jackson	APC-S-1, Sec. III	do	do	May 1, 1975
Hinds Wood Perserving Co., Inc.	Learned	APC-S-1, Sec. III	do	do	May 17, 1974
Learned Gin Co	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
A. P. Lindsey Distribution, Inc.	Jackson	APC-S-1, Sec. III	do	do	May 17, 1974
Magnolia Towers, Inc	do	APC-S-1, Sec. III	do	do	Do.
Mississippi Baptist Hospital	do	APC-S-1, Sec. III	do	do	Do.
Mississippi Materials Co	do	APC-S-1, Sec. III	do	do	Mar. 1, 1975
Swift Agricultural Chemicals Corp.	do	APC-S-1, Sec. III	do	do	Mar. 1, 1974
Utica Lumber & Gin Co	Utica	APC-S-1, Sec. III	do	do	Dec. 1, 1974
HOLMES					
Burrows Southern Corp	Pickens	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Cruger Gin	Cruger	APC-S-1, Sec. III	do	do	Dec. 1, 1974
District Two Community Hospital.	Durant	APC-S-1, Sec. III	do	do	May 17, 1974
Fleetwood Homes of Mississippi.	Lexington	APC-S-1, Sec. III	do	do	Do.
Goodhope Gin	Thornton	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Goodman Gin Co	Goodman	APC-S-1, Sec. III	do	do	Do.
Honey Island Gin Co	Cruger	APC-S-1, Sec. III	do	do	Do.
Horseshoe Gin Co., Inc	Tchula	APC-S-1, Sec. III	do	do	Jan. 1, 1974
Howard Gin Co	Lexington	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Humphrey Gin Co	Ebenezer	APC-S-1, Sec. III	do	do	Do.
Kerm Gin Co	Cruger	APC-S-1, Sec. III	do	do	Do.
Mid-State Paving Co	Pickens	APC-S-1, Sec. III	do	do	May 17, 1974
Parrish Gin	Lexington	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Planters Gin	Tchula	APC-S-1, Sec. III	do	do	Do.
Riverside Gin Co	Pickens	APC-S-1, Sec. III	do	do	Do.
S & G Lumber Co	Tchula	APC-S-1, Sec. III	do	do	May 17, 1974
Thornton Gin Co	Thornton	APC-S-1, Sec. III	do	do	Dec. 1, 1974
West Gin	West	APC-S-1, Sec. III	do	do	Do.
Leon Worrell Ready Mix Plant.	Durant	APC-S-1, Sec. III	do	do	May 17, 1974
HUMPHREYS					
Belzoni Gin Company	Belzoni	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
C. B. Box Company	Midnight	APC-S-1, Sec. III	do	do	Do.
The Delta Company	Belzoni	APC-S-1, Sec. III	do	do	Do.
Evans & Son Gin	Isola	APC-S-1, Sec. III	do	do	Do.
Farmer's Gin Co., Ltd	Louise	APC-S-1, Sec. III	do	do	July 1, 1974
Farmer's Gin Co., Inc	Silver City	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Ferguson Bros. Construction Co.	Belzoni	APC-S-1, Sec. III	do	do	Feb. 1, 1974
McMath Gin	Isola	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Midnight Gin Co., Inc	Silver City	APC-S-1, Sec. III	do	do	Do.
Service Gin Co	Isola	APC-S-1, Sec. III	do	do	Do.
Sewards Harris Gin Co	Midnight	APC-S-1, Sec. III	do	do	July 1, 1975
B. W. Smith Gin	Louise	APC-S-1, Sec. III	do	do	Do.

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Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
ISSAQUENA					
Mayersville Gin Co	Mayersville	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Planters Gin of Grace, Inc	Grace	APC-S-1, Sec. III	do	do	Do.
Valley Park Gin Co., Inc	Valley Park	APC-S-1, Sec. III	do	do	Do.
ITAWAMBA					
Bark Gin Co	Marietta	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Dura-Crates	Fulton	APC-S-1, Sec. III	do	do	Mar. 15, 1974
Homan Wood Products	do	APC-S-1, Sec. III	do	do	Dec. 31, 1973
Itawamba Co. Hospital	do	APC-S-1, Sec. III	do	do	May 17, 1974
J. C. McDaniel Gin	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
McFerrin Gin	Mantachie	APC-S-1, Sec. III	do	do	Do.
Murphree Bros	Tremont	APC-S-1, Sec. III	do	do	May 17, 1974
JACKSON					
Gibson Products Co	Pascagoula	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Ingall's Nuclear Shipbuilding Co.	do	APC-S-1, Sec. III	do	do	Do.
Jitney Jungle No. 27	do	APC-S-1, Sec. III	do	do	Do.
Wayne Lee Grocery & Market	do	APC-S-1, Sec. III	do	do	Do.
Mississippi Chemical Corp. No. 2 mixed fertiliser plant.	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Mississippi Chemical Corp. No. 3 mixed fertiliser plant.	do	APC-S-1, Sec. III	do	do	Aug. 1, 9174
Mississippi Chemical Corp. Nos. 1, 2, 3, fertiliser storage.	do	APC-S-1, Sec. III	do	do	July 1, 1974
Ocean Springs Hospital	Ocean Springs	APC-S-1, Sec. III	do	do	May 17, 1974
Ocean Springs State Bank	do	APC-S-1, Sec. III	do	do	Do.
Pascagoula Moss Point Bank	Pascagoula	APC-S-1, Sec. III	do	do	Do.
Quaker Oats Co.—Pet Food Division.	do	APC-S-1, Sec. III	do	do	Do.
Thiokol Chemical Corp	Moss Point	APC-S-1, Sec. III	do	do	July 31, 1974
JASPER					
B & T Handle Co	Bay Springs	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Heidelburg Lumber Co	Heidelburg	APC-S-1, Sec. III	do	do	Do.
Hera, Inc	Bay Springs	APC-S-1, Sec. III	do	do	Do.
Jasper General Hospital	do	APC-S-1, Sec. III	do	do	Do.
Stringer Farmers Gin	Stringer	APC-S-1, Sec. III	do	do	Dec. 1, 1974
JEFFERSON					
Fayette Enterprises, Inc	Fayette	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Jan. 1, 1975
JEFFERSON DAVIS					
Jefferson Davis County Hospital.	Prentiss	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Prentiss Creosote Mat., Inc	do	APC-S-1, Sec. III	do	do	Do.
Rutland Gin	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
South Central Ready-Mix, Inc.	do	APC-S-1, Sec. III	do	do	May 17, 1974
JONES					
Jones County Community Hospital.	Laurel	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Jones County Comm. Hosp. Annex.	do	APC-S-1, Sec. III	do	do	Do.
Laurel General Hospital	do	APC-S-1, Sec. III	do	do	Do.
South Mississippi Power Association, Moselle general plant.	Moselle	APC-S-1, Sec. III and Sec. IV.	do	do	Do.
Woodall Industries	Laurel	APC-S-1, Sec. III	do	do	Do.
KEMPER					
Kemper County Hospital	DeKalb	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Weyerhauser Co	Electric Mills	APC-S-1, Sec. III	do	do	Do.

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Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
LAFAYETTE					
Abbeville Gin Inc	Abbeville	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
C & F Contracting Co., Inc	Oxford	APC-S-1, Sec. III	do	do	May 17, 1974
Oxford Asphalt Co., Inc	do	APC-S-1, Sec. III	do	do	Do.
LAMAR					
James C. Broome Sawmill	Sumrall	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Gulf Oil Co., U.S. Black Creek Refinery.	Purvis	APC-S-1, Sec. III	do	do	Do.
Lamar Co. Development Corp.	do	APC-S-1, Sec. III	do	do	Do.
Lumberton Citizens Hospital	Lumberton	APC-S-1, Sec. III	do	do	Do.
Joe N. Miles & Sons, Inc	do	APC-S-1, Sec. III	do	do	Do.
LAUDERDALE					
American Wood Products	Meridian	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Apr. 7, 1973
Davis Gin	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Gaylords of Meridian	do	APC-S-1, Sec. III	do	do	May 17, 1974
Jitney Jungle No. 4	do	APC-S-1, Sec. III	do	do	Do.
Mississippi Chem. Corp. Fertiliser Plant No. 1.	do	APC-S-1, Sec. III	do	do	Sept. 1, 1973
Mississippi Chem. Corp. Fertilizer Plant No. 2.	do	APC-S-1, Sec. III	do	do	Do.
Moss-American, Inc	do	APC-S-1, Sec. III	do	do	May 17, 1974
F. G. Riley Memorial Hospital.	do	APC-S-1, Sec. III	do	do	Do.
Russell Aluminum Corp	do	APC-S-1, Sec. III	do	do	Do.
LEAKE					
W. C. Croft Lumber Co., Inc	Walnut Grove	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Leake Co. Memorial Hospital	Carthage	APC-S-1, Sec. III	do	do	Do.
Merchant Gin	do	APC-S-1, Sec. III	do	d	Dec. 1, 1974
Sanders & Gross Cotton Gin	do	APC-S-1, Sec. III	do	do	Do.
Thaggard Hospital Inc	Madden	APC-S-1, Sec. III	do	do	May 17, 1974
LEE					
Baldwyn Gin Co	Baldwyn	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
C & F Contracting	Tupelo	APC-S-1, Sec. III	do	do	May 17, 1974
Eljer Plumbingware Division	do	APC-S-1, Sec. III	do	do	Do.
Frankstown Gin Co	Baldwyn	APC-S-1, Sec. III	do	do	Do.
Johnson Gin Co	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Long Bros. Gin	Blue Springs	APC-S-1, Sec. III	do	do	May 17, 1974
Town & Country Mobile Homes	Verona	APC-S-1, Sec. III	do	do	Do.
Tri-County Gin Co	Tupelo	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Tupelo Mfg. Co., Inc	do	APC-S-1, Sec. III	do	do	May 17, 1974
Wesson Bros. Gin Co	Saltillo	APC-S-1, Sec. III	do	do	Dec. 1, 1974
LEFLORE					
Blue Top Gin	Itta Bena	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Buckhorn Gin	Greenwood	APC-S-1, Sec. III	do	do	Do.
Bunch Concrete & Engineering.	do	APC-S-1, Sec. III	do	do	May 17, 1974
Cane Lake Gin Co., Inc	Ruleville	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Community Gin Co., Inc	Swiftown	APC-S-1, Sec. III	do	do	Do.
Congo Gin	Schlater	APC-S-1, Sec. III	do	do	Do.
Cooperative Elevator Co	Greenwood	APC-S-1, Sec. III	do	do	May 17, 1974
Crossroads Gin Co	Schlater	APC-S-1, Sec. III	do	do	July 31, 1973
Deermound Gin	Minter City	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Farmers Associated Gin Co	Itta Bena	APC-S-1, Sec. III	do	do	Do.
Freeman Electric Gin Co	Greenwood	APC-S-1, Sec. III	do	do	Do.
Gibson Products Co	do	APC-S-1, Sec. III	do	do	May 17, 1974
Greenwood-Leflore Hospital	do	APC-S-1, Sec. III	do	do	Do.
Half-Mile Gin	Itta Bena	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Itta Bena Gin Co	do	APC-S-1, Sec. III	do	do	Do.
Jenkins Gin Co., Inc	do	APC-S-1, Sec. III	do	do	May 17, 1974
W. P. Kimbrough & Son	do	APC-S-1, Sec. III	do	do	July 31, 1973
Leco Gin Co	Sidon	APC-S-1, Sec. III	do	do	Do.
McLean Gin Co	Itta Bena	APC-S-1, Sec. III	do	do	Dec. 1, 1974

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Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
LEFLORE—Continued					
Minter Gin Co	Minter City	APC-S-1, Sec. III	do	do	July 31, 1973
Money Gin Co	Money	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Morgan Gin Co	Morgan City	APC-S-1, Sec. III	do	do	Jan. 1, 1975
Pemberton Manor Nursing Home.	Greenwood	APC-S-1, Sec. III	do	do	May 17, 1974
Schlater Gin Co., Inc	Schlater	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Sheppard Town Gin Co	Morgan City	APC-S-1, Sec. III	do	do	Mar. 1, 1974
Sidon Plantation Gin	Sidon	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Staple Cotton Services Association.	Greenwood	APC-S-1, Sec. III	do	do	May 17, 1974
L. W. Wade Plantation Gin	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
L. L. Walker & Son Gin	Schlater	APC-S-1, Sec. III	do	do	Do.
Wildwood Plantation Gin	Greenwood	APC-S-1, Sec. III	do	do	June 1, 1974
Willow Run Gin Co	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
LINCOLN					
Brookhaven Piling Co	Brookhaven	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Columbus Lumber Co	do	APC-S-1, Sec. III	do	do	Do.
Dickerson & Bowen	do	APC-S-1, Sec. III	do	do	Do.
J. J. Mayer Lumber Co	Bogue Chitto	APC-S-1, Sec. III	do	do	Do.
Shainberg's	Brookhaven	APC-S-1, Sec. III	do	do	Do.
Smith Bros. Lumber Co., Inc	do	APC-S-1, Sec. III	do	do	Do.
Wise-Dixie	do	APC-S-1, Sec. III	do	do	Do.
LOWNDES					
Airline Mfg. Co	Columbus	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Artesia Gin	Artesia	APC-S-1, Sec. III	do	do	Dec. 1, 1974
F. B. Blaylock & Son	Calendonia	APC-S-1, Sec. III	do	do	Do.
Columbus Air Force Base Hospital.	Columbus	APC-S-1, Sec. III	do	do	May 17, 1974
Columbus Handle Co	do	APC-S-1, Sec. III	do	do	Do.
The Columbus Hospital Inc	do	APC-S-1, Sec. III	do	do	Do.
Columbus Marble Works	do	APC-S-1, Sec. III	do	do	Do.
A. G. Lockhart Gin	Steens	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Moss-American, Inc	Columbus	APC-S-1, Sec. III	do	do	May 17, 1974
Phillips Contracting Co	do	APC-S-1, Sec. III	do	do	Do.
Potts Gin	Crawford	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Sims Gin	Columbus	APC-S-1, Sec. III	do	do	Do.
MADISON					
Dickson Treating Co	Canton	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Madison Co. Co-op Gin	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Madison Furniture Industries	do	APC-S-1, Sec. III	do	do	May 17, 1974
Madison General Hospital	do	APC-S-1, Sec. III	do	do	Do.
Mansell Gin	Pickens	APC-S-1, Sec. III	do	do	Do.
Milcraft Products Inc	Canton	APC-S-1, Sec. III	do	do	Do.
Mississippi Bandag, Inc	Ridgeland	APC-S-1, Sec. III	do	do	Do.
Mississippi Chemical Corp	Canton	APC-S-1, Sec. III	do	do	Sept. 1, 1973
New Paragon Gin	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Oil Mill Gin	do	APC-S-1, Sec. III	do	do	Do.
Oil Mill Gin No. 2	do	APC-S-1, Sec. III	do	do	Do.
MARION					
Columbia Pulp & Paper Co	Columbia	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Jack Forbes Lumber Co	Sandy Hook	APC-S-1, Sec. III	do	do	Do.
W. F. Foxworth & Son Sawmill.	Foxworth	APC-S-1, Sec. III	do	do	Do.
Georgia Pacific	Columbia	APC-S-1, Sec. III	do	do	Do.
Kling Gin Co	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Marion Co. General Hospital	do	APC-S-1, Sec. III	do	do	May 17, 1974
Rogers Lumber Corp	do	APC-S-1, Sec. III	do	do	Do.

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Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
MARSHALL					
Byhalia Gin Co.	Byhalia	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Cuffawa Gin Co.	Holly Springs	APC-S-1, Sec. III	do	do	Do.
Farmers Gin Co.	Potts Camp	APC-S-1, Sec. III	do	do	Do.
Mrs. J. C. Hurdle Gin	Mt. Pleasant	APC-S-1, Sec. III	do	do	Do.
Marshall Co. Gin Co.	Holly Springs	APC-S-1, Sec. III	do	do	Do.
Marshall County Hospital	Holly Springs	APC-S-1, Sec. III	do	do	Do.
Memphis Hardwood Flooring Co.	Potts Camp	APC-S-1, Sec. III	do	do	Feb. 19, 1974
North Mississippi Gin Co., Inc.	Holly Springs	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Red Banks Gin Co., Inc.	Red Banks	APC-S-1, Sec. III	do	do	Do.
Victoria Gin Co.	Victoria	APC-S-1, Sec. III	do	do	Do.
Waterford Gin Co.	Waterford	APC-S-1, Sec. III	do	do	Do.
Watson Gin Co.	Byhalia	APC-S-1, Sec. III	do	do	Do.
MONROE					
Aberdeen Gin Co., Inc.	Aberdeen	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Aberdeen-Monroe Co., Hospital.	do	APC-S-1, Sec. III	do	do	May 17, 1974
Beth Manufacturing Inc.	Becker	APC-S-1, Sec. III	do	do	Do.
J. T. Brand Gin Co.	Prairie	APC-S-1, Sec. III	do	do	Dec. 1, 1974
C & F Contracting Co., Inc.	Amory	APC-S-1, Sec. III	do	do	May 17, 1974
Sam Fredericks Sawmill	Smithville	APC-S-1, Sec. III	do	do	Do.
Gilmore Memorial Hospital	Amory	APC-S-1, Sec. III	do	do	Do.
Hamilton Electric Gin	Hamilton	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Kerr-McGee Chemical Corp., NaClO3 plant.	do	APC-S-1, Sec. III	do	do	May 17, 1974
Kerr-McGee Chemical Corp., Mn plant.	do	APC-S-1, Sec. III	do	do	Do.
New Hamilton Gin	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Parham Gin Co.	Amory	APC-S-1, Sec. III	do	do	Do.
Walker Mfg. Co.	Aberdeen	APC-S-1, Sec. III	do	do	May 17, 1974
MONTGOMERY					
Tyler Holmes Memorial Hospital.	Winona	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Kilmichael Hospital	Kilmichael	APC-S-1, Sec. III	do	do	Do.
Land & Lott Gin	Winona	APC-S-1, Sec. III	do	do	Dec. 1, 1974
J. A. Olson Co.	do	APC-S-1, Sec. III	do	do	May 17, 1974
NEWTON					
Newton Hospital	Newton	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
NOXUBEE					
Brick Gin	Macon	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Delta-Macon Brick & Tile Co.	do	APC-S-1, Sec. III	do	do	May 17, 1974
Dinsmore's Gin	Prairie Point	APC-S-1, Sec. III	do	do	Dec. 1, 1974
OKTIBBEHA					
Howard Furniture Mfg. Co., Inc.	Starkville	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Humphrey Gin Co.	Ebenezer	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Felix Long Memorial Hospital	Starkville	APC-S-1, Sec. III	do	do	May 17, 1974

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Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
PANOLA					
Batesville Gin Co.	Batesville	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Batesville Hospital	do	APC-S-1, Sec. III	do	do	May 17, 1974
Crenshaw Planters Gin Co.	Crenshaw	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Crowder Gin Co.	Crowder	APC-S-1, Sec. III	do	do	Do.
Curtis Gin & Grain Co.	Batesville	APC-S-1, Sec. III	do	do	Do.
Dixie Gin Co.	do	APC-S-1, Sec. III	do	do	Do.
North Panola County Hospital.	Sardis	APC-S-1, Sec. III	do	do	May 17, 1974
Owen Gin Co.	Crowder	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Phoenix Gin	Como	APC-S-1, Sec. III	do	do	Do.
Pratt Gin Co.	Pope	APC-S-1, Sec. III	do	do	Do.
Sardis Gin & Mfg. Co.	Sardis	APC-S-1, Sec. III	do	do	Do.
Sardis Logging—Roper Corp.	do	APC-S-1, Sec. III	do	do	May 17, 1974
Smith Gin Co.	Batesville	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Young Gin Co.	do	APC-S-1, Sec. III	do	do	Do.
Yount Lumber Co.	Askew	APC-S-1, Sec. III	do	do	May 17, 1974
PEARL RIVER					
Crosby Chemical, Inc.	Picayune	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
L.O. Crosby Hospital	do	APC-S-1, Sec. III	do	do	Do.
PERRY					
Cooper Lumber Co.	Richton	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Delta Pine Plywood Corp.	Beaumont	APC-S-1, Sec. III	do	do	Mar. 14, 1974
Perry County General Hospital.	Richton	APC-S-1, Sec. III	do	do	May 17, 1974
Perry County Plywood Corp.	Beaumont	APC-S-1, Sec. III	do	do	Do.
PIKE					
American Box Co.	Fernwood	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Collingwood Process	McComb	APC-S-1, Sec. III	do	do	Do.
Great Southern Wirebound Box Co.	Magnolia	APC-S-1, Sec. III	do	do	Do.
M. D. Hayles Lumber Co.	Fernwood	APC-S-1, Sec. III	do	do	Do.
McComb City Hospital Association.	McComb	APC-S-1, Sec. III	do	do	Do.
PONTOTOC					
Ferguson Sawmill Inc.	Bruce	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
T. J. Hale Gin Co.	Pontotoc	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Joyner-Fields Inc.	Sherman	APC-S-1, Sec. III	do	do	May 17, 1974
Mississippi Eaton Corp.	Pontotoc	APC-S-1, Sec. III	do	do	Do.
Pontotoc Community Hospital.	do	APC-S-1, Sec. III	do	do	Do.
Randolph Electric Gin Co.	Randolph	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Riverside of Pontotoc Ecru Gin.	Pontotoc	APC-S-1, Sec. III	do	do	Do.
Riverside of Pontotoc Pontotoc Gin.	do	APC-S-1, Sec. III	do	do	Do.
Riverside of Pontotoc Tocopola Gin.	do	APC-S-1, Sec. III	do	do	Do.
Riverside of Pontotoc Zion Gin.	do	APC-S-1, Sec. III	do	do	Do.
PRENTISS					
Booneville Gin Co., Inc.	Booneville	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Frankstown Gin Co.	Baldwyn	APC-S-1, Sec. III	do	do	Do.
Hobo Gin Co.	Booneville	APC-S-1, Sec. III	do	do	Do.
Marietta Gin Co.	Marietta	APC-S-1, Sec. III	do	do	Do.
Northeast Mississippi Hospital.	Booneville	APC-S-1, Sec. III	do	do	May 17, 1974

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Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
QUITMAN					
Birdie Gin Co.	Darling	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Riverside Industries Inc.	Marks	APC-S-1, Sec. III	do	do	Jan. 1, 1974
Walnut Gin Co.	Vance	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Yandell Bros. Gin Co.	do	APC-S-1, Sec. III	do	do	July 31, 1975
RANKIN					
Bob's Enterprises, Inc., Star Grocery No. 2.	Jackson	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Cataphote Corp.	do	APC-S-1, Sec. III	do	do	Feb. 1, 1974
Fannin Gin	Brandon	APC-S-1, Sec. III	do	do	Do.
Kennedy Sawmill Co.	do	APC-S-1, Sec. III	do	do	May 17, 1974
Klean Steel Mfg. Corp.	Jackson	APC-S-1, Sec. III	do	do	May 1, 1973
O'Neal Steel Inc.	do	APC-S-1, Sec. III	do	do	May 17, 1974
Piggly Wiggly Supermarket	Brandon	APC-S-1, Sec. III	do	do	Apr. 17, 1974
Rankin Co. Processing Com.	Jackson	APC-S-1, Sec. III	do	do	May 17, 1974
Sandhill Gin Inc.	Sandhill	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Star Super Market No. 4	Plain	APC-S-1, Sec. III	do	do	May 17, 1974
Sunflower Food Store No. 87	Pearl	APC-S-1, Sec. III	do	do	Do.
Brooks C. Vance Sawmill	Sand Hill	APC-S-1, Sec. III	do	do	Do.
SCOTT					
W. E. Blain & Sons, Inc.	Forest	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Cochran & Myers Gin	Harperville	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Gatewood Gin	Forest	APC-S-1, Sec. III	do	do	Do.
S. E. Lackey Memorial Hospital.	do	APC-S-1, Sec. III	do	do	May 17, 1974
W. J. Measels & Sons Cotton Gin.	Morton	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Scott Co. Grain Elevator Inc.	Sebastopol	APC-S-1, Sec. III	do	do	May 17, 1974
SHARKEY					
Associated Producers Gin, Inc.	Rolling Fork	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Belmont Gin, Inc.	Cary	APC-S-1, Sec. III	do	do	Do.
Cary Ginnery, Inc.	do	APC-S-1, Sec. III	do	do	Do.
Catchings Gin Co., Inc.	Delta City	APC-S-1, Sec. III	do	do	Do.
Farmers Gin Co., Inc.	Anguilla	APC-S-1, Sec. III	do	do	Do.
Grundfest & Klaus, Inc.	Cary	APC-S-1, Sec. III	do	do	Do.
Kin-Gin, Inc.	Delta City	APC-S-1, Sec. III	do	do	Do.
Panther Burn Gin Co., Inc.	Panther Burn	APC-S-1, Sec. III	do	do	Do.
Sharkey Gin, Inc.	Anguilla	APC-S-1, Sec. III	do	do	Do.
Sharkey-Issaquena Community Hospital.	Rolling Fork	APC-S-1, Sec. III			May 17, 1974
Vicksland Gin Co., Inc.	Nitta Yuma	APC-S-1, Sec. III			Dec. 1, 1974
SIMPSON					
Broadhead Lumber & Mfg. Co., Inc.	Mendenhall	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Pinola Gin Co.	Pinola	APC-S-1, Sec. III			Dec. 1, 1974
Simpson General Hospital	Mendenhall	APC-S-1, Sec. III	do	do	May 17, 1974
South Central Ready Mix, Inc.	Magee	APC-S-1, Sec. III	do	do	Do.
South Central Ready Mix, Inc.	Mendenhall	APC-S-1, Sec. III	do	do	Do.
Universal Mfg. Corp.	do	APC-S-1, Sec. III	do	do	Dec. 25, 1973
Vanderford Lumber Co.	do	APC-S-1, Sec. III	do	do	May 17, 1974
SMITH					
Georgia-Pacific Corp.	Taylorsville	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Smith Co. General Hospital	Raleigh	APC-S-1, Sec. III	do	do	Do.
STONE					
Timco, Inc.	Wiggins	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974

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Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
SUNFLOWER					
A. E. Boyer Gin Co.	Indianola	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Britt Plantation & Gin	do	APC-S-1, Sec. III	do	do	July 31, 1975
Brooks Gin, Inc.	Drew	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Cane Lake Gin Co.	Ruleville	APC-S-1, Sec. III	do	do	Do.
Delta Gin Co.	do	APC-S-1, Sec. III	do	do	July 31, 1975
Delta Gin of Inverness	Inverness	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Falsonia Plantation Gin	Indianola	APC-S-1, Sec. III	do	do	Do.
Farmers Gin Co.	Doddsville	APC-S-1, Sec. III	do	do	Do.
Farmers Gin Co., Inc., No. 2.	Drew	APC-S-1, Sec. III	do	do	Do.
Fisackerly Gin Co.	Blaine	APC-S-1, Sec. III	do	do	Do.
Garrard Plantation Gin	Indianola	APC-S-1, Sec. III	do	do	July 31, 1975
Holly Ridge Gin Co.	Holly Ridge	APC-S-1, Sec. III	do	do	Do.
Martin Farm & Public Gin	Indianola	APC-S-1, Sec. III	do	do	Do.
Merchants & Planters Gin Co.	Sunflower	APC-S-1, Sec. III	do	do	Do.
Moorhead Gin Inc.	Moorhead	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Northside Gin Co.	Sunflower	APC-S-1, Sec. III	do	do	Do.
Planters Gin Co. of Indianola	Indianola	APC-S-1, Sec. III	do	do	July 31, 1975
Ruleville Gin Co., Inc.	Ruleville	APC-S-1, Sec. III	do	do	Dec. 1, 1974
South Sunflower County Hospital.	Indianola	APC-S-1, Sec. III	do	do	May 17, 1974
Three Lion Britches Inc.	Ruleville	APC-S-1, Sec. III	do	do	Do.
TALLAHATCHIE COUNTY					
The Abbey Gin	Webb	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Albin Gin Co.	do	APC-S-1, Sec. III	do	do	Do.
Buford Gin Co.	Swan Lake	APC-S-1, Sec. III	do	do	July 1, 1975
Cowart Gin Co., Inc.	Charleston	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Due West Gin Co.	Glendora	APC-S-1, Sec. III	do	do	Do.
J. R. Flautt's & Sons Gin	Swan Lake	APC-S-1, Sec. III	do	do	Dec. 1, 1973
Glendora Gin Co.	Glendora	APC-S-1, Sec. III	do	do	Dec. 1, 1974
House Gin Co.	Enid	APC-S-1, Sec. III	do	do	Do.
Marcel Co-operative Gin.	Phillip	APC-S-1, Sec. III	do	do	Do.
Midway Gin Co.	Glendora	APC-S-1, Sec. III	do	do	Do.
Mitchener Gin Inc.	Sumner	APC-S-1, Sec. III	do	do	July 1, 1975
Paynes Gin Co., Inc.	Charleston	APC-S-1, Sec. III	do	do	Do.
Phillips Gin Co., Inc.	Phillip	APC-S-1, Sec. III	do	do	Dec 1, 1974
Planters Gin Co.	Sumner	APC-S-1, Sec. III	do	do	Do.
Sumner Gin Co., Inc.	do	APC-S-1, Sec. III	do	do	Do.
Tippo Gin Association	Tippo	APC-S-1, Sec. III	do	do	Do.
Tutwiler Ginning Co., Inc.	Tutwiler	APC-S-1, Sec. III	do	do	Do.
Webb Gin Co.	Webb	APC-S-1, Sec. III	do	do	July 1, 1975
TATE COUNTY					
Coldwater Cotton Gin	Coldwater	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Turleys Bros. Gin	Savage	APC-S-1, Sec. III	do	do	Do.
Wyatte Gin Co.	Senatobia	APC-S-1, Sec. III	do	do	Do.
TIPPAH COUNTY					
Childs Gin	Ripley	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
McAlister Gin Co.	Blue Mountain	APC-S-1, Sec. III	do	do	Do.
Ripley Gin Co.	Ripley	APC-S-1, Sec. III	do	do	Do.
Tippah County Hospital	do	APC-S-1, Sec. III	do	do	May 17, 1974
Tippersville Gin Co.	Tippersville	APC-S-1, Sec. III	do	do	Dec. 1, 1974
TISHOMINGO COUNTY					
Carters Belmont Gin Co., Inc.	Belmont	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Iuka Gin Co.	Iuka	APC-S-1, Sec. III	do	do	Do.

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Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
TUNICA COUNTY					
Bowdre Plantation Gin	Robinsonville	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Farmers & Planters Gin Co	Tunica	APC-S-1, Sec. III	do	do	Do.
Flower Lake Gin	Dundee	APC-S-1, Sec. III	do	do	Do.
Hood & Block Gin	Tunica	APC-S-1, Sec. III	do	do	Do.
Martin & West Gin Co	Dundee	APC-S-1, Sec. III	do	do	Do.
Maud Gin Co., Inc	Tunica	APC-S-1, Sec. III	do	do	Do.
Perry Gin Co	do	APC-S-1, Sec. III	do	do	Do.
Porter's Gin	West Union	APC-S-1, Sec. III	do	do	Do.
Robinsonville Seed Co	Robinsonville	APC-S-1, Sec. III	do	do	Do.
UNION COUNTY					
Mississippi Chemical Corp	New Albany	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Sept. 1, 1973
Porter's Gin	West Union	APC-S-1, Sec. III	do	do	Dec. 1, 1974
WALTHALL COUNTY					
Gennin Gin Co	Tylertown	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Phillips-Lamp Lumber Co	do	APC-S-1, Sec. III	do	do	May 17, 1974
Walthall Community General Hospital	do	APC-S-1, Sec. III	do	do	Do.
WARREN COUNTY					
Department of the Army—Vicksburg District, Corps of Engineers	Vicksburg	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
Houston Bros. Lumber Co	do	APC-S-1, Sec. III	do	do	Do.
U.S. Rubber Reclaiming	do	APC-S-1	do	do	May 1, 1975
WASHINGTON COUNTY					
Allied Gin Co	Leland	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Avon Gin Co. (AAL)	Avon	APC-S-1, Sec. III	do	do	Do.
Berkley Cooperative Gin Co	Chatham	APC-S-1, Sec. III	do	do	Do.
Burdine & Ross, Inc	Greenville	APC-S-1, Sec. III	do	do	May 17, 1974
Darlove Gin	Darlove	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Deer Creek Gin Co	Leland	APC-S-1, Sec. III	do	do	Do.
Delta Gin Co	Metcalfe	APC-S-1, Sec. III	do	do	Do.
Dunleith Gin	Leland	APC-S-1, Sec. III	do	do	Do.
Estill Gin Co., Inc	Hollandale	APC-S-1, Sec. III	do	do	Do.
Fisher-Rich Gin Co	Chatham	APC-S-1, Sec. III	do	do	Do.
Gilmockie Planting Co	Elizabeth	APC-S-1, Sec. III	do	do	Do.
H. K. Hammett & Sons	Greenville	APC-S-1, Sec. III	do	do	Do.
King's Daughter Hospital	do	APC-S-1, Sec. III	do	do	May 17, 1974
Lake Washington Gin Co., Inc.	Glen Allan	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Leland Oil Works Gin	Leland	APC-S-1, Sec. III	do	do	Do.
Mississippi Cottonseed Products Co.	Hollandale	APC-S-1, Sec. III	do	do	May 17, 1973
Neill Gin Co	Leland	APC-S-1, Sec. III	do	do	Dec. 1, 1974
South Washington Co. Hospital	Hollandale	APC-S-1, Sec. III	do	do	May 17, 1974
Swiftwater Gin Co	Wayside	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Thompson-Haywood Chemical Co.	Greenville	APC-S-1, Sec. III	do	do	May 17, 1974
Trail Lake Gin Co	Trailake	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Tribbett Gin Co	Tribbett	APC-S-1, Sec. III	do	do	Do.
Walker Farms Gin No. 1	Stoneville	APC-S-1, Sec. III	do	do	Do.
Walker Farms Gin No. 2	do	APC-S-1, Sec. III	do	do	Do.
W. S. Witte Memorial Hospital	Leland	APC-S-1, Sec. III	do	do	May 17, 1974
WAYNE COUNTY					
Wayne General Hospital	Waynesboro	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974

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Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
WEBSTER COUNTY					
Belle Fontaine Gin Co	Belle Fontaine	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Futorian Corp	Eupora	APC-S-1, Sec. III	do	do	Dec. 10, 1973
W. H. Lamb Gin Co	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Phillips Contracting Co., Inc	Mathiston	APC-S-1, Sec. III	do	do	May 17, 1974
Webster General Hospital	Eupora	APC-S-1, Sec. III	do	do	Do.
WILKINSON COUNTY					
Field Memorial Community Hospital	Centerville	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	May 17, 1974
WINSTON COUNTY					
James T. Estes Gin Co	Noxapater	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Farmers Gin Associates	Louisville	APC-S-1, Sec. III	do	do	Do.
River & Reynolds Lumber Co.	do	APC-S-1, Sec. III	do	do	May 17, 1974
John Woodard's Cotton Gin	do	APC-S-1, Sec. III	do	do	Dec. 1, 1974
YALOBUSHA COUNTY					
B & I Gin Co., Inc	Water Valley	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
YAZOO COUNTY					
Bentonia Gin Co	Bentonia	APC-S-1, Sec. III	Feb. 27, 1973	Immediately	Dec. 1, 1974
Carroll Gin Co	Holly Bluff	APC-S-1, Sec. III	do	do	Do.
Jordan's Gin Co	Yazoo City	APC-S-1, Sec. III	do	do	July 31, 1973
King's Daughter Hospital	do	APC-S-1, Sec. III	do	do	May 17, 1974
Linwood Gin Co	Vaughan	APC-S-1, Sec. III	do	do	Dec. 1, 1974
Midway Gin of Yazoo Co., Inc.	Benton	APC-S-1, Sec. III	do	do	Do.
Miss. Chemical Corp.—Ammonium Nitrate Plant	Yazoo City	APC-S-1, Sec. III	do	do	July 31, 1973
Miss. Chemical Corp.—Fertilizer Facility	do	APC-S-1, Sec. III	do	do	Sept. 1, 1973
Mississippi Chemical Corp. Fertilizer Facility	do	APC-S-1, Sec. III	do	do	Do.
Mississippi Chemical Corp. Urea Plant	do	APC-S-1, Sec. III	do	do	Feb. 1, 1974
Mississippi Supply Co	do	APC-S-1, Sec. III	do	do	May 17, 1974
Peoples Gin Co	Carter	APC-S-1, Sec. III	do	do	July 31, 1973
Riverside Gin Co., Inc	Yazoo City	APC-S-1, Sec. III	do	do	Do.
Satartia Gin Co	Satartia	APC-S-1, Sec. III	do	do	Do.
Schaefer's Gin	Yazoo City	APC-S-1, Sec. III	do	do	Do.
Sharbrough Gin Co	Holly Bluff	APC-S-1, Sec. III	do	do	Do.

[FR Doc. 73-26916; Filed 12-26-73; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19861]

NONCOMMERCIAL EDUCATIONAL BROADCAST STATIONS

Retention of Audio Recordings Under Certain Circumstances; Order Extending Time for Filing Comments and Reply Comments

1. On November 7, 1973, the Commission adopted a Notice of Proposed Rule Making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on November 14, 1973, 38 FR 31456. Comment and reply comment dates are presently December 18 and December 28, 1973, respectively.

2. On December 12, 1973, National Public Radio requested a 45 day extension in which to file comments. On December 13, 1973, the Association of Public Radio Stations (APRS) requested a 60-day extension in which to file comments. It states the time is necessary to gather documentation needed to estab-

lish the cost involved in taping and storing programs.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered*, That the dates for filing comments and reply comments are extended to and including February 15, 1974, and February 25, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-27106 Filed 12-26-73;8:45 am]

PANAMA CANAL COMPANY

[35 CFR Part 133]

TOLLS FOR USE OF PANAMA CANAL

Notice of Proposed Rulemaking

Pursuant to authority of 2 C.Z. Code, §§ 411 and 412, 76A Stat. 27, the Panama Canal Company has adopted a proposed change in the rates of tolls for the use of the Panama Canal. The Company is required by section 411 of Title 2 of the Canal Zone Code to give six months' notice of proposed changes in rates of tolls, during which period a public hearing is required. Proceedings on the proposed changes in rates of tolls will be conducted in accordance with the Company's regulations establishing procedures for rulemaking when notice and hearing are required by the Canal Zone Code, 35 CFR Part 70 (38 FR 31177).

Public hearing. The Panama Canal Company will hold public hearings in Washington, D.C., on March 5, 1974 at a location and time to be announced, and in such other cities as may be determined and announced by the Board of Directors of the Panama Canal Company.

Written comments. In accordance with 35 CFR 70.6, interested persons are invited to participate in this proposed rulemaking by submitting written data, views or arguments to the Secretary of the Panama Canal Company, Suite 312, Pennsylvania Building, 425 13th Street, NW., Washington, D.C. 20004, not later than February 1, 1974.

Appearance by counsel; supplementary data. Interested parties may file notice of appearance at the hearing by counsel or other qualified representatives, and notice of presentation of supplementary data at the hearing, in accordance with 35 CFR 70.9 and 70.10, with the Secretary of the Panama Canal Company, Suite 312, Pennsylvania Building, 425 13th Street, NW., Washington, D.C. 20004, not later than February 19, 1974.

Action on proposed rule. All data, views, or arguments presented in writing or orally at the hearing in accordance with 35 CFR Part 70 will be considered along with other relevant information before the change in rates is submitted to the President of the United States for approval. The proposed change in the rates of tolls may be changed on the basis of information received from interested persons participating in the rulemaking proceeding.

Text of proposed rule. The Company's proposal is that 35 CFR 133.1 be amended to read as follows:

§ 133.1 Rates of toll.

The following rates of toll shall be paid by vessels using the Panama Canal:

(a) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, $1.08 per net-vessel ton of 100 cubic feet each of actual earning capacity—that is, the net tonnage determined in accordance with Part 135 of this chapter.

(b) On vessels in ballast without passengers or cargo, $.86 per net-vessel ton.

(c) On other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, $.60 per ton of displacement.

Effective date of amendment. Under section 411 of Title 2 of the Canal Zone Code the proposed revision of 35 CFR 133.1 will become effective on approval by the President but not earlier than six months from the date of publication of this notice in the FEDERAL REGISTER.

Copies of a report of the President of the Panama Canal Company recommending the proposed revision of 35 CFR 133.1 may be obtained from the Secretary, Panama Canal Company, Suite 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004, or the Comptroller, Panama Canal Company, Balboa Heights, Canal Zone.

By direction of the Board of Directors, Panama Canal Company.

Dated: December 19, 1973.

THOMAS M. CONSTANT,
Secretary.

[FR Doc.73-27020 Filed 12-26-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 210]

[Release Nos. 33-5445, 34-10556, 35-18216, IC-8137]

CONSOLIDATED FINANCIAL STATEMENTS

Notice of Proposed Rulemaking

The review of financial statements filed by registrants engaged in diverse financial activities which are subject to the provisions of Rule 4-07 of Regulation S-X [17 CFR 210.4-07] [1] indicates a need for reconsideration of the limitations on consolidated financial statements (ST-502) found in that rule. Consequently, the Commission proposes rescission of Rule 4-07, thereby eliminating the restriction on consolidation of subsidiaries engaged in financial and nonfinancial activities contained in Rule 4-07(b). Financial statements of companies with subsidiaries engaged in financial and nonfinancial activities will be subject to the general provision of Rule 4-02(a) [§ 210.4-02(a)] that in presenting consolidated financial statements a registrant shall follow "principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations."

Concurrently, it is proposed to amend Rule 4-02 by the addition of paragraph (e) which would require supporting statements for certain consolidated subsidiaries. This is similar to the present requirements of Rule 4-07.[2] Similar information should be included in an annual report to stockholders although some details may be omitted or some condensation made as deemed suitable.

A subparagraph is proposed for addition to Rule 4-02(a) to prevent consolidation of bank and other subsidiaries which must be divested under provisions of the Bank Holding Company Act of 1956 as amended in 1970.

Commission action. The Commission hereby proposes to amend Part 210 of Chapter II of Title 17 of the Code of Federal Regulations by revising § 210.4-02 by the addition of new paragraphs (a)(3) and (e) to the section and rescinding § 210.4-07. The amended material reads as follows:

§ 210.4-02 Consolidated Financial Statements of the Registrant and its Subsidiaries.

(a) * * *

* * * * *

(3) Any subsidiary or group of subsidiaries which must be divested in accordance with provisions of the Bank Holding Company Act of 1956 as amended.

* * * * *

(e) Separate audited financial statements shall be presented for each subsidiary or each group of subsidiaries engaged in the business of life insurance, fire and casualty insurance, securities broker-dealer, finance, savings and loan, or banking, including bank related finance activities; provided, however, that:

(1) If the parent's and the parent's other subsidiaries' proportionate share of total assets or total sales and revenues (after intercompany eliminations) of a subsidiary or a group of subsidiaries in the same business exceeds 90 percent of consolidated assets or consolidated sales and revenues, then separate financial statements need not be presented for the subsidiary or group of subsidiaries.

(2) Separate financial statements may be omitted for one or more sub-

[1] The rule was included in the general revision of Regulation S-X [17 CFR Part 210] adopted on June 23, 1972 (Accounting Series Release No. 125 [37 FR 14591]) and was intended to clarify the conditions under which consolidated statements would be permissible and not permissible. It replaced former Rules 4-09, 4-10 and 4-12 [§§ 210.4-09, 210.4-10 and 210.4-12] which related to insurance companies, bank holding companies and banks.

[2] Although information concerning nonfinancial activities is not specifically required, such information may be given if deemed appropriate by the registrant. The Financial Accounting Standards Board is considering the matter of reporting by diversified companies including the extent of disclosure of information about the different segments. These requirements will be reconsidered when a statement on this matter is adopted by the FASB.

sidiaries or groups of subsidiaries in the same business if all subsidiaries and groups of subsidiaries for which statements are omitted, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

* * * * *

§ 210.4–07 [Revoked]

* * * * *

(Secs. 6, 7, 8, 10 and 19(a), Securities Act of 1933; secs. 13, 15(d) and 23(a), Securities Exchange Act of 1934; secs. 5(b), 14 and 20 (a), Public Utility Holding Company Act of 1935; secs. 8, 30, 31(c) and 38(a), Investment Company Act of 1940)

All interested persons are invited to submit their views and comments on the foregoing proposal concerning Rules 4–02 and 4–07 of Regulation S–X in writing to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before February 1, 1974. Such communications should refer to File No. S7–502. All such communications will be available for public inspection.

By the Commission.

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

DECEMBER 13, 1973.

[FR Doc.73–27115 Filed 12–26–73;8:45 am]

[17 CFR Part 240]

[File No. S7–478]

SPECIAL REQUIREMENTS IN CONNECTION WITH BROKER-DEALERS EFFECTING TRANSACTIONS IN OPTIONS

Revised Proposal to Adopt Rule 9b–2

Notice is hereby given that the Securities and Exchange Commission has released for public comment a revised proposed rule 9b–2 under the Securities Exchange Act of 1934 17 CFR 240.9b–2. The proposed rule was originally released for public comment on February 8, 1973 [1] and in the FEDERAL REGISTER for February 23, 1973, at 38 FR 4994, and has been modified in line with these comments. Apart from one change on which public comment was solicited in the February release, the changes are largely technical or clarifying in nature and do not increase any of the requirements set forth in the original proposal. The proposed rule requires that put and call options be furnished to prospective option customers; specifies standards of suitability for customers dealing in options; requires periodic reports from endorsers of options; and sets minimum net capital requirements for brokers and dealers who write or endorse options.

Rule 9b–2 (17 CFR 240.9b–2), is a companion rule to proposed rule 238 under the Securities Act of 1933 which has also been revised and is being republished for comment today. Rule 238 grants a conditional exemption from registration requirements of that Act for sales of put and call options.[2] The Commission believes that the basic purpose of both the 1933 and 1934 Acts may best be served by the imposition, without registration, of special requirements in the form of conditions for a 1933 Act exemption for put and call options and new regulatory provisions applicable to brokers or dealers doing business in such securities, as set forth in rule 9b–2. It should be noted that it is not proposed in rule 238 to exempt limited price options (i.e., options which expire prior to the stated expiration date because of the occurrence of a sale of the underlying stock at a specified price level) from the registration requirements of the Securities Act. Nevertheless, the provisions of rule 9b–2, if adopted, will be applicable to such options.

The Commission also announced that, in view of the conflicting comments received with respect to limited price options and its determination that it would not be in the public interest to afford these options an exemption under proposed rule 238, the Commission has directed the staff to undertake a special study of these options to review their appropriateness as a trading mechanism in the securities markets and to determine whether such options should be prohibited under the Securities Exchange Act. In this connection, it would be helpful to the Commission to receive public comments on the economic value and merits of limited price options and actual experiences of persons who have engaged in writing or buying these puts and calls.

Also, the Commission is considering the desirability of prohibiting option trading by a broker in a customer's account on a discretionary basis. The Commission invites comment on the appropriateness of such restriction.

In addition, 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 will obtain the views of interested persons. Among other things, the study will concentrate on the economic functions of puts and calls and whether these functions serve the public interest. The release also noted the Commission's special concern with the writing of uncovered options. As a result of the study's findings and conclusions, the Commission may modify rule 9b–2, as proposed, if it deems such action necessary.

SUMMARY OF PROPOSED § 240.9b–2

1. *Option Disclosure*

Under paragraph (a) of the rule, all brokers and dealers are required to furnish their customers, at least 48 hours prior to the execution of the customer's initial order for the purchase or sale of an option through that broker or dealer, a disclosure statement explaining the nature and extent of the customer's obligations as a writer of a put or call option, as well as the risks of writing, selling or purchasing an option. The paragraph provides further that, if the disclosure statement is subsequently supplemented or updated, the customer must have in his possession such updated statement before any additional purchases or sales of options are executed for the customer.

The rule as previously proposed did not specify the length of time for delivery of the disclosure statement prior to the broker or dealer's executing a customer's initial order. Public comment was solicited on this point and most were not in favor of a specified time period primarily because of the varying sophistication of customers, the need for timely executions and certain practical problems which such a requirement would create. However, the Commission believes that unless adequate time is allowed a prospective option customer to read and evaluate the statement concerning the risks and obligations in option trading, the disclosure requirement becomes meaningless. Therefore, the rule has been revised to require that the disclosure statement be furnished to the customer at least 48 hours prior to execution of his order. However, the rule does not require a 48-hour waiting period if the broker or dealer supplements or updates the disclosure statement. The rule merely states that such revised statement must be delivered promptly. For purposes of Rule 9b–2, 48-hour prior delivery would mean that the customer had actually received the statement 48 hours in advance of the order. If the statement is mailed, the broker or dealer would make allowance for the delay in delivery so as to be reasonably sure that the customer had received the disclosure document at least 48 hours prior to the execution of the order.

In order to clarify the responsibility of brokers, the rule has been revised to make clear that the obligation to deliver the disclosure statement rests with the broker or dealer who maintains the customer's account regardless of whether the order is accepted by, or executed by, another broker-dealer. This means that a firm which carries accounts for a correspondent broker on a disclosed basis would be responsible for assuring that the customer had received the disclosure statement either from the carrying firm itself or from the correspondent broker. The rule has also been revised to provide that if an option is registered pursuant to the Securities Act of 1933, e.g., options traded on the Chicago Board Options Exchange, the broker or dealer may deliver a prospectus in satisfaction of the disclosure requirement.

The Association of Member Firm Option Departments of the Securities Industry Association, in conjunction with other industry trade associations and self-regulatory organizations, is preparing a model disclosure statement which would fulfill the disclosure requirements of paragraph (a) of the rule and could be used for guidance by brokers or dealers. The wording of paragraph (a) of the rule has been revised to provide that the disclosure statement may include any additional material which the broker or dealer feels is necessary provided that it is not misleading and that the risks and

obligations of buyers and sellers of options are prominently set forth.[3] It would be particularly important, for example, that any special terms or conditions of the options, or unusual charges by the broker or dealer, are prominently mentioned.

2. Option Suitability.

Subparagraph (b)(1) of the rule requires the broker or dealer before recommending any transaction in options to a customer, to have a reasonable basis for believing, after reasonable inquiry, that the transaction is not unsuitable for the customer. In addition to this general suitability requirement of the rule, subparagraph (b)(2) provides that the broker or dealer may not recommend the purchase of a limited price option unless, on the basis of information he has obtained from the customer or elsewhere, he has reasonable grounds to believe that the customer understands the special characteristics of such options. This provision requires that the broker or dealer must obtain sufficient information about the customer to be able to make a reasonable judgment that the customer has the necessary sophistication to engage in such transaction. These extra requirements are necessary because the Commission believes that limited price options are fraught with special hazards which require a customer to have a high degree of sophistication and understanding in order for such options to be recommended as a suitable investment.

3. Uncovered Calls and Offsetting Puts.[4]

Paragraph (c) of the rule concerns writers of calls who, at the time of writing, do not own or concurrently purchase the underlying stock, or who sell the underlying stock during the life of the option, i.e., "uncover"; and writers or puts who, at the time of writing, have a short position in the subject stock or who, concurrently or some time during the life of the option, sell the subject stock short. Both of these practices expose the writer, and also the endorsing broker or dealer, to the risk of unlimited upside loss on the call or on the short position, respectively.

The rule requires that the broker or dealer obtain the necessary information to have a reasonable basis for determining that the customer has sufficient financial resources and understanding of the additional risks before effecting a sale of such option for a customer. The wording of the paragraph has been revised to make it clear that these same requirements are applicable if, subsequently, the writer of a call "uncovers" or the writer of a put sells the underlying stock short.

Several commentators wrote that the question of suitability for writing uncovered calls or offsetting puts should be limited to recommended transactions. The Commission believes, however, that in view of the dangers to customers and endorsing brokers inherent in this more complex form of option writing, this provision should be applicable whether or not the broker or dealer recommends the transaction. Unlike the suitability provisions of paragraph (b), these provisions are basically financial responsibility requirements. The wording of the provision has been changed to make it clear that financial capability refers specifically to a customer's ability to meet reasonable expected margin calls, when necessary. The term "applicable margin requirements" as used in the rule, would mean requirements of a Government agency, a self-regulatory organization or the broker or dealer's own house rules, if higher than those of the regulatory bodies.

A clause has been added to the paragraph providing that a writer of a call is deemed to be long the underlying security if he is long in a security immediately convertible or exchangeable into the security upon which that call is written.

4. Reporting Requirement.

The reporting requirements of paragraph (d) of the rule apply to all options endorsed by brokers or dealers, excluding options registered on national securities exchanges and certain other options normally registered under the Securities Act of 1933.[5] Under the definition of "endorser" in subparagraph (f)(3) of rule 9b-2, a broker or dealer is deemed to endorse an option if he, himself, is the writer and sells the option without an endorsement by another broker or dealer; he is, therefore, also subject to the reporting requirement. Brokers or dealers who are endorsers of options which are covered by the reporting requirements are required to report each week the volume of such puts and calls endorsed on Form X-9B-1, and to report each month the number of such endorsements outstanding as of the end of the month on Form X-9B-2. Sample copies of the proposed forms are attached. For statistical purposes, the weekly form calls for the reporting of the aggregate amount of options endorsed, classified by length of option. This form also calls for a certification by the broker or dealer that he has not endorsed, without registration under the Securities Act, more than the amount of options permitted an exemption under proposed Rule 238 of that Act. The monthly reporting form has been simplified since the original proposal by eliminating the separate reporting of hedged and unhedged options. If a need for this information develops in particular cases, it can be obtained from the endorsers involved. Instructions to the forms have also been revised to require that if any options included in the report were limited price options or had any special terms or conditions which depart from the usual standard put or call contract, a separate schedule must be attached showing the volume of such options endorsed or outstanding.

The New York and American Stock Exchanges and the National Association of Securities Dealers, Inc. (the "NASD") have agreed to set up a joint program with the Commission whereby these self-regulatory organizations will collect the data required by the forms from their members. According to instructions to Form X-9B-1 and X-9B-2, members of the New York Stock Exchange would file their reports with the American Stock Exchange; and members of the NASD, other than members of the New York or American Stock Exchanges, would file their reports with the NASD. Brokers or dealers who are not members of such exchanges nor of the NASD would file their reports directly with the Commission.

The Commission in its release proposing rule 9b-2 invited comments on whether and to what extent data received under the reporting provisions of the rule should be made public. Based on these comments, subparagraph (d)(2) has been added to the rule to provide that individual reports of brokers or dealers are nonpublic. However, the Commission recognizes that self-regulatory agencies may have a legitimate interest in such reports for market surveillance or enforcement purposes and the rule states that the reports shall be made available by the collecting agencies to other self-regulatory agencies, upon request.

Many commentators thought that periodic publication of aggregate data would provide desirable information for investors and the industry. Accordingly, the Commission plans to publish aggregates for all brokers and dealers on a weekly and/or monthly basis. The figures would be carried in the Commission's Statistical Bulletin.

5. Net Capital Requirement.

In view of the special financial risks in writing and endorsing options, paragraph (e) of the rule requires brokers and dealers engaged in such activities to maintain net capital of not less than $50,000. Under this provision, a broker or dealer who writes an option must have the requisite capital even though the option is endorsed by another broker or dealer.

The rule has been revised from the original proposal to provide that the definition of "net capital" for members of an exchange whose members are exempt from the Commission's net capital rule is as defined in such exchange's rule. Another revision is the exemption of an exchange specialist in options from the $50,000 requirement under certain conditions.

In addition to the changes in the rule as originally proposed which have been mentioned above, there were several minor technical changes.

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), 15(c)(2), 17(a) and 23(a) thereof (except for paragraph (e) of rule 9b-2 which would be adopted pursuant to section 15(c)(3) of said Act), and deeming it necessary and appropriate in the public interest and for the protection of investors, proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting

§ 240.9b–2 and accompanying Forms X–9B–1 and X–9B–2 thereunder as set forth below.

§ 240.9b–2 Disclosure, suitability of recommendations, reporting and net capital requirements of broker-dealers in option transactions.

(a) *Option disclosure.* It shall be unlawful for any broker or dealer who maintains an account for a customer, to effect, directly or indirectly, with or for such account the purchase or sale of any option unless, at least 48 hours prior to execution of such purchase or sale, the broker or dealer has delivered or caused to be delivered to the customer (A) a written statement which prominently includes material setting forth the nature and extent of the obligations under, as well as the risks attendant to, the purchase or sale of such options generally, or (B) a prospectus with respect to such option that meets the requirements of subsection (a) of section 10 of the Securities Act of 1933; and unless the broker or dealer promptly delivers thereafter any supplemental written statement necessary to make current the disclosures required by the statement or prospectus, before effecting any purchase or sale of any option.

(b) *Option suitability.* No broker or dealer shall recommend to any customer—(1) Any transaction in an option unless the broker or dealer has reasonable grounds to believe that the entire recommended transaction is not unsuitable for such customer on the basis of information furnished by such customer after reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other information known by such broker or dealer; or

(2) The purchase of a call which provides that the holder loses his right to exercise it if the market price of the underlying security should, prior to the stated expiration date, reach a specified level below the exercise price, or a put which provides that the holder loses his right to exercise it if the market price of the underlying security should, prior to the stated expiration date, reach a specified level above the exercise price, unless, in addition to complying with the requirements of subparagraph (b)(1), the broker or dealer obtains or has obtained from the customer such information, in addition to any other information known by such broker or dealer, as to have reasonable grounds to believe, at the time of making the recommendation, that the customer understands the special characteristics of such option.

(c) *Uncovered calls and offsetting puts.* No broker or dealer shall effect with or for any customer of such broker or dealer any transaction whereby such customer writes or, after writing, is obligated as a writer with respect to:

(1) a call upon a security which is not long in the customer's account with the broker or dealer or which, at the time of writing, is not concurrently purchased by such customer for such account provided that an account shall be deemed long in a security if it is long in a security immediately exchangeable or convertible, without restriction other than the payment of money, into such other security; or

(2) A put upon a security in which the customer has a short position or, at the time of writing, has effected concurrently a short sale of the security to which such option relates

unless, on the basis of information obtained by such broker or dealer, after reasonable inquiry, and in addition to any other information known by such broker or dealer, he has a reasonable basis for believing that the customer, at the time of the transaction, is capable of evaluating the additional risks in such transactions, and has the financial capability to meet reasonable foreseeable margin calls, pursuant to applicable margin requirements with respect to the proposed position in such call or in such put and the related short position in the underlying security.

(d) *Reporting requirement.*

(1) It shall be unlawful for any broker or dealer to endorse an option unless such broker or dealer files reports at such times, and in such manner, as is prescribed in Forms X–9B–1 and X–9B–2.

(2) Individual reports filed by or on behalf of brokers or dealers pursuant to this paragraph (d) shall be considered nonpublic information, except where the Commission determines that it is in the public interest to direct otherwise: *Provided, however,* That all such reports which are filed with a self-regulatory organization, as provided in Forms X–9B–1 and X–9B–2, shall be available (on a similarly nonpublic basis), upon request, to the Commission and also to other registered self-regulatory organizations to the extent that the reports contain information concerning members of the requesting self-regulatory organization or underlying securities whose trading is subject to regulation by such organization.

(3) This paragraph (d) shall not apply to any option registered on a national securities exchange.

(e) *Net capital requirement.* It shall be unlawful for any broker or dealer to endorse or write an option unless such broker or dealer has net capital as defined in rule 15c3–1 (or as defined in the applicable net capital rules of an exchange of which he is a member if the members thereof are exempt from rule 15c3–1 by subparagraph (b)(2) thereof) of not less than $50,000 except that this requirement shall not apply to an option specialist registered as such with a national securities exchange if:

(1) He does not have public customers;

(2) He is not a clearing member of that exchange; and

(3) The clearing member for such specialist assumes the capital charges for the specialist's positions as if the clearing member himself had written the option.

(f) *Certain terms defined.* For the purposes of this rule—

(1) The term "customer" shall mean a person other than a broker or dealer; and

(2) The term "option" shall include any put, call, straddle or other option or privilege of buying a security from or selling a security to another without being bound to do so, but shall not include any tender offer or any option where the writer is: The issuer of the security which may be purchased or sold upon exercise of the option; or a person that, directly or indirectly, controls, is controlled by, or is under common control with the issuer of the security which may be purchased or sold upon exercise of the option; and

(3) A broker or dealer shall be deemed to "endorse" an option if such broker or dealer agrees that in the event of the exercise of such option by the holder thereof all the rights and privileges of the holder will be satisfied in accordance with the terms and conditions of such option, and a broker or dealer shall also be deemed to "endorse" an option where he writes an option and sells it without an endorsement by another broker or dealer.

* * * * *

All interested persons are invited to submit their views and comments on the proposed rule and forms, in writing, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, to be received on or before February 1, 1974. Reference should be made to file number S7–478. All such communications will be available for public inspection.

(Secs. 9(b), 9(c), 15(2) and (3), 17(a), 23(a); 48 Stat. 889, 895, 897, 901; as amended 52 Stat. 1075, 84 Stat. 1653, 52 Stat. 1076, 49 Stat. 1379, (15 U.S.C. 78l(b), 78l(c), 78o(c), 78q(a), 78w(a)(L).)

By the Commission.

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

DECEMBER 14, 1973.

[1] Securities Exchange Act Release No. 9994.

[2] Securities Act Release No. 5444, proposing exemptive Rule 238, as revised from original proposal. (See Securities Act Release No. 5366, February 8, 1973.)

[3] Copies of the form of such a disclosure statement will be made available by the National Association of Securities Dealers, Inc. at a nominal cost, upon adoption of rule 9b–2.

[4] As originally proposed, paragraph (c) was entitled "Uncovered Options."

[5] Options which are excluded from the reporting requirements, in addition to options registered on a national securities exchange, are those in which the writer is the issuer of the underlying security or is a person that, directly or indirectly, controls, is controlled by, or is under common control with such issuer.

[FR Doc.73-27117 Filed 12-26-73;8:45 am]

DEPARTMENT OF LABOR

[41 CFR Part 60–20]

SEX DISCRIMINATION

Proposed Revision of Guidelines

Pursuant to Executive Order 11246 (30 FR 12319), as amended by Executive

Order 11375 (32 FR 14303), the Secretary of Labor proposes to revise Title 41, Chapter 60, Part 60–20 of the Code of Federal Regulations. These proposed Sex Discrimination Guidelines are intended to supersede the Sex Discrimination Guidelines issued by the Secretary of Labor on June 9, 1970, and all amendments thereto.

The Department of Labor has long recognized the need for meaningful enforcement of those Federal equal employment opportunity laws which it is charged to administer. In these endeavors, the Department recognizes the importance of achieving a reasonable degree of consistency among the several Federal equal employment opportunity agencies in interpreting the requirements of Executive Order 11246, as amended, the Equal Pay Act, as amended, and Title VII of the Civil Rights Act of 1964, as amended. Achieving the desired level of inter-agency consistency among agency requirements concerning sex discrimination in the administration of insurance, pension, and retirement benefit programs has been particularly troublesome. Thus, the Administrator of the Department of Labor's Wage and Hour Division has ruled that the requirements of the Equal Pay Act would be met if an employer made equal contributions for male and female employees or if the resulting benefits were equal. This interpretation was originally followed by both the Office of Federal Contract Compliance (OFCC) in administering Executive Order 11246, as amended and the Equal Employment Opportunity Commission (EEOC) in administration of Title VII of the Civil Rights Act of 1964, as amended. In 1972, the EEOC amended its guidelines to eliminate the "either/or" condition and to make it unlawful for an employer to have an insurance, pension or retirement plan which differentiates in benefits paid on the basis of sex. Notwithstanding the provision in 42 USC 2000e–2(h) that "It shall not be an unlawful employment practice under this subchapter for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 206(d) of Title 29", in view of the resulting inconsistencies and the substantive issue reflected therein between the Department of Labor and the Equal Employment Opportunity Commission, the Department of Labor proposes herein to reexamine the question of insurance, pension and retirement benefits.

There are also some unsettled questions regarding leave on account of the condition of pregnancy which are presently being subjected to judicial scrutiny. The Administrator of the Wage and Hour Division has ruled that maternity payments are not "wages" for the limited purposes of the Equal Pay Act. They are, however, conditions of employment and, as such, are subject to regulation by both the Office of Federal Contract Compliance under Executive Order 11246, as amended, and the Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964, as amended. Since OFCC's guidelines were first issued, there has been considerable controversy as to whether absences due to medical disabilities caused by pregnancy and childbirth may be treated differently from absences caused by other temporary medical disabilities. EEOC's Guidelines on Sex Discrimination hold such distinctions to be in violation of Title VII of the Civil Rights Act, OFCC proposes herein to require that medically verifiable disabilities which are related to pregnancy be treated as temporary disabilities. The OFCC, however, recognizes the need to continue to be guided by pertinent judicial decisions, including those expected to be rendered by the United States Supreme Court during this present term.

Interested parties are invited to file written data, views or arguments concerning these proposals on or before January 28, 1974. Written comments should be addressed to Mr. Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, D.C. 20210.

PART 60–20—SEX DISCRIMINATION GUIDELINES

Sec.

60–20.1 Purpose and scope.
60–20.2 Advertisement, recruitment, and selection.
60–20.3 Job policies and practices.
60–20.4 Seniority system.
60–20.5 Discrimination in compensation.
60–20.6 Preemption.

AUTHORITY: Sec. 201, E.O. 11246, 30 FR 12319, and E.O. 11375, 32 FR 14303.

§ 60–20.1 Purpose and scope.

The purpose of the provisions in this part is to set forth the interpretations and guidelines of the Office of Federal Contract Compliance regarding the implementation of Executive Order 11246 as amended by Executive Order 11375 for the promotion and insuring of equal opportunities for all persons employed or seeking employment with Government contractors and subcontractors or with contractors and subcontractors performing under federally assisted construction contracts without regard to sex. Experience has indicated that special problems related to the implementation of Executive Order 11375 require a definitive treatment beyond the terms of the Order itself. Nothing in these guidelines shall be interpreted to mean that differences in capabilities for job assignments do not exist among individuals and that such distinctions may not be recognized by the employer in making specific assignments on an individual basis. The purpose of these guidelines is to insure that such distinctions are not based upon sex. These guidelines are to be read in connection with existing regulations set forth in Part 60 of this chapter and shall become effective 120 days from the date of their publication as final rule making in the FEDERAL REGISTER.

§ 60–20.2 Advertisement, recruitment, and selection.

(a) Employers engaged in recruiting activity shall make every good faith effort to recruit employees of both sexes for all jobs unless sex is a bona fide occupational qualification.

NOTE: In most Government contract work there are no instances where valid reasons can be expected to exist which would justify the exclusion of all men or all women from any given job. The term "bona fide occupational qualification" is given the same narrow construction under Executive Order 11375 as it is given under Title VII of the Civil Rights Act of 1964 (29 CFR Part 1604, 37 FR 6835).

(b) Advertisement in newspapers and other media for employment shall not express a sex preference unless sex is a bona fide occupational qualification for the job. The placement of an advertisement in columns headed "Male" or "Female" will be considered an expression of a preference, limitation, specification, or discrimination based on sex.

(c) An employer shall not request preemployment information from job applicants of one sex which it does not request of job applicants of the other sex. Such information includes, but is not limited to, inquiries concerning anticipated temporary disability, child care problems, and marital status. Where applicant selection or employee promotion or transfer criteria are shown to result in a significantly higher rejection rate for members of one sex, they must be validated in accordance with the OFCC Guidelines on Employee Testing and Other Selection Procedures, 41 CFR 60–3 (36 FR 19307).

(d) The employer shall take affirmative action in accordance with Revised Order No. 4 to recruit, train, and promote men and women for those jobs when they have been previously excluded because of their sex.

(e) The employer shall take corrective action in the form of relief for members of an "affected class" who by virtue of past discrimination continue to suffer the present effects of that discrimination. For example, where one sex has previously been discriminatorily restricted to certain job classifications, the employer must take steps to make jobs available to all qualified employees in all classifications without regard to sex. Such steps might include, for example, developing transfer and upgrading systems for member of the affected class and computing seniority for transfer purposes on the basis of company wide seniority if sex-segregated seniority lines have in the past resulted in sex discrimination in promotion and transfer.

§ 60–20.3 Job policies and practices.

(a) Written personnel policies relating to this subject area must expressly indicate that there shall be not discrimination against employees on account of sex. If the employer deals with a bargaining representative for its employees and there is an agreement on conditions of employment, such agreement shall not be inconsistent with these guidelines.

(b) All employees regardless of sex shall be given an equal opportunity to qualify for any job except where sex is a bona fide occupational qualification.

(c) The employer shall not make any distinction based upon sex in employment opportunities, wages, hours or other conditions of employment. Nor shall the employer make any distinction based upon sex in the granting of fringe benefits, including medical, hospital, accident, life insurance, pension and retirement benefits, profit sharing and bonus plans, credit union benefits, leave and other terms and conditions of employment. *Proposed Alternative (A).* It shall not be an excuse that the cost to the employer of such benefits is greater with respect to one sex than the other. *Proposed Alternative (B).* In the area of employer contributions for insurance, pensions, welfare programs and other similar "fringe benefits" the employer will not be considered to have violated these guidelines if his contributions are the same for men and women or if the resulting benefits are equal.

(d) Any distinction between married and unmarried persons of one sex that is not made between married and unmarried persons of the opposite sex shall be considered to be a distinction made on the basis of sex. Similarly, an employer shall not deny employment to women with young children unless it has the same exclusionary policies for men.

(e) An employer shall not make available benefits for the wives and families of male employees where the same benefits are not made available to female employees and their husbands and families; nor shall an employer make available benefits to the husbands and families of female employees which are not made available to male employees and their wives and families.

(f) The employer's policies and practices must assure comparable physical facilities including recreational facilities and other employee services to both sexes. The employer shall not refuse to hire men or women, or deny men or women a particular job because there are no restrooms or associated facilities.

(g) An employer shall not deny a female employee the right to any job that she is qualified to perform in reliance upon a State "protective" law. For example, such laws include those which prohibit women from performing certain types of occupations (e.g., a bartender); from working at jobs requiring more than a certain number of hours; and from working at jobs that require lifting or carrying more than designated weights. Such legislation has been found to result in restricting employment opportunities for men and/or women. Accordingly, it cannot be used as basis for denying employment or for establishing sex as a bona fide occupational qualification for the job.

(h) (1) Women shall not be rejected for employment, suspended from employment, or required to take leave involuntarily solely on account of the condition of pregnancy.

(2) Medically verifiable disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom are for all job-related purposes, temporary disabilities and shall be treated as such under any health or temporary disability insurance policies or sick leave plans available in connection with employment. Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance policies or sick leave plans, formal or informal, shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.

(3) Where the termination of or the refusal to reinstate an employee who is temporarily disabled is caused by an employment policy under which insufficient or no leave is available, such a termination or failure to reinstate violates Executive Order 11246, as amended, if it has a disparate impact on employees of one sex and is not justified by business necessity.

(i) The employer must not specify any differences for male or female employees on the basis of sex in either mandatory or optional retirement age.

(j) An employer shall not utilize policies or practices which prohibit the simultaneous employment of two members of the same family and which have an adverse impact on one sex or the other. If a company's regulations against the simultaneous employment of husband and wife are discriminatory on their face (e.g. applicable to "faculty wives") or if they have in practice served in most instances to deny a wife rather than a husband employment or promotion opportunity, salary increases, or other employment benefits, they are in violation of Executive Order 11246, as amended.

§ 60–20.4 Seniority system.

An employer shall not classify a job as "male" or "female" or maintain separate lines of progression or separate seniority lists based on sex.

§ 60–20.5 Discrimination in compensation.

(a) The employer's compensation policy shall not be related to or based on the sex of the employees. Employers shall not compensate employees of different sexes differently for jobs which require substantially equal skill, effort and responsibility and are performed under similar working conditions.

(b) The Director, Office of Federal Contract Compliance, will take into consideration opinions of the Administrator of the Wage and Hour Administration, when dealing with matters covered by both the Equal Pay Act and the Executive Order 11246, as amended by Executive Order 11375. A violation of the wage compensation provisions of the Equal Pay Act by a Government contractor is a violation of Executive Order 11246, as amended by Executive Order 11375. A finding by a court that a contractor has so violated the Equal Pay Act will automatically result in a finding that the contractor has violated Executive Order 11246, as amended.

§ 60–20.6 Preemption.

To the extent that any State or local laws, regulations, or ordinances, including those which grant special benefits to persons on account of sex, are in conflict with Executive Order 11246, as amended, or with the requirements of this part, they are preempted under the Executive Order.

Signed at Washington, D.C., this 18th day of December 1974.

PETER J. BRENNAN,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.73-27139 Filed 12-26-73;8:45 am]

Occupational Safety and Health Administration

[29 CFR Part 1910]

STANDARD FOR OCCUPATIONAL EXPOSURE TO TRICHLOROETHYLENE

Advance Notice of Proposed Rulemaking; Additional Time to Comment

On October 11, 1973, an advance notice of proposed rulemaking relating to the Standard for Occupational Exposure to Trichloroethylene established under the Williams-Steiger Occupational Safety and Health Act of 1970 (Pub. L. 91-596; 84 Stat. 1590 et seq.; (29 U.S.C. 651 et seq.)) was published in the FEDERAL REGISTER (38 FR 28074). Interested persons were given until December 10, 1973, to submit written data, views and arguments with respect thereto. On the basis of requests for additional time to submit such material, I hereby extend the period during which such comments will be received until February 12, 1974.

Such written comments should be submitted by mail to the following address: Office of Standards, Occupational Safety and Health Administration, Room 509 Railway Labor Building, 400 First Street NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of December, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-27131 Filed 12-26-73;8:45 am]

Notices

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

DEPARTMENT OF STATE

Agency for International Development

A.I.D. AFFAIRS OFFICER, MEXICO

Redelegation of Authority

Redelegation of authority regarding contracting functions No. 99.1.35, effective October 1, 1973, and published in the FEDERAL REGISTER on October 17, 1973 (38 FR 28851), is amended to add paragraph 3 as follows:

"3. Inter-agency agreements and amendments thereto, with the United States Information Agency Regional Service Center for printing, provided that the aggregate amount of each annual agreement does not exceed $200,000 or local currency equivalent."

JOHN F. OWENS,
Director,
Office of Contract Management.

DECEMBER 11, 1973.

[FR Doc.73-27127 Filed 12-26-73;8:45 am]

[Delegation of Authority No. 110-2; Public Notice No. 409]

DEPUTY ASSISTANT SECRETARY FOR OPERATIONS

Delegation of Authority

Pursuant to authority contained in section 3 of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C. 240-242), and by virtue of authority vested in me by Delegation of Authority No. 120 (Public Notice No. 318, 34 FR 18095, November 8, 1969), I hereby delegate to the Deputy Assistant Secretary for Operations, or in case of his absence or a vacancy in that position, to the Chief, Evacuation and Relocation Staff, Office of Operations, Bureau of Administration, the authority to settle and pay claims of officers and employees of the Department of State for damage to, or loss, of, personal property incident to their service.

The authority hereby delegated is subject to the policies and regulations prescribed in accordance with the provisions of the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, and applicable to the Department of State.

This Delegation of Authority supersedes and cancels Delegation of Authority No. 110-1, dated July 29, 1966 (Public Notice No. 248, 31 FR 10699, August 11, 1966).

Dated: December 12, 1973.

JOHN M. THOMAS,
Assistant Secretary of State for Administration.

[FR Doc.73-27091 Filed 12-26-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meeting

DECEMBER 19, 1973.

The USAF Scientific Advisory Board Geophysics Panel Task Group on Tropical Cyclone Forecasts will hold open meetings on January 21 and 22, 1974, from 8 a.m. until 5 p.m., at the National Hurricane Center, Coral Gables, Florida.

The Group will receive informational briefings on tropical cyclone forcasting techniques and research.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-27128 Filed 12-26-73;8:45 am]

Office of the Secretary

DDR&E HIGH ENERGY LASER REVIEW GROUP

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, dated October 6, 1972, notice is hereby given that closed meetings of the DDR&E High Energy Laser Review Group will be held on Thursday and Friday, January 24 and 25, 1974.

This meeting will be to discuss classified matters.

Dated: December 20, 1973.

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

[FR Doc.73-27102 Filed 12-26-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DILLON DISTRICT GRAZING ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Dillon District Advisory Board will hold a meeting on January 7, 1974 at 10:00 a.m. at the Dillon District Office, Ibey Building, Dillon, Montana.

The agenda for the meeting will consist of hearing protests on any actions determined or considered adverse during the regular advisory board meeting.

The meeting will be open to the public as far as seating is available. Those members of the public wishing to make an oral statement should advise the Co-chairman prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Board by sending it to the Chairman, District Advisory Board, c/o Bureau of Land Management, P.O. Box 1048, Dillon, Montana 59725.

JACK A. MCINTOSH,
District Manager.

DECEMBER 10, 1973.

[FR Doc.73-27093 Filed 12-26-73;8:45 am]

Fish and Wildlife Service

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88-577:78 Stat. 890-896 (16 U.S.C. 1131-1136)), that a public hearing will be held beginning at 10 a.m. on March 16, 1974, at the Medicine Lake High School, Medicine Lake, Montana, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Medicine Lake Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Medicine Lake National Wildlife Refuge, which is located in Sheridan and Roosevelt Counties, Montana.

A study summary containing a map and information on the Medicine Lake Wilderness Proposal may be obtained from the Refuge Manager, Medicine Lake National Wildlife Refuge, Medicine Lake, Montana 59247 or the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80215.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by April 15, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 19, 1973.

[FR Doc.73-27112 Filed 12-26-73;8:45 am]

NATIONAL BISON RANGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88-577:78 Stat. 890-896 (16 U.S.C. 1131-1136)), that a public hearing will be held beginning at 10 a.m. on February 23, 1974, at the Elks Club, 512 Main Street, Polson, Montana, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the National Bison Range within the National Wilderness Preservation System. The wilderness study included the entire acreage within the National Bison Range, which is located in Lake and Sanders Counties, Montana.

A study summary containing a map and information on the National Bison Range Wilderness Proposal may be obtained from the Refuge Manager, National Bison Range, Moiese, Montana 59824 or the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80215.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by March 25, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 19, 1973.

[FR Doc.73-27111 Filed 12-26-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[FHA Instruction 449.1]

INSURED BUSINESS AND INDUSTRIAL LOANS

Interest Rates

Notice is hereby given by the Farmers Home Administration that the current rate of interest for insured business and industrial loans, established pursuant to 7 CFR 1842.61(b) is as follows:

a. Insured loans to private entrepreneurs will be at the rate of nine percent (9%). This rate will remain in effect until a change is published in the FEDERAL REGISTER.

b. The rate for guaranteed loans is as agreed upon between the borrower and lender.

Effective Date: This notice shall be effective on December 27, 1973.

Dated: December 14, 1973.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.73-27013 Filed 12-26-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

EARL B. WELLS, ET AL.

Notice of Application 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 § 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. Earl B. Wells, Director, Fort Wayne Children's Zoological Gardens, 3411 Sherman Street, Fort Wayne, Indiana 46808, to take two male and four female California sea lions (*Zalophus californianus*) for public display.

The Applicant states:

a. The animals will be taken prior to April 1, 1974, by a professional collector, under appropriate wind and temperature conditions from the beaches of the Channel Islands, California, acclimated by the collector, and transported to the Applicant's facility by commercial airline;

b. The sea lions will be maintained in a 30,000 gallon pool, specifically designed and constructed for sea lions, which includes two concrete islands to provide for emergence from the water;

c. The Director of the Zoological Gardens, Earl B. Wells, has had twenty-six years experience in zoological park work. Other staff members have been with the Zoo for five to eight years;

d. The animals will be maintained on display in a municipal zoo which hosts 285,000 guests annually. In addition, an active educational program is conducted by the Zoo.

2. Charles C. Beckwith, Jr., President, Ocean World, Incorporated, 17th Street Causeway, Fort Lauderdale, Florida 33316, to take two Atlantic bottle-nose dolphins (*Tursiops truncatus*) and one Atlantic harbor seal (*Phoca vitulina vitulina*) for public display.

The Applicant states:

a. The dolphins will be captured in the Gulf of Mexico, off the west coast of Florida, by a professional collector using a seine net from a boat within 90 days of approval of the permit, and transported by truck to the Applicant's facility;

b. The harbor seal will be captured with a hoop net by Mr. John Prescott, New England Aquarium, on a beach along the coast of Maine, and transported via air freight to the Applicant's facility;

c. The harbor seal will be maintained in a circular pool, 23 feet in diameter and three feet deep. The dolphins will be maintained in a 220,000 gallon circular pool, 50 feet in diameter and 16 feet deep;

d. The President, Mr. Beckwith, and the head trainer, Mr. Ken Engals, have been with Ocean World since 1965. Other staff members have had one to six years experience in handling marine mammals;

e. The facility hosts 250,000 visitors annually, in addition to 12,000 school children and others in educational programs.

3. Tulsa Zoological Park, 5701 East 36th Street North, Tulsa, Oklahoma 74115, to take six female California sea lions (*Zalophus californianus*) for public display.

The Applicant states:

a. The animals will be collected by a professional collector in the Channel Islands, California, prior to May, 1974 using hoopnets;

b. The animals will be acclimated by the collector and transported by air freight to the Applicant's facility, where they will be immediately examined by a veterinarian;

c. The pool is approximately 110 feet long, 50 feet wide, and 12 feet at the greatest depth. The entire perimeter of the pool serves as a beaching area for the sea lions, in addition to two islands located in the pool itself;

d. Tulsa Zoological Park is under the direction of two experienced zookeepers. The veterinarian has served as consultant since 1964. He conducts a weekly visitation of the animals and is available on-call at all times;

e. The animals will be used as a public exhibit in a municipal zoo which hosts 200,000 guests annually, in addition to special educational projects.

4. Homosassa Springs, Incorporated, P.O. Box 8, Homosassa Springs, Florida 32647, to take two male and four female California sea lions (*Zalophus californianus*) for public display.

The Applicant states:

a. The animals will be taken prior to April 1, 1974, by professional collectors using hoop nets, under appropriate wind and temperature conditions;

b. Collection will take place on the beaches of the Channel Islands, California;

c. The animals will be transported via commercial airline to the facility;

d. The sea lion pool is roughly circular, an average of 65 feet in diameter, and is supplied with one million gallons of spring water per hour;

e. Approximately 260,000 guests visit the facility annually, with an additional 7,500 school children on organized outings.

With regard to each of the above applications, 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.

Documents submitted in connection with these applications are available as follows:

Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-4543 (All applications);
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617-281-0640 (Applications No. 1, 2);
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813-893-3141 (Applications No. 2, 3, 4);
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-548-2575 (Applications No. 1, 3, 4).

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 Part 216.15 of the regulations, interested parties may submit written data or views on these applications on or before January 28, 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 applications 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 18, 1973.

[FR Doc.73-27110 Filed 12-26-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 4B2965]

AMERICAN CYANAMID 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 4B2965) has been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 121.2566 *Antioxidents and/or stabilizers for polymers* (21 CFR 121.2566) be amended to provide for the safe use of 2,2'-methylenebis (6-*tert*-butyl-4-ethylphenol) as an antioxidant in semi-rigid and rigid acrylic and modified acrylic plastics intended for contact with 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 Commisisoner 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 17, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-27068 Filed 12-26-73;8:45 am]

[FAP 4B2943]

BASF WYANDOTTE CORP.

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 4B2943) has been filed by BASF Wyandotte Corp., 1609 Biddle Ave., Wyandotte, MI 48192, proposing that § 121.2522 *Polyurethan resins*, 21 CFR 121.2522) be amended in paragraph (a)(2) by changing the molecular weight from a range of 680-1,635 to a minimum of 400 and the oxypropylene content from a range of 3-9 moles to a minimum of 1.5 moles for the item α,α',α''-[propylidynetris (methylene)] tris [*omega*-hydroxypoly(oxypropylene)], used in the production of polyurethane resins intended for food-contact use.

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 Commisisoner 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 17, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-27071 Filed 12-26-73;8:45 am]

[FAP 3H2905]

BUCKMAN LABORATORIES, INC.

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 3H2905) has been filed by Buckman Laboratories, Inc., 1256 McLean Blvd., Memphis, TN 38106, proposing that § 121.2505 *Slimicides* (21 CFR 121.2505) be amended to provide for safe use of potassium *N*-hydroxymethyl-*N*-methyldithiocarbamate as a slimicide in the manufacture of paper and paperboard that 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 17, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-27069 Filed 12-26-73;8:45 am]

[FAP 2B2803]

CLIMAX MOLYBDENUM COMPANY OF MICHIGAN

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Climax Molybdenum Company of Michigan, 1600 Huron Pkwy., Ann Arbor, MI 48106, has withdrawn its petition (FAP 2B2803), notice of which was published in the FEDERAL REGISTER of June 23, 1972 (37 FR 12417), proposing safe use of zinc molybdate as a paint pigment in coatings applied to the interior of food cans.

Dated: December 17, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-27070 Filed 12-26-73;8:45 am]

[FAP 4B2944]

E. I. DU PONT DE NEMOURS & CO., INC.

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 4B2944) has been filed by E. I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, proposing that § 121.2520 *Adhesives* (21 CFR 121.2520) be amended to provide for safe use of a tetramer of ethylene, propylene, 1,4-hexadiene, and 2,5-norbornadiene as a component of food-packaging adhesives.

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 17, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-27066 Filed 12-26-73;8:45 am]

[DESI 3044 & 8854 Docket No. FDC-D-670; NDA No. 3-745 etc.]

PREPARATIONS TO STIMULATE BILE FLOW

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In notices (DESI 3044 and 8854) published in the FEDERAL REGISTER of August 3, 1972 (37 FR 15530 and 15531), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following drugs:

1. Triketol Tablets, containing dehydrocholic acid and dehydrodeoxycholic acid; formerly marketed by Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, NY 11530 (NDA 3-745).

2. Gallogen Tablets, containing tocamphyl; and

3. Gallogen Compound Tablets, containing tocamphyl, homatropine methylbromide, and phenobarbital; both formerly marketed by Beecham-Massengill Pharmaceuticals, Division Beecham, Inc., 527 Fifth Street, Bristol, TN 37620 (NDA 8-854).

4. Oxabil Tablets, containing ox bile extract; The Blue Line Chemical Co., 302 South Broadway, St. Louis, MO 63102 (NDA 4-294).

5. Droxolan Tablets, containing deoxycholic acid; Cooper Laboratories, Inc. (formerly Tilden-Yates Laboratories, Inc.), Fairfield Road, Wayne, NJ 07470 (NDA 3-044).

All the above-listed drugs were classified as possibly effective except Gallogen Compound Tablets which was classified as lacking substantial evidence of effectiveness. In that no data to provide substantial evidence of effectiveness have been submitted, the indications for all these drugs are now classified as lacking substantial evidence of effectiveness.

NDA 3-044, formerly held by George A. Breon & Co. and subsequently transferred to Tilden-Yates Laboratories, Inc., was the subject of an order published in the FEDERAL REGISTER April 6, 1971 (36 FR 6529) withdrawing approval of various new drug applications on the grounds of failure to submit required reports. At that time no final effectiveness classification of this drug had been reached. The drug is included here to appraise interested persons, including any person who markets a similar, identical, or related drug product (21 CFR 130.40) of the effectiveness classification.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before January 28, 1974, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before January 28, 1974, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14 (b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the applicant(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after January 28, 1974, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended (21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 18, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-26067 Filed 12-26-73;8:45 am]

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Obstetrical and Gynecology Devices.	January 7, 9:30 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m., Lillian Yin, M.D., (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates all available data concerning the safety, effectiveness, and reliability of obstetrical and gynecology devices currently in use to determine the nature of the regulatory category most appropriate for the adequate control of these devices. Problems will be identified and recommendations made on specific performance characteristics of devices which should have standards developed for them.

Agenda. Open session: Presentations by FDA staff on procedural guidelines and panel organization and discussion of panel responsibilities and classification system. Closed session: Review and classification of ob-gyn devices.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs.	January 8 and 9, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open January 8, 9 a.m. to 10 a.m., closed January 8 after 10 a.m., closed January 9, Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator, and antiasthmatic drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continued evaluation of submitted data on individual ingredients and development of principles applicable to combinations.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Contraceptives and other Vaginal Drug Products.	January 13 and 14, 9 a.m., January 13, Holiday Inn, Bethesda, Md., January 14, Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed January 13, open January 14, 9 a.m. to 10 a.m., closed January 14 after 10 a.m. Armond Welch, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continued review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Orthopaedic Devices.	January 14, 9 a.m., FDA Dallas District Office, 3032 Bryan St., Dallas, Tex.	Open 9 a.m. to 10 a.m., closed after 10 a.m. Leon J. DeMerre, Ph.D., (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of orthopaedic devices currently in use.

Agenda. Open session: Review of terminology used in classification process. Closed session: Re-examination of prior classification findings for orthoses and prostheses; continuing classification of therapeutic orthopaedic devices.

Committee name	Date, time, place	Type of meeting and contact person
5. Diagnostic Products Advisory Committee.	January 14 and 15, 9 a.m., Conference Rooms C and B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open January 14, closed January 15, Eloise Eavenson, Room 16B-33, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4560.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by FDA.

Agenda. Open session: Discussion of proposed Bureau of Medical Devices and Diagnostic Products; reports of activities of hematology, chemistry and microbiology subcommittees; discussion of problems of radioimmunoassay products; and update on program activities. Closed session: Review of proposed glucose product class standards.

Committee name	Date, time, place	Type of meeting and contact person
6. Dental Drug Products Advisory Committee.	January 15, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. Clarence C. Gilkes, D.D.S., Room 12B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Advises the Commissioner regarding safety and efficacy of drugs and related products employed in the practice of dentistry and the current advances, changing concepts, and trends in the field.

Agenda. Open session: Comments and presentations by interested persons on "topical fluoride preparations used in dentistry." Closed session: Evaluation of confidential material submitted by sponsors as a result of a call for data which appeared in the FEDERAL REGISTER of April 5, 1973 (38 FR 8684), on above preparations.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on Review of Bacterial Vaccines and Bacterial Antigens.	January 16 and 17, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Open January 16, 9 a.m. to 11 a.m., closed January 16 after 11 a.m., closed January 17. Jack Gertzog (HFB-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1676.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and bacterial antigens and of combinations thereof whose labels are required to state "No. U.S. Standard of Potency."

Agenda. Open session: Comments and presentations from interested persons. Closed session: Continued review of biological products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Dentifrices and Dental Care Agents.	January 17 and 18, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open January 17, 9 a.m. to 10 a.m., closed January 17 after 10 a.m., closed January 18. Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed non-prescription drug products containing dentifrices and dental care agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continued review of over-the-counter dentifrices and dental care agents drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
9. National Advisory Drug Committee.	January 24 and 25, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—John Jennings, M.D., Room 14-82 (HFM-1), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4124.

Purpose. Reviews and evaluates agency programs and provides advice and guidance to the Commissioner of Food and Drugs on policy matters of national significance relating to FDA's statutory mission relating to drugs.

Agenda. Discussion of specific items relating to drug information presented to patients; discussion and consideration of comments developed on NIH draft policy on protection of human subjects; and

discussion of utilization of national advisory committees.

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Laxative, Antidiarrheal, Emetic, and Antiemetic Drugs.	January 25 and 26, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open January 25, 9 a.m. to 10 a.m., closed January 25 after 10 a.m., closed January 26, John T. McElroy (HFD-109), Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing laxative, antidiarrheal, emetic, and antiemetic agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continued review of laxative, antidiarrheal, emetic, and antiemetic drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Topical Analgesics.	January 30 and 31, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open January 30, 9 a.m. to 10 a.m., closed January 30 after 10 a.m., closed January 31, Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing topical analgesic agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continued review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
12. Panel on Review of Hemorrhoidal Drug Products.	February 3 and 4, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed February 3, open February 4, 9 a.m. to 10 a.m., closed February 4 after 10 a.m. Thomas De Cillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products for hemorrhoidal application.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continued review of over-the-counter hemorrhoidal drug products under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: December 20, 1973.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.73-27141 Filed 12-26-73;8:45 am]

Health Resources Administration

NATIONAL ADVISORY COMMITTEES

Meetings

The Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of January 1974:

Committee name	Date, time, place	Type of meeting and contact person
Health Services Research Study Section.	Jan. 14–16, 9 a.m. Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—9–10 a.m. Closed—remainder of meeting. Contact Dr. Alan E. Mayers, Room 15–19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301–443–2920.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Bureau of Health Services Research and Evaluation and makes recommendations to the National Advisory Councils for final review.

Agenda. Agenda items during the open session include: Remarks by the Acting Director, BHSRE; a summary report of members' responses to two documents; the Bureau's statement of Program priorities; and a draft proposal for clauses regarding the government's rights in data obtained in the course of research supported by the Bureau. The remainder of the meeting will be devoted to the review of grant applications, and will be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and contact person
Health Services Developmental Grants Study Section.	Jan. 17–18, 9 a.m. Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed. Contact David McFall, Room 15–29, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301–443–2930.

Purpose. The Study Section is charged with the initial review of developmental grant applications, for Federal assistance in the program areas administered by the Bureau of Health Services Research and Evaluation.

Agenda. The Study Section will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92–463, section 10(d).

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Committee name	Date, time, place	Type of meeting and contact person
Health Care Technology Study Section.	Jan. 21–22, 9 a.m. Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—9–10 a.m. Closed—remainder of meeting. Contact John R. Hall, Room 15–19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301–443–2920.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Bureau of Health Services Research and Evaluation which relate to the use of systems analysis, operations research and computer sciences in the broad fields of community health services, hospital medicine, and patient care. It makes recommendations to the National Advisory Councils on the scientific merits of such applications.

Agenda. During the open session the study section will conduct necessary administrative and informational business. During the closed sessions the study section will review grant applications, and will be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92–463, section 10(d).

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Committee name	Date, time, place	Type of meeting and contact person
Long Term Care for the Elderly-Research Review and Advisory Committee.	Jan. 30, 9 a.m. Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed. Contact Elliott Lesser, Ph. D., Room 15–29, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301–443–2950.

Purpose. The Committee is charged with the review of research grant applications for Federal assistance in the program areas administered by the Bureau of Health Services Research and Evaluation relating to research on long-term care, including research approaches for studying and improving the delivery of care in nursing homes and other long-term care facilities and for identifying alternatives to institutional care.

Agenda. The Committee will be performing a review of grant applications for Federal assistance and will be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to 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 open/closed sessions may be obtained from the contact persons listed above.

Dated: December 14, 1973.

KENNETH M. ENDICOTT, M.D.,
Administrator,
Health Resources Administration.

[FR Doc.73-27072 Filed 12-26-73;8:45 am]

ATOMIC ENERGY COMMISSION [1]

[Construction Permit Nos. 81 and 82]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

Modification of Order To Show Cause

I. By Order dated December 3, 1973 CONSUMERS POWER CO., 212 West Michigan Avenue, Jackson, Michigan ("the licensee") was ordered to show cause why all activities under construction permits Nos. 81 and 82 should not be suspended pending a showing by the licensee that it is in compliance with the Commission's regulations pertaining to quality assurance and that there is reasonable assurance that such compliance will continue throughout the construction process. A further requirement of the December 3, 1973 order continued in effect a suspension of all cadwelding operations at the plant site, pending a further order and determination by the Director of Regulation.

II. On December 6 and 7, 1973, a special inspection was conducted to determine the status of the licensee's corrective actions with respect to previously identified quality assurance program deficiencies and specific, apparent violations identified with cadwelding operations. As a result of this inspection it has been determined that the licensee now has appropriate procedures for cadwelding operations and that all cadweld inspection personnel have been appropriately trained. Inspection Report Nos. 050–329/73–11 and 050–330/73–11 provide the detail backup information of this inspection. Copies of these reports are on file in Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20545.

III. In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, the regulations in 10 CFR Parts 2 and 50, and the Order to Show Cause of December 3, 1973 addressed to the licensee, *it is hereby determined*, That the public health, interest or safety does not require the continued suspension of cadwelding activities at the plant site;

And it is hereby ordered, That effective this date the Order to Show Cause of December 3, 1973 is modified to delete the prohibition therein on the resumption of cadwelding operations at the site. All other provisions of that order shall remain in full force and effect.

Dated at Bethesda, Maryland this 17th day of December, 1973.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.73-27007 Filed 12-26-73;8:45 am]

[Docket No. 50-382]

LOUISIANA POWER AND LIGHT CO.

Notice of Reconstitution of Board

Waterford Steam Electric Station, Unit 3, Dr. J. Venn Leeds, Jr., was a member of the Atomic Safety and Licensing Board established to consider the above

[1] For further Atomic Energy Commission documents, see page 35358.

application. Because of a schedule conflict, Dr. Leeds is unable to continue in his duties as a member of this Board.

Accordingly, Dr. Donald P. de Sylva, who is Associate Professor of Marine Science, Rosenstiel School of Marine and Atmospheric Science, University of Miami, Miami, Florida 33149, is appointed a member of the Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Rules of Practice, as amended.

Dated at Washington, D.C. this 19th day of December 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-27063 Filed 12-26-73;8:45 am]

[Docket No. 50-219, etc.]

BOILING WATER REACTORS

Notice and Order for Prehearing Conference

Petition for derating of certain boiling water reactors, Docket Nos. 50-219, 50-237, 50-249, 50-254, 50-265, 50-220, 50-245, 50-263, 50-293.

By Memorandum and Order issued December 18, 1973, the Atomic Energy Commission (Commission) concluded that an opportunity for hearing was warranted on the question of whether modifications requested by various licensees to technical specifications for nine licensed boiling water reactors would permit increased power level operation. The Commission's Regulatory Staff had determined on August 24, 1973, that limiting conditions for each reactor's operation were needed, which conditions, in the case of three reactors, had the effect of derating power levels.

The Commission's Order named an Atomic Safety and Licensing Board (Board) to consider the licensee's requests for modifications on a consolidated basis, under specific procedures.[1] Such procedures include scheduling of a prehearing conference, which we now order. Such prehearing conference will be held on Thursday, December 27, 1973, commencing at 10:00 a.m., in Courtroom No. 1, Room 2132, United States Tax Court, 1111 Constitution Avenue NW., Washington, D.C. Such prehearing conference will be for the following purposes:

1. Identification of specific matters to be considered within the confines of the principal issue—whether the requested changes in Technical Specifications should be adopted as proposed, modified in any way, or rejected—which is to be decided by the Board.

2. Establishment of procedures which will govern further actions in this proceeding.

3. Establishment of a firm schedule for commencement and completion of hearing and submission of proposed findings and conclusions.

[1] Memorandum and Order, issued December 18, 1973, at pp. 4-5.

Prior to the prehearing conference, the parties to this proceeding are urged to engage in discussions with a view toward reaching a stipulation as to facts and evidence in order to facilitate this proceeding.

It is so ordered.

Washington, D.C., December 20, 1973.

ATOMIC SAFETY AND LICENSING BOARD,
MICHAEL L. GLASER,
Chairman.

[FR Doc.73-27165 Filed 12-26-73;8:45 am]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Hearing on Suspension of Construction Activities at the North Anna Power Station

In the matter of Virginia Electric and Power Co. (North Anna Power Station, Units 1 and 2).

By an Order to Show Cause dated October 17, 1973, the Director of Regulation, of the Atomic Energy Commission, directed the Virginia Electric and Power Company (VEPCO) to show why further activities under Construction Permits Nos CPPR-77 and CPPR-78 should not be suspended pending completion of the Staff's investigation and evaluation of certain geologic matters at the site of the North Anna Power Station. Said Order to Show Cause, pursuant to 10 CFR 2.202, advised that "* * * the licensee may, within twenty days of the date of receipt of this Order, file a written answer to this Order * * * and may also request a hearing within said twenty-day period." On November 6, 1973, VEPCO submitted an answer to the Order to Show Cause, and requested a hearing thereon.

By memorandum and order in the above captioned matter, dated December 18, 1973, the Commission duly appointed this Board and inter alia, delegated to it pursuant to section 191 of the Atomic Energy Act of 1954, as amended (42 USC 2241), "* * * the authority to rule on the VEPCO request for a hearing * * * [and] to conduct any hearings which may ensue".

In view of the (1) issues set forth in the above identified Order to Show Cause, (2) the request for a hearing filed by the Applicant; (3) the health and safety aspects of the geologic matters raised, and (4) the need for early resolution of said matters in the public interest, it is determined that a hearing is warranted and necessary. Accordingly, pursuant to said delegation, and to the rules of practice of the Commission (10 CFR Part 2) Notice is hereby given that a hearing will be held as soon as possible at a time and place to be scheduled later by this Board.

Any person whose interest may be affected by this proceeding, may file a petition for leave to intervene in accordance with the requirements of 10 CFR 2.714, provided that such petition is filed not later than January 16, 1974.

Petitions for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by Commission action and the contentions of the petitioner in reasonably specific detail. A petition for leave to intervene which is not timely filed will be denied unless in accordance with 10 CFR 2.714 the petitioner shows good cause for failure to file on time.

The Board has received a letter dated October 22, 1973 addressed to the Director of Regulation from the North Anna Environmental Coalition signed by Mrs. June Allen as "NAEC" Treasurer. By this letter, apparently the NAEC seeks to file an objection to the said Order to Show Cause and requests answers to certain questions raised therein. This letter may indicate an intent to file a petition for leave to intervene, and the Board will so consider it, provided the matters set forth therein are particularized and submitted in accordance with § 2.714 of the rules of practice within the twenty-day time limit indicated above.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues herein involved, but who does not wish to file a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Persons desiring to make such a limited appearance are requested to so advise this Board not later than January 16, 1974. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent they are relevant to the matter at hand. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

The above identified Order to Show Cause stated the issues to be considered as follows:

(1) Whether there is adequate information to establish the adequacy of the seismic design for Units 1 and 2; and

(2) Whether activities under the subject construction permits should be suspended pending further investigation and evaluation.

This Board will also consider any additional issues that may be raised within the scope of the hearing as specified.

For further details pertinent to the matters under consideration, see the documentation and other material filed on the North Anna Power Station (Docket Nos. 50-338, 50-339, 50-338OL, 50-339OL, 50-404, 50-405) which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and at the Office of the Board of Supervisors, Louisa County Courthouse, Louisa, Virginia 23093.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings

Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

It is so ordered.

Issued at Washington, D.C., this 19th day of December, 1973.

For the Atomic Safety and Licensing Board.

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73-27154 Filed 12-21-73;11:02 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Order Extending Construction Completion Date

Sacramento Municipal Utility District is the holder of Provisional Construction Permit No. CPPR-56 issued by the Commission on October 11, 1968, for construction of Rancho Seco Nuclear Generating Station, Unit No. 1 presently under construction at the Company's site in Southeast Sacramento County, 25 miles SE of Sacramento, California.

On October 8, 1973, the Company filed a request for an extension of the completion date because construction has been delayed due to: (i) Construction schedule, (ii) labor production, (iii) design modifications, and (iv) late delivery of equipment. This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period. The bases for this determination are set forth in a staff evaluation dated December 14, 1973.

It is hereby ordered, That the latest completion date for CPPR-56 is extended from December 31, 1973 to September 30, 1974, with the earliest completion date being June 1, 1974.

Date of Issuance: December 19, 1973.

For the Atomic Energy Commission.

A. GIAMBUSSO,
Deputy Director for Reactor Projects, Directorate of Licensing.

[FR Doc.73-27096 filed 12-26-73;8:45 am]

[Dockets Nos. 50-338; etc.]

VIRGINIA ELECTRIC AND POWER CO.

Notice and Order for Prehearing Conference

In the matter of Virginia Electric and Power Company (North Anna Power Station, Units 1, 2, 3 and 4); Dockets Nos. 50-338, 50-339, 50-338 OL, 50-339 OL, 50-404, 50-405.

Take notice, that pursuant to authority delegated by the Atomic Energy Commission, and in accordance with the Commission's rules of practice, a prehearing conference will be held on all subject proceedings on the 11th of January 1974 at 9:30 a.m., local time in the Holiday Inn South, I-95 and U.S. 1, Fredericksburg, Virginia 22401.

At the prehearing conference the Board will consider and hear oral argument on the contentions submitted by Geraldine M. Arnold and the North Anna Environmental Coalition, including the status of the latter (Intervenors). The Intervenors will be expected to clarify and particularize each contention, as requested. In lieu thereof, and in accordance with discussions at an informal conference of the parties and the Chairman of the Board,[1] the parties are encouraged to and may submit a joint statement of the issues on Docket Nos. 50-338 OL and 50-339 OL.

In addition, this prehearing conference will deal with:

1. The procedural status of all pending proceedings before the Board involving the North Anna Power Station;
2. All pending motions addressed to this Board;
3. Simplifications of issues;
4. Any discovery needed and schedule therefor;
5. A proposed schedule for the timely disposition of each of the subject proceedings in an orderly and efficient manner; and
6. Such other matters as may aid in the orderly disposition of the instant proceedings.

Members of the public may attend this prehearing conference as well as the evidentiary sessions to be held at a later date to be fixed by this Board. However, participation at the hearing will be limited to the parties admitted. Members of the public wishing to participate by way of limited appearances will be heard at the time of the evidentiary sessions to be set and notice thereof given at a later date by this Board.

It is so ordered.

Issued at Washington, D.C., this 19th day of December 1973.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73-27097 Filed 12-26-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23333; Agreement C.A.B. 24098; Order 73-12-69]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Reduced Fares for U.S. Based Cargo Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of December, 1973.

Agreement adopted by the Traffic Conferences of the International Air Transport Association relating to reduced fares for U.S. based cargo sales agents.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

The agreement, proposed for January 1, 1974 effectiveness, would revise the basis upon which reduced fare tickets for United States based cargo agents are allocated. In general, the effect is to replace the present allocation of a fixed number of tickets to each agency location with a system allocating a fixed number of tickets to each agency registered in a particular country and establishing an incentive program geared to productivity whereby additional tickets are allocated.

The present resolution permits each IATA-approved agency location a total of two tickets at a 75 percent reduction from the applicable fare. Under the new proposal, each agency registered in a specific country would be entitled to two tickets annually at 75 percent discount off the applicable fare and 20 tickets annually at 50 percent discount off normal first and economy class fares by each IATA Member. The productivity feature would allot two additional tickets to a maximum of 40 per year at 75 percent discount off the applicable fare for each 100 percent (or fraction thereof) by which an agent's total commissionable international sales exceed the annual average for the country of registration.[1]

The matter of reduced fares for cargo agents has historically been one of considerable controversy, and the present proposal may be expected to provoke substantial comment from interested persons. The Board has repeatedly expressed its opinion that any system of reduced fare concessions for cargo agents should be directly related to the legitimate business requirements of each agent.[2] However, it is unclear to what extent the subject agreement would accomplish this objective, and we are unable to determine, from the information now available, what the practical effect would be on the number of reduced fare tickets available to individual agents or to the cargo agency industry as a whole. We will, therefore, require that each carrier party to the agreement submit data relating to the number of reduced fare tickets issued under the existing system

[1] By Notices dated October 23, 1973, and October 29, 1973, the undersigned was appointed Chairman of this Board in light of the unavailability of the previously named Chairman. Thereafter, an informal conference was held by the Chairman and all the parties on November 8, 1973, for a briefing on the procedural aspects and status of the proceeding.

[1] Country averages would be determined by the IATA Agency Administrator on the basis of annual reports already required of each agent under the terms of the IATA Cargo Agency Agreement. $1,000,000 would be considered the average sales for any country whose actual average exceeds that amount. Reports submitted in a given year would be used to calculate quotas for the following year. Reports of an agent registered in the course of a year would not be used in determining the country average for that year, but would be used to determine if such agent is entitled to additional tickets.

[2] See Orders 72-5-59, 72-1-53, and 73-7-28 dated May 15, 1972, January 17, 1972, and July 10, 1973.

in 1973, and an estimate of the number of such tickets which would have been issued in 1973 had the new method of allocation been in effect, as well as material demonstrating that the proposed method of allocation and number of reduced fare tickets are related to the actual business requirements of each agent in the promotion of air cargo transportation. Additionally, the Board would welcome comments in support of or against the proposed agreement from interested persons and parties.

Accordingly, it is ordered, that:

1. Each air carrier party to the agreement shall submit within 15 days of the date of service of this order, data relating to the number of reduced fare tickets issued to cargo sales agents under the existing system in 1973, and an estimate of the number of such tickets which would have been issued had the proposed method of allocation been in effect, as well as material demonstrating that the proposed method of allocation and number of reduced fare tickets are related to the actual business requirements of each agent in the promotion of air cargo transportation;

2. Comments and/or objections from interested persons and parties shall be submitted within 30 days of the date of service of this order; and

3. This order shall be served upon all carrier parties to the agreement, the Air Freight Forwarders Association of America, and the International Airfreight Agents Association, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-27113 Filed 12-26-73;8:45 am]

[Docket No. 26154; Order 73-12-71]

TRANS WORLD AIRLINES, ET AL.

Order Dismissing Complaint Regarding Visit USA Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of December, 1973.

By tariff revisions[1] marked to become effective January 1, 1974 various carriers[2] propose to establish Visit USA fares at a 25 percent discount from regular fares applicable to persons residing 100 miles or more beyond the border of the United States. The new program matches that established by United Air Lines, Inc. (United), effective November 15, 1973, and replaces three separate programs which have been in effect for several years. Subsequent to United's filing, all trunkline carriers and most local service carriers filed to match with effective dates ranging from December 1, 1973 to January 1, 1974. Including United, the tariffs of six carriers are already effective. The alleged purpose of the new fares is to simplify the Visit USA fares and to bring their level into closer proximity with other discount fares.

American Airlines, Inc. (American), filed defensively and also complained against five of the matching tariffs which are to become effective January 1, 1974, requesting suspension and investigation. American alleges that it would have complained against now effective tariffs of other carriers had it realized in time how critical the shortage of aviation fuel would become; that in view of the drastic curtailment of schedules resulting from fuel conservation measures, many overseas travelers will be displacing full-fare passengers, thereby diluting revenues on peak days; and that to permit Visit USA passengers to travel at the 25 percent discount at a time when discounts on youth, family and Discover America fares are to be eliminated would be inconsistent with the Board's expressed objectives in Phase 5 of the Domestic Passenger-Fare Investigation, (DPFI), Docket 21866-5.

Trans World Airlines, Inc. (TWA), answered the complaint alleging that it has a legitimate interest in meeting the United tariff, and that it makes no regulatory sense to suspend the matching tariffs of competing carriers when the Board cannot lawfully act now to suspend the original United filing which precipitated the other filings. TWA further alleges that the new Visit USA fare in all respects meets the Board's criteria for discount fares, as established in Phase 5 of the DPFI.

Upon consideration of all relevant matters the Board concludes that the complaint does not set forth sufficient facts to warrant investigation, and the request therefore, and consequently the request for suspension will be denied and the complaint dismissed.

American's argument that as a result of the curtailment of schedules caused by fuel conservation measures many overseas travelers using the proposed fare will displace full-fare passengers is not persuasive in view of the negligible impact of the Visit USA fares.[3] We note that American provides numerous discount-fare programs domestically which involve much larger volumes of traffic at as great or even greater discounts.

American's other argument, that to permit the Visit USA passengers to travel at a 25 percent discount at a time when discounts for travel under youth, family plan, and Discover America fares are to be eliminated on June 1, 1974, would be inconsistent with the Board's expressed objectives in Phase 5 of the DPFI is without merit. The Board ordered youth and family fares canceled because they were unreasonable and/or unjustly discriminatory. American makes no attempt to show, and does not even allege, that either of these ratemaking deficiencies apply to the proposed Visit USA fares.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof, *it is ordered* That:

1. The complaint in Docket 26154 be and hereby is dismissed; and

2. Copies of this order be served upon American Airlines, Inc., Frontier Airlines, Inc., North Central Airlines, Inc., Hughes Air Corp. d/b/a AirWest, Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-27114 Filed 12-26-73;8:45 am]

[1] Revisions to Airline Tariff Publishers, Inc., Agent, C.A.B. No. 142.

[2] Frontier Airlines, Inc., Hughes Air Corp. d/b/a AirWest, North Central Airlines, Inc., Trans World Airlines, Inc., and Western Air Lines, Inc.

[3] American provided no data in its complaint, but of the various carriers which provided traffic data in their justifications, the impact of the Visit USA fares on domestic traffic ranges from 0.3 percent to 1.4 percent of the respective domestic system results.

COST OF LIVING COUNCIL

[Notice No. 73-5]

FORM CLC-22

Certification of No Price Increase

The Cost of Living Council is amending the "Certification of No Price Increase" which appears in "Instructions for the Preparation of Form CLC-22". This certification allows a firm which has not charged prices for non-exempt items above the greater of base price or adjusted freeze price to avoid filing the full Form CLC-22 as a quarterly report. This certification is amended to allow a firm to certify, even though it has charged prices above base price or adjusted freeze price pursuant to long term contracts which are grandfathered in by 6 CFR 150.76 or 150.312(b) of the Council regulations, and includes a reference to the "base rate" and the "current price" as defined in 6 CFR 150.206 for firms engaged in broadcasting. The certification cannot be used by a firm which sells petroleum or petroleum products defined in Subpart L as covered products, or by a firm which is subject to the food industry regulations of Subpart Q and does not use the option, set out in 6 CFR 150.606(b), of pricing in accordance wtih Subpart E.

In addition, the certification is amended by changing the starting point to which a firm must look in measuring whether it is charging a price above base price or adjusted freeze price from "the last day of the base price period" to August 12, 1973, which is the beginning of Phase IV. This change is made in recognition of the fact that a firm might have charged a price above base price during Phase III, but not to sufficient extent to have that price qualify as an adjusted freeze price. If a firm has not, during Phase IV, charged a price which is higher than the adjusted freeze price or base price, the Council wishes to allow it to certify because of its pricing behavior in Phase IV, even though it exceeded base price or adjusted freeze price at some point after its base price period but before Phase IV began.

The reference in the certification to custom products or services is changed to conform the certification to the regu-

lations. The certification presently refers to revenues from custom products or services which are "less than $10 million and less than 1 percent" of annual revenues, while 6 CFR 150.11(d)(3) refers to revenues which are "less than $10 million or less than 1 percent of its annual * * * revenues * * *, whichever is greater." The certification is altered to conform its provision to that of the regulations.

A final change to the certification lies in having the certifying officer certify to the best of his knowledge and belief, rather than absolutely. This change implies no alteration in Council policy, and specifically does not imply a diminution in the standards to which the Council will hold a certifying officer. The certification on most Phase II forms was to the best of knowledge and belief, as is the certification on most IRS forms. The Council's policy is that such a condition is implicit in a certification of this sort, but the Council is amending the Certification of No Price Increase so as to make explicit what was formerly implicit.

The amended Certification of No Price Increase and the instructions to it read as set out below:

CERTIFICATION OF NO PRICE INCREASE

Any entity that would otherwise be required to file the Form CLC-22 on a quarterly basis which has not, since August 12, 1973, for a non-exempt item, (1) charged a price in excess of the greater of the base price (6 CFR, Part 150, Subpart F) or the adjusted freeze price (6 CFR, Part 150, Subpart E or Subpart K, as applicable) except as allowed by 6 CFR 150.76 or 6 CFR 150.312(b) for prices specified in certain contracts; (2) charged a price in excess of the "current price" or reflecting an increased "base rate" as defined in 6 CFR 150.206 for firms engaged in broadcasting and pricing in accordance with the audience size method, except as allowed by 6 CFR 150.206(c)(1)(1); (3) charged a price for a custom product or service unless it meets the de minimis rule set forth in 6 CFR 150.11(d)(3); (4) charged a price pursuant to the volatility provisions of 6 CFR 150.156; (5) charged a price for a covered product as defined in 6 CFR, Part 150, Subpart L; or (6) become subject to a profit margin limitation by virtue of 6 CFR 150.604(b)(3), 150.605(b), or 150.606(c)(3) may submit, within 30 days of the end of the entity's fiscal quarter, a Form CLC-22 with Parts I, IV, and V completed in accordance with these instructions, and with the following certification typed in Part VI, Item 24, Lines (1) through (33) in lieu of filling out Part VI as is otherwise required:

I certify that, to the best of my knowledge and belief, as of (a), (b) has not at any time since August 12, 1973: (1) charged a price in excess of the greater of the adjusted freeze price defined in accordance with 6 CFR, Part 150, Subpart E, or Subpart K, as applicable, or the base price established in accordance with 6 CFR, Part 150, Subpart F or 6 CFR 150.207, as applicable, except as allowed by 6 CFR 150.76 or 6 CFR 150.312(b); (2) charged a price in excess of the current price or changed a price reflecting an increased base rate, pursuant to 6 CFR 150.206, except as allowed by 6 CFR 150.206(c)(1)(1); (3) charged a price for any custom product or service as defined by 6 CFR 150.104, or, if it has charged such a price, that the annual sales or revenues attributable to all its custom products or services will represent less than $10 million or less than 1 percent of the entity's annual sales or revenues, whichever is greater; (4) charged a price pursuant to the special rule for volatility in 6 CFR 150.156; (5) charged a price for a covered product as defined in 6 CFR, Part 150, Subpart L; or (6) become subject to a profit margin limitation by virtue of § 150.604(b)(3), § 150.605(b), or § 150.606(c)(3) applicable to food activities.

Chief Executive Officer
(or other authorized executive officer)

The following information is entered in the appropriate blanks of the certification:

(a) The reporting period ending date.

(b) The name of the entity to which the Form CLC-22 applies.

The entire updated and consolidated Form CLC-22 will be published shortly.

This notice is issued on December 20, 1973 in Washington, D.C., and is effective immediately. In addition, any firm which meets the criteria set out in this certification for any reporting period for which a certification or report has already been submitted may, at the firm's option, submit this certification on or before January 28, 1974 in lieu of that report or certification.

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

[FR Doc.73-27196 Filed 12-21-73;12:05 pm]

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on January 3 and January 4, 1974. The meetings will be open to the public on a first-come, first-served basis at 2:00 p.m. and 9:00 a.m., respectively, in Conference Room 8202, 2025 M Street NW., Washington, D.C.

The agendas will consist of a discussion of policy questions involving food industry wage matters and, if circumstances permit, of food industry wage cases pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C., on December 21, 1973.

HENRY H. PERRITT, JR.,
Executive Secretary,
Cost of Living Council.

[FR Doc.73-27198 Filed 12-21-73;1:33 pm]

ENVIRONMENTAL PROTECTION AGENCY

PESTICIDES

Notice of Intent To Hold Public Hearings

The Environmental Protection Agency anticipates receipt of requests for permission to use DDT for control of the Douglas-fir tussock moth in certain areas of the Northwest during 1974. These requests and their disposition by the Administrator will be made pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 995), and 40 CFR Part 166 (published in the FEDERAL REGISTER, December 3, 1973, 38 FR 33303). Assuming such requests are received, the Agency intends to hold public hearings, pursuant to section 21(b) of FIFRA to solicit the views of interested persons. These hearings will be held at the following places and times:

Monday, January 14, 1974, 8:30 a.m.
Lloyd Center Community Auditorium
2201 Lloyd Center
Portland, Oregon

Wednesday, January 16, 1974, 8:30 a.m.
Stuart Anderson's Black Angus Restaurant
107 North 2nd Street
Walla Walla, Washington

Friday, January 18, 1974, 8:30 a.m.
North Shore Motor Hotel
115 South 2nd Street
Coeur D'Alene, Idaho

Monday, January 21, 1974, 8:30 a.m.
Environmental Protection Agency
401 M Street, S.W.
Room 3906
Washington, D.C.

Background. All DDT registrations for domestic use (except in the vital area of public health disease control) were cancelled by Administrative Determination and Order on June 14, 1972, effective December 31, 1972. DDT had been used to control previous outbreaks of the Douglas-fir tussock moth.

The tussock moth eats the new green needles of the Douglas-fir, white fir, grand fir and subalpine fir. The larvae begin feeding on the young needles, then progress to the older needles as their appetites increase. Infested trees begin to turn reddish-brown in June. By mid-July, entire trees may be defoliated and may die in following years. Sometimes only tops of trees are attacked leaving dead or spiked tops which result in damaged timber.

The Douglas-fir tussock moth is constantly present in the West. Generally, its numbers are insignificant, but occasionally a combination of conditions create epidemic populations of this insect pest. Such an epidemic developed in 1972 in Northeast Oregon and Southeast Washington. About 197,000 acres of forests in the Blue Mountain areas of the two States were defoliated.

In 1973, the States of Oregon and Washington and the U.S. Forest Service petitioned the U.S. Environmental Protection Agency for permission to use DDT. The EPA Administrator denied all

requests for the use of DDT based on a decision that the risks of the proposed use would outweigh the benefits. The benefits included the protection of immediate and future forest resources and recreational values from tussock moth damage. The risks involved potential harm to the environment caused by the introduction of 200,000 pounds of DDT into the Blue Mountain area. Included among these concerns were the risks of decrease in bird populations, fish kills, accumulation of DDT residues in cattle and sheep grazing in the sprayed area, and contamination of water supplies. In denying the requests for DDT use, the Administrator considered these factors as well as the expectation of many State and Federal personnel that the tussock moth population would collapse from the nuclear polyhedrosis virus in 1973.

Bacterial, Parasite, and Virus Control. The Douglas-fir tussock moth has many natural enemies including a virus (nuclear polyhedrosis virus) and insect pests. The virus appears to be the single factor most commonly associated with population collapse. Unfortunately, it often lags behind the outbreak. Many scientists expected that the natural virus would control the tussock moth in 1973, the third and decline year of the cyclic occurrence. While there is evidence that the virus is present in the area of original infestation, larvae established in new areas of infestation in 1973 may not have been infected.

The introduction of a virus and a bacterium by artificial means was tested during the summer of 1973. Both of these showed potential in killing the moth and reducing defoliation. Unfortunately, neither of these microbial agents is available in sufficient quantity for use, should some form of control prove necessary in 1974. There are also certain difficulties in application that must be solved before either can be used on a large-scale basis.

Chemical Controls. Four chemicals, Dylox, Sevin, Zectran and Bioethanomethrin, showed promise as control agents for the tussock moth and were field-tested in 1973. These tests showed that none of the chemicals reduced the tussock moth population sufficiently to prevent defoliation and tree mortality. If tussock moth egg masses are present in sufficient numbers to suggest that major defoliation will occur in 1974, it is expected that requests for the conditional approval of the emergency use of DDT will be made to the Environmental Protection Agency.

The Agency intends to hold hearings so that all interested persons may express their views on the question of whether the Administrator should permit the use of DDT in limited areas of the Northwest to control the Douglas-fir tussock moth (and, if so, upon what conditions).

Persons wishing to submit evidence or make their views known on this issue are invited to participate by pre-registering and requesting to testify. Pre-registration requests should be directed to the Hearing Officer, Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Room 545—East Tower, Washington, D.C. 20460, and should be received no later than January 11, 1974. Such requests should bear a prominent reference to "FR Notice—Tussock Moth" on the envelope. Oral statements will be limited to a reasonable period of time; however, written statements may be filed at the hearing site for the record. Four copies of written statements will be required.

In addition to participation in the hearings by presentation of oral testimony or written statements, interested persons may submit their written views on or before January 21, 1974, to the Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Room 545—East Tower, Washington, D.C. 20460. Four copies of such statements are requested. Such written submissions should bear a prominent reference to "FR Notice—Tussock Moth" on the envelope. After January 30, 1974, the hearing record and all submissions will be made available for public inspection at the Office of Pesticide Programs, Room 545—East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C., and at the Hazardous Materials Control Division, Pesticide Branch, Room 11A, 1200 Sixth Avenue, Seattle, Washington.

Dated: December 19, 1973.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.73-27057 Filed 12-26-73;8:45 am]

REGISTRATION OF PESTICIDES

Notice of Denial of Registration

Applications were made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973), to register pesticides containing DDT. The applicants, products, and intended uses are:

Custom Chemicides, Inc., Berkeley, California, *Trak* (Application No. 9319-RI), for use as a tracking powder for control of mice.

Russell Chemical Company, Pomona, California, *Russell Chemical DDT 75-WP* (Application No. 11159-R), for use on citrus.

Woolfolk Chemical Works, Fort Valley, Georgia, *Security DDT EC-3 II* (Application No. 769-UEL), for use on cotton, beans, corn, tomatoes, peppers, and peanuts (application withdrawn August 29, 1973).

These applications for registration have been denied and the registrants have been notified. The reasons for denial are set forth in the Order of the Administrator, filed June 14, 1972, and published in the FEDERAL REGISTER of July 7, 1972 (37 FR 13369), and the failure of the applicant to submit data in support of the application, as required by section 3(c)(1) of the Act.

Dated: December 19, 1973.

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

[FR Doc.73—27056 Filed 12-26-73;8:45 am]

REGISTRATION OF PESTICIDES CONTAINING DDT

Notice of Applications

Applications have been made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973), to register pesticides containing DDT.

The applicants, products, and intended uses are:

AMVAC Chemical Company, Los Angeles, California, *ALCO Mousetrak* (Application No. 5481-RGR), for use as a tracking powder for control of mice and bats and for the control of treehole mosquitoes.

Coastal Ag-Chem Co., Oxnard, California, *Coastox DDT Toxaphene 2-4E* (Application No. 8469-A), for use on alfalfa (seed crop only), citrus, onions, and peppers.

Dettelbach Pesticide Corporation, Atlanta, Georgia, *Professional DDT 50% Tracking Powder* (Application No. 6754-GI), for use as a tracking powder for control of mice.

Farmcraft, Inc., Tigard, Oregon, *Farmcraft DDT-2E* (Application No. 1871-IL), for use on cole crops, sweet corn, mint, hops, stone fruits, strawberries, nursery plants, and greenhouse plants.

This notice does not indicate a decision by this Agency on the applications.

Any Federal Agency or other interested party may comment in writing on these applications. Address comments to the Director, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Washington, D.C. 20460, within 30-days from the publication date of this notice. Comments should include the date of this notice and application number.

Dated: December 19, 1973.

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

[FR Doc.73-27055 Filed 12-26-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19154]

FORMULATION OF POLICIES RELATING TO BROADCAST RENEWAL APPLICANT

Comparative Hearing Process; Order Extending Time for Filing Comments and Reply Comments

1. On November 29, 1973, the Commission adopted a Third Further Notice of Inquiry in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on December 14, 1973, 38 FR 34522. Comment and reply comment dates are presently December 19, 1973 and January 7, 1974, respectively.

2. The Commission has received several requests for an extension of time in which to file comments. The requests stated that the additional time is necessary because clerical and typing personnel were absent due to inclement weather, and therefore the comments were unable to be completed for filing by the deadline date.

3. We are of the view that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered,* That the dates for filing comments and reply comments are ex-

tended to and including December 21, 1973 and January 11, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-27105 Filed 12-26-73;8:45 am]

STANDARD BROADCAST APPLICATIONS

Availability for Processing

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on January 29, 1974, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on January 28, 1974, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on January 28, 1974. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: December 19, 1973.

Released: December 20, 1973.

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

APPENDIX

BP-18862 KWDA, Many, Louisiana
Toledo Investments, Incorporated
Has: 1530 kHz, 1 kW, Day
Req: 1400 kHz, 250 W, 1 kW-LS, U

BP-19411 NEW, Green River, Wyoming
Wycom Corporation
Req: 970 kHz, 500 W, DA-1, U

BP-19490 NEW, Milbank, South Dakota
Sturgis Radio, Inc.
Req: 1510 kHz, 5kW (1 kW-CH), Day

BP-19498 NEW, Clinton, North Carolina
Sampson Broadcasting Company, Inc.
Req. 1170 kHz, 1 kW, Day

BP-19506 KPIA, Ironton, Missouri
Iron County Broadcasting Company, Inc.
Has: 1510 kHz, 250 W, DA-Day
Req: 1480 kHz, 5 kW, DA-Day

BMP-13687 NEW, Barceloneta, Puerto Rico
Angel M. Rivera
Has CP: 1160 kHz, 250 W, DA-Day
Req MP: 1160 kHz, 250 W, DA-2, U

BP-19616 WEET, Richmond, Virginia
WEET Radio Broadcasters, Inc.
Has: 1320 kHz, 1 kW, Day
Req: 1320 kHz, 5 kW, DA-Day

BP-19517 NEW, Sandy Creek-Pulaski, New York
Oswego-Jefferson Broadcasting, Inc.
Req: 1070 kHz, 1 kW, Day

BP-19518 KPHX, Phoenix, Arizona
Phoenix Broadcasting Co.
Has: 1480 kHz, 500 W, Day
Req: 1480 kHz, 1 kW, Day

BP-19542 NEW, Tallapoosa, Georgia
West-Georgia Broadcasting Company
Req: 1060 kHz, 1 kW, Day

[FR Doc.73-27104 Filed 12-26-73;8:45 am]

[Docket No. 19757, File No. BR-3631, Docket No. 19758, File No. BR-2739]

WGOE, INC. AND CREST BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

1. This proceeding involves the application of WGOE, Inc. (WGOE) for renewal of its license for standard broadcast Station WGOE, Richmond, Virginia, and the application of Crest Broadcasting Corporation (Crest) for renewal of its license for standard broadcast Station WEYE, Sanford, North Carolina. The applications were designated for hearing on various issues by Commission Order and Notice of Applicant Liability, FCC 73-593, released June 5, 1973.[1] Subsequently, the Review Board, by Memorandum Opinion and Order, FCC 73R-348, released Oct. 12, 1973, __ FCC 2d __, 28 RR 2d 759, enlarged the issues to allow consideration of alleged rule violations contained in an Official Notice of Violation issued to WGOE on December 12, 1972; an issue was also added to determine whether WGOE has exercised that degree of responsibility required of Commission licensees. Now before the Board is a petition to enlarge issues, filed October 26, 1973, by the Broadcast Bureau, requesting the addition of issues to determine whether WGOE has violated § 73.114 of the Commission's rules[2] and whether WGOE has exercised control or supervision of the operation of its station in a manner consistent with the responsibilities of a Commission licensee. No responsive pleadings have been filed. (See § 1.229 and 1.294 of the Rules.)

2. In its petition, the Bureau states that, at the request of counsel for WGOE, a meeting was held between representatives of the licensee and the Bureau on October 11, 1973 to permit WGOE to inform the Commission of operational irregularities discovered by the licensee. At this meeting, petitioner submits, it was given a statement, dated October 9, 1973, and signed by the person "in overall charge" of the engineering for all Grewe radio stations, including WGOE, and by an employee of "Grewe radio's central offices" in Wheeling, West Virginia. The Bureau notes that the statement was voluntarily submitted in the presence of Fred Grewe, Jr., the President of WGOE, Inc. and was signed in the presence of Bureau counsel. This statement sets forth numerous deficiencies regarding the maintenance and upkeep of WGOE's transmitter site, as well as statements that "the maintenance logs have not been kept since May 11, 1973", that "announcer logs" were improperly kept and that WGOE's standard billing practices were violated. In view of the circumstances surrounding the submission of the statement and the lack of any challenge or opposition by WGOE, the Board concludes that the requested issues should be added. Accordingly, we will specify an inquiry into the apparent violations of §§ 73.112 and 73.114.[3] However, since an issue inquiring into the degree of responsibility exercised by WGOE has already been specified, no new issue in this regard is needed. Finally, while the statement contains various charges regarding billing practices and maintenance of the transmitter site, these charges are too vague to warrant the addition of separate issues. See Section 1.229 of the Rules.

3. Accordingly, it is ordered, That the petition to enlarge issues, filed October 26, 1973, by the Broadcast Bureau is granted; and that the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether WGOE has violated §§ 73.112 and 73.114 of the Commission's Rules, and, if so, the nature and extent of these violations.

5. It is further ordered, That the burdens of proceeding and proof as to the added issue shall be as set forth in paragraph 8 of the Order and Notice herein.

Adopted: December 18, 1973.

Released: December 20, 1973.

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

[FR Doc.73-27103 Filed 12-26-73;8:45 am]

[1] The Commission specified, inter alia, the following issue:

To determine whether WGOE, Inc. has violated the Commission's Rules, as alleged in Items 2, 3, 5, 6, 8 and 9 of the Official Notice of Violation issued on June 27, 1972, and, if so, the nature and extent of those violations and, in light of the evidence adduced pursuant to that determination, whether WGOE, Inc. has exercised that degree of responsibility required of a licensee of a broadcast station.

The cited Official Notice alleges violations of Rules 73.52(a), 73.92(b), 73.65, 17.50, 73.40 and 73.39.

[2] Section 73.114 requires licensees to maintain a current and accurate maintenance log.

[3] Although the issued framed by the Bureau would inquire only into possible violations of § 73.114, relating to maintenance logs, the statement indicates that the applicant may also have violated § 73.112, relating to the requirements for program logs, and the inquiry specified herein will therefore also encompass this matter.

FEDERAL ENERGY OFFICE

[Advisory Notice No. 3]

AVIATION FUEL

Allocation

In order to more fully implement the purposes and objectives of the Mandatory Allocation Program for Middle Distillate Fuels, and to avoid unintended results, the following determinations are made pursuant to sec. 12 of the regulations (EPO Reg. 1, 38 FR 28660):

(1) *Domestic Air Carriers.* For the period of time commencing December 1, 1973, through January 7, 1974, suppliers shall allocate kerosene-base jet fuel for all domestic air carriers, as defined below, at the rate of 95 percent of the 1972 base period supply volumes.

For the purpose of this notice the term "domestic air carriers" shall mean those air carriers holding a certificate of public convenience and necessity, providing for interstate and overseas transportation, issued pursuant to section 401 of the Federal Aviation Act of 1958, as amended, and includes intrastate air carriers holding a State operating certificate.

(2) *International Air Carriers.* For the period of time commensing December 1, 1973 through January 7, 1974, suppliers shall allocate kerosene-base jet fuel to all International Air Carriers, as defined below at the rate of 100 percent of the 1972 base period supply volumes.

"International Air Carriers" for the purposes of this notice shall mean those air carriers holding a certificate of public convenience and necessity, providing for foreign air transportation, issued pursuant to section 401 of the Federal Aviation Act of 1958, as amended, and foreign air carriers holding permits issued pursuant to section 402 of the Federal Aviation Act of 1958, as amended, but excludes air carriers holding permits which restrict their operations to the use of aircraft not exceeding 12,500 pounds gross take-off weight.

(3) *General Aviation.* In order to conserve petroleum fuel resources while still providing for reasonable and necessary use thereof, and because aviation gas is also a petroleum derivative, the use and production of which affects the production of Middle Distillate Fuels, it has been determined that suppliers shall allocate aviation gasoline and/or kerosene-base jet fuel for general aviation purposes by class, as defined below, at the following rate of percentage of their 1972 base period supply volumes:

Class I—90 percent
Class II—80 percent
Class III—70 percent

Class I—Agricultural Spraying; Industrial Usage; Air Taxis

(a) *Aerial Application.* Aerial application in agriculture consists of those activities that involve the discharge of materials from aircraft in flight and a miscellaneous collection of minor activities that do not require the distribution of any materials.

(b) *Industrial/Special.* Any use of an aircraft for specialized work allied with industrial activity, excluding transportation and aerial application. (Examples are pipeline patrol, survey, advertising, photography, and helicopter hoist.)

(c) *Air Taxi.* Any use of an aircraft by the holder of an Air Taxi Operating certificate which is authorized by that certificate (includes operations by scheduled commuter airlines and non-scheduled air taxi operations).

Class II—Business Flying

Any use of an aircraft not for compensation or hire by an individual for the purpose of transportation required by a business in which he is engaged, as well as any use of an aircraft by a corporation, company, or other organization for the purposes of transporting its employees and/or property not for compensation or hire and employing professional pilots for the operation of the aircraft.

Class III—Personal, Instructional

(a) *Personal Flying.* Any use of an aircraft for the purposes not associated with a business or profession, and not for hire. This includes maintenance of pilot proficiency.

(b) *Instructional Flying.* Any use of an aircraft for the purposes of formal instruction with the flight instructor aboard, or with the maneuvers on the particular flight(s) specified by the flight instructor.

JOHN C. SAWHILL,
Deputy Administrator,
Federal Energy Office.

DECEMBER 20, 1973.

[FR Doc.73-27157 Filed 12-26-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

SEARS, ROEBUCK AND CO. AND ALLSTATE ENTERPRISES, INC.

Notice of Receipt of Application for Approval of Acquisition

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the Allstate Enterprises, Inc., Northbrook, Illinois, a unitary savings and loan holding company which is controlled by Sears, Roebuck and Co., Chicago, Illinois, for approval of acquisition of control of the Chico Savings and Loan Association, Chico, California, an insured institution under the provisions of Section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the acquisition of substantially all the assets and properties of Chico Savings and Loan Association by Allstate Enterprises, Inc. in exchange for common shares of Sears, Roebuck and Co. Following said exchange Chico Savings and Loan Association will be merged into Allstate Savings and Loan Association, an insured subsidiary of Allstate Enterprises, Inc. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before January 28, 1974.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-27019 Filed 12-26-73;8:45 am]

FEDERAL MARITIME COMMISSION

IBERIAN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW, Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 16, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq.
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, N.W.
Washington, D.C. 20036

Agreement No. 9615-8, between the member lines of the Iberian/U.S. North Atlantic Westbound Freight Conference authorizes and establishes limitations on the use of substituted service at Iberian loading ports.

Dated: December 19, 1973.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-27088 Filed 12-26-73;8:45 am]

FEDERAL RESERVE SYSTEM

ADAIR CORP.

Formation of Bank Holding Company

The Adair Corporation, Adair, Iowa, 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 97 percent or more of the voting shares of Exchange State Bank, Adair, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than January 13, 1974.

Board of Governors of the Federal Reserve System, December 14, 1973.

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

[FR Doc.73-26996 Filed 12-26-73;8:45 am]

ADAIR CORP.

Proposed Retention of Insurance Agency Activities of The Adair Corporation

The Adair Corporation, Adair, Iowa (which has applied pursuant to 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 97 percent of the voting shares of Exchange State Bank, Adair, Iowa) has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain the insurance agency activities of The Adair Corporation, Adair, Iowa. Notice of the application was published on September 13, 1973, in The Adair News, a newspaper circulated in Adair, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of selling life, casualty, accident and health and other forms of insurance for bank customers. Such activities will be conducted at offices in Adair, Iowa, a town of less than 5,000 population. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 13, 1974.

Board of Governors of the Federal Reserve System, December 14, 1973.

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

[FR Doc.73-26995 Filed 12-26-73;8:45 am]

AMERICAN BANCORP, INC.

Formation of Bank Holding Company

American Bancorp, Inc., Reading, Pennsylvania, 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 all of the voting shares of American Bank and Trust Co. of Pa., Reading, Pennsylvania. 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 Philadelphia. 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 16, 1974.

Board of Governors of the Federal Reserve System, December 17, 1973.

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

[FR Doc.73-27043 Filed 12-26-73;8:45 am]

COLONIAL BANCORP, INC.

Proposed Acquisition of Policy Advancing Corp.

Colonial Bancorp, Inc., Waterbury, Connecticut, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Policy Advancing Corp., Watertown, New York. Notice of the application was published in newspapers of general circulation in the communities to be served by the proposed subsidiary.

Applicant states, that the proposed subsidiary would engage in the activity of insurance premium financing, making extensions of credit to individuals and corporations to finance payment of casualty, liability, and other insurance premiums. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 17, 1974.

Board of Governors of the Federal Reserve System, December 18, 1973.

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

[FR Doc.73-27039 Filed 12-26-73;8:45 am]

COMMUNITY BANKS OF FLORIDA, INC.

Acquisition of Bank

Community Banks of Florida, Inc., Seminole, 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 90 percent or more of the voting shares of Countryside Community Bank, Dunedin, 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 13, 1974.

Board of Governors of the Federal Reserve System, December 14, 1973.

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

[FR Doc.73-26997 Filed 12-26-73;8:45 am]

FIDELITY CORPORATION OF PENNSYLVANIA

Proposed Acquisition of New York Urban Servicing Co., Inc.

Fidelity Corporation of Pennsylvania, Rosemont, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of New York Urban Servicing Company, Inc., New York, New York. Notice of the application was published on October 8, 1973, in the Wall Street Journal, a newspaper circulated in Dallas, Texas; on October 8, 1973, in

The Wall Street Journal, a newspaper circulated in Chicago, Cook County, Illinois; on October 5, 1973, in The New York Times, a newspaper circulated in New York, New York; and on October 8, 1973, in The Wall Street Journal, a newspaper circulated in New York, New York.

Applicant states that the proposed subsidiary would engage in the following "mortgage banking activities": arranging for or acquiring for the account of institutional investors loans and other financing on the security of property that generally produces income each year, such as would be made by life insurance companies or savings banks under the laws that cover real estate transactions by such institutions, and the servicing of such loans and other financing for its institutional investors. The "other financing" may include a sale from the "borrower" to the investor and either a sale on a long term contract of sale back to the "borrower" or a lease back to "borrower", but NYUS acts solely as an arranger and servicer of the financial transaction for the investor and never has any property interest in any of the real estate. Such activities will be conducted at offices in New York, New York, and may include mortgages or other financing on properties located any place in the United States. Applicant states that such activities have been specified by the Board in § 225.4(a) (1), (3), and (5) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 15, 1974.

Board of Governors of the Federal Reserve System, December 17, 1973.

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

[FR Doc.73-26998 Filed 12-26-73;8:45 am]

FIRST ABILENE BANKSHARES INC.

Acquisition of Bank

First Abilene Bankshares Inc., Abilene, Texas, 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 80 percent or more of the voting shares of Bank of Commerce, Abilene, Texas. 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 Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 15, 1974.

Board of Governors of the Federal Reserve System, December 17, 1973.

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

[FR Doc.73-26999 Filed 12-26-73;8:45 am]

FIRST BANCORP, INC.

First Bancorp, Inc., Corsicana, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of First Bancorp Insurance Company, Corsicana, Texas, a company to be formed. Notice of the application was published on November 9, 1973 in Corsicana Daily Sun, a newspaper circulated in Corsicana, Texas.

Applicant states that the proposed subsidiary would engage in the activities of underwriting, as reinsurer, credit life and credit accident and health insurance, possibly including joint life coverage, directly related to extensions of consumer credit by subsidiaries of First Bancorp, Inc. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 13, 1974.

Board of Governors of the Federal Reserve System, December 14, 1973.

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

[FR Doc.73-27000 Filed 12-26-73;8:45 am]

K.L. AND D.M., INC.

Formation of Bank Holding Company

K.L. and D.M., Inc., Polk, Nebraska, 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 82.9 percent or more of the voting shares of Citizens State Bank, Polk, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 17, 1974.

Board of Governors of the Federal Reserve System, December 18, 1973.

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

[FR Doc.73-27040 Filed 12-26-73;8:45 am]

PAN AMERICAN BANCSHARES, INC.

Acquisition of Bank

Pan American Bancshares, Inc., 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 80 percent or more of the voting shares (less directors' qualifying shares) of Pan American Bank of Altmonte Springs, Altmonte Springs, 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 18, 1973.

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

[FR Doc.73-27041 Filed 12-26-73;8:45 am]

S & S INVESTMENT CO.

Formation of Bank Holding Company

S & S Investment Company, Odell, Nebraska, 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 80 percent or more of the voting shares of State Bank of Odell, Odell, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 17, 1974.

Board of Governors of the Federal Reserve System, December 18, 1973.

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

[FR Doc.73-27042 Filed 12-26-73;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

NOTICE OF MEETING

DECEMBER 19, 1973.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a 3-day meeting on January 14th, 15th and 16th in the Miami, Florida area. The meeting will be open to the public. The Monday (Jan. 14) session will convene at 8:45 a.m. in the lobby seminar room, Atlantic Oceanographic and Meteorological Laboratories of the National Oceanic and Atmospheric Administration (NOAA), 15 Rickenbacker Causeway on Virginia Key; following lunch, the session will reconvene at 1:30 p.m. in the auditorium of the Rosenstiel School of Marine and Atmospheric Science, 10 Rickenbacker Causeway on Virginia Key. The Tuesday (Jan. 15) session will convene at 9:15 a.m. in the 4th floor conference room of the Computer Center at the University of Miami, Coral Gables. The Wednesday (Jan. 16) session will convene at 8:45 a.m. at the NOAA Southeast Fisheries Center, 75 Virginia Beach Drive, Miami.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Pub. L. 92-125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

The agenda will consist of briefings by the staffs of various facilities on their activities, supplemented by tours. General NACOA business will also be discussed. This will include reports on work in progress and the selection of topics for the next annual report. Among these topics are climatic aspects of thermal pollution, ocean engineering, Federal reorganization, coastal zone management, capital investment in marine and atmospheric affairs, and information needs for marine resource management. A general schedule is as follows:

MONDAY

0845-1230 Briefings on the marine research program of NOAA Atlantic Oceanographic and Meteorological Labs.

1330-1700 Briefings on the marine and atmospheric research program of the Rosenstiel School of the University of Miami.

TUESDAY

0915-1215 Briefings on the atmospheric research activities of the University of Miami and NOAA laboratories.

1345-1630 NACOA business and tours.

WEDNESDAY

0845-1130 Briefings on the research program of the NOAA Southeast Fisheries Center.

1130-1500 NACOA business.

The public will be admitted on a first come, first served basis. Questions from the public will be permitted during specific periods announced by the Chairman. Persons wishing to make formal statements must notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. Telephone: 202/967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc. 73-27092 Filed 12-26-73; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

DECEMBER 14, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 16, 1973 through December 25, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-27119 Filed 12-26-73;8:45 am]

OPPENHEIMER SYSTEMATIC CAPITAL ACCUMULATION PROGRAM, ET AL.

Notice of Application for Order To Permit Offer of Exchange

DECEMBER 14, 1973.

In the matter of Oppenheimer Systematic Capital Accumulation Program, Oppenheimer Time Fund Capital Accumulation Program, Capital Accumulation Program of Shares of Oppenheimer A.I.M. Fund and Oppenheimer Management Corp., One New York Plaza, New York, New York 10004.

Notice is hereby given that the Oppenheimer Systematic Capital Accumulation Program ("OSCAP"), the Oppenheimer Time Fund Capital Accumulation Program ("Time CAP"), the Capital Accumulation Program of Shares of Oppenheimer A.I.M. Fund ("AIMCAP", collectively referred to with OSCAP and Time CAP as the "Trusts"), each of which is registered as a unit investment trust under the Investment Company Act of 1940 (the "Act"), and Oppenheimer Management Corporation ("Oppenheimer", collectively referred to with the Trusts as the "Applicants") have filed an application for an order (1) pursuant to section 11(c) and 11(a) of the Act to permit certain exchanges of plans issued by a Trust for plans issued by another Trust and (2) pursuant to section 6(c) of the Act granting exemptions from sections 22(d), 27(d), 27(e) and 27(f) of the Act and Rules 22d-1, 27d-1 and 27e-1 thereunder in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Each of the Trusts offers contractual periodic payment plans (the "Plans") the payments on which, after deduction for sales load, are invested in shares of the registered investment company which serves as the investment medium underlying each Trust.

OSCAP, Time CAP and AIMCAP each offer several types of Plans as follows: Single Payment Plans, 10 Year Systematic Plans without insurance, 15 Year Systematic Plans without insurance, 10 Year Systematic Plans with insurance and 15 Year Systematic Plans with insurance.

Payments made pursuant to Plans offered by OSCAP are invested in shares of Oppenheimer Fund, Inc. Payments made pursuant to Plans offered by Time CAP are invested in shares of Oppenheimer Time Fund, Inc. Payments made

under Plans offered by AIMCAP are invested in Oppenheimer A.I.M. Fund, Inc. Oppenheimer, the depositor of each of the Trusts, acts as the investment adviser and principal underwriter for each of the underlying funds.

Applicants propose to offer to holders of Plans issued by each of the Trusts exchange privileges which would enable such planholders to transfer the value of their investment in a particular Trust to one of the other Trusts sponsored by Oppenheimer without any deduction for sales or administrative expense.

Applicants propose to offer the following exchange privilege:

(1) To holders of Single Payment Plans issued by any of the Trusts who have held their Plans at least 60 days, the right to exchange their Plans for Single Payment Plans issued by either of the other two Trusts;

(2) To holders of any type of Systematic Plan issued by OSCAP or AIMCAP who have held their Plans for at least 18 months, the right to exchange their Plans for Systematic Plans of the same completion amount and type issued by the other Trust.

(3) To holders of any type of Systematic Plan issued by OSCAP or AIMCAP, the right to exchange their Plans for Systematic Plans of the same completion amount and type issued by Time CAP if they have paid 36 Monthly Payment Units on their Plan and have held their Plan for at least 18 months.

With respect to the last mentioned privilege, i.e., "(3)" above, the purpose of requiring completion of minimum monthly payment units is to insure that the same amount of sales load would be deducted after the exchange, as would have been deducted had the exchange not occurred. If the Plan being exchanged has a completion amount which is not the same as the completion amount of any Plan issued by Time CAP, the holder of the Plan issued by OSCAP or AIMCAP must also exercise his privilege of increase or reduction of Plan denomination so that its completion amount is the same as the completion amount of a Plan of the same type issued by Time CAP. Applicants state that in order to permit such an exchange, all present limitations restricting the exercise of the privilege to reduce or increase Plan denomination prior to the completion of a certain number of Monthly Payment Units will be waived; however, any increase or reduction in the Plan denomination must be to only that completion amount which is available from both Time CAP and from OSCAP or AIMCAP and which is immediately higher or lower than the completion amount of the Plan of OSCAP or AIMCAP as to which the privilege is exercised. For example, a holder of a Plan issued by AIMCAP with a completion amount of $4,800 (which is not available from Time CAP) could reduce his Plan denomination only to $3,600 (which is available from both AIMCAP and Time CAP) or increase his Plan denomination only to $6,000 (which is also available from both AIMCAP and Time CAP).

Holders of Systematic Plans issued by Time CAP would not be permitted to exchange their Plans for Systematic Plans issued by OSCAP or AIMCAP since the Systematic Plans issued by the latter two Trusts have higher commissions on later payments than do Plans issued by Time CAP.

Applicants further state that because Plans issued by OSCAP and Time CAP are insured by the same insurance company, while Plans issued by AIMCAP are insured by a different insurance company, in the event of an exchange of a 10 year or 15 year Plan with insurance issued by OSCAP for such a Plan issued by AIMCAP, or in the event of an exchange of an AIMCAP Plan for such a Plan issued by OSCAP or Time CAP, the exchanging Planholder will be required to furnish satisfactory evidence of insurability to the insurance company issuing the insurance on the Plan into which the exchange is requested.

These privileges, which could be terminated by Oppenheimer at any time, would be initiated by written request of the Planholder and by delivery of the Plan certificate to the custodian of the Plan or its agent. The exchange would be accomplished by terminating the Plan, redeeming the investment company shares held under that Plan at the net asset value next determined, and reinvesting the proceeds in shares of the investment company held under the Plan to be acquired at the net asset value of such shares. There would be a service fee of $5.00 for an exchange. A new Plan certificate would be issued to the Planholder. He would also be notified of the number of shares of the investment company held under the new Plan which are credited to his account under the new Plan. Oppenheimer will amend the prospectus of each of the Trusts to describe the terms of the exchange offer. Existing Planholders of a Trust will be notified of the terms of the exchange offer by the inclusion of a description of the offer in the next regular mailing to all Planholders of the quarterly report issued by the fund whose shares are being accumulated by the Trust. The description of the privilege will describe the tax effects of the exchange and the matters which should be taken into account by the Planholder in considering the exchange. The number of payments required to complete a Plan will not be altered by the exercise of the privilege.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such a company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

The prospectuses of each of the Trusts states that there is a sales charge on the purchase of shares or Plans issued by the Trusts.

Under Sections 27(d), 27(e) and 27(f) of the Act, the holder of a periodic payment certificate is given, respectively, (1) the right to surrender the certificate at any time within the first 18 months after its issuance and to receive, in cash, the value of his account and in addition, from the underwriter of such certificate or the depositor of the registered investment company issuing such certificate, an amount equal to that part of the excess paid for sales loading which is over 15 per centum of the gross payments made by the certificate holder; (2) the right to be informed in writing, in the event that he has missed a certain number of payments required to be made pursuant to the Plan, that he may surrender his certificate and receive the aforementioned payments; and (3) the right, within forty-five days after the mailing of notice of the charges to be deducted from the projected payments on the certificate and of his right of withdrawal, to exercise such right of withdrawal by surrendering his certificate and receiving in payment, cash in an amount equal to the value of his account and an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested.

Applicants represent that under the terms of the proposed exchange privileges, exchanges would not be permitted until the time had expired in which a Planholder could withdraw or receive a refund under his old plan. Applicants also contend that while an exchange would, in form, involve the issuance of a new plan, in substance the exchange would result in a continuation of the original plan with a new underlying investment medium. Applicants submit that the protection of investors and the purposes of section 27 do not require that an exchanging Planholder who no longer has any refund or withdrawal rights under his old plan should have such rights with respect to his new plan.

Section 6(c) provides, in part, that the action or any class or classes of persons, Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transsecurities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than January

8, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communciation should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following January 8, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

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

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

[FR Doc.73—27118 Filed 12-26-73;8:45 am]

[File No. 500-1]

SEABOARD AMERICAN CORP.

Notice of Suspension of Trading

DECEMBER 17, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Seaboard American Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 18, 1973 through December 27, 1973.

By the Commission.

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

[FR Doc.73—27123 Filed 12-26-73;8:45 am]

[File No. 500-1]

SEABOARD CORP.

Notice of Suspension of Trading

DECEMBER 14, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, units and warrants of Seaboard Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 17, 1973 through December 26, 1973.

By the Commission.

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

[FR Doc.73-27124 Filed 12-26-73;8:45 am]

[File No. 500-1]

STRATTON GROUP, LTD.

Notice of Suspension of Trading

DECEMBER 14, 1973.

The common stock of Stratton Group, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd. being traded otherwise than on a national securities exchange; and

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

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 16, 1973 through December 25, 1973.

By the Commission.

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

[FR Doc.73-27125 Filed 12-26-73;8:45 am]

[File No. 500-1]

TECHNICAL RESOURCES, INC.

Notice of Suspension of Trading

DECEMBER 17, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 18, 1973 through December 27, 1973.

By the Commission.

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

[FR Doc.73-27126 Filed 12-26-73;8:45 am]

[File No. 500-1]

HOME-STAKE PRODUCTION CO.

Notice of Suspension of Trading

DECEMBER 14, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 16, 1973 through December 25, 1973.

By the Commission.

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

[FR Doc.73-27120 Filed 12-26-73;8:45 am]

[File No. 500-1]

KORACORP INDUSTRIES, INC.

Notice of Suspension of Trading

DECEMBER 14, 1973.

The common stock of Koracorp Industries, Incorporated being traded on the New York Stock Exchange and the Pacific Coast Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Koracorp Industries, Incorporated being traded otherwise than on a national securities exchange; and

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

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from December 16, 1973 through December 25, 1973.

By the Commission.

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

[FR Doc.73-27121 Filed 12-26-73;8:45 am]

[File No. 500-1]

OMEGA ALPHA, INC.

Notice of Suspension of Trading

DECEMBER 14, 1973.

The convertible subordinated debentures 4¾'s due 1992, subordinated debentures 6½'s due 1988, and warrants of Omega Alpha, Incorporated being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the common stock and all other securities of Omega Alpha, Incorporated being traded other-

wise than on a national securities exchange; and

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

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 17, 1973 through December 26, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73-27122 Filed 12-26-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

DECEMBER 21, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on January 10–12, 1974, in Room 1046, 1717 H Street NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

(1) Thursday, January 10, 1974: 9:15 a.m.–12:00 noon—Edwin I. Hatch Nuclear Plant Unit 1—Review proposed operating limits for the reactor. The Committee will hear presentations by representatives and consultants of the AEC Regulatory Staff and the Georgia Power Company and will hold discussions with these groups. The Committee will hold closed sessions during this period, if required, to discuss security plans for this facility and privileged information related to fuel element design, fabrication and performance, and loss-of-coolant accident analysis.

(2) Thursday, January 10, 1974: 2:00 p.m.–4:30 p.m.—North Anna Power Station—Discuss seismic feature at the plant site. The Committee will hear presentations by representatives and consultants of the AEC Regulatory Staff and the Virginia Electric and Power Company and will hold discussions with these groups.

(3) Friday, January 11, 1974: 10:00 a.m.—11:00 a.m.—Meeting with AEC Regulatory Staff—Discuss matters related to recent reactor operating experience and licensing activities, including:

Indian Point Nuclear Plant Unit 2—Performance of Leak Rate Monitors.

Surry Nuclear Station—Failure of Primary Pump Shaft.

D.C. Cook Nuclear Plant—Testing of Ice Condenser Baskets.

(4) Friday, January 11, 1974: 11:00 a.m.—12:30 p.m. and 1:30 p.m.—3:30 p.m.—Calvert Cliffs Nuclear Power Plant—Review proposed operating limits for the reactor. The Committee will hear presentations by representatives and consultants of the AEC Regulatory Staff and the Baltimore Gas and Electric Company and will hold discussions with these groups.

The Committee will hold closed sessions during this period, if required, to discuss security plans for this facility and privileged information related to fuel element design, fabrication and performance, and loss-of-coolant accident analysis.

It should be noted that, in addition to the agenda items noted above, the Committee will hold Executive Sessions not open to the public under the authority of section 10(d) of Pub. L. 92–463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined that it is necessary to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than January 2, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and as follows:

Edwin I. Hatch Nuclear Plant Unit 1
Appling County Public Library
Parker Street
Baxley, Georgia 31513

Calvert Cliffs Nuclear Power Plant
Calvert County Library
Prince Frederick, Maryland 20678

North Anna Power Station
Mr. Dean Agee, Executive Secretary
Board of Supervisors
Louisa County Courthouse
Louisa, Virginia 23093

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on January 9, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 a.m. and 5:15 p.m. eastern daylight time.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW, Washington, D.C., on or after March 13, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-27254 Filed 12-26-73;10:42 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE NORTH ANNA POWER STATION

Notice of Meeting

DECEMBER 21, 1973.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards Subcommittee on the North Anna Power Station will hold a meeting on January 9, 1974, in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to review the geologic conditions at the Virginia Electric and Power Company's North Anna Power Station site, which is located in Louisa County, Virginia, about 24 miles southwest of Fredericksburg, Virginia.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, January 9, 1974, 9:30 a.m.–4:30 p.m.

Review of information pertaining to geologic conditions of the site (presentations by the AEC Regulatory Staff and the Virginia Electric and Power Company and its consultants, and discussions with these groups).

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS.

I have determined in accordance with subsection 10(d) of Pub. L. 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption ((5) of 5 U.S.C. 552 (b)). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than January 2, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:00 p.m. and 3:00 p.m. on the day of the meeting, January 9, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on January 7, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., DST.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and within approximately nine days at the Office of Mr. Dean Agee, Executive Secretary, Board of Supervisors, Louisa County Courthouse, Louisa, Virginia 23093. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 on or after March 11, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-27253 Filed 12-26-73;10:41 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-39]

MASSACHUSETTS COUNCIL OF CONSTRUCTION EMPLOYERS, ET AL.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of Application.* Notice is hereby given that Massachusetts Council of Construction Employers, 260 Summer Street, Room 704, Boston, Massachusetts 02210; Construction Contractors Council, Inc., Suite 804, 1515 Wilson Blvd., Arlington, Virginia 22209; and Master Builders' Association, Suite 14, 2430 Pennsylvania Avenue, NW., Washington, D.C., acting on behalf of their members, have 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 regulations prescribed in 29 CFR 1926.154(d) which prohibits the use of solid fuel salamanders in buildings and on scaffolds.

The address of the members of the Massachusetts Council of Construction Employers, Inc. are as follows:

Abbott Equipment Company, Inc.
133 Southhampton Street
Boston, Massachusetts 02118

Aberthaw Construction Company
28 State Street
Boston, Massachusetts 02109

Abreen Corporation
163 Highland Avenue
(Box 183)
Needham Heights, Mass. 02194

S & A Allen Construction Co.
89 State Street
Boston, Massachusetts 02109

Anastasi Brothers Corporation
853 Plain Street
Marshfield, Mass. 02050

Antonelli Construction Company
21 Adams Street, (Box 563)
Worcester, Massachusetts 01613

Aquardro & Cerruti, Inc.
Texas Avenue
Northampton, Mass. 01060

William M. Bailey Company
44 School Street
Boston, Mass. 02108

Bathelt Construction Co.
77 Meadow Street
Holyoke, Mass. 01040

Beacon Construction Co.
100 Bond Street
Springfield, Mass. 01104

Joseph E. Bennett Co., Inc.
214 Garden Street (Box 319)
Needham, Mass. 02192

Blount Brothers Corporation
220 Forbes Road
Braintree, Mass. 02184

A. Bonfatti and Company, Inc.
100 Access Road
Norwood, Mass. 02062

Adams & Ruxton Construction Co.
600 Union Street
West Springfield, Mass. 01089

Amici Construction Corporation
12 Railroad Street
Andover, Massachusetts 01810

Andover Construction Co., Inc.
166 N. Main Street (Box 125)
Andover, Massachusetts 01810

D. Antonellis, Inc.
26 Emerson Road
Waltham, Massachusetts 02154

The Associated Construction Co.
1010 Wethersfield Avenue
Hartford, Connecticut 06114

Barr & Barr, Inc.
80 Boylston Street
Boston, Mass. 02116

Beacon Construction Company
One Center Plaza
Boston, Massachusetts 02108

A. Belanger & Sons, Inc.
173 Harvey Street
Cambridge, Mass. 02140

E. C. Blanchard Co., Inc.
512 Lynnway
West Lynn, Mass. 01905

Bond Brothers, Inc.
145 Spring Street
Everett, Mass. 02149

Boston Sand & Gravel Company
150 Causeway Street
Boston, Mass. 02114

Boutin, Sandonato & Bogue, Inc.
38 Courtland Street
Everett, Mass. 02149

Frank Briscoe Company, Inc.
Box 1114
Newark, New Jersey 07101

Brodie Construction Co., Inc.
47B River Street
Wellesley Hills, Mass. 02181

Roger A. Burke, Inc.
379 Linebrook Road
Ipswich, Mass. 01938

Paul W. Cameron & Company, Inc.
653 Main Street (Box 129)
Wakefield, Mass. 01880

The Ceco Corporation
400 Totten Pond Road
Waltham, Mass. 02154

Charles Construction Co., Inc.
200 Sutton Street
North Andover, Mass. 01845

Chick's Construction Co., Inc.
Marshall Street (Box 214)
Clinton, Massachusetts 01510

Clark & Smith Inc.
1431 Hancock Street
Quincy, Mass. 02169

Richard F. Clark Company
153 Milk Street
Boston, Mass. 02109

F. L. Collins & Sons, Inc.
102 South Main Street
Fall River, Mass. 02721

The Bozenhard Co., Inc.
173 Grove Street
Worcester, Mass. 01605

Frank Briscoe Company, Inc.
Box 325, Kenmore Station
Boston, Mass. 02215

Builders Realty Corp. of Mass.
131 Fay Road
Framingham, Mass. 01701

Cambridge Cement Stone Co.
156 Lincoln Street
Box 41
Allston, Mass. 02134

Ernest F. Carlson Associates
1694 Main Street
Springfield, Mass. 01103

Channel Building Company, Inc.
Musgrove Building
Andover, Mass. 01810

F. Chiavarini Construction Co., Inc.
10 Nichols Street, RFD 1
Framingham, Mass. 01701

Citadel Construction Inc.
5 Broadway
Saugus, Massachusetts 01906

John R. Clark & Assoc., Inc.
235 Binney Street
Cambridge, Mass. 02142

Paul G. Cleary & Co., Inc.
1125 County Street (Box D-807)
New Bedford, Mass. 02742

Columbia Construction Company
P.O. Box 233
North Reading, Mass. 01864

Connolly Brothers, Inc.
20 Oak Street
Beverly Farms, Mass. 01915

Coronis Construction Co., Inc.
29 Vine Street (Box 190)
Winchester, Mass. 01890

E. J. Cross Company
150 Prescott Street
Worcester, Mass. 01605

H. P. Cummings Construction Co.
14 Prospect Street
Ware, Mass. 01082

B. G. Danis of New England, Inc.
6 Whipple Street (Box 69)
North Attleboro, Mass. 02761

John B. Deary, Inc.
1874 Centre Street
West Roxbury, Mass. 02132

DeLoid & Davison, Inc.
822 Mt. Pleasant Street
New Bedford, Mass. 02745

Devlin Construction Corporation
63 Nicholas Road
Saxonville, Mass. 01701

Dimeo Construction Company
75 Chapman Street
Providence, R.I. 02905

Duron Eastern Corporation
15 Mercer Road
Natick, Mass. 01760

George E. Emerson, Inc.
34 Britton Street (Box 1160)
Pittsfield, Mass. 01201

James Farina Corporation
120 Adams Street
Newton, Mass. 02158

Conti and Donahue, Inc.
239 Commercial Street
West Lynn, Mass. 01905

Thomas Crimmins Contracting Co.
41 E. 42nd Street
New York, New York 10017

William L. Crow Construction Co.
Belvidere Street, Prudential Ctr.
(P.O. Box 116—Astor Station)
Boston, Mass. 02123

Cummings Masonry, Inc.
13 Eaton Court
Wellesley Hill, Mass. 02181

Davison Construction Co., Inc.
1306-A Elm Street
Manchester, N.H. 03105

DeFalco Concrete Corporation
Providence Road
Millbury, Mass. 01527

Del Signore Construction Co.
19 Wells Street
Worcester, Mass. 01604

Diesel Construction
100 Boyiston Street
Boston, Mass. 02116

T. G. Driscoll Construction Co., Inc.
One Loris Road
Peabody, Mass. 01960

The Dwight Building Company
109 Sanford Street
Hamden, Conn. 06514

Fabbri Bros. Construction Co., Inc.
112 Albion Street
Somerville, Mass. 02144

Farwell Construction Corporation
23 Farwell Street
Newton, Mass. 02160

John H. Fellouris, Inc.
771 Purchase Street
(Box A-2095)
New Bedford, Mass. 02740

Fontaine Brothers
66 Industry Avenue
Memorial Industrial Park
Springfield, Mass. 01104

Peter Francese & Son, Inc.
Housantonic Street (Box 845)
Lenox, Mass. 01240

Frasca Construction Corp.
170 Union Street
Lynn, Mass. 01901

Gilbane Building Company
90 Calverley Street
Providence, R.I. 02904

Gil-Bern Industries, Inc.
80 Brook Street
Plympton, Mass. 02367

Gourdeau Construction Co., Inc.
203 Willow Street
S. Hamilton, Mass. 01982

Granger Brothers, Inc.
141 Ballard Street
Worcester, Mass. 01607
(Mail: P.O. Box 867, Worcester, Mass. 01613)

A. R. Green & Son, Inc.
19 St. James Avenue
Holyoke, Mass. 01040

D. Guschov Company, Inc.
18 Tremont Street
Boston, Mass. 02108

Harvey Construction Co., Inc.
1662 Elm Street
Manchester, N.H. 03105

A. H. Harris & Sons, Inc.
188 Providence Street, Box 96
Hyde Park, Mass. 02136

Fred J. Findlen & Sons
41 River Street
Dedham, Mass. 02026

Joseph Francese, Inc.
551 Fenn Street (Box 1223)
Pittsfield, Mass. 01201

Franchi Construction Co., Inc.
425 Watertown Street
Newton, Mass. 02195

George A. Fuller Company, Inc.
11 Beacon Street
Boston, Mass. 02108

Gilbane Building Company
161 Clarendon Street
Boston, Mass. 02116

Gordon & Sutton, Inc.
227 Houghton Street
North Adams, Mass. 01247

Grande Brothers Corporation
60 Union Avenue
Sudbury, Mass. 01776

Granger Contracting Co., Inc.
306 Main Street
Worcester, Mass. 01608
(Mail: P.O. Box 746, Worcester, Mass. 01613)

Grieeci Construction Co., Inc.
95 Terrace Hall Avenue (Box 163)
Burlington, Mass. 01803

HRH Construction Corporation
515 Madison Avenue
New York, New York 10022

Francis Harvey & Sons, Inc.
141 Dewey Street
Worcester, Mass. 01610

Hart Engineering Company
300 Wampanoag Trail (Box 4288)
E. Providence, R.I. 02915

H. H. Hawkins & Sons Co.
188 Whiting Street
Hingham, Mass. 02043

Hew Construction Company
77 Summer Street
Boston, Massachusetts 02110

Horn Building Company
31 Smith Place
Cambridge, Mass. 02138

Innamorati Brothers, Inc.
919 Main Street
Clinton, Mass. 01510

Jackson Construction Co., Inc.
10 Kearney Road
Needham, Mass. 02194

James Construction Co., Inc.
254 Summer Street
Boston, Mass. 02210

Karniala Construction Co., Inc.
546 Higgins Crowell Road
West Yarmouth, Mass. 02673

The Law Company, Inc.
313 South Market Street
Wichita, Kansas 67202

Leominster Engineering Co., Inc.
26 Columbia Street (Box 744)
Leominster, Mass. 01453

H. V. Lindberg Co., Inc.
110 Lunenburg Street, Rear
Fitchburg, Mass. 01420

Lusalon, Inc.
321 Billerica Road
Chelmsford, Mass. 01824

Joseph P. McCabe, Inc.
509 East First Street
South Boston, Mass. 02127

Herbert Engineering, Inc.
90 Prescott Street
Worcester, Mass. 01605

M. P. Horan & Company, Inc.
110 West Broadway
Boston, Mass. 02127

Ideal Construction, Inc.
381 Congress Street
Boston, Mass. 02210

J. M. Construction Corp.
315–A Chestnut Street
Needham, Mass. 02192

R. R. Jacobucci, Inc.
32 Dayton Street (Box 364)
West Quincy, Mass. 02169

J. A. Jones Construction Co.
P.O. Box B
Somerset, Mass. 02726

Kay-Locke, Inc.
815 East Fifth Street
South Boston, Mass. 02127

Thomas P. Leger & Son
140 Manchester Terrace
Springfield, Mass. 01108

Ley Construction Company
South Road
Enfield, Conn. 06082

Loranger Construction Corporation
404 Nash Road (Box 808)
New Bedford, Mass. 02742

W. F. MacDonald Co., Inc.
45 Willard Street
Quincy, Mass. 02169

McCloskey & Company, Inc.
1620 W. Thompson Street
Philadelphia, Pa. 19121

L. H. McIsaac Co., Inc.
76 Seattle Street
Allston, Mass. 02134

George B. H. Macomber Co.
89 Brighton Avenue
Allston, Mass. 02134

P. Madonia Co., Inc.
76 Summer Street (Box 329)
Fitchburg, Mass. 01420

Donald M. Manzelli, Inc.
24 Garfield Avenue
Woburn, Mass. 01801

Edward R. Marden Corp.
280 Lincoln Street
Allston, Mass. 02134

Marr Scaffolding Company
25 D Street
South Boston, Mass. 02127

A. J. Martini, Inc.
9 Jerome Street
Medford, Mass. 02155

Montachusett Construction Company, Inc.
30 Granite Street (Box 320)
Fitchburg, Mass. 01420

Thomas Mulcare Corporation
71 Dudley Street
Arlington, Mass. 02174

Northgate Construction Company, Inc.
393 Totten Pond Road
Waltham, Mass. 02154

Thomas O'Connor & Co., Inc.
238 Main Street
Cambridge, Mass. 02142

Gerald E. McNally Construction Co., Inc.
454 Main Street
Somerset, Mass. 02726

F. W. Madigan Company, Inc.
54 Mason Street
Worcester, Mass. 01610

Raymond G. Mansour, Inc.
12 Regis Road (Box 221)
Andover, Mass. 01810

Martin W. Manzelli Corporation
385 Concord Avenue
Belmont, Mass. 02178

Marnell Construction Corp.
13 Bowdoin Street
Boston, Mass. 02114

R. M. Martin Co., Inc.
125 B Street
South Boston, Mass. 02127

Monahon Corporation
2 Calvin Road
Watertown, Mass. 02172

Morris & Son Construction Corp.
9 Acton Road
Chelmsford, Mass. 01824

Mullen Lumber Company, Inc.
Union Avenue
Sudbury, Mass. 01776

Daniel O'Connell's Sons, Inc.
480 Hampden Street
Holyoke, Mass. 01040

P & D Contractors, Inc.
50 Moraine Street
Belmont, Mass. 02178

Park Construction Co., Inc.
40 Court Street
Boston, Mass. 02108

Louis Pasqualucci & Son, Inc.
40 Summer Street
Quincy, Mass. 02169

Peabody Construction Co., Inc.
536 Granite Street
Braintree, Mass. 02184

A. F. Peaslee, Inc.
Route 131, Main Street
Box 246
Sturbridge, Mass. 01566

Perini Corporation
Building Division
73 Mt. Wayte Avenue
Framingham, Mass. 01701

Petruccelli Construction Co., Inc.
41 Chester Street
Lynn, Mass. 01905

Francis L. Piermarocchi, Inc.
232 Falulah Road
Fitchburg, Mass. 01420

Pizzotti Brothers, Inc.
242 Lynn Fells Parkway
Saugus, Mass. 01906

Poley-Abrams Corporation
45 Bartlett Crescent
Brookline, Mass. 02146

(Mail: P.O. Box 900, Brookline (02147))
E. H. Porter Construction Co.
13 Wallis Street (Box 708)
Peabody, Mass. 01960

W. J. Quinn Company
94 Maple Street
East Longmeadow, Mass. 01106

Parker-Danner Company
25 Factory Street
Hyde Park, Mass. 02136

Pavarini Construction Co., Inc.
270 Madison Avenue
New York, New York 10016

T. A. Pearson Associates
686 Union Street
West Springfield, Mass. 01089

A. F. Peaslee, Inc.
24 Peaslee Drive (Box 335)
S. Windsor, Conn. 06074

Petrangelo Construction Company
297 Walnut Street
Agawam, Mass. 01001

A. L. Phelps, Inc.
63 Inglewood Avenue
Springfield, Mass. 01119

E. J. Pinney Company, Inc.
21 Silver Street
Springfield, Mass. 01107

Plasticrete Corporation
909 Fellsway
Medford, Mass. 02155

Porter Construction Co., Inc.
84 Arsenal Street
Watertown, Mass. 02172

Powell's General Contracting Company, Inc.
118 Newbury Street
Boston, Massachusetts 02116

G. Rappoli, Inc.
275 Mishawum Road
Woburn, Mass. 01801

L. J. Reardon Co., Inc.
741 Providence Highway
Norwood, Mass. 02062

Reynolds Bros., Inc.
756 Washington Street
Canton, Mass. 02021

Rosenfeld Concrete Company
Drawer E
Milford, Mass. 01757

G. Salvucci & Company, Inc.
118 Needham Street
Newton Highlands, Mass. 02161

Scaldini, Inc.
15 Reardon Road
Medford, Mass. 02155

J. T. Scully Construction Corp.
P.O. Box P
81 Maplewood Street
Malden, Mass. 02148

Philip E. Shumway, Inc.
482 South Pleasant Street
Amherst, Mass. 01002

Spencer, White & Prentis, Inc.
10 East 40th Street
New York, New York 10016

D. A. Sullivan & Sons
82–84 North Street
Northampton, Mass. 01060

Sydney Construction Company, Inc.
One Lincoln Street
Newton Highlands, Mass. 02161

Taylor Woodrow Blitman Construction Corp.
10 Tremont Street
Boston, Mass. 02108

Refractories & Building Specialties, Inc.
767 Concord Avenue
Cambridge, Mass. 02138

Resnick Construction Co., Inc.
303 Freeport Street
Dorchester, Mass. 02122

Joseph Rugo, Inc.
115 Homes Avenue
Dorchester, Mass. 02122

San-Vel Concrete Corp.
Ayer Road
Littleton, Mass. 01460

Owen L. Schwam Construction Company, Inc.
388 Hillside Avenue
Needham Heights, Mass. 02194

Shuman Construction Company
251 Harvard Street
Brookline, Mass. 02146

J. Slotnik Company
99 Chauncy Street
Boston, Mass. 02110

P. J. Stella Construction Corp.
7 Lincoln Street
Wakefield, Mass. 01880

Sullivan-Foster, Inc.
444 Myrtle Street (Box E–540)
New Bedford, Mass. 02742

T and B Construction, Inc.
27 Osgood Street

Somerville, Mass. 02143
Thoresen Forms, Inc.
P.O. Box 12
Readville, Mass. 02137

David J. Tierney Jr., Inc.
169 Gale Avenue
Pittsfield, Mass. 01201

Tucker Concrete Form Company
197 Commercial Street
Malden, Mass. 02148

V & V Construction Co., Inc.
326 Main Street (Box 127)
East Falmouth, Mass. 02536

Vappi & Company, Inc.
240 Sidney Street
Cambridge, Mass. 02139

The Volpe Construction Co., Inc.
54 Eastern Avenue
Malden, Mass. 02148

Wakefield Ready Mixed Concrete Company, Inc.
One New Salem Street
Wakefield, Mass. 01880

Waldo Bros. Company
202 Southampton Street
Boston, Mass. 02118

Webster Construction Co., Inc.
53 Clapp Street
Dorchester, Mass. 02125

Westcott Construction Corp.
135 Washington Street
North Attleboro, Mass. 02761

The R. L. Whipple Company, Inc.
44 Portland Street
Worcester, Mass. 01608

J. F. White Contracting Company
Building Division, One Gateway Center
Newton, Mass. 02158
(Mail: P.O. Box 240 Newtonville, Mass. 02160)

E. Whitehead, Inc.
97 Webster Street
Worcester, Mass. 01603

L. M. Witherell & Sons
29 Court Street
Taunton, Mass. 02780

John Tocci & Sons, Inc.
479 Winter Street
Waltham, Mass. 02154

Turner Construction Company
38 Newbury Street
Boston, Mass. 02116

J. J. Vaccaro, Inc.
304 Somerville Avenue
Somerville, Mass. 02143

Varrasso Bros., Inc.
6 Columbian Street
Braintree, Mass. 02184

S. Volpe & Company, Inc.
185 Devonshire Street
Boston, Mass. 02110

Walden Construction, Inc.
P.O. Box 243
395 Massachusetts Avenue
Acton, Mass. 01720

Walsh Brothers, Inc.
150 Hampshire Street
Cambridge, Mass. 02139

James J. Welch & Co., Inc.
15 Front Street
Salem, Mass. 01970

Weston Construction Co., Inc.
589 South Avenue (Box 397)
Weston, Mass. 02193

White Construction Co., Inc.
135 Cambridge Street
Burlington, Mass. 01803

Richard White Sons, Inc.
70 Rowe Street
Auburndale, Mass. 02166

Henry E. Wile Corporation
862 Walnut Street
Newton, Mass. 02159

The addresses of the members of the Construction Contractors Council, Inc. are as follows:

Amber Drilling Company
9200 48th Place
College Park, Maryland 20740

Anchor Associates, Inc.
4000 Albemarle Street, N.W.
Washington, D.C. 20016

Anning-Johnson Company, Inc.
P.O. Box 159
Springfield, Virginia 22150

Atlas Machine & Iron Works, Inc.
7308 Wellington Road
Gainesville, Virginia 22065

Ball-Shea-Norair Joint Venture
P.O. Box 581
Washington, D.C. 20044

Ball Air Compressor Rental Co.
6031 Kansas Avenue, N.W.
Washington, D.C. 20011

Blake Construction Co., Inc.
1120 Connecticut Avenue, N.W.
Washington, D.C. 20036

Blake Construction Co., Inc. & Haas and Haynie, Ltd. Partnership
1120 Connecticut Avenue, N.W.
Washington, D.C. 20036

Granite Construction Company
801 Rhode Island Avenue, N.E.
Washington, D.C. 20018

Kirk Lindsey Construction Co., Inc.
1701 North Fort Myer Drive
Arlington, Virginia 22209

John H. Hampshire, Inc.
4626 Annapolis Road
Bladensburg, Maryland 20710

M. J. Byorick, Inc.
713 North Fayette Street
Suite 200
Alexandria, Virginia 22314

The Ceco Corporation
P.O. Box 349
Bladensburg, Maryland 20710

Commercial Carpentry Corp.
8003 Langbrook Road
Springfield, Virginia 22152

Crane Rental Company, Inc.
1725 W Street, N.E.
Washington, D.C. 20018

Crane Service Company, Inc.
1415 Kenilworth Avenue, N.E.
Washington, D.C. 20019

Fred Drew Company, Inc.
515 Wythe Street, Suite 103
Alexandria, Virginia 22314

Franki Foundation Company
2001 Jefferson Davis Highway
Suite 200
Arlington, Virginia 22202

Blake Construction Co., Inc. & U.S. Industries, Inc.
1120 Connecticut Avenue, N.W.
Washington, D.C. 20036

Kirk Lindsey, Inc.
1701 North Fort Myer Drive
Arlington, Virginia 22209

N. Litterio & Company, Inc.
5724 Edsall Road
Alexandria, Virginia 22304

The Maritime Company
2525 North 10th Street
Arlington, Virginia 22201

Mark Masonry Company, Inc.
1341 Pennsylvania Ave., S.E.
Washington, D.C. 20003

Hutchison Brothers Excavating Company, Inc.
1535 48th Place
Beaver Heights
Washington, D.C. 20027

Anthony Izzo Company, Inc.
5454 Wisconsin Avenue, Suite 1100
Chevy Chase, Maryland 20015

A. F. Jorss Iron Works, Inc.
300 10th Street, South
Arlington, Virginia 22202

McDermott Associates, Inc.
1749 Rockville Pike
Suite 305
Rockville, Maryland 20852

McKinney Drilling Company
8351 Backlick Road
Lorton, Virginia 22079

McLeod & Romborg Stone Co., Inc.
46th & Webster Streets
Bladensburg, Maryland 20710

Palisades Construction Corp.
P.O. Box 9174
Arlington, Virginia 22209

Arnold Parreco & Haass, Inc.
4700 Lawrence Street
Hyattsville, Maryland 20781

Pick Masonry Company
3731 Branch Avenue, S.E.
Hillcrest Heights, Md. 20031

Potomac Iron Works, Inc.
4711 Rhode Island Avenue
Hyattsville, Maryland 20781

Potts & Callahan, Inc.
3310 Kenilworth Avenue
Bladensburg, Maryland 20710

George C. Martin, Inc.
10400 Connecticut Avenue
Kensington, Maryland 20795

Morauer & Hartzell, Inc.
1620 Second Street, S.W.
Washington, D.C. 20024

Moses-Ecco Company, Inc.
2900 S. Eads Street
Arlington, Virginia 22202

John B. Kelly, Inc.
1720 Cherry Street
Philadelphia, Pennsylvania 19103

Raymond International, Inc.
Raymond Concrete Pile Division
7053 Brookdale Drive
Baltimore, Maryland 21227

Rivers & Bryan, Inc.
3701 Gregg Road
Brookeville, Maryland 20729

C. J. Roberts Reinforcing Steel Company, Inc.
6623 Backlick Road, Suite 209
Springfield, Virignia 22150

Schnabel Foundation Company
5210 River Road
Bethesda, Maryland 20016

Slattery Associates Inc.
955 North L'Enfant Plaza
Suite 4900
Washington, D.C. 20024

Spencer, White & Prentis, Inc.
1660 L Street, N.W., Room 1013
Washington, D.C. 20036

Steele & Moroney, Inc.
P.O. Box 9276
Alexandria, Virginia 22304

Stromberg Sheet Metal Works, Inc.
1235 W Street, N.E.
Washington, D.C. 20018

Prospect Industries, Inc.
1516 Springhill Road
McLean, Virginia 22101

Heron Todd Steel Construction Co.
2900 Jefferson Davis Highway
Arlington, Virginia 22202

Underpinning & Foundation Associates, Inc.
P.O. Box 7592
Washington, D.C. 20044

Washington Air Compressor Rental Company, Inc.
Fourth & S Streets, N.E.
Washington, D.C. 20002

R. M. Thornton, Inc.
1354 Florida Avenue, N.E.
Washington, D.C. 20002

Truland Corporation
P.O. Box 9174
Arlington, Virginia 22209

Volpe & Associates, A Joint Venture
5200 Auth Road
Washington, D.C. 20023

Williams Enterprises, Inc.
2931 Gallows Road
Merrifield, Virginia 22116

The addresses of the members of the Master Builders' Association are as follows:

American Construction Co., Inc.
3900 Wisconsin Ave., N.W.
Room S293
Washington, D.C. 20016

Associated Builders, Inc.
4903 Baltimore Avenue
Hyattsville, Maryland 20781

B & R Construction Co., Inc.
7011 Kalamo Street
Suite 201
Springfield, Virginia 22150

Gordon H. Ball, Inc.
6845 Elm Street, Room 212
McLean, Virginia 22101

J. W. Bateson Company, Inc.
2947 Gallows Road
P.O. Box 426
Merrifield, Virginia 22116

Frank Briscoe Company, Inc.
P.O. Box 590
Leesburg, Virginia 22075

M. Cladny Construction Co., Inc.
Chevy Chase Building
5530 Wisconsin Avenue
Chevy Chase, Maryland 20015

Coe Construction, Inc.
2600 Pitman Drive
Silver Spring, Maryland 20910

Corning Construction Corp.
10501 Tucker Street
Beltsville, Maryland 20705

Marshall B. Coyne Corp.
1156 15th Street, NW.
Room 300
Washington, D.C. 20005

Edward M. Crough, Inc.
411 N. Stonestreet Avenue
Rockville, Maryland 20850

John C. Grimberg Company, Inc.
Const. Division
5501 Randolph Road
Rockville, Maryland 20852

Head Construction Company
3737 Branch Ave., S.E., Suite 308
Washington, D.C. 20031

Equitable Construction Co., Inc.
6845 Elm Street, Suite 700
P.O. Drawer H.H.
McLean, Virginia 22101

Edward B. Friel, Inc.
7600 Georgia Ave., N.W.
Washington, D.C. 20012

George A. Fuller Company
Suite 508, 888 17th Street, N.W.
Washington, D.C. 20006

Grilles & Cotting, Inc.
929 West Broad Street
Falls Church, Virginia 22046

The Lane Construction Corp.
6211 Blair Road, N.W.
Washington, D.C. 20011

Morrison-Knudsen Company, Inc.
1725 Eye Street, N.W., Room 610
Washington, D.C. 20006

Massman-Kiewit-Early
P.O. Box 19349
Washington, D.C. 20036

Dravo Corporation
Eastern Const. Division
P.O. Box 579
Benjamin Franklin Station
Washington, D.C. 20044

Early-Massman
821 15th Street, N.W.
First Floor
Washington, D.C. 20005

Healy-Kruse
415 8th Street, S.E.
Washington, D.C. 20003

The George Hyman Construction Co.
4930 Del Ray Avenue
Bethesda, Maryland 20014

Intercounty Construction Corp.
4744 Baltimore Avenue
Hyattsville, Maryland 20781

Peter Kiewit Sons' Co.
1331 G Street, N.W.
Washington, D.C. 20005

Granite Construction Company
1346 Connecticut Ave., N.W.
Suite 1009
Washington, D.C. 20036

Wm. P. Lipscomb Co., Inc.
P.O. Box 471, Clarendon Station
Arlington, Virginia 22210

George C. Martin, Inc.
Suite 500, State National Bank Bldg.
10400 Connecticut Avenue
P.O. Box 69
Kensington, Maryland 20795

McDermott Associates, Inc.
1749 Rockville Pike, Suite 305
Rockville, Maryland 20852

Mergentime-Steers-Arundel
402—4th Street, S.W.
Washington, D.C. 20024

Norair Engineering Corp.
Suite 440
2233 Wisconsin Ave., N.W.
Washington, D.C. 20007

Charles H. Riddle Company
3925 Plyers Mill Road
Kensington, Maryland 20795

J. F. Shea Company, Inc.
1730 N. Lynn Street
Arlington, Virginia 22209

Charles H. Tompkins Company
1325 E Street, N.W.
Washington, D.C. 20004

Underground Construction Co., Inc.
1121 Arlington Blvd.
Tyler Building, Suite 1400
Arlington, Virginia 22209

Volpe Construction Co., Inc.
5200 Auth Road
Washington, D.C. 20023

Thomas W. Yoder Company, Inc.
5515 Randolph Road
Rockville, Maryland 20852

Morrison-Knudsen & Associates
1725 Eye Street, N.W.
Room 610
Washington, D.C. 20006

P & Z Company, Inc.
1500 Wilson Blvd.
Arlington, Virginia 22209

S & M—Traylor Bros., Inc.
P.O. Box 8141, Southwest Station
Washington, D.C. 20024

Skinker & Garrett, Inc.
2607 Connecticut Ave., N.W.
Washington, D.C. 20008

Tuckman-Barbee Construction Company, Inc.
6230 Third Street, N.W.
Washington, D.C. 20011

Utley-James, Inc.
825 N. Capitol, N.E.
Washington, D.C. 20002

Whitty Construction Co.
4907 Cordell Avenue
Bethesda, Maryland 20014

The addresses of the places of employment that will be affected by the application of the Massachusetts Council of Construction Employers are all building construction projects of their member companies, located within Massachusetts.

The addresses of the places of employment that will be affected by the applications of the Construction Contractors Council, Inc. and the Master Builders' Association are all building construction projects of their member companies, located within the District of Columbia and adjacent counties in Maryland and Virginia.

The applicants certify that employees who would be affected by the variances have been notified of the application by giving a copy of it to their authorized employee representatives, 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 applications, the applicants contend that they would be providing places of employment as safe as that required by 29 CFR 1910.154(d) which prohibits the use of solid fuel salamanders in buildings or on scaffolds.

The applicants state that a heating device is needed in temperatures below 50° F in order that the concrete be properly cured. The applicants also state that its suppliers are unable to guarantee an adequate supply of propane fuel during the coming winter months. Therefore, the applicants request a variance to allow the use of coal or coke-fired salamanders in accordance with ANSI A10.10–1970 pp. 4 and the following conditions:

(a) Coverage. Solid fuel salamanders may be used only as temporary heating devices for the curing of concrete in the construction of multistoried fireproof structures.

(b) General requirements.

(1) All solid fuel salamanders shall be designed and constructed for use with solid fuel, that is, coal or coke.

(2) Solid fuel salamanders shall be equipped with a cover designed as part of the unit, to prevent spillage of burning material in case of tipover.

(3) Salamanders shall be assembled in accordance with the instructions issued by the manufacturer.

(4) The safeguards engineered into the product shall be maintained and any replacement shall be equivalent thereto.

(5) Salamanders shall be stored in such a manner as to prevent deterioration or damage to the unit.

(c) Operation.

(1) Manufacturers' instructions shall be followed by the user.

(2) Each time a salamander is placed in operation it shall be checked to insure that it is functioning properly. Its operation shall be checked periodically thereafter.

(3) When concentrations of carbon monoxide attain quantities greater than 50 parts per million (0.005 percent) to air volume at employee breathing levels the salamander shall be extinguished, unless additional natural or mechanical ventilation is provided to reduce the carbon monoxide content to permissible limits.

(4) Tests for presence of carbon monoxide shall be made by a qualified person within 1 hour after the start of each shift and at least every 3 hours thereafter. If concentrations of carbon monoxide reach 30 parts per million to air volume, tests shall be made more frequently to determine if there is a continuing increase of carbon monoxide concentration.

(5) Records of all tests, including the date, time, results obtained, and person making tests, shall be maintained.

(6) No persons shall be permitted to be within the area being heated by the salamanders except under the following circumstances: When tending the salamanders; when testing the atmosphere; or in emergency situations.

(7) No employee shall be permitted to enter the heated area until notification is given to another person located outside. Periodic checks shall be made to insure the health and safety of employees entering the heated area.

(8) When a salamander is being used, the responsibility for its operation and maintenance shall be assigned to a qualified employee.

(9) Salamanders shall not be moved, handled, or serviced while hot or burning, or while component parts are hot to the touch.

(10) Salamanders, when in use, shall be set level with the horizontal unless otherwise permitted by the manufacturer's markings. Salamanders shall be designed so as not to tip over when placed on a surface inclined 25° to the horizontal.

(11) If equivalent protection and safety is afforded by alternative design, the 25° limitation may be reduced.

(12) Salamanders not suitable for use on wood floors shall not be set directly upon them or other combustible materials. When such salamanders are used they shall rest on suitable heat insulating material or at least 1-inch concrete or equivalent. The insulating material shall extend beyond the salamander 2 feet or more in all directions.

(13) Salamanders used in the vicinity of tarpaulins, canvas, or similar coverings shall be located a safe distance from coverings and other combustible materials. The coverings shall be securely fastened to prevent ignition of the covering or upsetting of the salamanders due to wind action on the covering or other material.

(14) Salamanders in use shall be protected to prevent flame extinguishment.

(d) Ventilation.

(1) Fresh air shall be supplied in sufficient quantities to maintain the health and safety of employees. Where natural means for fresh air supply is inadequate, mechanical ventilation shall be provided. Particular attention shall be given to confined spaces and pockets where heat and fumes may accumulate and employees may be present (roof areas, peaks, basement).

(2) When salamanders are used in confined spaces, special care shall be taken to provide sufficient ventilation in order to assure proper combustion, maintain the health and safety of employees, and limit temperature rise in the area.

(e) Fueling.

(1) Salamanders shall be refueled only by a person trained in such operations.

(2) Only a 1 day's supply of heater fuel shall be stored inside a building in the vicinity of the salamander. General fuel storage shall be outside the structure.

(3) All fuel storage shall be maintained a minimum of 25 feet from source of ignition.

(f) Maintenance.

(1) The user shall comply with the maintenance instructions as provided by the manufacturer.

(2) Equipment showing evidence of deterioration or damage that constitutes a safety or health hazard shall be removed from service.

(3) Salamander repairs shall be performed in accordance with the manufacturer's recommendations, and replacement parts shall be equal to, the equivalent of, or the same as the original salamander equipment.

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 NW., Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
Fourth Floor
18 Oliver Street
Boston, Massachusetts 02110

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Bldg., Room 617
450 Main Street
Hartford, Connecticut 06103

U.S. Department of Labor
Occupational Safety and Health Administration
1515 Broadway (1 Astor Plaza)
New York, New York 10036

U.S. Department of Labor
Occupational Safety and Health Administration
15220 Gateway Center
3535 Market Street
Philadelphia, Pennsylvania 19104

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Bldg., Room 1110A
31 Hopkins Plaza–Charles Center
Baltimore, Maryland 21201

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Office Building
970 Broad Street, Room 1435O
Newark, New Jersey 07102

U.S. Department of Labor
Occupational Safety and Health Administration
823 Walnut Street
Waltower Bldg., Room 300
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
1627 Main Street, Room 1100
Kansas City, Missouri 64108

U.S. Department of Labor
Occupational Safety and Health Administration
Custom House Building
State Street
Boston, Massachusetts 02109

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Bldg., Room 425
55 Pleasant Street
Concord, New Hampshire 03301

U.S. Department of Labor
Occupational Safety and Health Administration
90 Church Street, Room 1405
New York, New York 10007

U.S. Department of Labor
Occupational Safety and Health Administration
William J. Green Federal Bldg.
600 Arch Street
Philadelphia, Pennsylvania 19106

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Bldg., Room 8018
400 N. 8th Street
Richmond, Virginia 23240

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 28, 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 28, 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 applications for a variance and interim order, and supporting data, filed by the

Massachusetts Council of Construction Employers, the Construction Contractors Council, Inc., and the Master Builders' Association that by using solid fuel salamanders the applicants' member companies could provide employment and places of employment as safe and healthful as those which would prevail if they were to use liquid fuel salamanders. It further appears from the applications, that an interim order is necessary to prevent undue hardships to the affected employers and employees and to prevent unnecessary interruptions of the employers' operations in the coming winter months. Therefore, it is ordered, pursuant to the authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, 29 CFR 1926.2, and 29 CFR 1905.11(c) that the member companies of the Massachusetts Council of Construction Employers, the Construction Contractors Council, Inc., and the Master Builders' Association, which are named above, be, and they are hereby, authorized to use solid fuel salamanders, while following the conditions listed in their application, at their respective jobsities in Massachusetts, within the District of Columbia and adjacent counties in Maryland and Virginia notwithstanding the prohibition in 29 CFR 1926.154(d).

Every member company of the Massachusetts Council of Construction Employers, the Construction Contractors Council, Inc., and the Master Builders' Association, listed above, shall give notice of this interim order to its affected employees by the same means required to be used to inform them of the application for the variance.

Effective date. This interim order shall be effective as of December 27, 1973, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 18th day of December, 1973.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.73-27082 Filed 12-26-73;8:45 am]

STANDARDS ADVISORY COMMITTEE ON HEAT STRESS

Notice of Final Meeting

Notice is hereby given that the Standards Advisory Committee on Heat Stress, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will hold its final meeting on Tuesday, January 8, and Wednesday, January 9, 1974, starting at 9:00 a.m. in Room 102 ABC & D, Main Labor Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The agenda provides for the review and approval of the final draft of the Committee's recommendation for a Heat Stress standard.

The meeting will be open to the public. Written data, views, or arguments concerning the subject to be considered may be filed, together with 20 copies thereof, with the Committee's Executive Secretary. Any such submission received by January 4, 1974, will be provided to the members and will be included in the record of the meeting. Time doesn't permit oral presentation at this final meeting.

An opportunity to orally address the Committee was provided at the December meeting.

Communications to the Executive Secretary should be addressed as follows:

Executive Secretary
Standards Advisory Committee, OSHA–OS
Railway Labor Building—Room 509
U.S. Department of Labor
400 First Street, NW
Washington, D.C. 20210

Signed at Washington, D.C., this 19th day of December 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-27132 Filed 12-26-73;8:45 am]

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Notice of Meeting

Notice is hereby given that the Standards Advisory Committee on Agriculture, including the Subcommittees on Personal Protective Equipment, Airborne Hazards, Education and Walking and Working Surfaces, established under section 7 (b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Tuesday, January 8, 1974, and on Wednesday, January 9, 1974, starting at 8:30 a.m. each day, in Room 9022, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

The agenda provides for the full committee to meet in an initial session each day after which the subcommittees will meet in separate sessions. The Subcommittee on Education will continue its deliberations from previous meetings. The Subcommittee on Walking and Working Surfaces will be meeting for the first time. The Subcommittee on Personal Protective Equipment plans to discuss certain agricultural definitions and noise. The Subcommittee on Airborne Hazards plans to continue discussion of airborne hazards. The full committee will reconvene at 11:00 a.m. on January 9 to receive and consider any interim or final recommendations of the subcommittees, and to consider any other business pending before the committee.

The meeting shall be open to the public. Written data, views, or arguments concerning the subject to be considered may be filed, together with 20 copies thereof, with the Committee Management Officer by January 4, 1974, or by filing them with the Committee Management Officer at the meeting. Any such submissions, timely received, will be provided to the members of the 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, together with 20 copies thereof, to the Committee Management Officer no later than January 4, 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.

Communications may be mailed to:

Standards Advisory Committees, OSHA–OS
Railway Labor Building—Room 509
U.S. Department of Labor, Washington, D.C. 20210

Signed at Washington, D.C., this 20th day of December, 1973.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.73—27138 Filed 12-26-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 414]

ASSIGNMENT OF HEARINGS

DECEMBER 19, 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 December 27, 1973.

MC 87720 Sub 139, Bass Transportation Co., Inc., now assigned January 10, 1974, at Chicago, Illinois, is cancelled and application dismissed.

MC 2202 Sub 447, Roadway Express, Inc., now being assigned hearing February 25, 1974 (1 week), at Cleveland, Ohio, in a hearing room to be later designated.

MC–F–11893, Overnite Transportation Company—Purchase—Spade Continental Express, Inc., now being assigned hearing March 4, 1974 (1 week), at Columbus, Ohio, in a hearing room to be later designated.

MC 119777 Sub 257, Ligon Specialized Hauler, Inc. is continued to January 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 129664 Sub 1, Comet Messenger and Delivery Service, Inc., now assigned January 16, 1974, at New York, N.Y., is cancelled and reassigned January 16, 1974, at Newark, N.J., in Parlor B, Downtowner Motor Inn, Raymond Blvd., and McCarter Highway.

Valuation Docket No. 1423 (1971 Report) Williams Brothers Pipeline Company, now being assigned pre-hearing conference on February 5, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35913, Louis Dreyfus Corporation, Et Al-V-The Atchison, Topeka, and Santa Fe Railway Company, Et Al, now being assigned hearing March 13, 1974 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

I & S M-27387, General Increase, December 1973, New England Territory, now being assigned hearing February 20, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S M-27376 and I & S M-27376 Sub 1, Increased Rates and Charges, From and to Southern Territory, now being assigned hearing February 12, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8067, Eagle Trucking Company—Investigation and Revocation of Certificates—now assigned February 4, 1974, at New Orleans, La., will be held in East Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC-F-11883, Ligon Specialized Hauler, Inc.—Purchase (Portion)—Buckner Trucking, Inc., now assigned February 6, 1974, at New Orleans, La., will be held in East Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC 133168 Sub 2, Delta Express, Inc., now assigned February 11, 1974, at New Orleans, La., will be held in East Courtroom, U.S. Court of Appeals, 600 Camp Street.

MC-121060 Sub 22, Arrow Truck Lines, Inc., Extension-Marreo, La., now assigned March 4, 1974, will be held in the East Courtroom, U.S. Court of Appeals, 600 Camp St., New Orleans, La.

MC-F-11951, Jones Truck Lines, Inc.—Cont. & Merger—M-F Express, Inc., and Poplarville Truck Line, Inc., now assigned March 5, 1974, will be held in the East Courtroom, U.S. Court of Appeals, 600 Camp St., New Orleans, La.

MC-F-11991, Roadway Express, Inc.—Purchase (Portion)—England Transportation Company, Inc., now assigned March 7, 1974, will be held in the East Courtroom, U.S. Court of Appeals, 600 Camp St., New Orleans, La.

MC-128215 Sub 15, Martin Trailer Toters, Inc., now assigned March 11, 1974, will be held in the GSA Conference Room 105, U.S. Court of Appeals, 600 Camp St., New Orleans, La.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-27032 Filed 12-26-73;8:45 am]

[Notice No. 173]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 14, 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 647 (Sub-No. 11 TA), filed December 5, 1973. Applicant: EXHIBITORS SERVICE COMPANY, 85 Helen Street, McKees Rocks, Pa. 15136. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Perishable foods and foodstuffs* in vehicles equipped with mechanical refrigeration; (2) (a) *frozen foods* and (b) *foodstuffs* in vehicles equipped with mechanical refrigeration; and (3) *frozen fish and agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under Section 203(b)(6) of the Act in mixed loads with the commodities in (1) above in vehicles equipped with mechanical refrigeration, between points in Allegheny County, Pa., on the one hand, and, on the other, points in Ashland, Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Jefferson, Lake, Mahoning, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio, for 180 days. SUPPORTING SHIPPER: There are approximately 12 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: District Supervisor John J. England, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 2392 (Sub-No. 89 TA), filed December 7, 1973. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 "F" Street, P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfural and furfuryl alcohol*, in bulk, in tank vehicles, from Omaha, Nebr., to Griffith, Ind., and Misshawaka, Ind., for 180 days. SUPPORTING SHIPPER: The Quaker Oats Co., Merchandise Mart Plaza, Chicago, Ill. 60654. 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 39123 (Sub-No. 6 TA), filed December 6, 1973. Applicant: ASBESTO EASTERN TRANSPORT (US), INC., Morrisonville Road, Plattsburgh, N.Y. 12901. Applicant's representative: Frank M. Cushman, 36 South Main Street, Sharon, Mass. 02067. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Franklin, Clinton, and Essex Counties, N.Y., on the one hand, and ports of entry at the International Boundary line located in Clinton County, N.Y., on the other, restricted to traffic having a prior or subsequent movement in foreign commerce, for 180 days. SUPPORTING SHIPPERS: (1) The Sheridan Company, P.O. Box 518, Champlain, N.Y.; (2) Delagar Products, Inc., Rouse Point, N.Y.; (3) Air Speed, Inc., Division the Myers Group, Myers Building, Rouses Point, N.Y.; (4) Vermont Structural Steel Corp., 216 Oak Street, Plattsburgh, N.Y.; (5) American Management Associations, P.O. Box 319, Saranac Lake, N.Y.; and (6) Ayerst Laboratories, Inc., 64 Maple Street, Rouses Point, N.Y. SEND PROTESTS TO: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 44735 (Sub-No. 11 TA), filed December 4, 1973. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, P.O. Box 6237, Kansas City, Mo. 64126. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast and prestressed concrete products*, from the plantsite and warehouse facilities of Wilson Concrete Company at Bellevue and LaPlatte, Nebr., and Red Oak, Iowa, to points in Kansas, Missouri, Iowa, Illinois, and Nebraska, for 180 days. SUPPORTING SHIPPER: Wilson Concrete Company, P.O. Box 7208, South Omaha Station, Omaha, Nebr. 68107. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut, Kansas City, Mo. 64106.

No. MC 64932 (Sub-No. 521 TA), filed December 5, 1973. Applicant: ROGERS CARTAGE CO., 10735 So. Cicero Avenue Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins, styrene, anhydrides, alcohols and glycols*, in liquid in bulk, in tank vehicles, from the plantsite of Marco Chemical Division, W. R. Grace & Co., at Jacksonville, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Missouri, Louisiana, Mississippi, Nebraska, Ohio, Oklahoma, Tennessee, and Texas, for 180 days. SUPPORTING SHIPPER: Richard A. Jenkins, Industry Manager, Marco Chemical Division, W. R. Grace & Co., 1711 Elizabeth Avenue West, Linden, N.J. 07036. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 103993 (Sub-No. 790 TA), filed December 5, 1973. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexing-

ton Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Clay County, Miss., to points in Alabama, Georgia, Florida, Tennessee, Illinois, Missouri, Arkansas, and Louisiana, for 180 days. SUPPORTING SHIPPER: Allenwood Homes, P.O. Drawer 739, West Point, Miss. 39773. 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 105733 (Sub-No. 49 TA), filed December 5, 1973. Applicant: H. R. RITTER TRUCKING CO., INC., 928 E. Hazelwood Avenue, Rahway, N.J. 07065. Applicant's representative: A. R. Jeltes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in pressure tank vehicles, from Nashua, N.H., to Mehoopany, Pa., for 150 days. SUPPORTING SHIPPER: Hampshire Chemicals, Dewey & Almy Div., W. R. Grace & Co., Poisson Avenue, Nashua, N.H. 03060. SEND PROTESTS TO: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 107002 (Sub-No. 446 TA), filed December 6, 1973. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, naval stores, vegetable oil and vegetable oil products*, in bulk, in tank vehicles, from Oakdale, La., to points in Alabama, Florida, Georgia, and Mississippi, for 180 days. SUPPORTING SHIPPER: Reichhold Chemicals, Inc., P.O. Box 1433, Pensacola, Fla. 32596. SEND PROTESTS TO: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107403 (Sub-No. 868 TA), filed December 5, 1973. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Covington, Ky., to Denver, Colo., for 180 days. SUPPORTING SHIPPER: Henry L. Carpenter, Jr., Traffic Manager, Chevron Oil Co. Southern Division, P.O. Box 1446, Starks Building, 455 S. Fourth Street, Louisville, Ky. 40202. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Federal Bldg., Room 3238, Philadelphia, Pa. 19106.

No. MC 107544 (Sub-No. 112 TA), filed December 7, 1973. Applicant: LEMMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Baltimore, Md., to Nitro, W. Va., for 180 days. SUPPORTING SHIPPER: FMC Corporation, 1617 J.F.K. Boulevard, Philadelphia, Pa. 19103. SEND PROTESTS TO: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue, S.W., Roanoke, Va. 24011.

No. MC 113410 (Sub-No. 79 TA), filed December 2, 1973. Applicant: DAHLEN TRANSPORT, INC., 1680 4th Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resin*, in bulk, in tank vehicles, from Minneapolis, Minn., to Watertown, Wis.; Sioux Falls, S. Dak.; Grinnell, Iowa; and Green Bay, Wis., for 180 days. SUPPORTING SHIPPER: Whittaker Corporation, 3134 California Street N.E., Minneapolis, Minn. 55418. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 113908 (Sub-No. 294 TA), filed December 7, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methanol*, in bulk, from points in Florida, to Springfield, Mo., for 180 days. SUPPORTING SHIPPER: Hoffman-Taff, Inc., P.O. Box 1246 SSS, Springfield, Mo. 65804. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 115831 (Sub-No. 13 TA), filed December 5, 1973. Applicant: TIDEWATER TRANSIT COMPANY, INC., P.O. Box 189, Off: Corner Herritage & Caswell Sts., Kinston, N.C. 28501. Applicant's representative: George G. Harper (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Savannah, Ga., to points in Richmond, Alamance, Lenoir, Wayne, Lee, Cumberland, Roberson, Johnston, Nash, Edgecombe, Wilson, Pitt, Washington, and Hertford Counties, N.C., for 180 days. SUPPORTING SHIPPER: Colonial Oil Industries, Incorporated, P.O. Box 576, Savannah, Ga. 31402. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 119767 (Sub-No. 304 TA), filed December 6, 1973. Applicant: BEAVER TRANSPORT CO., Mail: P.O. Box 186, Pleasant Prairie, Wis. 53158, and Off: I-94 and County Highway C, Bristol, Wis. 53104. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and non-edible foods*, in temperature controlled vehicles (except in bulk), from the plantsite and/or warehouse facilities of Logansport Refrigerated Services, a Division of Southern Michigan Cold Storage Company at Logansport, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Dakota, and Wisconsin, restricted to traffic originating at the named plantsite and warehouse facilities and destined to the named states, for 180 days. SUPPORTING SHIPPER: Logansport Refrigerated Services Division, Southern Michigan Cold Storage Company, RR # 2, Box 94-C, Logansport, Ind. 46947 (Stephen G. Blackmond, Plant Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 120728 (Sub-No. 3 TA), filed December 4, 1973. Applicant: MOJAVE TRANSPORTATION CO., Off: 14410 South Avalon Boulevard, Gardena, Calif. 90248, and Mlg: P.O. Box 5625, Compton, Calif. 90224. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum scrap*, from the plantsite of Reynolds Metals, Torrance, Calif., to the plantsite of Reynolds Metals, Phoenix, Ariz., and (2) *aluminum articles*, from the plantsite of Reynolds Metals, Phoenix, Ariz., to points in California, for 180 days. SUPPORTING SHIPPER: Reynolds Metals Company, 3501 West Van Buren, Phoenix, Ariz. 85009. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

NOTE.—Applicant does intend to tack with MC 120728.

No. MC 125375 (Sub-No. 11 TA), filed December 3, 1973. Applicant: F. B. GUEST, doing business as F. B. G. TRANSPORT, Route 5, Box 298, Covington, Ga. 30209. Applicant's representative: Robert E. Hicks, 310 Fulton Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen pies*, in mechanically refrigerated equipment, from the plant site and storage facilities of Edwards Pie Company, located at Atlanta, Ga., to points in Alabama, Ar-

kansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia and (2) *ingredients, supplies, and related materials* used or useful in the production and distribution of frozen pies, from those points set forth as destination points in (1) above, to the above-named plant site and storage facilities, for 180 days. SUPPORTING SHIPPER: Edwards Pie Company, 285 Mason Avenue N.E., Atlanta, Ga. 30307. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operation, 1252 W. Peachtree Street N.W., Room 309, Atlantic, Ga. 30309.

No. MC 128030 (Sub-No. 52 TA), filed December 4, 1973. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, R.R. #1, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bumpers and parts thereof*, (1) from Urbana, Ill., to points in Arkansas, Delaware, Louisiana, Michigan, Mississippi, New Jersey, North Carolina, Rhode Island, Virginia, West Virginia, and the District of Columbia and (2) from Grand Rapids, Mich., to Urbana, Ill., for 180 days. SUPPORTING SHIPPER: Flex-N-Gate Division of Scott and Fetzer Co., Mr. Gayle Bartell, Transportation Officer, Box C, Urbana, Ill. 61801. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 129631 (Sub-No. 41 TA), filed December 5, 1973. Applicant: PACK TRANSPORT, INC., 3975 South 300 West, Salt Lake City, Utah 84107. Applicant's representative: Max D. Eliason, P.O. Box 2602, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Geneva and Ironton, Utah, to points in Oregon and Washington, for 180 days. SUPPORTING SHIPPERS: There are approximately 24 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: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 133119 (Sub-No. 37 TA), filed December 7, 1973. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, P.O. Box 206, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk, in tank vehicles), from Chicago, Ill., to ports of entry on the International Boundary line between the United States and Canada located in Minnesota, Montana, and North Dakota, restricted to traffic moving in foreign commerce, for 180 days. SUPPORTING SHIPPER: Scott National Company, Limited, P.O. Box 4340, Station C, Calgary, Alberta T2T SN2, Canada. 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 135797 (Sub-No. 17 TA), filed December 3, 1973. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street, S.W., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed supplements*, in bags or containers, from the plant site of Dean's Specialty Supply Company at Waseca, Minn., to points in the United States (except Minnesota), for 180 days. SUPPORTING SHIPPER: Zinpro Corporation, 464 Second Street, Excelsior, Minn. 55331. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree St. N.W., Atlanta, Ga. 30309.

No. MC 135982 (Sub-No. 6 TA), filed December 5, 1973. Applicant: S. L. HARRIS, doing business as P. B. I., P.O. Box 7130, Longview, Tex. 75601. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer-chassis* (other than those designed to be drawn by passenger automobiles), in secondary movements, from Dallas, Tex., to Oklahoma City, Okla., for 180 days. SUPPORTING SHIPPER: Pullman Incorporated, Trailmobile Division, 3040 Irving Blvd., Dallas, Tex. 75247. SEND PROTESTS TO: Gerald T. Holland, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 136315 (Sub-No. 2 TA) (CORRECTION), filed November 7, 1973, published in the FEDERAL REGISTER issue of November 26, 1973, and republished as corrected this issue. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22–A, Philadelphia, Miss. 39350. Applicant's representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, treated or untreated, and *forestry products*, from points in Neshoba and Calhoun Counties, Miss., and Lamar County, Ala., to points in Massachusetts, Maine, New Jersey, Connecticut, Rhode Island, New York, Vermont, New Hampshire, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, for 180 days.

NOTE.—The purpose of this partial republication is to correct the origin point as Lamar County, Ala., in lieu of Lamar County, Miss., which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 138907 (Sub-No. 2 TA), filed December 7, 1973. Applicant: MORIS WEBSTER AND RODNEY WEBSTER, doing business as WEBSTER BROTHERS, St. Vincent, Minn. 56755. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Dawson and Mankato, Minn., to points on the United States-Canadian Boundary line in Minnesota, for 180 days. SUPPORTING SHIPPER: L. V. Patteson, Ltd., 215 Panet Road, Winnipeg, Manitoba, Canada R2J054. SEND PROTESTS TO: District Supervisor J. H. Ambs, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 139280 (Sub-No. 2 TA), filed December 5, 1973. Applicant: BUTANE GAS & ELECTRIC CO., INC., 313 North Wood Street, Gilmer, Tex. 75644. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common* carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in tank vehicles, (1) between Carthage, Poynor, and Tyler, Tex., on the one hand, and, on the other, Lake Charles and Shreveport, La., and Bethel, Broken Bow, Hugo, and Idabel, Okla., and (2) between Poynor, Tex., and Gibsland, La., for 180 days. SUPPORTING SHIPPER: Martin Gas Sales, P.O. Box 191, Kilgore, Tex. 75662. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 139317 TA, filed December 5, 1973. Applicant: CHARIOT TRUCKING, INC., 1127 Belle Passi Road, P.O. Box 361, Woodburn, Oreg. 97071. Applicant's representative: William G. Hunter (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl-asbestos and asphalt floor tile, pre-finished wall board, adhesives, tackless carpet strip, carpet metals, and carpet cushion*, between Los Angeles, Calif., and points in Oregon and points in Benton, Franklin, Wahkiakum, Lewis, Cowlitz, and Skamania Counties, Wash., for 180 days. SUPPORTING SHIPPER: Pacific Yard Service, Inc., 539 S.E. Division Place, P.O. Box 42125, Portland, Oreg. 97242. SEND PROTESTS TO: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 S.W. Pine Street, Portland, Oreg. 97204.

No. MC 139318 TA, filed December 5, 1973. Applicant: FLORENCE PACKING COMPANY, 24711 Florence Road, Stanwood, Wash. 98292. Applicant's representative: John Wallace, Legal Building, Suite 414, Mount Vernon, Wash. 98273. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Horse meat*, hanging, requiring mechanical refrigeration and railer equipment, from Florence, Wash., to New York, N.Y., vicinity airports (J. F. Kennedy, LaGuardia and Newark) for immediate subsequent movement by air, for 180 days. SUPPORTING SHIPPER: Florence Meat Sales, Inc., 24711 Florence Road, Stanwood, Wash. 98292. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 139319 TA, filed December 5, 1973. Applicant: HAROLD N. SCHONSCHECK TRUCKING, INC., 5943 Larson Road, Oshkosh, Wis. 54901. Applicant's representative: Frank M. Coyne, 25 W. Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feeds, seeds, fertilizers, and chemicals*, from points in Illinois, Minnesota, and Iowa, to Winneconne, Eureka, Rosendale, Campbellsport, and Kewaskum, Wis., for 180 days. SUPPORTING SHIPPER: Winnebago County Farmco Cooperative, 33 South Second Street, Winneconne, Wis. 54986. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 139320 TA, filed December 5, 1973. Applicant: SOUTHERN TOWING SERVICE, INC., doing business as SOUTHERN TOWING SERVICE, 5730 Lovers Lane, P.O. Box 9189, Shreveport, La. 71109. Applicant's representative: Vernie N. Rollo (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, abandoned, surrendered, or repossessed vehicles* (except mobile homes and house trailers designed to be drawn by passenger automobiles), in a truckaway service, between points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPER: (1) Riley Beaird, Inc., 601 Benton Kelly, Shreveport, La. 71106; (2) Melton Truck Lines, Inc., P.O. Box 7666, Shreveport, La. 71107; (3) Roadway Express, Inc., 7200 W. Park Street, Shreveport, La. 71109; (4) Ryder Truck Rental & Leasing, 9101 Linwood Ave., Shreveport, La. 71106; and (5) Saunders Leasing System, 1860 Kings Highway, Shreveport, La. 71103. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 139323 TA, filed December 5, 1973. Applicant: COURTESY MOBILE HOME TRANSPORTING, INC., Shady Lane Tr. Ct. Route 4, Kalispell, Mont. 59901. Applicant's representative: Merrel Cline (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, component parts, and material*, between points in Montana, on the one hand, and, on the other, points in North Dakota, South Dakota, Minnesota, Nebraska, Kansas, Colorado, Utah, Nevada, Oregon, Washington, Idaho, and Wyoming, for the account of Sturdi-Bilt Mobile Homes Mfg. of Montana, for 180 days. SUPPORTING SHIPPER: Sturdi-Bilt Mobile Homes Mfg. of Montana, Livingston, Mont. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-27033 Filed 12-26-73;8:45 am]

[Notice No. 174]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 17, 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 95084 (Sub-No. 98 TA), filed December 7, 1973. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soil products* (except in bulk) from Garner, Iowa, to points in Arkansas, Colorado, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, Ohio, South Dakota, Tennessee, Wisconsin, and Wyoming, for 180 days. SUPPORTING SHIPPER: Cinagro, Inc., P.O. Box 1431, Des Moines, Iowa 50305. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 95540 (Sub-No. 891 TA), filed December 3, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636 (Box zip 30301), Atlanta, Ga. 30324. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Dodge, Iowa, to points in Mississippi and Alabama, for 180 days. SUPPORTING SHIPPER: Kold Storage, Inc., Rural Route 2, Ft. Dodge, Iowa 50501. 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 111401 (Sub-No. 403 TA), filed December 6, 1973. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Thermofore catalytic cracking catalyst*, from Ponca City, Okla., to Artesia, N. Mex., for 180 days. SUPPORTING SHIPPER: Navajor Refining Company, B. C. Gleghorn, Artesia, N. Mex. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 123048 (Sub-No. 286 TA), filed December 7, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, P.O. Box A, Racine, Wis. 53406. Applicant's representative: Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), from Highland Park, Mich., to Wixom, Mich., for 180 days. SUPPORTING SHIPPER: Ford Tractor Operations, Ford Motor Company, 2500 E. Maple Road, Troy, Mich. (J. O. Darnell, Supervisor). SEND PROTESTS TO: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis., 53203.

No. MC 123048 (Sub-No. 287 TA), filed December 7, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, P.O. Box A, Racine, Wis. 53406. Applicant's representative: Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors),

from Philadelphia, Pa., to points in Indiana, Kentucky, Michigan, Ohio, and West Virginia, for 180 days. SUPPORTING SHIPPER: Deere & Company, 400 19th Street, Moline, Ill. 61265 (S. H. Lane, Supervisor, Truck Transportation). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124813 (Sub-No. 109 TA), filed December 7, 1973. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, P.O. Box 236, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed ingredients*, in bulk, from Atchison, Kans., to Fremont, Nebr., for 180 days. SUPPORTING SHIPPER: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, Mo. 64116. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No MC 129516 Sub-No. 26 TA), filed December 7, 1973. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Billings, Mont., to points in Wisconsin, Illinois, and those in and west of Minnesota, Missouri, Iowa, Arkansas, and Louisiana, for 180 days. SUPPORTING SHIPPER: Pierce Packing Company, P.O. Box 1677, Billings, Mont. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Bldg., 319 S.W. Pine, Portland, Oreg. 97204.

No. MC 133035 (Sub-No. 20 TA), filed December 7, 1973. Applicant: DILTS TRUCKING, INC., Crescent, Iowa 51526. Applicant's representative: Arlyn L. Westergren, Suite 50 Univac Building, 7100 West Center Road, Omaha, Neb. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk rock salt*, from Nebraska City, Nebr., to points in Iowa, for 180 days. SUPPORTING SHIPPER: Diamond Crystal Salt Company, 916 South Riverside Avenue, St. Clair, Mich. 48079. 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 133689 (Sub.No. 38 TA), filed December 7, 1973. Applicant: OVERLAND EXPRESS, INC., 651 First Street S.W., P.O. Box 2667, New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, as described by the Commission in Sections A and C of Appendix I to the reporting in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fergus Falls, Minn., to points in Connecticut, Delaware, Indiana, Kentucky, Maryland, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: John Morrell & Co., 208 S. La Salle St., Chicago, Ill. 60604. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134645 (Sub-No. 5 TA), filed December 7, 1973. Applicant: LIVESTOCK SERVICE, INC., 1420 2nd Avenue South, P.O. Box 944, St. Cloud, Minn. 56301. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, as described by the Commission in Sections A and C of Appendix I to report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Fergus Falls, Minn., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: John Morrell & Co., 208 S. LaSalle Street, Chicago, Ill. 60604. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-27034 Filed 12-26-73;8:45 am]

[Notice 175]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 19, 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 2392 (Sub-No. 90 TA), filed December 10, 1973. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, Nebr. 68114. Applicant's representative: Keith D. Wheeler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid ammonia polyphosphate*, in bulk, in tank vehicles, from Kingston, Ohio, to Fremont, Nebr., and Brainerd, Kans., for 180 days. SUPPORTING SHIPPER: Conagra, Inc., Great Plains Region, Bill Milbert, Traffic Mgr., 3801 Harney Street, Omaha, Nebr. SEND PROTESTS TO: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 No. 14th Street, Omaha, Nebr. 68102.

No. MC 119103 (Sub-No. 2 TA), filed December 10, 1973. Applicant: J. E. FORTIN TRANSPORT, INC., Mlg: P.O. Box 550, Napierville, Providence of Quebec, Canada, and Off: Blackpool County St-Jean, Province of Quebec, Canada, Rte 9-15 (near Champlain, N.Y.). Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 East Jefferson Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Albany, N.Y., to the International Boundary line between the United States and Canada at or near Champlain, N.Y., for furtherance to points in the Province of Quebec, Canada, for 180 days. SUPPORTING SHIPPER: Chiquita Brands, Inc., 140 Sylvan Avenue, Englewood Cliffs, N.J. 07632. SEND PROTESTS TO: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 119702 (Sub-No. 41 TA), filed December 10, 1973. Applicant: STAHLY CARTAGE CO., P.O. Box 486, 130A Hillsboro Avenue, Edwardsville, Ill. 62025. Applicant's representative: Wendell C. Wohlford (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*

solutions, in bulk, in tank vehicles, (1) from Dublin and Jordan, Ind., to points in Illinois, Kentucky, Michigan, and Ohio and (2) from Breese, Ill., to points in Indiana and Kentucky, for 180 days. SUPPORTING SHIPPER: J. J. Stefanec, Manager of Transportation Legislation, Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. SEND PROTESTS TO: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capital Avenue, Room 414, Springfield, Ill. 62701.

No. MC 123074 (Sub-No. 6 TA), filed December 5, 1973. Applicant: M. L. ASBURY, INC., 1100 South Oakwood, Detroit, Mich. 48217. Applicant's representative: Robert E. McFarland, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy fuel oil and bunker oil*, in bulk, in tank vehicles, from the International Boundary line between the United States and Canada at or near Detroit, Mich., to points in that part of the Lower Peninsula of Michigan on and east and south of a line beginning at the Michigan-Indiana State line and extending along Interstate Highway 69—U.S. Highway 27 to Lansing, Mich., thence along U.S. Highway 27 to its junction with Michigan Highway 46, thence along Michigan Highway 46 to its junction with the Saginaw River, and thence along the Saginaw River to Saginaw Bay and Parchment and Carrollton, Mich., and the commercial zones thereof, on traffic having a prior movement in foreign commerce, for 180 days. SUPPORTING SHIPPER: Petro Products, Inc., 7200 Inkster Road, Taylor, Mich. 48180. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 136777 (Sub-No. 6 TA), filed December 10, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Charlotte Vicars (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bulk and sacked feed ingredients and inedible livestock and poultry by-products* acquired through their slaughter (except hides or liquids in bulk), for the account of Wellens & Co., Inc., between points in Washington, Oregon, Idaho, Nevada, Montana, North Dakota, South Dakota, Minnesota, Colorado, Utah, California, Wyoming, New Mexico, Arizona, Kansas, Iowa, Michigan, Nebraska, Missouri, Wisconsin, and Illinois, for 180 days. SUPPORTING SHIPPER: Wellens & Co., Inc., 6700 France Avenue South, Minneapolis, Minn. 55435. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136799 (Sub-No. 3 TA), filed December 10, 1973. Applicant: JAYHAWK TRUCK LINES, INC., 301 West Second Street, Wichita, Kans. 67202. Applicant's representative: Paul V. Dugan, 2707 W. Douglas, Wichita, Kans. 67204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, and household goods as defined by the Commission when transported as a separate and distinct service in connection with so-called "household moving"), between Wichita, Kans., and Emporia, Kans.: (1) from Wichita over Interstate Highway 35 to Newton, thence over U.S. Highway 50 to Emporia, and return over the same route and (2) from Wichita over the Kansas Turnpike to Emporia, and return over the same route, for 180 days. SUPPORTING SHIPPERS: Didde Office Supply & Printing, Emporia, Kans.; A.R.M. Manufacturing Corp., Emporia, Kans.; Sauder Industries, Inc., Emporia, Kans.; Broadmore Homes of Kansas, Inc., Emporia, Kans.; Carpet Shop, 418 Commercial, Emporia, Kans.; Midwest Business Service, Emporia, Kans.; and Modine Manufacturing Co., Emporia, Kans. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

NOTE.—Applicant will not tack or join but will interline with approximately 18 multistate carriers at Wichita, Kans., only.

No. MC 138875 (Sub-No. 15 TA), filed December 10, 1973. Applicant: SHOEMAKER TRUCKING COMPANY, 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products* including *plywood and builtup woods; composition board*, from Arcata, Calif., to Madison, S. Dak.; Scottsbluff, Nebr.; Lawrence, Manhattan, Newton, and Emporia, Kans., for 180 days. SUPPORTING SHIPPER: Idaho Forest Industries, Inc., P.O. Box 7442, Boise, Idaho 83707. SEND PROTESTS TO: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.73-27129 Filed 12-26-73;8:45 am]

[Notice 176]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 20, 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 PASSENGERS

No. MC 78228 (Sub-No. 47 TA), filed December 7, 1973. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant site of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, and the lower peninsula of Michigan, for 180 days. SUPPORTING SHIPPER: Bethlehem Steel Corporation, Bethlehem, Pa. 18016. SEND PROTESTS TO: District Supervisor John J. England, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 102567 (Sub-No. 167 TA), filed December 6, 1973. Applicant: EARL GIBBON TRANSPORT, INC., P.O. Drawer 5357, 4295 Meadow Lane, Bossier City, La. 71010. Applicant's representative: John M. Goff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from El Dorado, Ark., to the following parishes in Louisiana: Caldwell, Catahoula, Concordia, East Carroll, Franklin, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll, for 180 days. SUPPORTING SHIPPER: Mobil Oil Corporation, P.O. Box 900, Dallas, Tex. 75221, D. A. Gillies, Regional Traffic Mgr. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 107496 (Sub-No. 922 TA), filed December 7, 1973. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way and Third St., P.O. Box 855 (Box zip 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Doniphan and Nebraska City, Nebr., to points in

Oklahoma, for 150 days. SUPPORTING SHIPPER: Missouri Valley Construction Co., Box 1927 Grand Island, Nebr. 68801. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 108449 (Sub-No. 368 TA), filed December 10, 1973. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points on the International Boundary line between the United States and Canada located in Minnesota, and in North Dakota on and east of U.S. Highway 281, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wisconsin, in foreign commerce only, for 180 days. SUPPORTING SHIPPER: Oskey Gasoline and Oil Company, 2950 Metro Drive, Minneapolis, Minn. 55420. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 108449 (Sub-No. 369 TA), filed December 11, 1973, Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum base spray oil*, in bulk, in tank vehicles, from St. Paul, Minn., to Rogers City, Mich., for 180 days. SUPPORTING SHIPPER: StaVis Oil Company, 516 Randolph Ave., St. Paul, Minn. 55102. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 113410 (Sub-No. 80 TA), filed December 10, 1973. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbecher, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Pine Bend, Minn., to Ishpeming, Mich., for 180 days. SUPPORTING SHIPPER: St. Paul Ammonia Products, Inc., P.O. Box 418, South St. Paul, Minn. 55075. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Bureau of Operations, Interstate Commerce Commission, 448 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114533 (Sub-No. 287 TA), filed December 10, 1973. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Ave., Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Detroit, Mich., on the one hand, and, on the other, points in Illinois and Wisconsin, for 180 days. SUPPORTING SHIPPER: Mr. Bernard S. Pavlosky, Comptroller, Hughes & Hatcher, Inc., 1300 Twelfth St., Detroit, Mich. 48216. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 118202 (Sub-No. 29 TA), filed December 11, 1973. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, Minn. 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, from Fremont, Nebr., to Weymouth, Norwell, Rockland, Brookline, Chestnut Hill, West Roxbury, Norwood, Canton, Dorchester, Quincy, Newtonville, and Boston, Mass., for 180 days. SUPPORTING SHIPPER: Geo. A. Hormel & Co., P.O. Box 800, Austin, Minn. 55912. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 126758 (Sub-No. 7 TA), filed December 10, 1973. Applicant: EUGENE J. GLOSIER AND LEROY F. SOMMER, doing business as GLOSIER SERVICE CO., 3075 Highway 94 North, St. Charles, Mo. 63301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials and supplies* when shipped in the same vehicle, and *empty containers* on return, between Belleville, Ill., and Memphis, Tenn., for 180 days. SUPPORTING SHIPPER: A. S. Barboro, Inc., 1311 Rayburn Street, Memphis, Tenn. 38106. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 134145 (Sub-No. 41 TA), filed December 10, 1973. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crating materials*, wooden, from Mount Sterling, Ky., to Nashville, Tenn., for 180 days. SUPPORTING SHIPPER: Control Data Corporation, Computer Peripheral, Inc., 8100 34th Avenue South, Minneapolis, Minn. 55440. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 136318 (Sub-No. 15 TA), filed December 12, 1973. Applicant: COYOTE TRUCK LINE, INC., 395½ B West Fleming Drive, Morganton, N.C. 28655. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New upholstered chairs*, from Lock Haven, Pa., to Santa Ana, Calif., for 180 days. SUPPORTING SHIPPER: B. P. John Furniture Company, A Division of Consolidated Foods Corporation, 2001 E. Dyer Road, Santa Ana, Calif. 92705. SEND PROTESTS TO: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road—CC516, Charlotte, N.C. 28205.

No. MC 139265 (Sub-No. 1 TA), filed December 10, 1973. Applicant: MAC JONES GRADING, INC., 3120 North Boulevard, Raleigh, N.C. 27611. Applicant's representative: L. Mac Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Richmond, Va., to Louisburg, N.C. and Fuquay Varina, N.C., for 180 days. SUPPORTING SHIPPER: Richmond Guano Company, P.O. Box 544, Richmond, Va. 23204. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 139329 TA, filed December 5, 1973. Applicant: FUSONI'S EXPRESS, INC., 8 Carver Circle, Canton, Mass. 02020. Applicant's representative: Frank M. Cushman, 36 South Main Street, Sharon, Mass. 02067. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Misses' and women's hanging garments*, in vehicles, especially equipped internally for the transportation thereof, between Touraine Stores, Inc., Warehouse Location, Campanelli Park, Braintree, Mass., and points in New Hampshire and Maine; and *cartoned goods and accessories*, between Braintree, Mass., and points in New Hampshire and Maine, for 180 days. SUPPORTING SHIPPER: Touraine Stores, Inc., Campanelli Park, Braintree, Mass. SEND PROTESTS TO: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Boston, Mass. 02114.

MOTOR CARRIERS OF PASSENGERS

No. MC 136596 (Sub-No. 2 TA), filed December 11, 1973. Applicant: NORMAN H. DAVIS, doing business as DAVIS SERVICE CO., 408 State Road, Croydon, Pa. 19020. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, N.J. 08096. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between

Levittown, Pa., and Willingboro, N.J., serving intermediate points, points of service, and route of movement: Beginning at the Levittown Shopping Center, Bristol Township, Pa., exiting on Levittown Parkway and Route 13 south; traversing Route 13 south to intersection Route 13 south and Beaver Street; traversing Pond Street south merging with Old Route 13 in Bristol Borough to Old Route 13 south, Mill Street, Otter Street, and Bath Street; traversing Otter Street west to junction Otter Street and Route 413 south of Burlington Bristol Bridge connecting Pennsylvania and New Jersey; picking up passengers only for transporting to New Jersey points—continuing on Route 413 south to intersection Route 413 south and Broad Street, Burlington, N.J.; traversing Broad Street to intersection Broad Street and High Street, Burlington City; traversing High Street east to intersection High Street and Route 130; traversing Route 130 south through Burlington City, through Burlington Township to intersection Route 130 south and Levitt Parkway to Willingboro Shopping Center, Willingboro, N.J., returning same route picking up passengers for discharging in Pennsylvania, for 180 days. SUPPORTING SHIPPER: Rohm and Haas Company, Box 219, Bristol, Pa. 19007, Attn: S. C. Kelton, Plant Manager. SEND PROTEST TO: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-27130 Filed 12-26-73;8:45 am]

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PART II



ENVIRONMENTAL PROTECTION AGENCY

■

WATER PROGRAMS

Proposed Toxic Pollutant Effluent Standards

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 129]

WATER PROGRAM

Proposed Toxic Pollutant Effluent Standards

Notice is hereby given that the Environmental Protection Agency, pursuant to the authority contained in section 307(a) of the Federal Water Pollution Control Act (the Act) as amended by the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et seq.) proposes a new Part 129, setting forth proposed effluent standards for toxic pollutants included in the list of toxic pollutants required by section 307(a)(1).

Section 307(a)(2) provides as follows:

Within one hundred and eighty days after the date of publication of any list, or revision thereof, containing toxic pollutants or combination of pollutants under paragraph (1) of this subsection, the Administrator, in accordance with Section 553 of title 5 of the United States Code, shall publish a proposed effluent standard (or a prohibition) for such pollutant or combination of pollutants which shall take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms and the nature and extent of the effect of the toxic pollutant on such organisms, and he shall publish a notice for a public hearing on such proposed standard to be held within thirty days. As soon as possible after such hearing, but not later than six months after the publication of the proposed effluent standard (or prohibition), unless the Administrator finds, on the record, that a modification of such proposed standard (or prohibition) is justified based upon a preponderance of evidence adduced at such hearings, such standard (or prohibition) shall be promulgated.

These proposed regulations establish effluent standards for the toxic pollutants listed below:

1. Aldrin (1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4-endo - exo - 5,8-dimethanonaphthalene).

Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a - octahydro - 1,4-endo-exo-5,8-dimethanonaphthalene).

2. Benzidine and its salts (4,4'-diaminobiphenyl).

3. Cadmium and all cadmium compounds.

4. Cyanide and all cyanide compounds.

5. DDD (TDE) [1,1-dichloro-2,2-bis-(p-chlorophenyl)ethane and some o,p'-isomer].

DDE [1,1-dichloro-2,2-bis(p - chlorophenyl)ethylene].

DDT [1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane and some o,p'-isomer].

6. Endrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro - 1,4-endo-endo-5,8-dimethanonaphthalene).

7. Mercury and all mercury compounds.

8. Polychlorinated biphenyls (PCB's) mixtures of chlorinated biphenyl compounds with various percentages of chlorination.

9. Toxaphene (chlorinated camphene).

The criteria and rationale employed to select these pollutants were summarized in the FEDERAL REGISTER Notice of September 7, 1973, vol. 38, No. 173, page 24342.

The following is a summary of the basis and purpose of the effluent standards proposed in this Part: The four basic factors considered in setting the standards were toxicological data, hydrodynamic data, ample margins of safety and calculations of the acute and chronic limitations for the standards. The primary basis for toxicological considerations came from the Water Quality Criteria which were proposed in October (38 FR 29646 et seq., Friday, October 26, 1973). These criteria were based in part on a report by the National Academy of Sciences and the National Academy of Engineering entitled "Water Quality Criteria", 1972 which is currently being published by the Environmental Protection Agency. The toxicity of the pollutants on the list, their persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of the toxic pollutant on such organisms, were considered in the establishment of the Water Quality Criteria upon which these standards are based.

Water Quality Criteria published pursuant to section 304(a) of the Act are those concentrations which are acceptable in the receiving water body. The criteria were developed to protect a variety of water uses including industrial, agricultural, recreational, propagation of fish and wildlife, aesthetics and potable water supplies. The protection of fish and wildlife and potable water supplies was the most sensitive of the fresh water usages. In estuarine and marine waters, the protection of fish and wildlife generally yielded the more restrictive recommended limitations. The criteria, as proposed, were designed for both acute and chronic toxicological protection. Since protection against chronic effects requires more stringent criteria, the proposed Water Quality Criteria were devised from data or calculation designed to afford chronic protection.

Because proposed Water Quality Criteria utilize both acute and chronic toxicity data to derive a single acceptable ambient water concentration, it was necessary to utilize the data upon which the criteria were based to calculate proposed standards which provide for protection against both acute and chronic toxicological effects.

To avoid the effects of acute toxicity it was determined that organisms need not necessarily be protected at all times from concentrations exceeding the proposed Water Quality Criteria, since brief exposures to higher concentrations may be tolerated. It may be assumed that most mobile organisms will not remain in the immediate vicinity of the outfall for as long as the usual 96-hour test period. Thus, for protection in the immediate vicinity of the outfall, a concentration of one tenth the 96-hour LC_{50} was determined to provide an ample margin of safety. (The 96-hour LC_{50} is that concentration derived from laboratory tests in which 50% of a group of test organisms survive after 96 hours of continuous-exposure to a pollutant.) In order to achieve a concentration in the vicinity of the outfall which does not exceed the acute threshold, the discharger may either discharge the acute toxicity concentration and provide immediate diffusion through appropriate flow devices or reduce the concentration below the acute threshold.

To avoid the effects of chronic toxicity, an effluent standard is provided which is designed to ensure that, in most cases, the proposed Water Quality Criteria, which are intended to provide protection from chronic effects, are not exceeded over the long term in the receiving waters. This is achieved by limitation of the total weight of the pollutant which can be discharged into receiving waters of given size. To provide an additional margin of safety, the allowable weight discharged per unit of flow was reduced by safety factors designed to compensate, in part, for non-point sources of the pollutant, multiple discharges in a small area, industrial growth, and the difference in water storage times among lakes, estuaries, streams, and coastal waters. The standard for each type of receiving water is expressed as a number which, when multiplied by the rate of receiving water flow, yields the allowable weight of discharge of the pollutant per day from any facility.

These standards are not intended, however, to assure that Water Quality Criteria would be achieved in all receiving waters, since standards sufficiently restrictive to attain water quality criteria in (for example) small streams with extraordinarily large clusters of dischargers, would be overly restrictive for the usual case. These special "worst-case" situations are to be handled by the application of water quality standards through waste load allocations under section 303 of the Act. The resulting allocations may then be used to establish effluent limitations, if necessary, more stringent than the effluent standards set forth herein. Those limitations would then be incorporated into permits issued under section 402 of the Act.

Since there are no proposed Water Quality Criteria for benzidine, a different methodology was required for the derivation of an effluent standard. The methodology employed was designed to determine a level of discharge which would result in an acceptable level of risk exposure to man, the primary affected organism. Effluent standards for benzidine were derived by the extrapolation of laboratory test animal data using conservative statistical methods, and are based upon a calculated level of risk of less than one case of tumor induction per million people exposed over an entire generation to drinking water from supplies derived from waters contaminated with the maximum permitted concentration of benzidine. It is recognized that certain inadequacies exist in the available data on which the benzidine standard is based. Therefore, it is reasonable to assume that these standards could be revised in the future. The Environmental

Protection Agency is initiating research to gather appropriate oral dose-response data, improve analytical sensitivity, and establish monitoring procedures.

Pursuant to paragraph 3 of Section 307 (a), any effluent standard promulgated under this section will be reviewed and, if appropriate, revised at least every three (3) years.

The standards for protection from chronic effects are applicable to the total of all discharges from any given facility. Thus, multiple outfalls from a single facility will not affect the total weight of any pollutant permitted to be discharged.

As required by section 307(a) of the Act, the proposed standards set forth herein designate specifically the categories of sources to which they will be applicable. Based on available data from permit applications and other information submitted under the National Pollutant Discharge Elimination System, the categories initially selected to be subject to these standards appear to represent the major dischargers of the listed pollutants. In addition to such data, total environmental damage potential was considered in evaluating sources of discharge.

The attached standards are not based upon economic considerations or upon the availability of treatment technology. However, the impact of the standards upon the economy has been examined and does not appear to be great.

Time limitations established by court order, [*NRDC* vs *Fri*, Civ. Action #849-73 (D.D.C.)], have required publication of these standards at this time, even though it is acknowledged that there may in some cases be inadequacies in the underlying data base. Public comment and technical data are solicited to assist in strengthening the standards. Changes made in these standards will be reflected in the final Water Quality Criteria under section 304(a) of the Act.

The effluent standards set forth in proposed form herein, will, if promulgated, apply to all the designated categories of point sources after their effective date. The applicability of these standards is not affected by the issuance of, or submission of an application for a discharge permit under the National Pollutant Discharge Elimination System (NPDES) established by section 402 of the Act. EPA's NPDES regulations (40 CFR Part 125, 38 FR 13528 et seq., Tuesday, May 22, 1973), provide at § 125.22(a)(6) that if a toxic effluent standard or prohibition is established under section 307(a) of the Act for a toxic pollutant which is present in a permittee's discharge and such standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the permit must be modified in accordance with the toxic pollutant standards or prohibitions and the discharger so notified. Although this provision requires that notice be given to permittees of the new toxic pollutant effluent standard and will eliminate inconsistencies between permit conditions and toxic effluent standards, the applicability of the toxic pollutant standard does not depend upon its incorporation into permit conditions.

Section 402(k) of the Act provides that compliance with the terms of an NPDES permit constitutes compliance generally with the requirements of Title III of the Act, except for a standard under section 307 for a toxic pollutant injurious to human health. Thus, such standards will be enforceable against all dischargers designated as subject to such standards. Such standards will be applicable against dischargers holding valid permits and in compliance with such permits, and against dischargers who have applied for permits, but whose applications have not been acted upon. At present, publicly owned treatment works are not designated as a source category for toxic pollutant effluent standards. Review of data which are pertinent to the appropriateness of designating these facilities for control under section 307(a) has not been completed. In the interim, it is noted that controls through programs such as water quality standards, industrial pretreatment and non-point source controls provide the necessary protection.

Prior to adoption of the proposed standards, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing within 90 days after publication to Dr. C. Hugh Thompson, Chairman, Hazardous and Toxic Substance Regulation Task Force, Office of Water Program Operations, Environmental Protection Agency, Washington, D.C. 20460.

A public hearing to consider the proposed effluent standards will be held commencing January 25, 1974, at 9 a.m., at Jefferson Hall, U.S. Department of Agriculture, Independence Avenue, between 12th and 14th Streets SW., Washington, D.C. Persons adversely affected by the proposed standards may file, not later than January 18, 1974 unless justifiable cause for delay can be shown, objections to the proposed standards. Such objections shall be filed in accordance with 40 CFR Part 104, which is being published contemporaneously with these proposed standards.

The Agency also expects to hold technical symposia on the proposed standards in several locations throughout the country. At these symposia EPA personnel will exchange views with interested members of the public on standards-setting methodology for toxic pollutants, and will discuss data needs for setting such standards. It should be emphasized that these symposia are not intended to duplicate the public hearing described above. Section 307(a) requires that any modifications in the proposed standards must be justified on the record of the public hearing. Thus, the hearing will serve as the exclusive forum for consideration of modifications in the proposed standards.

Dated: December 14, 1973.

JOHN QUARLES,
Acting Administrator.

Chapter I of Title 40, Code of Federal Regulations, is amended by adding a new Part 129, as follows:

Subpart A—General

Sec.
129.01 Applicability.
129.01a Definitions.
129.01b Abbreviations.
129.01c Compliance.
129.01d Effective Date.

Subpart B—Effluent Standard for Aldrin-Dieldrin

129.02 Applicability.
129.02a Definitions.
129.02b Determination of weights and concentrations.
129.02c Effluent standard for Aldrin-Dieldrin.

Subpart C—Effluent Standard for Benzidine

129.03 Applicability.
129.03a Definitions.
129.03b Determination of weights and concentrations.
129.03c Effluent standard for Benzidine.

Subpart D—Effluent Standard for Cadmium

129.04 Applicability.
129.04a Definitions.
129.04b Determination of weights and concentrations.
129.04c Effluent standard for Cadmium.

Subpart E—Effluent Standard for Cyanide

129.05 Applicability.
129.05a Definitions.
129.05b Determination of weights and concentrations.
129.05c Effluent standard for Cyanide.

Subpart F—Effluent Standard for DDT

129.06 Applicability.
129.06a Definitions.
129.06b Determination of weights and concentrations.
129.06c Effluent standard for DDT.

Subpart G—Effluent Standard for Endrin

129.07 Applicability.
129.07a Definitions.
129.07b Determination of weights and concentrations.
129.07c Effluent standard for Endrin.

Subpart H—Effluent Standard for Mercury

129.08 Applicability.
129.08a Definitions.
129.08b Determination of weights and concentrations.
129.08c Effluent standard for Mercury.

Subpart I—Effluent Standard for Polychlorinated Biphenyls (PCB's)

129.09 Applicability.
129.09a Definitions.
129.09b Determination of weights and concentrations.
129.09c Effluent standard for PCB's.

Subpart J—Effluent Standard for Toxaphene

129.10 Applicability.
129.10a Definitions.
129.10b Determination of weights and concentrations.
129.10c Effluent standard for Toxaphene.

AUTHORITY: Sec. 2, 86 Stat. 816.

Subpart A—General

§ 129.01 Applicability.

The provisions of the following subparts apply to owners or operators of specified facilities constituting point sources discharging into navigable waters.

§ 129.01a Definitions.

All terms not derived herein shall have the meaning given them in the Act. As used in this part, the term:

(a) "Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C.A. section 1317 Supp. 1972, Pub. L. 92-500).

(b) "Administrator" shall mean the Administrator of the Environmental Protection Agency, or any employee of the Agency to whom the Administrator may by order delegate the authority to carry out his functions under section 307(a) of the Act, or any person who shall by operation of law be authorized to carry out such functions.

(c) "Effluent standard" means any effluent standard, which may include a prohibtion of any discharge, established or proposed to be established for any toxic pollutant under section 307(a) of the Act.

(d) "No discharge" means no detectable discharge as determined by analytical methods as set forth in 40 CFR Part 136.

(e) "NPDES permit" means a permit for the discharge of pollutants into navigable waters under the National Pollutant Discharge Elimination System established by section 402 of the Act and 40 CFR Parts 124 and 125.

(f) "Working day" means the hours during a calendar day in which a facility discharges effluents subject to this part.

(g) The term "navigable waters" includes:

(1) All navigable waters of the United States;

(2) Tributaries of navigable waters of the United States;

(3) Interstate waters;

(4) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes;

(5) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce;

(6) Intrastate lakes, rivers, and streams which are utilized for industrial purposes by industries in interstate commerce.

(h) "Low flow" means the probable low rate of flow occurring during a period of seven consecutive days, once in ten years.

(i) "Stream" means any water body having a flow gradient from an upper elevation to a lower elevation, or any body of water except an estuary, including still or impounded water, in which water is retained for less than 60 days.

(j) "Lakes and impoundments" means all bodies of water in which the flow velocity is impeded by a natural or man-made barrier in such a way that water is stored for 60 days or more. Provided that this term shall not include impoundments, sumps, retention ponds or similar structures constructed for the storage, retention or disposal of toxic effluents.

(k) "Coastal waters" means those waters of the open sea lying seaward of the baseline from which the territorial sea is measured under the Convention of the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

(l) "Estuary" means any water body between the baseline from which the territorial sea is measured and the landward limit of tidal influence.

(m) "Tidal range" means the measured difference between high and low tide during a normal tidal cycle.

(n) "Daily composite sample" means a combination of at least five individual samples obtained at approximately equal time intervals during the working day.

(o) "Agricultural fertilizer manufacturing" means the manufacture of nitrogenous and phosphatic basic fertilizers, mixed fertilizers and other agricultural chemicals including:

Ammonia liquor.
Ammonium nitrate and sulfate.
Ammonium phosphate.
Anhydrous ammonia.
Aqua ammonia, made in ammonia plants.
Calcium meta-phosphate.
Compost.
Defluorinated phosphate.
Diammonium phosphate.
Fertilizer, mixed; made in plants not manufacturing fertilizer materials.
Fertilizers, mixed; made in plants producing phosphatic fertilizer materials.
Fertilizers, natural (organic), except compost.
Nitric acid.
Nitrogen solutions (fertilizer).
Phosphoric acid.
Plant foods, mixed; made in plants producing nitrogenous fertilizer.
Plant foods, mixed; made in plants producing phosphatic fertilizer.
Potting soil, mixed.
Superphosphates, ammoniated and not ammoniated.
Urea.

(p) "Alkalies and chlorine manufacturing" means the manufacturing of:

Alkalies.
Chlorine, compressed or liquified.
Potassium carbonate.
Potassium hydroxide (caustic potash).
Sodium bicarbonate.
Sodium carbonate (soda ash) (sal soda).
Sodium hydroxide (caustic soda).

(q) "Bituminous coal and lignite mining" means bituminous coal and lignite production or developing bituminous coal or lignite mines, including underground mining, auger mining, strip mining, or culm bank mining. Both mining operations and preparation at cleaning plants and washeries are included, whether or not such operations are performed in conjunction with the mines served.

(r) "Capacitor manufacturing" means the manufacture of industrial or commercial capacitors (fixed and variable) or electronic capacitors.

(s) "Cyclic organic chemical manufacturing" means the manufacturing of coal tar crudes and cyclic organic intermediate dyes, color lakes and toners.

(t) "Electroplating" means the electroplating of metals and formed products.

(u) "Facility employing polychlorinated biphenyls in process or products" means any facility using PCB's in plasticizers for paints, inks, copying paper, adhesives or sealants, in pattern waxes for investment casting, or in industrial fluids for heat transfer, hydraulic fluid, vacuum pump oils or cutting oils.

(v) "Ferrous metal production" means the smelting and refining of ferrous metals from ore, pig, or scrap; in the rolling, drawing, and alloying of ferrous metals; the manufacture of castings and other basic products of ferrous metals; the manufacture of nails, spikes, and insulated wire and cable; and the production of coke.

(w) "Hospitals" means establishments which are primarily engaged in providing diagnostic services and extensive medical treatment including surgical services and other hospital services, as well as continuous nursing services.

(x) "Industrial inorganic chemicals manufacturing" means the manufacture of basic industrial inorganic chemicals, excluding manufacture of alkalies and chlorine, industrial gases, inorganic pigments, agricultural pesticides, medicinal chemicals, drugs and medicines, and soaps and cosmetics. This definition includes the manufacture of any of the following chemicals:

Aluminum compounds.
Ammonium compounds, except for fertilizer.
Barium compounds.
Bauxite, refined.
Beryllium oxide.
Boron compounds.
Bromine, elemental.
Caesium metal.
Calcium compounds.
Calcium metal.
Carbon, activated.
Cerium salts.
Chlorosulfonic acid.
Chromium compounds, inorganic.
Cobalt chloride.
Cobalt sulfate.
Copper chloride.
Copper iodide.
Copper oxide.
Copper sulfate.
Cyanides
Ferric chloride.
Fluorine, elemental.
Hydrochloric acid.
Hydrocyanic acid.
Hydrofluoric acid.
Hydrogen peroxide.
Hydrogen sulfide.
Indium chloride.
Iodine.
Iron sulfate.
Lead oxide.
Lead silicate.
Lithium compounds.
Lithium metals.
Magnesium compound, inorganic.
Manganese dioxide.
Mercury.
Mercury compounds.
Nickel compounds, inorganic.
Perchloric acid.
Phosphorus.
Phosphorus oxychloride.
Potassium compounds.
Rubidium.
Scandium.
Silica gel.
Silicofluorides.
Silver compounds, inorganic.
Sodium compounds, inorganic.
Strontium carbonate.
Strontium nitrate.
Strontium oxide.
Sulfur.
Sulfur chloride.
Sulfur dioxide.

Sulfur hexafluoride.
Sulfuric acid.
Thiocyanates, inorganic.
Tin compounds, inorganic.
Zinc chloride.

(y) "Industrial organic chemicals manufacturing" means the manufacture of:

(1) Non-cyclic organic chemicals such as acetic, chloroacetic, adipic, formic, oxalic and tartaric acids and their metallic salts;

(2) Solvents such as amyl, butyl, and ethyl alcohols; methanol; amyl, butyl and ethyl acetates; ethyl ether, ethylene glycol ether and diethylene glycol ether; acetone, carbon disulfide and chlorinated solvents such as carbon tetrachloride, perchloroethylene and trichloroethylene;

(3) Polyhydric alcohols such as ethylene-glycol, sorbitol, pentaerythritol, synthetic glycerin;

(4) Synthetic perfume and flavoring materials such as coumarin, methyl salicylate, saccharin, citral, citronellal, synthetic vanillin;

(5) Rubber processing chemicals such as accelerators and anti-oxidants, both cyclic and acyclic;

(6) Plasticizers, both cyclic and acyclic, such as esters of phosphoric acid, phthalic anhydride, adipic acid, oleic acid, lauric acid, sebacic acid, and stearic acid;

(7) Synthetic tanning agents such as naphthalene sulfonic acid condensates;

(8) Chemical warfare gases; and

(9) Esters and amines of polyhydric alcohols and fatty and other acids.

(z) "Laboratories" means any of the following:

(1) Medical laboratories primarily engaged in providing professional analytic or diagnostic services to the medical profession or to the patient on prescription of a physician.

(2) Dental laboratories primarily engaged in making dentures and artificial teeth or order for the dental profession.

(3) Commercial testing laboratories primarily engaged in product testing.

(4) Research and development laboratories engaged in laboratory or other physical research and development.

(aa) "Lumber and wood products manufacturing" includes any of the following, but does not include the manufacture of furniture:

(1) Logging camps engaged in cutting timber and pulpwood; merchant sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, and plywood mills and veneer mills engaged in producing lumber and wood basic materials;

(2) Manufacturing of finished articles made entirely or mainly of wood or wood substitutes.

(bb) "Metal mining" means mining, developing mines, or exploring for metallic minerals (ores). This classification includes all ore dressing and beneficiating operations, although performed at mills, operated in conjunction with the mines served or at mills such as custom mills, operated separately.

(cc) "Non-ferrous metal smelting and refining" means the smelting and refining of non-ferrous metals from ore, pig, or scrap; the rolling, drawing and alloying of non-ferrous metals; and the manufacture of nails, spikes, and insulated wire and cable.

(dd) "Oil and gas extraction" means:

(1) Production of crude petroleum and natural gas, including operating oil and gas fields; exploration for crude petroleum and natural gas, drilling, completing, and equipping wells; operation of separators, emulsion breakers, desilting equipment; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property.

(2) Production of natural gasoline and cyclic condensate, including production of liquid hydrocarbons from oil and gas field gases.

(ee) "Paper and allied products production" means the manufacture of pulps from wood and other cellulose fibers, and from rags; the manufacture of paper and paperboard; and the manufacture of paper and paperboard into converted products such as paper coated off the paper machine, paper bags, paper boxes, and envelopes.

(ff) "Pesticide formulating" means the formulation or preparation of insecticides, fungicides, and herbicides, from technical chemicals or from concentrates. Activities involving the production of the concentrates which require further processing before use are not included in this definition.

(gg) "Pesticide manufacturing" means the manufacture of insecticides, fungicides, and herbicides from technical chemicals including the production of concentrates which require further processing before use.

(hh) "Petroleum refining" means the production of gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants and other products from crude petroleum and its fractionation products, through straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes.

(ii) "Photo finishing laboratory" means an establishment engaged in developing films or motion picture films and in making photographic prints and enlargements for the trade or for the general public.

(jj) "Storage or primary battery manufacturing" means the manufacture of storage batteries or primary batteries, dry or wet.

(kk) "Textile manufacturing" means the manufacture or processing of natural or synthetic fibers by any of the following operations, singly or in combination:

(1) Preparation of fiber and subsequent manufacturing of yarn, thread, braids, twine, and cordage;

(2) Manufacture of broad woven fabric, narrow woven fabric, knit fabric, and carpets and rugs from yarn;

(3) Dyeing and finishing fiber, yarn, fabric and knit apparel;

(4) Coating, waterproofing, or otherwise treating fabric;

(5) Integrated manufacture of knit apparel and other finished articles from yarn; and

(6) Manufacture of felt goods, lace goods, nonwoven fabrics, and miscellaneous textiles.

(ll) "Transformer manufacturing" means the manufacture of power, distribution, instrument and specialty transformers or radio frequency or voice transformers.

§ 129.01b Abbreviations.

The abbreviations used in this part have the following meanings:

lb—pound (or pounds).
cfs—cubic feet per second.
m^3/s—cubic meters per second.
ft^3—cubic feet.
m^3—cubic meters.
µg/l—micrograms per liter.

§ 129.01c Compliance.

(a) Compliance with effluent standards set forth herein shall be determined using the test methods identified in 40 CFR Part 136 (38 FR 28758 et seq., October 16, 1973). The sample volume requirements for the determination of organochlorine pesticides are increased to the range of 500–1000 ml in order to achieve a level of sensitivity below the lowest critical acute limit. This is feasible for samples where the interference from undesirable co-extractives can be tolerated. Where a discharger subject to any effluent standard under this Part is required to obtain an NPDES permit, such permit shall contain conditions requiring such sampling, monitoring, and reporting as are necessary to assure compliance with this part.

(b) For the purpose of determining compliance with these standards, background amounts or concentrations of any pollutant subject to these standards in intake waters for a discharger shall not be included in measurement of the amount or concentration of such pollutant discharged.

(c) Computation of flow: For the purposes of this subpart, receiving water flow rates shall be determined as follows:

(1) *Streams.* The low flow of the stream shall be measured at the outfall or at the nearest upstream monitoring point.

(2) *Lakes and impoundments.* The low flow of lakes and impoundments shall be measured at the outlet. When more than one outlet exists, the low flow shall be the cumulative low flows for all outlets.

(3) *Estuaries.* The low flow of an estuary shall be the low flow of the tributary entering the estuary. When more than one tributary exists, the low flow shall be the cumulative low flows of all tributaries entering the estuary above the point of discharge.

(4) *Coastal waters.* The low flow of coastal waters shall be that volume of water in the immediate vicinity of the outfall which is influenced by the tidal range during the normal tidal cycle.

§ 129.01d Effective date.

The effluent standards set forth herein shall be effective one year after promulgation.

Subpart B—Effluent Standard for Aldrin-Dieldrin

§ 129.02 Applicability.

The provisions of this subpart apply to aldrin or dieldrin pesticides manufacturing and formulating facilities constituting a point source discharging into navigable waters.

§ 129.02a Definitions.

As used in this subpart, the term:

(a) "Aldrin" means the compound aldrin as identified by the chemical name, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4-endo-exo-5,8-dimethanonaphthalene.

(b) "Dieldrin" means the compound dieldrin as identified by the chemical name 1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-1,4-endo-exo-5,8-dimethanonaphthalene.

§ 129.02b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight or concentration of both aldrin and dieldrin, excluding any associated element or compound.

§ 129.02c Effluent standard for Aldrin-Dieldrin.

The effluent discharge of any facility subject to the provisions of this part shall meet the following conditions:

(a) Into streams, lakes, or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes, or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average aldrin-dieldrin concentration shall not exceed:

(i) 0.5 μg/l for discharges into fresh water bodies (5.5 μg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b) (1) (i) of this section for discharges into fresh water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentration permitted to be discharged under paragraph (b) (1) (ii) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentratons specified in paragraph (b) (1) (ii) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b) (1) (i) of this section.

(3) The total daily weight of aldrin-dieldrin discharged into a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.000259 times the receiving water body flow in m^3/sec give kg/day or 0.0000162 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 0.0735 kg/day or 0.162 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.000216 times the receiving water body flow in m^3/sec to give kg/day or 0.0000135 times the receiving water body flow in cfs to give pounds/day, provided that no facilcility shall discharge in excess of 0.061 kg/day or 0.135 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.00242 times the receiving water body flow in m^3/sec to give kg/day or 0.000151 times the receiving water body flow in cfs to give pounds/day, provoded that no facility shall discharge in excess of 0.686 kg/day or 1.512 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.00286 times the receiving water body flow in m^3/sec to give kg/day or 0.000178 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 0.808 kg/day or 1.782 pounds/day regardless of receiving water flow.

Subpart C—Effluent Standard for Benzidine

§ 129.03 Applicability.

The provisions of this subpart applies to any benzidine manufacturing plants, cyclic organic chemical manufacturing plants, textile mills, hospitals, or laboratories constituting a point source discharging into navigable waters.

§ 129.03a Definitions.

As used in this subpart, the term Benzidine means the compound benzidine and its salts as identified by the chemical name 4,4'-diaminobiphenyl.

§ 129.03b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight or concentration of benzidine and its salts, excluding any associated element or compound.

§ 120.03c Effluent standard for Benzidine.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes, or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no opportunity provided for the discharge of the pollutants covered by this part.

(b) Into streams, lakes, or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average benzidine concentration shall not exceed

(i) 1.8 μg/l for discharges into fresh water bodies (1.8 μg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration given in (b) (1) (i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) The total daily weight of benzidine discharged into a stream, lake, estuary, or coastal water from any facility subject to this subpart shall not exceed 0.0016 times the receiving water body flow in m^3/sec to give kg/day or 0.0001 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.44 kg/day or 0.97 pounds/day regardless of receiving water flow.

(3) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b) (1) (ii) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b) (1) (ii) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration required by paragraph (b) (1) (i) of this section.

Subpart D—Effluent Standard for Cadmium

§ 129.04 Applicability.

The provisions of this subpart apply to any ferrous metal production, nonferrous metal smelting and refining, petroleum refining, oil and gas extraction, industrial inorganic chemicals, industrial organic chemicals, bituminous coal and lignite mining, alkalies and chlorine, storage or primary battery, electroplating, metal mining, or agricultural fertilizer manufacturing facility constituting a point source discharging into navigable waters.

§ 129.04a Definitions.

As used in this subpart, the term:

(a) Cadmium means the element cadmium and all compounds of cadmium. Where weights are specified, such weights apply only to total cadmium excluding the weight of any associated elements or compounds.

(b) Cadmium means the element cadmium and all compounds of cadmium. Where concentrations are specified; such concentrations apply only to total dissolved cadmium.

§ 129.04b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight of cadmium and to the total dissolved concentration of cadmium, excluding any associated element or compound.

§ 129.04c Effluent standard for Cadmium.

The effluent discharge of any facility subject to provision of this part shall meet the following conditions:

(a) Into streams, lakes, or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes, or estuaries with a low flow greater than 0.283 cubic

meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters

(1) The daily average cadmium concentration shall not exceed

(i) 40 μg/l for discharges into fresh water bodies (320 μg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b)(1)(i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b)(1)(ii) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b)(1)(ii) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b)(1)(i) of this section.

(3) The total daily weight of cadmium discharged into a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.0206 times the receiving water body flow in m^3/sec to give kg/day or 0.00130 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 5.88 kg/day or 12.96 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.0173 times the receiving water body flow in m^3/sec to give kg/day or 0.00108 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 4.90 kg/day or 10.8 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.139 times the receiving water body flow in m^3/sec to give kg/day or 0.00864 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 39.2 kg/day or 86.4 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.164 times the receiving water body flow in m^3/sec to give kg/day or 0.01026 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 46.5 kg/day or 102.6 pounds/day regardless of receiving water flow.

Subpart E—Effluent Standard for Cyanide

§ 129.05 Applicability.

The provisions of this subpart apply to any petroleum refining, ferrous metal production, industrial organic chemicals, electroplating, non-ferrous metal smelting and refining, metal mining or photo finishing laboratory facility constituting a point source discharging into navigable waters.

§ 129.05a Definitions.

Cyanide means any cyanide compound that will produce free cyanide ion or molecular hydrogen cyanide (HCN) in the effluent. The recommended analytical method should detect only simple cyanides after all interferences have been eliminated or their effects minimized by appropriate removal techniques.

§ 129.05b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight or concentration of cyanide, excluding any associated element or compound.

§ 129.05c Effluent standard for cyanide.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes, or estuaries with a flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes, or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average cyanide concentration shall not exceed:

(i) 100 μg/l for discharges into fresh water bodies (100 μg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b)(1)(i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b)(1)(ii) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b)(1)(ii) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b)(1)(i) of this section.

(3) The total daily weight of cyanide discharged into a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.0206 times the receiving water body flow in m^3/sec to give kg/day or 0.00130 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 5.88 kg/day or 12.96 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.0173 times the receiving water body flow in m^3/sec to give kg/day or 0.00108 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 4.90 kg/day or 10.8 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.139 times the receiving water body flow in m^3/sec to give kg/day or 0.00864 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 39.2 kg/day or 86.4 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.164 times the receiving water body flow in m^3/sec to give kg/day or 0.01026 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 46.5 kg/day or 102.6 pounds/day regardless of receiving water flow.

Subpart F—Effluent Standard for DDT

§ 129.06 Applicability.

The provisions of this subpart apply to any DDT manufacturing or formulating facility constituting a point source discharging into navigable waters.

§ 129.06a Definitions.

As used in this subpart, the term: DDT means the compounds of DDT, DDD, and DDE as identified by the chemical names (DDT) 1,1,1-trichloro-2,2-bis(p-chlorophenyl) ethane and o,p'-isomer, (DDD) (TDE) 1,1 - dichloro - 2,2 - bis(p-chlorophenyl) ethane and o,p'-isomer, (DDE) 1,1 - dichloro - 2,2 - bis(p-chlorophenyl) ethylene.

§ 129.06b Determination of weight and concentrations.

The standards set forth in this subpart shall apply to the total combined weight or concentration of DDT, DDD, and DDE, excluding any associated element or compound.

§ 129.06c Effluent standard for DDT.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes, or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes, or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average DDT concentration shall not exceed:

(i) 0.2 μg/l for discharges into fresh water bodies (0.6 μg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b)(1)(i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b)(1)(ii) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b)(1)(ii) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b)(1)(i) of this section.

(3) The total daily weight of DDT discharged into a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.000102 times the receiving water body flow in m^3/sec. to give kg/day or 0.00000648 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0294 kg/day or 0.0648 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.0000866 times the receiving water body flow in m^3/sec. to give kg/day or 0.00000540 times the receiving body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0245 kg/day or 0.054 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.000260 times the receiving water body flow in

m^3/sec. to give kg/day or 0.0000162 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0734 kg/day or 0.162 pounds/day regardless of receiving water flow.

(D) Coastal water from any facility subject to this subpart shall not exceed 0.000311 times the receiving water body flow in m^3/sec. to give kg/day or 0.0000194 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.088 kg/day or 0.194 pounds/day regardless of receiving water flow.

Subpart G—Effluent Standard for Endrin

§ 129.07 Applicability.

The provisions of this subpart apply to any endrin manufacturing or formulating facility constituting a point source discharging into navigable waters.

§ 129.07a Definitions.

As used in this subpart:

(a) Endrin means the compound endrin as identified by the chemical name 1,2,3,4,10,10 - hexachloro - 6,7 - epoxy - 1,4,4a,5,6,7,8a - octahydro - 1,4 - endo - endo-5,8-dimethanonaphthalene.

(b) In amendment of 40 CFR Part 136; the limit of detection for endrine is 0.1 μg/l if based on a 1000 ml sample.

§ 129.07b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight or concentrations of endrin, excluding any associated element or compound.

§ 129.07c Effluent standard for endrin.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into costal waters.

(1) The daily average endrin concentration shall not exceed:

(i) 0.2 μg/l for discharges into fresh water bodies (0.6 μg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b) (1) (i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b) (1) (ii) of this section, *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b) (1) (ii) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b) (1) (i) of this section.

(3) The total daily weight of endrin discharged in a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.000102 times the receiving water body flow in m^3/sec. to give kg/day or 0.00000648 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0294 kg/day or 0.0648 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.0000866 times the receiving water body flow in m^3/sec. to give kg/day or 0.00000540 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0245 kg/day or .054 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.000260 times the receiving water body flow in m^3/sec. to give kg/day or 0.0000162 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0734 kg/day or 0.162 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.000311 times the receiving water body flow in m^3/sec. to give kg/day or 0.0000194 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.088 kg/day or 0.194 pounds/day regardless of receiving water flow.

Subpart H—Effluent Standard for Mercury

§ 129.08 Applicability.

The provisions of this subpart apply to any paper and allied product, oil and gas extraction, industrial organic chemical, industrial inorganic chemical, alkalies and chlorine, ferrous metal production, non-ferrous metal smelting and refining, lumber and wood products except furniture, bituminous coal and lignite mining, storage or primary battery manufacturing, or metal mining facility constituting a point source discharging into navigable water.

§ 129.08a Definitions.

As used in this subpart, the term:

(a) Mercury means the element mercury and all compounds of mercury. Where weights are specified, such weights apply only to total mercury excluding the weight of any associated elements or compounds.

(b) Mercury means the element mercury and all compounds of mercury. Where concentrations are specified, such concentrations apply only to total dissolved mercury.

§ 129.08b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight of mercury and to the total dissolved concentration of mercury, excluding any associated element or compound.

§ 129.08c Effluent standard for mercury.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average mercury concentration shall not exceed

(i) 20 μg/l for discharges into fresh water bodies (100 μg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) one-tenth the concentration set forth in paragraph (b) (1) (i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b) (1) (ii) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b) (1) (ii) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b) (1) (i) of this section.

(3) The total daily weight of mercury discharged into a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.00260 times the receiving water body flow in m^3/sec. to give kg/day or 0.000162 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.735 kg/day or 1.62 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.00216 times the receiving water body flow in m^3/sec. to give kg/day or 0.000135 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.612 kg/day or 1.35 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.0431 times the receiving water body flow in m^3/sec. to give kg/day or 0.0027 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 12.2 kg/day or 27.0 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.0519 times the receiving water body flow in m^3/sec. to give kg/day or 0.0032

times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 14.7 kg/day or 32.4 pounds/day regardless of receiving water flow.

Subpart I—Effluent Standards for Polychlorinated Biphenyls (PCB's)

§ 129.09 Applicability.

The provisions of this subpart apply to any polychlorinated biphenyl manufacturing, recovering and regenerating facility; pesticide manufacturing and capacitor manufacturing facility; any manufacturing facility, formulating facility, or facilities which use polychlorinated biphenyls in processes or products, constituting a point source discharging into navigable waters.

§ 129.09a Definitions.

As used in this subpart, the term: Polychlorinated biphenyls (PCB's) means materials containing the biphenyl group which have been chlorinated to varying degrees. There are 210 possible different PCB compounds.

§ 129.09b Determination of weights and concentrations.

The standards set forth in this subpart shall apply to the total combined weight or concentration of PCB's, excluding any associated element or compound.

§ 129.09c Effluent standard for PCB's.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average PCB concentration shall not exceed:

(i) 280 μg/l for discharges into fresh water bodies (10 μg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b) (1) (i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under (b) (1) (ii) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b) (1) (ii) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b) (1) (i) of this section.

(3) The total daily weight of PCB's discharged into a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.000104 times the receiving water body flow in m³/sec. to give kg/day or 0.00000648 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0294 kg/day or 0.0648 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.0000865 times the receiving water body flow in m³/sec. to give kg/day or 0.00000540 times the receiving body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.0245 kg/day or 0.0540 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.000735 times the receiving water body flow in m³/sec. to give kg/day or 0.0000459 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.208 kg/day or 0.459 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.000883 times the receiving water body flow in m³/sec. to give kg/day or 0.0000551 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.250 kg/day or 0.551 pounds/day regardless of receiving water flow.

Subpart J—Effluent Standard for Toxaphene

§ 129.10 Applicability.

The provisions of this subpart apply to any toxaphene manufacturing or formulating facility constituing a point source discharging into navigable waters.

§ 129.10a Definitions.

As used in this subpart, the term: Toxaphene means a material consisting of technical grade chlorinated camphene with the approximate formula of $C_{10}H_{10}Cl_8$ containing 67–69% chlorine and which is normally a mixture.

§ 129.10b Determination of weights and concentrations.

The standards set forth in the subpart shall apply to the total combined weight or concentration of toxaphene, excluding any associated element or compound.

§ 129.10c Effluent standard for toxaphene.

The effluent discharge of any facility subject to provisions of this part shall meet the following conditions:

(a) Into streams, lakes or estuaries with a low flow of less than or equal to 0.283 cubic meters per second (10 cfs) or into lakes with an area of less than or equal to 202 hectares (500 acres), there shall be no discharge of the listed pollutants.

(b) Into streams, lakes or estuaries with a low flow greater than 0.283 cubic meters per second (10 cfs) or into lakes with an area of greater than 202 hectares (500 acres) or into coastal waters.

(1) The daily average toxaphene concentration shall not exceed:

(i) 1.0 μg/l for discharges into fresh water bodies (1.0 μg/l for discharges into salt water bodies) which have a low flow greater than or equal to 10 times the waste stream flow with the provision that an immediate 1:10 diffusion is assured; or

(ii) One-tenth the concentration set forth in paragraph (b) (1) (i) of this section for discharges into water bodies which have a low flow less than 10 times the waste stream flow.

(2) An NPDES permit may authorize an increase in the concentrations permitted to be discharged under paragraph (b) (1) (ii) of this section: *Provided*, That the discharger demonstrates that immediate diffusion of the discharge to concentrations specified in paragraph (b) (1) (ii) of this section will occur: *And provided further*, That no such permit shall authorize any discharge in a concentration exceeding the concentration set forth in paragraph (b) (1) (i) of this section.

(3) The total daily weight of toxaphene discharged into a/an:

(i) Stream from any facility subject to this subpart shall not exceed 0.000519 times the receiving water body flow in m³/sec. to give kg/day or 0.0000324 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.147 kg/day or 0.324 pounds/day regardless of receiving water flow.

(ii) Lake from any facility subject to this subpart shall not exceed 0.000431 times the receiving water body flow in m³/sec. to give kg/day or 0.0000270 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 0.122 kg/day or 0.270 pounds/day regardless of receiving water flow.

(iii) Estuary from any facility subject to this subpart shall not exceed 0.000431 times the receiving water body flow in m³/sec. to give kg/day or 0.0000270 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.122 kg/day or 0.270 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.000519 times the receiving water body flow in m³/sec. to give kg/day or 0.0000324 times the receiving water body flow in cfs to give pounds/day: *Provided*, That no facility shall discharge in excess of 0.147 kg/day or 0.324 pounds/day regardless of receiving water flow.

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PART III

FEDERAL COMMUNICATIONS COMMISSION

■

Formulation of Rules and Policies Relating to the Renewal of Broadcast Licenses

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19153—FCC 73-1314]

PART 1—PRACTICE AND PROCEDURE

PART 73—RADIO BROADCAST SERVICES

Formulation of Rules and Policies Relating to the Renewal of Broadcast Licenses

The Commission has before it a Final Report and Order adopted in this proceeding on October 3, 1973, 38 FR 28762, and Motions for Stay, combined Petitions for Reconsideration and Motions for Stay, and Petitions for Reconsideration filed in response to the Final Report and Order.[1] We have felt it unnecessary to issue a separate ruling on the Motions for Stay, especially given the similarity in the nature of the relief requested in the three above mentioned types of filing: Deferral of implementation of all or most of the provisions in this proceeding until the issues in other Commission proceedings have been resolved, or until 1975.[2]

Thus, all filings in response to the Final Report and Order have been considered jointly in issuing this Memorandum Opinion and Order. As will be illustrated later, some of the arguments were raised in the comments and reply comments and were considered by the Commission in the Final Report and Order. For this reason, those arguments are not discussed herein.

PETITIONS TO DEFER IMPLEMENTING FINAL REPORT AND ORDER PENDING OUTCOME OF RELATED DEVELOPMENTS

2. Various parties believe the issues in Docket 19154—Notice of Inquiry in the Matter of Formulation of Policies Relating to the Broadcast Renewal Applicant Stemming From the Comparative Hearing Process, 27 FCC 2d 580 (1971), Further Notice of Inquiry, 31 FCC 2d 443 (1971), and Second Further Notice of Inquiry, 73-1040 (1973)—should be resolved and a Commission renewal policy articulated before this proceeding is finalized. NAB argues that the Commission should revise Section IV-B only as necessary to make it responsive to any guideline and criterion which may be adopted in Docket 19154. If such criteria and guidelines are adopted, the Commission can then devise a renewal form which solicits only the information necessary for the Commission public interest determination under such new guidelines and criteria. NAB states the Commission is undoubtedly correct in its belief that Form 303-A and revised section IV-B will provide the necessary information regardless of the outcome of Docket 19154, considering the wealth of new detail and new information required in these forms. Nevertheless, the Commission should not be concerned with revising section IV-B so as to provide for any upcoming eventuality.

3. In rejecting NAB's contention that section IV-B should only be revised to make it responsive to guidelines and criteria which may be adopted in Docket 19154, two general observations regarding the relationship of information provided by section IV-B and related materials, including Form 303-A and the annual listing of problems and needs required by § 1.526 (a) (9) to the proposals in Docket 19154 are appropriate. First, if a competing application were filed against a renewal applicant and a comparative hearing were held, and if Docket 19154 were adopted (with specified preselected areas of programming being critically important), all the information contained in section IV-B and related materials submitted by the renewal applicant would be relevant and would be considered in a full hearing. This was made clear in various portions of our original Notice of Inquiry in Docket 19154. For example, in that Notice, we specifically indicated that programming in the pre-selected categories did not constitute a complete picture of whether or not a station is rendering substantial service, and we specifically mentioned the annual listing of problems and needs and the commercial practices of licensees as being matters of significance. We also suggested that while various important program categories other than "news," "public affairs," "local" were not susceptible to the development of general guidelines, programming in these categories would be considered in the hearing.

4. A second general observation that should be made in rejecting NAB's contention is that the filing of a competing application is a rarity and it is highly unusual for the Commission to have the benefit of a hearing to obtain detailed information regarding the renewal applicant's total programming. Thus, section IV-B and related materials must normally provide the Commission with sufficient information to make its public interest determination. The Commission must solicit information in all programming areas which it considers important and relevant to such a determination, not just in programming categories which are most important or in which percentage guidelines can be formulated.

5. ABC suggests that in Docket 19154, the Commission has set out to gather factual information concerning television programming in order to establish and define certain categories, including "local," "news," "public affairs," and that inquiry therefore bears directly upon the categorization and reporting of such programming in the new Form 303-A and portions of the revised section IV-B. ABC says it is unwise to develop different definitions and categories for objectives which are seemingly so related. Yet the Commission is proposing to issue new forms and accompanying instructions which will minimally be confusing and, more importantly, possibly lead to inconsistencies resulting from the categories and definitions ultimately developed in Docket 19154.

6. We disagree with ABC's contention that our inquiry in Docket 19154 is designed to establish and define the program categories of "news," "public affairs," and "local." These categories which will be used in Form 303-A and revised section IV-B have been in use for same time in conjunction with current section IV-B. In fact, the Notice of Inquiry in Docket 19154 viewed these program categories in proposing guidelines regarding "substantial service" by the renewal applicant. We do not believe that the adoption of Docket 19154 will result in new categories of "news," "public affairs," and "local" or inconsistencies in their definitions.[3] We recognize that adoption of the Docket 19154 approach could result in those categories being combined (as, for example, "news," "public affairs," and "all other" into one "non-entertainment" programming category) in a comparative hearing, involving a renewal applicant, for the purpose of establishing a guideline to be used as the central focus in the hearing. However, as we indicated in our Notice in Docket 19154 the discussion in the required full hearing might well include a discussion of programming in various programming categories, not only in "news," "public affairs," and "local," but in categories such as "agriculture," "religion," and so forth which might not be susceptible to the drawing of general guidelines.

7. NAB and Group W cite a September 1973 speech of the Chairman's which

[1] Motions for Stay were filed by the following parties: American Broadcasting Companies, Inc. (ABC); National Broadcasting Company, Inc. (NBC); and Metromedia, Inc. (Metromedia). Combined Petitions for Reconsideration and Motions for Stay were filed by Columbia Broadcasting Systems, Inc. (CBS); Office of Communications of the United Church of Christ (United Church). Petitions for Reconsideration were filed by the following parties: ABC; Action for Children's Television (ACT); Metromedia; National Association of Broadcasters (NAB); NBC; National Newspaper Association (NNA); Nebraska Broadcasters Association (Nebraska); Pennsylvania Association of Broadcasters (PAB); Sonderling Broadcasting Corporation, et al (Sonderling); Storer Broadcasting Co. (Storer); United Church; Westinghouse Broadcasting Company, Inc. (Group W).

[2] Two parties, Metromedia and Sonderling, request that the Commission withdraw the Final Report and Order. Sonderling suggests the public interest would be better served if the Commission were to rescind the rules and forms adopted in this proceeding and to issue instead a policy statement encouraging members of the public to bring their comments and suggestions to the immediate attention of licensees and urging licensees and members to work out their differences without resorting to Commission processes. Metromedia offers no specific alternatives to implementation of the provisions in this proceeding. As will be made clear in the Memorandum Opinion and Order, we do not believe that the Final Report and Order should be withdrawn, but rather that its provisions should be implemented with minor revisions.

[3] If, of course, resolution of the issues in Docket 19154 results in inconsistencies as suggested by ABC, (as for example in the nature of the definition of "public affairs") which would dictate the necessity of a change in the relevant portions of Form 303-A or section IV-B (or definitions accompanying the forms), we could easily make such a change at a later date. One change that we have decided to make at this time as the result of the special questionnaire sent to licensees in conjunction with the Second Further Notice of Inquiry in Docket 19154, is to exclude rather than include commercial matter in computing amounts of "news," "public affairs," "all other" and "local" (see paragraph 80 of this Memorandum Opinion and Order).

suggests that the Commission lacks a coherent renewal policy. They contend that until such a policy is developed and the Commission determines what information will be needed from licensees in order to make the requisite public interest finding, it is premature for the Commission to adopt new rules and forms to solicit more extensive information. NAB states that in the existing policy vacuum, the Commission could solicit information from licensees "until the sky fell in" without the least guarantee that public interest determination would be more valid than at the present. Metromedia says it would be impossible for the Commission to argue that specific rules are in the public interest when the underlying policies are not even determined.

8. In response to the request from NAB and Metromedia for us to delay adoption of rules and policies contained in this proceeding until such time as we have developed a "coherent" renewal policy and have determined what information we will need from licensees to make the public interest finding, we must emphasize that to delay this proceeding is to delay effectuating the very results which NAB and Metromedia seek. It is this proceeding which implements various basic essentials of our renewal policies for television licensees, policies which we consider to be "coherent" (the nature of those policies and the manner in which they are implemented by this proceeding are reflected in the rather lengthy Final Report and Order and need not be repeated here.) It is revised section IV–B and Form 303–A which will solicit the information which we have determined will be needed in order to make the public interest finding for license renewal. Associated renewal policies may, of course, be developed in other Commission inquiries, but we believe implementation of any such policies would be consistent with and perhaps dependent upon the policies, procedures and information which will result from implementation of the Final Report and Order.

9. Another Commission proceeding which some parties argue should be finalized prior to implementation of all or some of the provisions in this proceeding is Docket 19715 (Notice of Inquiry in the Matter of Ascertainment of Community Problems by Broadcast Applicants, 40 FCC 2d 379). CBS states that in its filing in Docket 19715, it requested that the ascertainment period be extended to 18 months; others have suggested that formal ascertainment pursuant to Commission guidelines take place during the entire license period. Decisions on these and similar requests are directly related to the § 1.526(a)(9) requirements for an annual listing of problems and needs. NAB maintains that several of the requirements adopted in the Final Report and Order, including the annual listing of problems and needs and the announcements in § 73.1202 are integral parts of the ascertainment process and, therefore, should be subject to consideration and adoption in Docket 19715 rather than being included in this proceeding. By prematurely adopting rules in the Final Report and Order the Commission has unilaterally foreclosed any realistic consideration of these new requirements in the ascertainment inquiry.

10. As was indicated in paragraphs 130 and 131 of the Final Report and Order, we have made a distinction between (1) the manner in which television licensees shall report to the Commission on their ascertainment efforts and their programming to meet problems and needs of their service area, and (2) the requirements regarding the methods by which licensees must ascertain community needs and report upon these efforts to the local community. The former matters have been considered in this proceeding. Thus Question 1B of revised section IV–B provides the manner in which licensees shall, at least initially, report to the Commission upon their ascertainment efforts and new § 1.526(a)(9) provides the manner in which they shall report (to the community on an annual basis and to the Commission at renewal time) upon their programming to meet the problems and needs of his service area. The questions of how ascertainment should take place and how documentation of the ascertainment efforts of licensees is to be furnished to the public in the local community (and to the Commission only if requested) are questions which shall be considered in Docket 19715.

11. In addition to these general comments regarding the interrelationships of Docket 19715 and this proceeding, several parties cite specific problems concerning the relationship of new Question 1B in revised section IV–B to the Primer. These problems will be discussed in that portion of this Memorandum Opinion and Order which deals with Part IV of the Final Report and Order.

12. Nebraska, PAB, Metromedia, and NAB believe that we should defer implementing the provisions of the Final Report and Order until Congress has acted on renewal legislation. Metromedia, for example, states that for the Commission to adopt new renewal rules while the Congress is attempting to articulate a renewal policy would be a perversion of the Administrative process. NAB contends that Congressional action in renewal areas could drastically alter the Commission's approach to license renewal evaluation. NAB notes that while the license renewal bill which came out of the Subcommittee on Communications and Power of the House Commerce Committee provides for a determination that a licensee is attuned to and is programming responsive to the needs of his community, it contains no mention of "substantial service," the current focus of Docket 19154.

13. Needless to say, we have been following closely the developments in Congress regarding possible renewal legislation. In fact, the Chairman has given testimony on two occasions in the recently concluded hearings on broadcast license renewal held by Subcommittee on Communications and Power of the House Commerce Committee. On both occasions this proceeding was discussed and during the second appearance on September 18, 1973 (the last day of the hearings), Form 303–A and revised section IV–B were distributed to members of the Subcommittee and introduced in the official record.

14. We believe that the rules and policies adopted in the Final Report and Order are, with one exception, consistent with and will provide the necessary information for renewal policies contained in the various bills pending before Congress. The exception is H.R. 5546, a Bill supported by the Office of Telecommunications Policy which would prevent us from soliciting the information in Form 303–A and some of the information in revised section IV–B.[1] However, should that Bill become law, even current section IV–B would have to be discarded because of the Bill's provision prohibiting us from considering any pre-determined program category or format. Given these realities, we believe no real purpose would be served by delaying final action in this proceeding. If the bill which was recently voted out of the Subcommittee, or any other bill presently under consideration other than H.R. 5546, becomes law, the new forms in the Final Report and Order will enable us to effectuate the policies reflected in the new laws.

Should H.R. 5546 become law, major portions of the programming sections of our renewal form would have to be discarded, whether from the current section IV–B or revised section IV–B and Form 303–A. In the meantime, it seems sensible to implement the new improved forms and cease soliciting information from renewal applicants that is not being used in the public interest determination.

15. NBC requests that we stay the effective dates of the rules set forth in the Final Report and Order for at least nine months after this Memorandum Opinion and Order is issued or, in the event a Petition for Review is filed, or until an Order by the Court of Appeals is handed down. NAB says such a stay will avoid the premature establishment of new record-keeping, ascertainment procedures and/or record retention by a licensee should the rules as presently set forth in the Final Report and Order be amended as a result of any agency or court review.

16. We believe that with the exceptions outlined in paragraph 122 of this Memorandum Opinion and Order the dates upon which the various provisions in the Final Report and Order will take effect offer licensees sufficient time to develop whatever necessary procedures and information collecting mechanisms are required to insure compliance by the scheduled dates. Therefore, we do not think it necessary to stay the entire proceeding for at least nine months; nor do we think it appropriate to stay the implementation of the provisions in the Final Report

[1] It should be noted that the Commission is on record as opposing that portion of H.R. 5546 which would preclude the Commission from categorizing composite week programming as it is now categorized in current section IV–B and as it will be categorized in Form 303–A and revised section IV–B.

and Order in case a court appeal is filed. Such a course of action would be highly unusual and we are not convinced that there are sufficient grounds for it to be undertaken.

17. *General Objections to The Approach in This Proceeding.* Most of these objections duplicate those made in the comments; as for example, the new rules and policies are unduly burdensome, are inconsistent with the Commission's reregulation program, will not achieve the Commission's objective of encouraging greater dialogue between licensees and members of the public or in certain cases are unlawful. We have responded to these comments in the Final Report and Order and therefore the objections and/or responses need not be detailed here.

18. We should, however, note our disagreement with claims of United Church that the net effect of the provisions in the Final Report and Order will be to preclude the participation of certain public groups in the regulatory process and thereby, for all practical purposes, to bring to an effective end public participation in renewal matters. We strongly believe that public participation in renewal matters will be encouraged and enhanced rather than precluded by the rules and policies adopted in this proceeding. We note, for example, the significant amount of information concerning station programming not heretofore available to the public that will be publicly available as a result of the Final Report and Order.

19. The remainder of the Memorandum Opinion and Order will deal with comments made regarding specific portions of the Final Report and Order. These comments will be treated under the Section heading which corresponds to section headings used in the Final Report and Order.

PART I § 73.1202 [8]

THE FIFTEENTH DAY ANNOUNCEMENTS

20. Several objections to the fifteenth day announcements required by new § 73.1202 duplicate objections raised in the comments and were considered by the Commission in issuing the Final Report and Order. For example, Group W questions the Commission's contention that there is often a lack of continuing dialogue between licensees and members of the public and considers that the announcements serve no valid purpose. While such objections have been discussed in the Final Report and Order and need not be discussed here, we should emphasize that we disagree with Group W's statement that the announcements are not an integral or essential feature of this proceeding. The announcements are designed to further one of the major aims of this proceeding: To encourage continuing dialogue between licensees and members of the public regarding the problems and needs of the community and the licensee's efforts to meet those problems and needs.

21. NBC recommends two changes regarding the scheduling of the announcements. First it recommends that § 73.1202 (and § 1.580) be reworded to require that the announcements be made on either the first or second days and either fifteenth or sixteenth days of each month (the choices to be made by the licensees) rather than on every fifteenth day. NBC claims this will eliminate the ambiguities, complexities, and uncertainties, caused by the present language of the Rule. Licensees would easily remember that on the first or second, or fifteenth or sixteenth day of the month an announcement would have to be scheduled. NBC's second recommendation is that § 73.1202 be amended so that the time periods other than 7 p.m. and 10 p.m. during which television licensees must make the announcements would be expanded from the two-hour time periods in the present wording of the Rule to four-hour time periods. NBC maintains that restricting the requisite time period to two hours will not allow sufficient flexibility for scheduling the announcements, particularly where sports events, network programs and feature films are being carried and the announcements will necessitate interrupting of such programs for unduly long periods. NBC proposes that time periods other than 7 p.m. to 10 p.m. be rotated in the following order: 6 a.m. to 10 a.m.; 10 a.m. to 2 p.m.; 2 p.m. to 6 p.m.; and 11 p.m. to 3 a.m. The time periods for the Central and Mountain Time zones would be one hour earlier, e.g., the first time period would be 5 a.m. to 9 a.m.

22. We agree with NBC's suggestion that requiring the announcements on a date certain of each month might result in less uncertainty and greater ease in meeting the scheduling requirements. We will not, however, adopt NBC's proposals that licensees be given the option of airing the announcements on either the first or second, or fifteenth or sixteenth day of each month, because such an approach might result in the announcements not being aired on certain days of the week. For example, if the NBC approach were adopted and in 1974 licensees were given the option of broadcasting the announcements on either the first or the second day and either the fifteenth or sixteenth day of each month, licensees could broadcast 8 announcement on Saturdays, 8 on Tuesdays, 4 on Thursdays, 4 on Mondays, and broadcast no announcements on Sundays, Wednesdays, or Fridays. However, if the announcements were to be required on the first and sixteenth day of each month, announcements would be distributed automatically throughout the week as they would if they were aired every fifteenth day. In 1974, for example, the first and sixteenth day of a month falls on a Monday 4 times, on a Tuesday 4 times, on a Wednesday 3 times, on a Thursday 2 times, on a Friday 4 times, on a Saturday 4 times, and on a Sunday 3 times. Therefore in order to obtain the advantages of requiring all licensees to air the announcement on a date certain and, at the same time, to insure the announcement is rotated throughout the week, we have decided to amend § 73.1202 to require that announcements shall be aired on the first and sixteenth day of each month, rather than every fifteenth day. § 1.580 has been amended in the same manner (see paragraph 41 and Appendix A of this Memorandum Opinion and Order).

23. We also have decided to adopt the NBC suggestion to lengthen to four hours the specified time periods for rotating of the announcements with those in the 7 p.m. to 10 p.m. time period. The new time periods (during which announcements will be broadcast on the sixteenth day of each calendar month—See Appendix A of this Memorandum Opinion and Order) are 6 a.m. to 10 a.m., 10 a.m. to 2 p.m., 2 p.m. to 6 p.m. The required time periods for rotation of the radio announcements on the sixteenth day of each month have also been lengthened. The new time periods during which those announcements are to be broadcast are 9 a.m. to 1 p.m., 1 p.m. to 4 p.m., 6 p.m. to 10 p.m. The revised time periods are included in the amendments to § 73.1202 in Appendix A and also appear in Appendix B.

24. NBC and Sonderling recommend changes in the frequency of the announcements. NBC suggests in order to avoid the public irritation which will result from the repeated broadcasting of the announcements by a great number of broadcast operations in the larger markets, the Commission should adopt some type of sliding scale which would correlate the total number of announcements required of each licensee with the maximum number of broadcast signals (both television and radio) which can be received in the market. In its filing, NBC proposes a sliding scale which, for example would reduce by 70 percent the number of announcements which would be aired by licensees in markets with over 50 broadcast signals. Sonderling recommends that the Commission require announcements every thirty days as opposed to every fifteen days on a one-year trial basis. If after one year the announcements do not appear to have a significant impact the Commission could then require them to be broadcast every fifteen days. Sonderling argues that by following this approach of initially requiring fewer announcements the Commission will run less risk of "turning-off" viewers and listeners by unnecessary over-repetition of the announcements.

25. We will not adopt the suggestion of either NBC or of Sonderling. We do not think that the number of announcements aired by each licensee should be determined by the number of stations in the market, given the purposes of the announcements which are fully discussed in the Final Report and Order. Nor do we think there is a sufficient reason for us to revise our opinion that the most appropriate frequency of the announcements would be every fifteenth day during the rotating time periods specified by § 73.1202.

[8] Licensees of educational, non-commercial broadcast stations, whether operating on a reserved or non-reserved channel will not be subject to the provisions of § 73.1202. Interim operators of commercial stations, however, will be subject to the provisions of § 73.1202 and will also be required to annually file Form 303-A and meet the requirements of § 1.526(a)(9) for an annual listing of problems and needs.

26. In addition to suggestions regarding the text of the announcements that were raised in the comments (i.e., they should be geared to community dialogue issues rather than matters of programming preference and they should constitute less of an invitation for complaints), Metromedia and ABC have raised matters which should receive attention here. Metromedia believes the reference in the text to a "three-year license" is illogical and misleading to the public since many if not most license renewal grants are delayed and deferred because of objections filed by "special interest groups." ABC questions the necessity of requiring four different announcements (including the broadcast renewal notices) during the license term, each with different textual requirements. ABC indicates its belief that one simple announcement could be formulated to accommodate all the pertinent situations.

27. While we disagree with Metromedia's statements regarding the number of license renewal grants which are delayed or deferred and the reasons for such action, we recognize that for those stations whose renewal grants are deferred or are for a period of less than three years, reference to a three-year license in their fifteenth-day announcements and/or in the renewal notice might cause some confusion. The textual requirements of both the radio and television fifteenth-day announcements as well as both the pre-filing and post-filing renewal notices have been amended, therefore, to eliminate this problem (see Amendments to §§ 1.580 and 73.1202 in Appendix A of this Memorandum Opinion and Order).

28. While we might agree with ABC that one announcement could be formulated to accommodate all of the pertinent situations, we do not think that this is either necessary or desirable. As we indicated in paragraph 96 of the Final Report and Order, the renewal notices, unlike the fifteenth-day announcements, are intended to inform the public of the station's upcoming or recent renewal filing and to apprise the public of the appropriate time for filing comments with the Commission regarding a renewal application. Therefore, we disagree with ABC's suggestion that there is no need to differentiate the fifteenth-day announcements required by § 73.1202 and the renewal notices required by revised § 1.580; nor do we think there is any good reason to eliminate the changes in tense which appear in the pre-filing and post-filing notices in § 1.580 and thereby make the announcements completely identical. The change in tense is appropriate to the matter of whether the renewal application has been filed or will be filed.

29. Sonderling thinks that stations should have the option of either broadcasting the announcements required by § 73.1202 or broadcasting programs involving an exchange between the audience and station management regarding station programming and operations. Sonderling says that such programs would be designed to generate the very dialogue which the announcement invites and could take the form of management response to letters and/or telephone calls from viewers and listeners. The Commission might require that the programs be aired at least as frequently as the announcements (i.e., every fifteenth day) with some of the programs being scheduled during evening time. The substance of the announcements could even be worked into the content of the program, thereby permitting the Commission to "have its cake and eat it too," with licensees both inviting and engaging in dialogue with their audiences.

30. It is difficult to respond to Sonderling's request for the option to present programs in lieu of announcements without the specifics regarding the nature of the programs that would be presented and the time of the broadcast. While we can conceive of certain programs being very beneficial in promoting the continuing dialogue between licensees and members of the public and would certainly not discourage licensees from broadcasting such programs in addition to the announcements required by § 73.1202, we recognize that there would be disadvantages in replacing the announcements with some of Sonderling's proposed program formats, as for example, a telephone call-in program in which the interested member of the public would have to be home and would have to be willing to have his dialogue with the representative of the licensee broadcast on the air. If a station requests permission to broadcast programs designed to engage licensees in dialogue with their listeners or viewers in lieu of the announcements required by § 73.1202, we will, of course, consider such a request and make a ruling based on a knowledge of the specifics of the individual request.

31. NBC submits that because licensees must change the text of the fifteenth-day announcements to reflect the granting of their renewal applications, the actual date of the granting of the license is crucial for compliance with the new rule. This makes more rapid notification of the granting of the renewal application even more important than it is now. ABC urges the Commission to establish a uniform and simply stated required date of compliance with the provisions of § 73.1202.

32. We recognize the importance of rapid notification of the granting of a renewal application (with or without regard to the requirements of § 73.1202), and will initiate in the very near future the practice of mailing a postcard to licensees informing them of a renewal grant as soon as the grant has been made. In response to ABC's request, a schedule of compliance dates with the provisions of § 73.1202 has been included in Appendix B of this Memorandum Opinion and Order.

The Retention of Letters

33. Several parties commented on § 73.1202(f) which requires commercial radio and television stations to retain written comments and suggestions received from members of the public. Some of the arguments were raised in the comments and were treated in the Final Report and Order and, therefore, need not be discussed here. These include objections that the speculative benefit to be derived from the requirement is outweighed by the burden that it would entail; the danger that the retention requirement will inhibit the free flow of communications between stations and members of the public: Replacement of letters in the file will constitute publication and violtaion of the author's rights.

34. PAB, NAB and NBC suggest revision of the retention requirement. PAB and NAB both object to the requirement of retaining anonymous letters. PAB maintains that from the standpoint of good housekeeping practices, the retention of such letters is burdensome, and from a practical standpoint, it is insulting. NAB contends that the complaints and suggestions file is designed to be a clearing house of public opinion concerning station operation which would enable members of the public to know who shared their views concerning the station's operation. Obviously an anonymous letter is useless in this regard, and the author of an anonymous letter is disinterested in dialogue with the station. Moreover, says NAB, an anonymous letter would clutter the station's comments and suggestions file, placing an unnecessary burden on the station and making it more difficult for truly interested members of the public to sort through the files in search of meaningful comments by those who share their views.

35. We will not delete the requirement of retaining anonymous letters as PAB and NAB suggest because we believe that it is the substance of the comments and suggestions contained in the letter which is of primary importance, not the presence or absence of a signature of the author of the letter. We do not agree with NAB's contention that the complaints and suggestions file is designed to enable members of the public to know who share their views. The file is, as we stated in paragraph 51 of the Final Report and Order, to permit a member of the public to better determine the nature of community feedback received by licensees and the extent to which his or her opinions regarding community problems and needs and/or the licensee's station operation might be shared by other members of the community. The number of anonymous letters that will be received is, of course, a matter of speculation and it is difficult to evaluate the extent to which these will clutter the file or disrupt good housekeeping practices. To eliminate anonymous letters on these grounds is, therefore, premature.

36. NAB submits that radio licensees should not be required to retain letters until resolution of the Commission's ascertainment inquiry (Docket 19715) in which basic issues regarding the differences between the radio and television services will be considered. Many radio licensees are not equipped to handle another substantial public file and the new requirement will strain the physical facilities of both small staffs of small market radio stations and the staffs of smaller stations in larger markets. Adoption of the new requirement for radio

licensees is inconsistent with the Commission's re-regulation program and the Commission should not require radio licensees to maintain comments and suggestions files, even on an experimental basis.

37. As we indicated in paragraph 51 of the Final Report and Order, the decision to require letters from members of the public regarding station operations to be retained by radio and television stations in their public files was made after considerable discussion, focused primarily on the matter of retention of letters by radio licensees. During these discussions, the arguments made by NAB were raised and fully considered. We decided that radio licensees should retain letters on an experimental basis and after some appropriate period of time (probably about one year after the retention requirement has taken effect) to have our re-regulation task force evaluate the usefulness of the requirement as it pertains to radio, and to recommend its continuation, modification, or elimination. We still believe that this is the appropriate course of action.

38. NBC requests that § 73.1202(f) be amended to exempt all letters which comment on entertainment programs and program series. NBC proposes that the Section be amended by adding the following sentence:

> "Further, since such letters rarely contain the type of comments and suggestions sought to be retained under this paragraph, the licensee need not retain those letters which in his judgment present only views related to the subject matter, character, continuity, scheduling, or other aspects of radio or television entertainment programs or series of programs."

NBC contends that the inclusion of all mail related to entertainment programs, including "fan letters," (e.g., letters regarding the absence of a member of a soap opera family or a rumored scandal about some performer) will be of no real interest to members of the public who seek to undertake a conscientious view of station correspondence and assess the licensee's performance as seen by other members of the community. The burden of retaining such mail will have negative effects on both broadcasters and members of the public desiring to use the file.

39. We will not adopt the amendment of § 73.1202(f) suggested by NBC because we believe that comments regarding the subject matter, character, continuity, and scheduling or other aspects of entertainment programming could well be relevant to the purposes of the retention file outlined in the Final Report and Order. We agree with NBC's contention that "fan letters" such as those described above (which were included in the NBC filing) will probably not be relevant, but doubt that stations would retain them since they do not really concern "operation of the station" and, therefore, do not fall under § 73.1202(f).

PART II

40. Only Storer and Sonderling ask us to reconsider provisions in Part II of the Final Report and Order, with both parties repeating arguments they previously raised. Storer repeats the request made in its comments that the Commission apply a cut-off date for informal comments. Sonderling repeats its suggestion made in its reply comments that the Commission retain the present sixty-day deadline for the filing of Petitions to Deny, with the proviso that a potential petitioner could obtain an automatic extension of thirty days upon showing that he or she was a party in interest within the meaning of section 308 of the Act and had entered into good faith negotiations with the licensee. We rejected both recommendations in the Final Report and Order for the reasons cited in paragraph 76 (Storer recommendation) and paragraph 75 (Sonderling recommendations) and have found nothing significantly new in the arguments raised in the Petition to Reconsideration which has changed our thinking.

PART III

41. As has been indicated in paragraph 27, we have amended § 1.580 regarding the scheduling and text of the broadcast renewal notices discussed in Part III of the Final Report and Order. The notices will be broadcast on a date certain (the first and sixteenth) of each month rather than every fifteenth day. The amended § 1.580 also provides for the rare situation in which the "renewal applicant" still has not received a renewal grant from the last renewal filing and, as a result, the mention of "three-year license" and the date of the last renewal grant might cause confusion (see Appendix A for the amendments to § 1.580).

42. Requests for other changes in the rules and provisions contained in Part III of the Final Report and Order come from ABC, Sonderling and the National Newspaper Association. In addition to repeating suggestions it had made in the comments that the notices should be revised to delete the phrase "Comments and Petitions" and insert "Letters" or the equivalent in its place, Sonderling reminds us that the Broadcast Procedural Manual (37 FR 20510), which licensees must retain in their public file (§ 1.526(a)(6)), and which is indirectly referred to in the final paragraph in the renewal notices required by revised § 1.580, should be revised or supplemented to conform with the new rules adopted in this proceeding. Sonderling states that paragraph 34 should be revised to indicate the new filing dates for renewal applications as well as for Replies and Oppositions to Petitions to Deny. Paragraph 35 should also be supplemented to emphasize that the Commission will not grant a request for an extension of time to file a Petition to Deny except for compelling and unusual reasons, or when both the licensee and the potential petitioner agree that negotiation is taking place and request that an extension be granted. In addition, Sonderling recommends § 1.526(e) be amended to eliminate an internal inconsistency regarding the required length of retention in the public life of the Manual and letters received from members of the public.

43. We agree with Sonderling that various parts of the Procedural Manual, including paragraphs 34 and 35, need to be revised and/or supplemented and we plan to do this in the near future. For this reason, we have stayed the requirement to retain the Manual in the station's public inspection file until a revised Manual has been sent to licensees. (See Appendix B of this Memorandum Opinion and Order.) We also agree with Sonderling that the inconsistencies regarding the required length of retention in the public file of the Manual and letters received from members of the public needs to be eliminated. Therefore, we have revised § 1.580 to provide that the Manual be kept indefinitely and the letters for three years (assuming the letter retention requirement of § 73.1202 is retained for radio after the experimental period).

44. ABC notes that while paragraph 98 in Part III of the Final Report and Order provides that Licensees will henceforth submit a statement with their renewal applications that the required pre-filing announcements have been aired and the required post-filing announcements will be aired, no such requirement has been set forth in either section IV–B or in the instructions to section IV–B.[6]

45. The requirements regarding the verification statement referred to in paragraph 98 of the Final Report and Order and cited by ABC will be detailed in a Public Notice which will be included in the "renewal packet" sent to commercial television renewal applicants (including Form 303) at renewal time.

46. NNA and Sonderling comment on the elimination of the requirement for newspaper publication of renewal notices. NNA states it has not previously filed in this proceeding because it has only recently become aware of the serious adverse effect which this will have on the right of the public to learn of the filing of renewal applications. NNA acknowledges it has some financial interest in the retention of the newspaper publication requirement, but claims it has a much greater interest in assuring that citizens have every reasonable opportunity to be informed of their rights and responsibilities regarding renewal of broadcast licenses. NNA indicates its sole purpose in its petition is to attempt to convince the Commission that the present newspaper public notice provision must be retained. It believes, however, that the public's opportunity to be informed regarding the license renewal process would be advanced even more significantly if the newspaper notice requirements were increased in proportion to the increase in broadcast renewal announcements, and if newspaper notices accompanied the fifteenth-day broadcast announcements required by new § 73.1202.

47. NNA contends that the legislative and administrative history of the local notice requirements is at odds with the

[6] ABC also suggests that the pre-filing and post-filing renewal notices required by § 1.580 be combined into one single notice (see paragraph 26 of this Memorandum Opinion and Order).

Commission's action in this proceeding. NNA believes it is clear that throughout Congressional consideration of section 311(a), Congress intended the notice not to be made just to the viewers of any one station, but to the general public of the area. According to NNA, there is no indication that the Congress considered broadcast notices to be an adequate means of providing the public with information about application filings.

48. We strongly believe the provisions in the Final Report and Order are consistent with Congressional intent in drafting section 311(a) of the Act. Not only will the new rules result in an increased number of broadcast notices being made to the general public regarding the filing of the renewal application, they will also provide for announcements, which include the date of the renewal grant and the length of the license period, to be broadcast to the general public every fifteen days throughout the license period. It should perhaps also be noted that when the elimination of the newspaper publication requirement was mentioned in the Chairman's testimony before the Subcommittee on Communication and Power of the House Commerce Committee in the recently concluded hearings on the license renewal, no objections were made regarding this change.

49. NNA states that while it does not wish to take unfair advantage in its Petition for Reconsideration to reply (for the first time) to comments made in response to the Notice of Proposed Rulemaking, it believes it important to indicate the lack of substantive factual data before the Commission to support the deletion of the newspaper publication notice. NNA then rejects and attempts to refute a variety of statements made in the comments, as for example, that the newspaper notices result in a needless duplication; that they have been of little public value; that it is an "anomaly to utilize another medium for the purpose of broadcast regulation."

50. While it is not totally appropriate in this Memorandum and Order to review the comments filed in response to the original Notice and contrast them to those now being made for the first time by NNA, we should point out that there was considerable support in the filings for the elimination of the newspaper publication requirement. Moreover, the statements made in the comments which NNA attempts to refute have not been disputed by any of the many other parties (industry representatives or public groups) filing comments, reply comments, or Petitions for Reconsideration. On the contrary, some of these statements received significant support. We are not sure what NNA has in mind when it refers to "the lack of substantive factual data before the Commission" to support the deletion of the newspaper publication requirement, nor how NNA would suggest that this data be obtained.

51. NNA says that the Commission's local notices amendments will not achieve their stated goals and that newspaper public notices are needed to supplement these broadcast notices. NNA suggests the Commission is apparently concerned only with those people who view or listen to broadcast stations. NNA believes the Commission must also consider those who are not in the regular broadcast audience and must attempt to reach such people through notices in newspapers. NNA does not believe the Commission will reach even those who own radio and television sets, for there is no guarantee that any one will be watching or listening to the announcements even when the set is on. NNA claims that only two of the required broadcast renewal notices will have to be aired during "prime time."

52. In responding to NNA's statement that the Commission is only concerned with those people who view or listen to broadcast stations, we must emphasize that it is highly unlikely that people who do not watch or listen to a broadcast station will be able to furnish us with relevant information not already available regarding the station's renewal application and whether the station has operated in the public interest. Only experience will demonstrate whether NNA is correct in their prediction that the amendments to § 1.580 in the Final Report and Order (coupled with the adoption of new § 73.1202) will not achieve their stated goals, and therefore newspaper published notices will be needed to supplement broadcast notices. If experience proves NNA correct, the newspaper publication notice requirement could, of course, be re-instated. It should be noted, however, that NNA is incorrect in stating that the Final Report and Order provides for only two renewal notices in prime time. At least five of the announcements will be in prime time. In addition, a prime-time announcement which includes the date of renewal grant and length of the license term will be made once a month throughout the remainder of the license period under § 73.1202.

53. Finally, NNA attempts to compare broadcast notices to newspaper notices and cites the advantages of the latter. NNA maintains that the lack of permanence of the broadcast announcement, resulting from the fact that a viewer must be listening at the moment of the announcement ready with pencil and paper to record the necessary information, is a significant difference. Another advantage of the newspaper public notice, according to NNA, is the greater "news" value of an official renewal notice in the newspaper as opposed to isolated broadcast announcements. The broadcast media do not lend themselves to easy scanning by other news media in the community. Newspapers, however, are easily scanned and can be reviewed by other journalists quickly and efficiently. NNA contends that one of the best sources of news leads have been and continue to be the public notice pages of the local newspaper. NNA recognizes that some newspapers do not publish public notices in prominent positions, but indicates that it is undertaking a major program in collaboration with State Press Associations and individual publishers in the interest of increasing the value of newspaper public notices.

54. We do not wish to get into a general comparative evaluation of newspapers and broadcasting and to rate one versus the other (as for example, as a source of a news lead), nor do we wish to discuss the proper position of public notices in the pages of the newspaper. These things are not at issue here. What is at issue is an attempt to solicit informed feedback from members of the community regarding a station's renewal application and whether or not the station has operated in the public interest. It is reasonable to assume that such feedback will come from members of the community who view or listen to the station and those are the people we are trying to reach. We think it makes sense for the invitation for such feedback to be presented directly by the station via the station's facilities and we believe the invitations adopted in this proceeding can provide the relevant feedback which we seek.

55. Sonderling notes that § 1.539(b) continues to require newspaper publication of an "amendment of application for renewal of a broadcast station license." The inconsistency between § 1.539(b) and revised § 1.580 should be rectified.

56. The inconsistency cited by Sonderling has been rectified by amending § 1.539(b) (see Appendix A of this Memorandum Opinion and Order).

Part IV Annual Listing of Problems and Needs

57. Several of the arguments regarding the annual listings (required by § 1.526 (a)(9)) of significant problems and needs of the service area and typical and illustrative programs broadcast during the preceding twelve months to help meet those problems and needs are identical to those raised in the comments and reply comments, as for example, those which maintain that the annual listings are of questionable value and those which maintain that ordinary news inserts and public service announcements should be permitted to be included in the listings. These arguments were considered by the Commission in issuing its Final Report and Order and will not be discussed herein. Matters that need to be discussed regarding the annual listings are raised by NBC, Sonderling and CBS.

58. NBC requests that the Commission add definitive language which permits licensees at their option to supplement their listings at any time, by placing additional relevant material in the station file, and to supplement yet again whenever the Commission requests this type of information be furnished to it for consideration in connection with the licensees' renewal applications.

59. In response to NBC's request for definitive language which permits licensees to supplement their annual listings at any time by placing relevant material in the station file, we have amended the last sentence of § 1.526(a)(9) to read as follows:

"The listings are not to exceed five pages but may be supplemented at any time by

additional material placed in the public inspection file, identified as a continuation of the annual listing and subject to Commission inspection."

We do not think it necessary, however, to add language to the rule permitting additional supplementation when information is requested by the Commission, since such language is already included in the last sentence of paragraph 1 in the Instructions, General Information and Definitions that will accompany revised section IV–B (see Appendix E of the Final Report and Order).

60. Sonderling and CBS request that we clarify the ascertainment requirements regarding the formulation of the annual listing of problems and needs. Sonderling states that it is its understanding that a formal ascertainment need only be conducted within six months of the filing of the renewal application, and that television stations, in order to compile what they believe to have been significant problems and needs in their service areas, would not be expected to compile annual profiles of their communities, or conduct personal interviews with a representative cross-section of community leaders, or conduct a random sample survey of the views of the general public. CBS believes revised section IV–B suggests ascertainment need not be conducted annually pursuant to the Primer in connection with the annual listing, but Commission clarification and guidance are necessary to avoid confusion and errors in this area.

61. Sonderling and CBS are correct in their assumption that pending resolution of Docket 19715 (or until further notice), a formal ascertainment survey in accordance with the Primer guidelines need only be conducted within six months of the filing of the renewal application. For the remainder of the license period, the licensee's obligation is the more general one outlined in our 1960 Programming Policy Statement, that of a continuing, positive, diligent effort to ascertain the tastes, needs and desires of the service area. Part of that more general effort is, of course, the broadcasting of the fifteenth-day announcements required by § 73.1202.

62. Sonderling asks for a clarification of the statement in paragraph 143 of the Final Report and Order that the Commission expects that programs aired to meet the significant problems and needs of the service area will be primarily local. Sonderling contends the Commission should expect that the primary source of broadcast matter dealing with significant problems and needs would depend upon the nature and scope of the problem. In some instances, the programs would be primarily local and in others not.

63. We do not dispute Sonderling's contention. While some problems and needs may best be met by local programming, other problems may more appropriately be covered with non-local program sources. It is not our intention to favor a particular program source or format, so long as the licensee's programming does, in fact, help to meet community problems and needs. Our purpose in requiring identification of the source of such programming is that it may provide the Commission with useful information in an area where our experience presently is limited.

64. NAB and Storer maintain that television licensees should be given "lead time" needed to prepare the annual listing covering the preceding twelve months. NAB notes that television licensees are left no time for compilation between the end of the twelve-month period and the date the list must be placed in the public file. The Commission should provide that the annual listings be placed in the public file within sixty days after the relevant twelve-month period ends. Sonderling states that while the Commission may hope the annual listing will be simple to prepare, the practical fact is that in today's climate any licensee who regards renewal procedures casually does so at its own peril. Sonderling argues that the annual listings are unquestionably part of the renewal procedure because they must be filed with the renewal application and, as a result, they must be prepared with care, not only to assure completeness and accuracy but with due regard for the capacity of challengers to attack on procedural rather than substantive grounds. Experience mith Question 4 of current section IV–B (which asks a similar question) suggests that a substantial period of time is required to prepare the exhibit in response to the Question. It is prepared initially by the station's staff, but must then be reviewed and edited by management-level officials and finally by the applicant's counsel. Storer suggests that a lead time of at least two months be specified, so that, for example, an annual listing that must be filed on September 1, should be related to the twelve-month period ending June 30.

65. We do not think that "lead time" as described by NAB and Storer is necessary to prepare the annual listing. We would expect licensees not to wait until the year was almost over to begin to prepare their lists, but rather to update their lists on a periodic basis throughout the year. Moreover, since the requirement is only for typical and illustrative programs rather than for all programs, licensees could easily select particular programs for listing right up through the final month of the twelve-month period without having to go through any hurried elaborate procedures to record and verify every program broadcast during that final month.

66. ABC and NBC believe the Commission should issue a standardized reporting form for supplying information required by the annual listing. ABC suggests that such a form would insure both brevity and uniformity of the submissions. NBC contends it is highly unusual for the Commission to establish a reporting requirement without supplying a suitable standardized form for submission. According to NBC, a standardized form would aid broadcasters in meeting their reporting obligations, as well as aiding the Commission in collating, filing and analyzing the annual listings.

67. The advisability of issuing a standardized form for the annual listing of problems and needs was considered prior to the issuance of the Final Report and Order. The idea was rejected because we felt the minimal potential advantages involved were outweighed by the dangers of unnecessarily constraining the licensee in preparing his list. For example, if in order to insure that licensees who wished to list ten problems within the five-page limitation could do so, each page of the standardized form would need to be divided in half by a horizontal line, and this might well result in (1) licensees making sure there were no blank half pages by automatically listing 10 problems, and (2) licensees trying to balance (using the same amount of space) the listing of typical and illustrative programs opposite each problem so that each of the half pages looked about the same, ideally by taking up an entire half page with each of the ten separate listings. Many if not most licensees would have their lists dictated by the format of the standardized form. Even if we eliminated the horizontal dividing line and merely had columns running left to right on the top of the page (e.g., columns titled (1) problem or need, (2) typical and illustrative programs, (3) description (including time and source) the space between the columns would probably affect the length of the description of the program that licensees would give. We are not convinced that the advantages of adopting a standardized form warrant these dangers of constraint, particularly since the more we might try to avoid constraint, the less rigid and the less valuable "the standardized form" and the less likely the format used by licensees would be any different from that which is suggested by the very basic guidelines contained in § 1.526(a)(9).

68. NAB and NBC express concern that licensees will be required in 1974 to compile their first annual listing of problems and needs even though they have not kept specific records up to this time. NBC says that such a reporting requirement has an ex poste facto effect as licensees will be obligated to assemble the necessary reports based on prior survey materials. NAB requests the Commission not to require submission of any information (other than composite week data) concerning programs broadcast before January 1, 1974. NBC contends that stations should be provided a year's lead time to assemble the necessary supporting data prior to being required to compile the first annual listing.

69. We do not believe there is sufficient reason to revise the scheduled dates of compliance with § 1.526(a)(9), nor do we think in this instance (unlike the situation with respect to Question 5 and Question 6 of revised Section IV–B which do not merely deal with typical and illustrative programs (see paragraph 111 of this Memorandum Opinion and Order)). We should just ask for information regarding programming broadcast after January 1, 1974. Question 4 of current section IV–B, of course, requires a similar listing to that required by § 1.526(a)(9)

and, therefore, 1974 renewal applicants using current section IV–B need merely slightly revise their response to Question 4 and put that revision into the public file at the time of renewal filing to comply with § 1.526(a)(9). 1975 and 1976 renewal applicants (as well as December 1974 renewal applicants) will not be preparing a Question 4 response, but should have ample time (since the release of the Final Report and Order in October) to prepare their listing, particularly since the listings need only include typical and illustrative programs.

FORM 303–A—THE ANNUAL PROGRAMMING REPORT

70. Various comments filed regarding new Form 303–A duplicate arguments raised in the comments and reply comments. Thus, for example, PAB, Nebraska and ABC question the purpose and value of the form and NBC reiterates its belief that the source and the time-of-day breakdown included in the form should be deleted. In addition, as previously indicated, several parties believe that pending the resolution of Docket 19154, the Commission should defer from using Form 303–A. We have considered these arguments in either the Final Report and Order or in earlier sections of this Memorandum Opinion and Order and will not deal with them here.

71. NAB and ABC discuss the first filing date for Form 303–A. NAB submits that May 1, is the most practical due date; first, because it falls in a slack business period for television licensees; second, because it precedes the summer vacation period during which staffs are depleted; third, because no television licensees will file renewals on May 1. Finally, four months will provide ample time for licensees to compile and compute the necessary data if the Commission continues to publish the composite week days in the late summer of the preceding year. ABC does not suggest a specific date, but asks that we establish a date which neither coincides with any renewal filing date nor with an existing date for the submission of any other Commission report.

72. Given the fact that licensees have just prepared detailed statistics (including statistics for all categories in Form 303–A) based on the 1972–1973 composite week for completion of the special questionaire associated with the Second Further Notice of Inquiry in Docket 19154, we have decided to use the revised 1972–1973 composite week (with December 4, 1972, included rather than December 11, 1972) for the first filing of Form 303–A. The Form will be mailed to all commercial licensees within the month and will be due March 1. In future years we expect the filing date to be February 1, and will gear the announcement of the composite week to that date. The date of February 1 has been chosen as the tentative date because the Research Division of the Broadcast Bureau feels that date is the best one to be accommodated within its busy work schedule.

73. NBC, Sonderling and Westinghouse suggest additions or revisions to Form 303–A. NBC requests that the following clarifying language be added to the instructions to the Form.

"Note: The information requested in this Form is not intended to be representative of total licensee performance but is requested for only restrictive analytical review."

Sonderling feels it would be helpful for licensees, the public and the Commission if the definition of public affairs programming were clarified. Sonderling suggests the following language.

"*Public Affairs Programs* (PAP) includes talks, commentaries, discussions, speeches, editorials, panels, roundtables, and any other program primarily concerning (i) controversial issues of public importance or (ii) local, regional, state, national, or international needs and interests of public importance in the community or area served by the station."

Sonderling contends that this definition removes the ambiguity which currently exists with the definition of public affairs programs as being defined as "one primarily concerning local, national, and international public affairs."

74. We do not think it appropriate to add the "clarifying language" requested by NBC since the basic concept of the "composite week" is that it will reveal that which is representative of total licensee performance. Also, we do not think that we should revise the definition of "public affairs" as suggested by Sonderling. While the present definition is somewhat ambiguous, judging from the comments and reply comments as well as the experience of use with the definition with respect to section IV–B, it is satisfactory. Moreover, the definition suggested by Sonderling has its own potential problems of clarity and ambiguity. Not only does the definition leave out certain formats included in the current definition, such as documentaries, forums, and political programs, it also raises questions regarding the interpretation of key terms, including "public importance" and "controversial issues."

75. Group W reiterates the belief expressed in its comments that the definition of "local" programming is ambiguous and needs to be revised, or at least clarified. Group W renews its request that we eliminate the requirement from the current definition that live talent must be employed more than 50 percent of the time. The meaning of the term "live talent" is unclear, but would appear to Group W to exclude several categories of station produced programs, including some of the most important programming produced by a broadcast station. Group W lists three types of local programming broadcast by a station which would not appear to qualify as "local programs" under its interpretation of the Commission's present definition:

(1) A documentary filmed entirely in the community dealing with a pressing community problem, but in which only community people appear;

(2) Live coverage of a local leader's (such as the Mayor's) news conference unless the local leader is considered to be "live talent"; and

(3) Extended on-the-spot coverage of a developing news event such as a serious fire or a national disaster.

76. Group W quotes a statement in paragraph 154 of the Final Report and Order which refers to their previous request to revise the definition. In that paragraph, we indicated we recognized that some valuable programs may be locally created and produced without employing live on-camera talent and had thus insured that there is adequate provision in revised section IV–B of Form 303 for licensees to indicate that such programs have been aired. Group W states that this is not an adequate answer, if for no other reason than because it is illogical to exclude without a sound rationale important segments of a station's local programming efforts from the "local program" category of Form 303–A. Group W feels it is patently unfair to continue to retain the outmoded definition, particularly with the increasing importance being attached to composite week program data as the most reliable index of station performance.

77. We believe that a clarification of "live talent" rather than elimination of the term from the definition of "local" is appropriate.[1] All three examples of programs cited by Group W should be categorized as local because in each the person or event being captured is appearing before the camera of the local station. It is that which determines local programming, not, for example, the method of recording (i.e., film, tape, or live) or the time of transmission (the same day, one week later). An example of a show which would not be local because it did not include live talent 50 percent of the time would be a mid-day movie or an afternoon cartoon show with a local host whose main function was to promote continuity between the films or film segments.

78. In making the statement in the Final Report and Order referred to in paragraph 76 above (regarding our recognition of the value of some locally created and produced programs which do not employ live talent 50 percent of the time and the provisions in revised section IV–B (especially Question 7B) which would give an opportunity for the licensee to indicate that such programs had been aired), the type of program we had in mind was not one of the three examples cited by Group W, but rather one, for example, in which a local producer had used and combined various portions of films obtained from non-local services to carry out a theme or deal with a problem which is common to a number of communities. As we stated in the Final Report and Order, this type of show may be of great value and licensees may wish to cite it in their renewal applications. We would not consider, however, such a program "local" because it would not meet the requirements of employing live talent at least 50 percent of the time.

[1] We will explore the possibilities of making such a clarification in one or more appropriate places, including, perhaps, within our logging rules.

79. Sonderling also notes that while composite week data in Form 303–A and in revised section IV–B will include commercial matter in computing information regarding programming of news, public affairs and all other, in current section IV–B for Construction Permits and Assignments and Transfer Applications continues to exclude commercial matter in those three program categories. Sonderling indicates it favors a new approach for reporting "Gross" rather than "Net" computations, but wishes to point out that unless the Commission adopts the same approach for all forms, it will not be in a position to compare promise vs. performance in the news, public affairs and all other categories.

80. We agree with Sonderling that the various sections IV–B should be consistent in their approach, but we will not need to amend section IV–B for Construction Permits or Assignment and Transfer applicants because we have decided to exclude rather than include commercial matter in computing amounts of "news", "public affairs" "all other" and "local" in Form 303–A and section IV–B of Form 303. The change in our thinking on this matter is the result of a recently concluded evaluation of the results of the special questionnaire sent to licensees in conjunction with the Second Further Notice of Inquiry in Docket 19154. The questionnaire asked licensees to first include, then exclude commercial matter in calculating amounts of programming in the four specified categories during the 1972–73 composite week. The differences in the resulting statistics were in certain cases very substantial and significant. For example, in tabulating the special questionnaire we used the groupings of stations used in the original Notice of Inquiry in Docket 19154. In one not totally atypical instance, a station's "public affairs" programs broadcast between 6 a.m.-midnight with commercial matter included placed the station in the top tenth percentile within its group in the amount of "public affairs" presented. That station's same "public affairs" programming between 6 a.m. and midnight, with commercials excluded, placed the station in the fortieth percentile within its group in the amount of "public affairs" presented. It is clear that by including commercial matter we would create a situation in which Station A who might be doing considerably less actual "news", and/or "public affairs", "all other" or "local" programming than Station B, would appear to be doing as much simply because commercial minutes could be added to his total figure. We do not believe the decision to exclude rather than include commercials will cause much concern since, with the exception of Sonderling, no parties have indicated an opinion on this matter in either comments, reply comments or petitions for reconsideration, even though we proposed to exclude commercials in issuing the Notice of Rulemaking in this proceeding and decided to include commercials in issuing the Final Report and Order. Moreover, licenses have for some years been excluding commercials in calculating amounts of past and projected future programming in three of the four categories ("news," "public affairs" and "all other") in completing current section IV–B.

REVISED SECTION IV–B

In addition to the various comments to the effect that the Commission should defer use of revised section IV–B pending resolution of the associated Commission proceeding, various parties commented on specific questions in revised section IV–B.

QUESTION 1B

81. Group W believes that Question 1B should be deleted and replaced by a question requiring renewal applicants to report on the methods which are employed for determining community needs throughout the license period. Group W submits that the current Question is an unwarranted departure from the Commission's original renewal plan which was predicated on the annual reporting system superceding the Primer's requirements. Instead of substituting a more reliable method of reporting on the manner in which the station is dealing with the needs and problems of the community, the Commission has merely added new requirements on top of the existing requirements of doubtful value set forth in the Primer. The sole purpose of requiring a broadcast applicant to undertake to determine the needs and problems of a community prior to filing his application is to provide the applicant with a reasonable basis upon which to predicate anticipated programming plans. However, since television renewal applicants will no longer be required to report prospectively on anticipated program plans, it is illogical to continue to apply the same ascertainment requirements to renewal applicants. Group W also maintains that requiring a renewal applicant to replace all relevant ascertainment data in his public file upon filing a renewal application has the danger of encouraging interested parties to focus on data which is of questionable value in evaluating a station's performance.

82. We will not adopt the recommendations of Group W to delete Question 1B from revised section IV–B. As we have indicated in the Final Report and Order and in a previous portion of this Memorandum Opinion and Order (see paragraph 10), we have separated the matters of (1) the manner in which commercial television licensees are to report to the Commission regarding their ascertainment efforts and their programming to meet problems and needs of the community and (2) the requirements regarding the methods by which such licensees must ascertain community needs and report upon these efforts to the local community. While the former matter is the subject of this proceeding and has resulted in adoption of Questions 1B and 2 of revised section IV–B, the latter matters are the subject of Docket 19715. Thus, we will not comment here on Group W's remarks regarding the value of the Primer, the question of whether the same ascertainment requirements should be retained after revised section IV–B comes into use and the merits of recommendations made in Docket 19715 filings regarding possible future changes in the ascertainment materials which should be placed in the public file. We should indicate, however, that we disagree with Group W's suggestion that commercial television renewal applicants will no longer be required to report prospectively upon anticipated program plans. Pending resolution of Docket 19715, applicants will have to make such a report to the local community (in the public file) and be prepared to forward that report to the Commission. Licensees will also report prospectively to us in Question 2 of revised section IV–B as to whether they anticipate changes in the next annual listing required by § 1.526(a)(9) as a result of his recent ascertainment efforts.

83. Group W requests that if Question 1B is retained, the scope of the question should at least be clarified and the term "appropriate materials" be defined. Group W notes that the instructions to section IV–B included in the Final Report and Order suggest that the term "appropriate materials" corresponds to the showing now required by Question 1A of Part I of the present section IV–B as interpreted by the Primer. Thus the applicant need not only make a showing with respect to the manner in which he undertook to determine community problems (Question 1A of current section IV–B), but also the problems and needs which the licensee anticipates will exist in his service area during the coming license period (Question 1B) and some of the programs the licensee expects to air during the coming license period to deal with such future problems and needs (Question 1C). This interpretation would require a renewal applicant to assemble and prepare all of the "showings" now required by the present Part I of section IV–B, the very section of current section IV–B which was specifically eliminated under the new renewal procedures adopted in this proceeding. Moreover, says Group W, such an interpretation would continue to rely on the prospective method of reporting on an applicant's future programming file, an approach which is totally at odds with the Commission's new renewal procedures. CBS and NBC also ask for clarification of "the appropriate materials" which must be retained by the licensee in the public file in accordance with Question 1B. NBC also suggests that the record retention requirement of Question 1B violates section 307(d) of the Communications Act which places a strict limit on the type and amount of material which the Commission may compel applicants to submit. NBC claims the violation exists because all stations are not required to submit to the Commission information related to application methodology and the question of whether the Commission will solicit such information will be left to random selection or problem cases. As a result, says NBC, such information, on the whole, could not be found to be "material" to the Commission's total administrative function.

84. The "appropriate materials" which must be retained by the licensee in the public file in accordance with Question 1B of revised section IV–B is, as Instruction 14 to the section indicates, "those materials which the Primer refers to as 'showings' which must be made by the applicant." As Group W suggests, this includes all "showings" now required by Questions 1A, 1B, and 1C in Part I of current section IV–B. The extent to which the nature of the "showings" should be revised in light of the Final Report and Order in this proceeding is a subject for consideration in Docket 19715. We disagree with NBC's interpretation that the requirement for "showings" to be placed in the station's public file without always being sent to the Commission is a violation of section 307(d) of the Act, since that section pertains to information which is required to be filed with the Commission, rather than in the station's public inspection file.

85. ABC claims that if the Primer is substantially revised or perhaps totally eliminated for renewal applicants, as has been requested by various parties commenting in Docket 19715, then Question 1B and accompanying Instruction 14 would be a potential source of confusion. If, however, the Primer is not revised, the adoption of Question 1B without concurrent revision of the Primer will cause hopeless confusion because the Primer was specifically and exclusively formulated to assist licensees in responding to Part I of the current section IV–B. ABC cites specific instances in which the Primer refers to Part I or Question 1 of the current section IV–B. ABC suggests that if new Question 1B is included in revised section IV–B, the Commission temporarily waive for television stations the requirements of the Primer until the question of whether such stations are to be governed by "continuing" or defined-period ascertainment methods is resolved in Docket 19715.

86. We will not waive the requirements of the Primer until resolution of Docket 19715 as ABC suggests. The Primer does, in specific instances, refer to Part I of Question 1 of section IV–B, but possible confusion that might result from this fact (pending resolution of Docket 19715) can be avoided in much easier and more appropriate ways (as for example, by use of a Public Notice) than waiving the requirements of the Primer. The question of whether Instruction 14 must be changed following the resolution of Docket 19715 is a matter of speculation, but one which, of course, we will deal with at a later date.

87. NBC states that while the Commission has made provision for licensees (at their options) to supplement the exhibits submitted with their renewal applications by filing additional relevant material, no provision has been made for supplementing the material concerning ascertainment surveys which initially are placed in the public files in accordance with Question 1B. NBC recommends that such provisions be made. NBC also believes licensees should be given the option of initially not doing the extensive collating and descriptive analysis required for a "finished presentation" of ascertainment material for the Commission, and then to be able to supplement the ascertainment materials placed in the public file at such time as the Commission may request such additional material.

88. In response to NBC's comments regarding the question of the need for a "finished presentation" of the ascertainment material initially placed in the public file, we would merely note that Question 1B of revised section IV–B asks licensees to verify that they have placed in their public files "the appropriate materials" regarding their ascertainment efforts which until resolution of Docket 19715 will mean (as Instruction 14 explains) the "showings" required by the Primer. The Primer, therefore, continues to be the source of guidance regarding the method of presentation of the ascertainment material, which currently is being sent to the Commission as well as put in the public file; but with the adoption of revised section IV–B, this material will be merely put in the public file and not normally sent to Washington.

89. With respect to NBC's concern that no provision has been made for supplementing the material concerning ascertainment materials initially placed in the public file, we should note that if there is a question regarding our ability to make a public interest determination, licensees have always had and will continue to have an opportunity of supplementing material sent to us as part of their renewal applications. If the issue which needs to be resolved relates to ascertainment, then presumably the sequence of events would be: First, a request by us to see the ascertainment materials placed in the public file; second, if we still do not feel able to make a public interest determination, a request for more information regarding the ascertainment efforts made by the renewal applicant, which would constitute what NBC refers to as a supplementation of the ascertainment materials put in the public files. Should a licensee wish to reduce and hasten the above procedure by submitting upon our initial request the ascertainment material put into the file at the time of filing of the renewal application and the additional "supplementary material" he could do so. We would expect, however, that if licensees thought such "supplementary material" was that relevant, they would normally wish to put this "supplementary material" in the public file at the time of the renewal filing which might help avoid deferral of the license renewal, as for example, if the question being raised regarding ascertainment efforts was raised by a member of the public.

QUESTION 2

90. NBC suggests that Question 2 is unnecessary in view of other changes made under new § 1.526(a)(9) and should be eliminated. In establishing the yearly reporting requirements for ascertainment surveys of community needs and problems, the Commission determined that licensees should compile a list of up to ten "significant problems and needs" of the service area. In adopting this requirement, the Commission expressly objected to the proposal that the licensee be required to compile a list of ten "most significant problems and needs." The Commission, therefore, has expressly chosen to limit the ascertainment report to ten or fewer significant problems and needs without reference to real importance or vital nature on a comparative basis of these problems and needs. The instructions in Question II seemingly run counter to this policy as some type of qualitative judgment is called for on the part of the licensee by asking for a subjective determination of which of the problems and needs will change in the near future. There seems to be no reason for licensees to determine in advance the problems that should be on the list since the list itself has no special significance to the licensee, to the public or the Commission.

91. United Church says the Question places a premium on having the results of the formal ascertainment process replicate and justify the conclusions contained in previous annual listings of problems and needs. The forms should be reconsidered and modified to require a discrete listing of problems and needs which will free the broadcaster from the pressure he will feel to make his ascertainment results appear to duplicate the problems and needs included in his previous annual listings. United Church suggests that we retain present Questions 1B and 1C which call for the broadcaster to list separately the problems determined as a result of the ascertainment process and describe the methodology used in reaching these conclusions.

92. We will not adopt either the suggestion of NBC that we delete Question 2 or that of United Church that we retain present Questions 1B and 1C. We believe Question 2 of revised section IV–B will give licensees an opportunity to include in their renewal applications an expression of intent in the immediate future to deal with a problem or need which was recently determined or called to their attention and was not included in their annual listing of problems and needs for the preceding twelve months. It will also give the Commission an indication of whether the three annual listings for the current license period are an accurate reflection of what the licensee anticipates will occur in the beginning of the new renewal period, or whether his recent ascertainment efforts or recent events suggest changes will be made. We do not agree with NBC that Question 2 asks for some qualitative or comparative judgment regarding whether the problem or need and/or program is most important or more important than any other problem or need and/or program and, therefore, do not think that the Question runs counter to the policy reflected in § 1.526(a)(9) of asking for a list of "significant" problems or needs. Also, we do not feel that Questions 1B and 1C of current section IV–B should be retained as United Church recommends. Licensees must, of

course, pending resolution of Docket 19715, continue to place information that was compiled for those questions in their public files as we have discussed in paragraph 84 of Memorandum Opinion and Order. Whether that practice will continue indefinitely will be considered in Docket 19715.

QUESTION 4

93. NBC, United Church and ABC discuss Questions 4 and 9 of revised Section IV–B concerning the broadcasting of public service announcements (PSAs). NBC maintains that the additional burdensome information collection requirement of Questions 4B and 9B should be omitted by deletion of the Questions. NBC claims that the requirements of Questions 4B and 9B will prove very burdensome because of the necessity of recording additional information in station logs or elsewhere to permit the identification of a particular public service announcement designed to promote local, national or mixed causes. NBC believes the Questions violate the restrictions imposed by section 307(d) since the material is not relevant to Commission consideration at renewal time. The Commission has never found that intrinsic value of a public service announcement is in any way affected by the fact that it is addressed to a strictly local, regional or national concern. All serve the needs and interests of the public in the area reached. The additional information sought by the Question is irrelevant to the purpose and effect of public service announcements and is, therefore, irrelevant to regulatory policy affecting such announcements.

94. The rationale for distinguishing between different types of PSAs is discussed in paragraphs 193 and 194 of the Final Report and Order. This discussion indicated why we believe that the burden which may be entailed in completing the Question is justified and that we would disagree with NBC's suggestion that the information which will be obtained from Questions 4B and 9B is irrelevant to our policies and will not be considered at renewal time.

95. United Chuch objects to the change made in Questions 4B and 9B from that which was originally proposed in the Notice and retained in the Interim Report and Order. United Church notes that the Commission originally proposed that licensees list the "number of public service announcements involving local organizations" broadcast in the most recent composite week and proposed to be broadcast during the typical week in the new license renewal period (paragraphs 193–94 and Appendix E of the Final Report and Order). The Commission has now substituted a requirement for listing the number of public service announcements "which in the licensee's judgment were primarily designed to promote programs, activities, or services of organizations or organizational units located in the service area." United Church argues that the phrase "in the licensee's judgment" is surplusage and merely restates the obvious. If the addition is to insure that no one else makes the judgment, it is unnecessary. Other reasons for inclusion of this language are not permissible, such as assuring licensees that they are free to classify "canned" PSAs as local if there is any local contact: As for example, being able to call Army enlistment PSAs local because there is a local Army enlistment office. This would strike a double blow at the public interest; first, by depriving public groups of their right of participation in the Commission's processes by keeping citizens from demonstrating in a Petition to Deny that the licensee's judgment was in error, and second, by depriving local groups of a healthy diversity of local and regional views being broadcast.

96. More importantly, says United Church, "dilution" of the definition of local PSA practices to include announcements "primarily designed to promote programs * * * organizations or organizational units located in the service area," will mean that PSAs prepared and distributed on a national basis by national organizations will be considered local so long as the national organization has a local office or affiliate. United Church states this destroys the distinction between local and national PSAs and will serve to discourage broadcasters from going into the community of service to locate public service messages of local origin. United Church claims that the efforts to redefine local PSAs to include most nationally distributed PSAs has been conducted at the behest of the Advertising Council, Inc. United Church suggests that the Commission has decided to "yield" to Advertising Council pressure and its decision does not serve the public interest, the public convenience, or the public necessity.

97. While United Church is correct in stating that Questions 4B and 9B include changes from the Questions proposed in the Notice of Inquiry and Proposed Rulemaking and retained in the Interim Report and Order, it is incorrect in its assumption regarding the reasons for the changes. The changes from PSAs "involving local organizations" to PSAs "designed to promote programs, activities, or services of organizations or organizational units located in the service area" merely clarifies the information we intended to solicit by adding the Questions to the new form. Nothing in the comments or reply comments suggested the need for such clarification and, therefore, the Interim Report and Order merely retained the wording proposed in the notice. At the Office of Management and Budget (OMB) hearing, however, it became obvious that the phrase "involving local organizations" had caused and would cause misunderstandings, as for example, the belief that the PSAs had to be totally created and produced by a local organization; thus the Question needed to be clarified.

98. Our reason for proposing Questions 4B and 9B was to solicit information regarding PSAs that benefited local organizations. We believe that intention has now been clarified. The phrase "in the licensee's judgment" was also added following the OMB hearing, for the same reason: to clarify the information we were seeking and to eliminate the possible confusion regarding the Question which was suggested and was apparent at the OMB hearing. While the phrase "in the licensee's judgment" may state the obvious to an informed participant in the renewal process, such as United Church, it may well be stating something not equally obvious to someone else examining the renewal form. Moreover, the classifications of PSAs required by Questions 4B and 9B may not always be easy to make. By adding "in the licensee's judgment" as well as a "mixed category" to Questions 4B and 9B, we have recognized that licensees have the ultimate responsibility to make sometimes difficult judgments (with which others may not always agree) regarding the classifications of all public service announcements which may not easily fall into an "either" or an "or" category.

99. ABC notes that Question 4B and 9B seek information concerning PSAs which may very well open broadcast before the effective date of the new rule and prior to a time the licensee will have had an opportunity to develop revised logging methods or other procedures to identify and document PSAs as "local" or "non-local" or "mixed." ABC requests that the Questions will apply only for the period of time beginning on the effective date of the new rules, that is, January 1, 1974, or a subsequently revised date.

100. We recognize that Question 4 of revised section IV–B may well require the development of new procedures regarding the logging of public service announcements and that if we required December 1, 1974, renewal applicants (the first group of licensees to use revised section IV–B) to answer Question 4B, it will mean that they would have to make the new requisite classifications without benefit of the new procedures. We believe, however, that there is some value in asking licensees to make the attempt, particularly since the calculations should prove helpful in making future projections in Question 9B regarding the airing of public service announcements in those classifications in the coming renewal period. We have decided, therefore, not to adopt ABC's recommendation, and will require licensees to answer Question 4B by referring to their composite week logs and making their best attempt to categorize the public service announcements into the requisite categories. We will, however, take into account in our review of the renewal applications the facts of the situation, and would suggest that renewal applicants might wish to take advantage of Question 7B in revised section IV–B to briefly explain to other interested parties those facts.

QUESTION 5

101. NAB, Metromedia and Nebraska object to the conclusion of Question 5B in revised section IV–B. NAB argues that the Commission admits the Question will provide supplementary information only, and that the failure to carry a majority of network news or public affairs programming does not per se constitute a

failure to serve the public interest. A massive amount of information regarding carriage of network news and public affairs programming will already be available in the Annual Programming Report and the annual listing of problems and needs, so the answer to Question 55B will be relevant only in cases where this other data indicates the station has failed to provide sufficient public affairs programming. NAB submits that putting every licensee through the trouble of keeping the records necessary to answer this Question when the answer will be relevant in a very few cases is unwarranted.

102. Metromedia and Nebraska suggest that Question 5B reflects a governmental instrusion into the program decision making processes. Metromedia argues that the Question reflects a governmental preference for network news and public affairs programming and discriminates, by omission, against every other available source of such program material. Thus, the Question precludes a free choice by each licensee to decide whether the approach of the nightly network news serves the needs of his community. Nebraska suggests the Question serves no purpose in the absence of some objective criteria to guide the licensee and the Commission.

103. Our reasons for inclusion of Question 5B in revised section IV–B are discussed in paragraphs 159 and 160 of the Final Report and Order. We indicated in that discussion, as NAB suggests, that the information contained in Form 303–A and the annual listings of problems and needs required by § 1.526(a)(9) would be supplemented by the information obtained through Question 5B. However, we also indicated that it would be "the sum total of information," including the answer to Question 5B, that would enable both the public and the Commission to make a much more informed evaluation than is now possible regarding a renewal applicant's decisions during the current license period with respect to the programming of news and public affairs. While we are not sure a totally "objective criteria" as desired by Nebraska to make such an evaluation is possible or completely desirable, particularly with respect to the annual listings of problems and needs, the "sum total of information" obtained by revised section IV–B, including Question 5B, will certainly permit us to make a much more informed evaluation than is now possible.

104. The concerns expressed by Metromedia and Nebraska regarding governmental intrusion into decision making were, of course, expressed in the comments and reply comments in response to a much more detailed question regarding clearance of network public affairs programs proposed in the Notice of Inquiry and Proposed Rulemaking. These concerns were fully discussed at the many Commission meetings held on this proceeding. As a result of such concerns, the question was modified, and the language inserted into paragraph 160 of the Final Report and Order clearly explains, we believe, that Question 5B does not reflect governmental preference for any particular program or program series, nor does it violate the principle that the licensee must make the judgment whether a particular program or program series shall or shall not be presented over the licensee's broadcast facilities.

QUESTION 6

105. Several parties suggest that the inclusion of any question regarding children's programming in revised section IV–B is premature pending resolution of the issues in Docket 19142 (FCC 71–1971). ABC, for example, argues that Docket 19142 will determine whether and how children's programming should be evaluated as part of the public interest standard and, if so, how children's programming should be defined. Prior to either resolving the threshold policy question or developing a workable definition, the Commission should not proceed by including Question 6 in the new renewal form. Nebraska believes that Question 6 serves no purpose in the absence of objective criteria to guide the licensee and the Commission. Nebraska's concern is that the Question suggests that the Commission is entering into the programming decision making process. Metromedia and NBC believe that the question appears to violate provisions of section 307(d) of the Communications Act. Metromedia argues that section 326 of the Act prohibits the Commission from considering any response to Question 6 as part of its renewal determination. Section 307(d), however, prohibits the Commission from asking the Question if it does not intend to use the responses in a manner "directly material" to the renewal determination.

106. As we indicated in paragraphs 164 and 196 of the Final Report and Order, we believe that while some matters regarding possible revisions in the renewal form should await resolution of the issues in Docket 19142 (as for example, questions concerning commercial practices during children's programs), we have determined that a general question concerning programs directed to children should be included in the revised section IV–B adopted in this proceeding. The Question will not violate section 307(d) of the Act because the responses to the Question will be considered in the process of making our public interest determination. Also, we do not think we are precluded by section 326 of the Act from soliciting information regarding children's programs any more than that provision of the Act precludes us from soliciting information concerning other categories of programming, including news, public affairs, public services announcements, and so forth.

107. Storer, Sonderling, and NBC suggest that clarification and/or revision of Question 6 is needed. Storer maintains it has not yet seen a clear definition of "programs primarily directed to children 12 years old and under." Sonderling requests that we clarify whether applicants are to supply information regarding all children's programming broadcast during the license period or only about a list of typical and illustrative children's programs. NBC believes that the Question as presently constituted requires that all children's programs broadcast during the license period be listed. NBC states the record-keeping burden of Question 6 simply cannot be measured and to attempt to compress this exhaustive report on programming into three pages adds a further problem. NBC urges the Commission to alter the wording of the Question either to restrict the period covered to the applicable composite week or to allow a typical or illustrative list of programs for the license period. NBC also suggests that the wording of the question be amended to require the submission of brief general descriptions of programs (i.e., description of overall concepts, themes, purposes of the program or series) rather than detailed information concerning specific installments which may have been broadcast during the composite week. Finally, NBC suggests that licensees be expected only to provide necessary data related to children's programs broadcast subsequent to the final adoption of new section IV–B.

108. ACT urges the Commission to amend Question 6 to read:

> "In Exhibit O . . . give a brief description of programs, program segments, or program series broadcast during the license period that were designed specifically for children: (a) three years to six years (pre-school), (b) six years to twelve years of age."

ACT argues that the substitution of the phrase "designed specifically for children" for the phrase in the current Question "primarily directed to children" would result in licensees' feeling obliged to determine the needs and interests of children so that programs could be created and produced on the basis of this new information. With the present question, stations may merely elect programs from their regular schedules that would appeal to children but might do little in the way of constructively meeting their needs. The phrase "to direct programs to children" does not require the licensee to take any positive action toward the ascertainment of the needs of children. In supporting its recommendation to subdivide the category of children under twelve into two distinct age groups (preschool and school age), ACT says it would be futile to require a licensee to ascertain the needs of children and to design programs to meet these needs if "children" is defined as a homogeneous group roughly 2 years to 11 years of age. ACT notes that the categorization of children into two age groups would conform to that previously agreed upon by both ACT and the Commission at hearings of the Commission on children's television.

109. Sonderling notes that we stated that we had added Question 6 to revised Section IV–B "to underline our interest in children's programming aired on television." In view of this expression of interest, Sonderling suggsts that the Commission include "children's programs" as a further type of program sub-category

similar to "editorials," "political programs" and "educational institutional programs." Sonderling suggests the definition to read as follows:

"(1) *Children's Programs* (C) includes any of the 8 types of programs, as defined in (a) through (h) above, that were primarily directed to children 12 years and under."

In addition, Sonderling suggests that the "all others" category in the Annual Programming Report and in revised Section IV–B should be enlarged to include information concerning children's programming.

110. We have carefully considered the revisions to Question 6 which are recommended by NBC and ACT, but we believe we should retain the Question which appears in the Final Report and Order. We do not believe the phrase "programs primarily directed to children 12 years old and under" will cause definitional problems, since we are merely asking licensees to tell us which of their programs had children 12 years old and under as the primary target audience. We believe that the matters raised by ACT, as for example, aid to specific programming and ascertainment of the problems and needs of children, are matters which should properly be considered in Docket 19142 and, therefore, no more specific question than Question 6 should be included in section IV–B at this time. However, we do not think the answering of Question 6 should be unduly burdensome as suggested by NBC or should be impossible given the page limitations proscribed by the Commission.[3] We should emphasize that the description called for in Question 6 is probably less "detailed" than that amended description suggested by NBC. The Question does not require "detailed information concerning specific installments." For example, if a licensee broadcasts a daily program throughout the license period, the listing in the exhibit to Question 6 need only be as follows:

[3] Should experience demonstrate the contrary, we could, of course, at a later date either amend the Question to merely ask for typical or illustrative programs or increase the page limitation.

Title	Frequency	Time of day	Source	Program type
Program title (a 1-sentence description of the program).	M–F	3–4 p.m.	Local	Installments.

111. We agree with NBC that stations need only furnish information regarding children's programs since January 1, 1974, and will make that clear in mailing Form 303 to licensees. We do not think it appropriate, however, pending resolution of Docket 19142 to define children's programs as Sonderling recommends. We also consider it premature to adopt Sonderling's suggestion of revising the "all other" category in Form 303–A to include children's programming.

QUESTION 7

112. Metromedia, NBC and ABC discuss Question 7 which permits licensees to supplement information supplied in Form 303–A, in the annual listing of problems and needs required by § 1.526 (a) (9) as well as in other portions of section IV–B. Metromedia maintains that Question 7B is illegal because it solicits a list of programs which the licensee considers to be of "special merit." Metromedia says the Commission may not consider the "special merit" of the licensee's program as part of the renewal determination because the Commission was not established as the national arbiter of either quality or taste. By including a question in its renewal application which it may not use in a manner "directly material" to the renewal determination, the Commission is violating section 307 (d) of the Act. ABC notes that without sufficient lead time before licensees file their first renewal applications, new applicants could not respond in any meaningful fashion to the three-part Question 7 which relates directly to information gathered and supplied for a three-year period. NBC believes that while Question 7 provides for the submission of additional material with the renewal application, it is not clear that the applicant may, at a later date, supplement this record. NBC requests that the Commission add language which expressly reserves to the applicant the right to supplement the programming record both as required by the renewal application and Form 303–A should he so desire.

113. Question 7 in revised section IV–B corresponds to Question 10 of the current form. The current question has proved very useful in enabling licensees to supplement information submitted in other questions, and is not in violation of section 307(d) since whenever licensees submit an answer to the Question, that answer is examined and becomes relevant to our public interest determination. Question 7 will be optional and licensees do not, as Metromedia suggests, have to submit a "list of programs" which the licensee considers to be of special merit any more than he has had to in the past. Our reasons for inviting licensees who desire to answer Question 7B to feel free to list entertainment programs "of special merit" is indicated in paragraphs 205 and 206 of the Final Report and Order.

114. While we agree with ABC that prior to the time the information is reflected in the annual listings, and Form 303–A and revised section IV–B cover the entire license period, the value of Question 7 to licensees may be more limited than afterwards. However, we think ABC would agree that Question 7 should be there for use (however limited) of all applicants using revised section IV–B, including the first group of licensees to use the Form: the December 1, 1974, renewal applicants.

115. In response to NBC's request for a statement regarding the right of supplementing Question 7, we think the Instructions to section IV–B are extremely clear regarding the matter. Those Instructions indicate licensees may supplement their exhibits to Question 7 (which, in turn, means supplementation of Form 303–A, the annual listings of problems and needs, and anything else relating to the licensee's past programming record) from their public files at any time; and their exhibits to Question 7 may be submitted to the Commission whenever we are unable to make the requisite public interest determination.

QUESTION 8

116. NBC is the only party to comment on Question 8 of the revised section IV–B. In addition to repeating arguments made in its comments to the Notice, that we eliminate separate listings of the time of broadcast and of source of material, NBC argues that Question 8 presents the danger of being misleading and confusing since minor differences in program proposals will, by the nature of the percentage reported, will be greatly magnified. NBC claims it will be very difficult, if not impossible, for licensees to have the necessary flexibility for the dynamic television medium and still conform to such narrow and limited conditions. NBC's proposal is that the following clarifying language be added to Question 8:

"Note: The information requested in the Question is not intended to be representative of the total program service proposed by the applicant, but is required only for restrictive and analytical review."

117. We do not think it appropriate to add the clarifying language to Question 8 as requested by NBC, not only for the reasons cited in paragraph 74 of this Memorandum Opinion and Order, but also because Question 8 specifically asks licensees to indicate "minimum amount" of time supposed to be devoted "normally each week."

OTHER COMMENTS REGARDING REVISED SECTION IV–B

118. In addition to repeating the objections raised in its comments to the Notice regarding the elimination of certain Questions which are contained in current section IV–B, United Church states that it is perhaps symptomatic of the spirit of the new rule that licensees are placed under rigid restrictions as to the number of pages of program information which they can supply and that the most generous page allowances are for the supplements permitting licensees to explain away program deficiencies and variances between statistical promises and performances. Moreover, if a licensee's performance is questionable, he may then "load the record" as he pleases without having to worry about page restrictions.

119. We will retain the page limitations for the reason cited in paragraph 212 of the Final Report and Order. We disagree with United Church's concept of the spirit of the new rules or that we are rigidly limiting the number of pages that licensees can supply to members of the public. On the contrary, paragraph

212 of the Final Report and Order specifically states that licensees may supplement Exhibits sent to the Commission by placing additional material in their public file because "we do not want to inhibit licensees from providing the public in their service area with more elaborate details regarding their programming efforts than we may deem necessary to make the requisite public interest finding. Such elaboration might promote the continuing dialogue between licensee and citizen which we have mentioned throughout this Report and Order."

120. ABC "strongly urges" that we immediately take action to advance the effective date of the new filing deadlines associated with section IV–B, so that they will be first applicable to broadcast stations with a renewal filing date in 1975. ABC notes that new section IV–B does not contain a composite week programming for the current license period. That information is contained in the new Form 303–A. ABC assumes that the Commission will require the new Form 303–A to be sent on September 1, 1974. If this is true, then on August 1, 1974, California television renewal applicants would file revised section IV–B with no past composite week programming information prior to the initial filing of Form 303–A, which is intended to provide such data. Moreover, the sum of the section IV–B material seeks responses based on "previously supplied data and information" in the Annual Programming Report.

121. ABC also requests (as has been indicated previously in this Memorandum Opinion and Order) that we make it clear that those Questions in revised section IV–B which require retrospective examination of the preceding pre-renewal period (i.e., Questions 5B and 6 will apply only to the period of time beginning on the effective date of the new rules; e.g., January 1, 1974, or a subsequently revised date). In addition, ABC asks that we clarify whether the new section IV–B is to be used in any other application, including Form 301 (new or modified facilities), Form 314 (assignments), or Form 315 (transfers). While the Commission can subsequently modify section IV–B for each of these other application forms, a more orderly procedure would be to issue, as of present, one uniform set of program questions. Further, if separate program sections are developed for these applications, this may necessitate a re-evaluation of section IV–B of Form 303.

122. As indicated in paragraph 72 of this Memorandum Opinion and Order, we are requiring the first Form 303–A to be filed by March 1, 1975, and will therefore have a composite week programming information for December 1, 1974, renewal applicants. It is understandable that ABC might have assumed September 1, 1974, would be the due date for that Form 303–A, since the date of September 1, was included in the sample form in Appendix D of the Final Report and Order. In response to ABC's request, we have made it clear in the schedule of compliance dates with the new rules and policies adopted in this proceeding being sent to all licensees (and attached as Appendix B of this Memorandum Opinion and Order) that Questions 5B and 6 will not apply to programs broadcast before January 1, 1974.

123. We will soon decide whether new section IV–B will be used in any other application forms. We do not think, however, that our decision will necessitate a re-evaluation of section IV–B of Form 303, particularly since all sections IV–B remain consistent in their approach regarding the enumeration of composite week non-entertainment programming. (See paragraph 80 of this Memorandum Opinion and Order.)

124. Finally, Storer suggests that it would be more appropriate to delete the "sexist references" to the applicant as "he," "him," or "himself," and to substitute "the applicant," "the licensee," "the station," or, if necessary, "it." Storer states it would be "remiss" if it did not point out that revised section IV–B refers at least 15 times to the applicant as "he," "him," or "himself."

125. We agree with Storer's suggestion to delete the "sexist references" to the applicant and will amend section IV–B to eliminate such references. This editorial change will be made prior to the mailing of the revised section IV–B to those licensees with a license expiration date of December 1, 1974.

126. Authority for the rules amendments set out in attached Appendix A is contained in section 4(i) and (j), 303, 307, 308, 309, 311(a), 315(a), and 403 of the Communications Act of 1934, as amended. The effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) do not apply inasmuch as the rule amendments herein extend the time licensees have to comply with the new regulations.

127. *Accordingly, it is ordered,* That effective January 1, 1974, Parts 1 and 73 of the Commission's rules and regulations are amended as set forth in Appendix A. The compliance dates listed in Appendix B supersede those included in the Final Report and Order, FCC 73–1037, released October 11, 1973 (38 FR 28762). In addition, the effective date of § 1.526(a)(6) is stayed until such time as a revised version of the Public and Broadcasting Procedural Manual is mailed to all licensees.

(Sec. 4, 303, 307, 308, 309, 315, 403, 48 Stat. 1066, 1082, 1083, 1084, 1085, 1088, 1094, as amended. Sec. 5(a), 74 Stat. 892 (47 U.S.C. 154, 303, 307, 308, 309, 311, 315, and 403))

FEDERAL COMMUNICATIONS COMMISSION,*

[SEAL] VINCENT J. MULLINS,
Secretary.

Adopted: December 12, 1973.

Released: December 17, 1973.

APPENDIX A

Parts 1 and 73 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

* Commissioners Reid and Wiley concurring in the result.

§ 1.526 [Amended]

1. In § 1.526(a)(9), the last sentence is amended by inserting the words "at anytime" between the words "supplemented" and "by". In addition, the last sentence of the introductory text of paragraph (e) is amended by deleting the paragraph designators "(6)" and "(7)".

2. In § 1.580, paragraphs (d), (d)(2), and (d)(3)(iii) are amended, (d)(5) is redesignated as (d)(6) and a new (d)(5) is added to read as follows:

§ 1.580 Local notice of the filing of broadcast applications, and timely filing of petitions to deny them.

* * * * *

(d) If the application seeks modification, assignment or transfer of an operating broadcast station (except for applications for stations in the international broadcast service, television translator stations, FM translator stations and FM booster stations), the applicant shall, in addition to publishing a notice of such filing as provided in paragraph (c) of this section, cause the same notice to be broadcast over that station at least once daily on 4 days in the second week immediately following the tendering for filing of such application, or in the second week immediately following notification by the Commission pursuant to §§ 1.571, 1.572, 1.573, or 1.578. For amendment of the application for renewal of a broadcast station license, the applicant shall comply with the broadcast requirement in this paragraph only; newspaper publication will not be required. In the case of applications for the renewal of broadcast station licenses, during the period and beginning on the first day of the sixth full calendar month prior to the expiration of the license to the date on which the application is filed, all applicants shall broadcast the following announcement on the first and sixteenth day of each calendar month (stations broadcasting primarily in a foreign language should broadcast the announcements in that language):

On (*date of last renewal grant*) (*Station's call letters*) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (*expiration date*).

Our license will expire on (*date*). We must file an application for license renewal with the FCC (*date four calendar months prior to expiration date*). When filed, a copy of this application will be available for public inspection during our regular business hours. It contains information concerning this station's performance during the last (*period of time covered by the application*) and projections of our programming during the next three years.

* * * * *

(2) During the period beginning on the date in which the renewal application is filed to the sixteenth day of the next to last full calendar month prior to the expiration of the license, all applicants for the renewal of broadcast station licenses shall broadcast the following announcement on the first and sixteenth day of each calendar month (stations broadcasting primarily in a foreign language should broadcast the announcements in that language).

On (*date of last renewal grant*) (*Station's call letters*) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (*expiration date*).

Our license will expire on (*date of expiration*). We have filed an application for license renewal with the FCC.

A copy of this application is available for public inspection during our regular business hours. It contains information concerning this station's performance during the last (*period of time covered by the application*) and projections of our programming during the next three years.

* * * * *

(3) * * *

(iii) For noncommercial educational stations, at the same time as commercial stations, except that such stations need not broadcast the announcement during any month during which the station does not operate. In such instances noncommercial educational stations shall meet the requirements in the exact order specified in subdivision (i) or (ii) of this paragraph (e.g., if only four renewal notices are broadcast by an educational television licensee, three must be broadcast between 6 p.m. and 11 p.m. and the fourth between 9 a.m. and 1 p.m.).

* * * * *

(5) In the case of stations which have not received a renewal grant since the filing of their previous renewal application, the first paragraph of both the pre-filing and post-filing announcement required by this paragraph shall read:

(*Station's call letters*) is licensed by the Federal Communications Commission to serve the public interest as a public trustee.

* * * * *

3. In § 73.1202, paragraphs (a), (a)(1), (a)(2), (d)(1)(ii) and (iii), (d)(2)(ii) and (iii), (e), (f)(1) and (2) are amended to read as follows:

§ 73.1202 Public notice of licensee obligations.

(a) Each licensee of a commercial AM, FM or television station except international or television translator stations, shall make an announcement informing the public of the licensee's obligation to the public and of the appropriate method for individuals to express their opinions of the station's operation. Such announcements shall be aired on the first and sixteenth day of each calendar month throughout the license period except during the period beginning on the first day of the sixth full calendar month prior to expiration and ending on the last day of the next to last full calendar month prior to expiration, during which time the renewal application notices in § 1.580(d) of this chapter shall be broadcast. Such announcements shall be aired during the following time periods:

(1) For commercial television stations, the announcement broadcast on the first day of each calendar month shall be broadcast between 6 p.m. and 11 p.m. (5 p.m. and 10 p.m. Central and Mountain Time). The announcement broadcast on the sixteenth day of each calendar month shall be broadcast during the following four-hour time periods in rotating order, beginning with 6 a.m. to 10 a.m.: 6 a.m. to 10 a.m., 10 a.m. to 2 p.m., 2 p.m. to 6 p.m.

(2) For commercial radio stations, the announcement broadcast on the first day of each calendar month shall be broadcast either between 7 a.m. and 9 a.m. or between 4 p.m. and 6 p.m. The announcement broadcast on the sixteenth day of each calendar month shall be broadcast during the following time periods in rotating order, beginning with 9 a.m. to 1 p.m.: 9 a.m. to 1 p.m., 1 p.m. to 4 p.m., 6 p.m. to 10 p.m. For stations which neither operate between 7 a.m. and 9 a.m. nor between 4 p.m. and 6 p.m., the announcement broadcast on the first day of each calendar month shall be broadcast during the first two hours of broadcast operation and the announcement broadcast on the sixteenth day of each month shall be broadcast during every other four-hour time period during the broadcast day in rotating order, beginning with the third to sixth hours of broadcast operation.

* * * * *

(d)(1) * * *

(ii) A statement that on (*give date of last renewal grant*) the station was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (*give date of license expiration*).

(iii) A statement that the broadcaster is obligated to make a continuing, diligent effort to determine the significant problems and needs of the service area and to provide programming to help meet those problems and needs.

* * * * *

(2) * * *

(ii) A statement that on (*give date of last renewal grant*) the station was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (*give date of license expiration*).

(iii) A statement that (*give the anniversary date of the deadline for filing of the renewal application*) the station places in its public inspection file a list of what the licensee considered to have been some of the significant problems and needs of the service area during the preceding twelve months and some of the programs the station aired to help meet those problems and needs.

* * * * *

(e) During the period beginning the first day of the last full calendar month prior to expiration of the license and until the date of license renewal, stations shall broadcast the appropriate announcement herein, except that in lieu of (d)(1)(ii) or (d)(2)(ii) stations shall broadcast a statement that the station is licensed by the Federal Communications Commission to serve the public interest as a public trustee and shall not mention the date of the last renewal grant or the length of the license period. Following the date of renewal and commencing on the first or sixteenth day of the month (whichever comes first) the regular announcement shall be resumed and shall be broadcast in accordance with the schedule provided in paragraph (a) of this section.

* * * * *

(f) * * *

(1) *Sample announcement for radio.*

On (*date of last renewal grant*) (*Station's call letters*) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (*date of license expiration*). We are obligated to make a continuing, diligent effort to determine the significant problems and needs of our service area and to provide programming to help meet those problems and needs.

* * * * *

(2) *Sample announcement for television.*

On (*date of last renewal grant*) (*Station's call letters*) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (*date of license expiration*). Each (*anniversary date of deadline for filing renewal application*) we place in our public inspection file a list of what we consider to have been some of the significant problems and needs of our service area during the preceding twelve months and some of our programming to help meet those problems and needs.

* * * * *

APPENDIX B

[FCC 73-1318; 07722]

NOTICE TO ALL LICENSEES: NEW RENEWAL PROCEDURES

DECEMBER 17, 1973.

On October 3, 1973, the Commission adopted new rules and procedures relating to the renewal of broadcast licenses, *Renewal of Broadcast Licenses*, (Docket No. 19153), 28 FR 28762 (October 16, 1973). Briefly, these new rules and procedures concern:

(i) A change in the filing dates for applications for renewal of licenses (§ 1.539(a));

(ii) Material to be retained in the public inspection file (§ 1.526);

(iii) The broadcast of renewal publication announcements (§ 1.580); and,

(iv) The broadcast of public announcements (§ 73.1202).

In addition, for television renewal applicants, the Commission adopted a new section IV-B of FCC Form 303, an Annual Programming Report (FCC Form 303-A), and a requirement that television licensees compile and place in their public inspection files an annual list of problems and needs (no more than 10) and programming broadcast in response to those problems and needs (§ 1.526(a)(9)).

On December 12, 1973, the Commission adopted a Memorandum Opinion and Order, FCC 73-1314, denying several motions seeking a stay of the effective dates for the new renewal rules and procedures. At the same time, the Commission granted in part and denied in part several petitions for reconsideration which sought certain changes in the new renewal rules and procedures. The following is a summary of the major rules and procedures adopted and the dates by which compliance with each will be required.

NOTE.—The dates set forth in the above-mentioned Memorandum Opinion and Order and restated herein supersede the effective dates designated in the Final Report and Order of October 16, 1973.

I. REVISED § 1.539(a)—THE NEW RENEWAL FILING DATE

Revised § 1.539(a) of the Commission's rules applies to all applications for renewal of licenses which expire on or after December 1, 1974. Thus, all licensees of broadcast stations (radio and television) with licenses which expire December 1, 1974 and thereafter will be required to file applications for renewal not later than the first day of the fourth full calendar month prior to the expiration date of the license. (If the due date falls on a non-business day, the deadline for filing is the close of business on the first full business day thereafter.)

During 1974 the following filing dates for renewal applications are applicable:

License Expiration Date	*Renewal Filing Date*
February 1, 1974	November 5, 1973
April 1, 1974	January 2, 1974
June 1, 1974	March 4, 1974
August 1, 1974	May 3, 1974
October 1, 1974	July 3, 1974
December 1, 1974	August 1, 1974

II. REVISED § 1.516(e)—MUTUALLY EXCLUSIVE APPLICATIONS

The deadline for filing applications mutually exclusive with a late-filed application for renewal of license has been extended to the 90th day after the Commission gives Public Notice that the renewal application has been accepted for filing. If the due date falls on a non-business day, the deadline is the close of business on the first full business day thereafter. The deadline for filing applications mutually exclusive with a timely filed application for renewal of license remains unchanged.

III. REVISED § 1.526—RECORDS TO BE MAINTAINED LOCALLY FOR PUBLIC INSPECTION

Pursuant to revised § 1.526 of the Commission's rules, beginning January 16, 1974, all licensees (radio and television) must maintain in their local file for public inspection, in addition to currently required material ((b), (c), and (d) below do not apply to educational stations):

(a) The Public and Broadcasting Procedural Manual.

NOTE.—The Public and Broadcasting Procedural Manual is currently being revised and need not be placed in the public inspection file until the revised version is mailed to licensees, at which time it must be retained indefinitely.

(b) Letters and written comments received from the public regarding the operation of the station and the licensee's programming efforts.

NOTE.—All letters, including anonymous letters, must be placed in the station's public inspection file and retained for a period of three years following the date of receipt of the letters.* The following types of letters, however, need not be placed in the public inspection file:

(1) Internal and business correspondence;

(2) Obscene and defamatory letters;

(3) Fan letters such as letters regarding the absence of a member of a soap opera family or a rumored scandal about a performer;

(4) Written comments or suggestions made by a person who has specifically requested that his communication not be made available for public inspection.

In addition, beginning January 16, 1974, licensees of commercial television stations must maintain in their local files for public inspection the following material:

(c) New FCC Form 303–A, The Annual Programming Report (see IV, below).

(d) The annual listing of problems and needs and typical and illustrative programming broadcast in response to those problems and needs (see V, below).

IV. NEW FCC FORM 303–A—THE ANNUAL PROGRAMMING REPORT

Beginning in 1974, licensees of all commercial television stations will be required to file an Annual Programming Report (FCC Form 303–A) showing the amount of time and percentage of total operating time devoted to the following types of programming: (1) News; (2) Local News; (3) Public Affairs; (4) Local Public Affairs; (5) All other programming, exclusive of Entertainment and Sports; and (6) All other local programming, exclusive of Entertainment and Sports.

The programming data called for in FCC Form 303–A must be supplied for each of the following time periods: 6:00 a.m. to midnight; 6:00 p.m. to 11:00 p.m. (5:00 p.m. to 10:00 p.m. Central and Mountain Time); and midnight to 6:00 a.m. Commercial time is to be excluded in computing the amount of time devoted to each program category. Additionally, for each program included in the categories of "Public Affairs" and "All other", licensees must provide information concerning the date and time of broadcast, duration, source and a brief description of each program. For each program in the category of "News", the licensee must provide information concerning the date and time of broadcast, duration and source.

*At some appropriate time, probably about one year after this requirement has been in effect, the Commission's re-regulation task force will evaluate the present validity of this requirement as it pertains to radio and recommend its continuation, modification or deletion. It should also be noted that separation of the letters into programming and non-programming subject categories is not required for commercial radio licensees. Letters received by commercial television licensees, however, must be filed under the category which, in the licensee's judgment, receives the most attention in the letter.

Commercial television station licensees will be required to file their initial Annual Programming Report on or before March 1, 1974,* and on or before the first day of February each year thereafter. In preparing the March 1, 1974, Annual Programming Report, licensees will use the following composite week dates:

License expiration date	Initial filing date	Subsequent filing dates
Feb. 1, 1974	Oct. 1, 1974	Oct. 1, 1975, and each October 1 thereafter.
Apr. 1, 1974	Dec. 1, 1974	Dec. 1, 1975, and each December 1 thereafter.
June 1, 1974	Mar. 4, 1974	Feb. 1, 1975, and each February 1 thereafter.
Aug. 1, 1974	May 3, 1974	Apr. 1, 1975, and each April 1 thereafter.
Oct. 1, 1974	July 3, 1974	June 1, 1975, and each June 1 thereafter.
Dec. 1, 1974	Aug. 1, 1974	Aug. 1, 1975, and each August 1 thereafter.

As indicated in III(c) above, upon submission of the Annual Programming Report to the Commission, a copy must also be placed in the station's public inspection file. A copy of the program logs for the composite week dates selected for the Annual Programming Report must also be placed in the public inspection file. With respect to stations whose licenses expire in 1974, only one copy of the program logs for the 1974 composite week need be maintained in the public inspection file.

V. ANNUAL LISTING OF PROBLEMS AND NEEDS—§ 1.526(a)(9)

As indicated in III(d) above, effective January 1, 1974, licensees of commercial television stations are required to place in their public inspection file an annual listing of significant problems and needs (no more than 10) of the area served by their stations during the preceding twelve month period. This listing must also include and briefly describe typical and illustrative programs or program segments, excluding news inserts, broadcast in response to those problems and needs. Further, the source and time of broadcast of each listed program or program segment must be included.

The annual listing must be placed in the public inspection file on the anniversary date of the filing of the licensee's application for renewal. Licensees of commercial television stations with licenses which expire December 1, 1974, and thereafter will be required to place this listing in their public inspection file not later than the first day of the fourth full calendar month prior to the expiration date of their license. (If the due date falls on a non-business day, the deadline is the close of business on the first full business day thereafter.)

During 1974 the following filing dates for the annual listing of problems and needs are applicable:

*The Annual Programming Report (FCC Form 303–A) will be mailed in sufficient time for licensees to comply with the March 1, 1974 date.

Day	Month	Date	Year
Sunday	April	8	1973
Monday	December	4	1972
Tuesday	March	27	1973
Wednesday	August	9	1972
Thursday	May	31	1973
Friday	October	13	1972
Saturday	January	6	1973

NOTE.—The above dates represent the revised 1974 composite week recently used by commercial television licensees in completing the special questionnaire associated with Docket No. 19154.

With regard to commercial television stations with license expiration dates of February 1 and April 1, 1974, the annual listing of problems and needs need not be filed with the Commission until submission of their 1977 applications for renewal of licenses. With regard to those stations with license expiration dates of June 1, August 1, and October 1, 1974, the listing must be filed with the Commission along with their applications for renewal of licenses. However, such listings may be submitted in lieu of a response to Question 4 of current section IV–B of FCC Form 303. With respect to stations which have license expiration dates of December 1, 1974, and thereafter, the annual listing will be submitted in conjunction with revised section IV–B of FCC Form 303.

The annual listing of problems and needs submitted to the Commission is limited to five pages. However, the lists placed in the public inspection files may be supplemented at any time with additional material, identified as a continuation of the data submitted to the Commission. Further, should the Commission need additional information, the licensee would be permitted to supplement the showings made in the annual listings.

Commercial television licensees are not required to conduct an annual formal survey pursuant to the guidelines set forth in the Commission's "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650 (1971). Rather, the licensee's obligation with respect to ascertainment of the listed problems and needs is the more general one outlined in the Commission's "1960 Programming Policy Statement," 25 FR 7291, namely, that of a continuing, positive, diligent effort to ascertain the tastes, needs and desires of the service area. How such efforts are undertaken is a matter of licensee discretion.

VI. REVISED SECTION IV–B OF FCC FORM 303—APPLICATION FOR RENEWAL OF BROADCAST LICENSE

Section IV–B (Statement of Program Service) of FCC Form 303, the application for renewal of broadcast license, has been revised. Commercial television stations with licenses expiring December 1, 1974, and thereafter will use revised section IV–B. Commercial television stations with licenses expiring prior to December 1, 1974 (i.e., February 1, April 1, June 1, August 1, and October 1, 1974) will continue to use the present section IV–B of FCC Form 303. (See above discussion in section V concerning the response to Question 4 of section IV–B of FCC Form 303.)

VII. REVISED § 1.580—LICENSE RENEWAL ANNOUNCEMENTS

Pursuant to existing §1.580 of the rules, licensees of radio and television stations must broadcast and, where appropriate, publish notice of the forthcoming filing of their applications for renewal. These requirements remain unchanged with respect to those stations whose licenses expire on February 1, April 1, June 1, August 1, and October 1, 1974.

However, the requirement that notice of renewal filing be published in a local newspaper has been deleted for radio and television stations whose licenses expire on or after December 1, 1974. In lieu thereof, and pursuant to revised §1.580 of the rules, such stations will be required to broadcast both pre-filing and post-filing announcement notices regarding their applications for renewal. The following is a summary of these new requirements.

A. *Pre-Filing Announcements.* During the period and beginning on the first day of the sixth ful calendar month prior to the expiration of the station's license to the date on which the application is filed, all licensees of radio and television stations must broadcast notice of the forthcoming filing of their applications for renewal. A sample of the required pre-filing announcement is as follows:

On (*date of last renewal grant*) (*Station's call letters*) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (*expiration date*).

Our license will expire on (*date*). We must file an application for license renewal with the FCC (*date, four calendar months prior to expiration date*). When filed, a copy of this application will be available for public inspection during our regular business hours. It contains information concerning this station's performance during the last (*period of time covered by the application*) and projections of our programming during the next three years.

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the Commission by (*date first day of last full calendar month prior to the month of expiration*).

Further information concerning the Commission's broadcast license renewal process is available at (*address of location of the station's public inspection file*)* or may be obtained from the FCC, Washington, D.C. 20554.

The pre-filing announcements must be broadcast at least once a day on the first and sixteenth day of each calendar month during the aforementioned period. At least two of the other announcements must be broadcast in prime-time (television: 6:00 p.m. to 11:00 p.m., EST, or 5:00 p.m. to 10:00 p.m., CST and MST) or in drive-time (radio: 7:00 a.m. to 9:00 a.m. or 4:00 p.m. to 6:00 p.m.). (If radio stations are not broadcasting in the drive-time hours, at least two of the required announcements must be broadcast during the first two hours of broadcast operation.) The other pre-filing announcements may be broadcast at any time, in the licensee's discretion, on the scheduled days.

Stations broadcasting primarily in a foreign language should broadcast the pre-filing announcements in that language.

For television stations, sign boards or slides with the licensee's address and the Commission's Washington, D.C. address shall be shown when the pre-filing announcements are being broadcast.

B. *Post-Filing Announcements:* During the period and beginning on the first day of the fourth full calendar month prior to the expiration date of the station's license and continuing to the sixteenth day of the next to last full calendar month prior to expiration date of the station's license, all licensees of radio and television stations must broadcast notice of the filing of their application for renewal. A sample of the required post-filing announcement is as follows:

On (*date of last renewal grant*) (*Station's call letters*) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (*expiration date*).

Our license will expire on (*date of expiration*). We have filed an application for license renewal with the FCC.

A copy of this application is available for public inspection during our regular business hours. It contains information concerning this station's performance during the last (*period of time covered by the application*) and projections of our programming during the next three years.

Individuals who wish to advise the FCC of facts relating to our renewal application and to whether this station has operated in the public interest should file comments and petitions with the Commission by (*date first day of last full calendar month prior to the month of expiration*).

Further information concerning the Commission's broadcast license renewal process is available at (*address of location of the station's public inspection file*) or may be obtained from the FCC, Washington, D.C. 20554.

The post-filing announcements must be broadcast at least once a day on the first and sixteenth day of each calendar month during the aforementioned period.

For radio stations, at least three of the required post-filing announcements must be broadcast in drive-time (7:00 a.m. to 9:00 a.m. or 4:00 p.m. to 6:00 p.m.). At least one of the other post-filing announcements must be broacast in each of the following time periods: between 9:00 a.m. and noon, between 12:00 noon and 4:00 p.m., and between 7:00 p.m. and 12:00 midnight. If radio stations are not broadcasting in the drive-time hours, at least three of the required announcements must be broadcast during the first two hours of broadcast operation.

For television stations, at least three of the required post-filing announcements must be broadcast in prime-time (6:00 p.m. to 11:00 p.m., e.s.t. or 5:00 p.m. to 10:00 p.m. c.s.t. or m.s.t.). At least one of the other post-filing announcements must be broadcast in each of the following time periods: between 9:00 a.m. and 1:00 p.m., between 1:00 p.m.

* The reference to additional information relates to The Public and Broadcasting Procedural Manual.

and 5:00 p.m., and between 5:00 p.m. and 7:00 p.m. Television stations must display during the broadcast of the post-filing announcements a sign board or slide showing the licensee's address and the Commission's Washington, D.C. address.

Stations broadcasting primarily in a foreign language should broadcast the post-filing announcements in that language.

NOTE.—Noncommercial educational stations are required to broadcast the appropriate pre-filing and post-filing announcements at the same time as commercial stations, except that the noncommercial educational station need not broadcast the announcements during any month during which the station does not operate. In such instances, however, the noncommercial educational station shall meet the scheduling requirements in the exact order specified above with respect to the pre-filing and post-filing announcements. For example, if only two pre-filing announcements are broadcast by a noncommercial educational licensee, both of these announcements must be broadcast during drive-time or prime-time. Similarly, if only four post-filing announcements are broadcast by a noncommercial educational licensee, three must be broadcast in drive-time or prime-time and the remaining announcement must be broadcast in the first of the three specified time periods (between 9:00 a.m. and 12:00 noon or between 9:00 a.m. and 1:00 p.m.).

NOTE.—A statement, in triplicate, must be submitted with the application for renewal of license, setting forth the text of the station's pre-filing announcement and the dates and times of broadcast. The statement must also specify the anticipated text and scheduling of broadcast of the station's post-filing announcements.

VIII. § 73.1202(a) ANNOUNCEMENTS

Beginning in 1974, commercial radio and television station licensees are required by § 73.1202(a) of the Commission's rules to broadcast certain announcements regarding their obligations as a licensee. Specifically, these announcements relate to a licensee's obligation to make a continuing effort to determine the significant problems and needs of its service area and invite members of the public to file written comments and suggestions concerning the station's operations and the licensee's programming service.

Section 73.1202(a) announcements must be broadcast on the first and sixteenth of each calendar month at least once each day throughout the license term, except for the period beginning on the first day of the sixth full calendar month prior to expiration of the station's license and ending on the last day of the next to last full calendar month prior to expiration of the station's license, during which time the pre-filing and post-filing announcements delineated above must be broadcast.

For commercial radio stations, the announcement broadcast on the first day of each calendar month shall be broadcast either between 7 a.m. and 9 a.m. or between 4 p.m. and 6 p.m. The announcement broadcast on the sixteenth day of each calendar month shall be broadcast during the following time periods in rotating order, beginning with 9 a.m. to 1 p.m.: 9 a.m. to 1 p.m., 1 p.m. to 4 p.m., 6 p.m. to 10 p.m. For stations which neither operate between 7 a.m. and 9 a.m. nor between 4 p.m. and 6 p.m., the announcement broadcast on the first day of each calendar month shall be broadcast during the first two hours of broadcast operation and the announcement broadcast on the sixteenth day of each month shall be broadcast during every other four-hour time period during the broadcast day in rotating order, beginning with the third to sixth hours of broadcast operation.

A sample of the § 73.1202(a) announcement for radio is as follows:

On (*date of last renewal grant*) (*Station's call letters*) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (*date of license expiration*). We are obligated to make a continuing, diligent effort to determine the significant problems and needs of our service area and to provide programming to help meet those problems and needs.

We invite listeners to send specific suggestions or comments concerning our station operation and programming efforts to (*name and mailing address*). Unless otherwise requested, all letters received will be available for public inspection during regular business hours.

NOTE.—The exact text of the announcement is a matter of licensee discretion. The sample announcements included in this Public Notice do, however, fulfill all of the requirements of § 73.1202.

For commercial television stations, the announcement broadcast on the first day of each calendar month shall be broadcast between 6 p.m. and 11 p.m. (5 p.m. and 10 p.m. Central and Mountain Time). The announcement broadcast on the sixteenth day of each calendar month shall be broadcast during the following four-hour time periods in rotating order, beginning with 6 a.m. to 10 a.m.: 6 a.m. to 10 a.m., 10 a.m. to 2 p.m., 2 p.m. to 6 p.m.

A sample § 73.1202(a) announcement for television stations is as follows:

On (*date of last renewal grant*) (*Station's call letters*) was granted a license by the Federal Communications Commission to serve the public interest as a public trustee until (*date of license expiration*). Each (*anniversary date of deadline for filing renewal application*) we place in our public inspection file a list of what we consider to have been some of the significant problems and needs of our service area during the preceding twelve months and some of our programming to help meet those problems and needs.

We invite viewers to send specific suggestions or comments concerning our station operation and programming efforts to (*name and mailing address*). Unless otherwise requested, all letters received will be available for public inspection during regular business hours.

Television stations must display during the broadcast of these announcements a sign board or slide showing the licensee's mailing address for receiving comments or suggestions.

IX. § 73.1202(e) ANNOUNCEMENTS

During the period beginning on the first day of the last full calendar month prior to the expiration of a station's license and continuing until notification by the Commission of license renewal, licensees of commercial radio and television stations shall broadcast the announcements required by § 73.1202(e) of the Commission's rules.

As with the announcements required by § 73.1202(a), the § 73.1202(e) announcements must be broadcast on the first and sixteenth day of each calendar month during the same time periods. The text of the required § 73.1202(e) announcements is identical to the § 73.1202 (a) announcements set forth above, except that the date of the station's last renewal grant and license expiration date are not required.

X. SCHEDULE OF COMPLIANCE DATES FOR STATIONS WITH LICENSES EXPIRING IN 1974

A. Broadcast License Expiration Period: February 1, 1974 (Iowa and Missouri):

Nov. 5, 1973	Renewal application filing date (see existing § 1.539 (a) of the rules).
Jan. 16, 1974	Begin announcements required by § 73.1202(e) and continue until date of notification of renewal grant.
Feb. 1, 1974	Assume renewal grant and notification thereof on or before February 16, 1974.
Feb. 16, 1974	Begin announcements required by § 73.1202(a) and continue throughout license term until six months prior to the station's scheduled license expiration date of February 1, 1977.
Aug. 1, 1976	Begin pre-filing announcements required by new § 1.580 of the rules and continue through September, 1976.
Oct. 1, 1976	Renewal application filing date (see new § 1.539(a) of the rules).
Oct. 1, 1976	Begin post-filing announcements required by new § 1.580 of the rules and continue through December, 1976.
Jan. 1, 1977	Begin announcements required by § 73.1202(e) of the rules and continue until date of notification of renewal grant.

B. Broadcast License Expiration Period: April 1, 1974 (Colorado, Minnesota, Montana, North Dakota and South Dakota):

Nov. 18, 1973	Begin publication notices on or after November 18, 1973, as required by existing § 1.580 of the rules.
Jan. 2, 1974	Renewal application filing date (see existing § 1.539 (a) of the rules).
Mar. 1, 1974	Begin announcements required by § 73.1202(e) of the rules and continue until date of notification of renewal grant. NOTE.—Stations with license expiration dates of April 1, 1974 need not broadcast the § 73.1202 (a) announcements until after notification of renewal grant.
Apr. 1, 1974	Assume renewal grant and notification thereof on or before April 16, 1974.

Apr. 16, 1974	Begin announcements required by § 73.1202(a) of the rules and continue throughout license term on the first and sixteenth of each calendar month until six months prior to the station's scheduled license expiration date of April 1, 1977.
Oct. 1, 1976	Begin pre-filing announcements required by new § 1.580 of the rules and continue through November, 1976.
Dec. 1, 1976	Renewal application filing date (see new § 1.539(a) of the rules).
Dec. 1, 1976	Begin post-filing announcements required by new § 1.580 of the rules and continue through February, 1977.
Mar. 1, 1977	Begin announcements required by § 73.1202(e) of the rules and continue until date of notification of renewal grant.

C. Broadcast License Expiration Period: June 1, 1974 (Kansas, Nebraska and Oklahoma):

Jan. 18, 1974	Begin publication notices on or after January 18, 1974 as required by existing § 1.580 of the rules.
Mar. 4, 1974	Renewal application filing date (see existing § 1.539 (a) of the rules).
May 1, 1974	Begin announcements required by § 73.1202(e) of the rules and continue until date of notification of renewal grant.
	NOTE.—Stations with license expiration dates of June 1, 1974 need not broadcast the § 73.1202(a) announcements until after notification of renewal grant.
June 1, 1974	Assume renewal grant and notification thereof on or before June 16, 1974.
June 16, 1974	Begin announcements required by § 73.1202(a) of the rules and continue throughout license term on the first and sixteenth of each calendar month until six months prior to the station's expiration date of June 1, 1977.
Dec. 1, 1976	Begin pre-filing announcements required by new § 1.580 of the rules and continue through January 1977.
Feb. 1, 1977	Renewal application filing date (see new § 1.539(a) of the rules).
Feb. 1, 1977	Begin post-filing announcements required by new § 1.580 of the rules and continue through April 1977.
May 1, 1977	Begin announcements required by § 73.1202(e) of the rules and continue until date of notification of renewal grant.

D. Broadcast License Expiration Period: August 1, 1974 (Texas):

Jan. 16, 1974	Begin announcements required by § 73.1202(a) of the rules and continue on the first and sixteenth of each calendar month until March 16, 1974.
Mar. 19, 1974	Begin publication notices on or after March 19, 1974 as required by existing § 1.580 of the rules.
May 3, 1974	Renewal application filing date (see existing § 1.539 (a) of the rules).
July 1, 1974	Begin announcements required by § 73.1202(e) of the rules and continue until date of notification of renewal grant.
Aug. 1, 1974	Assume renewal grant and notification thereof on or before August 16, 1974.
Aug. 16, 1974	Begin announcements required by § 73.1202(a) of the rules and continue throughout license term on the first and sixteenth of each calendar month until six months prior to the station's expiration date of August 1, 1977.
Feb. 1, 1977	Begin pre-filing announcements required by new § 1.580 of the rules and continue through March, 1977.
Apr. 1, 1977	Renewal application filing date (see new § 1.539(a) of the rules).
Apr. 1, 1977	Begin post-filing announcements required by new § 1.580 of the rules and continue through June, 1977.
July 1, 1977	Begin announcements required by § 73.1202(e) of the rules and continue until date of notification of renewal grant.

E. Broadcast License Expiration Period: October 1, 1974 (Arizona, Idaho, Nevada, New Mexico, Utah and Wyoming):

Jan. 16, 1974	Begin announcements required by § 73.1202(a) of the rules and continue on the first and sixteenth of each calendar month until May 16, 1974.
May 19, 1974	Begin publication notices on or after May 19, 1974 as required by existing § 1.580 of the rules.
July 3, 1974	Renewal application filing date (see existing § 1.539 (a) of the rules).
Sept. 1, 1974	Begin announcements required by § 73.1202(e) of the rules and continue until date of notification of renewal grant.
Oct. 1, 1974	Assume renewal grant and notification thereof on or before October 16, 1974.
Oct. 16, 1974	Begin announcements required by § 73.1202(a) of the rules and continue throughout license term on the first and sixteenth of each calendar month until six months prior to the station's expiration date of October 1, 1977.
Apr. 1, 1977	Begin pre-filing announcements required by new § 1.580 of the rules and continue through May, 1977.
June 1, 1977	Renewal application filing date (see new § 1.539(a) of the rules).
June 1, 1977	Begin post-filing announcements required by new § 1.580 of the rules and continue through August, 1977.
Sept. 1, 1977	Begin announcements required by § 73.1202(e) of the rules and continue until date of notification of renewal grant.

F. Broadcast License Expiration Period: December 1, 1974 (California):

Jan. 16, 1974	Begin announcements required by § 73.1202(a) of the rules and continue throughout license term on the first and sixteenth of each calendar month until June 1, 1974.
June 1, 1974	Begin pre-filing announcements required by new § 1.580 of the rules and continue through July 1974.
Aug. 1, 1974	Renewal application filing date (see new § 1.539(a) of the rules).
Aug. 1, 1974	Begin post-filing announcements required by new § 1.580 of the rules and continue through October 1974.
Nov. 1, 1974	Begin announcements required by § 73.1202(e) of the rules and continue until date of notification of renewal grant.

XI. INTERPRETATIONS

For additional information on the applicability of the new rules and procedures adopted in Docket No. 19153, direct inquiries (written or by telephone—Area Code 202—632-7069) to the Renewal Branch, Renewal and Transfer Division, Broadcast Bureau.

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