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PART I

HIGHLIGHTS OF THIS ISSUE

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

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REMINDERS

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

	page no. and date
FCC—FM broadcast stations; table of assignments.....	32449; 11–26–73

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List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11754

Modifying Rates of Interest Equalization Tax

WHEREAS, I have determined that the rates of tax prescribed under section 1 of Executive Order No. 11464, dated April 3, 1969, with respect to acquisitions of stocks of foreign issuers and debt obligations of foreign obligors made after April 4, 1969, are higher than the rates of tax necessary to limit the acquisitions by United States persons of stocks of foreign issuers and debt obligations of foreign obligors within a range consistent with the balance-of-payments objectives of the United States;

NOW, THEREFORE, by virtue of the authority vested in me by section 4911(b)(2) of the Internal Revenue Code of 1954, and as President of the United States, it is hereby ordered as follows:

SECTION 1. Section 1 of Executive Order No. 11464, dated April 3, 1969, is hereby amended to read as follows:

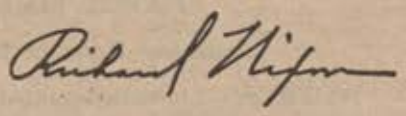
"SECTION 1. *Rates of Tax.*

"(a) *Rates applicable to acquisitions of stock.* The tax imposed by section 4911 of the Internal Revenue Code of 1954 on the acquisition of stock shall be equal to 3.75 percent of the actual value of the stock.

"(b) *Rates applicable to acquisitions of debt obligations.* The tax imposed by section 4911 of the Internal Revenue Code of 1954 on the acquisition of a debt obligation shall be equal to a percentage of the actual value of the debt obligation measured by the period remaining to its maturity and determined in accordance with the following table:

If the period remaining to maturity is:	*The tax as a percentage of actual value is:*
At least 1 year, but less than 1¼ years	0.26 percent
At least 1¼ years, but less than 1½ years	0.33 percent
At least 1½ years, but less than 1¾ years	0.38 percent
At least 1¾ years, but less than 2¼ years	0.46 percent
At least 2¼ years, but less than 2¾ years	0.58 percent
At least 2¾ years, but less than 3½ years	0.69 percent
At least 3½ years, but less than 4½ years	0.89 percent
At least 4½ years, but less than 5½ years	1.09 percent
At least 5½ years, but less than 6½ years	1.28 percent
At least 6½ years, but less than 7½ years	1.45 percent
At least 7½ years, but less than 8½ years	1.63 percent
At least 8½ years, but less than 9½ years	1.78 percent
At least 9½ years, but less than 10½ years	1.93 percent
At least 10½ years, but less than 11½ years	2.08 percent
At least 11½ years, but less than 13½ years	2.28 percent
At least 13½ years, but less than 16½ years	2.58 percent
At least 16½ years, but less than 18½ years	2.84 percent
At least 18½ years, but less than 21½ years	3.06 percent
At least 21½ years, but less than 23½ years	3.26 percent
At least 23½ years, but less than 26½ years	3.44 percent
At least 26½ years, but less than 28½ years	3.59 percent
28½ years or more	3.75 percent"

SEC. 2. With respect to acquisitions of stock of foreign issuers and debt obligations of foreign obligors made under the rules of a national securities exchange registered with the Securities and Exchange Commission or under the rules of the National Association of Securities Dealers, Inc., this order shall be effective for acquisitions made after December 31, 1973, but only if the trade date was after December 31, 1973. In the case of other acquisitions of stock of foreign issuers and debt obligations of foreign obligors, this order shall be effective for acquisitions made after December 31, 1973.



THE WHITE HOUSE,
December 26, 1973.

[FR Doc.73-27317 Filed 12-27-73;11:06 am]

Rules and Regulations

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 214—NONIMMIGRANT CLASSES

Special Requirements for Admission, Extension, and Maintenance of Status

Pursuant to 5 U.S.C. 552 and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, § 214.2 of Part 214 of Chapter I of Title 8 of the Code of Federal Regulations is hereby republished.

The purpose of this republication of § 214.2 is to combine the numerous amendments which have been made to the section since it was published August 1, 1958 (23 FR 5817). 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 editoral changes, are made in § 214.2 at this time.

Section 214.2, combining the numerous amendments made thereto since August 1, 1958, reads as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

The general requirements in § 214.1 are modified for the following nonimmigrant classes:

(a) *Foreign government officials.* The determination by a consular officer prior to admission and the recognition by the Secretary of State subsequent to admission shall prima facie establish the classification of a nonimmigrant defined in section 101(a)(15)(A) of the Act. An alien who has a nonimmigrant status under section 101(a)(15)(A)(i) or (ii) of the Act shall be admitted for the duration of the period for which he continues to be recognized by the Secretary of State as being entitled to such status. An alien who has a nonimmigrant status under section 101(a)(15)(A)(iii) of the Act shall be admitted for an initial period not exceeding one year, and may be granted extensions of temporary stay in increments of not more than one year. An application for extension of temporary stay by an alien who has a nonimmigrant status under section 101(a)(15)(A)(iii) shall be accompanied by a written statement from the official by whom the applicant is employed describing the current and intended employment of the applicant.

(b) *Visitors.* The classification of visitors in the Act has been subdivided for visa, admission, and extension purposes into visitors for business (B–1) and visitors for pleasure (B–2). A B–1 or B–2 visitor may be admitted for an initial period of not more than six months and may be granted extensions of temporary stay in increments of not more than six months.

(c) *Transits*—(1) *Without visas.* An applicant for admission under the transit without visa privilege must establish that he is admissible under the immigration laws; that he has confirmed and onward reservations to at least the next country beyond the United States, and that he will continue his journey on the same line or a connecting line within 8 hours after his arrival; however, if there is no scheduled transportation within that 8-hour period, continuation of the journey thereafter on the first available transport will be satisfactory. Transfers from the equipment on which an applicant arrives to other equipment of the same or a connecting line shall be limited to 2 in number, with the last transport departing foreign (but not necessarily nonstop foreign), and the total period of waiting time for connecting transportation shall not exceed 8 hours except as provided above. Notwithstanding the foregoing, an applicant, if seeking to join a vessel in the United States as a crewman, shall be in possession of a valid "D" visa and a letter from the owner or agent of the vessel he seeks to join, shall proceed directly to the vessel on the first available transportation and upon joining the vessel shall remain aboard at all times until it departs from the United States. Except for transit from one part of foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Buffalo, N.Y.; Niagara Falls, N.Y.; Boston, Mass.; New York, N.Y.; Philadelphia, Pa.; Baltimore, Md.; Washington, D.C.; Norfolk, Va.; Atlanta, Ga.; Miami, Fla.; Port Everglades, Fla.; Tampa, Fla.; New Orleans, La.; San Antonio, Tex.; Dallas, Tex.; Houston, Tex.; Brownsville, Tex.; San Diego, Calif.; Los Angeles, Calif.; San Francisco, Calif.; Honolulu, Hawaii; Seattle, Wash.; Portland, Oreg.; Great Falls, Mont.; St. Paul, Minn.; Chicago, Ill.; Detroit, Mich.; Denver, Colo.; Anchorage, Alaska; Fairbanks, Alaska; San Juan, P.R.; Ponce, P.R.; Charlotte Amalie, V.I.; Christiansted, V.I.; Agana, Guam. The privilege of transit without a visa may be authorized only under the conditions that the transportation line, without the prior consent of the Service, will not refund the ticket which was presented to the Service as evidence of the alien's confirmed and onward reservations; that the alien will not apply for extension of temporary stay or for adjustment of status under section 245 of the Act, and that until his departure from the United States responsibility for his continuous actual custody will lie with the transportation line which brought him to the United States unless at the direction of the district director he is in the custody of this Service or other custody approved by the Commissioner.

(2) *United Nations Headquarters District.* An alien of the class defined in section 101(a)(15)(C) of the Act, whose visa is limited to transit to and from the United Nations Headquarters District, if otherwise admissible, shall be admitted on the additional conditions that he proceed directly to the immediate vicinity of the United Nations Headquarters District, and remain there continuously, departing therefrom only if required in connection with his departure from the United States, and that he have a document establishing his ability to enter some country other than the United States following his sojourn in the United Nations Headquarters District. The immediate vicinity of the United Nations Headquarters District is that area lying within a twenty-five mile radius of Columbus Circle, New York City, New York.

(3) *Others.* The period of admission of an alien admitted under section 101(a)(15)(C) of the Act shall not exceed 29 days.

(d) *Crewmen.* The provisions of Parts 252 and 253 of this chapter shall govern the landing of crewmen as nonimmigrants of the class defined in section 101(a)(15)(D) of the Act.

(e) *Traders and investors.* The initial period of admission of an alien who has a nonimmigrant status under section 101(a)(15)(E) of the Act shall not exceed one year, and such a nonimmigrant may be granted extensions of temporary stay in increments of not more than one year. An alien admitted to the United States under section 3(6) of the Immigration Act of 1924 shall annually on the anniversary date of his original admission, submit Form I–126, for which no fee is required, to the district director having jurisdiction over his residence, and shall not be required to submit Form I–539. A trader or investor and his spouse or child who accompanied or followed to join him, who acquired nonimmigrant status on or after December 24, 1952, under section 101(a)(15)(E)(i) or (ii) of the Act shall apply for an extension of the period of temporary admission on Form I–539, and such trader or investor shall submit together therewith Form I–126, properly executed by him, with such additional documents as are required by that form. A trader or investor may

change from one employer to another only if his request for permission to do so has first been approved by the district director having jurisdiction over his residence. The request shall be supported by evidence that the requester would still be classifiable as a trader or investor in the new employment. When a request by a treaty trader or investor to transfer to another employer is granted, a Service officer shall make a notation on the reverse of the alien's Form I-94 reading "Employment by (name of new employer) authorized," followed by the date of the authorization. Any unauthorized change to a new employer shall constitute a failure to maintain status within the meaning of section 241(a)(9) of the Act.

(f) *Students*—(1) *General.* A student seeking admission to the United States under section 101(a)(15)(F)(i) of the Act and his accompanying spouse and minor children shall not be eligible for admission unless he presents Form I-20 properly filled out by himself and the school to which he is destined. The student's spouse and minor children following to join him shall not be eligible for admission into the United States unless they present Form I-20 from the school in which the student is enrolled stating that he is taking a full course of study and noted by the school to indicate the date of expiration of his authorized stay in the United States as shown on the student's Form I-94.

(2) *Admission.* An applicant for his first admission with a nonimmigrant student visa issued on or after January 15, 1972, shall not be eligible for admission unless he establishes that he is destined to and intends to attend the school specified in his visa. Any other applicant for admission as a nonimmigrant student shall not be eligible for admission unless he establishes that he is destined to and intends to attend the school which issued the Form I-20 presented by him to the examining immigration officer at the port of arrival or the school specified on Form I-94 presented in accordance with paragraph (f)(3) of this section. In all cases, the name of the school a student is authorized to attend shall be endorsed by the examining immigration officer on the student's Form I-94. The period of admission of a nonimmigrant student shall not exceed one year.

(3) *Temporary absence.* Form I-20 presented by a student returning from a temporary absence may be retained by him and used for any number of reentries within one year of the date of its issuance. However, a Canadian national or an alien landed immigrant of Canada who has a common nationality with Canadian nationals who has been temporarily absent in Canada, or any alien whose visa is considered to be automatically revalidated pursuant to 22 CFR 41.125(f)(2) or is within the purview of that regulation except that his nonimmigrant visa has not expired, returning to the United States as a nonimmigrant under section 101(a)(15)(F) of the Act, shall, if otherwise admissible, be readmitted, without presentation of Form I-20, for the remainder of his initial admission or current extension of stay as shown on his Form I-94.

(4) *School transfer.* A student shall not be eligible to transfer to another school unless he submits a valid Form I-20 completed by that school and the Service grants him permission to transfer. Application for transfer shall be made on Form I-538 and shall be filed in the Service office having jurisdiction over the school which he was last authorized by the Service to attend. Permission to transfer may be granted only if the applicant establishes that he is a bona fide nonimmigrant student, that he intends to take a full course of study at the school to which he wishes to transfer, and that he, in fact, was a full-time student at the school which he was last authorized by the Service to attend, unless failure to commence or continue full-time attendance was due to circumstances beyond his control or was otherwise justified. The name of the school to which transfer is authorized shall be endorsed on the student's Form I-94.

(5) *Extension.* A nonimmigrant who has a classification under section 101(a)(15)(F) of the Act may be granted extensions of stay in increments not to exceed one year each if he establishes that he is currently maintaining student status and is able and in good faith intends to continue to maintain such status for the period for which the extension is requested. Application for extension of stay shall be made on Form I-538. A student who desires an extension of stay for his spouse and children in a classification under section 101(a)(15)(F)(ii) of the Act may include them in his application. A student's spouse or child shall not be eligible for an extension of stay unless the student is eligible for an extension of stay. A student who has been compelled by illness to interrupt his schooling may be granted an extension of stay without being required to change his nonimmigrant status if he establishes that he will resume a full course of study after treatment.

(6) *Employment.* An application by a student for permission to accept or continue employment shall be filed on Form I-538. If a student requests permission to accept part-time employment because of economic necessity, he must establish that the necessity is due to unforeseen circumstances arising subsequent to entry, or subsequent to change to student classification, and an authorized school official must certify that part-time employment will not interfere with the student's ability to carry successfully a full course of study. Permission to accept or continue employment because of economic necessity may be granted in increments of not more than 12 months each and while school is in session such employment may not exceed 20 hours per week. If a student requests permission to accept or continue employment in order to obtain practical training, an authorized school official must certify that the employment is recommended for that purpose and will provide the student with practical training in his field of study and, upon information and belief, would not be available to the student in the country of his foreign residence. Permission to accept or continue temporary employment to obtain practical training may be granted in increments of not more than six months each for a maximum of not more than 18 months in the aggregate. However, when the course of study completed by the alien in this country was of less than 18 months' duration, permission may be granted to engage in employment for practical training for an aggregate number of months not exceeding the length of that course of study unless, in the case of a student who was engaged in post-graduate studies at a college, university or seminary, the district director and the recommending school agree that permission for a greater number of months, not exceeding the permissible maximum of 18 months, is warranted. The application for the first period of practical training shall be submitted to the office of the Service having jurisdiction over the school recommending practical training. Subsequent applications to continue employment for practical training must contain the recommendation of that school, shall be submitted to the office of the Service having jurisdiction over the actual place of employment, and shall be supported by a letter from the applicant's employer stating the occupation in which the applicant is employed and describing the duties he is performing. A student enrolled in a college or university having alternate work-study courses as a part of its regular prescribed curriculum may participate in such courses without obtaining a change of status and without filing an application for permission to accept employment; however, such periods of actual employment shall be considered as practical training. A student who has been granted permision to accept employment for practical training and who temporarily departs from the United States, may be readmitted for the remainder of the authorized period if he presents Form I-20 endorsed by his school to indicate the date to which such training was authorized by the district director. On-campus employment pursuant to the terms of a scholarship, fellowship, or assistantship is deemed to be part of the academic program of a student otherwise taking a full course of study, if related thereto. A student who is offered this kind of on-campus employment, or any other on-campus employment which will not displace a United States resident, does not require Service permission to be engaged in such employment. Permission which is granted to a student to engage in any employment shall not exceed the date of expiration of his authorized stay and is automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place where the student is employed.

(7) *Decision on application for extension, permission to transfer to another*

school, or permission to accept or continue employment. The applicant shall be notified of the decision and, if the application is denied, of the reason therefor. No appeal shall lie from the decision.

(g) *Representatives to international organizations.* The determination by a consular officer prior to admission and the recognition by the Secretary of State subsequent to admission shall prima facie establish the classification of a nonimmigrant defined in section 101(a)(15)(G) of the Act. The initial period of admission and extensions of stay of an alien defined in section 101(a)(15)(G)(v) of the Act may be authorized in increments not to exceed one year each. Every other alien defined in section 101(a)(15)(G) of the Act shall be admitted for such period of time as he continues to be so recognized by the Secretary of State.

(h) *Temporary employees*—(1) *Petitions.* An alien defined in section 101(a)(15)(H) of the Act must be the beneficiary of an approved visa petition filed on Form I–129B. The petition with supporting documents shall be filed by the petitioner with the district director having administrative jurisdiction over the place in the United States where the beneficiary will perform services or receive training. If the services will be performed or the training will be received in more than one area, the petition must be filed in an office of this Service having jurisdiction over at least one of those areas. The spouse and minor children of the beneficiary are entitled to nonimmigrant H classification if accompanying or following to join him. However, neither the spouse nor any minor child may accept employment unless he is the beneficiary of an approved petition filed on his behalf. More than one beneficiary may be included in an H petition if they will be performing the same type of service or will be receiving the same type of training, will be applying for visas at the same consulate, and will be performing services or receiving training in the same immigration district. If an alien in the United States desires to perform temporary services or training for another petitioner, a new petition on Form I–129B must be submitted, and if the petition is approved, an extension of stay may be granted without requiring the submission of Form I–539. The petitioner need not be a United States resident.

(2) *Petition for alien of distinguished merit and ability*—(i) *General.* A petitioner seeking to accord an alien a classification under section 101(a)(15)(H)(i) of the Act shall annex to the petition documentation, certifications, affidavits, degrees, diplomas, writings, reviews, and any other evidence attesting to the fact that the beneficiary is a person of distinguished merit and ability and that the services the beneficiary is to perform require a person of such merit and ability. School records, diplomas, and similar documentation submitted must reflect periods of attendance, courses of study, and similar pertinent data. Affidavits submitted by present or former employers or recognized experts certifying to the expertise of the beneficiary shall be in sufficient detail to be self-explanatory concerning the beneficiary's experience and ability, and must set forth the manner in which the affiant acquired such information. Copies of any written contracts between the petitioner and beneficiary, or a summary of the verbal contract or agreement under which the beneficiary will be employed if there is no written contract, shall also be annexed to the petition.

(ii) *Entertainers.* In determining whether an alien entertainer may be considered to be of distinguished merit and ability or whether the services to be performed are of an exceptional nature requiring a person of distinguished merit and ability within the meaning of section 101(a)(15)(H)(i) of the Act, the district director shall give consideration but shall not be limited to evidence of the following factors, and where necessary may require the submission of evidence in support of all or any of these factors: whether the alien has performed and will perform as a star or featured entertainer, as evidenced by playbills, critical reviews, advertisements, publicity releases, averments by the petitioner, and contracts; the acclaim which the entertainer has achieved, as evidenced by reviews in newspapers, trade journals, and magazines; the reputation of theaters, concert halls, night clubs, and other establishments in which the entertainer has appeared and will appear; the reputation of repertory companies, ballet groups, orchestras, or other productions in which he has performed; the extent and number of commercial successes of his performances, as evidenced by such indicia as box office grosses and record sales reported in trade journals and other publications; the salary and other remuneration he has commanded and now commands for his performances, as evidenced by contracts; whether the alien has been the recipient of national, international, or other significant awards for his performances; the opinions of unions, other organizations, and recognized critics or other experts in the field in which the alien is engaged; whether previous petitions filed in behalf of the alien seeking his services in a similar capacity have been properly approved by the Service and, if so, whether there have been any changes in circumstances affecting the alien's classifiability as a person of distinguished merit and ability. When adjudicating a petition to accord classification under section 101(a)(15)(H)(i) of the Act to an alien entertainer, the district director may consult unions, other organizations, and recognized critics and other experts in the relating entertainment field. Such consultation shall be for the purpose of obtaining the advisory opinion of the organization or person consulted with regard to the qualifications of the alien and the nature of the services to be performed by the alien. The advisory opinion shall be submitted in writing, and shall include a detailed recitation of the facts and data considered in rendering the opinion, except that it shall be furnished orally, subject to later confirmation in writing, when requested in a case deemed by the district director to be of an emergent nature; signed by a duly authorized and responsible official of any union or other organization consulted, and submitted to the district director on or before the date fixed by him, which shall not exceed 15 days from the date on which the opinion was requested.

(iii) *Physicians and nurses.* A petitioner seeking to accord a physician or nurse a classification under section 101(a)(15)(H)(i) of the Act shall attach to the petition evidence that the beneficiary has obtained a full and unrestricted license to practice medicine or professional nursing in the country where he obtained his medical or nursing education, or that such education was obtained in the United States or Canada, or that he is a physician who successfully passed the examination given by the Educational Council for Foreign Medical Graduates; also, a statement from the petitioner certifying whether to the best of the petitioner's information and belief the beneficiary is fully qualified under the laws governing the place of intended employment to perform the desired services, whether under those laws the petitioner is authorized to employ the beneficiary to perform such services, and whether under those laws the beneficiary is permitted to substantially perform the services. If the laws governing the place where the services will be performed place any limitations on the services to be rendered by the beneficiary the statement should contain details as to the limitations. The district director shall consider any such limitations in determining whether the services which the beneficiary would perform are of an exceptional nature requiring a person of distinguished merit and ability.

(iv) *Accompanying aliens.* Managers, trainers, musical accompanists, and other persons determined by the district director to be necessary for successful performance by the beneficiary of a petition approved for classification under section 101(a)(15)(H)(i) of the Act may also be accorded such classification if included in the same or a separate petition.

(3) *Petition for alien to perform temporary service or labor*—(i) *Labor certification.* Either a certification from the Secretary of Labor or his designated representative stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such a certification cannot be made, shall be attached to every nonimmigrant visa petition to accord an alien a classification under section 101(a)(15)(H)(ii) of the Act. A certification by the Employment Service of the Territory of Guam will be accepted in lieu of that issued by the Secretary of Labor or his designated representative in connection with a petition for employment of laborers in Guam. If there is attached to the petition a notice from the Secretary of Labor or his designated repre-

sentative that certification cannot be made, the petitioner shall be permitted to present countervailing evidence that qualified persons in the United States are not available and that the employment policies of the Department of Labor have been observed. All such evidence submitted will be considered in the adjudication of the petition.

(ii) *Multiple beneficiaries.* When the petitioner seeks the services of more than one beneficiary and all the beneficiaries are not included in a single certification, a separate visa petition must be submitted for the beneficiary or beneficiaries covered in each certification.

(iii) *Statement of need.* A statement shall be furnished with the visa petition describing in detail the situation or conditions which make it necessary to bring the alien to the United States, and whether the need is temporary, seasonal, or permanent; if temporary or seasonal, the statement shall indicate whether the situation or conditions are expected to be recurrent.

(3a) *Use of Form I-171C.* The Service shall notify the petitioner on Form I-171C whenever a visa petition or application for extension of temporary stay filed on Form I-129B is approved. The petitioner, who may not for this purpose duplicate the original Form I-171C received from the Service, may furnish that form to any one of the beneficiaries who desires to depart from and return to the United States within the period for which the visa petition is valid or for which his temporary stay in the United States has been authorized to resume the same employment or training. The Service may also issue an original Form I-171C, upon request, to individual beneficiaries who have received an extension of temporary stay through approval of an application for extension on Form I-129B or Form I-539, if such individual intends to depart from and return to the United States within the period for which his temporary stay has been authorized to resume the same employment or training. A beneficiary who is required to present a visa for admission and whose visa will have expired before the date of his intended return may use Form I-171C, as stated in the information on the form, to apply for a new or revalidated visa. If the beneficiary is exempt from the visa requirement, he may present the original Form I-171C at the United States port of entry upon his return, for consideration as to whether he may be readmitted until the date of expiration of the validity of the visa petition or authorized extension of temporary stay as shown in the Form I-171C. If a beneficiary will be returning to resume the same employment or training after the validity of the visa petition has expired and he is not in possession of an original Form I-171C showing extension of his temporary stay or, if in possession of such Form, he will be returning to the United States after expiration of his authorized stay as shown therein, a new visa petition must first be filed by the petitioner and approved by the Service.

(4) *Petition for alien trainee*—(i) *General.* In addition to purely industrial establishments, an individual, organization, firm, or other trainer may petition for nonimmigrant trainees on Form I-129B for the purpose of giving instruction or training in agriculture, commerce, finance, government, transportation, and the professions.

(ii) *Productive employment.* The source of any remuneration received by a trainee and whether or not any benefit will accrue to the petitioner are not material, but a trainee shall not be permitted to engage in productive employment if such employment will displace a United States resident. A hospital approved by the American Medical Association or the American Osteopathic Association for either an internship or residence program may petition to classify as a trainee a medical student attending a medical school abroad if he will engage in employment as an extern during his medical school vacation.

(iii) *Description of training.* There shall be attached to each petition for a trainee a statement describing the kind of training to be given and setting forth the proportion of time that will be devoted to productive employment; the number of hours that will be spent respectively in classroom instruction, and in on-the-job training without supervision; the position or duties for which this training will prepare him; the reason why such training cannot be obtained in the alien's country, and why it is necessary for the alien to be trained in the United States.

(iv) *Physicians and nurses.* A petitioner may seek a classification under section 101(a)(15(H)(iii) of the Act or a physcian or nurse who is not qualified for classification under section 101(a)(15)(H)(i) of the Act, who is coming to the United States for training in furtherance of his career abroad in medicine or nursing. The petitioner shall attach to the petition evidence that the beneficiary has obtained a full and unrestricted license to practice medicine or professional nursing in the country where he obtained his medical or nursing education, or that such education was obtained in the United States or Canada, or that he is a physician who successfully passed the examination given by the Educational Council for Foreign Medical Graduates; also, a statement from the petitioner certifying whether to the best of the petitioner's information and belief the beneficiary is fully qualified under the laws governing the place where the training will be received to engage in such training, and whether under those laws the petitioner is authorized to give the beneficiary the desired training.

(5) *Certification of documents by attorneys.* A copy of a document submitted in support of a visa petition filed pursuant to section 214(c) of the Act and § 214.2(h) may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney, typed or rubber-stamped in the language set forth in § 204.2(f) of this chapter. However, the original document shall be submitted, if submittal is requested by the Service.

(6) *Decision.* In adjudicating the petition, the district director shall consider all the evidence submitted, and such other evidence as he may independently require or procure to assist his adjudication. If an adverse decision is proposed on the basis of any evidence not submitted by the petitioner, he shall be so notified before a final decision is made and invited to inspect and rebut such evidence. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. A denial decision of the district director shall set forth the pertinent facts adduced from the evidence considered and give the specific reasons for the decision in the light of the facts and the relating provisions of section 101(a)(15)(H) of the Act.

(7) *Validity of approved petitions.* In a case in which a labor certification is not submitted, the petition shall be valid for not more than one year from the date of its approval. If a certification by the Secretary of Labor or his designated representative is attached to a petition to accord an alien a classification under section 101(a)(15)(H)(ii) of the Act, the approval of the petition shall not be valid beyond the date to which the certification is valid. When the certification does not set forth a date until which it is valid, the approval of the petition shall not exceed 1 year from the date on which the certification was issued.

(8) *Termination of approval of petitions.* The approval of any petition is automatically terminated when the petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary arrives in the United States.

(9) *Admission.* A beneficiary may apply for admission to the United States only during the period of validity of the petition, or during the period of any extension of his temporary stay authorized on Form I-171C. The authorized period of the beneficiary's admission shall be governed by the period of established need for his temporary services or training, but shall not exceed the date of validity of the petition or the date until which his temporary stay had been previously authorized by the Service.

(10) *Suspension of approval of employment.* Approval of the beneficiary's employment or training is automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place the alien is being employed or trained.

(11) *Extension of stay.* An extension of stay may be authorized in increments of not more than 12 months each under the same terms and conditions that apply to an admission, except that an applicant for an individual extension on Form I-539 shall not require a new petition to continue previously authorized employment or training. A new petition shall be required from an applicant who seeks to

pursue employment or training other than that previously authorized and the applicant, if he is maintaining status, may be granted an extension of stay for the period of validity of the approved petition without a Form I-539. Form I-129B shall be used when filing an application for a group extension. In the case of an alien defined in section 101(a)(15)(H)(ii) of the Act, the application for extension shall be accompanied by a labor certification or a notice that such certification cannot be made; and the alien shall not be granted an extension which would result in an unbroken stay in the United States for more than 3 years.

(12) *Special classes.* The services of an entertainer beneficiary shall be restricted to the activity, area, and employer specified in the approved petition. Any engagement not specified in the original petition shall require a new petition. A new petition shall also be required if the entertainer's services are engaged by a new employer or by a new agent or are to be performed in another area, except that a new petition will not be required for the appearance of an alien performer on a bona fide charity show without compensation, provided he is already in the United States pursuant to an approved visa petition. A show shall not be considered as "a bona fide charity show" within the meaning of this subparagraph if any of the musicians, entertainers, or other performers receive compensation, including reimbursement for expenses, for their performance therein. A petition shall not be required for an appearance, interview, or demonstration, without remuneration, by any nonimmigrant alien who is not an entertainer by occupation. A separate petition and fee shall be required for each group of variety entertainers comprising a separate and distinct act.

(i) *Representatives of information media.* The admission of an alien of the class defined in section 101(a)(15)(I) of the Act constitutes an agreement by the alien not to change the information medium or his employer until he obtains permission to do so from the district director having jurisdiction over his residence. The initial period of admission and extensions of stay of such aliens may be authorized in increments not to exceed one year each.

(j) *Exchange aliens*—(1) *General.* As used in this chapter the term "exchange alien" means a nonimmigrant alien who was admitted to the United States under section 101(a)(15)(J) of the Act or acquired such status after admission, or who acquired exchange-visitor status under the United States Information and Educational Exchange Act of 1948, as amended. An exchange alien coming to the United States as a participant in a program designated pursuant to section 101(a)(15)(J) of the Act and his accompanying spouse and minor children shall not be eligible for admission unless the participant presents completely executed Form DSP-66. The spouse and minor children following to join the participant shall not be eligible for admission unless they present a copy of the current Form DSP-66 issued to the participant by his program sponsor properly endorsed by the program sponsor to indicate the date of expiration of the participant's authorized stay in the United States as shown on his Form I-94. The initial period of admission and extensions of stay of an exchange alien, spouse, and minor child may be authorized in increments of not more than 12 months each and shall be limited to the period specified on the Form DSP-66 issued to the principal alien. Applications for extension of stay by an exchange alien shall be made on a current Form DSP-66. The exchange alien may also apply for an extension of stay for his spouse and child by furnishing, as an attachment to Form DSP-66, their Forms I-94 and a statement containing their names, dates and places of birth; their passport numbers, issuing countries and expiration dates. Form DSP-66 presented by an exchange alien returning from a temporary absence may be retained by such alien and used for any number of reentries during the balance of his previously authorized stay. However, an alien whose visa is considered to be automatically revalidated pursuant to 22 CFR 41.125(f)(2) or is within the purview of that regulation except that his nonimmigrant visa has not expired, returning to the United States as a nonimmigrant under section 101(a)(15)(J) of the Act, shall, if otherwise admissible, be readmitted, without presentation of Form DSP-66, for the remainder of his initial admission or current extension of stay as shown on his Form I-94. When applying for an extension of stay, a spouse or child of a participant in a designated exchange program shall be classified under section 101(a)(15)(J) of the Act unless the spouse or child is applying for an extension of stay for a purpose other than to accompany the participant. A spouse or child accompanying a participant shall not be eligible for an extension of stay unless the participant is eligible for an extension of stay. The accompanying spouse and minor children of a participant in a designated exchange program may be granted permission to accept employment in the United States but only if such employment is for the support (including, but not limited to, customary recreational and cultural activities and related travel) of the accompanying nonparticipating spouse and minor children in the United States. If the income to be derived from such employment is needed for the support of the participant, employment shall not be authorized. The application for permission to accept employment shall be made to the district director having jurisdiction over the place where the participant is sojourning temporarily and need not be made in writing.

(2) *Aliens in cancelled programs.* When an exchange visitor program is cancelled by the Department of State a notification of the cancellation shall be sent by the district director to each participant in the program. The participant shall be informed that he may remain in the United States in his present status to continue his activities in the cancelled program until the date of expiration of his currently authorized stay and that he must terminate his participation in that program by that date. A copy of the notification to the alien shall be sent to the sponsor of the cancelled program. Where extension of the alien's stay will not exceed the time limitation on the type of program in which he is engaged, he shall also be informed that he may apply for an extension if he is accepted as a participant in another approved exchange program and submits Form DSP-66 executed by his new program sponsor. In such case, a release by the sponsor of the cancelled program shall not be required.

(k) *Fiancees and fiances of United States citizens.* An alien defined in section 101(a)(15)(K) of the Act must be the beneficiary of an approved visa petition filed on Form I-129F. The petition with supporting documents shall be filed by the petitioner with the district director having administrative jurisdiction over the place where the petitioner is residing in the United States. A copy of a document submitted in support of a visa petition filed pursuant to section 214(d) of the Act and this paragraph may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney, typed or rubber-stamped in the language set forth in § 204.2(f) of this chapter. However, the original document shall be submitted, if submittal is requested by the Service. A petition shall not be approved unless the petitioner satisfactorily establishes that he has personally met and seen the beneficiary prior to filing the petition. Without the approval of a separate petition on his behalf, a child of the beneficiary defined in section 101(b)(1)(A), (B), (C), (D), or (E) of the Act may be accorded the same nonimmigrant classification as the beneficiary if accompanying or following to join him. The petitioner shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter. The approval of a petition under this paragraph shall be valid for a period of 4 months. A petition which has expired due to the passage of time may be revalidated by a district director or an American consular officer for a period of 4 months from the date of revalidation upon a finding that the petitioner and beneficiary are free to marry and intend to marry each other within 90 days of the beneficiary's entry into the United States. The approval of any petition is automatically terminated when the petitioner dies or files a written withdrawal of the petition before the beneficiary arrives in the United States.

(l) *Intra-company transferees*—(1) *Petition.* An alien defined in section 101(a)(15)(L) of the Act must be the beneficiary of an approved visa petition filed on Form I-129B. A separate petition for each such alien, with supporting documents, shall be filed by the petitioner with the district director having administrative jurisdiction over the place in the United States where the beneficiary will

perform the services. The approval of a petition under this paragraph shall be valid for the period of established need for the beneficiary's temporary services not to exceed one year. The spouse and minor children of the beneficiary are entitled to the same nonimmigrant classification if accompanying or following to join him. However, neither the spouse nor a child may accept employment unless such spouse or child is the beneficiary of an approved petition filed in his behalf. The petitioner, who need not be a United States resident, shall be notified of the decision and, if the petition is denied, of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

(2) *Supporting evidence.* A petitioner seeking to accord an alien classification under section 101(a)(15)(L) of the Act shall attach to the petition a statement describing the capacity in which the beneficiary has been employed abroad and the capacity in which he is to be employed in the United States. If the services to be rendered by the beneficiary are not managerial or executive in nature but involve specialized knowledge, the statement shall describe the nature of the specialized knowledge possessed by the beneficiary which makes his presence in the United States necessary. A copy of a document submitted in support of a visa petition filed pursuant to section 214(c) of the Act and § 214.2(1) may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney, typed or rubber-stamped in the language set forth in § 204.2(f) of this chapter. However, the original document shall be submitted, if submittal is requested by the Service.

(3) *Admission, employment, and extension.* A beneficiary may apply for admission to the United States only during the period of validity of the petition, or during the period of any extension of his temporary stay authorized on Form I-171C. The authorized period of the beneficiary's admission shall not exceed the date of validity of the petition or the date until which his temporary stay had been previously authorized by the Service. The approval of any petition is automatically terminated when the petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary arrives in the United States. Upon application on Form I-539, extensions of stay may be authorized in increments of not more than 12 months under the same terms and conditions as apply to an admission, except that a new petition will not be required to continue previously authorized temporary employment. The beneficiary's spouse and children admitted in his nonimmigrant classification may be included in his extension application and given extension of stay coextensive with his.

(4) *Use of Form I-171C.* The Service shall notify the petitioner on Form I-171C upon approval of a visa petition filed on Form I-129B. The petitioner, who may not for this purpose duplicate the original Form I-171C received from the Service, may furnish that form to a beneficiary who desires to depart from and return to the United States to resume the same employment within the period for which the visa petition is valid. The Service may also issue an original Form I-171C, upon request, to a beneficiary alien defined in section 101(a)(15)(L) of the Act who has received an extension of his temporary stay and intends to depart from and return to the United States within the period for which his temporary stay has been authorized to resume the same employment. A beneficiary who is required to present a visa for admission and whose visa will have expired before the date of his intended return may use Form I-171C, as stated in the information on that form, to apply for a new or revalidated visa. If the beneficiary is exempt from the visa requirement, he may present the original Form I-171C at the United States port of entry upon his return, for consideration as to whether he may be readmitted until the date of expiration of the validity of the visa petition or authorized extension of temporary stay as shown in the Form I-171C. If a beneficiary will be returning to resume the same employment after expiration of his authorized stay as shown in that form, a new visa petition must first be filed by the petitioner and approved by the Service.

(m) *NATO aliens.* The period of admission and extensions of stay of an alien classified as NATO-5 or 6 or NATO-7 who is employed by an alien classified as NATO-5 or 6 by 22 CFR 41.12 may be authorized in increments not to exceed one year. All other aliens of the NATO class in 22 CFR 41.12 including an alien classified as NATO-7 who is employed by a NATO-1, 2, 3, or 4, shall be admitted for such period of time as they continue to be entitled to the status prescribed by 22 CFR 41.70.

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 § 214.2 is editorial in nature.

Dated: December 20, 1973.

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

[FR Doc.73-27230 Filed 12-27-73;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the Atomic Energy Commission's regulation 10 CFR Part 73 is hereby republished as a document subject to codification for the purpose of incorporating into one document all amendments to the regulation to date including the amendments published in the FEDERAL REGISTER on November 6, 1973. In republishing Part 73 a number of editorial changes have been made, including clarification of the effective date of a number of sections.

Accordingly 10 CFR Part 73 is revised to read as set forth below:

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73.80 Violations.
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AUTHORITY: Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201).

GENERAL PROVISIONS

§ 73.1 Purpose and scope.

(a) *Purpose.* This part prescribes requirements for physical protection of special nuclear material at fixed sites and in transit and of plants in which special nuclear material is used, for the purpose of protection against acts of industrial sabotage and protection of special nuclear material against theft by establishment and maintenance of a physical protection system of: (1) Protective barriers and intrusion detection devices at fixed sites to provide early detection of an attack, (2) deterrence to attack by means of armed guards and escorts, and (3) liaison and communication with law enforcement authorities capable of rendering assistance to counter such attacks.

(b) *Scope.* (1) This part prescribes requirements for (i) the physical protection of production and utilization facilities licensed pursuant to Part 50 of this chapter; (ii) the physical protection of plants in which activities licensed pursuant to Part 70 of this chapter are conducted, and the physical protection of special nuclear material, by any person who pursuant to the regulations in Part 70 of this chapter possesses or uses at any site or contiguous sites subject

to control by the licensee, uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium alone or in any combination in a quantity of 5,000 grams or more computed by the formula, grams=(grams contained U-235)+2.5 (grams U-235+grams plutonium).

(2) This part prescribes requirements for the physical protection of special nuclear material in transportation by any person who is licensed pursuant to the regulations in Part 70 of this chapter who imports, exports, transports, delivers to a carrier for transport in a single shipment, or takes delivery of a single shipment free on board at the point where it is delivered to a carrier, either uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium, or any combination of these materials, which is 5,000 grams or more computed by the formula, grams=(grams contained U-235)+2.5 (grams U-233+grams plutonium).

(3) This part also applies to shipments by air of special nuclear material in quantities exceeding (i) 20 grams or 20 curies, whichever is less, of plutonium or uranium-233, or (ii) 350 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope).

(4) Special nuclear material subject to this part may also be protected pursuant to security procedures prescribed by the Commission or another Government agency for the protection of classified materials. The provisions and requirements of this part are in addition to, and not in substitution for, any such security procedures. Compliance with the requirements of this part does not relieve any licensee from any requirement or obligation to protect special nuclear material pursuant to security procedures prescribed by the Commission or other Government agency for the protection of classified materials.

§ 73.2 Definitions.

As used in this part:

(a) Terms defined in Parts 50 and 70 of this chapter have the same meaning when used in this part.

(b) "Authorized individual" means any individual, including an employee, a consultant, or an agent of a licensee, who has been designated in writing by a licensee to have responsibility for surveillance of special nuclear material.

(c) "Guard" means a uniformed individual armed with a firearm whose primary duty is the protection of special nuclear material against theft and/or the protection of a plant against industrial sabotage.

(d) "Watchman" means an individual, not necessarily uniformed or armed with a firearm, who provides protection for a plant and the special nuclear material therein in the course of performing other duties.

(e) "Continuous visual surveillance" means unobstructed view at all times of a shipment of special nuclear material, and of all access to a temporary storage area or cargo compartment containing the shipment.

(f) "Physical barrier" means

(1) Fences constructed of No. 11 American wire gauge, or heavier wire fabric, topped by three strands or more of barbed wire or similar material on brackets angled outward between 30° and 45° from the vertical, with an overall height of not less than eight feet, including the barbed topping.

(2) Building walls constructed of stone, brick, cinder block, concrete, steel or comparable materials (openings in which are secured by grates, doors, or covers of construction and fastening of sufficient strength such that the integrity of the wall is not lessened by any opening), or walls of similar construction, not part of a building, provided with a barbed topping described in paragraph (f)(1) of this section of a height of not less than 8 feet.

(3) Ceilings and floors constructed to offer resistance to penetration equivalent to that of building walls described in paragraph (f)(2) of this section.

(g) "Protected area" means an area encompassed by physical barriers and to which access is controlled.

(h) "Vital area" means any area which contains vital equipment within a structure, the walls, roof, and floor of which constitute physical barriers of construction at least as substantial as walls as described in paragraph (f)(2) of this section.

(i) "Vital equipment" means any equipment, system, device, or material, the failure, destruction, or release of which could directly or indirectly endanger the public health and safety by exposure to radiation. Equipment or systems which would be required to function to protect public health and safety following such failure, destruction, or release are also considered to be vital.

(j) "Material access area" means any location which contains special nuclear material, within a vault or a building, the roof, walls, and floor of which each constitute a physical barrier.

(k) "Isolation zone" means any area, clear of all objects which could conceal or shield an individual, adjacent to a physical barrier, which is monitored to detect the presence of individuals or vehicles within that area.

(l) "Intrusion alarm" means a tamper indicating electrical, electromechanical, electrooptical, electronic or similar device which will detect intrusion by an individual into a building, protected area, vital area, or material access area, and alert guards or watchmen by means of actuated visible and audible signals.

(m) "Lock" in the case of vaults or vault type rooms means a three-position, manipulation resistant, dial type, built-in combination lock or combination padlock and in the case of fences, walls, and buildings means an integral door locks or padlock which provides protection equivalent to a six-tumbler cylinder lock. "Lock" in the case of a vault or vault type room also means any manipulation resistant, electromechanical device which provides the same function as a built-in combination lock or combination padlock, which can be operated remotely or by the "reading" or insertion of information, which can be uniquely characterized, and which allows operation of the device. "Locked" means protected by an operable lock.

(n) "Vault" means a burglar-resistant windowless enclosure with walls, floor and roof of: (1) Steel at least one-half inch thick, (2) reinforced concrete or stone at least 8 inches thick, (3) non-reinforced concrete or stone at least 12 inches thick, or (4) monolithic floor or roof construction of equivalent resistance to entry, with a built-in lock in a steel door at least 1 inch thick, exclusive of the locking mechanism.

(o) "Vault-type room" means a room with one or more doors, all capable of being locked, protected by an intrusion alarm which creates an alarm upon the entry of a person anywhere into the room and upon exit from the room or upon movement of an individual within the room.

(p) "Industrial sabotage" means any deliberate act directed against a plant in which an activity licensed pursuant to the regulations in this chapter is conducted, or to any component of such a plant, which could directly or indirectly endanger the public health and safety by exposure to radiation, other than such acts by an enemy of the United States, whether foreign government or other person.

§ 73.3 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized as binding upon the Commission.

§ 73.4 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part should be addressed to the Director of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545, or may be delivered in person at the Commission's offices at 1717 H Street, NW., Washington, D.C.; at 7920 Norfolk Avenue, Bethesda, Maryland; or at Germantown, Maryland.

§ 73.5 Specific exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property or the common defense and security, and are otherwise in the public interest.

§ 73.6 Exemptions for certain quantities and kinds of special nuclear material.

A licensee is exempt from the requirements of §§ 73.30 through 73.36 and of §§ 73.60 and 73.70 of this part, with respect to the following special nuclear material:

(a) Uranium-235 contained in uranium enriched to less than 20 percent in the U–235 isotope;

(b) Special nuclear material which is not readily separable from other radioactive material and which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding; and

(c) Special nuclear material in a quantity not exceeding 350 grams of uranium-235, uranium-233, plutonium, or a combination thereof, possessed in any analytical, research, quality control, metallurgical or electronic laboratory.

PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL IN TRANSIT

§ 73.30 General requirements.

(a) Except as specified in § 73.36(a) or as otherwise authorized pursuant to § 73.30(f), each licensee who transports or who delivers to a carrier for transport either uranium–235 (contained in uranium enriched to 20 percent or more in the U–235 isotope), uranium-233, or plutonium, or any combination of these materials, which is 5,000 grams or more computed by the formula, grams= (grams contained U–235)+2.5 (grams U–233+grams plutonium), shall make arrangements to assure that such special nuclear material will, if a common or contract carrier is used, be transported under the established procedures of a carrier which provides a system for the physical protection of valuable material in transit and requires an exchange of hand-to-hand receipts at origin and destination and at all points enroute where there is a transfer of custody.

(b) Transit times of shipments other than those specified in § 73.1(b)(3) shall be minimized and routes shall be selected to avoid areas of natural disaster or civil disorders. Such shipments shall be preplanned to assure that deliveries occur at a time when the receiver at the final delivery point is present to accept receipt of shipment.

(c) Special nuclear material shall be shipped in containers which are sealed by tamper indicating type seals. The container shall also be locked if it is not in another container or vehicle which is locked. If inspection of the container or vehicle is not required by State or local authorities before final destination, the outermost container or vehicle shall also be sealed by tamper indicating type seals. No container weighing 500 pounds or less shall be shipped in open trucks, railroad flat cars or box cars and ships. This paragraph does not apply to shipments of quantities specified in § 73.1(b)(3).

(d) When guards are used pursuant to §§ 73.31(c)(1), 73.31(c)(2), 73.33 and 73.35, the licensee shall not permit an individual to act as a guard unless there is documentation that the individual has been qualified by demonstrating an understanding of his duties and responsibilities. The licensee or his agent shall have documentation that guards have been requalified annually.

(e) By January 7, 1974, each licensee shall submit a plan outlining the procedures that will be used to meet the requirements of §§ 73.30 through 73.36 and 73.70(g) including a plan for the selection, qualification, and training of armed escorts, or the specification and design of a specially designed truck or trailer as appropriate. This plan shall be followed by the licensee after March 6, 1974.

(f) A licensee or applicant for a license may apply to the Commission for approval of proposed procedures for transport of special nuclear material in a manner not otherwise authorized by the regulations of this part. Such application shall include a description and quantity of the special nuclear material involved, the origin and destination, the carriers to be used, the expected time in transit, the number of transfer points, the communications to be used, the vehicle visual identification, and the cargo security and surveillance measures to be used.

(g) Paragraphs (b), (c), (d), and (f) of this section are effective March 6, 1974.

§ 73.31 Shipment by road.

(a) All shipments by road shall be made without any scheduled intermediate stops to transfer special nuclear material or other cargo between the facility from which it is shipped and the facility of the receiver.

(b) All motor vehicles used to transport special nuclear material shall be equipped with a radiotelephone which can communicate with a licensee or his agent. The licensee or agent with whom communications shall be maintained for different segments of the shipment shall be predesignated before a shipment is made. Calls to such licensee or agent shall be made at least every 2 hours when radiotelephone or conventional telephone coverage is not available along the preplanned route, at which time a conventional telephone call shall be made. In the event no call is received in accordance with these requirements, the licensee or his agent shall immediately notify an appropriate law enforcement authority and the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix A of this part.

(c) A shipment shall be accompanied by at least two people in the vehicle containing the shipment, which may be two drivers or one driver and an authorized individual. The vehicle containing the shipment shall be under continuous visual surveillance, or one of the drivers or authorized individuals shall be in the cab of the vehicle, awake, and not in a sleeper berth. The shipment shall be further protected by one of the following methods:

(1) An armed escort consisting of at least two guards shall accompany the shipment in a separate escort vehicle. Escorts shall maintain continuous vigilance for the presence of conditions or situations which might threaten the security of the shipment, take such action as circumstances might require to avoid interference with continuous safe passage of the cargo vehicle, provide assistance to, or summon aid for crew of cargo vehicles in case of emergency, check seals and locks at each stop where time permits, and observe the cargo vehicle and adjacent areas during stops or layovers. Continuous radio communication capability shall be provided between the cargo vehicle and the escort vehicle. Escort vehicles shall also be equipped with a radiotelephone. The licensee may use his own employees as armed escorts or he may use an agent. Only the driver is required in the vehicle containing special nuclear material for shipments involving an average of less than an hour in transportation, if communication is maintained during the course of the shipment with the licensee or agent monitoring the shipment.

(2) The shipment shall be made in a specially designed truck or trailer which reduces the vulnerability to diversion. Design features of the truck or trailer shall permit immobilization of the van and provide barriers or deterrents to physical penetration of the cargo compartment unless armed guards are also used in which case immobilization of the vehicle is not required.

(d) Transfers to and from other modes of transportation shall be in accordance with § 73.35.

(e) Vehicles shall be marked on top with identifying letters or numbers which will permit identification of the vehicle under daylight conditions from the air in clear weather at 1,000 feet above ground level. The same code of letters and numbers as those used on the top shall also be marked on the sides and rear of the vehicle to permit identification from the ground.

(f) This section is effective March 6, 1974.

§ 73.32 Shipment by air.

(a) Except as specifically approved by the Atomic Energy Commission, no shipment of special nuclear material shall be made in passenger aircraft in excess of (1) 20 grams or 20 curies, whichever is less, of plutonium or uranium-233, or (2) 350 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U–235 isotope).

(b) In shipments on cargo aircraft of either uranium-235 (contained in uranium enriched to 20 percent or more in the U–235 isotope), uranium-233 or plutonium, or any combination of these materials which is 5,000 grams or more computed by the formula, grams= (grams contained U–235)+2.5(grams U–233 + grams plutonium), transfers shall be in accordance with § 73.35. Transfers shall be minimized.

(c) Export shipments shall be escorted by an unarmed authorized individual, who may be a crew member, from the last terminal in the United States until the shipment is unloaded at a foreign terminal. He shall perform monitoring duties at foreign terminals as described in § 73.35.

(d) Paragraph (c) of this section is effective March 6, 1974.

§ 73.33 Shipment by rail.

(a) A shipment by rail shall be escorted by two guards, in the shipment car or an escort car of the train, who shall keep the shipment cars under observation and who shall detrain at stops when practicable and time permits to guard the shipment cars under observation, and check car or container locks and seals. Radiotelephone communication shall be maintained with a licensee or his agent to relay position every 2 hours or less, and at scheduled stops in the event that radiotelephone coverage was not available in the last 5 hours before the stop. The licensee or agent with whom communications shall be maintained for different segments of the shipment shall be predesignated before a shipment is made. In the event no call is received in accordance with these requirements, the licensee or his agent shall immediately notify an appropriate law enforcement authority and the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix A of this part.

(b) Transfers shall be in accordance with § 73.35.

(c) This section is effective March 6, 1974.

§ 73.34 Shipment by sea.

(a) Shipments shall be made on vessels making the minimum ports of call. Transfers to and from other modes of transportation shall be in accordance with § 73.35. There shall be no scheduled transfers to other ships. At domestic ports of call where other cargo is transferred, the shipments shall be protected in accordance with § 73.35(a).

(b) The shipment shall be placed in a secure compartment which is locked and sealed. Locks and seals shall be periodically inspected in transit, if accessible, by an escort or crew member.

(c) Export shipments shall be escorted by an unarmed authorized individual, who may be a crew member, from the last port in the United States until the shipment is unloaded at a foreign port. He shall perform monitoring duties at foreign ports as described in § 73.35.

(d) Ship-to-shore communications shall be available, and a ship-to-shore contact shall be made every twenty-four hours to relay position information, and the status of the shipment, which shall be determined by a daily inspection where possible. This information shall be sent, as often as it is available, to the licensee or his agent who makes the arrangements for the protection of the shipment.

(e) This section is effective March 6, 1974.

§ 73.35 Transfer of special nuclear material.

All transfers shall be monitored by a guard. An alternate guard shall be designated at all transfer points to substitute, if necessary. Monitoring of special nuclear material transfers shall be conducted as follows:

(a) At scheduled intermediate stops where special nuclear material is not scheduled for transfer, the guard shall observe the opening of the cargo compartment and assure that the shipment is not removed. The guard shall maintain continuous visual surveillance of the cargo compartment. Continuous visual surveillance of the cargo compartment shall be maintained up to the time the vehicle is ready to depart. The guard shall observe the vehicle until it has departed, and shall notify the licensee or his agent of the latest status immediately thereafter.

(b) At points where special nuclear material is transferred from a vehicle to storage, from one vehicle to another, or from storage to a vehicle, the guard shall keep the shipment under continuous visual surveillance by observing the opening of the cargo compartment of the incoming vehicle and assuring that the shipment is complete by checking locks and/or seals. Continuous visual surveillance of a shipment shall be maintained at all times it is in the terminal or in storage. Shipments shall be preplanned in order to avoid storage times in excess of 24 hours. Continuous visual surveillance of the cargo compartment shall be maintained up to the time the vehicle is ready to depart from the terminal. The guard shall observe the vehicle until it has departed, and shall notify the licensee or his agent of the latest status immediately thereafter.

(c) The guard shall be required to immediately notify the carrier and the licensee who made the arrangements for protection of special nuclear material of any deviation from or attempted interference with schedule or routing.

(d) This section is effective March 6, 1974.

§ 73.36 Miscellaneous requirements.

(a) Each licensee who takes delivery of special nuclear material free on board (f.o.b.) the point at which it is delivered to a carrier for transport shall make the arrangements to assure that such special nuclear material will be protected in transit as prescribed in §§ 73.30 through 73.35, rather than the person who delivers such shipment to the carrier for transport.

(b) Each licensee who imports special nuclear material shall make arrangements to assure that such material will be protected in transit as follows:

(1) An individual designated by the licensee or his agent, or as specified by a contract of carriage, shall confirm the container count and examine locks and/or seals for evidence of tampering, at the first place in the United States at which the shipment is discharged from the arriving carrier.

(2) The shipment shall be protected at the first terminal at which it arrives in the United States and all subsequent terminals as provided in §§ 73.30 through 73.35 and paragraphs (c) and (f) of this section.

(c)(1) Each licensee who delivers special nuclear material to a carrier for transport shall immediately notify the consignee by telephone, telegraph, or teletype, of the time of departure of the shipment, and shall notify or confirm with the consignee the method of transportation, including the names of carriers, and the estimated time of arrival of the shipment at its destination. (2) In the case of a shipment free on board (f.o.b.) the point where it is delivered to a carrier for transport, each licensee shall, before the shipment is delivered to the carrier, obtain written certification from the licensee who is to take delivery of the shipment at the f.o.b. point that the physical protection arrangements required by §§ 73.30 through 73.35 for licensed shipments have been made. When an AEC license-exempt contractor is the consignee of a shipment, the licensee shall, before the shipment is delivered to the carrier, obtain written certification from the contractor who is to take delivery of the shipment at the f.o.b. point that the physical protection arrangements required by AEC Manual Chapters 2401 or 2405 have been made. (3) Each licensee who delivers special nuclear material to a carrier for transport shall also make arrangements with the consignee to be notified immediately by telephone, telegraph, or teletype, of the arrival of the shipment at its destination.

(d) In addition to complying with the requirements specified in paragraphs (c) and (f) of this section, each licensee who exports special nuclear material shall comply with the requirements specified in §§ 73.30 through 73.35, as applicable, up to the first point where the shipment is taken off the vehicle outside the United States. The licensee shall also make arrangements with the consignee to be notified immediately by telephone and telegraph, teletype, or cable, of the arrival of the shipment at its destination, or of any such shipment that is lost or unaccounted for after the estimated time of arrival at its destination.

(e) Each licensee who receives a shipment of special nuclear material shall immediately notify the person who delivered the material to a carrier for transport of the arrival of the shipment at its destination. In the event such a shipment fails to arrive at its destination at the estimated time, the consignee, if a licensee, or in the case of an export shipment, the licensee who exported the shipment, shall immediately notify by telephone and telegraph, or teletype, the Director of the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix A of this part, and the licensee or other person who delivered the material to a carrier for transport. The licensee who made the physical protection arrangements shall also immediately notify by telephone and telegraph, or teletype the Director of the appropriate Atomic Energy Commission Regulatory Operations Regional office listed in Appendix A of the action being taken to trace the shipment.

(f) Each licensee who makes arrangements for physical protection of a shipment of special nuclear material as required by §§ 73.30 through 73.36 shall immediately conduct a trace investiga-

tion of any shipment that is lost or unaccounted for after the estimated arrival time and file a report with the Commission as specified in § 73.71. If the licensee who conducts the trace investigation is not the consignee, he shall also immediately report the results of his investigation by telephone and telegraph, or teletype to the consignee.

(g) Paragraphs (a), (b), and (c) and (d) of this section are effective March 6, 1974.

PHYSICAL PROTECTION REQUIREMENTS AT FIXED SITES

§ 73.40 Physical protection: General requirements at fixed sites.

Each licensee shall provide physical protection against industrial sabotage and against theft of special nuclear material at the fixed sites where licensed activities are conducted. Security plans submitted to the Commission for approval shall be followed by the licensee after March 6, 1974.

§ 73.50 Requirements for physical protection of licensed activities.

In addition to any other requirements of this part, each licensee who is authorized to operate a fuel reprocessing plant pursuant to Part 50 of this chapter or who possesses or uses uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium alone or in any combination in a quantity of 5000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium), other than in the operation of a nuclear reactor licensed pursuant to Part 50 of this chapter, shall comply with the following.

(a) *Physical security organization.* (1) The licensee shall establish a security organization, including guards, to protect his facility against industrial sabotage and the special nuclear material in his possession against theft.

(2) At least one supervisor of the security organization shall be on site at all times.

(3) The licensee shall establish, maintain and follow written security procedures which document the structure of the security organization and which detail the duties of guards, watchmen, and other individuals responsible for security.

(4) The licensee shall not permit an individual to act as a guard or watchman unless such individual has been properly trained and equipped and has qualified by demonstrating: (i) An understanding of the licensee's security procedures, and (ii) the ability to execute all duties required of him by such procedures. Each guard and watchman shall be requalified at least annually. Such requalification shall be documented.

(b) *Physical barriers.* (1) The licensee shall locate vital equipment only within a vital area, which, in turn, shall be located within a protected area such that access to vital equipment requires passage through at least two physical barriers. More than one vital area may be within a single protected area.

(2) The licensee shall locate material access areas only within protected areas such that access to the material access area requires passage through at least two physical barriers. More than one material access area may be within a single protected area.

(3) The physical barrier at the perimeter of the protected area shall be separated from any other barrier designated as a physical barrier within the protected area, and the intervening space monitored or periodically checked to detect the presence of persons or vehicles so that the facility security organization can respond to suspicious activity or to the breaching of any physical barrier.

(4) An isolation zone shall be maintained around the physical barrier at the perimeter of the protected area and any part of a building used as part of that physical barrier. The isolation zone shall be monitored to detect the presence of individuals or vehicles within the zone so as to allow response by armed members of the licensee security organization to be initiated at the time of penetration of the protected area. Parking facilities, both for employees and visitors, shall be located outside the isolation zone.

(5) Isolation zones and clear areas between barriers shall be provided with illumination sufficient for the monitoring required by paragraph (b) (3) and (4) of this section, but not less than 0.2 foot candles.

(c) *Access requirements.* The licensee shall control all points of personnel and vehicle access into a protected area, including shipping or receiving areas, and into each vital area. Identification of personnel and vehicles shall be made and authorization shall be checked at such points.

(1) At the point of personnel and vehicle access into a protected area, all individuals, except employees who possess an AEC personnel security clearance, and all hand-carried packages shall be searched for devices such as firearms, explosives, and incendiary devices, or other items which could be used for industrial sabotage. The search shall be conducted either by a physical search or by the use of equipment capable of detecting such devices. Employees who possess an AEC personnel security clearance shall be searched at random intervals. Subsequent to search, drivers of delivery and service vehicles shall be escorted at all times while within the protected area.

(2) All packages being delivered into the protected area shall be checked for proper identification and authorization. Packages other than hand-carried packages shall be searched at random intervals.

(3) A picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort.

(4) Access to vital areas and material access areas shall be limited to individuals who are authorized access to vital equipment or special nuclear material and who require such access to perform their duties. Authorization for such individuals shall be provided by the issuance of specially coded numbered badges indicating vital areas and material access areas to which access is authorized. Unoccupied vital areas and material access areas shall be protected by an active intrusion alarm system.

(5) Individuals not employed by the licensee shall be escorted by a watchman, or other individual designated by the licensee, while in a protected area and shall be badged to indicate that an escort is required. In addition, each individual not employed by the licensee shall be required to register his name, date, time, purpose of visit, employment affiliation, citizenship, name and badge number of the escort, and name of the individual to be visited. Except for a driver of a delivery or service vehicle, an individual not employed by the licensee who requires frequent and extended access to a protected area or a vital area need not be escorted provided such individual is provided with a picture badge, which he must receive upon entrance into the protected area and which he must return each time he leaves the protected area, which indicates (i) nonemployee-no escort required, (ii) areas to which access is authorized, and (iii) the period for which access has been authorized.

(6) No vehicles used primarily for the conveyance of individuals shall be permitted within a protected area except under emergency conditions.

(7) Keys, locks, combinations, and related equipment shall be controlled to minimize the possibility of compromise and promptly changed whenever there is evidence that they have been compromised. Upon termination of employment of any employee, keys, locks, combinations, and related equipment to which that employee had access shall be changed.

(d) *Detection aids.* (1) All alarms required pursuant to this part shall annunciate in a continuously manned central alarm station located within the protected area and in at least one other continuously manned station, not necessarily within the protected area, such that a single act cannot remove the capability of calling for assistance or otherwise responding to an alarm. All alarms shall be self-checking and tamper indicating. The annunication of an alarm at the onsite central alarm station shall indicate the type of alarm (e.g., intrusion alarm, emergency exit alarm, etc.) and location. All intrusion alarms, emergency exit alarms, alarm systems, and line supervisory systems shall at minimum meet the performance and reliability levels indicated by GSA Interim Federal Specification W-A-00450 B (GSA-FSS).

(2) All emergency exits in each protected area and each vital area shall be alarmed.

(e) *Communication requirements.* (1) Each guard or watchman on duty shall be capable of maintaining continuous communication with an individual in a continuously manned central alarm sta-

tion within the protected area, who shall be capable of calling for assistance from other guards and watchmen and from local law enforcement authorities.

(2) The alarm stations required by paragraph (d)(1) of this section shall have conventional telephone service for communication with the law enforcement authorities as described in paragraph (e)(1) of this section.

(3) To provide the capability of continuous communication, two-way radio voice communication shall be established in addition to conventional telephone service between local law enforcement authorities and the facility and shall terminate at the facility in a continuously manned central alarm station within the protected area.

(4) All communications equipment, including offsite equipment, shall remain operable from independent power sources in the event of loss of primary power.

(f) *Testing and maintenance.* Each licensee shall test and maintain intrusion alarms, emergency alarms, communications equipment, physical barriers, and other security related devices or equipment utilized pursuant to this section as follows:

(1) All alarms, communications equipment, physical barriers, and other security related devices or equipment shall be maintained in operable and effective condition.

(2) Each intrusion alarm shall be functionally tested for operability and required performance at the beginning and end of each interval during which it is used for security, but not less frequently than once every seven (7) days.

(3) Communications equipment shall be tested for operability and performance not less frequently than once at the beginning of each security personnel work shift.

(g) *Response requirement.* (1) The licensee shall establish liaison with local law enforcement authorities. In developing his physical security plan, the licensee shall take account of the probable size and response time of the local law enforcement authority assistance.

(2) Upon detection of abnormal presence or activity of persons or vehicles within an isolation zone, a protected area, a material access area or a vital area, or upon evidence of intrusion into a protected area, a material access area or a vital area, the facility security organization shall (i) determine whether or not a threat exists, (ii) assess the extent of the threat, if any, and (iii) take immediate measures to neutralize the threat, either by appropriate action by facility guards or by calling for assistance from local law enforcement authorities, or both.

(h) This section is effective March 6, 1974.

§ 73.60 Additional requirements for the physical protection of special nuclear material at fixed sites.

In addition to the applicable requirements of § 73.50, each licensee who pursuant to the regulations in Part 70 of this chapter possesses at any site or contiguous sites subject to control by the licensee uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium alone or in any combination in a quantity of 5,000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium) shall protect the special nuclear material from theft or diversion as follows:

(a) *Access requirements.* (1) Special nuclear material shall be stored or processed only in a material access area. No activities other than those which require access to special nuclear material or equipment employed in the process, use, or storage of special nuclear material, shall be permitted within a material access area.

(2) Material access areas shall be located only within a protected area to which access is controlled.

(3) Special nuclear material not in process shall be stored in a vault equipped with an intrusion alarm or in a vault-type room, and each such vault or vault-type room shall be controlled as a separate material access area.

(4) Enriched uranium scrap in the form of small pieces, cutings, chips, solutions or in other forms which result from a manufacturing process, contained in 30-gallon or larger containers, with a uranium-235 content of less than 0.25 grams per liter, may be stored within a locked and separately fenced area which is within a larger protected area provided that the storage area is no closer than 25 feet to the perimeter of the protected area. The storage area when unoccupied shall be protected by a guard or watchman who shall patrol at intervals not exceeding 4 hours, or by intrusion alarms.

(5) Admittance to a material access area shall be under the control of authorized individuals and limited to individuals who require such access to perform their duties.

(6) Prior to entry into a material access area, packages shall be searched for devices such as firearms, explosives, incendiary devices, or counterfeit substitute items which could be used for theft or diversion of special nuclear material.

(7) Methods to observe individuals within material access areas to assure that special nuclear material is not diverted shall be provided and used on a continuing basis.

(b) *Exit requirement.* Each individual, package, and vehicle shall be searched for concealed special nuclear material before exiting from a material access area unless exit is into a contiguous material access area. The search may be carried out by a physical search or by use of equipment capable of detecting the presence of concealed special nuclear material.

(c) *Detection aid requirement.* Each unoccupied material access area shall be locked and protected by an intrusion alarm on active status. All emergency exits shall be continuously alarmed.

(d) *Testing and maintenance.* Each licensee shall test and maintain intrusion alarms, physical barriers, and other devices utilized pursuant to the requirements of this section as follows:

(1) Intrusion alarms, physical barriers, and other devices used for material protection shall be maintained in operable condition.

(2) Each intrusion alarm shall be inspected and tested for operability and required functional performance at the beginning and end of each interval during which it is used for material protection, but not less frequently than once every seven (7) days.

(e) This section is effective March 6, 1974.

RECORDS AND REPORTS

§ 73.70 Records.

Each licensee subject to the provisions of §§ 73.30 through 73.36 and/or § 73.50 and/or § 73.60 shall keep the following records:

(a) Names and addresses of all individuals who have been designated as authorized individuals.

(b) Names, addresses, and badge numbers of all individuals authorized to have access to vital equipment or special nuclear material, and the vital areas and material access areas to which authorization is granted.

(c) A register of visitors, vendors, and other individuals not employed by the licensee recorded pursuant to § 73.50(c)(5).

(d) A log indicating name, badge number, time of entry, reason for entry, and time of exit of all individuals granted access to a normally unoccupied vital area.

(e) Documentation of all routine security tours and inspections, and of all tests, inspections, and maintenance performed on physical barriers, intrusion alarms, communications equipment, and other security related equipment used pursuant to the requirements of this part.

(f) A record at each onsite alarm annunciation location of each alarm, false alarm, alarm check, and tamper indication that identifies the type of alarm, location, alarm circuit, date, and time. In addition, details of response by facility guards and watchmen to each alarm, intrusion, or other security incident shall be recorded.

(g) Shipments of special nuclear material subject to the requirements of this part, including names of carriers, major roads to be used, flight numbers in the case of air shipments, dates and expected times of departure and arrival of shipments, names and addresses of the monitor and one alternate monitor at each transfer point, verification of communication equipment on board the transfer vehicle, names of individuals who are to communicate with the transport vehicle, container seal descriptions and identification, and any other information to confirm the means utilized to comply with §§ 73.30 through 73.36. Such information shall be recorded prior to shipment. Information obtained during the course of the shipment such as reports of all communications, change of shipping plan including monitor changes, trace in-

vestigations and others shall also be recorded.

(h) Procedures for controlling access to protected areas and for controlling access to keys for locks used to protect special nuclear material.

§ 73.71 Reports of unaccounted for shipments, suspected theft, unlawful diversion, or industrial sabotage.

(a) Each licensee who, conducts a trace investigation of a lost or unaccounted for shipment pursuant to § 73.36(f) shall immediately report to the Director of the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix A, by telephone, telegram, or teletype, the details and results of his trace investigation and shall file within a period of fifteen (15) days a written report to the Director of the appropriate Regulatory Operations Regional Office with a copy to the Director of Regulatory Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545, setting forth the details and results of the trace investigation.

(b) Each licensee shall report immediately to the Director of the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix A, by telephone, telegram, or teletype, any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of special nuclear material which he is licensed to possess, or to commit an act of industrial sabotage against his plant. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director of the appropriate Regulatory Operations Regional Office, with a copy to the Director of Regulatory Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545, setting forth the details of the incident. Subsequent to the submission of the written report required by this paragraph, a licensee shall immediately inform the Director of the appropriate Regulatory Operations Regional Office by means of a written report of any substantive additional information, which becomes available to the licensee, concerning the incident.

ENFORCEMENT

§ 73.80 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Act or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and upon conviction, may be punished by fine or imprisonment or both, as provided by law.

APPENDIX A

U.S. ATOMIC ENERGY COMMISSION REGULATORY OPERATIONS REGIONAL OFFICES

Region and address	Telephone	
	Daytime	Nights and holidays
Region I, Directorate of Regulatory Operations, USAEC, 631 Park Ave., King of Prussia, Pa. 19406.	215-337-1150	215-337-1150
Region II, Directorate of Regulatory Operations, USAEC, Suite 818, 230 Peachtree St. NW., Atlanta, Ga. 30303.	404-526-4503	404-526-4503
Region III, Directorate of Regulatory Operations, USAEC, 799 Roosevelt Rd., Glen Ellyn, Ill. 60137.	312-858-2660	312-739-7711
Region V, Directorate of Regulatory Operations, USAEC, P.O. Box 1515, Berkeley, Calif. 94701.	415-841-5121 (ext. 651)	415-273-4237

For the purposes of this regulation, the geographical areas assigned to the regional offices are as follows:

REGION I

Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

REGION II

Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, and West Virginia.

REGION III

Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin.

REGION V

Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming.

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

Dated at Bethesda, Md., this 19th day of December 1973.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.73-27095 Filed 12-27-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-1867]

PART 544—CHARTER AND BYLAWS

PART 545—OPERATIONS

Fiscal Year Closing Dates

DECEMBER 19, 1973.

The Federal Home Loan Bank Board, by Resolution No. 72-1414, dated November 30, 1972 (37 FR 26392), amended § 545.20(a) of Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.20(a)) to permit Federal associations to close their books "annually, as of the end of such month or months as may be designated by the association's board of directors". Prior to such amendment, all Federal associations were required to close their books as of December 31. As a result of such amendment, the Board now considers it desirable to make certain conforming amendments to said Part 545 and to Part 544 of such Rules and Regulations (12 CFR Part 544).

The optional bylaw contained in § 544.6(j) (12 CFR 544.6(j)) relating to the annual meeting of members of a Federal association having a Charter N or K (rev.) is amended to provide that such meeting may be held at a date "not earlier than 15 days after the annual closing of the association's books and not later than 3 months and 15 days after such closing of the association's books". Additional conforming revisions are also made to other dates specified in § 544.6 (j).

Paragraph (b) § 545.1-1 (12 CFR 545.1-1(b)) is revised to permit distributions of earnings "as of the last day or the last business day of each calendar month, or as of the last day or the last business day of any calendar month and quarterly thereafter or as of the last day or last business day of any calendar month and 6 months thereafter".

Section 545.1-2(b)(4) (12 CFR 545.1-2(b)(4)) is revised to provide for semiannual payments of interest "as of the last day or last business day of any calendar month and 6 months thereafter at the rate fixed by the board of directors of the association during the month immediately preceding the semiannual period for which such interest is paid". Subparagraph (4) of § 545.1-2(b) continues to permit the payment of interest on savings deposits on a quarterly basis. In such cases, however, interest could now be "paid as of the last day or the last business day of any calendar month and quarterly thereafter".

Section 545.23 (12 CFR 545.23) is revised to require Federal associations to send to members or publish statements of condition "within the month immediately after that in which a Federal association has the annual closing of its books".

Accordingly, the Federal Home Loan Bank Board hereby amends said Parts 544 and 545 of the Rules and Regulations for the Federal Savings and Loan System by revising §§ 544.6(j), 545.1-1(b), 545.1-2(b)(4) and 545.23 to read as set forth below, effective December 28, 1973.

Since the above amendments relieve restrictions, the Board hereby finds that notice and public procedure with respect to said amendments is unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553 (d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the

same reason; and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

1. The text of § 545.6(j), as revised, is as follows:

§ 544.6 Amendment to bylaws.

* * * * *

(j) *Annual meeting of members.* Substitute the following for section 1 of the bylaws prescribed in § 544.5:

(1) *Annual meetings of members.* The annual meeting of the members of the association for the election of directors and for the transaction of any other business of the association shall be held at its home office at 2 o'clock in the afternoon on _____ (insert a date not earlier than 15 days after the annual closing of the association's books and not later than 3 months and 15 days after such closing of the association's books) of each year, if not a Sunday or legal holiday, or, if a Sunday or a legal holiday, then on the next succeeding day not a Sunday or a legal holiday. The annual meeting may be held at such other time on such day or at such other place in the same community as the board of directors may determine. At each annual meeting, the officers shall make a full report of the financial condition of the association and of its progress for the preceding year, and shall outline a program for the succeeding year. Annual meetings of the members shall be conducted in accordance with Roberts' Rules of Order. In lieu of the date specified in the first sentence of this subparagraph, such annual meeting in any year may be held on another date which is not a Sunday or a legal holiday and which is not earlier than 15 days after the annual closing of the association's books and not later than 3 months and 15 days after such closing of the association's books, if the following requirements are met:

(i) The board of directors determines the date by resolution adopted at least 2 months before the annual closing of the books for the year preceding the year in which the annual meeting is to be held; and

(ii) Notice of said date is continuously posted in a conspicuous place in each of the offices of the association during the 50 days immediately preceding the date so determined.

2. The text of § 545.1-1(b), as revised, is as follows:

§ 545.1-1 Distribution of earnings on bases, terms, and conditions other than those provided by charter.

* * * * *

(b) *Monthly, quarterly or semiannually.* A Federal association which has a charter in the form of Charter N or Charter K (rev.) may, by resolution of its board of directors so providing and while such resolution remains in effect, distribute earnings on savings accounts, or designated classes thereof, as of the last day or the last business day of each calendar month, or as of the last day or the last business day of any calendar month and quarterly thereafter, or as of the last day or last business day of any calendar month and 6 months thereafter. No distribution of earnings may be made pursuant to the authority contained in this paragraph until provision has been made for the payment of expenses and for the pro rata portion of credits to reserves required by the association's charter and by Part 563 of this chapter.

* * * * *

3. The text of § 545.1-2(b)(4), as revised, is as follows:

§ 545.1-2 Savings deposits.

* * * * *

(b) *Savings deposits.* * * *

(4) *Payment of interest.* Except as otherwise provided in this subparagraph, interest on savings deposits authorized by this section shall be paid semiannually as of the last day or last business day of any calendar month and 6 months thereafter at the rate fixed by the board of directors of the association during the month immediately preceding the semiannual period for which such interest is paid. If the board of directors adopts a resolution providing for the payment of interest on savings deposits, or designated classes thereof, on a quarterly basis, interest on such deposits shall also be paid as of the last day or the last business day of any calendar month and quarterly thereafter at the rate fixed by such board during the month immediately preceding the quarterly period for which such interest is paid. The board of directors may also provide for the payment of interest on savings deposits authorized by this section (i) on the same dates, or with the same frequency, as is provided for the distribution of earnings on savings accounts under § 545.3-1, and (ii) on the same bases, terms, and conditions as are provided for the distribution of earnings on savings accounts under § 545.1-1.

* * * * *

4. The text of § 545.23, as revised, is as follows:

§ 545.23 Statement of condition.

Within the month immediately after the annual closing of a Federal association's books, such Federal association shall either mail to each of its members, at his last address appearing on the association's books, or publish in a newspaper printed in the English language and of general circulation in the county in which the association's home office is located, a statement of condition of the association as of such closing of its books, in form prescribed by the Board. (The Board has prescribed a form of "Statement of Conditions", an illustrative copy of which may be obtained from any Federal Home Loan Bank or from the Federal Home Loan Bank Board, Washington, D.C.) Within five days after each such statement of condition has been so mailed or published, a certification to such effect, signed by an executive officer of such Federal association, together with a copy of the statement of condition, shall be transmitted by the association to the Federal Home Loan Bank of which the association is a member.

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

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-27206 Filed 12-27-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 10228; Special Federal Aviation Reg. No. 27]

PART 11—GENERAL RULEMAKING PROCEDURES

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

PART 91—GENERAL OPERATING AND FLIGHT RULES

Compliance With Aircraft Emission Standards Issued by Environmental Protection Agency

The purpose of this Special Federal Aviation Regulation (SFAR) is to ensure compliance with aircraft and emission standards issued by the Environmental Protection Agency (EPA). Initially, this SFAR covers fuel venting and smoke number requirements issued by that agency in 40 CFR Part 87 and that originally applied beginning on January 1, 1974 but that have recently been extended to February 1, 1974 by EPA. The basis for this SFAR is section 232 of the Clean Air Act, as amended.

This action is based on a notice of proposed rulemaking (Notice No. 73-29) issued on October 31, 1973 and published in the FEDERAL REGISTER (38 FR 30277) on November 2, 1973. Interested persons have been afforded an opportunity to participate in the making of this regulation and due consideration has been given to all relevant matter presented.

I. *Background prior to Notice 73-29.* As stated in Notice 73-29, the FAA has been concerned with the regulatory aspects of aircraft emissions since issuance of an Advance Notice of Proposed Rule Making, entitled "Aircraft Engine Emissions" (Notice 70-15) which was published in the FEDERAL REGISTER (35 FR 5264) on March 28, 1970. Public comment was received on the development of potential regulatory policies with respect to emissions from civil aircraft. On December 31, 1970, the Clean Air Act was amended (Pub. L. 91-604), giving EPA responsibility for issuing emission standards applicable to emissions of air pollutants from aircraft or aircraft engines which, in the judgment of EPA, cause or contribute to or are likely to cause or contribute to air pollution which endangers the public health or welfare (section 231 of the Clean Air Act, as amended). The Clean Air Amendments of 1970 also added section 232 to the Clean Air Act. Section 232 provides that The Secretary of Transportation, after consultation with EPA, "shall prescribe regulations to

insure compliance with all standards prescribed under section 231 by the Administrator (of EPA). The regulations of The Secretary of Transportation shall include provisions making such standards applicable in the issuance, amendment, modification, suspension, or revocation of any certificate authorized by the Federal Aviation Act or the Department of Transportation Act." On May 12, 1971 (36 FR 8733), the functions vested in The Secretary of Transportation by Part B of Title II of the Clean Air Act, as amended (including section 232) were delegated by The Secretary to the Administrator of the FAA.

Pursuant to section 231 of the Clean Air Act, EPA on December 12, 1972 issued a Notice of Proposed Rule Making containing proposed Part 87 (37 FR 26488). The air transportation industry was afforded opportunity to comment on the substance and timing of the standards in EPA Part 87 that were proposed in that Notice. In addition, as prescribed in section 231 of the Act, EPA held hearings, concerning the proposed aircraft emission standards, in Boston, Massachusetts, on January 29, 1973, and in Los Angeles, California, on February 6, 1973. As EPA pointed out in the preamble to EPA Part 87, testimony was presented at the hearings by twenty-two representatives of domestic and foreign manufacturers and operators of aircraft and aircraft engines, and by other interested parties. Other comments in response to Proposed Part 87 were submitted to EPA, following the hearings, from thirty-one organizations.

In order to ensure that all persons who attended EPA's hearings, or who were otherwise interested, would know the probable effect of EPA's proposed Part 87 on the regulatory actions of the FAA, the FAA provided, at the EPA hearings in January and February, 1973, a comprehensive "Tentative FAA Regulatory Draft re: Environmental Protection Agency Proposed Aircraft Emission Standards." Public availability of this document was announced by FAA in the FEDERAL REGISTER on January 19, 1973 (38 FR 1949). Advance notice that the FAA would, if possible, make this document available had also been published in the FEDERAL REGISTER on December 12, 1972, as part of FAA's Notice of Participation in the EPA hearings (37 FR 26458). As stated in the Notice of Availability, the draft distributed at the hearings contained "detailed regulatory language that represents the kinds of FAA rule making that, under section 232 of the Clean Air Act, as amended, would have to follow the final issuance of EPA Part 87 if that part is adopted as proposed" and was made available so that "public commentators will have full knowledge of both the EPA and the probable FAA proposals prior to the hearings." The draft itself also stated that "careful review of this draft and of its relation to EPA's proposed Part 87 * * * is essential to a fully informed and constructive response, by the regulated aviation public, at the forthcoming hearings."

Following this joint effort between EPA and FAA, EPA, on July 6, 1973, issued Part 87 (40 CFR Part 87) entitled "Control of Air Pollution from Aircraft and Aircraft Engines" (published in the FEDERAL REGISTER, 38 FR 19088, on July 17, 1973). That part includes fuel venting requirements that apply to all turbofan and turbojet engines with 8,000 pounds thrust or more, and smoke number requirements for JT8D engines, which originally applied beginning on January 1, 1974. On December 19, 1973, EPA issued an amendment to Part 87 that extended the effective date of the initial fuel venting and smoke requirements to February 1, 1974 and provided a regulatory basis for the issuance of temporary exemptions on or after that date (see "Temporary Exemptions From Aircraft Emission Standards (Fuel Venting and Smoke)"), which, as of this date, is expected to be published shortly in the FEDERAL REGISTER. That amendment provides that exemptions issued by EPA will be published in the FEDERAL REGISTER. This SFAR is issued to ensure compliance with the EPA standards that become effective on Februray 1, 1974 consistent with the terms of any exemptions issued by EPA.

II. *Notice 73–29.* As stated above, Notice 73–29, entitled "Initial Compliance with Aircraft Emission Standards Issued by EPA (Smoke and Fuel Venting Emissions)" was issued by FAA on October 31, 1973. That Notice proposed regulations that would prohibit as of January 1, 1974 (the original compliance date in EPA Part 87) the certification or airworthiness approval, return to service after maintenance, and operation of airplanes (and aircraft engines) that do not comply with the fuel venting and smoke number requirments of EPA Part 87 that apply beginning on January 1, 1974. In order to reflect the statutory division of responsibility between EPA (under section 231 of the Clean Air Act, as amended) and FAA (under section 232 of that Act), the Notice did not solicit comments concerning the substance or effective date of the already final requirements of EPA Part 87, but only invited comments concerning the aspects of the proposed rules that involve FAA's use of its authority to ensure compliance with EPA Part 87. Comments concerning matters within EPA's regulatory discretion and authority were referred to that Agency. Notice 73–29 also contained procedural provisions needed to reflect the respective regulatory roles of EPA and FAA, and to reflect the preemptive effect of § 233 of the Clean Air Act, as amended (42 U.S.C. 1857 f–11) which provides that no State or political subdivision thereof may adopt or attempt to enforce any standard respecting emissions of any air pollutant from any aircraft or engine unless such standard is "identical to a standard applicable to such aircraft under this part" (Part B of Title II of the Act).

III. *Comments in response to Notice 73–29.* Numerous information copies of comments were reviewed addressing either the substance or the timing of the provisions of EPA Part 87 that were incorporated by reference in Notice 73–29. As stated above, the Notice referred such comments to EPA for consideration. As also discussed above, EPA, in response to comments concerning the provisions of EPA Part 87 that originally were to become effective on January 1, 1974, has, in addition to changing the effective date to February 1, 1974, amended Part 87 to allow for the issuance of exemptions, by EPA, to individual applicants who demonstrate that such exemptions are justified in the public interest. In this connection, Section 3(b) of this SFAR provides that, if EPA takes action to issue an exemption (or other relaxation), "the new, relaxed EPA procedure or requirement, upon its effective date, is incorporated by reference in this SFAR and supersedes the provisions of this SFAR that are based on the provisions of EPA Part 87 that were relaxed by such action." This will ensure that this SFAR is implemented in a manner that is consistent with any exemptions that may be issued by EPA.

In addition to comments received concerning EPA Part 87, the following comments were received with respect to the aspects of Notice 73–29 that involve FAA's responsibility to ensure compliance with EPA's requirements:

1. It was requested that FAA postpone its requirement with respect to return to service after maintenance, rebuilding, or alteration. It was argued that much refinement of this proposed regulation is needed in order to be able to prescribe, with adequate precision, the actions that maintenance personnel must take in order to ensure that the requirements of EPA Part 87 are not violated by the performance of maintenance, rebuilding, or alteration of aircraft or aircraft engines. The overall problem of continuing compliance is being studied by FAA, in close consultation with EPA, to determine the most effective means of providing regulatory tools for ensuring that aircraft maintenance, rebuilding, and alteration personnel understand and, in a normal maintenance environment, can deal with test procedures and technologies associated with continuing compliance with clean air requirements. Pending development of further regulations concerning emission inspection of in-service aircraft, the provisions of proposed § 23 requiring a demonstration of compliance with EPA Part 87 prior to approval for return to service are accordingly deleted from this SFAR. As further discussed below, compliance with applicable maintenance requirements will be accepted by the FAA as demonstrating compliance with the smoke emissions requirements of EPA Part 87 for in-use engines until testing requirements for those engines are prescribed by FAA.

2. It was requested that the applicability of the SFAR to foreign aircraft be clarified. Specifically, concern was expressed with respect to the reference, in section 1(b) of the proposed SFAR, to "foreign airworthiness certificates that are equivalent to U.S. standard airworthiness certificates." The quoted lan-

guage originates in the definition of "aircraft" in § 87.1 of EPA Part 87 (i.e. " 'aircraft' means any airplane for which a U.S. standard airworthiness certificate or equivalent foreign airworthiness certificate is issued"). The FAA believes that a straight forward application of the term "equivalent" simply requires that the SFAR be applied to foreign airplanes that would be covered if they were registered in the United States. Any other policy would involve a high probability of inadvertent discriminatory application of the SFAR (either against U.S. registered airplanes or against foreign registered airplanes). FAA thus believes that the EPA definition of "aircraft" is clear, and is simply intended to ensure that U.S. registered and foreign registered aircraft are treated equally. Any questions concerning the applicability of the SFAR to a foreign aircraft will be resolved by determining whether the aircraft, if it were certificated in the U.S., would be required by the Federal Aviation Regulations to have a U.S. standard airworthiness certificate in order to conduct the kinds of operations that are to be conducted by the foreign registered aircraft in the U.S. This clarifying language has been added to § 1(b) of the SFAR.

3. Concern was expressed that application of the terms of EPA Part 87 to certain airplanes might reduce safety. The FAA will ensure, and this SFAR requires (see section 11), that no type design or hardware modifications needed to comply with EPA Part 87 will be approved unless full compliance with applicable airworthiness standards is shown. Further, if FAA determines that compliance with any provision of EPA Part 87 may compromise safety, EPA will be notified to revise Part 87 under § 87.6 of that part.

4. A question was raised as to whether the fuel venting emissions provisions of the SFAR could be complied with through means of compliance applied to the airframe, or whether all means of compliance must be restricted to the engine. As stated in the preamble to Notice 73-29, EPA has advised FAA, with respect to the intent of § 87.11 (and the definition of "fuel venting emissions" in § 87.1(26)), that § 87.11 was intended to control only the intentional discharge of fuel from fuel nozzle manifolds after the engines are shut down. Any means shown to prevent such discharge will be accepted, whether such means is applied to the airframe or to the engine(s). As also stated in the Notice, such means of compliance include (1) incorporation of an FAA approved system that recirculates the drained fuel back into the fuel system, (2) capping or otherwise securing the pressurization and drain (dump) valve, or (3) manually draining the fuel from a holding tank into an appropriate container. Comments requested that these means of compliance be specified in the SFAR itself rather that the preamble. This comment has merit and has been adopted (see section 14(a)). It should be noted that the list of acceptable means of compliance is not exhaustive and that any other means demonstrated to prevent the intentional discharge of fuel from fuel nozzle manifolds, after engine shutdown, will be accepted as complying with the provisions of § 87.11 of EPA Part 87 that are incorporated in this SFAR.

5. One comment expressed concern that EPA's definition of "fuel venting emissions" might be interpreted as prohibiting more than the intentional discharge of fuel from fuel nozzles after engine shutdown. Responsibility for interpreting the terms of EPA Part 87 rests with EPA. EPA's interpretation of the intent of § 87.11 contained in a letter from EPA to FAA, dated October 31, 1973 (which has been placed in the rules docket) interprets § 87.11 as applying only to the intentional discharge of fuel, from fuel nozzles, after engine shutdown. Section 3(d) of the SFAR provides that all interpretations of EPA Part 87 that are rendered by EPA also apply to the SFAR. In addition, the intent of this EPA interpretation is restated in § 14(a) of the SFAR.

6. Concern was expressed that installation of the Pratt and Whitney smokeless combustor on Class T-4 (JT8D) engines might not be in compliance with the applicable smoke number provisions of EPA Part 87. The issues are (1) whether or not the smoke measurement systems used to test JT8D engines equipped with the Pratt & Whitney smokeless combustor are approved by EPA under § 87.80 which provides that, in addition to the applicable smoke measurement testing procedures specified in Part 87, "other smoke measurement systems may be used if shown to yield equivalent results and if approved in advance by the Administrator" (or EPA), and (2) whether a smoke number of 30 or less was achieved under the approved equivalent smoke measurement system. EPA advised that both conditions have been met. Thus, by letter dated December 7, 1973, EPA has advised the FAA that, having reviewed tests conducted by Pratt and Whitney in 1971 and 1973 on JT8D engines incorporating reduced smoke combustors, "EPA has determined, under Subpart H, § 87.80 of EPA Part 87, that the smoke measurement systems used in these tests yield results equivalent to the results which would have been obtained under full compliance with Subpart H, § 87.80 of Part 87. The smoke numbers obtained in these tests fell below 30 and are considered to comply with the provisions of Subpart C of Part 87, which apply to new engines of Class T-4 beginning January 1, 1974." With respect to in-use engines (i.e., the many JT8D engines in service that are already equipped with the Pratt and Whitney reduced smoke combustor, and new engines with that combustor that will be introduced into service and become "in-use" engines), EPA stated, in the same letter, that EPA realizes that "Pratt and Whitney has encountered difficulty in establishing the design of a multipoint smoke sampling probe fully matching the specifications laid out in Part 87, and suitable for routine smoke testing on in-use engines. In view of this (EPA) will consider compliance with Subpart D, § 87.31 (a) and (e), to have been initially demonstrated by maintenance records or other evidence showing that the reduced smoke combustors * * * have been installed. Following the development of an acceptable multipoint smoke sampling rake suitable for routine testing with (Class T-4 engines), compliance will be expected to be demonstrated by testing random samples of engines in airline service at normal overhaul periods." In view of these technical determinations by EPA, the FAA will ensure compliance with February 1, 1974, smoke number requirements of EPA Part 87 applicable to JT8D engines as follows: For "new" engines (which are defined in § 87.1(6) as engines that have never been in service), operators of airplanes equipped with those engines are required to ensure that such engines are equipped with the Pratt and Whitney reduced smoke combustor before they are placed into service (and thus become "in-use" engines). New engines equipped with that combustor will be regarded as complying with the applicable smoke number requirements of § 87.21 of EPA Part 87. With respect to "in-use" engines (which are defined in § 87.1(8) as engines that are in service), each such engine having a Pratt and Whitney reduced smoke combustor, and for which applicable maintenance requirements are complied with, will be accepted as being in compliance with the smoke number requirements of § 87.31 (a) and (e) until a multipoint smoke sampling rake suitable for routine testing is readily available and the FAA has issued regulations for testing random samples of engines at normal overhaul periods.

In other respects, this Special Federal Aviation Regulation is issued for the reasons specified in Notice 73-29.

The Pratt and Whitney Engineering Change and Service Bulletins describing complying reduced smoke burners are incorporated by reference in section 14(b) of this SFAR. These documents (P&W Engineering Change No. 197707 and Service Bulletins 2417 and 2531) are available for examination by interested persons in the FAA Rules Docket, AGC-24, Room 915, 800 Independence Avenue, S.W., Washington D.C. 20591. In addition, copies may be obtained in person by writing the Director, Office of Environmental Quality, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591. This will ensure that the incorporated materials are readily available to interested persons. This incorporation by reference is intended and completed by inclusion of these documents in this SFAR, and was approved by the Director of the Federal Register pursuant to 1 CFR Part 51, on December 19, 1973. It should be restated, however, that the incorporated documents merely describe acceptable means of compliance with the applicable smoke

emissions requirements of this SFAR. Other means of compliance may be accepted by the FAA.

(Secs. 232 and 233 of the Clean Air Act, as amended December 31, 1970, Pub. L. 91-604, sec. 11(a)(1), 84 Stat. 1704 (42 U.S.C. 1857 f-10, f-11), as delegated 36 FR 8733; 40 CFR Part 87 (38 FR 19088); secs. 307(c), 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421, and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, the following new Special Federal Aviation Regulation No. 27 is adde, effective February 1, 1974, to Title 14 of the Code of Federal Regulations:

SPECIAL FEDERAL AVIATION REGULATION NO. 27—FUEL VENTING AND EXHAUST EMISSION REQUIREMENTS FOR TURBINE ENGINE POWERED AIRPLANES, EFFECTIVE FEBRUARY 1, 1974

Section 1 *Applicability*—(a) *U.S. airplanes.* This Special Federal Aviation Regulation (SFAR) applies to civil airplanes that are powered by aircraft gas turbine engines of the classes specified herein and that have U.S. Standard Airworthiness Certificates.

(b) *Foreign airplanes.* Pursuant to the definition of "aircraft" in 40 CFR 87.1(3), this SFAR applies to civil airplanes that are powered by aircraft gas turbine engines of the classes specified herein and that have foreign airworthiness certificates that are equivalent to U.S. Standard Airworthiness Certificates. This includes only those foreign civil airplanes that, if registered in the United States, would be required by applicable Federal Aviation Regulations to have a U.S. standard airworthiness certificate in order to conduct the operations intended for the airplane.

Pursuant to 40 CFR 87.3(c), this SFAR does not apply where inconsistent with an obligation assumed by the United States to a foreign country in a treaty, convention, or agreement.

Sec. 3 *Relation to 40 CFR Part 87.* (a) Reference in this regulation to 40 CFR Part 87 refer to Title 40 of the Code of Federal Regulations, Chapter I—Environmental Protection Agency, Part 87, Control of Air Pollution from Aircraft and Aircraft Engines (40 CFR Part 87), issued on July 6, 1973, and published in the FEDERAL REGISTER (38 FR 19088) on July 17, 1973.

(b) This SFAR contains regulations to ensure compliance with certain standards in Environmental Protection Agency (EPA), 40 CFR Part 87. If EPA takes any action, including the issuance of an exemption or issuance of a revised or alternate procedure, test method, or other regulation, the effect of which is to relax, or delay the effective date of, any provision of 40 CFR Part 87 that is made applicable to an aircraft under this SFAR, the new, relaxed EPA requirement, upon its effective date, is incorporated by reference in this SFAR and supersedes the provisions of this SFAR that are based on the provisions of 40 CFR Part 87 that were relaxed by such action.

(c) Unless otherwise stated, all terminology and abbreviations in this SFAR that are defined in 40 CFR Part 87 have the meaning specified in that part, and all terms in 40 CFR Part 87 that are not defined in that Part but that are used in this SFAR have the meaning given them in the Clean Air Act, as amended by Public Law 91-604.

(d) All interpretations of 40 CFR Part 87 that are rendered by EPA also apply to this SFAR.

Sec. 5 *Additional EPA approvals and procedures.* (a) If EPA, under 40 CFR 87.3(a), approves or accepts any testing and sampling procedures or methods, analytical techniques, and related equipment not identical to those specified in EPA Part 87, this SFAR requires a showing that such alternate, equivalent, or otherwise nonidentical procedures have been complied with, and that such alternate equipment was used to show compliance, unless the applicant elects to comply fully with 40 CFR Part 87.

(b) If EPA, under 40 CFR 87.5, prescribes special test procedures for any aircraft or aircraft engine that is not susceptible to satisfactory testing by the procedures in 40 CFR Part 87, this SFAR requires a showing that those special test procedures have been complied with.

(c) Wherever 40 CFR Part 87 requires agreement, acceptance, or approval by the Administrator of EPA, this SFAR requires a showing that such agreement or approval has been obtained.

Sec. 7. *Relation to State and local regulations.* (a) Pursuant to 42 U.S.C. 1857 f-11, no state or political subdivision thereof may adopt or attempt to enforce any standard respecting emissions of any air pollutant from any aircraft or engine thereof unless that standard is identical to a standard made applicable to the aircraft by the terms of this SFAR.

(b) If EPA, by regulation or exemption, relaxes a provision of 40 CFR Part 87 that is implemented in this SFAR, no state or political subdivision thereof may adopt or attempt to enforce the terms of this SFAR that are superseded by the relaxed requirement.

(c) Consistent with § 87.6 of 40 CFR Part 87, if the FAA Administrator determines that any emission control regulation cannot be safely applied to an aircraft, that provision may not be adopted or enforced, against that aircraft, by a state or political subdivision thereof, even if it is in this SFAR.

(d) If any provision of this SFAR is rendered inapplicable to a foreign aircraft as provided in 40 CFR 87.3(c), and section 1(b) of this SFAR, that provision may not be adopted or enforced against that foreign aircraft by a state or political subdivision thereof.

Sec. 9. *Petitions for rulemaking or exemption.* (a) Notwithstanding Part 11 of the Federal Aviation Regulations (14 CFR Part 11), all petitions for rulemaking or exemption involving either the substance of an emission standard or test procedure prescribed by EPA that is incorporated in this SFAR, or the compliance date for such standard or procedure, must be submitted to EPA. Information copies of such petitions are invited by the FAA.

(b) Petitions for rule making or exemption involving provisions of this SFAR that do not affect the substance or the compliance date of an emission standard or test procedure that is prescribed by EPA are subject to Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Sec. 11 *Compliance with airworthiness regulations.* It must be shown that the airplane meets the airworthiness regulations constituting the type certification basis of the airplane under all conditions in which compliance with this SFAR is shown.

Sec. 13 *Engine classes and test configuration.* (a) Consistent with section 3(c) of this SFAR, the following definitions in 40 CFR 87.1 apply:

(1) "Aircraft engine" means a propulsion engine which is installed in or which is manufactured for installation in an aircraft.

(2) "Class T2" means turbofan or turbojet aircraft engines except engines of Class T3, T4, and T5 of rated power of 8,000 pounds thrust or greater.

(3) "Class T3" means aircraft gas turbine engines of the JT3D model family.

(4) "Class T4" means aircraft gas turbine engines of the JT8D model family.

(5) "Class T5" means aircraft gas turbine engines for propulsion of aircraft designed to operate at supersonic speeds.

(b) As prescribed in 40 CFR 87.4, the complete engine as configured for final acceptance testing, including all accessories that might reasonably be expected to influence emissions to the atmosphere excluding auxiliary gearbox-mounted components required to drive aircraft systems and service air bleed, must be functional for all testing under this SFAR.

Sec. 14 *Acceptable means of compliance.* (a) Compliance with the fuel venting emissions requirements of this SFAR that apply beginning on February 1, 1974 may be shown by any means of compliance, applied to the airframe or the engine, that prevents the intentional discharge of fuel from fuel nozzle manifolds after the engines are shut down. Acceptable means of compliance include the following:

(1) Incorporation of an FAA approved system that recirculates the fuel back into the fuel system.

(2) Capping or securing the pressurization and drain valve.

(3) Manually draining the fuel from a holding tank into a container.

(b) Compliance with the exhaust emissions requirements of this SFAR that apply to Class T-4 engines beginning on February 1, 1974 is shown if the engine is either a JT8D-11 or JT8D-15 engine or if the engine is a JT8D-1, JT8D-7, or JT8D-9 engine that was modified in accordance with Pratt and Whitney Engineering Change No. 197707 or incorporates burners installed in accordance with Pratt and Whitney Service Bulletin 2417 or burners modified in accordance with Pratt and Whitney Service Bulletin 2531. These Pratt and Whitney documents are incorporated herein.

(c) Continued compliance with the exhaust emissions requirements of this SFAR that apply beginning on February 1, 1974 is shown if the engine is maintained in accordance with applicable maintenance requirements.

Sec. 15 *Type certificates.* Notwithstanding Part 21 of the Federal Aviation Regulations, and irrespective of date of application, no type certificate is issued on and after February 1, 1974, for an aircraft gas turbine engine of Class T2, Class T3, Class T4, or Class T5, or for an airplane powered by such an engine, unless the engine complies with:

(a) The fuel venting requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974, and

(b) For Class T4, the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974.

Sec. 17 *Supplemental or amended type certificates.* Notwithstanding Part 21 of the Federal Aviation Regulations (14 CFR Part 21), and irrespective of date of application, no supplemental or amended type certificate is issued on and after February 1, 1974, if that certificate involves type design changes that may affect the fuel venting or exhaust emissions characteristics of an aircraft gas turbine engine, unless the engine complies with—

(a) For engines of Class T2, Class T3, Class T4, or Class T5, or for airplanes powered with those engines, the fuel venting requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974; and

(b) for engines of Class T4, the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974.

Sec. 19 *Airworthiness approval tags.* Notwithstanding Part 21 of the Federal Aviation Regulations (14 CFR Part 21), no airworthiness approval tag (FAA Form 186) is issued on and after February 1, 1974, for a new aircraft gas turbine engine of Class T2, Class

T3, Class T4, or Class T5, unless the engine complies with—

(a) the fuel venting requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974; and

(b) for Class T4, the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974.

Sec. 21 *Standard airworthiness certificates.* Notwithstanding Part 21 of the Federal Aviation Regulations (14 CFR Part 21), and irrespective of the date of application, no standard airworthiness certificate is issued on or after February 1, 1974, for an airplane powered by an aircraft gas turbine engine of Class T2, Class T3, Class T4, or Class T5, unless each such engine complies with—

(a) The fuel venting requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974; and

(b) for Class T4, the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974.

Sec. 25 *Operation.* (a) On and after February 1, 1974, and except as provided in paragraph (b) of this section, no person may, within the United States, operate an airplane powered by an aircraft engine of Class T2, Class T3, Class T4, or Class T5, unless each engine complies with—

(1) The fuel venting requirements and related procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974; and

(2) For Class T4, the exhaust emissions requirements and related test procedures of 40 CFR Part 87 that apply to the engine beginning February 1, 1974.

(b) This section does not apply to—

(1) Operations conducted during certification for the purpose of complying with an applicable airworthiness requirement;

(2) Operations conducted for the purpose of complying with an applicable maintenance requirement; or

(3) Operations to a place at which the compliances specified in subparagraphs (1) and (2) of this paragraph are to be accomplished.

Issued in Washington, D.C., on December 26, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

Pursuant to 1 CFR Part 51, I hereby approve the incorporation by reference, into SFAR 27, of Pratt and Whitney Engineering Change 197707 and Service Bulletins 2417 and 2531.

Dated: December 19, 1973.

FRED J. EMERY,
Director,
Office of the Federal Register.

[FR Doc.73-27290 Filed 12-27-73;8:45 am]

[Docket No. 10492; Amdt. SFAR 26-5]

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

Approval of Import Aircraft Engines, Propellers, Materials, Parts, and Appliances; Continuation

The purpose of this amendment is to continue in effect the provisions of currently effective Special Federal Aviation Regulation No. 26 (SFAR-26), as amended by Amendments SFAR 26-1, 26-2, 26-3, and 26-4, until July 1, 1974.

SFAR 26 provides for approvals on a selective basis, of aircraft engines, propellers, materials, parts, and appliances manufactured in a foreign country with which the United States has an agreement for the acceptance of powered aircraft for export and import. SFAR 26 was adopted to provide these approvals on an interim basis pending appropriate amendments to those bilateral agreements where such amendments are in the mutual interest of the United States and the foreign country involved. The originally established termination date of March 1, 1972, for SFAR-26 was extended by Amendment SFAR 26-1 to September 1, 1972, by Amendment SFAR 26-2 to January 1, 1973, by Amendment SFAR 26-3 to July 1, 1973, and further extended by Amendment SFAR 26-4 to January 1, 1974.

At the present time the United States has entered into new bilateral agreements with the United Kingdom, Sweden, Belgium, and France and the United States is continuing to negotiate amendments to the bilateral agreements which exist with a number of other foreign countries. However, the FAA is advised that the continuing negotiations will not be concluded by the January 1, 1974, termination date of SFAR 26. The reasons which justified the adoption of SFAR 26 still exist, and, in view of the pending negotiations, the FAA believes that it is in the public interest to extend the termination date of SFAR 26 from January 1, 1974, to July 1, 1974.

Since this amendment continues in effect the provisions of a currently effective Special Federal Aviation Regulation and imposes no additional burden on any person, I find that notice and public procedure hereon are unnecessary and it may be made effective in less than 30 days.

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)).

In consideration of the foregoing, effective January 1, 1974, the last paragraph of Special Federal Aviation Regulation No. 26, published in the FEDERAL REGISTER (35 FR 12748) on August 12, 1970, as amended by Amendments SFAR 26-1, SFAR 26-2, SFAR 26-3, and SFAR 26-4 published in the FEDERAL REGISTER (37 FR 4325, 37 FR 16789, 37 FR 28276, and 38 FR 17491) on March 2, 1972, August 19, 1972, December 22, 1972, and July 2, 1973, respectively, is further amended by striking out the words "Janary 1, 1974" and inserting the words "July 1, 1974," in place thereof.

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

JAMES E. DOW,
Acting Administrator.

[FR Doc.73-27256 Filed 12-27-73;8:45 am]

[Docket No. 10955; Amdt. Nos. 43-18; 91-119]

PART 43—MAINTENANCE, PREVENTIVE MAINTENANCE, REBUILDING AND ALTERATION

PART 91—AIR TRAFFIC AND GENERAL OPERATING RULES

ATC Transponder Tests and Inspections

The purpose of these amendments is to modify the test and inspection requirements of § 91.177 and Appendix F of Part 43 of the Federal Aviation Regulations.

These amendments are based upon amendments 43-17 and 91-107, published in the FEDERAL REGISTER on December 27, 1972 (37 FR 28495). The regulations concerning test and inspection requirements for transponders were adopted as additions to the amendments establishing standards for Airborne ATC Transponder Equipment arising from a Notice of Proposed Rule Making (Notice 71-10) issued on March 22, 1971, and published in the FEDERAL REGISTER on March 30, 1971 (36 FR 5853). Since the test and inspection regulations were adopted without prior notice, comments were solicited until March 27, 1973, to determine the need for further amendments to the regulations. Numerous comments have been received in response to this request and except for those indicating agreement with the present regulations, the disposition of the comments is discussed hereinafter.

Many of the commentators expressed the opinion that yearly tests and inspections are unnecessary because they believe that Air Traffic Control (ATC) is continuously providing inspection for their transponders during the normal interrogation and reply. They believed that the radar controller can determine and communicate to the pilot when a transponder needs calibration so that if no objection or comment is received from the controller the pilot can assume the transponder is functioning satisfactorily.

The FAA does not agree with the contention that the ATC can determine the calibration or proper functioning of a transponder. In the past, when air traffic control procedures were performed manually and during periods of low air traffic density, it was possible for air traffic controllers to assist in performing checks on transponder performance. Today, however, the automatic system utilizes computer equipment which either accepts or rejects transponder replies without any communication with the pilot. Thus, to ensure proper operation of transponders, it has become necessary to require independent checks of transponder signals.

Not only may the controller be unaware that a particular transponder is not performing within specification, since the signal may be rejected by the ARTS computer as being invalid, but, if the transponder operation has improper side lobe suppression it may generate extraneous replies which garble other transponder signals and prevent the computer from presenting to the controller valid data from properly operating transponders. Subtle degradation in transponder performance and certain other transponder malfunctions are not de-

tectable by controllers under even the most favorable circumstances.

Many respondents also objected to the yearly tests as being counter-productive. They believed that the technical complexity of the tests would require removal and reinstallation of the transponder with the possibility that the transponder could be damaged. Several commentators also questioned the reliability of some repair stations. It was further pointed out by many commentators that the relationship between the current number of installed transponders (more than 60,000) to the number of repair stations presently able to perform transponder maintenance (523) would create a situation which would prevent an orderly schedule for the required inspections and tests. One commentator pointed out that, if the specific deviations shown in the 504 transponders tested by Lincoln Laboratory and reported in FAA Report No. FAA RD-72-30 are representative of the transponders presently in use, then over 60,000 deviations from specifications would be encountered in the first annual test. Several of the commentators suggested that, to avoid the anticipated overload on the repair facilities, the inspectations and tests be conducted every two years instead of every year.

Based on these comments and on further review, the FAA has determined that the compliance date in § 91.177 should be extended from January 1, 1974, to January 1, 1976. This will provide lead time for new repair stations to obtain the necessary certification to perform the tests. In response to further comments, the rule is also amended to expand the time interval for the periodic tests and inspections of transponders from every year to every two years in order to allow complete Mode C checkout during altimeter checks.

Many of the commentators, concerned that it would be necessary to remove the transponder from the aircraft to accomplish the tests, argued that the removal and reinstallation time and cost would be burdensome and that there would be a chance of damage to a previously operating transponder. They were also concerned with the impracticality of measuring the transponder transmitter power output at the end of the transmission line. They believed this test would require additional costs because of the difficult accessibility of these lines in some installations.

The purpose of the tests and inspections is to ensure the use of properly operating transponders in the National Airspace System, and the FAA believes after further consideration that the use of portable ramp test sets would allow adequate testing of the installed transponder. Presently available portable test equipment would not allow testing of all the parameters presently specified in Appendix F of Part 43. However, after further consideration of the parameters presently specified, the FAA has determined that adequate testing of the transponders can be accomplished in the aircraft without conducting the tests for reply transmission characteristics, framing pulse, reply codes, reply pulse width, and transmitter power output. These tests, set forth in paragraph (b), (c), (d), and (g) of Appendix F to Part 43, have, therefore, been deleted.

One commentator suggested that the interrogation rate for the suppression test be specified. The FAA agrees and has amended the suppression test to specify an interrogation rate of 235 per second with replies not to exceed 3 per second when P_2 equals P_1. This nominal pulse repetition rate of 235 will eliminate the interference caused by maintenance testing of transponders when the pulse repetition rate of the test signal is equal to or harmonically related to the pulse repetition rate of the ATC radar. In addition, the response has been changed to 211 replies per second when the amplitude of the P_2 pulse is 9db less than the P_1 pulse. The response rate is reduced from the previous rate of 450 per second to prevent harmful interference and reduce congestion on the ATC radar.

The requirement of -73 ± 4dbm for receiver sensitivity remains unchanged. However, an additional 3dbm tolerance is allowed to compensate for coupling errors associated with portable test equipment. In addition, consistent with the use of portable test equipment, an option is provided in testing for receiver sensitivity to allow measurements by radiated signal testing or by direct connection at either end of the antenna transmission line.

The FAA does not agree with several commentators who contended that the tests would serve no useful purpose since a transponder could fail on the next flight or next day after an inspection. In the tests performed by the Lincoln Laboratory, 31 of the 549 transponders were inoperative and a significant number of the transponders failed to meet some of the parameters tested. More significantly, however, the operators appeared to be unaware that their transponders were not functioning properly. The FAA believes that this indicates that a significant number of transponder deficiencies are related to a lack of maintenance and a gradual degradation of transponder performance which might not be readily discerned in normal operation. The FAA therefore believes that periodic tests are necessary to assure adequate operation for use in the National Airspace System.

Several commentators believed that since their transponders were TSO'd future testing would be unnecessary. However, the TSO specifications and the operational specifications, although complementary, are not the same. As with any electronic device whether solid state or not, performance may deteriorate and may be subtle and not readily discernible. Therefore, the operational testing specified in § 91.177 is necessary for continued integrity of the system.

Interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all matter presented.

Since these amendments relieve a restriction and extend a compliance date and do not impose an additional burden on affected persons, good cause exists for making them effective in less than 30 days.

These amendments are made under the authority of sections 313(a), 601, 603, 604, and 605 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424, and 1425), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Parts 43 and 91 of the Federal Aviation Regulations are amended as follows, effective December 31, 1973.

1. Appendix F of Part 43 is amended to read as follows:

Appendix F—ATC Transponder Tests and Inspections

Each person performing the ATC transponder tests required by § 91.177 shall comply with the following: (If portable test equipment with appropriate coupling to the aircraft antenna system is used, operate the test equipment at a nominal rate of 235 interrogations per second to avoid possible ATCRBS interference. An additional 3db tolerance is permitted to compensate for antenna coupling errors during receiver sensitivity measurements conducted in accordance with paragraph (c)(1) when using portable test equipment.)

(a) Reply radio frequency:

(1) Interrogate the transponder and verify that he reply frequency is 1090 ± 3 MHz.

(b) Suppression:

(1) Verify that the transponder response to mode 3/A interrogations does not exceed 3 replies per second when the amplitude of the P_2 pulse is equal to the P_1 pulse and the transponder is interrogated at a pulse repetition rate of 235 per second.

(2) Verify that the transponder response to mode 3/A interrogations is at least 211 replies per second when the amplitude of the P_2 pulse is 9db less than the P_1 pulse and the transponder is interrogated at a pulse repetition rate of 235 per second.

(c) Receiver sensitivity:

(1) Verify that receiver sensitivity of the system is -73 ± 4dbm by use of a test set—

(i) Connected to the antenna end of the transmission line;

(ii) Connected to the antenna terminal of the transponder with a correction for transmission line loss; or

(iii) Utilizing a radiated signal.

(2) Verify that the difference in mode 3/A and mode C receiver sensitivity does not exceed 1db.

(d) Records:

Comply with the provisions of § 43.9 of this chapter as to content, form, and disposition of the records.

2. Section 91.177 is amended by amending paragraph (a) to read as follows:

§ 91.177 ATC Transponder Tests and Inspections.

(a) After January 1, 1976, no person may use an ATC transponder that is specified in §§ 91.24(a), 121.345(c), 127.123(b), or 135.143(c) of this chapter, unless, within the preceding 24 calendar months, that ATC transponder has been tested and inspected and found to comply with Appendix F of Part 43 of this chapter.

* * * * *

Issued in Washington, D.C., on December 19, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-27142 Filed 12-27-73;8:45 am]

[Docket No. 10453; Amdts. No. 61-62; 121-108]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Flight Training and Flight Checking Requirements

The purpose of this amendment to Parts 61 and 121 of the Federal Aviation Regulations is to change certain flight training and flight checking requirements prescribed by those parts; to clarify certain requirement of Subpart N of Part 121 with respect to the requirement for FAA-approved check airmen used in training programs under Part 121; and to amend the proficiency check requirements of Subpart O to permit, under certain conditions, the entire proficiency check to be conducted in an approved visual simulator if the pilot being checked accomplished two actual landings in the appropriate airplane.

This amendment is based on a notice of proposed rulemaking (Notice 73-23) issued on August 24, 1973 and published in the FEDERAL REGISTER on September 5, 1973 (38 FR 23962). Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all comments received in response to that notice.

In response to a number of petitions for rulemaking and recommendations received from the Air Transport Association of America (ATA), Western Airlines (WAL), American Airlines (AAL), and United Airlines (UAL), and pursuant to a continuing review by FAA of flight training and checking, and type rating programs, the FAA decided to issue Notice 73-23 which proposed changes to those programs that would permit more extensive use of flight simulators and training devices and would eliminate or clarify certain other requirements.

Insofar as the changes contained in this amendment are responsive to amendments petitioned for by ATA on May 13, 1971, and June 16, 1972, by WAL on April 21, 1971, by AAL on October 26, 1970, by UAL on May 6, 1971, and June 8, 1971, this amendment should be considered as a partial grant of the rulemaking petitioned for. Changes or amendments recommended by the petitioners which are not included in this amendment continue to be studied and will be treated further at a later time by rulemaking or otherwise.

No attempt has been made to identify those changes recommended by individual petitioners, or those which the FAA proposed on its own initiative. The changes made herein are calculated to make training and checking programs more efficient and more effective through selectively increased utilization of simulators and training devices.

The FAA has previously indicated its awareness of the rapidly developing field of simulator technology. Amendment 121-55 (35 FR 84, January 3, 1970), effective on February 2, 1970, which amended Part 61 and Part 121 training programs, stated that the FAA would continue to explore possibilities for translating that new technology into regulations which provide for the safest and most effective training programs possible. Recent operating experience and conclusions drawn from FAA surveillance of training and check programs support the validity of that policy, and the proposals contained in Notice 73-23 were made in furtherance of that policy.

Pursuant to an exemption from the requirements of § 121.424(b) and paragraph II(d) of Appendix E to Part 121 (Exemption No. 1318, issued May 14, 1971, and Exemption No. 1318B, issued December 10, 1971), issued in response to an ATA petition (on behalf of American, Delta, Eastern, Ozark, Pan American, Piedmont, Trans World, and United airlines), initial, upgrade, and transition flight training on takeoffs with a simulated failure of the most critical powerplant (after V_1 and before V_2) was conducted by these air carriers, with extensive use of visual and nonvisual simulators. This test training program was completed on May 20, 1972, and was conducted in an attempt to validate the theory that a satisfactory transfer of learning from the simulator to the airplane occurred when training in the "engine-out" maneuver was conducted in a visual or nonvisual simulator.

The training program and study was conducted subject to certain conditions and limitations, as follows: (1) Each pilot trained under the exemption received V_1 engine-out training to proficiency in a visual simulator, a non-visual simulator, or an airplane at altitude; (2) each pilot performed a minimum of one V_1 engine-out maneuver in the airplane during a PIC type rating flight test or second in command qualification flight check; (3) if a pilot's first V_1 engine-out maneuver was unsatisfactory, it was counted as a failure for purposes of the test program (unless not the result of gross error and subject to retesting in the maneuver later in the flight test); if a second engine-out maneuver was performed unsatisfactorily, the pilot was issued a Notice of Disapproval of Application (FAA Form 8060-5) for an ATR or type rating; (4) pilots whose performance of the engine-out maneuver was unsatisfactory during the flight test in the airplane were required to be retrained in accordance with the certificate holders' approved training program; (5) the acceptable level of performance was that level applicable to the conduct of maneuvers required by Appendix A to Part 61; (6) data collection and compilation was made in a form and manner satisfactory to the Administrator.

Guidelines for performance evaluation by Airmen Certification Inspectors were issued (FAA Order 8430.9, June 18, 1971).

Data on 1,098 pilots trained and checked during the program was compiled. Of that number 715 (361 PIC's and 354 SIC's) were trained in the visual simulator, 376 (144 PIC's and 232 SIC's) were trained in the non-visual simulator, and seven were trained in the airplane at altitude. Flight checking resulted in 54 failures with an overall failure rate of 4.9 percent, which the FAA considers to be an acceptable value, validating the "transfer of learning" theory and supporting the changes proposed herein permitting more extensive use of the visual simulator and non-visual simulator. The program results indicate that training on the engine-out maneuver can be successfully conducted in either the visual or non-visual simulator. However, since a higher failure rate of 7.8 percent was indicated for 204 pilots transitioning to airplanes with engines mounted in dissimilar positions (i.e., fuselage-mounted to wing-mounted), and for initial training (i.e., prop to jet), and because there is some degree of difficulty in assessing pilot performance of this VFR maneuver in a non-visual simulator, it is felt that training and checking for this maneuver, with certain specified exceptions, ought to be conducted in a visual simulator.

Comprehensive and constructive comments were submitted in response to Notice 73-23 by the Air Line Pilots Association (ALPA) and by the Air Transport Association of America (ATA) in response to the notice. In addition, conferences were had with both organizations to discuss certain of the comments and recommendations made. To the extent that comments or recommendations received were beyond the scope of the notice, they are not discussed or treated herein. However, they will be considered as part of FAA's continuing study of flight training and checking requirements, with a view to future rule making.

A clarifying amendment to § 121.401 of part 121 has been made to make it clear that check airmen required to be provided in a training program must be "approved" check airmen.

The notice contained a proposal to amend § 121.441 to permit the entire proficiency check (other than the initial second-in-command proficiency check) to be conducted in an approved visual simulator, if the pilot being checked accomplishes at least two landings in the appropriate airplane during a line check or other flight check conducted by a pilot check airman, and to require that if a pilot proficiency check is conducted in accordance with this provision the next required proficiency check would have to be conducted in the same manner, or in accordance with the various and specific requirements of Appendix F of Part 121, and substitution of a course of training in an airplane simulator under § 121.409 would not be permitted. It was anticipated that this provision would afford substantial efficiencies and advantages in

simulator use and in airplane utilization if line checks are conducted with the same frequency as required proficiency checks. The two required landings could be accomplished on a check flight other than a line check, at the option of the certificate holder.

Comments received indicated that delays in completion of two required landings by the second-in-command under the observation of a check airman might be anticipated, due to the fact that operating circumstances might dictate that the pilot-in-command accomplish the landing when a check airman was aboard to observe the SIC landing. It was also recommended that the course of training in a non-visual simulator under § 121.409 be retained as a substitution option under § 121.441.

In order to alleviate the problem of delays in the accomplishment of the required landings by the SIC, a provision has been made to permit the PIC to observe and certify such landings as satisfactory. FAA agrees that a course of training under § 121.409 is a satisfactory alternate for the proficiency check, but does not believe that the nonvisual simulator is adequate for these purposes. Accordingly, the course of training in a visual simulator has been included as an alternate substitution option.

The notice contained a proposal that the oral equipment examination might be waived by the person conducting the check if the applicant had satisfactorily completed, within the preceding 60 days, a Part 121 approved training program that included training in a cockpit procedural trainer or simulator. Comments received recommended deletion of the oral equipment examination requirement, based on the reliable quality of current training programs, and citing inconsistency in the exercise of the waiver provisions. The FAA believes that the oral equipment examination is a valid checking technique and should be continued. However, on reconsideration it appears that the proposed amendment might be unwieldy and that the requirement should be retained as currently stated in Appendix A to Part 61.

Appendix A of Part 61 has been amended by changing the references to "§ 61.147(c)" to "§ 61.157(c)," the appropriate section in the revised Part 61 which became effective on November 1, 1973.

The amendments to Appendix A of Part 61 (Practical Test Requirements for Airline Transport Pilot Certificates and Associated Class and Type Ratings), and Appendices E (Flight Training Requirements) and F (Proficiency Check Requirements) of Part 121, and significant comment received in response to the notice, are discussed below:

APPENDIX A TO PART 61

Paragraph II(d). For additional type rating in an airplane group with engines mounted in similar positions or from wing-mounted engines to aft fuselage-mounted engines the takeoff with failure of the most critical power plant may be performed in a non-visual simulator.

A comment received in response to the notice suggested that all V_1 engine failures be performed in a non-visual simulator. FAA does not consider that the non-visual simulator provides realistic simulation for all aircraft, in all powerplant failure situations, and that the provision should be amended as proposed.

Par. III(c)(2). Performance of the manually controlled ILS approach is permitted in a visual simulator in lieu of inflight. However, either the normal ILS approach or the manually controlled ILS approach must be performed in flight.

Comments received recommended that the requirement for performing one missed approach in flight be deleted, since the ILS approaches required under III(c)(1) and (2) are permitted in the visual simulator and since the missed approach maneuver is typically performed following an ILS approach. The FAA agrees that the sequence is typical and feels that at least one approach and missed approach in flight are essential to practical testing. Accordingly, a flush paragraph has been added to paragraph III(c) to indicate that either the normal or manually controlled ILS approach must be performed in flight. Thus, the in flight missed approach required under III(e) may be performed in sequence following the ILS approach performed in flight.

Par. III(d). The circling approach maneuver is not required for a pilot employed by a certificate holder subject to the operating rules of Part 121 if the certificate holder's manual prohibits a circling approach to be conducted in weather conditions below 1,000–3 (ceiling and visibility).

Par. V(b). The landing in sequence from an ILS approach is permitted in a visual simulator in lieu of in flight, and where a simulator approved for the landing maneuver out of an ILS approach is used, the approach may be continued through the landing, and credit given for one of the three landings required by Section V. The person conducting the check may require the maneuver to be performed in flight.

Par. V(d). The maneuver to a landing with simulated powerplant failure would be permitted in a visual simulator for all airplanes (formerly permitted only in 3-engine airplanes). The person conducting the check may require the maneuver to be performed in flight.

In response to comments received, the provision which allows a flight instructor in an approved training program under Part 121 to certify satisfactory performance of the 50 percent powerplant failure maneuver for 4-engine turbojet airplanes in lieu of performing the maneuver during the type rating check has been retained, and this option may be exercised until January 1, 1975.

Par. V(e). The circling approach maneuver is not required for a pilot employed by a certificate holder subject to the operating rules of Part 121 if the certificate holder's manual prohibits a circling approach in weather conditions below 1,000–3 (ceiling and visibility).

Par. V(g). The zero-flap visual approach is not required if the Administrator has determined that the probability of flap extension failure on a specific airplane type is extremely remote due to system design. In making this determination, the Administrator determines whether checking on slats-only and partial-flap approaches is necessary, based on the evaluation of an FAA Flight Operations Evaluation Board.

APPENDIX E TO PART 121

Par. II(d). Takeoffs with a simulated failure of the most critical powerplant is permitted to be accomplished in a visual simulator in place of the former requirement that they be performed in flight. For transition training in an airplane group with engines mounted in similar positions, or from wing-mounted engines, the maneuver could be performed in a nonvisual simulator.

Par. II(e). Rejected takeoffs to be accomplished during a normal takeoff run are permitted in a nonvisual simulator in lieu of inflight. In addition, in response to comments received, a flush paragraph has been added to paragraph II which requires that training in at least one takeoff required under paragraph II be accomplished at night. For transitioning pilots, this requirement may be met during the operating experience required under § 121.434 by performing a normal takeoff when a check airman serving as PIC is occupying a pilot station.

Par. III(a), (b), (e), (f), (10) and (11). Flight maneuvers and procedures under these paragraphs may all be accomplished in a nonvisual simulator.

Par. III(1). Transition and upgrade training in ILS instrument approaches is permitted in a visual simulator in lieu of inflight.

Par. III(m)(1) and (2). Training in nonprecision approaches under III(m)(1) is permitted in a training device in lieu of the present requirement for such training in a visual simulator. The additional nonprecision instrument approach and missed approach required under III(m)(2) may be performed in a visual simulator.

Comments received advocated training for all nonprecision approaches in a training device if the certificate holder does not have a simulator. The FAA believes that training in at least one nonprecision approach should be accomplished in the cockpit environment afforded by an airplane simulator.

Par. III(n). Transition and upgrade training in circling approaches is permitted in a visual simulator in lieu of the former inflight requirement. In response to comments received, the maneuver is not required for a pilot employed by a certificate holder subject to the operating rules of Part 121 if its manual prohibits a circling approach in weather conditions below 1,000–3 (ceiling and visibility), and for a SIC if the certificate holder's manual prohibits the SIC from performing a circling approach in operations under Part 121.

Par. III(o). Transition and upgrade training in zero-flap approaches is permitted in a visual simulator in lieu of

the former inflight requirement. Training in the zero-flap maneuver would not be required if the Administrator has determined that the probability of flap extension failure on that type airplane is extremely remote due to system design. In making this determination, the Administrator determines whether training on slats-only and partial-flap approaches is necessary, based on the evaluation of an FAA Flight Operations Evaluation Board. The zero-flap approach requirement for the SIC has been deleted as unnecessary (inadvertently inserted in previous amendment).

Par. III(p). Transition and upgrade training in missed approaches from ILS approaches is permitted in the visual simulator in lieu of the former inflight requirement. All training in other missed approaches and missed approaches that include a complete approved missed approach procedure is permitted in a training device in lieu of the former visual simulator requirement. Transition and upgrade training in missed approaches that include a powerplant failure is permitted in a visual simulator in lieu of the former inflight requirement.

Comments received suggested that use of a visual simulator for a missed approach was unrealistic since the probable reason for a missed approach is not sighting the runway at DH or MDA. FAA believes that the requirements as now stated give balanced emphasis to procedural and operational aspects of the missed approach maneuver.

Par. IV(b) and (c). The requirement for the SIC to accomplish the landing and go-around with the horizontal stabilizer out of trim has been deleted as unnecessary (inadvertently inserted in previous amendment). Transition and upgrade training for landing in sequence from an ILS instrument approach is permitted in a visual simulator in lieu of the former inflight requirement.

Par. IV(e). Transition and upgrade training in maneuvering to a landing with simulated powerplant failure in all airplanes is permitted in a visual simulator (formerly permitted only in 3-engine airplanes).

The maneuver is not required for the SIC in initial and transition training, or for the flight engineer in upgrade training. In response to comments received, the requirement for maneuvering in flight at altitude with an approved procedure that approximates the loss of two powerplants has been deleted, since the maneuver may be realistically performed in a visual simulator and the inflight requirement would be redundant. Paragraph IV(e) has been restructured for clarity.

Par. IV(f). Transition and upgrade training for landing under simulated circling approach conditions is permitted in a visual simulator in lieu of the former inflight requirement. Exceptions under paragraph III(n) are applicable to this requirement.

Par. IV(g). Transition and upgrade training in rejected landings is permitted in a visual simulator in lieu of the former inflight requirement.

Par. IV(h). Transition and upgrade training in zero-flap landings is permitted in a visual simulator in lieu of the former inflight requirement.

APPENDIX F TO PART 121

Par. II(d). In an airplane with aft fuselage-mounted engines; the takeoff maneuver with failure of the most critical powerplant is permitted in a nonvisual simulator in lieu of a visual simulator.

Par. III(d). The circling approach maneuver is not required for a second-in-command if the certificate holder's manual prohibits a second-in-command from performing a circling approach in operations under Part 121.

In response to comments received the "local conditions" waiver provision has been retained. Deletion was not intended.

Par. III(e). The symbols "B" and "P" are deleted from the "Inflight" column (as superfluous), and the symbol associated with III(e)(1) in the "Visual Simulator" column changed to "B". At least one missed approach would be required to be performed in flight.

Par V(d). The maneuver to a landing with simulator powerplant failure is permitted in a visual simulator for all airplanes (formerly permitted only in 3-engine airplanes). For other than the pilot-in-command, the maneuver may be performed with a simulated loss of power of the most critical powerplant only.

In response to comments received, the provision for performing the maneuver inflight at altitude or in an approved simulator for 4-engine turbojet airplanes has been extended to January 1, 1975, to accommodate certificate holders that do not now have adequate availability of visual simulators, and to allow sufficient time for certificate holders to procure or arrange for the use of such equipment.

Since this amendment imposes no additional burden on any person and relieves restrictions in effect prior to this amendment, I find that good cause exists under 5 U.S.C. § 553(d)(3) for making this amendment effective on less than 30 days' notice.

(Secs. 313(a), 601, 602, 604, and 607, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1422, and 1427); sec. 6(c), of Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, Parts 61 and 121 of the Federal Aviation Regulations are amended, effective December 19, 1973, as set forth below.

Issued in Washington, D.C., on December 19, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

1. By striking the reference to "§ 61.147(c)" that appears in the heading of the last column, and in the flush paragraphs following paragraphs III(a), III(d), and IV(b), in Appendix A to Part 61, and by inserting in lieu thereof the reference "§ 61.157(c)."

2. By amending paragraphs II(d), III(c)(2), III(d), V(b), V(d), V(e), and V(g) of Appendix A to Part 61 to read as follows:

APPENDIX A

PRACTICAL TEST REQUIREMENTS FOR AIRLINE TRANSPORT CERTIFICATES AND ASSOCIATED CLASS AND TYPE RATINGS

* * * * *

Maneuver/procedures	Required in airplane		Permitted			
	Simulated instrument conditions	Inflight	Visual simulator	Nonvisual simulator	Training device	Waiver provisions of § 61.157(c)
II. Takeoffs.						
* * * * *						
#*(d) Powerplant failure. 1 takeoff with a simulated failure of the most critical powerplant— (1) At a point after V_1 and before V_2 that in the judgment of the person conducting the check is appropriate to the airplane type under the prevailing conditions; or (2) At a point as close as possible after V_1 when V_1 and V_2 or V_1 and V_R are identical; or (3) At the appropriate speed for nontransport category airplanes. For additional type rating in an airplane group with engines mounted in similar positions or from wing-mounted engines to aft fuselage-mounted engines this maneuver may be performed in a nonvisual simulator.			X			
* * * * *						
III. Instrument Procedures.						
* * * * *						
(c) * * * #(2) At least 1 manually controlled ILS approach with a simulated failure of 1 powerplant. The simulated failure should occur before initiating the final approach course and must continue to touchdown or through the missed approach procedure. However, either the normal ILS approach or the manually controlled ILS approach must be performed in flight.	X		X			
* * * * *						
(d) * * * (1) * * * (2) * * * (3) * * * When the maneuver is performed in an airplane, it may be waived as provided in § 61.157(c) if local conditions beyond the control of the pilot prohibit the maneuver or prevent it from being performed as required.						

Maneuver/procedures	Required in airplane		Permitted			
	Simulated instrument conditions	Inflight	Visual simulator	Nonvisual simulator	Training device	Waiver provisions of § 61.157(c)
The circling approach maneuver is not required for a pilot employed by a certificate holder subject to the operating rules of pt. 121 of this chapter, if the certificate holder's manual prohibits a circling approach in weather conditions below 1000-3 (ceiling and visibility).						
* * * * *						
V. Landings and Approaches to Landings.						
* * * * *						
#(b) Landing in sequence from an ILS instrument approach except that if circumstances beyond the control of the pilot prevent an actual landing, the person conducting the check may accept an approach to a point where in his judgment a landing to a full stop could have been made. In addition, where a simulator approved for the landing maneuver out of an ILS approach is used, the approach may be continued through the landing and credit given for 1 of the 3 landings required by this section.			X*			
* * * * *						
#(d) Maneuvering to a landing with simulated powerplant failure, as follows: (1) In the case of 3-engine airplanes, maneuvering to a landing with an approved procedure that approximates the loss of 2 powerplants (center and 1 outboard engine); or (2) In the case of other multiengine airplanes, maneuvering to a landing with a simulated failure of 50 percent of available powerplants, with the simulated loss of power on one side of the airplane. However, before Jan. 1, 1975, in the case of a 4-engine turbojet-powered airplane, maneuvering to a landing with a simulated failure of the most critical powerplant may be substituted therefor, if a flight instructor in an approved training program under pt. 121 of this chapter certifies to the Administrator that he has observed the applicant satisfactorily perform a landing in that type airplane with a simulated failure of 50 percent of the available powerplants. The substitute maneuver may not be used if the Administrator determines that training in the 2-engine out landing maneuver provided in the training program is unsatisfactory. If an applicant performs this maneuver in a visual simulator, he must, in addition, maneuver in flight to a landing with a simulated failure of the most critical powerplant.			X*			
*(e) Except as provided in par. (f), landing under simulated circling approach conditions except that if circumstances beyond the control of the pilot prevent a landing, the person conducting the check may accept an approach to a point where, in his judgment, a landing to a full stop could have been made. The circling approach maneuver is not required for a pilot employed by a certificate holder subject to the operating rules of pt. 121 of this chapter, if the certificate holder's manual prohibits a circling approach in weather conditions below 1000-3 (ceiling and visibility).			X*			
* * * * *						
#(g) A zero-flap visual approach to a point where, in the judgment of the person conducting the check, a landing to a full stop on the appropriate runway could be made. This maneuver is not required for a particular airplane type if the Administrator has determined that the probability of flap extension failure on that type is extremely remote due to system design. In making this determination, the Administrator determines whether checking on slats only and partial flap approaches is necessary.			X*			
* * * * *						

3. By amending § 121.401(a)(4) of Part 121 to read as follows:

§ 121.401 Training program: General.

(a) * * *

(4) Provide enough flight instructors, simulator instructors, and approved check airmen to conduct required flight training and flight checks, and simulator training courses permitted under this Part.

* * * * *

4. By amending § 121.441 by adding a new flush paragraph following paragraph (e) to read as follows:

§ 121.441 Proficiency checks.

* * * * *

(e) * * *

However, the entire proficiency check (other than the initial second-in-command proficiency check) required by this section may be conducted in an approved visual simulator if the pilot being checked accomplishes at least two landings in the appropriate airplane during a line check or other check conducted by a pilot check airman (a pilot-in-command may observe and certify the satisfactory accomplishment of these landings by a second-in-command). If a pilot proficiency check is conducted in accordance with this paragraph, the next required proficiency check for that pilot must be conducted in the same manner, or in accordance with Appendix F of this Part, or a course of training in an airplane visual simulator under § 121.409 may be substituted therefor.

5. By amending paragraphs II(d); II(e); III(a), (b), (e), and (f) (10) and (11); (III)(1); III(m) (1) and (2); III(n); III(o); III(p); IV(b); IV(c); IV(e); IV(f); IV(g); IV(h); IV(i); and the flush paragraphs following paragraph IV, of Appendix E to Part 121 to read as follows:

APPENDIX E

FLIGHT TRAINING REQUIREMENTS

* * * * *

Maneuvers/Procedures	Initial tr.					Transition tr.					Upgrade tr.				
	A/P		Simu.			A/P		Simu.			A/P		Simu.		
	Inflight	Static	Visual simulator	Nonvisual simulator	Training device	Inflight	Static	Visual simulator	Nonvisual simulator	Training device	Inflight	Static	Visual simulator	Nonvisual simulator	Training device
APPENDIX E															
II. Takeoffs:															
* * * *															
(d) Takeoffs with a simulated failure of the most critical powerplant—			B					AT					BU		
(1) At a point after V_1 and before V_2 that in the judgment of the person conducting the training is appropriate to the airplane type under the prevailing conditions; or															
(2) At a point as close as possible after V_1 when V_1 and V_2 or V_1 and V_R are identical; or															
(3) At the appropriate speed for nontransport category airplanes. For transition training in an airplane group with engines mounted in similar positions, or from wing-mounted engines to aft fuselage-mounted engines, the maneuver may be performed in a nonvisual simulator.															
(e) Rejected takeoffs accomplished during a normal takeoff run after reaching a reasonable speed determined by giving due consideration to aircraft characteristics, runway length, surface conditions, wind direction and velocity, brake heat energy, and any other pertinent factors that may adversely affect safety or the airplane.				B					AT					BU	
Training in at least one of the above takeoffs must be accomplished at night. For transitioning pilots this requirement may be met during the operating experience required under § 121.434 of this part by performing a normal takeoff at night when a check airman serving as pilot-in-command is occupying a pilot station.															
* * * *															
III. Flight Maneuvers and Procedures:															
(a) Turns with and without spoilers				B					AT					BU	
(b) Tuck and Mach buffet				B					AT					BU	
(c) * * *															
(d) * * *															
(e) Runaway and jammed stabilizer				B					AT					BU	
(f) Normal and abnormal or alternate operation of the following systems and procedures:															
(1) * * *															
(2) * * *															
(3) * * *															
(4) * * *															
(5) * * *															
(6) * * *															
(7) * * *															
(8) * * *															
(9) * * *															
(10) Automatic or other approach aids				B					AT					BU	
(11) Stall warning devices, stall avoidance devices, and stability augmentation devices.				B					AT					BU	
* * * *															
(l) ILS instrument approaches that include the following:															
(1) Normal ILS approaches	B					AT					BU				
(2) Manually controlled ILS approaches with a simulated failure of one powerplant which occurs before initiating the final approach course and continues to touch down or through the missed approach procedure.	B							AT					BU		
(m) Instrument approaches and missed approaches other than ILS which include the following:															
(1) Nonprecision approaches that the trainee is likely to use					B					AT					BU
(2) In addition to subparagraph (1) of this paragraph, at least one other nonprecision approach and missed approach procedure that the trainee is likely to use.			B					AT					BU		
* * * *															
(n) Circling approaches which include the following:	B							AT					BU		
(1) * * *															
(2) * * *															
(3) * * *															
Training in the circling approach maneuver is not required for a pilot employed by a certificate holder subject to the operating rules of pt. 121 of this chapter if the certificate holder's manual prohibits a circling approach in weather conditions below 1000-3 (ceiling and visibility); for a SIC if the certificate holder's manual prohibits the SIC from performing a circling approach in operations under this part.															
(o) Zero-flap approaches. Training in this maneuver is not required for a particular airplane type if the Administrator has determined that the probability of flap extension failure on that type airplane is extremely remote due to system design. In making this determination, the Administrator determines whether training on slats only and partial flap approaches is necessary.	P							PP, PJ					PS		
(p) Missed approaches which include the following:															
(1) Missed approaches from ILS approaches	B							AT					BU		
(2) Other missed approaches					B					AT					BU
(3) Missed approaches that include a complete approved missed approach procedure.					B					AT					BU
(4) Missed approaches that include a powerplant failure	B							AT					BU		
IV. Landings and Approaches to Landings:															
* * * *															
(b) Landing and go around with the horizontal stabilizer out of trim	P							PJ, PP					PS		
(c) Landing in sequence from an ILS instrument approach	B							AT					BU		
(d) * * *															
(e) Maneuvering to a landing with simulated powerplant failure, as follows:															
(1) Except as provided in subparagraph (3) of this paragraph, in the case of 3-engine airplanes, maneuvering to a landing with an approved procedure that approximates the loss of two powerplants (center and one out-board engine).	P							PJ, PP					PS		

Maneuvers/Procedures	Initial tr.					Transition tr.					Upgrade tr.				
	A/P		Simu.			A/P		Simu.			A/P		Simu.		
	Inflight	Static	Visual simulator	Nonvisual simulator	Training device	Inflight	Static	Visual simulator	Nonvisual simulator	Training device	Inflight	Static	Visual simulator	Nonvisual simulator	Training device
(2) Except as provided in subparagraph (3) of this paragraph, in the case of other multiengine airplanes, maneuvering to a landing with a simulated failure of 50 percent of available powerplants, with the simulated loss of power on one side of the airplane.	P							PJ, PF,					PS		
(3) Notwithstanding the requirements of subparagraphs (1) and (2) of this paragraph, flight crewmembers who satisfy those requirements in a visual simulator must also:															
(i) Take inflight training in one-engine inoperative landings; and															
(ii) In the case of a second-in-command upgrading to a pilot-in-command and who has not previously performed the maneuvers required by this paragraph in flight, meet the requirements of this paragraph applicable to initial training for pilots-in-command.															
(4) In the case of flight crewmembers other than the pilot-in-command, perform the maneuver with the simulated loss of power of the most critical powerplant only.															
(f) Landing under simulated circling approach conditions (exceptions under III(n) applicable to this requirement).	B							AT					BU		
(g) Rejected landings that include a normal missed approach procedure after the landing is rejected. For the purpose of this maneuver the landing should be rejected at approximately 50 feet and approximately over the runway threshold.	B							AT					BU		
(h) Zero-flap landings if the Administrator finds that maneuver appropriate for training in the airplane.	P							PP, PJ					PS		
(i) Manual reversion (if appropriate)			B					AT					BU		
Training in landings and approaches to landings must include the types and conditions provided in IV(a) through (i) but more than one type may be combined where appropriate.															
Training in one of the above landings must be accomplished at night. For transitioning pilots, this requirement may be met during the operating experience required under § 121.434 of this part by performing a normal landing when a check pilot serving as pilot-in-command is occupying a pilot station.	B					AT					BU				

6. By amending paragraphs II(d), III(d), III(e), V(d) of Appendix F to Part 121 to read as follows:

APPENDIX F

PROFICIENCY CHECK REQUIREMENTS

* * * * *

Maneuver/procedures	Required		Permitted			
	Simulated instrument conditions	Inflight	Visual simulator	Non-visual simulator	Training device	Waiver provisions of § 121.441(d)
II. Takeoffs.						
* * * *						
#(d) Powerplant failure. One takeoff with a simulated failure of the most critical powerplant—			B*			
(1) At a point after V_1 and before V_2 that in the judgment of the person conducting the check is appropriate to the airplane type under the prevailing conditions; or						
(2) At a point as close as possible after V_1 when V_1 and V_2 or V_1 and V_R are identical; or						
(3) At the appropriate speed for non-transport category airplanes.						
In an airplane group with aft fuselage-mounted engines this maneuver may be performed in a non-visual simulator.						
* * * * *						
III. Instrument Procedures.						
* * * * *						
(d) * * *			B*			B*
(1) * * *						
(2) * * *						
(3) * * *						
If local conditions beyond the control of the pilot prohibit the maneuver or prevent it from being performed as required, it may be waived as provided in § 121.441(d): Provided, however, that the maneuver may not be waived under this provision for two successive proficiency checks. The circling approach maneuver is not required for a second-in-command if the certificate holder's manual prohibits a second-in-command from performing a circling approach in operations under this part.						
* * * * *						
(e) Missed approach			B*			
(1) Each pilot must perform at least one missed approach from an ILS approach			P*			
(2) Each pilot-in-command must perform at least one additional missed approach.						
* * * * *						

Maneuver/procedures	Required		Permitted			
	Simulated instrument conditions	Inflight	Visual simulator	Non-visual simulator	Training device	Waiver provisions of § 121.441(d)
V. Landings and approaches to landings.						
* * * * *						
(d) Maneuvering to a landing with simulated powerplant failure as follows:						
(1) In the case of 3-engine airplanes, maneuvering to a landing with an approved procedure that approximates the loss of two powerplants (center and one outboard engine); or			B*			
(2) In the case of other multiengine airplanes, maneuvering to a landing with a simulated failure of 50 percent of available powerplants, with the simulated loss of power on one side of the airplane. However, before January 1, 1975, for 4-engine turbojet airplanes, this maneuver may be performed in an approved simulator or in flight at altitude, unless the Administrator determines that the training in this maneuver by the certificate holder is unsatisfactory.			B*			
Not withstanding the requirements of subparagraphs (d)(1) and (2) of this paragraph, in a proficiency check for other than a pilot-in-command, the simulated loss of power may be only the most critical powerplant. However, if a pilot satisfies the requirements of subparagraphs (d)(1) or (2) of this paragraph in a visual simulator, he must, in addition, maneuver in flight to a landing with a simulated failure of the most critical powerplant.						
* * * * *						

[FR Doc.73-27143 Filed 12-27-73;8:45 am]

[Airspace Docket No. 73-SW-79]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Federal Airways, Jet Routes and Area High Routes (VORTAC Name Change)

The purpose of these amendments to Part 71 and Part 75 of the Federal Aviation Regulations is to change the name of the Houston, Tex., VORTAC to Hobby, Tex., wherever it appears in these parts.

The Houston VORTAC is located on the William P. Hobby Airport which is approximately twenty miles from Houston Intercontinental Airport. Use of the word "Houston" by itself has caused occasional confusion in the past since it was not known whether reference was being made to the airport or the VORTAC. Changing the VORTAC name to Hobby will eliminate this confusion.

Since this name change is a minor matter upon which the public would not have particular reason to comment, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 and Part 75 of the Federal Aviation Regulations are amended, effective 0901 GMT, February 28, 1974, as hereinafter set forth.

1. In § 71.123 (38 FR 307), "Houston" is deleted and "Hobby" is substituted therefor, wherever it appears in the description of V-15, V-20, V-76, V-198.

2. In § 71.171 (38 FR 354); a. "Houston VORTAC" is deleted and "Hobby VORTAC" is substituted therefor, wherever it appears in the description of the Houston, Tex. (Ellington AFB) and the Houston, Tex. (William P. Hobby) Control Zones.

b. "Houston DF station" is deleted and "Hobby DF station" is substituted therefor, wherever it appears in the description of the Houston, Tex. (William P. Hobby) Control Zone.

3. In § 71.203 (38 FR 620), "Houston, Tex." is deleted and "Hobby, Tex." is added.

4. In § 71.207 (38 FR 627), "Houston, Tex." is deleted and "Hobby, Tex." is added.

5. In § 75.100 (38 FR 699), "Houston" is deleted and "Hobby" is substituted therefor, wherever it appears in the description of J-37, J-138, J-177.

6. In § 75.400 (38 FR 718), "Houston" is deleted and "Hobby" is substituted therefor, wherever it appears in the description of J-907R, J-916R, J-918R, J-929R, J-952R, J-984R,

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

Issued in Washington, D.C., on December 20, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-27148 Filed 12-27-73;8:45 am]

[Airspace Docket No. 73-RM-32]

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

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to combine Restricted Areas R-6406A and R-6406B. The combined areas will be identified as R-6406, Wendover, Utah. R-6406 will be designated for joint use at and above 7,500 feet MSL. It will also replace R-6406A and R-6406B on the list of restricted areas included in the continental control area.

The amendments, which were proposed by the Department of the Air Force, will allow more of the original R-6406B to be designated for joint use. This will result in more effective use of the restricted area because more airspace can be released for other users anytime the using agency decides that it does not require the area.

These amendments relieve a restriction upon the public and they are minor amendments in which the public is not particularly interested. Therefore, notice and public procedure thereon are unnecessary. Since these amendments relieve a restriction upon the public, they may become effective immediately.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective upon publication in the FEDERAL REGISTER as hereinafter set forth.

1. In § 71.151 (38 FR 343) "R-6406A Wendover North, Utah" and "R-6406B Wendover South, Utah" are deleted and "R-6406 Wendover, Utah" is substituted therefor.

2. In § 73.64 (38 FR 688) all entries pertaining to Restricted Areas R-6406A, Wendover North, Utah, and R-6406B, Wendover South, Utah, are deleted and the following is substituted therefor:

R-6406, WENDOVER, UTAH

BOUNDARIES

Beginning at 40°40'30" N., 113°00'00" W. to 40°29'00" N., 113°00'00" W. to 40°25'00" N., 112°56'00" W. to 40°25'00" N., 113°07'00" W. to 40°20'20" N., 113°07'00" W. to 40°20'-20" N., 113°49'00" W. to 40°17'00" N., 114°-00'00" W. to 40°38'30" N., 114°00'00" W. to point of beginning.

Designated altitudes.—Surface to and including FL 400; joint-use at and above 7,500 feet MSL.

Time of designation.—Continuous.

Controlling agency.—Federal Aviation Administration, Salt Lake City ARTC Center.

Using agency.—Commander, Hill Air Force Base, Utah.

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

Issued in Washington, D.C., on December 20, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-27144 Filed 12-27-73;8:45 am]

[Airspace Docket No. 73-RM-30]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the lateral dimensions of restricted areas R-2601 and R-2602, Fort Carson, Colo.

The Department of the Army has requested that R–2601 be revised to exclude Butts Army Air Field from the restricted area. In addition, they requested that R–2601 and R–2602 be realigned to coincide with the boundaries of the Fort Carson Military Reservation.

Since this amendment restores airspace to public use, relieves a restriction, and is a minor amendment upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. In order to make this airspace available for public use at the earliest possible date, good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

Section 73.26 (38 FR 658) is amended as follows:

1. In R–2601 Fort Carson, Colo., the boundaries are amended to read:

Boundaries: Beginning at Lat. 38°38'19" N., Long. 104°52'00" W.; then northeasterly along Colorado Highway No. 115 to Lat. 38°42'40" N., Long. 104°49'04" W.; to Lat. 38°41'20" N., Long. 104°47'00" W.; to Lat. 38°40'15" N., Long. 104°46'20" W.; to Lat. 38°40'00" N., Long. 104°45'40" W.; to Lat. 38°32'06" N., Long. 104°45'00" W.; to Lat. 38°32'06" N., Long. 104°49'18" W.; to Lat. 38°36'20" N., Long. 104°52'00" W.; to the point of beginning.

2. In R–2602 Fort Carson, Colo. the boundaries are amended by deleting "latitude 38°39'00" N., longitude 104°-52'00" W.;" and substituting "latitude 38°38'19" N., longitude 104°52'00" W.;" therefor; and by deleting "latitude 38°-32'38" N., longitude 104°57'13" W.;" and substituting "latitude 38°32'58" N., longitude 104°57'00" W.;" therefor.

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

Issued in Washington, D.C., on December 20, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–27146 Filed 12–27–73;8:45 am]

[Airspace Docket No. 73–SO–75]

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

Extension and Revocation of VOR Federal Airways

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to extend V–295 from Cross City, Fla., direct to Tallahassee, Fla., and revoke V–35W between Cross City and Macon, Ga.

V–35W is being revoked to solve a route ambiguity problem that exists between V–35W and V–159 which cross each other twice between Cross City, Fla., and Macon, Ga., thereby creating doubt as to where transition will be made from V–159 to V–35W. The extension of V–295 from Cross City to Tallahassee, will replace the revoked segment of V–35W. This will simplify flight planning between Orlando, Fla., and Tallahassee.

Since this amendment is minor in nature with no substantive change in the regulations, and one in which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. However, since time must be allowed to make appropriate changes on aeronautical charts, this amendment will become effective more than 30 days after publication.

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

Section 71.123 (38 FR 307) is amended as follows:

1. In V–35, "Albany, Ga., including a west alternate from Cross City to Albany via Tallahassee, Fla.; Macon, Ga., including a west alternate via INT Albany 009° and Macon 240° radials;" is deleted and "Albany, Ga.; Macon, Ga.;" is substituted therefor.

2. In V–295, "Cross City, Fla." is deleted and "Cross City, Fla.; to Tallahassee, Fla." is substituted therefor.

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

Issued in Washington, D.C., on December 20, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–27147 Filed 12–27–73;8:45 am]

[Airspace Docket No. 73–SW–76]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the White Sands Missile Range, N. Mex., Restricted Area R–5107B to exclude that airspace from the surface to and including 1,500 feet above the surface within a 2-nautical-mile radius of latitude 32°30'00" N., longitude 106°41'10" W.; and that airspace from the surface to and including 1,500 feet above the surface within a 2-nautical-mile radius of latitude 32°23'49" N., longitude 106°41'27" W.

The alteration of R–5107B would provide access to the proposed Waid's Airpark and Mesa Airpark Estates Airports, which are within or in proximity to R–5107B.

Since this amendment returns a small amount of restricted airspace to the public domain, it is a minor amendment on which the public would have no particular desire to comment. Therefore notice and public procedure thereon are unnecessary. Also, as it relieves a restriction upon the public, it may become effective immediately.

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

Section 73.51 (38 FR 676) is amended as follows:

In R–5107B "and that airspace from the surface to 1,500 feet above the surface within a 2-nautical-mile radius of latitude 32°26'35" N., longitude 106°40'45" W." is deleted and "and that airspace from the surface to and including 1,500 feet above the surface within a 2-nautical-mile radius of latitude 32°26'35" N., longitude 106°40'45" W., latitude 32°30'00" N., longitude 106°41'10" W., and latitude 32°23'49" N., longitude 106°41'27" W." is substituted therefor.

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

Issued in Washington, D.C., on December 20, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73–27145 Filed 12–27–73;8:45 am]

[Docket No. 12768; Amdt. 135–38]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRCRAFT

Air Taxi Operations With Certain Turbojet Powered Airplanes

The purpose of this amendment to § 135.2(e) of the Federal Aviation Regulations is to provide an additional period for compliance with certain Part 121 equipment requirements applicable to Part 135 certificate holders operating turbojet powered airplanes having maximum certified takeoff weights over 12,500 pounds but under 27,000 pounds, with passenger capacities of not more than 12 persons, and used only for planeload charter flights. This amendment was proposed in Notice 73–27 issued on October 19, 1973 (38 FR 29897).

Section 135.2(e) provides that operators of turbojet powered airplanes with maximum certificated takeoff weights of over 12,500 pounds but under 27,000 pounds, with passenger-carrying capacities of not more than 12 persons, used only in planeload charter flights, need not comply until January 1, 1974 (Amdt. 135–37), with § 121.313(f)—a lockable door between the pilot and passenger compartments; § 121.343(a)—flight recorder; § 121.359—cockpit voice recorder; § 121.587—closing and locking of door between the pilot and passenger compartments; and § 121.581(a)—forward observer's seat, provided that if the forward observer's seat is not installed, a forward passenger seat with appropriate communications equipment nearby is provided for use by the Administrator while conducting en route inspections.

In the light of information set forth in petitions filed with the FAA by the National Air Transportation Conferences, Inc. (NATC), and Executive Air Fleet Corporation and information provided by other operators of the subject aircraft, the FAA determined that further study of the requirements prescribed in § 135.2(e) is necessary and for this purpose proposed in Notice 73–27 to extend the compliance date in § 135.2(e) until November 15, 1974.

Several comments were received in response to the proposal contained in Notice 73–27, and all but one supported the rationale for the proposed extension of the § 135.2(e) compliance date. Most of the comments presented arguments, data, and proposals that would either limit the applicability of § 135.2(e) or entirely delete the applicability of § 135.2(e) requirements for certain aircraft types. The FAA will carefully consider these comments during the course of its impending study of the subject regulations.

The Air Lines Pilots Association (ALPA) objected to the proposed extension because it felt the rationale for Notice 73–27 was not sufficient to override the increase in safety that would be obtained if § 135.2(e) become effective immediately. The FAA does not agree, since available information indicates that certain unresolved areas of difficulty exist in achieving immediate compliance with § 135.2(e).

In view of the imminence of the present compliance date and since this amendment grants relief and imposes no additional burden on any person, I find that good cause exists for making this amendment effective on less than 30 days notice.

(Secs. 313(a), 601, 604, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, § 135.2(e) of the Federal Aviation Regulations is amended, effective January 1, 1974, by deleting the phrase "January 1, 1974" and substituting the phrase "November 15, 1974" therefor.

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

JAMES E. DOW,
Acting Administrator.

[FR Doc.73-27289 Filed 12-27-73;8:45 am]

[Docket No. 13408; Amdt. No. 159–14]

PART 159—NATIONAL CAPITAL AIRPORTS

Motor Vehicles Carrying Passengers for Hire

The purpose of this amendment to Part 159 of the Federal Aviation regulations is to remove the current restrictions on the operation of taxicabs at Washington National Airport and thereby permit an "open taxicab" policy at that airport.

By Amendment 159–13, effective January 15, 1971 (35 FR 19172), the FAA adopted new regulations governing the operation of motor vehicles used for the purpose of carrying passengers for hire on Washington National Airport and Dulles International Airport. That amendment, which amended § 159.3, prohibits the operation of a motor vehicle used for the purpose of carrying passengers for hire, including taxicabs, on the airports unless the operator is authorized to do so by contract with the United States, or the operator is on the airport to deliver passengers there or to pick up passengers immediately in response to a prior request, or the operator is to carry immediately from the airport, passengers picked up without a prior request at the point of and immediately upon discharge of other passengers delivered there. As stated in the notice of proposed rule making preceding Amendment 159–13 (Notice 70–24; published in the FEDERAL REGISTER on July 1, 1970; 35 FR 10695), that rule-making action was undertaken to improve the inadequate service then being provided the traveling public which had resulted from the inability of operators under contract with the United States to accurately estimate in advance the number of vehicles needed to meet unforeseen peak-hour or other unexpected demand.

Experience under the regulatory scheme provided under Amendment 139–13, with its emphasis upon both "contract carriage" and restricted noncontract carriage, has proved to be inadequate in meeting the needs of the traveling public at Washington National Airport. The same problems which Amendment 159–13 sought to correct remain and have grown, primarily the failure of the ground transportation concessionaire to provide enough taxicabs to meet the increasing demand at the airport. In addition, the current system has proven uneconomical to all parties concerned: To taxicab operators as a result of too frequent "deadhead" trips; to the FAA as a result of the difficulty of the concessionaire to operate at peak efficiency; and to the traveling public who under most circumstances are not able to engage nonconcessionaire taxicabs as a result of current restrictions.

In addition to a substantial portion of the traveling public desiring taxicabs at Washington National Airport not being adequately serviced by the present exclusive franchise taxicab system, the franchise taxicab system has also resulted in traffic problems necessitating considerable police effort to relieve traffic congestion caused by nonfranchised taxicabs attempting to secure passengers. Further, the present system results in economic waste, including an unnecessary use of fuel, since franchised taxicabs leaving the airport generally return empty, and nonfranchised taxicabs returning to the airport also depart empty. To remedy these problems, the FAA is adopting the amendment set forth below.

This amendment to Part 159 removes certain of the current restrictions of § 159.3(a) as they apply to the operation of taxicabs at Washington National Airport. This amendment would permit taxicabs licensed in Virginia, the District of Columbia, and Maryland, subject to control by the airport authorities, to pick up airline passengers and other persons desiring transportation from Washington National Airport. It should be noted that the current restrictions would continue unchanged with regard to the operation of motor vehicles for the purpose of carrying passengers for hire, including taxicabs, at Dulles International Airport, and with regard to nontaxicab motor vehicle operations carrying passengers for hire at Washington National Airport. In addition, language has been added specifically requiring persons subject to § 159.3 to comply with all airport regulations, official signs and signals and the directions of airport police, dispatchers, and other authorized personnel. This language has been added in response to the traffic problems which have arisen at the airport.

New paragraph (b) of § 159.3 contains the requirements applicable to the operation of taxicabs at Washington National Airport. It is anticipated that, initially, two Taxicab Pickup Zones will be established at the airport, one in the area of the Main Terminal and the other in the area of the North Terminal, within which taxicabs may solicit, pick up, and stand awaiting pickup. A charge of $.50 will be levied upon the privilege of picking up passengers within the "Taxicab Pickup Zone" and not upon the number of persons picked up. Thus the $.50 charge will be the maximum any given taxicab operator will pay for any given pickup, regardless of the number of passengers picked up. This requirement does not apply to areas outside of the designated Taxicab Pickup Zones or before 7 a.m., nor after 11 p.m. Furthermore, to insure that the needs of the traveling public will be met regardless of weather or peak demand situations, paragraph (b) provides for the use of a contract concessionaire to be employed only when the demand requires its use. As such, this concessionaire would not be employed to the exclusion of noncontract cabs but only to supplement them as needed.

In addition, the current requirement in paragraph (b) of § 159.3 that the operator of a motor vehicle subject to the requirements of that section must, with respect to passengers to be picked up in response to a prior request, show on his manifest certain information relative to that request, has been deleted in the case of taxicabs operating at Washington National Airport. As adopted, paragraph (b) has been changed to paragraph (c).

A new paragraph (d) has been added to § 159.3, to define "taxicab" as a motor vehicle which has a seating capacity of not more than six passengers in addition to the operator, is operated for the purpose of transporting passengers for hire between points along the public streets as the passengers may direct, and which does not operate on a regular route or schedule, or between fixed terminals.

Since this amendment relates to the management by the Federal Aviation Administration of public lands and relieves an existing restriction, I find that the general notice requirements of section 553(b) of Title 5, United States Code do not apply and that good cause exists for making it effective in less than 30 days.

This amendment is issued under the authority of section 2 of the Act of June 29, 1940, as amended (54 Stat. 688); section 4 of the Second Washington National Airport Act (Title 7, District of Columbia Code 1404); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 1.47(a) of the Regulations of the Secretary (49 CFR 1.47(a)).

In consideration of the foregoing, § 159.3 of the Federal Aviation Regula-

tions is amended, effective January 1, 1974, to read as follows:

§ 159.3 Motor vehicles carrying passengers for hire.

(a) Except as provided in paragraph (b) of this section, no person may operate a motor vehicle for the purpose of carrying passengers for hire on the Airport unless—

(1) He is authorized to do so by contract with the United States; or

(2) He is operating that vehicle—

(i) To carry passengers to the Airport for delivery there;

(ii) To carry immediately from the Airport, in taxicabs passengers picked up in response to a prior request; or

(iii) To carry immediately from the Airport, passengers picked up, without a prior request, at the point of and immediately upon discharge of other passengers delivered there.

(b) Subject to restrictions imposed by Airport regulations, official signs and signals, and the directions of airport police, dispatchers or other authorized personnel, any person operating a taxicab at Washington National Airport may solicit and pick up passengers for hire on Washington National Airport; however, no person may pick up a passenger for hire within any area on Washington National Airport designated as a Taxicab Pickup Zone, unless—

(1) He has paid a $.50 fee for each pickup (individual or group);

(2) He does so before 7 a.m., or after 11 p.m.; or

(3) He is authorized to do so by contract with the United States.

(c) Except in the case of taxicabs operating on Washington National Airport, a person operating a motor vehicle for the purpose of carrying passengers for hire on the airport in response to a prior request to pick up passengers there, must show on his manifest the time the request was made, the name of the person who made the request, and the time of the pickup.

(d) As used in this section, the term "taxicab" means any motor vehicle which has a seating capacity of not more than six passengers in addition to the operator, is operated for the purpose of transporting passengers for hire between points along the public streets as the passengers may direct, and does not operate on a regular route or schedule, or between fixed terminals.

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

JAMES E. DOW,
Acting Administrator.

[FR Doc.73-27255 Filed 12-27-73;8:45 am]

Title 15—Commerce and Foreign Trade

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

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments

EDITORIAL NOTE: The Foreign Direct Investment Regulations (the "Regulations") appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations (CFR). The abbreviation "DI" is used to refer to "direct investor", and the abbreviation "AFN" is used to refer to "affiliated foreign national".

The Office of Foreign Direct Investments (the "Office") announced on December 26, 1973 that certain changes would be made in the Foreign Direct Investment Program for the year 1974. (The announcement is published in the notices section of today's FEDERAL REGISTER.) Notice is hereby given that the Office has adopted certain substantive rules and regulations implementing these changes which shall be effective December 28, 1973, and which shall apply to all affected transactions on or after January 1, 1974. The Office will promulgate conforming amendments to the regulations in final form in the FEDERAL REGISTER as soon as practicable.

1. *Increase in minimum and earnings allowables.* Certain of the 1974 amendments alleviate restrictions in the regulations by increasing the amount of positive direct investment authorized DIs under the § 1000.503 worldwide minimum allowable and the § 1000.504(b) schedular earnings allowable. In that the increases in these allowables relieve restrictions, and in that it is important for DIs to be able to act in reliance thereon at the beginning of the 1974 compliance year, publication in proposed form is deemed unnecessary and there is good cause to make these increases effective immediately.

The substantive rules, which will be published in final form as soon as practicable as amendments to the regulations, are summarized as follows:

a. *§ 1000.503 minimum allowable.* The annual amount of positive direct investment that DIs may make in 1974 and succeeding years under the § 1000.503 worldwide minimum allowable is increased from $10 million to $20 million.

b. *§ 1000.504(b) scheduled earnings allowable.* The amount of positive direct investment that can be made in each scheduled area in 1974 and succeeding years under the § 1000.504(b) earnings allowable is increased from 60 to 100 percent of a DI's annual earnings in the respective scheduled area.

"Annual earnings" upon which the § 1000.504(b) earnings allowable is calculated shall be the DI's earnings for either the current year or the immediately preceding year at the DI's election, provided that the same year must be elected for all scheduled areas.

2. *Limitation on repayments of long-term foreign borrowing; debt repayment allowable.* To moderate the reduction during 1974 in the level of long-term foreign borrowing outstanding as of the end of the 1973 compliance year, especially in the context of the increased minimum and earnings allowables for 1974, a debt repayment limitation is introduced into the Regulations. The limitation provides that, notwithstanding the provisions of Subpart E, Subpart M, Subpart N, and Subpart J of the regulations, a DI may not engage in any transaction which would constitute a repayment of long-term foreign borrowing except as provided in a new section of the regulations containing an allowable for such repayments.

As in the past, refinancing of a long-term foreign borrowing does not constitute a repayment. The new "debt repayment allowable" will authorize a DI to repay 20 percent of its total outstanding foreign borrowing expended in or allocated to positive direct investment as of the end of the 1973 compliance year.

Accordingly, the Office has promulgated in final form a new regulation limiting repayments of long-term foreign borrowing. Absent such an immediately effective limitation on such repayments, opportunities would exist for DIs to reduce significantly the aggregate level of long-term foreign borrowing outstanding at the beginning of the compliance year in expectation of restoring such level by year-end to achieve annual compliance. Substantial repayments occurring in a period of short duration at the beginning of the new year could in the aggregate be a disruptive movement of funds.

In addition, if the limitation entered into force only at some point after the availability on January 1, 1974 of the increased minimum and earnings allowables, DIs that repaid long-term foreign borrowing during this interim period would have an advantage in comparison with DIs that did not make such repayments. Accordingly, it would be impracticable, inequitable, and contrary to the public interest to delay publication in final form.

For the foregoing reasons, the Office has adopted a limitation on such repayments, herewith added to the regulations as new § 1000.501(c). The new § 1000.501(c) provides that, notwithstanding the provisions of Subpart E, Subpart M, Subpart N, and Subpart J, no transaction which would constitute a repayment of a long-term foreign borrowing shall be authorized, except as provided by a debt repayment allowable. DIs are reminded, however, that §1000.324(b)(1) provides:

> The refinancing in whole or in part of a foreign borrowing or a long-term foreign borrowing (by renewal, extension, or continuance of such borrowing or by making a foreign borrowing from the same or another lender) shall not, to that extent, be deemed a repayment of the borrowing or the making of a new borrowing.

Specific authorization relief will be available in cases of borrowing hardship, such as inability to refinance a specific maturity.

Repayments covered by § 1000.501(c) include, but are not limited to, any transaction that would constitute a transfer of capital under § 1000.312(a)(7). In this regard, the 1973 General Bulletin, section B312-11, provides, in pertinent part:

> Repayment by an AFN of a DI's long-term foreign borrowing is a transfer of capital by the DI under § 1000.312(a)(7) to the same extent and in the same manner as if the re-

payment had been made by the DI. Such repayment by an AFN also involves a transfer of capital by the AFN under § 1000.312(b)(6).

Although a § 1000.508 is herewith added to the regulations, the text thereof detailing the repayment allowable, is being temporarily withheld from final publication, but will be published as soon as practicable. During the period pending such final publication, a provisional debt repayment allowable is being made available through a new § 1000.509 published in full herewith.

The temporary deferral in the final publication date for § 1000.508 is to permit the Office to evaluate further the interaction of § 1000.501(c) and § 1000.508 with other provisions of the regulations. Necessary conforming amendments to all provisions of the regulations, such as § 1000.313, Subpart J, and Subpart N, will be published in final form contemporaneously with final publication of § 1000.508.

3. *Debt repayment allowable.* Repayment in 1974 of long-term foreign borrowing may be made only pursuant to this new debt repayment allowable. This new allowable, however, is in addition to the other Subpart E allowables, so that such repayment will no longer constitute a charge against these other allowables. The Office has already formulated certain preliminary conclusions with respect to the content of § 1000.508, which § 1000.508 will be published in final form in the near future and will then supersede § 1000.509, the provisional repayment allowable.

(a) The new § 1000.508 will provide that, notwithstanding the § 501(c) exclusion, a DI, without regard to its § 1000.502(a) election, and, in addition to any allowable authorized by §§ 1000.503, 1000.504, 1000.506, or 1000.1302, is authorized to make repayments of long-term foreign borrowing as described in § 100.501(c), including repayments made pursuant to § 1000.509, in an amount not exceeding 20 percent of its "aggregate debt base." Such percentage shall constitute the DI's "debt repayment allowable." A chief distinction between § 1000.508 and provisional § 1000.509, published herewith, and discussed more fully hereinafter, is that repayments authorized under § 1000.508 are not restricted to repayment on demand of debt obligations called by a foreign lender or repayment pursuant to a fixed maturity, as described in paragraph (d) of § 1000.509. Under the § 1000.508 allowable, any long-term foreign borrowing may be repaid.

(b) The term "aggregate debt base" shall be defined as in § 1000.509(b).

(c) The term "1973 compliance year" shall be defined as in § 1000.509(c).

4. *Provisional debt repayment allowable.* Section 1000.501(c) excludes from authorization repayments of long-term foreign borrowing on or after January 1, 1974, except as authorized by § 1000.508. Therefore, pending final publication of the § 1000.508 debt repayment allowable, a brief interim period would exist in which no reduction in the DI's aggregate outstanding long-term foreign borrowing would be authorized. To meet this problem the Office herewith promulgates a new § 1000.509 containing a provisional debt repayment allowable that is available beginning January 1, 1974 until superseded by § 1000.508. Absent the provisional allowable, some DIs, facing fixed maturity or demand obligations requiring repayment during the interim period, might experience hardship or expense not intended by the Office. The provisional allowable enables DIs to meet the reasonable expectancies of foreign lenders and to avoid the inconvenience and expense of short-term refinancing of foreign borrowings which could immediately be repaid were the § 1000.508 allowable available.

Section 1000.509 authorizes repayments of long-term foreign borrowings having fixed maturities falling prior to promulgation of § 1000.508 in an amount not to exceed the 20 percent debt repayment allowable. DIs may also repay on demand obligations vesting in the foreign lender the right to insist on immediate repayment. Such § 1000.509 repayments will be counted in determining compliance with the 20 percent § 1000.508 repayment allowable.

DIs are cautioned that the promulgation of § 1000.509 is a provisional measure intended solely to avoid inconvenience and unnecessary borrowing expense which might otherwise ensue during the interim period. Repayments at the option of the DI are not authorized by § 1000.509. Upon promulgation of § 1000.508, § 1000.509 will be revoked.

As stated above, repayments made pursuant to § 1000.509 will be charged to the § 1000.508 allowable. It is expected that any repayment made under § 1000.509 will be authorized under § 1000.508, since § 1000.509 is restricted to repayments of certain fixed maturity and demand obligations, whereas § 1000.508 is not so restricted. Consequently, it is not envisioned that any DI will make aggregate repayments under § 1000.509 in excess of its § 1000.508 allowable. DIs faced with mandatory repayments during the interim period in excess of the 20 percent limitation under § 1000.509 should apply for relief by specific authorization. As a condition for granting such relief, the Office may require recapture of such excess through offsetting long-term foreign borrowing or other measures. Due consideration will be given to cases of borrowing hardship.

DIs may request an interpretative opinion or specific authorization relief with respect to any transaction affected by § 1000.501(c) or § 1000.509. Written requests for interpretative opinions should be addressed to the Chief Counsel, Office of Foreign Direct Investments, P.O. Box 3619, U.S. Department of Commerce, Washington, D.C. 20007. Telephone requests may be made of the Chief Counsel's Office by calling Area Code 202–343–5934. Written requests for specific authorizations should be addressed to the Director, Authorizations and Reports Division (Area Code 202–343–7333), at the above address.

The text of the amendments is as follows:

a. Paragraph (c) is added to § 1000.501 as follows:

§ 1000.501 Exclusion from authorization or exemption.

* * * * *

(c) Commencing January 1, 1974, notwithstanding any other provision contained in this subpart, or Subpart M, or Subpart N, or any provision contained in Subpart J, no transaction by or on behalf of or for the benefit of a direct investor shall be authorized, except as provided in § 1000.508, which would constitute a complete or partial repayment of a long-term foreign borrowing (or of a proceeds borrowing or overseas borrowing, repayment of which would constitute a § 1000.312(a) transfer of capital under § 1000.1404(a)) made by the direct investor before or after the effective date of the regulations to the extent the proceeds of the borrowing were expended in making transfers of capital on or after January 1, 1965, or were allocated by the direct investor (on the books and records maintained by the direct investor under § 1000.203(b) and § 1000.601) to positive direct investment and with respect to which a deduction was made under § 1000.203(d)(2), § 1000.203(d)(3), § 1000.306(e), or § 1000.313(d)(1). Such transactions shall include, but not by way of limitation:

(1) Any transaction that would constitute a transfer of capital under § 1000.312(a)(7).

(2) Any transaction involving a pledge, hypothecation, placement, deposit or other transfer by or on behalf of or for the benefit of a direct investor of foreign balances (as defined in § 1000.203(a)(1)) or foreign property, or equity securities of a foreign corporation owned by the direct investor (other than equity securities of an affiliated foreign national of the direct investor) to or with a foreign national pursuant to an express or implied agreement with the foreign national whereby such transfer serves as offset or funding for a borrowing or is in lieu of a repayment which would constitute a transfer of capital under § 1000.312(a)(7).

b. § 1000.508 is added to Subpart E of the regulations as follows:

§ 1000.508 Authorized repayment of long-term foreign borrowing; repayment allowable. [To be published]

c. § 1000.509 is added to Subpart E of the regulations as follows:

§ 1000.509 Authorized repayment of long-term foreign borrowing; repayment allowable [Provisional].

(a) Notwithstanding the exclusion contained in §1000.501(c), and except as otherwise provided by this section, for any year commencing with the year 1974, a direct investor, without regard to any election made under § 1000.502(a), and in addition to any positive direct investment authorized by §§ 1000.503, 1000.504, 1000.506, or 1000.1302, is authorized to make repayments of long-term foreign borrowing to which the exclusion of § 1000.501(c) applies in an amount not

exceeding 20 percent of its aggregate debt base: *Provided*, That the amount of any such repayment that would constitute a transfer of capital under § 1000.312(a) shall be deemed to be the amount of such transfer of capital.

(b) The term "aggregate debt base" means the total of all long-term foreign borrowing, as of the end of the 1973 compliance year, made by the direct investor before or after the effective date of the Regulations to the extent the proceeds of such borrowing were expended in making transfers of capital on or after January 1, 1965 or were allocated by the direct investor (on the books and records maintained by the direct investor under § 1000.203(b) and § 1000.601) to positive direct investment and with respect to which a deduction was made under § 100.203(d)(2), § 1000.203(d)(3), § 1000.306(e), or § 1000.313(d)(1).

(c) The term "1973 compliance year" means the year, as defined in § 1000.321, for which a direct investor's compliance with the provisions of §§ 1000.503, 1000.504, 1000.506, and 1000.1302 is measured, including the period ending February 28, 1974 for direct investors that, during this period, make allocations to positive direct investment for 1973 of available proceeds of long-term foreign borrowing pursuant to § 1000.306(e)(1).

(d) Notwithstanding the provisions of paragraph (a) of this section, repayments of long-term foreign borrowing to which the exclusion of § 1000.501(c) applies shall not be authorized except as provided in § 1000.508 and except insofar as such repayments are made pursuant to a demand made as a matter of right vested in the foreign lender to require such repayment or pursuant to the requirements of a fixed maturity. Repayments described in paragraphs (d)(1) and (d)(2) of this section shall not be deemed to have been made on such a demand or pursuant to the requirements of a fixed maturity:

(1) Repayment made at the option of the direct investor as described in § 1000.1002(d).

(2) Repayment of a borrowing governed by an express or implied agreement with the foreign lender that such borrowing may be renewed, extended, or continued.

(e) Repayments authorized pursuant to this section shall be included within, and shall not exceed, the amount of such repayments authorized by § 1000.508.

(f) Nothing contained in this section shall excuse compliance with any provision of § 1000.508.

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

The foregoing rules and regulations shall be effective December 28, 1973, and shall apply to all affected transactions on or after January 1, 1974.

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

December 28, 1973.

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

[FR Doc.73-27250 Filed 12-27-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

[Docket No. 206-15]

PART 303—RULES AND REGULATIONS UNDER THE TEXTILE FIBER PRODUCTS IDENTIFICATION ACT

Names and Definitions

Correction

In FR Doc. 73-26167, appearing at page 34112 in the issue for Tuesday, December 11, 1973, in the second paragraph after "Table IV", in the 4th and 5th lines of the definition of "Aromid", delete the words "linkages are attached to two aromatic rings" and run the resulting incomplete sentence in with the formula which follows.

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1508—REQUIREMENTS FOR FULL-SIZE BABY CRIBS

Declaration of Compliance

Three comments were received in response to the notice published in the FEDERAL REGISTER of December 4, 1973 (38 FR 33405), in which the Consumer Product Safety Commission proposed to require baby cribs subject to 16 CFR Part 1508 to bear affirmative labeling; that is, a declaration that the article is in compliance with the regulations. This labeling is to aid consumers in making a knowledgeable choice between conforming and nonconforming cribs.

The regulations setting forth requirements for full-size baby cribs, 16 CFR Part 1508, were promulgated in the FEDERAL REGISTER of November 21, 1973 (38 FR 32129), effective February 1, 1974. The compliance declaration proposal would add a new paragraph (f) to § 1508.9 of those regulations.

The American Academy of Pediatrics supports the proposal but expresses concern that two years may be an inadequate length of time for noncomplying cribs to be cleared from the market. Additionally, the Academy requests that the Commission, through its education program, encourage consumers to purchase a new fully complying crib.

Although the Commission presently finds that two years will be a sufficient period of time to clear the market of noncomplying cribs, the Commission will reevaluate the situation toward the end of the two year period, and extend it by regulation if necessary. As to encouraging consumers to buy complying cribs, the Commission has already instituted a crib safety education campaign which advises consumers of the new regulations and will alert them to look for the affirmative labeling on new cribs.

The Juvenile Products Manufacturers Association (JPMA) comments that since cribs are not generally displayed at retail in their cartons, requiring affirmative labeling on the carton would serve no purpose, and requests that this requirement be eliminated.

Inasmuch as some retailers do in fact stock and display cribs in their cartons, the Commission concludes that this provision is necessary. If the cartons themselves were not labeled, consumers would not be able to distinguish between complying and noncomplying cribs. This provision would also permit retailers and retail employees to make the distinction. Even in cases where cribs are not displayed in their cartons, affirmative labeling on the cartons would permit consumers to identify complying cribs before accepting delivery and unpacking the cartons.

JPMA also comments that there may be insufficient time for the manufacturers to obtain and affix affirmative labels to complying cribs which are currently being manufactured and may not have been shipped before the February 1, 1974, effective date. Labeling current inventories, JPMA contends, would in some cases necessitate reopening cartons already packed for shipment. For these reasons, JPMA requests either (a) that the effective date of this regulation be April 1, 1974, or (b) that all cribs manufactured prior to February 1, 1974, be exempted from this labeling requirement.

Recognizing the fact that some cartons may have to be opened to label the cribs, the Commission concludes that, because of the nonspecific nature of the labeling requirements, and the advance notice of such requirements contained in the notice promulgating the full size crib regulations on November 21, 1973 (38 FR 32129), the lead time provided for in this promulgation is reasonable and sufficient.

The Association of General Merchandise Chains requests that the regulation be amended to allow retailers to dispose of existing unlabeled crib stock on hand if manufactured before February 1, 1974.

This regulation requires that only those cribs introduced into interstate commerce on or after February 1, 1974, comply with the labeling requirements. Therefore, since cribs already in the chain of distribution are not subject to these regulations, a change in the regulation as requested is not necessary.

Having considered the comments, the Commission concludes that the regulation should be adopted as proposed. Therefore, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304-05, 83 Stat. 187-89; 15 U.S.C. 1261, 1262) 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 1508.9 is amended by revising the section heading and by adding to the section a new paragraph (f), as follows:

§ 1508.9 **Identifying marks, warning statement, and compliance declaration.**

* * * * *

(f) Each crib and its retail carton shall bear a conspicuous label stating that the crib conforms to applicable regulations promulgated by the Consumer Product Safety Commission. The label need not be permanently attached to the crib, nor is any particular wording required for the statement. The label on the crib must be conspicuous under normal conditions of retail display. Any full-size baby crib introduced into interstate commerce on or after February 1, 1974, through January 31, 1976, must bear this label.

* * * * *

Effective date. The regulation added hereby shall become effective February 1, 1974.

(Secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 372, 374, 375, as amended, 80 Stat. 1304-05, 83 Stat. 187-89; 15 U.S.C. 1261, 1262)

Dated: December 21, 1973.

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

[FR Doc.73-27207 Filed 12-27-73;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-273]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

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State	County	Location	Map number	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Delaware	New Castle	Wilmington, City of				December 19, 1973. Emergency.
Georgia	Polk	Aragon, City of				Do.
Do	Gordon	Gordon, City of				Do.
Do	Catoosa	Unincorporated areas.				Do.
Do	Floyd	Cave Spring, City of.				Do.
Do	do	Rome, City of				Do.
Do	Polk	Cedartown, City of.				Do.
Do.	Walker	Lafayette, City of.				Do.
Do	do	Roosville, City of				Do.
Do	Lanier	Lakeland, City of.				Do.
Michigan	Tuscola	Vassar, City of				Do.
Mississippi	Monroe	Amory, City of				Do.
Do	Hinds	Unincorporated areas.				Do.
Missouri	St. Louis	Jennings, City of				Do.
Do	Howell	West Plains, City of.				Do.
Do	Ste Genevieve	Ste Genevieve, City of.				Do.
*	*	*	*	*	*	*
New Jersey	Monmouth	Rumson, Borough of.	H 34 025 2920 05 through H 34 025 2920 11	Bureau of Water Control, Dept of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Dept. of Insurance, State House Annex, Trenton, N.J. 08625.	Borough of Rumson, Borough Hall, East River Road, Rumson, N.J. 07760.	January 14, 1972 Emergency December 21, 1973. Regulation
Do	Mercer	East Windsor, Township of.				December 19, 1973. Emergency
Do	Gloucester	Wenonah, Borough of.				Do.
New York	Suffolk	Lloyd Harbor, Village of.				Do.
North Carolina	Brunswick	Yaupon Beach, Town of.				Do.
Pennsylvania	Clearfield	Dubois, City of				Do.
Do	Montgomery	East Norriton, Township of.				Do.
Do	do	Lansdale, Borough of.				Do.
South Carolina	Greenville	Mauldin, City of				Do.
Texas	Brazoria	Pearland, City of				Do.
Do	Wichita	Wichita Falls, City of.				Do.

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

Issued: December 14, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-27089 Filed 12-27-73;8:45 am]

[Docket No. FI-274]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective December 28, 1973.

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

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Etowah	Attalla, City of	H 01 055 0190 01 through H 01 055 0190 03	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, Attalla, Ala. 35954.	Dec. 21, 1973.
Do	Houston	Dothan, City of	H 01 069 0030 01 through H 01 069 0030 12	do	Mayor, City Hall, Dothan, Ala. 36301.	Do.
Arizona	Maricopa	Youngtown, Town of.	H 04 013 0618 01	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7006, 718 West Glenrose, Phoenix, Ariz. 85011.	Mayor, City Hall, Youngtown, Ariz. 85363.	Do.
Do	Cochise	Huachuca, City of.	H 04 003 0241 01 through H 04 003 0241 05	do	City of Huachuca City, P.O. Box 4438, Huachuca City, Ariz. 85616.	Do.
Arkansas	Monroe	Clarendon, City of.	H 05 095 0790 01 through H 05 095 0790 02	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Clarendon Municipal Bldg., 270 Madison St., Clarendon, Ark. 72029.	Do.
Do	Washington	Fayetteville, City of.	H 05 143 1310 01 through H 05 143 1310 13	do	Mayor, City Hall, Fayetteville, Ark. 72701.	Do.
Colorado	Boulder	Lyons, Town of	H 08 013 1560 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, City Hall, Lyons, Colo. 80540.	Do.
Connecticut	Middlesex	Deep River, Town of.	H 09 007 0190 01 through H 09 007 0190 05	Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115. Department of Environmental Protection, Division of Water and Related Resources, Room 207 State Office Bldg., Hartford, Conn. 06115.	Town Hall, Main St., Deep River, Conn.	Do.
Do	Hartford	East Hartford, Town of.	H 09 033 0225 01 through H 09 033 0225 06	do	Town Hall, 740 Main St., East Hartford, Conn. 06108.	Do.
Idaho	Shashone	Mullan, City of	H 16 079 1180 01 through H 16 079 1180 02	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City of Mullan, Mullan, Idaho 83846.	
Illinois	Fulton	Liverpool, Village of.	H 17 057 4885 01	Governor's Task Force on Flood Control, Natural Resources Service Center, Thornhill Bldg., P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	County Board Chairman, Village o Liverpool, Lewistown, Ill. 61542.	Do.
Do	Fulton	Banner, Village of.	H 17 057 0502 01	do	County Board Chairman, Village of Banner, Lewistown, Ill. 61542.	Do.
Do	Gallatin	Junction, Village of.	H 17 059 4339 01	do	President, Village Board, Village Hall, Junction, Ill. 62954.	Do.
Do	Henderson	Gladstone, Village of.	H 17 071 3380 01	do	President, Village Board, Box 12, Gladstone, Ill. 61437.	Do.
Do	Kendall	Millington, Village of.	H 17 093 5587 01	do	Mayor, Millington, Ill. 60537	Do.
Do	Peoria	Kingston Mines, Village of.	H 17 143 4800 01	do	Chairman, County Zoning, Village of Kingston Mines, Courthouse, Peoria, Ill. 61602.	Do.
Do	Pike	Nebo, Village of	H 17 149 6010 01	do	Mayor, Nebo, Ill. 62355	Do.
Do	Pike	Pearl, Village of	H 17 149 6800 01	do	Mayor, Pearl, Ill. 62361	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Indiana	De Kalb	Auburn, City of	H 18 033 0220 01 through H 18 033 0220 03	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204; Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, City Hall, Auburn, Ind. 46706.	Do.
Do	Floyd	Georgetown, Town of.	H 18 043 1790 01	do	Chairman Town Board, City Hall, Georgetown, Ind. 47122.	Do.
Do	Grant	Matthews, Town of.	H 18 053 2900 01	do	Town Board, Town Hall, Matthews, Ind. 46957.	Do.
Do	Huntington	Roanoke, Town of.	H 18 069 4180 01	do	County Plan Commission, Director, Courthouse, Huntington, Ind. 46750.	Do.
Do	Johnson	Franklin, City of	H 18 081 1650 01 through H 18 085 1610 02	do	Mayor, City Bldg., Franklin, Ind. 46131.	Do.
Do	Lake	Cedar Lake, Town of.	H 18 081 0760 01 through H 18 089 0760 03	do	Chairman, Town Board of Trustees, P.O. Box 361, Cedar Lake, Ind. 46303.	Do.
Do	do	Lowell, Town of	H 18 089 2760 01 through H 18 089 2760 06	do	Chairman, Town Board of Trustees, 428 Commercial Ave., Lowell, Ind. 46356.	Do.
Do	Madison	Elwood, Town of	H 18 095 1440 01 through H 18 095 1440 04	do	Mayor, City Hall, Elwood, Ind. 46036.	Do.
Do	Orange	W. Baden Springs, Town of.	H 18 117 5160 01	do	Town Board, Town Hall, West Baden Springs, Ind.	Do.
Do	Porter	Porter, Town of	H 18 127 4030 01 through H 18 127 4030 03	do	Porter Town Hall, 303 Franklin St., Porter, Ind. 46304.	Do.
Do	Posey	Griffin, Town of	H 18 129 1960 01	do	Posey County Area Plan Commission, c/o John Tenborge, Wadesville, Ind. 47638.	Do.
Do	St. Joseph	Mishawaka, City of.	H 18 141 3100 01 through H 18 141 3100 08	do	City Council, City Hall, Mishawaka, Ind. 46544.	Do.
Do	Tipton	Tipton, City of	H 18 159 4860 01 through H 18 159 4860 02	do	Mayor, 225 East Jefferson St., Tipton, Ind. 46072.	Do.
Do	Wabash	N. Manchester, City of.	H 18 169 3650 01	do	Chairman, North Manchester Plan Commission, 101 East Main, North Manchester, Ind. 46962.	Do.
Do	Warrick	Boonville, City of	H 18 173 0410 01 through H 18 173 0410 02	do	Mayor, City Hall, Boonville, Ind. 47601.	Do.
Do	Whitley	South Whitley, Town of.	H 18 183 4610 01	do	South Whitley Plan Commission, Town Hall, 118 East Front St., South Whitley, Ind. 46787.	Do.
Iowa	Black Hawk and Bremer.	Janesville, Town of.	H 19 017 4110 01 through H 19 017 4110 02	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319; Iowa Insurance Department, Lucas State Office, Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Janesville, Iowa 50647.	Do.
Do	Johnson	Hills, City of	H 19 103 3830 01	do	Mayor, Town Hall, Hills, Iowa 52235.	Do.
Do	Monona	Mapleton, City of.	H 19 133 5230 01 through H 19 133 5230 02	do	Mayor, City Hall, Mapleton, Iowa 51034.	Do.
Do	Sac	Sac City, City of	H 19 161 7490 01 through H 19 161 7490 05	do	Mayor, Sac City, Sac City, Iowa 50583.	Do.
Kansas	Kearny	Concordia, City of.	H 20 029 1120 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612; Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Concordia, Kans. 66901.	Do.
Do	Cofley	Leroy, City of	H 20 031 3140 01 through H 20 031 3140 02	do	Mayor, City Hall, Leroy, Kans. 66857.	Do.
Do	do	Burlington, City of.	H 20 031 0690 01	do	Mayor, City Hall, Burlington, Kans. 66839.	Do.
Do	Ellsworth	Ellsworth, City of.	H 20 053 0610 01	do	Mayor, City Hall, Ellsworth, Kans. 67439.	Do.
Do	Kearny	Deerfield, City of.	H 20 093 1280 01 through H 20 093 1280 02	do	Mayor, City Hall, Deerfield, Kans. 67838.	Do.
Do	Morris	Council Grove, City of.	H 20 127 1180 01	do	Mayor, 303 West Main, Council Grove, Kans. 66846.	Do.
Do	Wyandotte	Bonner Springs, City of.	H 20 209 0580 01 through H 20 209 0580 04	do	Mayor, City Hall, 208 East 2d, Bonner Springs, Kans. 66012.	Do.
Louisiana	Catahoula Parish	Harrisonburg, Village of.	H 22 025 1000 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804; Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Village of Harrisburg, Town Hall, Harrisburg, La. 71340.	Do.
Do	do	Sicily Island, Village of.	H 22 025 2143 01 through H 22 025 2143 02	do	Mayor, P.O. Box 45, Sicily Island, La. 71368.	Do.
Do	Claiborne Parish	Homer, Town of	H 22 027 1050 01 through H 22 027 1050 04	do	Mayor, City Hall, Homer, La. 71040.	Do.
Do	Rapides Parish	Pineville, City of	H 22 079 1850 01 through H 22 079 1850 04	do	City Clerk, City of Pineville, 721 Main St., Pineville, La. 71360.	Do.
Do	St. Martin Parish	Breaux Bridge, Town of.	H 22 099 0250 01 through H 22 099 0250 02	do	City Hall, 200 West Bridge St., Breaux Bridge, La. 70517.	Do.
Do	St. Tammany Parish.	Covington, Town of.	H 22 103 0510 01 through H 22 103 0510 04	do	Mayor, City Hall, Covington, La. 70433.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Missouri	Barton	Lamar, Town of	H 29 011 4340 01 through H 29 011 4340 03	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Lamar, Mo. 64759	Do.
Do	Cedar	Eldorado Springs, City of.	H 29 039 2440 01 through H 29 039 2440 04	do	Mayor, City Hall, Eldorado Springs, Mo. 64744.	Do.
Do	Christian	Ozark, City of	H 29 043 6020 01 through H 29 043 6020 02	do	Mayor, City Hall, Ozark, Mo. 65721	Do.
Do	Howard	Fayette, City of	H 29 089 2680 01 through H 29 089 2680 02	do	Mayor, City Hall, Fayette, Mo. 65248	Do.
Do	Iron	Arcadia, Town of	H 29 093 0290 01 through H 29 093 0290 02	do	Mayor, City Hall, Arcadia, Mo. 63650	Do.
Do	Jackson	Buckner, Town of	H 29 095 1150 01 through H 29 095 1150 02	do	Mayor, 11 West Washington, Buckner, Mo. 64016.	Do.
Do	do	Raytown, City of	H 29 095 6639 01 through H 29 095 6639 04	do	Mayor, City Hall, Raytown, Mo. 64084.	Do.
Do	Jasper	Caterville, Town of.	H 29 097 1430 01 through H 29 097 1430 02	do	Mayor, City Hall, Caterville, Mo. 64835.	Do.
Do	Lincoln	Winfield, Town of	H 29 113 8440 01	do	Mayor, City Hall, Winfield, Mo. 63389.	Do.
Do	Ozark	Gainesville, Town of.	H 29 153 2970 01 through H 29 153 2970 02	do	Mayor, City Hall, Gainesville, Mo. 65655.	Do.
Do	Cole	Portage, City of	H 29 183 6420 01	do	Fire Hall, Portage Des Sioux, Mo. 65101.	Do.
Do	St. Louis	Brentwood, City of.	H 29 189 1040 01 through H 29 189 1040 05	do	City Hall, 2348 Brentwood Blvd., Brentwood, Mo. 63144.	Do.
Do	do	Glendale, City of	H 29 189 3140 01 through H 29 189 3140 03	do	Mayor, City Hall, 424 North Sappington Rd., Glendale, Mo. 63122.	Do.
Do	do	Town and Country, City of.	H 29 189 7760 01 through H 29 189 7760 05	do	Mayor, City Hall, Town and Country, Mo. 63131.	Do.
Do	Stoddard	Bloomfield, City of.	H 29 207 0820 01 through H 29 207 0820 03	do	Mayor, City Hall, Bloomfield, Mo. 63825.	Do.
Montana	Blaine	Harlem, City of	H 30 006 0560 01	Montana Department of Natural Resources and Conservation, Water Resources Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Harlem, Mt. 59526.	Do.
Nebraska	Antelope	Oakdale, Village of.	H 31 003 3540 01	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Oakdale, Neb. 68761	Do.
Do	Saline	Wilber, City of	H 31 151 5230 01	do	Mayor, City Office, Wilber, Neb. 68465.	Do.
New Jersey	Bergen	Fairlawn, Borough of.	H 34 003 0050 01 through H 34 003 0050 03	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, 801 Fairlawn Ave., Fairlawn, N.J. 07410.	Do.
Do	Bergen	Palisades Park, Borough of.	H 34 003 2460 01 through H 34 003 2460 03	do	Mayor, 275 Broad Ave., Palisades Park, N.J. 07650.	Do.
Do	Bergen	Little Ferry, Borough of.	H 34 003 1730 01 through H 34 003 1730 03	do	Mayor, 1 Katherine St., Little Ferry, N.J. 07643.	Do.
Do	Burlington	Riverton, Borough of.	H 34 005 2840 01 through H 34 005 2840 02	do	Borough Clerk, Borough of Riverton, Riverton, N.J. 08077.	Do.
Do	Essex	Irvington, Town of.	H 34 013 1480 01 through H 34 013 1480 04	do	Assistant Municipal Engineer, Town of Irvington, Civic Square, Irvington, N.J. 07111.	Do.
Do	Middlesex	Sayreville, Borough of.	H 34 023 2970 01 through H 34 023 2970 08	do	Mayor, 1200 Mountain Ave., Middlesex, N.J. 08846.	Do.
Do	Monmouth	Allentown, Borough of.	H 34 025 0040 01	do	Mayor, 14 Church St., Allentown, N.J. 08501.	Do.
Do	do	Marlboro, Township of.	H 34 025 1832 01 through H 34 025 1832 06	do	Marlboro Municipal Bldg., Route 79, Marlboro, N.J. 07746.	Do.
Do	do	Rumson, Borough of.	H 34 025 2920 05 through H 34 025 2920 11	do	Borough of Rumson, Borough Hall, East River Rd., Rumson, N.J. 07760.	Do.
Do	do	Bradley, Borough of.	H 34 025 0390 01	do	Mayor, 701 Main St., Bradley Beach, N.J. 07720.	Do.
Do	do	Union Beach, Borough of.	H 34 025 3400 01 through H 34 025 3400 02	do	Mayor, Florence Ave., Union Beach, N.J. 07735.	Do.
Do	Morris	Hanover, Township of.	H 34 027 1296 01 through H 34 027 1296 04	do	Municipal Bldg., 1000 Route 10, Whippany, N.J. 07981.	Do.
Do	Morris	Montville, Township of.	H 34 027 1004 01 through H 34 027 2004 04	do	Township of Montville, 86 River Rd., Montville, N.J. 07045.	Do.
Do	Passaic	Little Falls, Township of.	H 34 031 1726 01 through H 34 031 1726 03	do	Township Clerks Office, Township of Little Falls, 35 Stevens Ave., Little Falls, N.J. 07424.	Do.
Do	Somerset	Bernardsville, Borough of.	H 34 035 0290 01 through H 34 035 0290 04	do	Municipal Bldg., Route 202, P.O. Box 158, Bernardsville, N.J. 07924.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
New York	Genesee	Batavia, City of	H 36 037 0410 01 through H 36 037 0410 04	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Batavia City Hall, 10 West Main St., Batavia, N.Y. 14020.	Do.
Do.	Livingston	Genesee, Town of.	H 36 051 2251 05 through H 36 051 2251 06	do.	Town Hall, Genesee, N.Y. 14510	Do.
Do.	do.	North Dansville, Town of.	H 36 051 4256 05 through H 36 051 4256 04	do.	Town Clerk, North Dansville Town, Town Hall, Dansville, N.Y. 14437.	Do.
Do.	Monroe	Odgen, Town of.	H 36 055 4414 01 through H 36 055 4414 09	do.	Town Hall, 27 West Ave., Spencerport, N.Y. 14559.	Do.
Do.	do.	Pittsford, Town of.	H 36 055 4841 01 through H 36 055 4841 07	do.	Pittsford Town Hall, 11 South Main St., Pittsford, N.Y. 14534.	Do.
Do.	Orange	Washingtonville, Village of.	H 36 071 6420 01 through H 36 071 6420 02	do.	Village Clerk-Treasurer, Village of Washingtonville, Village Hall, Washingtonville, N.Y. 10992.	Do.
Do.	Rockland	Suffern, Village of.	H 36 087 0000 01 through H 36 087 0000 04	do.	Village Clerk's Office, Municipal, 44 Washington Ave., Suffern, N.Y. 10901.	Do.
Do.	Steuben	Hammondsport, Village of.	H 36 101 2510 01	do.	Municipal Bldg., Lake and Main St., Hammondsport, N.Y. 14840.	Do.
Do.	Suffolk	East Hampton, Village of.	H 36 103 1650 01 through H 36 103 1650 03	do.	Village of East Hampton, P.O. Box KKK, East Hampton, N.Y. 11937.	Do.
Do.	Westchester	New Rochelle, City of.	H 36 119 4120 01 through H 36 119 4120 04	do.	City Clerk, City of New Rochelle, New Rochelle, N.Y. 10502.	Do.
Do.	do.	Rye, Town of.	H 36 119 5351 01 through H 36 119 5351 03	do.	Town Hall, 10 Pearl St., Port Chester, N.Y. 10573.	Do.
Do.	do.	Scarsdale	H 36 119 5530 01 through H 36 119 5530 02	do.	Village of Scarsdale, Village Hall, Scarsdale, N.Y. 10583.	Do.
North Carolina	Anson	Wadesboro, Town of.	H 37 007 4770 01 through H 37 007 4770 02	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Wadesboro, N.C. 28170	Do.
Do.	Bladen	Elizabethtown, Town of.	H 37 017 1470 01	do.	Mayor, Elizabethtown, N.C. 28337	Do.
Do.	Cabarrus	Concord, Town of.	H 37 025 1040 01 through H 37 025 1040 04	do.	City Manager, City Hall, Concord, N.C. 28025.	Do.
Do.	Columbus	Lake Waccamaw, Town of.	H 37 047 2510 01 through H 37 047 2510 03	do.	Mayor, Lake Waccamaw, N.C. 28450	Do.
Do.	Greene	Snow Hill, Town of.	H 37 079 4250 01	do.	Mayor, Snow Hill, N.C. 28580	Do.
Do.	Johnston	Clayton, Town of.	H 37 101 0930 01 through H 37 101 0930 04	do.	Mayor, Clayton, N.C. 27520	Do.
Do.	Martin	Williamston, Town of.	H 37 117 5060 01	do.	Mayor, Williamston, N.C. 27892	Do.
Do.	Stanly	Albemarle, City of.	H 37 167 0060 01 through H 37 167 0060 06	do.	Chairman, Zoning Board, Albemarle, N.C. 28001.	Do.
North Dakota	Bottineau	Bottineau, City of.	H 38 009 0380	State Water Commission, State Office Bldg., 900 East Boulevard, Bottineau, N. Dak. 58318. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Chairman, Planning Commission, and City Council, Bottineau, N. Dak. 58318.	Do.
Ohio	Ashtabula	Ashtabula, City of.	H 39 007 0330 01 through H 39 007 0330 04	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	City Manager, City Hall, Ashtabula, Ohio 44004.	Do.
Do.	Green	Sugarcreek, Town of.	H 39 057 7924 01 through H 39 057 7924 09	do.	Board of Trustees, Township of Sugarcreek, 1538 Gunther Dr., Bellbrook, Ohio 45305.	Do.
Do.	Lake	Willoughby Hills, City of.	H 39 085 9011 01 through H 39 085 9011 04	do.	Mayor, City Hall, 35405 Chardon Rd., Willoughby Hills, Ohio 44094.	Do.
Oklahoma	Carter	Healdton, City of.	H 40 019 2140 01 through H 40 019 2140 02	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, City Hall, Healdton, Okla. 73438.	Do.
Do.	Coal	Coalgate, City of.	H 40 029 1040 01	do.	City Manager, 1 South Main, Coalgate, Okla. 74538.	Do.
Do.	Logan	Guthrie, City of.	H 40 083 2000 01 through H 40 083 2000 04	do.	Mayor, City Hall, Guthrie, Okla. 73044.	Do.
Do.	Osage	Fairfax, Town of.	H 40 113 1580 01 through H 40 113 1580 02	do.	City Clerk, Fairfax, Okla. 74637	Do.
Do.	do.	Hominy, City of.	H 40 113 2310 01	do.	City Manager, Hominy, Okla. 74035	Do.
Do.	Pittsburg	Krebs, City of.	H 40 121 2960 01	do.	Mayor, City Hall, Krebs, Okla. 74554	Do.
Do.	Rogers	Chelsea, City of.	H 40 131 0930 01	do.	Mayor, City Hall, Chelsea, Okla. 74016.	Do.
Do.	Stephens	Marlow, City of.	H 40 137 3070 01	do.	Planning Board and City Council, City Hall, Marlow, Okla. 73055.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Oregon	Clackamas	Oregon City, City of.	H 41 005 1580 01 through H 41 005 1580 05	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St., N.E., Salem, Oreg. 97310.	Mayor, City Hall, Oregon City, Oreg. 97045.	Do.
Do	Columbus	Columbia City, City of.	H 41 009 0370 01	do	Mayor, City Hall, Columbia City, Oreg. 97018.	Do.
Do	Coos	Bandon, City of	H 41 001 0140 01	do	Mayor, City Hall, Bandon, Oreg. 97411.	Do.
Do	Douglas	Glendale, City of	H 41 019 0810 01	do	Mayor, Glendale, Oreg. 97442.	Do.
Do	Lane	Coburg, City of	H 41 039 0350 01	do	Mayor, City Hall, Coburg, Oreg. 97401.	Do.
Do	do	Creswell, City of.	H 41 039 0460 01	do	Mayor, City Hall, Creswell, Oreg. 97426.	Do.
Do	Polk	Independence, City of.	H 41 053 1070 01 through H 41 053 1070 02	do	Mayor, City Hall, Independence, Oreg. 97351.	Do.
Do	Wallowa	Enterprise, City of.	H 41 063 0640 01	do	Mayor, City Hall, Enterprise, Oreg. 97828.	Do.
Do	Yamhill	Willamina, City of.	H 41 071 2250 01	do	Mayor, City Hall, Willamina, Oreg. 97396.	Do.
Pennsylvania	Allegheny	Aspinwall, Borough of.	H 42 003 0270 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, 217 Commercial Ave., Pittsburgh, Pa. 15215.	Do.
Do	do	Bellvue, Borough of.	H 42 003 0570 01	do	Mayor, 537 Bayne Ave., Pittsburgh, Pa. 15202.	Do.
Do	do	Ben Avon, Borough of.	H 42 003 0590 01	do	Mayor, 701 Church Ave., Pittsburgh, Pa. 15202.	Do.
Do	do	Dravosburg, Borough of.	H 42 003 2060 01 through H 42 003 2060 03	do	Mayor, McClure Ave., Dravosburg, Pa. 15034.	Do.
Do	do	West Homestead, Borough of.	H 42 003 9090 01 through H 42 003 9090 03	do	Mayor, 401 West 8th Ave., Homestead, Pa. 15120.	Do.
Do	do	McKeesport, City of.	H 42 003 4710 01 through H 42 003 4710 05	do	Office of City Engineer, Municipal Bldg., McKeesport, Pa. 15132.	Do.
Do	do	Millvale, Borough of.	H 42 003 5300 01	do	Borough of Millvale, 501 Lincoln Ave., Millvale, Pa. 15209.	Do.
Do	do	Sharpsburg, Borough of.	H 42 003 7570 01 through H 42 003 7570 02	do	Borough of Sharpsburg, Municipal Bldg., Sharpsburg, Pa. 15215.	Do.
Do	do	Liberty, Borough of.	H 42 003 4460 01	do	Mayor, 2921 Liberty Way, Liberty, Pa. 15133.	Do.
Do	do	Lincoln, Borough of.	H 42 003 4501 01	do	Mayor, Rural Delivery 1, Box 153—A Elizabeth, Pa. 15037.	Do.
Do	Adams	Oxford, Township of.	H 42 001 5900 01 through H 42 001 5900 03	do	Oxford Township Election House, Rural Delivery 1, New Oxford, Pa. 17350.	Do.
Do	Berks	Boyertown, Borough of.	H 42 011 9800 01	do	Mayor, Borough Hall, 27 South Reading Ave., Boyertown, Pa. 19512.	Do.
Do	do	Fleetwood, Borough of.	H 42 011 2870 01	do	Mayor, Borough Hall, 15 North Franklin St., Fleetwood, Pa. 19522.	Do.
Do	do	Amity, Township of.	H 42 011 2028 01 through H 42 011 2028 08	do	Amity Township Municipal Building, P.O. Box 28, Athol, Pa. 19502.	Do.
Do	do	Mohnton, Borough of.	H 42 011 5370 01 through H 42 011 5370 02	do	Mayor, Borough Hall, 21 O'Neill St., Mohnton, Pa. 19540.	Do.
Do	do	Reading, City of	H 42 011 6900 01 through H 42 011 6900 04	do	City of Reading, Planning Office, Room No. 211, City Hall, Reading, Pa. 19601.	Do.
Do	Blair	Tyrone, Borough of.	H 42 013 8670 01 through H 42 013 8670 02	do	Tyrone Borough, 1100 Logan Ave., Tyrone, Pa. 16686.	Do.
Do	Bucks	Springfield, Township of.	H 42 017 8074 01 through H 42 017 8074 09	do	Springfield Township Bldg., Township Rd., Pleasant Valley, Pa. 18948.	Do.
Do	do	Tullytown, Borough of.	H 42 017 8620 01 through H 42 017 8620 04	do	President, Borough Council, 66 Lavender Land, Levittown, Pa. 19007.	Do.
Do	Cambria	Vintondale, Borough of.	H 42 021 8790 01		Mayor, 6th St., Vintondale, Pa. 15961.	Do.
Do	do	Stoneycreek, Township of.	H 42 021 8154 01 through H 42 021 8154 02	do	Secretary, Stoneycreek Township, Stoneycreek Township Municipal Bldg., 1010 Bedford St., Johnstown, Pa. 15902.	Do.
Do	do	Summerhill, Borough of.	H 42 021 8240 01	do	Mayor, Main St., Summerhill, Pa. 15958.	Do.
Do	Carbon	Lehighton, Borough of.	H 42 025 4380 01	do	Borough of Lehighton, Municipal Bldg., Lehighton, Pa. 18235.	Do.
Do	Centre	Milesburg, Borough of.	H 42 027 5200 01	do	Borough, Borough Office, Milesburg, Pa. 16853.	Do.
Do	do	Philipsburg, Borough of.	H 42 027 6550 01 through H 42 027 6550 03	do	Borough Council, Municipal Bldg., Philipsburg, Pa. 16866.	Do.
Do	Chester	East Vincent, Township of.	H 42 029 2364 01 through H 42 029 2365 05	do	Board of Supervisors, East Vincent Township, East Vincent, Pa.	Do.
Do	do	Kennett Square, Borough of.	H 42 029 4070 01	do	Mayor, 119 Sickle St., Kennett Square, Pa. 19348.	Do.
Do	do	Spring City, Borough of.	H 42 029 8030 01	do	Mayor, 130 Bridge St., Spring City, Pa. 19475.	Do.
Do	do	Tredyffrin, Township of.	H 42 029 8544 01 through H 42 029 8544 06	do	Tredyffrin Township Bldg., 973 Old Lancaster, Berwyn, Pa. 19312.	Do.
Do	Dauphin	Halifax, Borough of.	H 42 043 3430 01	do	President, Boro. Council, Administration Bldg., Halifax, Pa. 17032.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Do.	do.	Pillow, Borough of.	H 42 043 6575 01	do.	Chairman, Pillow Borough Council, Pillow, Pa. 17080.	Do.
Do.	Delaware	Aldan, Borough of.	H 42 045 0070 01	do.	Borough Chairman, 26 South Sycamore Ave., Aldan, Pa. 19018.	Do.
Do.	do.	Chester, Township of.	H 42 045 1296 01	do.	Township Bldg., 1327 Peterson St., Chester, Pa. 19013.	Do.
Do.	do.	Haverford, Township of.	H 42 045 3547 01 through H 42 045 3547 04	do.	Haverford Township Municipal Bldg., 2325 Darby Rd., Havertown, Pa. 19083.	Do.
Do.	do.	Marcus Hook, Borough of.	H 42 045 4850 01 through H 42 045 4850 02	do.	Borough Chairman, 10th and Green Sts., Marcus Hook, Pa. 19061.	Do.
Do.	do.	Sharon Hill, Borough of.	H 42 045 7560 01	do.	Borough Chairman, Sharon Ave. and Spring St., Sharon Hill, Pa. 19079.	Do.
Do.	Fayette	Dawson, Borough of.	H 42 051 1920 01	do.	Mayor, Box 5, Dawson, Pa. 15428.	Do.
Do.	Franklin	Chambersburg, Borough of.	H 42 055 1230 01 through H 42 055 1230 02	do.	Borough of Chambersburg, 100 South Second St., Chambersburg, Pa. 17201.	Do.
Do.	Lackawanna	Carbondale, City of.	H 42 069 1090 01 through H 42 069 1090 02	do.	City Bldg., North Main St., Carbondale, Pa. 18407.	Do.
Do.	Lancaster	Manheim, Township of.	H 42 071 4180 01 through H 42 071 4180 07	do.	1821 Municipal Dr., Lancaster, Pa. 17601.	Do.
Do.	Lebanon	Cleona, Borough of.	H 42 075 1440 01	do.	Lebanon County-City Planning Department, Room No. 3, Municipal Bldg., Lebanon, Pa. 17042.	Do.
Do.	do.	South Lebanon, Township of.	H 42 075 7894 01 through H 42 075 7894 05	do.	Lebanon County-City Planning Department, Room No. 3, Municipal Bldg., Lebanon, Pa. 17042.	Do.
Do.	Lehigh	Salisbury, Township of.	H 42 077 0110 01 through H 42 077 0110 04	do.	Salisbury Township Municipal Bldg., 850 South Pike Ave., Allentown 1, Pa. 18103.	Do.
Do.	do.	Emmaus, Borough of.	H 42 077 2600 01 through H 42 077 2600 02	do.	Borough of Emmaus, 28 South Fourth St., Emmaus, Pa. 18049.	Do.
Do.	Luzerne	Courtdale, Borough of.	H 42 079 1720 01 through H 42 079 1720 02	do.	Courtdale Borough Council, 300 Courtdale Ave., Courtdale, Pa. 18704.	Do.
Do.	do.	Duryea, Borough of.	H 42 079 2150 01 through H 42 079 2150 11	do.	Duryea Borough Hall, Main St., Duryea, Pa. 18642.	Do.
Do.	do.	Harveys Lake, Borough of.	H 42 079 3515 01 through H 42 079 3515 02	do.	Daniel C. Roberts Firehall, 121 Lakeside Dr., Harveys Lake, Pa. 18618.	Do.
Do.	do.	Jackson, Township of.	H 42 079 3706 01 through H 42 079 3706 04	do.	Jackson Township Firehall, Rural Delivery No. 5, Shavertown, Pa. 18708.	Do.
Do.	McKean	Smithport, Borough of.	H 42 083 7770 01	do.	Borough Bldg., 412 West Water St., Smithport, Pa. 16749.	Do.
Do.	Montgomery	Lower Providence, Township of.	H 42 091 4624 01 through H 42 091 4624 05	do.	Township of Lower Providence, Oaklyn House, 3124 Ridge Pike, Eagleville, Pa. 19401.	Do.
Do.	Northampton	Freemansburg, Borough of.	H 42 095 3080 01	do.	Borough of Freemansburg, 719 Kosciuth St., Freemansburg, Pa. 18017.	Do.
Do.	do.	West Easton, Borough of.	H 42 095 9030 01	do.	West Easton Borough Hall, 6th and Center Sts., West Easton, Pa. 18042.	Do.
Do.	Schuylkill	Gilberton, Borough of.	H 42 107 3170 01	do.	Mayor, Borough of Gilberton, Water St., Mahonoy Plane, Pa. 17949.	Do.
Do.	Tioga	Millerton, Township of.	H 42 117 3907 01 through H 42 117 3907 03	do.	Township Supervisor, Rural Delivery No. 1, Millerton, Pa. 16936.	Do.
Do.	Union	Union, Township of.	H 42 119 8680 01	do.	Union Township, Rural Delivery No. 1, Winfield, Pa. 15401.	Do.
Do.	Westmoreland	Greensburg, City of.	H 42 129 3370 01 through H 42 129 3370 07	do.	City Planning Department Office, City Hall, 416 South Main St., Greensburg, Pa. 15601.	Do.
Do.	York	Conewayo, Township of.	H 42 133 1578 01 through H 42 133 1578 03	do.	Conewago Township Municipal Bldg., Rural Delivery No. 4, York, Pa. 17404.	Do.
Do.	do.	Goldsboro, Borough of.	H 42 133 3270 01	do.	Goldsboro Borough Hall, Etters, Pa. 17319.	Do.
Texas	Dawson	Lamesa, City of.	H 48 115 3860 01 through H 48 115 3860 05	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	City of Lamesa, City Hall, Lamesa, Tex. 79331.	Do.
Do.	Jim Wells	Alice, City of.	H 48 249 0090 01 through H 48 249 0090 05	do.	City Manager, City Hall, Alice, Tex. 78332.	Do.
Do.	Llano	Llano, City of.	H 48 299 4030 01 through H 48 299 4030 04	do.	Mayor, City Hall, Llano, Tex. 78643.	Do.
Do.	Tarrant	Bedford, City of.	H 48 439 0502 01 through H 48 439 0502 05	do.	City of Bedford, 2000 Forest Ridge Dr., P.O. Box 157, Bedford, Tex. 76021.	Do.
Do.	Tarrant	Edgecliff, City of.	H 48 439 2095 01 through H 48 439 2095 04	do.	Mayor, City of Edgecliff, Box 21, Route No. 3, Fort Worth, Tex. 76143.	Do.
Do.	Do.	River Oaks, City of.	H 48 439 5810 01 through H 48 439 5810 02	do.	Mayor, 4900 River Oaks Blvd., City of River Oaks, Fort Worth, Tex. 76114.	Do.
Do.	Wise	Boyd, City of.	H 48 497 0810 01 through H 48 497 0810 02	do.	Mayor, City Hall, Boyd, Tex. 76023.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Utah	Davis	Woods Cross, City of.	H 49 011 2140 01	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Honorable Noel J. Williams, Mayor, 746 West 1900 St., Woods Cross, Utah 84087.	Do.
Do.	Davis	West Bountiful, City of.	H 49 011 2090 01	do.	Mayor, City of West Bountiful, 654 West 1000 North, Woods Cross, Utah 84087.	Do.
Do.	Utah	American Fork, City of.	H 49 049 0040 01 through H 49 049 0040 02	do.	Mayor, City Hall, American Fork, Utah 84003.	Do.
Virginia	Fluvanna	Columbia, Town of.	H 51 065 0630 01	Bureau of Water Control Management, State Water Control Board, 2d Floor Davenport Bldg., 11 South 10th St., Richmond, Va. 23219. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Town of Columbia, Municipal Bldg., Columbia, Va. 23038.	Do.
Do.	Shenandoah	Strasburg, Town of.	H 51 171 2370 01	do.	Town Manager, Strasburg Town Hall, Strasburg, Va. 22657.	Do.
Washington	Pierce	Orting, City of.	H 53 053 1620 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Town Hall, Orting, Wash. 98360.	Do.
Do.	Stevens	Colville, City of. City of.	H 53 065 0410 01 through H 53 065 0410 02	do.	Mayor, City Hall, Colville, Wash. 99114.	Do.
Do.	Yakima	Granger, Town of.	H 53 077 0850 01 through H 53 077 0850 03	do.	County Commissioners, Yakima Courthouse, Yakima, Wash. 98902.	Do.
West Virginia	Harrison	Clarksburg, City of.	H 54 033 0540 01 through H 54 033 0540 03	Office of Federal-State Relations, Room W. 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Director of Finance, City Hall, Clarksburg, W. Va. 26301.	Do.
Wisconsin	Barron	Cameron, Village of.	H 55 005 0820 01	Department of Natural Resources, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	President, Village Hall, Cameron, Wis. 54822.	Do.
Do.	Brown	DePere, City of.	H 55 009 1330 01 through H 55 009 1330 04	do.	Chairman, Town of DePere, DePere, Wis. 54115.	Do.
Do.	do.	Howard, Village of.	H 55 009 2210 01 through H 55 009 2211 08	do.	Village President, Howard, Wis.	Do.
Do.	Columbia	Pardeeville, Village of.	H 55 021 3670 01	do.	Village President, Pardeeville, Wis. 53954.	Do.
Do.	Dane	Mazomanie, Village of.	H 55 025 2930 01	do.	Village President, Mazomanie, Wis. 53560.	Do.
Do.	Douglas	Poplar, Village of.	H 55 031 3820 01 through H 55 031 3820 04	do.	President, Village of Poplar, Poplar, Wis. 54864.	Do.
Do.	Fond Du Sac	St. Cloud, Village of.	H 55 039 4240 01	do.	President, Village Hall, St. Cloud, Wis. 53079.	Do.
Do.	Grant	Potosi, Village of.	H 55 043 3860 01 through H 55 047 2865 02	do.	Village President, Potosi, Wis. 53820.	Do.
Do.	Green Lake	Marquette, Village of.	H 55 047 2865 01	do.	Village President, Marquette, Wis. 53947.	Do.
Do.	do.	Princeton, City of.	H 55 047 3950 01	do.	Mayor, City Hall, Princeton, Wis. 54968.	Do.
Do.	Jefferson	Waterloo, City of.	H 55 055 5040 01 through H 55 055 5040 02	do.	Mayor, Waterloo, Wis. 53594.	Do.
Do.	Kenosha	Kenosha, City of.	H 55 059 2400 01 through H 55 059 2400 06	do.	Mayor, City Hall, Kenosha, Wis. 53140.	Do.
Do.	do.	Silver Lake, Village of.	H 55 059 4410 01	do.	Village President, Village Hall, Silver Lake, Wis. 53170.	Do.
Do.	La Crosse	Onalaska, City of.	H 55 063 3560 01 through H 55 063 3560 02	do.	Mayor, City Hall, Onalaska, Wis. 54650.	Do.
Do.	Marquette	Montello, City of.	H 55 077 3100 01	do.	Mayor, Montello, Wis. 53949.	Do.
Do.	Milwaukee	Greendale, City of.	H 55 079 2010 01 through H 55 079 2010 02	do.	Mayor, 5009 North Milwaukee River Parkway, Milwaukee, Wis. 53209.	Do.
Do.	do.	S. Milwaukee, City of.	H 55 079 4490 01 through H 55 079 4490 02	do.	Mayor, 2005 10th Ave., S. Milwaukee, Wis. 53172.	Do.
Do.	do.	Wauwatosa, City of.	H 55 079 5130 01 through H 55 079 5130 05	do.	Mayor, 7725 West North Ave., Wauwatosa, Wis. 53213.	Do.
Do.	Oconto	Oconto, City of.	H 55 083 3500 01 through H 55 083 3500 03	do.	City Hall, City of Oconto, Oconto, Wis. 54153.	Do.
Do.	Ozaukee	Cedarburg, City of.	H 55 089 0930 01	do.	Town Chairman, Cedarburg, Wis. 53012.	Do.
Do.	Polk	Amery, City of.	H 55 095 0120 01	do.	Mayor, City Hall, Amery, Wis. 54001.	Do.
Do.	Portage	Park Ridge, Village of.	H 55 097 3690 01	do.	Village President, Park Ridge, Wis.	Do.
Do.	do.	Stevens Point, City of.	H 55 097 4620 01 through H 55 097 4620 06	do.	Mayor, City-County Bldg., Stevens Point, Wis. 54481.	Do.
Do.	Price	Prentice, Village of.	H 55 099 3930 01	do.	President, Village Hall, Prentice, Wis. 54556.	Do.
Do.	St. Croix	New Richmond, City of.	H 55 109 3400 01 through H 55 109 3400 02	do.	Mayor, City Hall, N. Richmond, Wis. 54017.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Do.	do.	Somerset, Village of.	H 55 109 4480 01	do.	President, Somerset, Wis. 54025.	Do.
Do.	do.	Star Prairie, Village of.	H 55 109 4500 01	do.	President, Star Prairie, Wis. 54026.	Do.
Do.	Sauk	LaValle, Village of.	H 55 111 2500 01	do.	Village President, LaValle, Wis. 53941.	Do.
Do.	do.	Merrimac, Village of.	H 55 111 3030 01	do.	Village President, Merrimac, Wis. 53561.	Do.
Do.	Taylor	Medford, City of.	H 55 119 2940 02 through H 55 119 2940 02	do.	Mayor, City Hall, Medford, Wis. 54451.	Do.
Do.	Vernon	Chaseburg, Village of.	H 55 123 0960 01	do.	President, Village Board, Chaseburg, Wis. 54621.	Do.
Do.	Vilas	Eagle River, City of.	H 55 125 1440 01	do.	Mayor, Courthouse, Eagle River, Wis. 54521.	Do.
Do.	Walworth	Lake Geneva, City of.	H 55 127 2520 01	do.	Mayor, Lake Geneva, Wis. 53147.	Do.
Do.	Washburn	Spooner, City of.	H 55 129 4550 01	do.	Mayor, Spooner, Wis. 54801.	Do.
Do.	Washington	Jackson, Village of.	H 55 131 2310 01	do.	Chairman, County Board of Supervisors, West Bend, Wis. 53095.	Do.
Do.	do.	Kewaskum, Village of.	H 55 131 2410 01	do.	Village President, Kewaskum, Wis. 53040.	Do.
Do.	do.	West Bend, City of.	H 55 131 5170 01 through H 55 131 5170 04	do.	Mayor, City Hall, West Bend, Wis. 53095.	Do.
Do.	Waukesha	Lannon, Village of.	H 55 133 2570 01	do.	Village President, 26577 West Good Hope Rd., Lannon, Wis. 53046.	Do.
Do.	do.	Merton, Village of.	H 55 133 3040 01 through H 55 133 3040 02	do.	Village President, 7031 Main St., Box 413, Merton, Wis. 53056.	Do.

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

Issued: December 13, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-27090 Filed 12-27-73;8:45 am]

Title 32—National Defense

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

Induction Procedures

Whereas, on September 20, 1973, the Director of Selective Service published a notice of proposed amendments of Selective Service regulations 38 FR 26392 of September 20, 1973; and

Whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. sections 451 *et seq.*) in that more than thirty days have elapsed subsequent to such publication during which period comments from the public have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

The final texts of the amendments are as proposed except that § 1626.4(b) is not amended. The revocation of § 1623.3 would remove a possibly confusing cross-reference. The addition of § 1628.6(c) would authorize the Director of Selective Service to cancel an order for an Armed Forces examination. The insertion of a new paragraph (b)(1) in § 1631.6 and the revocation of § 1631.7 would eliminate the present special procedures for the induction of "unsatisfactory reservists," and provide for their reclassification prior to being ordered for induction, thus assuring their additional procedural rights. The addition of § 1632.1(d) would authorize the Director of Selective Service to cancel an order to report for induction. The revocation of §1641.8 eliminates the requirement that a Registration Certificate that has been lost or mislaid be returned to the local board after it has been located.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 *et seq.*) and Executive Order 11623 of October 12, 1971, the Selective Service regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m. E.S.T. on December 31, 1973, as follows:

PART 1623—CLASSIFICATION PROCEDURE

§ 1623.3 [Revoked]

1. Section 1623.3 *Physical Examination*, is revoked.

PART 1628—EXAMINATION OF REGISTRANTS

2. Paragraph (c) of § 1628.6 is added to read as follows:

§ 1628.6 Order to report for Armed Forces examination.

* * * * *

(c) The Director may direct the cancellation of an order for Armed Forces examination for any registrant prior to his failing or refusing to report for or submit to such examination.

PART 1631—ALLOCATION OF INDUCTIONS

3. Paragraph (b) of § 1631.6, is revised to read as follows:

§ 1631.6 Action by local board upon receipt of allocation.

* * * * *

(b) Registrants shall be selected and ordered to report for induction in the following categories and in the order indicated:

(1) Registrants described in section 6(c)(2)(D) of the Military Selective Service Act.

(2) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

(3) Nonvolunteers in the Extended Priority Selection Group who have not attained the age of 26 years in the order in which their random sequence number had been reached.

(4) Nonvolunteers in the First Priority Selection Group for the current calendar year in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(5) Nonvolunteers who have not attained the age of 26 years in each of the lower priority selection groups, in turn, within the group in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(6) Nonvolunteers who have attained the age of 19 years during the calendar

year but who have not attained the age of 20 years, in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(7) Nonvolunteers who have attained the age of 26 years and each year thereafter in turn, most recent year first, within the year group in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1; *Provided*, That the random sequence number established on December 1, 1969, will apply to any registrant born prior to January 1, 1944.

(8) Nonvolunteers who have attained the age of 18 years and 6 months and who have not attained the age of 19 years in the order of the random sequence number established by random selection procedures prescribed in accordance with § 1631.1 for registrants who during the current calendar year have attained the age of 19 years but who have not attained the age of 20 years."

§ 1631.7 [Revoked]

4. Section 1631.7 *Registrants who shall be inducted without calls*, is revoked.

PART 1632—DELIVERY AND INDUCTION

5. Paragraph (d) of § 1632.1 is added to read as follows:

§ 1632.1 Order to report for induction.

(d) The Director may direct the cancellation of an order to report for induction for any registrant prior to his failing or refusing to report for induction.

* * * * *

PART 1641—DUTY OF REGISTRANTS

§ 1641.8 [Revoked]

6. Section 1641.8 *Duty to return registration certificate to local board*, is revoked.

BYRON V. PEPITONE,
Director.

DECEMBER 12, 1973.

[FR Doc.73-27220 Filed 12-27-73;8:45 am]

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER C—PROPERTY MANAGEMENT

PART 231—UTILIZATION, DISPOSITION, AND ACQUISITION OF FEDERAL REAL PROPERTY (FMC 73-5)

FMC 73-5 converts Office of Management and Budget Circular A-2 into a General Services Administration Federal Management Circular (FMC 73-5) pursuant to Executive Order 11717 and Office of Management and Budget Bulletin 74-4 which transferred certain Office of Management and Budget responsibilities to the General Services Administration.

FMC 73-5, dated December 17, 1973, (1) provides the general policy and guidelines with respect to utilization, disposition, and acquisition of Federal real property; (2) reflects the role of the Federal Property Council, established by the Executive Order 11724 of June 25, 1973; and (3) requires each Federal agency to provide an annual report on the results of its implementation.

Part 231, Utilization, disposition, and acquisition of Federal real property, is added to read as set forth below.

AUTHORITY: Executive Order 11717 (38 FR 12315, May 11, 1973).

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

Dated: December 17, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

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§ 231.1 Purpose.

This part states the general policy with respect to utilization, disposition, and acquisition of Federal real property in the United States and in foreign countries; provides guidelines for identifying real property that is not needed, is underutilized, or is not put to its optimum use; prescribes an annual report to be submitted by each agency on the results of implementation of this part (circular); and reflects the role of the Federal Property Council, established by Executive Order 11724 of June 25, 1973.

§ 231.2 Supersession.

This part replaces Office of Management and Budget Circular No. A-2, dated August 30, 1971.

§ 231.3 Background.

This part (circular) has been prepared pursuant to Executive Order 11717 of May 9, 1973, which transferred real property management functions from the Office of Management and Budget to the General Services Administration.

§ 231.4 Policy intent.

This part is intended to enunciate a uniform policy regarding the identification of excess real property and to ensure the prompt identification and release of real property holdings which are no longer needed by executive agencies to meet their program requirements.

§ 231.5 Scope.

The provisions of this part apply to all Federal real property under the jurisdiction of the executive branch except those categories of real property specifically excluded in § 231.5b.

(a) For purposes of this part (circular), Federal real property includes:

(1) Land, buildings, structures, and facilities (including Government-owned buildings, structures, and facilities located on other than Government-owned land) acquired by purchase, condemnation, donation, construction, lease, or other methods; and

(2) Public domain land withdrawn or reserved and assigned to Federal agencies for use within the Federal Government for such purposes as military installations, airfields, and research facilities.

(b) In this part, Federal real property excludes:

(1) Unreserved public domain (except as indicated in § 231.8(c));

(2) Real property which is to be sold or otherwise disposed of and which was acquired through (i) foreclosure, confiscation, or seizure in settlement of a claim of the Federal Government or (ii) conveyance to the Federal Government in connection with an indemnity or loan insurance or guarantee program;

(3) Rights-of-way or easements granted to the Government;

(4) Real property held in trust by the Federal Government.

(5) Oregon and California revested lands and reconveyed Coos Bay Wagon Road Land Grants (43 U.S.C. 1181a);

(6) Land administered by the National Park Service, Department of the Interior, other than administrative sites outside the established boundaries of a national park;

(7) Land administered by the Forest Service, Department of Agriculture, other than administrative sites outside the established boundaries of a national forest;

(8) Land on Indian reservations within consolidation areas approved by the Secretary of the Interior;

(9) Land within the National Wildlife Refuge System;

(10) Real property located in the Panama Canal Zone; and

(11) Bankhead-Jones lands being administered under a land conservation and utilization program in accordance with the Taylor Grazing Act of 1934 (48 Stat. 1269).

§ 231.6 Utilization and disposition policy.

(a) Federal agencies shall ensure that real property holdings under their control are being fully utilized and are being put to optimum use. Agencies shall conduct systematic, thorough reviews of their real property holdings, at least annually, to categorize and identify property which is not needed, is underutilized, or is not being put to optimum use. When other needs for the property are identified or recognized, the agency shall determine whether continuation of the existing use or another Federal or other use would better serve the public interest, considering both the agency's needs and the property's location.

(b) In conducting each review, agencies shall be guided by § 231.7 of this part (circular), applicable General Services Administration regulations, and such criteria as may be established by the Federal Property Council.

(1) *Utilization standards.* (i) Agencies shall promptly identify and release

real property holdings or portions of those holdings that are no longer essential to their activities and not required for the discharge of the agencies' responsibilities.

(ii) Federal real property shall be identified as being underutilized whenever a portion or all of the property, with or without improvement, is used only for irregular periods or intermittently for current programs of the holding agency, or when current programs can be satisfied with a portion of the property.

(iii) Even though utilized for current programs of the holding agency, Federal real property shall be identified as not being put to optimum use if (A) a portion or all of the property, with or without improvement, is of such nature or value or is in such a location that it is suitable for a significantly higher and better purpose or (B) the cost of using such property (operation, maintenance, and other incidental costs) is substantially higher than those costs for other suitable property that could be made available to the holding agency through transfer, purchase, or lease with total net savings to the Nation. Property prices or lease rates as well as costs of moving, occupancy, efficiency of operations, environmental effects, regional planning, and employee morale factors should be considered in making the identification.

(2) *Procedures for improved utilization or disposition.* (i) When an agency identifies a portion or all of a real property holding as underutilized or as not being put to optimum use, prompt steps shall be taken to obtain full and optimum utilization of the property or to arrange for its release unless the holding agency's current program requirements cannot be met elsewhere at lesser Federal cost. Consideration should be given to possible relocation of agency programs to permit release of a portion or all of the property. If foreseeable future programs require retention of such property, efforts shall be made to arrange for temporary use of unused portions, including lease to non-Federal parties.

(ii) When property is identified as not being put to optimum use and replacement property must be acquired before the property can be released, the agency shall initiate action, when such action is determined to be economically feasible under the acquisition procedures in § 231.8. If appropriate financing must be obtained or if it will be necessary to secure the enactment of new authorizing legislation, appropriate arrangements shall be made to complete any necessary supporting studies and to submit proposals for necessary appropriations or legislation. These proposals shall be supported by estimates of the cost of replacing the real property and of the ultimate net savings to the Nation resulting from more efficient use of the property.

(3) *Property identified as not needed.* Real property or a portion thereof identified as not needed shall be reported to the General Services Administration, to the Department of the Interior, or for other disposition as prescribed below.

(i) Real property except properties in foreign countries within the term "property," as defined in section 3(d) of the Federal Property and Administrative Services Act of 1949, as amended, which is not needed by the holding agency to discharge its responsibilities shall be promptly reported as excess to the General Services Administration.

(ii) Portions of withdrawn public domain which are no longer required for effective conduct of the program for which they were withdrawn shall be reported initially to the Bureau of Land Management, Department of the Interior. Property that the Secretary of the Interior determines is suitable for return to the public domain shall be promptly restored to the public domain. Property that the Secretary of the Interior with the concurrence of the Administrator of General Services in accordance with section 3(d) of the Federal Property and Administrative Services Act of 1949, as amended, determines to be not suitable for return to the public domain shall be reported promptly as excess to the General Services Administration.

(iii) All other real property covered by this part (circular), as described in § 231.5a, which is not needed shall be screened for use for other programs of the agency and made available for those other purposes if the tests of § 231.6a are met, or disposed of in accordance with applicable law.

§ 231.7 Guidelines for identifying not needed and underutilized real property and real property not being put to optimum use.

The following general questions shall be considered by each agency in reviewing its real property holdings:

(a) Is the property being put to its highest and best use?

(1) Consider such aspects as surrounding neighborhood, zoning, and other environmental factors;

(2) Consider whether present use is compatible with State, regional, or local development plans and programs; and

(3) Consider whether Federal use of the property would be justified if rental charge equivalent to commercial rates were added to the program costs for the function it is serving.

(b) Are operating and maintenance costs excessive compared to those of other similar facilities?

(c) Will contemplated program changes alter property requirements?

(d) Is all of the property essential for program requirements?

(e) Will local zoning provide sufficient protection for necessary buffer zones if a portion of the property is released?

(f) Are buffer zones kept to a minimum?

(g) Is the present property inadequate for approved future programs?

(h) Can net savings to the Nation be realized through relocation considering property prices or rentals, costs of moving, occupancy, and increase in efficiency of operations?

(i) Have developments on adjoining non-federally owned land or public access or road rights-of-way granted across the Government-owned land rendered the property or any portion thereof unsuitable or unnecessary for program requirements?

(j) If Federal employees are housed in Government-owned residential property, is the local market willing to acquire Government-owned or can it provide the necessary housing and other related services that will permit the Government-owned housing area to be released? (Provide statistical data on cost and availability of housing on the local market.)

(k) Can the land be disposed of and program requirements satisfied through reserving rights and interests to the Government in the property if it is released?

(l) Is a portion of any property being retained primarily because the present boundaries are marked by the existence of fences, hedges, roads, and utility systems?

(m) Is any land being retained merely because it is considered undesirable property due to topographical features or encumberances for rights-of-way or because it is believed to be not disposable?

(n) Is land being retained merely because it is land-locked?

(o) Is there land or space in Government-owned buildings that can be made available for utilization by others within or outside Government on a temporary basis?

§ 231.8 Acquisition policy.

(a) *Restriction.* Real property and interests therein shall be acquired, within applicable authorities, only as necessary for effective program operation. Agencies shall not acquire, by any method, areas of real property larger than needed for approved programs.

(b) *Use of existing property.* Prior to the acquisition of any real property, each agency shall review its existing holdings as prescribed in § 231.6 to determine whether the new requirement can be met through improved utilization. If the new requirement cannot be met by use of the agency's existing real property, efforts shall be made to determine if other suitable existing Federal holdings are available, including the possibility of joint use agreement. All utilization shall be for purposes that are consistent with the highest and best use of the property under consideration.

(c) *Notification of planned requirements.* (1) Before real property is acquired, agencies shall notify either the General Services Administration; the Bureau of Land Management, Department of the Interior; or the Office of Foreign Buildings, Department of State, as may be appropriate, of their current and future planned requirements. The General Services Administration, the Bureau of Land Management, and the Office of Foreign Buildings, as appropriate, shall inform agencies whether excess, unreserved public domain, surplus, or other real property is or may be available which might meet the need.

(2) In specific instances in which the agency's proposed acquisition of real

property is dictated by such factors as exact geographical location, topography, engineering, or similar characteristics which limit the possible use of other available property, the notification shall not be required. For example, in the case of a dam site or reservoir area, or the construction of a generating plant or a substation, specific lands are needed and, ordinarily, no purpose would be served by such notification.

(d) *Transfer of excess real property.* (1) As a general rule and where compatible with the general provisions of this part (circular), excess real property may be acquired by transfer as provided in FPMR 101–47.2 or as otherwise provided by law.

(2) Federal agencies holding excess real property pending possible transfer shall refrain from making commitments to other agencies relative to that transfer. When inquiries from potential transferees are received by agencies holding excess property, they shall be referred to the General Services Administration. Agencies seeking property by transfer shall make no plans for occupancy until a transfer request is approved by the General Services Administration and, where appropriate, by the Office of Management and Budget. Agencies may request special review of proposed transfer actions where program considerations are compelling. The provisions of this section do not apply to excess real property in foreign countries.

(e) *Requirements preceding real property acquisition.* (1) Federal agencies may acquire real property by purchase, condemnation, construction, or lease only after the agency head or his designee determines that the requirement (i) cannot be satisfied by better use of existing property and (ii) suitable excess or surplus property or unreserved public domain land is not available.

(2) Agency determinations to acquire real property by purchase, condemnation, construction, or lease shall be supported by complete documentation of the efforts the agency has made to satisfy its requirement as prescribed in this section. The determination shall include either a statement that the acquisition is limited to the real property necessary for effective program operation and is not larger than needed for approved programs or an explanation of the circumstances which preclude such limited acquisition.

(3) Budget requests for real property acquisition by purchase, condemnation, construction, or lease shall satisfy the justification requirements in OMB Circular No. A–11.

(4) With each request for apportionment of funds or within 30 days thereafter, each agency shall furnish to the Office of Management and Budget a list of individual properties costing $100,000 or more that are covered by the apportionment. This list (in an original and one copy) shall include a brief description and the estimated cost of the properties to be acquired. When a request is made for reapportionment of funds, the list submitted shall be limited to changes from previous lists. In addition, before any commitment or obligation is made with respect to each such proposed acquisition, the agency shall reexamine the availability of alternative real property not requiring the expenditure of funds. A statement shall be submitted to the Office of Management and Budget confirming that the reexamination was made and indicating the results. Similar reexaminations shall be made for properties valued at less than $100,000, but reports on these proposed acquisitions shall be furnished to the Office of Management and Budget only upon request.

§ 231.9 Permits and outleases.

Permits authorizing an agency the use of property held in the custody of another agency shall be issued only when (a) a determination has been made by the holding agency that the property is not excess and (b) the proposed use by the requesting agency conforms to the acquisition and use provisions of this part (circular). Outleases of such property to State and local governments, corporations, organizations, or private parties shall be effected only after a similar determination has been made that the property is not excess. Any proposed permit or outlease by a holding agency except for property in foreign countries shall be cleared first with the General Services Administration pursuant to FPMR 101–47.802. An agency authorized to dispose of real property may make excess or surplus property available to another agency for short-term use by permit during the period it is being processed for further use or disposal, provided the requesting agency conforms to the provisions of this part (circular).

§ 231.10 Implementation.

The head of each agency or his designee shall:

(a) Evaluate program needs for real property and develop criteria to achieve effective and economical use of the property in meeting program requirements consistent with the Federal Property Management Regulations and such guidelines as may be prescribed by the Federal Property Council;

(b) Issue appropriate instructions to ensure that criteria and guidelines are understood and uniformly applied when determining whether real property is needed, is fully utilized, or is being put to optimum use, and that properties not needed, underutilized, or not being put to optimum use are identified and corrective action taken;

(c) Issue appropriate instructions to ensure the conduct of systematic and thorough reviews of all real property holdings annually in accordance with established criteria and guidelines; and

(d) Give full cooperation to representatives of the General Services Administration responsible for collecting data and for conducting surveys of agency real property holdings under current authorities and take appropriate action with respect to reports issued by the General Services Administration.

§ 231.11 Annual report.

(a) *Preparation.* Each agency shall prepare a report as of the end of each fiscal year summarizing the action taken by the agency to implement the provisions of this part (circular). The first report under this revised part (circular) shall be for fiscal year 1974.

(b) *Coverage.* The report shall include the following:

(1) A narrative statement describing, in general, the actions taken during the fiscal year to comply with the provisions of this part. This statement shall include a description of the analytical methods used to determine that properties not reported under paragraph (b) (2) and (3) of this section, are being put to optimum use;

(2) A list of federally owned real properties remaining in the agency's inventory and identified during the past fiscal year as being not needed, underutilized, or not being put to optimum use. For each property listed the agency shall furnish an explanation of the action taken or planned in compliance with this part;

(3) A list of federally owned real properties remaining in the agency's inventory which were identified in years prior to the past fiscal year as not needed, underutilized, or not being put to optimum use. For each property listed the agency shall include information concerning the status of disposition plans and the prospects for remedial action;

(4) A narrative summary describing the agency's acquisition activities. This summary shall describe the volume of all real property acquired. In those instances where real property was acquired by means other than the expenditure of funds, estimates shall be made of the funds that would have had to be expended if the agency had not taken this action. These latter properties shall be identified separately;

(5) A description of any problems which the agency is encountering in the management of its real properties;

(6) Recommendations with respect to actions that might be taken by the General Services Administration; the Office of Foreign Buildings, Department of State; or the Federal Property Council, as appropriate, to improve the management of Federal real property; and

(7) A copy of any new or revised instructions or criteria developed and issued by the agency in implementation of this part. The reports for FY 1974 shall include present criteria for achieving effective and economical use of real property in meeting program requirements.

(c) *Submission.* The original and four copies of the report shall be submitted by the head of each agency, including the Department of State, to the Administrator of General Services (A), attention Office of Federal Management Policy (AM), no later than October 1 of each year. The General Services Administration will forward one copy of each agency report to the Office of Manage-

ment and Budget and to the Federal Property Council.

§ 231.12 Inquiries.

Further information concerning this part (circular) may be obtained by contacting:

General Services Administration (AMP)
Washington, DC 20405
Telephone: IDS 183-7528
FTS 202-343-7528

[FR Doc.73-27271 Filed 12-27-73;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Transportation Control Plan

One regulation in the final California transportation control plan promulgated by EPA on November 12, 1973, 38 FR 31232, provides for the establishment of a system of bus/carpool lanes in the San Francisco Bay Area. 40 CFR 52.261, 38 FR 31253. One provision of this regulation requires the State of California to submit a compliance schedule by December 31, 1973, showing where precisely the lanes will be established. Although the State of California is proceeding as quickly as possible to designate these lanes, it is clear by now that the December 31 date cannot be achieved. Accordingly, paragraph (d) of 40 CFR, § 52.261 is amended by deleting the phrase "December 31, 1973" and substituting for it "March 1, 1974". For the reasons stated above, the Agency finds that good cause exists for making this revision effective on December 28, 1973.

JOHN QUARLES,
Acting Administrator.

DECEMBER 20, 1973.

[FR Doc.73-27235 Filed 12-27-73;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Thiabendazole

In response to a petition (PP 3E1376) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Alabama, Georgia, Kansas, Louisiana, Mississippi, North Carolina, New Jersey, South Carolina, and Virginia, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of October 26, 1973 (38 FR 29610), proposing establishment of a tolerance of 0.02 part per million for residues of thiabendazole in or on sweetpotatoes, when used as a seed potato treatment. 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), § 180.242 is amended by adding the new paragraph "0.02 part per million * * *", as follows:

§ 180.242 Thiabendazole; tolerances for residues.

* * * * *

0.02 part per million (negligible residue) in or on sweet potatoes from post harvest application to sweet potatoes intended only for use as seed.

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 28, 1973.

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

Dated: December 20, 1973.

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

[FR Doc.73-27239 Filed 12-27-73;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 21—COMMISSIONED OFFICERS

Other Necessary Expenses

Section 21.204 of Part 21, Title 42, Code of Regulations is amended to read as follows:

§ 21.204 Other necessary expenses.

An officer assigned to an educational institution or training program shall be entitled to reimbursement for other necessary expenses incident to his attendance incurred for (i) purchase or rental of books, materials and supplies, and (ii) other necessary services or facilities incident to such training. Such reimbursement shall be made upon the submission of proper receipt for each item. In lieu of reimbursement for actual expenses authorized under this Section, officers assigned to the Commissioned Officer Student Training and Extern Program may be authorized a cash allowance in an amount determined by the Assistant Secretary for Health, or his designee.

Effective date. This amendment shall be effective on December 28, 1973.

Approved December 10, 1973.

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

[FR Doc.73-27192 Filed 12-27-73;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-57; Amdts. 172-22, 173-77, 178-30]

Classification and Packaging of Corrosive Materials

The purpose of these amendments to the Hazardous Materials Regulations is to amend §§ 172.5, 173.28, 173.119, 173.244, and 173.245 and to add § 173.249a to identify specifically a number of corrosive materials that would have been shipped as "corrosive liquids, n.o.s." or "corrosive solids, n.o.s." pursuant to the amendment dated March 23, 1972 (37 FR 5946), and to authorize the use of certain packagings for which the Hazardous Materials Regulations Board ("the Board") has received numerous letters citing satisfactory experience.

On September 11, 1973, the Board published a notice of proposed rule making, Docket No. HM-57, Notice 73-6 (38 FR 24915), which proposed these amendments. Interested persons were invited to give their views and many comments were received by the Board.

1. *Editorial.* Several commenters suggested modifications to the list of hazardous materials (§ 172.5), including provisions for use of alternate designations for certain products, all oriented to increasing the utility of the list and improving its quality. The Board appreciates the show of concern and has incorporated most of the recommendations.

2. *List of hazardous materials.* Several commenters presented data indicating that certain materials should not be entered in the list as corrosive materials. On the basis of this data, the following entries have been deleted: Aluminum chloride anhydrous, solid; Aluminum chloride solution; Aminoethylethanolamine; Ammonium hydrogen fluoride, solid; Dichloropropene-dichloropropane mixture; Ferric chloride, solid; Ferric chloride solution; Methyl chloroform;

Nonyl phenol; Phenolsulfonic acid, liquid; Sodium hydrogen sulfate, solid; Sodium hydrogen sulfite, solid; Tetraethylenepentamine; and 1,1,2-trichloroethane. The Board has concluded that the data it has on these materials is either positively determinative that the materials are not corrosive or that, in some cases, the available data was not sufficiently conclusive to include the materials in the list.

3. *Reconditioned drums.* A commenter objected to the proposed restriction relating to re-use of containers in § 173.28 to corrosive materials containing caustic compounds because he believed that such solutions of over 15 percent concentration would not be permitted to be shipped in reconditioned drums. This commenter pointed out that a special permit (No. 6683) had been issued to authorize the shipment of caustic soda, liquid, alkaline caustic liquids, n.o.s., and alkaline corrosive liquids without regard to the 15 percent caustic limitation in § 173.249a. The Board has reviewed the permit and finds that the amendment to § 173.28, as proposed, encompasses all materials covered by Special Permit No. 6683 and that this permit did not go beyond the scope of §§ 173.249 and 173.249a. It should be noted that caustic and alkaline materials subject to the packaging in § 173.249 are not subject to the 15 percent limitation of § 173.249a. The basis for the restriction in § 173.249a is due to the nature of the packaging authorized by that section. Because of the provisions of § 173.28, reconditioned drums are authorized for any strength of liquid caustic soda, alkaline caustic liquids, n.o.s., and alkaline corrosive liquids, n.o.s., that are subject to the packaging provisions of § 173.249.

4. *Flammable liquids which are also corrosive.* In Notice No. 73–6, the Board proposed to authorize DOT specification 6D or 37M cylindrical steel overpacks with an inside DOT specification 2S or 2SL polyethylene container. One commenter requested that the DOT specification 2U inside polyethylene container be authorized as well. The commenter argued that existing regulations authorize the use of inside polyethylene containers that are less substantial than the DOT 2U in shipping containers less substantial than the DOT 6D or 37M, thus supporting his case for authorizing the DOT 2U in a DOT 6D or 37M overpack. A review of these regulations indicates that the commenter's statement is correct provided the comparison is limited to not more than 5-gallon capacity containers. Therefore, the Board agrees with the commenter's position if the specification DOT 2U packaging is limited to a maximum capacity of 5 gallons. Consequently it is providing for this shipping container by adding a new paragraph § 173.119 (m) (17).

5. *Exemptions.* Several comments were received generally supporting the expansion of the existing exemption from specification packaging up to metal and plastic packagings of not over 32-ounce capacity, proposed in Notice No. 73–6 in § 173.244. However, the Bureau of Explosives objected to any expansion in the size of packaging for exemptions and stated that any "increase in the small package exemption * * * should only be made after convincing proof on an individual commodity basis." The Bureau further stated that "some transportation experience should be gained through special permits." Although the Board disagrees with the Bureau's reasoning as being an impractical approach in all cases, it does believe that the matter of increasing exempt quantities for corrosives should be studied further in the light of the materials that are presently permitted to be exempt from specification packaging. Therefore, to assure an adequate level of safety in the shipment of corrosive materials, the Board is withdrawing the proposed change in § 173.244 as regards the 32-ounce exemption provision for further study.

However, exemptions from specification packaging are provided for 16-ounce glass, metal, and plastic packaging. The special requirement for overpacking of a glass bottle in a metal can remains unchanged.

6. *"Low hazard" corrosive liquids.* Several comments were received supporting the provision to allow low hazard corrosives to be shipped in non-specification packaging. However, one commenter, the Bureau of Explosives, objected strongly to the proposal stating: "If the commodities proposed for the new § 173.249a are of such a slight hazard that they can be shipped in non-specification packaging they should not be regulated at all." The Board finds that the present regulations contain many requirements for materials described according to their end use. Almost always these materials are permitted in packaging less restrictive (including non-specification packaging) than permitted for other materials not identified by end use. Also, the Hazardous Materials Regulations require these materials to be identified on shipping papers and, often, by labeling and marking. Therefore, the contention that when materials "can be shipped in non-specification packaging then they should not be regulated at all" is not reflected by the existing regulations. In several instances, the regulations provide for some form of identification without applying the full scope of all the regulations. That is what the Board is doing in this instance. Further, the Board does not deny that there can be excesses practiced under such a system and has proposals under development that will attempt to control some shipping practices which appear to be designed to thwart the intent of particular safety requirements. Nevertheless, the record has shown that, to be reasonable, and not unduly burdensome, end use descriptions can be used in the interests of safety. The Board agrees that it would prefer a better system and is attempting to reach such a goal. Meanwhile, the available record does not support that § 173.249a would result in unsafe practices. It is important to note that the descriptions set forth in § 173.249a will permit the Board to monitor the adequacy of the packagings authorized in this section through its hazardous materials incident reporting system.

The Board agrees with several commenters that the description "liquid acid chloride compound" is too vague as proposed and should further be defined if it is to be included in the regulations. Therefore, it has deleted this entry from §§ 172.5 and 173.249a. Further, it agrees with a commenter that the nature of the products covered by § 173.249a could nevertheless pose more serious problems aboard aircraft and has added a restriction against use of non-specification packaging for transportation of these materials by aircraft.

7. *Withdrawal of HM–57.* The Bureau of Explosives requested that the Board withdraw HM–57. They stated that this action was justified by the problems discussed in items 5 and 6 above and for the following reason:

> The rail transportation industry is concerned about the manner in which this docket is being handled. Not only has HMRB found it necessary to publish six different effective dates, but parts of the original proposed rules have been placed into effect in a piecemeal, optionally observable fashion with the result that, for instance, a car of phosphoric acid may or may not be subject to placarding, train placement and switching requirements depending on the election of the shipper to follow or not to follow the newly promulgated regulations. The confusion and potential for transportation errors and delays which result from such inconsistencies are so easily imaginable that the point need not be further discussed.

The Board rejects this request for withdrawal because it does not consider the matters discussed in items 5 and 6 stemming from a Notice of Proposed Rule Making to justify such a radical action. Further with respect to the final point, i.e., delays of effective date and optional compliance with the regulations, the Board again believes there is no justification for withdrawal. The rule was published effective March 23, 1972. Approximately 20 months have been provided for compliance. The options open to the Board following publication of any rule are: (1) To adjust the regulations by further rule making, (2) to withdraw the rule or portions thereof, (3) to delay the effective date of the rule or (4) to maintain the effective date of the rule and entertain petitions for special permits during necessary periods of adjustment.

With regard to the first option, the Board has made changes since March 26, 1972 (the original publication date of the amendments in this docket) which were primarily based on justifications submitted by the petitioners. This amendment is the latest in a series of such adjustments.

Concerning the second option, the Board does not agree that the "optional compliance period" is a justifiable reason for withdrawal of the Amendment made under Docket HM–57. The Board knows of no means it could use to avoid the optional period. It is a practical impossibility for instance, that as of a given moment, all the labels, markings, placards, or whatever be changed. In any complex rule making action, there is necessarily a long period in which adjustments have to be made and optional compliance must be permitted.

In respect to the third option, the Board has not been presented with any reasons nor is it aware of any circumstances that would justifiably support further delay of the effective date of the amendments published under this docket, except those matters pertaining to materials corrosive only to aluminum.

Concerning the fourth option, past history, covering many years, indicates the Bureau formerly used the special permit

approach in petitioning the Interstate Commerce Commission for developing further proposals for a rule change. The Board does not agree that this is a preferred approach.

Accordingly, the petition of the Bureau of Explosives seeking withdrawal of the amendments adopted under this docket is hereby denied.

It was also brought to the Board's attention that it had inadvertently omitted the term "companion flange" in § 178.343-5(b)(2)(i). This oversight has been rectified.

In consideration of the foregoing, 49 CFR Parts 172, 173, and 178 are amended as follows:

I. PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170–189 OF THIS SUBCHAPTER

In § 172.5(a), the List of Hazardous Materials is amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(add)				
*Acetic acid (aqueous solution)	Cor	173.244, 173.245	Corrosive	10 gallons.
Acetic acid, glacial	Cor	173.244, 173.245	do	Do.
Acetic anhydride	Cor	173.244, 173.247	do	1 gallon.
Acetyl bromide	Cor	173.244, 173.247	do	Do.
Acetyl iodide	Cor	173.244, 173.247	do	Do.
Acid butyl phosphate. *See* n-butyl acid phosphate.				
Acrylic acid	Cor	173.244, 173.245	do	5 pints.
*Alkanesulfonic acid	Cor	173.244, 173.245	do	1 gallon.
Aluminum bromide, anhydrous, solid	Cor	173.244, 173.245b	do	100 pounds.
*Aluminum phosphate solution	Cor	173.244, 173.245	do	10 gallons.
2-(2-Aminoethoxy) ethanol	Cor	173.244, 173.245	do	Do.
n-Aminoethylpiperazine	Cor	173.244, 173.245	do	Do.
Aminopropyldiethanolamine	Cor	173.244, 173.245	do	Do.
n-Aminopropylmorpholine	Cor	173.244, 173.245	do	Do.
bis-(Aminopropyl) piperazine	Cor	173.244, 173.245	do	Do.
Ammonium bifluoride solution. *See* ammonium hydrogen fluoride solution.				
*Ammonium hydrogen fluoride solution	Cor	173.244, 173.245	do	5 gallons.
Amyl acid phosphate	Cor	173.244, 173.245	do	10 gallons.
Antimonious chloride. *See* Antimony trichloride.				
Antimony trichloride, solid	Cor	173.244, 173.245b	do	100 pounds.
*Antimony trichloride solution	Cor	173.244, 173.245	do	5 pints.
Boron trifluoride-acetic acid complex	Cor	173.244, 173.247	do	1 gallon.
Bromoacetic acid, solid	Cor	173.244, 173.245b	do	100 pounds.
*Bromoacetic acid solution	Cor	173.244, 173.245	do	1 quart.
n-Butyl acid phosphate	Cor	173.244, 173.245	do	5 gallons.
Butyl phosphoric acid. *See* n-Butyl acid phosphate.				
Butyric acid	Cor	173.244, 173.245	Corrosive	10 gallons.
*Calcium bisulfite solution. *See* *Calcium hydrogen sulfite solution.				
*Calcium hydrogen sulfite solution	Cor	173.244, 173.245	do	5 gallons.
Caustic potash, dry, solid, flake, bead or granular. *See* potassium hydroxide, dry, etc.				
Chloroacetic acid, solid	Cor	173.244, 173.245b	do	100 pounds.
*Chloroacetic acid solution. *See* Monochloroacetic acid, liquid.				
Chlorophenyl trichlorosilane	Cor	No exemption, 173.280	do	10 gallons.
Chromic fluoride, solid	Cor	173.244, 173.245b	do	100 pounds.
*Chromic fluoride solution	Cor	173.244, 173.245	do	1 gallon.
Chromium oxychloride. *See* Chromyl chloride.				
*Coal tar dye, liquid (*not otherwise specifically named in § 172.5*)	Cor	173.244, 173.249a	do	10 gallons.
*Compounds, cleaning liquid (*containing phosphoric acid, acetic acid, sodium or potassium hydroxide*)	Cor	173.244, 173.249a	do	Do.
Crotonic acid	Cor	173.244, 173.245	do	Do.
Dichloroacetic acid	Cor	173.244, 173.245	do	1 quart.
Dichloroacetyl chloride	Cor	173.244, 173.247	do	1 gallon.
Dichloroisopropyl ether	Cor	173.244, 173.245	do	10 gallons.
Dichlorophenyl trichlorosilane	Cor	No exemption, 173.280	do	Do.
Dichloropropene and propylene dichloride mixture.	Cor	173.244, 173.245	do	Do.
Di(2-ethylhexyl) phosphoric acid	Cor	173.244, 173.245	do	Do.
Diisopropylethanolamine	Cor	173.244, 173.245	do	Do.
Diphenylmethylbromide, solid	Cor	173.244, 173.245b	do	100 pounds.
*Diphenylmethylbromide solution	Cor	173.244, 173.247	do	1 gallon.
*Dye intermediate, liquid	Cor	173.244, 173.249a	do	10 gallons.
Fluoboric acid	Cor	173.244, 173.264(a)	do	1 gallon.
Fluoric acid. *See* Hydrofluoric acid.				
Fluorophosphoric acid, anhydrous. *See* Monofluorophosphoric acid, anhydrous.				
Fluorosilicic acid. *See* Hydrofluosilicic acid.				
Fumaryl chloride	Cor	173.244, 173.245	do	1 quart.
Hexamethylene diamine, solid	Cor	173.244, 173.245b	do	100 pounds.
Hexamethylene imine	Cor	173.244, 173.245	do	10 gallons.
Hexanoic acid	Cor	173.244, 173.245	do	Do.
Hydrofluoroboric acid. *See* Fluoboric acid.				
Hydrogen fluoride. *See* Hydrofluoric acid, anhydrous.				
Hydrogen iodide solution. *See* Hydriodic acid.				
Hydrogen sulfate. *See* Sulfuric acid.				
Hydrosilicofluoric acid. *See* Hydrofluosilicic acid.				
Iminobispropylamine	Cor	173.244, 173.245	do	Do.
Iodine pentafluoride	Cor	No exemption, 173.284	do	100 pounds.
Isobutyric acid	Cor	173.244, 173.245	do	10 gallons.
Isobutyric anhydride	Cor	173.244, 173.245	do	Do.
Isopentanoic acid	Cor	173.244, 173.245	do	Do.
Isopropyl acid phosphate, solid	Cor	173.244, 173.245b	do	100 pounds.
Isopropyl phosphoric acid, solid. *See* Isopropyl acid phosphate, solid.				
Lead sulfate, solid, *containing more than 5% free acid.*	Cor	173.244, 173.245b	do	Do.
Matting acid. *See* Sulfuric acid.				
Methyl chlorocarbonate. *See* Methyl chloroformate.				
Methyl dichloroacetate	Cor	173.244, 173.245	do	1 quart.
Methyl ethyl pyridine	Cor	173.244, 173.245	do	10 gallons.
Methyl norbornene dicarboxylic anhydride. *See* Memtetrahydro phthalic anhydride.				
Methyl sulfate. *See* Dimethyl sulfate.				
*Mining reagent, liquid (*containing 20% or more cresylic acid*)	Cor	173.244, 173.249a	do	Do.
Monoethanolamine	Cor	173.244, 173.245	do	Do.
*Monoethanolamine solution	Cor	173.244, 173.245	do	Do.
Nitromuriatic acid. *See* Nitrohydrochloric acid.				
Nordhausen acid. *See* Sulfuric acid.				
Phosphoric acid triethyleneimide. *See* Tris-(1-aziridinyl) phosphine oxide.				
Phosphorus bromide. *See* Phosphorus tribromide.				
Phosphorus chloride. *See* Phosphorus trichloride.				
Phosphoryl chloride. *See* Phosphorus oxychloride.				
Pivaloyl chloride. *See* Trimethyl acetychloride.				

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
*Potassium bifluoride solution. *See* *Potassium hydrogen fluoride solution.				
*Potassium fluoride solution	Cor	173.244, 173.249	do	5 gallons.
Potassium hydrate. *See* Caustic potash, dry, etc.				
*Potassium hydrogen fluoride solution.	Cor	173.244, 173.249	do	Do.
Potassium hydroxide, dry, solid, flake, bead, *or* granular. *See* Caustic potash, dry, etc.				
*Potassium hypochlorite solution. *See* Hypochlorite solutions containing more than 7% available chlorine by weight.				
Propionic acid	Cor	173.244, 173.245	do	Do.
Propionic anhydride	Cor	173.244, 173.245	do	10 gallons.
Propylene diamine	Cor	173.244, 173.245	do	Do.
Sand acid. *See* Hydrofluosilicic acid.				
Selenic acid, liquid	Cor	No exemption, 173.245	do	5 pints.
Silicofluoric acid. *See* Hydrofluosilicic acid.				
Soda lime, solid	Cor	173.244, 173.245b	do	100 pounds.
*Sodium fluoride solution	Cor	173.244, 173.245	do	5 gallons.
Sodium hydrate. *See* Caustic soda, dry, etc.				
*Sodium hydrogen sulfate solution	Cor	173.244, 173.245	do	1 gallon.
*Sodium methylate, alcohol mixture	Cor	173.244, 173.245	do	10 gallons.
Sodium monoxide, solid	Cor	173.244, 173.245b	do	100 pounds.
Sodium phenolate, solid	Cor	173.244, 173.245b	do	Do.
Spirits of salt. *See* Hydrochloric acid.				
Sulfuric acid, spent. *See* Spent sulfuric acid.				
Sulfuric anhydride. *See* Sulfur trioxide, stabilized.				
1,2,3,6-tetrahydrobenzaldehyde	Cor	173.244, 173.245	do	10 gallons.
Tetramethylammonium hydroxide, liquid.	Cor	173.244, 173.245	do	Do.
*Textile treating compound mixture, liquid.	Cor	173.244, 173.249a	do	Do.
Thioglycolic acid	Cor	173.244, 173.245	do	1 gallon.
Tin chloride, fuming. *See* Tin tetrachloride, anhydrous.				
*Tinning flux. *See* *Zinc chloride solution.				
Tin perchloride. *See* Tin tetrachloride, anhdrous.				
Toluene sulfonic acid, liquid	Cor	173.244, 173.245	do	10 gallons.
Trichloroacetic acid, solid	Cor	173.244, 173.245b	do	100 pounds.
*Trichloroacetic acid solution	Cor	173.244, 173.245	do	1 quart.
Trimethyl acetylchloride	Cor	173.244, 173.247	do	1 gallon.
Valeric acid	Cor	173.244, 173.245	do	10 gallon.
Valeryl chloride	Cor	173.244, 173.245	do	1 gallon.
Vitriol, oil of. *See* Sulfuric acid.				
White acid (*ammonium bifluoride and hydrochloric acid mixture*).	Cor	173.244, 173.264(a)	do	Do.
*Zinc chloride solution	Cor	173.244, 173.245	do	1 quart.
*Zinc muriate solution. *See* *Zinc chloride solution.				
Zirconium tetrachloride, solid	Cor	173.244, 173.245b	do	100 pounds.
(Change)				
*Acids, liquid, n.o.s.	Cor	173.244, 173.245	do	5 pints.
*Alkaline corrosive liquids, n.o.s.	Cor	173.244, 173.249	do	10 gallons.
*Antimony pentachloride solution	Cor	173.244, 173.245	do	5 pints.
*Chromic acid solution	Cor	173.244, 173.245, 173.287	do	1 gallon.
*Cupriethylene-diamine solution	Cor	173.244, 173.249	do	Do.
*Formic acid solution	Cor	173.244, 173.245, 173.289	do	5 gallons.
*Hexamethylene diamine solution	Cor	173.244, 173.249, 173.292	do	10 gallons.

* * * * * * *

II. PART 173—SHIPPERS

(A) In Part 173 Table of Contents, §§ 173.247, 173.249, 173.264, 173.280, and 173.284 are amended; § 173.249a is added to read as follows:

Sec.

173.247 Acetic anhydride; Acetyl bromide; Acetyl chloride; Acetyl iodide; Antimony pentachloride; Benzoyl chloride; Boron trifluoride-acetic acid complex; Chromyl chloride; Dichloroacetyl chloride; Diphenylmethyl bromide solutions; Pyro sulfuryl chloride; Silicon chloride; Sulfuryl chloride; Thionyl chloride; Tin tetrachloride (anhydrous); Titanium tetrachloride; Trimethyl acetyl chloride.

173.249 Alkaline corrosive liquids, n.o.s.; Alkaline caustic liquids, n.o.s.; Alkaline corrosive battery fluids; Potassium fluoride solutions; Potassium hydrogen fluoride solutions; Sodium aluminate, liquid.

173.249a Cleaning compound liquid; Coal tar dye, liquid; Dye intermediate, liquid; Mining reagent, liquid; and Textile treating compound mixture, liquid.

173.264 Fluoboric acid; Hydrofluoric acid, White acid.

173.280 Allyl trichlorosilane; Amyl trichlorosilane, Butyl trichlorosilane; Chlorophenyl trichlorosilane; Cyclohexenyl trichlorosilane; Cyclohexyl trichlorosilane; Dichlorophenyl trichlorosilane; Diethyl dichlorosilane; Diphenyl dichlorosilane; Dodecyl trichlorosilane; Ethyl phenyl dichlorosilane, Hexadecyl trichlorosilane; Hexyl trichlorosilane; Nonyl trichlorosilane; Octadecyl trichlorosilane; Octyl trichlorosilane; Phenyl trichlorosilane, and Propyl trichlorosilane.

173.284 Bromine pentafluoride; Iodine pentafluoride.

(B) In § 173.28, the introductory text of paragraph (m) is amended to read as follows:

§ 173.28 Reuse of containers.

* * * * *

(m) Specifications 17C, 17E, and 17H steel drums (§§ 178.115, 178.116, 178.118 of this subchapter) from which contents have been removed, may be reused as prescribed in this Part as packagings for shipment of flammable liquids, flammable solids, oxidizing materials, radioactive materials, and corrosive liquids covered by §§ 173.249 and 173.249a, only if the following requirements, in addition to the other requirements of this section, are complied with prior to each reuse:

* * * * *

(C) In § 173.119, paragraphs (m) (16) and (17) are added to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(m) * * *

(16) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this subchapter). Cylindrical steel overpacks with an inside specification 2S or 2SL (§§ 178.35, 178.35a of this subchapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure.

(17) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this subchapter). Cylindrical steel overpacks with an inside specification 2U (§ 178.24 of this subchapter) polyethylene container, not over 5 gallons capacity. Authorized only for materials that will not react with polyethylene and result in container failure.

(D) In § 173.244, paragraph (a) is amended to read as follows:

§ 173.244 Exemptions for corrosive materials.

(a) Corrosive liquids, except those for which no exemptions are provided as indicated by the "No exemption" statement in § 172.5 of this subchapter, in inside bottles having a capacity not over one pound or 16 ounces by volume each enclosed in a metal can, or in inside metal or plastic packagings not over one pound or 16 ounces by volume, in an outside packaging are, unless otherwise provided in this Part, exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on the outside container is required for shipments via carrier by water. Such shipments for transportation by highway carriers are exempt also from Part 177 of this subchapter, except § 177.817.

* * * * *

(E) In § 173.245, paragraph (a) (4) is amended; paragraph (a) (34) is added to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(4) Specification 5A, 5B, 5C, or 5M (§§ 178.81, 178.82, 178.83, 178.90 of this subchapter). Metal barrels or drums.

* * * * *

(34) Specification 42B (§ 178.107 of this subchapter). Aluminum drum.

* * * * *

(F) In § 173.247, the Heading and the introductory text of paragraph (a) are amended to read as follows:

§ 173.247 Acetic anhydride; Acetyl bromide; Acetyl chloride; Acetyl iodide; Antimony pentachloride; Benzoyl chloride; Boron trifluoride-acetic acid complex; Chromyl chloride; Dichloroacetyl chloride; Diphenylmethyl bromide solutions; Pyro sulfuryl chloride; Silicon chloride; Sulfuryl chloride; Thionyl chloride; Tin tetrachloride (anhydrous); Titanium tetrachloride; Trimethyl acetyl chloride.

(a) Acetic anhydride, acetyl bromide, acetyl chloride, acetyl iodide, antimony pentachloride, benzoyl chloride, boron trifluoride-acetic acid complex, chromyl chloride, dichloroacetyl chloride, diphenylmethyl bromide solutions, pyro sulfuryl chloride, silicon chloride, sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), titanium tetrachloride, and trimethyl acetyl chloride must be packaged in specification packaging as follows:

* * * * *

(G) In § 173.249, the Heading and the introductory text of paragraph (a) are amended to read as follows:

§ 173.249 Alkaline corrosive liquids, n.o.s.; Alkaline caustic liquids, n.o.s.; Alkaline corrosive battery fluids; Potassium fluoride solutions; Potassium hydrogen fluoride solutions; Sodium aluminate, liquid.

(a) Alkaline corrosive liquids, n.o.s., alkaline caustic liquids, n.o.s., alkaline corrosive battery fluids, potassium fluoride solutions, potassium hydrogen fluoride solutions, and liquid sodium aluminate, when offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein as follows:

* * * * *

(H) § 173.249a is added to read as follows:

§ 173.249a Cleaning compound, liquid; Coal tar dye, liquid; Dye intermediate, liquid; Mining reagent, liquid; and Textile treating compound mixture, liquid.

(a) A liquid cleaning compound subject to this section must not contain any corrosive material specifically named in § 172.5(a) of this subchapter, except phosphoric acid, acetic acid, and not over 15 percent sodium or potassium hydroxide.

(b) A liquid dye intermediate is a ring compound, containing amino, hydroxy, sulfonic acid, or quinone group or a combination of these groups, used in the manufacture of dyes, and not otherwise specifically named in § 172.5 of this subchapter.

(c) A liquid textile treating compound mixture is a mixture used to treat woven, knit or otherwise manufactured fabrics. It does not include mixtures used only to treat fibers, filaments, or yarn used in making the fabric.

(d) Liquid coal tar dye, liquid cleaning compound, liquid dye intermediate, liquid mining reagent, and liquid textile treating compound mixture must be packaged as follows:

(1) In specification packagings as prescribed in § 173.245.

(2) In packagings meeting all of the specific requirements prescribed in § 173.245 including packaging type and quantity limitations for inside packagings. The packagings are not required to meet the detailed specification requirements of Part 178 of this subchapter except that size and weight limitations for package types as prescribed in Part 178 may not be exceeded. Not authorized for shipment by aircraft.

(3) Removable (open) head fiber drum lined or coated on the inside with a plastic material, not over 55-gallon capacity. Not authorized for shipment by aircraft.

(4) Removable (open) head metal drum, not over 55-gallon capacity. Not authorized for shipment by aircraft.

(5) Removable (open) head polyethylene drum, not over 6.5-gallon capacity. Not authorized for shipment by aircraft.

(I) In § 173.264, the Heading and the introductory text of paragraph (a) are amended to read as follows:

§ 173.264 Fluoboric acid; Hydrofluoric acid; White acid.

(a) Fluoboric acid, hydrofluoric acid, and white acid (ammonium bifluoride and hydrochloric acid mixture), must be packed in specification packaging as follows:

* * * * *

(J) In § 173.280, the Heading and the introductory text of paragraph (a) are amended to read as follows:

§ 173.280 Allyl trichlorosilane; Amyl trichlorosilane; Butyl trichlorosilane; Chlorophenyl trichlorosilane; Cyclohexenyl trichlorosilane; Cyclohexyl trichlorosilane; Dichlorophenyl trichlorosilane; Diethyl dichlorosilane; Diphenyl dichlorosilane; Dodecyl trichlorosilane; Ethyl phenyl dichlorosilane; Hexadecyl trichlorosilane; Hexyl trichlorosilane; Nonyl trichlorosilane; Octadecyl trichlorosilane; Octyl trichlorosilane; Phenyl trichlorosilane, and Propyl trichlorosilane.

(a) Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, chlorophenyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, dichlorophenyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane must be packed in specification containers as follows:

* * * * *

(K) In § 173.284, the Heading and the introductory text of paragraph (a) are amended to read as follows:

§ 173.284 Bromine pentafluoride; Iodine pentafluoride.

(a) Bromine pentafluoride and iodine pentafluoride must be packaged as follows:

* * * * *

(L) In § 178.343-5, paragraph (b)(2)(i) is amended to read as follows:

§ 178.343 Specification MC 312; cargo tanks.

§ 178.343-5 Outlets.

* * * * *

(b) * * *

(2) * * *

(i) The valve seat must be located inside the tank or within the welded flange, its companion flange, nozzle, or coupling at the point of outlet from the tank.

* * * * *

This amendment is effective September 30, 1974. However, compliance with the regulations, as amended herein, is authorized immediately.

(18 U.S.C. 831-835; sec. 9, Department of Transportation Act (49 U.S.C. 1657), and Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472 (h), and 1655(c)).)

This is one of three signature pages in Docket No. HM-57; Amendment Nos. 172-22, 173-77, 178-30, Classification and Packaging of Corrosive Materials. Signature pages have been submitted to the Board Members for the Federal Highway Administration, and the Federal Railroad Administration.

Issued in Washington, D.C. on December 20, 1973.

C. R. MELUGIN, Jr.,
Acting Board Member, for the Federal Aviation Administration.

KENNETH L. PIERSON,
Board Member, for the Federal Highway Administration.

MAC E. ROGERS,
Alternate Board Member, for the Federal Railroad Administration.

[FR Doc.73-27101 Filed 12-27-73;8:45 am]

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 192-15; Docket No. OPS-3E]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Odorization of Gas in Transmission Lines

The purpose of this amendment is to extend the time during which the interim Federal safety standards in Part 190 of Title 49 of the Code of Federal Regulations applicable to gas odorization in transmission lines may remain

in effect in those states where Part 190 requires such odorization.

On May 31, 1973, the Office of Pipeline Safety (OPS) issued Amendment 192-14 (38 FR 14943). That amendment kept the interim Federal standards on odorization of gas in transmission lines in effect in those states where such odorization was required until January 1, 1974, or the date when the distribution companies in those states odorized gas in accordance with § 192.625 whichever occurred earlier.

As stated in the Preamble to Amendment 192-14, the extension until January 1, 1974, was to provide time for completion of a rulemaking proceeding on odorization of gas in transmission lines. This proceeding began on August 15, 1973, when OPS published a notice of proposed rulemaking in the FEDERAL REGISTER (Notice No. 73-2, Docket No. OPS-24, 38 FR 22044). The comments received as a result of that notice are being evaluated, and upon publication of a final rule the interim standards will be allowed to lapse. Meanwhile, the interim standards are again being extended as set forth below.

Since the regulatory provisions that are affected by this amendment are presently in effect, and since this amendment will impose no additional burden on any person, I find that notice and public procedure thereon are impractical and unnecessary and that good cause exists for making it effective on less than 30 days notice.

In consideration of the foregoing § 192.625(g)(1) of title 49 of the Code of Federal Regulations is amended effective January 1, 1974, to read as follows:

§ 192.625 Odorization of gas.

* * * * *

(g) * * *

(1) January 1, 1975; or

* * * * *

This amendment is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, office of Pipeline Safety, set forth in appendix A of part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR, pt. 1).

Issued in Washington, D.C., on December 26, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.73-27304 Filed 12-27-73;9:48 am]

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RAR-1]

PART 225—RAILROAD ACCIDENTS: REPORTS AND CLASSIFICATION

Telegraphic Reports

The purpose of this amendment is to modify § 225.1 of Title 49 of the Code of Federal Regulations which requires rail carriers engaged in interstate or foreign commerce to report certain accidents telegraphically to the Federal Railroad Administration (FRA).

On April 10, 1973, the Administrator issued a notice proposing to amend § 225.1 (38 FR 9597 and 9830). Interested persons were invited to participate in this rule making proceeding by submitting written comments before June 15, 1973. Comments were received from the railroad industry. These comments have been of assistance in making minor changes to the final rule. The FRA appreciates the interest expressed by these participants.

Many commenters questioned the advisability of eliminating the designation of specific railroad officials as the persons responsible, under § 225.1(a), for the transmission of the telegraphic accident reports on behalf of the carrier.

The FRA believes that these commenters may have misinterpreted this aspect of the proposed amendment, and it has been adopted without change. While under the final rule a carrier may authorize *any* employee to report an accident, the rule does not require the carrier to do so. Under the new provision, the carrier is free to determine how to comply with the reporting requirement. If a carrier believes that it is important for it to fix the responsibility for these telegraphic reports on a specific individual or department within its organization, it may do so. Such a designation would not contravene the rule; but it is imperative that the individual or department authorized to transmit the reports be readily accessible on a twenty-four hour basis so that the report will not be delayed. The FRA is primarily interested in the accuracy and timeliness of the reports, rather than requiring a particular railroad official or employee to transmit them.

One commenter criticized the proposed § 225.1 because a carrier would have to transmit a report "immediately" after the occurrence of a reportable accident. The commenter interpreted "immediately" as meaning "instantly." The FRA recognizes that after an accident occurs it may not be known instantly whether there is a fatality or whether five or more persons will be hospitalized. The final rule does not require instantaneous telegraphic reporting. In fact, the notice did not propose to change the concept of timeliness as expressed in the existing rule. Telegraphic reports under the existing § 225.1(a) are required to be transmitted "immediately" after the occurrence of an accident. This language was retained in order to impress upon the carriers the urgency with which the FRA views the reporting of serious accidents. A requirement that the report be transmitted "at the earliest practicable moment," as suggested by one commenter, would fail to convey the same sense of urgency.

One commenter questioned the rationale of extending the scope of § 225.1 to apply to accidents resulting in the death of a person or the hospitalization of five or more persons, whoever the persons may be. In the case of highway grade crossing accidents, it has been common practice to limit the application of § 225.1 solely to accidents resulting in the death or serious injury of a person riding in the train or rail car. Under this practice, the FRA has not received telegraphic reports when fatalities and injuries are suffered by the occupants of a motor vehicle involved in an accident but not by occupants of the train or rail car. This omission is not in keeping with the purposes of the telegraphic reports or with the duty of the FRA to promote safe rail operations. According to FRA records, a total of 1,010 grade crossing accidents occurred during 1972 which resulted in the death of an occupant of a motor vehicle or the injury of five or more occupants of a motor vehicle. If the proposed rule had been in effect, FRA would have received a telegraphic report for each of these accidents. FRA believes that a telegraphic reporting burden of this magnitude need not be imposed on carriers to enable it to promptly initiate accident investigations of major accidents. Accordingly, the final rule has been changed to provide that telegraphic reports of these grade crossing accidents are required only for accidents which result in five or more fatalities or injuries to occupants of motor vehicles. FRA records indicate that 43 such grade crossing accidents occurred in 1972.

One commenter thought that the term "hospitalization" as proposed in § 225.1(a)(1)(ii) required further explanation to avoid misinterpretation which could result in an undue burden of reporting for some railroads. This commenter noted that in densely populated areas, where hospitals are located in close proximity to a railroad right-of-way, it is not uncommon in the event of an accident to transport a significant percentage of those persons affected, however slightly, to the nearest hospital. Most often the majority of these persons are given minor first aid and released within a short period. On the other hand, carriers whose rights-of-way traverse more remote territory, where hospitals are few and far between, are less likely to provide such care for persons with minor injuries. Without further refinement of the concept of hospitalization, the carrier in the former situation might find itself subject to request reporting, while the carrier in the latter situation would escape the reporting requirement, even though the injuries in both cases are identical. The FRA believes that this observation raises a legitimate question as to the effectiveness of the "hospitalization" criteria for determining which accidents are reportable under section 225.1(a)(1)(ii). Accordingly, the final rule has been changed to apply in cases where five or more persons are hospitalized as inpatients except solely for purposes of observation. This new language provides for the reporting of very serious accidents, as measured by the number of persons hospitalized and the nature of their hospitalization, but it does not hinder the good faith efforts of a carrier to transport injured persons to a hospital for treatment in cases of apparently minor injuries.

It was proposed in § 225.1(a)(2) to require a telegraphic report of all accidents resulting in the death of an employee which occur during the course of an activity conducted by the carrier and related to the performance of its transportation business. One commenter claimed that this proposal was too broad and would encompass situations far beyond the intent of the telegraphic reports. On the contrary, the purpose of the telegraphic reports is to inform the FRA of serious accidents so that it may commence an investigation as soon as possible, and thereby be better able to identify areas in which future action should be taken to promote safety in railroad activities. As was stated in the preamble to the proposed rule, there were 118 fatalities during 1971 resulting from railroad activities which were not telegraphically reported. The FRA believes that the reporting of an additional 118 accidents for example, would not be an unreasonable burden upon the carriers particularly if the information gained might assist the FRA in reducing loss of life through its safety program. In addition, it should be noted that the language used in § 225.1(a)(2) to broaden the reporting requirement as far as employee deaths are concerned is the same language as is employed in section 7 of the Accident Reports Act, as amended, (45 U.S.C. 43) and elsewhere in Part 225.

Finally, a commenter complained of the burden of paper work resulting from the various reporting requirements to which rail carriers find themselves subject. This commenter requested a new rule which would eliminate duplicate reporting under either the Occupational Safety and Health Act of 1970 (OSHA) or State regulations. FRA agrees that duplicate State and Federal accident reporting should be eliminated wherever possible and will address this problem area in a general revision of FRA Accident Reporting Regulations to be prepared in the near future. With respect to the OSHA requirements, the Department of Transportation has entered an *amicus curiae* brief before the Occupational Safety and Health Review Commission in *Secretary of Labor* v. *Penn Central Transportation Company and Southern Pacific Transportation Company* (OSHRC Docket Nos. 738 and 1348, filed May 11, 1973) in which it contends that the comprehensive accident reporting requirements of the Department exempt rail carriers from the log-keeping and accident reporting requirements of the Department of Labor. Notwithstanding the OSHA issue, the FRA must continue to exercise its authority to require the reporting of information which it believes to be essential to the promotion of safety in the operation of the Nation's railroads.

This amendment is issued under the authority of sections 12 and 20, 24 Stat. 383, 386, as amended (49 U.S.C. 12 and 20); sections 1–7, 36 Stat. 350 as amended, 45 U.S.C. 38–43; section 6 (e) and (f), 80 Stat. 939 (49 U.S.C. 1655 (e) and (f)); and § 1.49(c) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(c).

In consideration of the foregoing, section 225.1 of Title 49 of the Code of Federal Regulations is amended to read as follows, effective February 1, 1974.

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

JOHN W. INGRAM,
Administrator.

§ 225.1 Telegraphic reports of certain accidents.

(a) A common carrier engaged in interstate or foreign commerce by railroad shall report by telegram to the Office of Safety, Federal Railroad Administration, 2100 Second Street SW., Washington, D.C. 20590, immediately after its occurrence—

(1) Each collision and each derailment on the railroad operated by the carrier involving a train, handcar, section motorcar, highway-railcar or other self-propelled railcar, including a collision with a motor vehicle at a highway grade crossing, which results in—

(i) The death of a person other than an occupant of a motor vehicle;

(ii) The hospitalization as inpatients except solely for the purpose of observation, of five or more persons other than occupants of a highway motor vehicle; or

(iii) The death or hospitalization as inpatients except solely for the purpose of observation, of a total of five or more persons who were occupants of a highway motor vehicle.

(2) Each accident, in addition to a collision or derailment reported under paragraph (a)(1) of this section, which results in the death of a person employed by the carrier and occurs during the course of an activity conducted by the carrier that is related to performance of its transportation business.

(b) A report made under section must state—

(1) The name of the carrier;

(2) The name, title, and telephone number of the individual making the report;

(3) The time, date and location of the accident;

(4) The circumstances of the accident; and

(5) The number of persons killed or hospitalized.

(c) The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[FR Doc.73-27231 Filed 12-27-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Secretary to the Director, Office of Program Management, is excepted under Schedule C.

Effective January 2, 1974, § 213.3394 (a)(46) is added as set out below.

§ 213.3394 Department of Transportation.

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

(46) One Secretary to the Director, Office of Program Management.

* * * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-27273 Filed 12-27-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Clarifying Amendments for Petroleum Prices

These amendments implement certain technical changes to the Phase IV petroleum products price rules. The changes involve regulations located in both Subpart D, exemptions, and Subpart L, petroleum and petroleum products.

The first amendment changes the exemption of § 150.53(a)(2) in Subpart D to correct an oversight created when Subpart L was issued at the start of Phase IV. This exemption previously stated that real property rentals are exempt prices, except "rent charged by a gasoline manufacturer" for gasoline station realty. The proposed Phase IV regulations issued on July 19, 1973, referred to "gasoline manufacturers" both in this exemption and in Subpart L. On August 12, the final Phase IV regulations were issued without any change in the language in the exemption in Subpart D. However, when the final Subpart L regulations were issued on August 17, 1973, the reference to gasoline manufacturers was deleted. The final Subpart L regulations instead extended rental controls to any lessor and lessee of any real property used in the retailing of gasoline in order to cover broader situations (including lessees as sublessors, or lessees in lease-back arrangements) than that described in § 150.53(a)(2). The reference to "gasoline manufacturer" is therefore deleted from § 150.53(a)(2), to conform its scope to that of Subpart L, making clear that the Council had always intended to control the price for such property, irrespective of who "charged" the rental. Because the pricing exemption as noted, was effective August 13, this amendment will have retroactive effect to that date, in order to avoid otherwise unequal treatment of such lessors and lessees.

A second technical change has been made in the coverage of refiner sales under Subpart L at § 150.356(a). That change merely conforms the expression of the scope of the refiner's product cost calculations with the scope of § 150.359. The clarification of § 150.356(a) states that those costs required to be included in the calculations of § 150.356 through the Council's December 1, 1973 amend-

ments, do not include costs of products or crude petroleum which the refiner resells under the rule of § 150.359.

Several changes are made in the reseller price rule of § 150.359 to clarify the application and cost computation of the rule. In § 150.359(a) a provision is inserted to clarify that the sale of crude petroleum "by a refiner" is treated as a sale within the rule of that section, just as a sale of such crude petroleum would be treated if made by any other seller of covered products. A "first sale" of crude petroleum is not covered by this rule, as such a sale is priced under other Subpart L rules.

The other change in the reseller rule appears in the definition of "increased costs," in § 150.359(b). These costs mean product costs, although the word "item" has been used in this definition, causing certain confusion. The change to the word "product" is meant to make clear that separate costs are not calculated for each "item" in inventory under the rule, unless separate products are involved. For example, each purchase of heating oil from a different source is not an "item," since the heating oil is all the same product.

The final adjustment in this set of amendments is designed to cover a gap in the "new item" price rule of § 150.361(b) for refiners. Until the present amendment, the price rule for a refiner not in existence on May 15, 1973, which offered a "new item" after November 30, 1973 was not clear. This change now separates the new item base price rule for refiners in existence on May 15, 1973 from the rule for refiners coming into existence after that date and offering a "new item" as defined in that section. The pricing rules for items first offered by a refiner between May 15, 1973 and November 30, 1973 are still contained in the imputed price provisions of § 150.355(g). This amendment now states that new refiners offering new items shall use the average price obtained by other refiners in the same market on the day when the item is first offered for sale and its own actual costs of the item first offered for sale, in lieu of May 15 figures, for computing base prices.

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 procedures is impracticable and that good cause exists for making these amendments effective in less than 30 days.

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

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective as of 11:59 p.m., e.s.t., August 12, 1973 with respect to § 150.53(a)(2) and effectively immediately with respect to all other amendments herein issued.

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

JOHN T. DUNLOP,
Director,
Cost of Living Council.

1. Section 150.53 is amended in paragraph (a)(2) to read as follows:

§ 150.53 Real estate and insurance premiums.

(a) *Real estate.* * * *

(2) *Rentals.* All rent charged for the rental of real property, except for rent charged by a lessor for the rental of real property used in the retailing of gasoline, is exempt.

* * * * *

2. Section 150.356 is amended in paragraph (a) to read as follows:

§ 150.356 Allocation of Refiner's increased product costs.

(a) *Scope.* Except as provided in § 150.359, this section prescribes the requirements governing the inclusion of a refiner's increased product costs in the computation of its base price pursuant to § 150.355(g) for covered products.

* * * * *

3. Section 150.359 is amended in paragraph (a) and paragraph (b) to read as follows:

§ 150.359 Price rule: Resellers and retailers.

(a) *Applicability.* This section applies to each sale of a covered product (other than the first sale of crude petroleum) by resellers, reseller-retailers, and retailers, and to each sale of crude petroleum (other than the first sale) by a refiner. For purposes of this section, "reseller" includes any entity of a refiner which is engaged in the business of purchasing and reselling covered products, provided that the entity does not purchase more than 5% of such covered products from the refiner including any entities which it directly or indirectly controls and provided further that the entity has historically and consistently exercised the exclusive price authority with respect to sales by the entity.

(b) *Definitions.* As used in this section—

"Increased costs" means the difference between the weighted average unit cost of a product in inventory and the weighted average unit cost of that product in inventory on May 15, 1973. If a particular product was not in inventory on May 15, 1973, the date for computing the cost is the most recent day preceding May 15, 1973 when the seller had the product in inventory.

* * * * *

4. Section 150.361 is amended in paragraph (b)(1) to read as follows:

§ 150.361 New item and lease rule.

* * * * *

(b) *Base price determination*—(1) *Refiners.* (i) A refiner in existence on May 15, 1973 which offers a new item shall determine the base price for that item pursuant to the base price provisions of § 150.355(g). However, for purposes of determining the price at which the item was lawfully priced in transactions on May 15, 1973, the refiner shall use the average price received on May 15, 1973 for the same or most nearly similar item sold to the same market by other refiners selling the same or most nearly comparable item in the same marketing area. (ii) A refiner coming into existence after May 15, 1973 which offers a new item shall determine the base price for that item pursuant to the base price provisions of § 150.355(g). However, for purposes of computing the base price, the increased product costs shall be calculated using the cost of the item first offered for sale rather than the May 1973 cost for the item, and the price at which that item is priced in transactions by other refiners selling the same or most nearly comparable item in the same marketing area on the day when the item is first offered for sale shall be used rather than the May 15, 1973 selling price.

* * * * *

[FR Doc.73-27210 Filed 12-21-73;5:00 pm]

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Adjusted Freeze Prices for Steel Items

The purpose of this amendment is to add a special rule No. 4 to the appendix to subpart J of Part 150 to permit a recalculation of adjusted freeze prices for certain steel items to reflect cost increases in ferrous scrap incurred between June 1, 1973 and December 31, 1973.

Pursuant to special rule No. 1, the Council has received prenotifications for price increases from 34 companies for steel products in group No. 331 of Standard Industrial Classification Manual. The Council held public hearings on these proposed price increases on December 19 and 20, 1973. At these hearings, much testimony was received concerning increased costs of ferrous scrap materials which have been particularly dramatic in the latter half of 1973.

In a separate action announced today, the Council has suspended action on these prenotifications until January 25, 1974. In order to provide interim relief to steel companies affected by this action, especially those smaller steel companies using a high proportion of ferrous scrap materials as raw materials, the Council is issuing this special rule.

Under the special rule, prices for those steel items which have not been increased since the freeze announced on June 13, 1973 may be adjusted to reflect increased costs of ferrous scrap incurred since the beginning of June and prior to the end of 1973. Firms making price adjustments under this special rule are required to report to the Council not later than January 31, 1974 adjusted freeze prices for items prior to implementation of the special rule, adjusted freeze prices as determined under this special rule, and increased costs of ferrous scrap incurred between June 1, 1973 and December 31, 1973.

Price adjustments above the adjusted freeze prices as determined under the special rule must be cost justified in accordance with the rules of part 150. This means that prices above adjusted freeze prices must be supported by cumulative cost justification commencing with the base cost period, generally the last quarter of 1972. Under these rules, the ferrous scrap cost increases which are used to determine new adjusted freeze prices will be taken into account in determining permissible price adjustments above the recalculated adjusted freeze price levels.

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 procedures is impracticable and that good cause exists for making these amendments effective in less than 30 days.

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

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective immediately.

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

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

Subpart J is amended by adding the following:

APPENDIX—SPECIAL RULE NUMBER 4

1. *Applicability.* This special rule applies to the prices charged for those items which have not been sold at prices above adjusted freeze price prior to December 1, 1973 by firms within Group No. 331 of the Standard Industrial Classification Manual, 1972 edition.

2. *Rule.* In calculating adjusted freeze prices for steel items subject to this special rule a firm may add to adjusted freeze prices calculated pursuant to § 150.72 an amount which on a weighted average basis reflects the increased costs of ferrous scrap incurred in producing those items between June 1, 1973 and December 31, 1973.

The amount by which adjusted freeze prices may be increased is the percentage amount derived by multiplying the ratio of total purchased ferrous scrap costs to total sales revenues for the items affected by the percentage increase in purchased ferrous scrap costs. The amount may be expressed by the formula G X F = Percentage adjustment to adjusted freeze prices where:

A=Base cost for purchased ferrous scrap determined as actual unit cost incurred, measured by the output method, during the accounting month preceding June 1, 1973.

B=Current cost for purchased ferrous scrap determined as actual unit cost incurred, measured by the output method, during any accounting month beginning after May 31, 1973 and ending before January 1, 1974.

C=Total sales revenues for the items affected during the period used in calculating A.

D=Total purchased ferrous scrap costs for the items affected during the period used in calculating A.

E=B-A, the dollar cost increase in purchased ferrous scrap.

F=E/A, the percentage increase in purchased ferrous scrap costs.

G=D/C, the ratio of purchased ferrous scrap costs to total sales revenues.

3. *Reports.* No later than January 31, 1974, each price category I firm which has determined an adjusted freeze price pursuant to this special rule shall submit to the Council in accordance with forms and instructions issued by the Council information with respect to adjusted freeze prices as determined under this special rule, adjusted freeze prices prior to the application of this special rule, and ferrous scrap cost increases between June 1, 1973 and December 31, 1973.

[FR Doc.73-27208 Filed 12-21-73;5:13 pm]

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Broadcasting Regulations; Profit Margin Limitations

The purpose of this amendment is to modify the applicability of the profit margin limitation under the Phase IV broadcasting regulations.

Prior to this amendment, the profit margin limitation was triggered under § 150.206 in two ways. First, a firm could increase a base rate to reflect net increases in allowable costs. If it did so, the profit margin limitation applied. Second, a firm which obtained permission to use the "averaging" rule under § 150.206(c)(1)(ii)—that is, to charge prices in excess of the ceiling or "current" prices in some cases and below those levels in others as long as the overall revenue effect was not excessive—became subject to the profit margin limitation when it charged a price above the current price.

As amended, § 150.206 provides that the profit margin limitation applies only when a price is charged which reflects an increase in the base rate due to increases in allowable costs. A firm which lawfully raises a price above the current price under the "averaging" provision does not thereby subject itself to the profit margin limitation.

This change is consistent with the overall intent of § 150.206 to control broadcasting activities by means of special rules which take into account the unusual pricing practices in the industry such as pricing according to audience size and the "cost per thousand" method. The aforementioned "averaging" rule was also promulgated in an effort to take into account the general pricing practices followed by broadcasting networks in particular. The Council therefore believes that it is not necessary to apply the profit margin limitation in connection with the use of the "averaging" rule.

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

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

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

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

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

1. The last sentence of § 150.206(c)(1)(ii) is deleted.

2. The first sentence of § 150.206(c)(5) is amended to read as follows:

§ 150.206 Broadcasting.

* * * * *

(c) *General rules.* * * *

(5) A firm which charges a price which reflects an increase in the base rate pursuant to paragraph (c)(2) of this section may not, for the fiscal year in which that increased rate is charged, exceed its base period profit margin.

[FR Doc.73-27211 Filed 12-21-73;5:00 pm]

[Phase IV Price Ruling 1973—24]

APPENDIX—RULINGS

Drying of Grain by Grain Storage Firms; Interpretation of § 150.52

Facts. Firm A operates a grain storage facility. The firm purchases grain from farmers, lowers the moisture content of the grain by drying, stores the grain and ultimately resells it to flour millers.

Issue. Does the drying of the grain constitute processing sufficient to remove the exempt status of grain pursuant to § 150.52(a) of the Phase IV regulations?

Ruling. No.

Under § 150.52(a), those agricultural products which are not sold to the ultimate consumer in their original physical form are exempt only so long as they do retain their original physical form and have not been processed. Food grains are among those agricultural products which remain exempt from price controls pursuant to § 150.52(a) until their original physical form is changed through processing.

Section 150.52 states that an item has been processed if it has been canned, frozen, slaughtered, milled, or otherwise changed in physical form. Packaging is not considered a processing activity. This means that a processing function, to be within the meaning of "processing" under § 150.52, must generally result in a change in the physical form of the item concerned. For example, milling reduces grain to its component parts—e.g. the germ, gluten and bran (husk) in wheat. Freezing or canning transforms a perishable raw agricultural product into a preserved product. On the other hand, such functions as washing, waxing, sorting and packaging do not alter the physical form of the item.

The drying process, which is designed to guard against rotting, achieves a reduction in moisture content similar to that which would result if the drying were to occur naturally in the field and therefore does not result in a change in the physical form of the grain within the meaning of § 150.52(a). The lowering of the moisture content is therefore not a "processing" activity. The fact that grain is inherently a less perishable commodity than other raw agricultural products does not alter this conclusion.

This ruling is consistent with the treatment in § 150.52(a) of hay, a dried product listed as exempt (unprocessed).

WILLIAM N. WALKER,
General Counsel.

DECEMBER 26, 1973.

[FR Doc.73-27313 Filed 12-27-73;10:31 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 15]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Miscellaneous Amendments

The regulations governing the National School Lunch Program are amended to implement Public Law 93-150, approved November 7, 1973 and for other purposes.

The principal changes stemming from Public Law 93-150 affect § 210.4 and § 210.11 to: (1) establish minimum national average factors for free and reduced price lunches; (2) increase the minimum national average factor for all lunches; (3) provide for semiannual adjustments in the national average factors; (4) increase the maximum rate of reimbursement from general cash-for-food assistance funds and provide for subsequent semiannual adjustments based on the adjustments in the national average payment for all lunches; (5) prescribe under certain conditions, a minimum rate of reimbursement from general cash-for-food assistance of not less than the national average factor for all lunches; (6) increase the maximum per lunch reimbursement for a free lunch from 60 cents to 70 cents and establish a maximum per lunch reimbursement for a reduced price lunch of 60 cents; (7) provide for semiannual adjustments in the maximum per lunch reimbursement for free and reduced price lunches; (8) modify the method used to determine the maximum reimbursement payments which may be paid to schools for lunches served to children during the fiscal year; and (9) delete specific eligibility criteria for especially needy schools for above-average reimbursement rates.

Other changes are nonsubstantive and were made either for clarification, deletion of obsolete provisions, technical reasons, or to reposition existing paragraphs.

Since these changes are effective for the entire fiscal year 1974, State agencies and schools must know of the changes as soon as possible so as to give them adequate time to conform with the new rules. Consequently, notice and public procedure thereon is impracticable and contrary to the public interest.

1. In the Table of Sections, § 210.4 is renamed "Payment of funds to States and FNSROs," and § 210.5 is renamed "Method of payment to States."

§ 210.1 [Amended]

2. In § 210.1, paragraph (c) is amended by deleting the word "apportionment" and inserting the word "payment" in lieu thereof.

3. In § 210.2, paragraphs (b) and (m) are deleted, and paragraph (h-2) is revised to read as follows:

§ 210.2 Definitions.

* * * * * *

(h-2) "Lunches eligible for special cash assistance" means free and reduced price lunches served in a participating school under the eligibility criteria of the School Food Authority approved by the State agency, or FNSRO where applicable.

* * * * * *

4. In § 210.4, the heading is revised to read, "Payment of funds to States and FNSROs."

5. § 210.4 is revised to read as follows:

§ 210.4 Payment of funds to States and FNSROs.

(a) For each fiscal year the Secretary shall make general cash-for-food assistance payments, at such times as he may determine, from the sums available therefor, to each State agency, or FNSRO where applicable, in a total amount equal to the product obtained by multiplying the number of lunches meeting the Type A lunch requirements set forth in § 210.10 of this part served during such fiscal year to children in schools in such State which participate in the Program under agreements with such State agency, or FNSRO where applicable, by the national average factor or factors for all lunches prescribed by the Secretary for use in such fiscal year: *Provided, however,* That in any fiscal year such national average factor shall not be less than 10 cents per lunch and that the aggregate amount of the general cash-for-food assistance payments made by the Secretary to each State agency, or FNSRO where applicable, for any fiscal year shall not be less than the amount of the general cash-for-food assistance payments made by the State agency, or FNSRO where applicable, to participating schools within the State for the fiscal year ending June 30, 1972.

(b) For each fiscal year the Secretary shall make special cash assistance payments at such times as he may determine, from the sums available therefor, to each State agency, or FNSRO where applicable, in a total amount equal to the sum of the products obtained by multiplying the number of lunches meeting the lunch requirements set forth in § 210.10 of this part served free to children eligible for such lunches in schools within the State during such fiscal year by the special cash assistance factor or factors for free lunches prescribed by the Secretary for use in such fiscal year, and by multiplying the number of such lunches served at a reduced price to children eligible for such reduced-price lunches in schools within the State during such fiscal year by the special cash assistance factor or factors for reduced-price lunches prescribed by the Secretary for use in such fiscal year. Beginning with the fiscal year ending June 30, 1974, the special cash assistance factor prescribed for free lunches shall be not less than 45 cents and the special cash assistance factor prescribed for reduced price lunches shall be 10 cents less than the special cash assistance factor for free lunches. Notwithstanding any other provision of this section, for the fiscal year ending June 30, 1974, the respective special cash assistance factors for any State shall not be less than the average reimbursement paid from special assistance funds for each free lunch, or for each reduced price lunch, in such State for the fiscal year ending June 30, 1973.

(c) The Secretary shall prescribe by July 1 of each fiscal year, and by January 1 of each fiscal year, semiannual adjustments to the nearest one-fourth cent in the national average general cash-for-food assistance factor for all lunches and national average special cash assistance factors for free and reduced price lunches which shall reflect changes in the cost of operating a school lunch program.

§ 210.5 [Amended]

6. In § 210.5, the heading is revised to read, "Method of payment to States."

§ 210.5a [Amended]

7. § 210.5a is amended to delete the words "apportioned" and "apportionment" and to insert the words "paid" and "payments," respectively, in lieu thereof.

§ 210.10 [Amended]

8. § 210.10, paragraph (d) is revoked.

9. § 210.11 is revised to read as follows:

§ 210.11 Reimbursement payments.

(a) Reimbursement shall be made only in connection with lunches meeting the requirements of § 210.10 of this part. General cash-for-food assistance payments shall be used to assist schools to finance the cost of obtaining food. Special cash assistance payments shall be used to assist schools in financing the cost of providing free and reduced price lunches served to children eligible for such lunches.

(b) For the six-month period July-December, 1973, the maximum rate of reimbursement from general cash-for-food assistance funds shall be 16 cents for a Type A lunch. For each succeeding six-month period, such maximum rate shall be adjusted by an amount equal to the amount that the national average general cash-for-food assistance factor is adjusted pursuant to § 210.4(c) of this part. In assigning rates of reimbursement, the State agency, or FNSRO where applicable, shall assign the same rate of reimbursement from general cash-for-food assistance funds for the lunches sold

in the school to children at the full price and for lunches provided to children free or at a reduced price. When the combined rates of reimbursement assigned to any school from general cash-for-food assistance and special cash assistance funds for a free lunch (1) exceed the sum of the national average factors for all lunches and for free lunches, or (2) equal the cost of providing a lunch, the assigned rate of reimbursement from general cash-for-food assistance funds shall not be less than the national average factor for all lunches.

(c) In addition to the assigned rate of reimbursement from general cash-for-food assistance funds, rates of reimbursement for free and reduced price lunches may be assigned from special cash assistance funds. The combined rates of reimbursement from general cash-for-food assistance and special cash assistance funds for each free or reduced price lunch is hereinafter referred to as the "per lunch reimbursement." In no event shall the per lunch reimbursement for a free lunch exceed the per lunch cost of providing Type A lunch, nor shall the per lunch reimbursement for a reduced price exceed the per lunch cost of providing a Type A lunch *minus* the highest reduced price charge to the child. For the six-month period July–December, 1973, the maximum per lunch reimbursement shall be 70 cents for a free lunch and 60 cents for a reduced price lunch. For each succeeding six-month period, such maximum per lunch reimbursement for a free lunch shall be adjusted by an amount equal to the sum of the amounts that the national average general cash-for-food assistance factor for all lunches and the national average special cash assistance factor for free lunches are adjusted pursuant to § 210.4(c) of this part and the maximum per lunch reimbursement for a reduced price lunch shall be adjusted to 10 cents less the maximum per lunch reimbursement for a free lunch. In assigning per lunch reimbursement, the State agency, or FNSRO where applicable, shall consider the financial need of the school to serve free and reduced price lunches to eligible children, based on the income available for such lunches from all sources, including State and local contributions.

(d) Within the maximum rates of reimbursement set forth in paragraphs (b) and (c) of this section, in each fiscal year, the State agency, or FNSRO where applicable, shall initially assign rates of reimbursement at levels which will permit reimbursement from the general cash-for-food assistance funds and the special cash assistance funds available under § 210.4 of this part to the State agency, or FNSRO where applicable, for the total number of Type A lunches, including reduced price lunches and free lunches, it is estimated will be served in participating schools in the State in such fiscal year. At a minimum, the estimate of the number of Type A lunches to be served in a fiscal year shall take into account the estimated number of such lunches to be served in schools which are expected to apply and be approved for participation in the program during such fiscal year and the estimated number of such lunches to be served in schools which participated in the preceding fiscal year.

(e) Each fiscal year, promptly following the receipt of claims for reimbursement covering operations for the month of November and for such later months as is necessary, each State agency, or FNSRO where applicable, shall revise its estimates made in accordance with paragraph (d) of this section. Based upon such revised estimates, each State agency, or FNSRO where applicable, shall make such adjustments in assigned rates of reimbursement from available general cash-for-food assistance funds and special cash assistance funds as are necessary to permit reimbursement from such funds for the total number of Type A lunches it is estimated will be served in participating schools in the State in such fiscal year.

(f) Any variation between schools in the assigned rates of reimbursement from general cash-for-food assistance funds and special cash assistance funds for the particular type lunch shall reflect the relative needs of such schools as determined by the State agency, or FNSRO where applicable.

(g) Notwithstanding the provisions of paragraph (c) of this section, general cash-for-food assistance reimbursement to any School Food Authority together with special cash assistance reimbursement may exceed the cost of providing free and reduced price Type A lunches for any given month: *Provided, however,* That the total general cash-for-food assistance reimbursement and special cash assistance reimbursement for such free and reduced price lunches served to children during the fiscal year does not exceed the lesser of the following amounts: (1) the sum of the products obtained by multiplying the total number of free lunches served to eligible children during each six-month period of the fiscal year by the respective maximum per lunch reimbursement for a free lunch prescribed for such period and by multiplying the total number of reduced price lunches served to eligible children during each six-month period of the fiscal year by the respective maximum per lunch reimbursement for a reduced price lunch prescribed for such period, or (2) the total cost of providing free and reduced price lunches served to eligible children during the fiscal year, minus the product obtained by multiplying total number of reduced price lunches served to eligible children during the fiscal year by the highest reduced price charged to children.

(h) Assigned rates of reimbursement from general cash-for-food assistance and special cash assistance may be changed at any time by the State agency, or FNSRO where applicable. Notice of any change shall be given to the School Food Authority.

10. In § 210.14, paragraphs (g)(2)(ix) and (g)(2)(x) are revised, and paragraph (g)(2)(xi) is revoked as follows:

§ 210.14 Special responsibilities of State agencies.

* * * * *

(g) * * *

(2) * * *

(ix) the amount of general cash-for-food assistance funds obligated from funds made available under § 210.4 (a), and (x) the amount of special cash assistance funds obligated from funds made available under § 210.4(b).

* * * * *

(xi) [revoked].

* * * * *

(Catalog of Federal Domestic Assistance Program No. 10.555 National Archives Reference Services.)

Effective date: December 26, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

DECEMBER 26, 1973.

[FR Doc.73-27305 Filed 12-27-73;10:05 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 305]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Dec. 28, 1973–Jan. 3, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.605 Navel Orange Regulation 305.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges has been active. Prices f.o.b. averaged $3.77 a carton on a reported sales volume of 1,236 carlots last week, compared with an average f.o.b. price of $3.70 per carton and sales of 1,107 carlots a week earlier. Track and rolling supplies at 436 cars were down 280 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 21, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period December 28, 1973, through January 3, 1974, are hereby fixed as follows:

(i) District 1: 725,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: December 26, 1973.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-27321 Filed 12-27-73;11:52 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811 Amdt.]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1974

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended; 7 U.S.C. 1101), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811 is to revise the determination of sugar requirements for the calendar year 1974, establish quotas and prorations consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201(a) of the Act requires a determination of the amount of sugar needed to meet the requirements of consumers in the continental United States whenever necessary to attain the price objectives set forth in section 201(b) of the Act.

Section 202(g)(3) of the Act, which sets forth the procedure to use in attaining such price objective, provides that whenever the simple average of prices of raw sugar for seven consecutive market days ending after October 31 and before March 1 is 3 per centum or more above or below the average price objective for the preceding 2 calendar months, the determination of requirements of consumers shall be adjusted to the extent necessary to attain such price objective.

On December 6, 1973 the average price objective for the two most recent months was determined at 10.78 cents per pound when the wholesale price index for November became available. On that date the New York raw sugar spot price which had been at 11.10 cents per pound for more than seven market days increased to 11.15 cents. Therefore, the seven market days average raw sugar price of the period ending on December 6 exceeded the price objective by more than 3 percent. The market appears to be firm with a likelihood that the price will increase further. An increase in requirements at this time of 200,000 tons should help attain the price objective.

This action is taken for quota year 1974 as there presently exists an unfilled balance of 1973 quotas and the time element makes the entry of additional sugars in 1973 unlikely.

Accordingly, total sugar requirements for the calendar year 1974 are hereby increased by 200,000 short tons, raw value, to a total of 12.0 million short tons, raw value.

Section 204(a) of the Sugar Act of 1948, as amended, provides in part that:

> The Secretary shall, at the time he makes his determination of requirements of consumers for each calendar year and on December 15 preceding each calendar year, and as often thereafter as the facts are ascertainable by him in any event not less frequently than each 60 days after the beginning of each calendar year, determine whether, * * * any area or country will not market the quota for such area or country.

It was previously determined in Sugar Regulation 811 that the Domestic Beet Sugar Area would be unable to market in excess of 3,300,000 short tons, raw value, of sugar in 1974. Accordingly, deficits were determined in the quota for the Beet area of 392,000 tons representing the amount its quota exceeded 3,300,000 tons. Since this amendment increases the quota for that area by 95,333 tons, the deficit previously determined in the 1974 quota for the Domestic Beet Sugar Area is increased by 95,333 short tons, raw value. If production exceeds the present estimates for the Domestic Beet Area, the marketing opportunities for that area within the total quota for that area will not be limited as a result of the deficit determination and proration provided herein.

It is hereby determined that deficits previously declared and that declared herein constitute all known deficits on which data are currently ascertainable by the Department.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.30, 811.31, 811.32, and 811.33 as follows:

1. Section 811.30 is amended to read as follows:

§ 811.30 Sugar requirements, 1974.

The amount of sugar needed to meet the requirement of consumers in the continental United States for the calendar year 1974 is hereby determined to be 12.0 million short tons, raw value.

2. Section 811.31 is amended by amending paragraph (a) to read as follows:

§ 811.31 Quotas for domestic areas.

(a)(1) For the calendar year 1974, domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established.

pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act in column (2) as follows:

Area	Quotas	Direct-consumption limits
	(1)	(2)
	(Short tons, raw value)	
Domestic beet sugar	3,787,333	(1)
Mainland cane sugar	1,677,667	(1)
Texas cane sugar	100,000	(1)
Hawaii	1,110,000	40,356
Puerto Rico	855,000	169,000

[1] No limit.

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1974, the Domestic Beet Sugar Area and Puerto Rico will be unable by 487,333 and 700,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.32 is amended by amending paragraph (a) to read as follows:

§ 811.32 Proration and allocation of deficits in quotas.

(a) The total deficits determined in quotas established under section 202 of the Act for the Domestic Beet Area and Puerto Rico of 1,187,333 short tons, raw value, are hereby prorated and allocated pursuant to section 204(a) of the Act, by allocating 30.08 percent or 357,150 short tons, raw value, to the Republic of the Philippines and by prorating the remaining 830,183 short tons, raw value, to Western Hemisphere countries on the basis of quotas determined herein pursuant to section 202.

* * * * *

4. Section 811.33 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.33 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1974, the quota for the Republic of the Philippines is 1,555,358 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202(b) of the Act, 357,150 short tons established pursuant to section 204(a) of the Act, and 72,188 short tons established pursuant to section 202(d) of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202(b) of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1974, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in this Sugar Regulation 811 are shown in column (3). New deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic quotas	Temporary quotas and prorations pursuant to sec. 202(d) [1]	Previous deficit prorations	New deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	Short tons, raw value				
Dominican Republic	427,345	184,419	160,928	14,049	786,741
Mexico	377,933	163,097	142,320	12,425	695,775
Brazil	368,585	159,061	138,800	12,118	678,564
Peru	254,228	87,224	99,323	8,671	449,446
West Indies	4,048	1,387	51,799	4,522	61,756
Ecuador	54,420	23,484	20,493	1,789	100,186
Argentina	51,081	22,044	19,236	1,679	94,040
Costa Rica	46,073	19,883	17,350	1,515	84,821
Colombia	45,405	19,595	17,099	1,492	83,591
Panama	43,068	18,585	16,218	1,416	79,287
Nicaragua	43,068	18,585	16,218	1,416	79,287
Venezuela	34,790	11,936	15,464	1,350	63,540
Guatemala	39,396	17,001	14,836	1,295	72,528
El Salvador	28,712	12,391	10,812	944	52,859
British Honduras	22,703	9,797	8,549	747	41,796
Haiti	20,699	8,934	7,795	680	38,108
Honduras	8,013	3,457	3,018	263	14,751
Bolivia	4,340	1,873	1,634	143	7,990
Paraguay	4,340	1,873	1,634	143	7,990
Australia	167,599	45,026	0	0	212,625
Republic of China	69,777	18,747	0	0	88,524
India	67,106	18,028	0	0	85,134
South Africa	47,408	12,736	0	0	60,144
Fiji Islands	36,725	9,867	0	0	46,592
Mauritius	24,706	6,638	0	0	31,344
Swaziland	24,706	6,638	0	0	31,344
Thailand	15,358	4,125	0	0	19,483
Malawi	12,353	3,318	0	0	15,671
Malagasy Republic	10,016	2,691	0	0	12,707
Ireland	5,351	0	0	0	5,351
Total	2,359,352	912,440	763,526	66,657	4,101,975

[1] Proration of the quotas withheld from Cuba, Southern Rhodesia, Bahamas, Uganda, West Indies, Peru, and Venezuela.

* * * * *

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and 7 U.S.C. 1111, 1112, 1114, and 1153)

Effective date. This action increases requirements and quotas for the calendar year 1974 by 200,000 tons and revises deficit determinations and allocations. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable, contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on December 20, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-27203 Filed 12-27-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 928—PAPAYAS GROWN IN HAWAII

Increase in Expenses for Fiscal 1973

This document increases the maximum amount of expenses which could be incurred by the Papaya Administrative Committee during fiscal 1973 to $205,000 from the currently approved maximum amount of $182,330, an increase of $22,670. This will be accomplished without any assessment increase.

Notice was published in the December, 1973 issue of the FEDERAL REGISTER (38 FR 33400) that consideration was being given to a proposal regarding an increase to $185,000 of the expenses previously approved for the fiscal period January 1, 1973, through December 31, 1973, pursuant to the marketing agreement and Order No. 928 (7 CFR 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the

proposal. None were submitted. However, due to a substantial increase in the volume of papayas moving in interstate commerce during the latter part of the 1973 season and the slow retail movement of such papayas in the receiving markets, the committee has proposed an increase in its marketing promotion activities designed to encourage increased papaya consumption. Thus, the total expenses should be increased from $182,330 to $205,000.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice and the recommendations thereof which were submitted by the Papaya Administrative Committee (established pursuant to the said marketing agreement and order), *it is hereby ordered*, that the provisions pertaining to expenses in paragraph (a) of § 928.202 *Expenses, rate of assessment and carryover of unexpended funds* (38 FR 5880) be, and hereby are, amended to read as follows:

§ 928.202 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Papaya Administrative Committee during the period January 1, 1973, through December 31, 1973, will amount to $205,000. * * *

(b) It is hereby found that it is impracticable and contrary to the public interest to give additional preliminary notice and to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the increase in the budget set forth does not involve an increase in the rate of assessment heretofore established by the Secretary (38 FR 5880); (2) the said committee has incurred expenses in excess of that previously thought likely to be incurred; and (3) it is essential that the specification of expenses herein provided be issued immediately so as that said committee can meet its obligations and perform its duties and functions within the fiscal period in accordance with the said marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

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

Dated: December 20, 1973.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-27158 Filed 12-27-73;8:45 am]

[Papaya Reg. 4]

PART 928—PAPAYAS GROWN IN HAWAII

Regulation by Grades and Sizes

This regulation extends the currently effective grade and size requirements for Hawaiian papayas through December 31, 1974, under Marketing Order 928. It requires all Hawaiian papayas handled to grade at least Hawaii No. 1 grade. Fruit handled in interstate or export channels shall be of pyriform shape and weigh at least 10 ounces and fruit handled in intrastate channels shall weigh at least 14 ounces except such fruit grading Hawaii Fancy shall weigh at least 16 ounces.

Notice was published in the FEDERAL REGISTER issue of December 5, 1973 (38 FR 33491) that the Department was giving consideration to a proposed regulation which would continue limitations on the handling of papayas grown in Hawaii, pursuant to the applicable provisions of the marketing agreement, and Order No. 928 (7 CFR Part 928) regulating the handling of papayas grown in Hawaii. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Interested persons were afforded opportunity to file written data, views, or arguments thereon. None were filed.

The regulations, hereinafter set forth, would continue the same quality and size requirements as are currently in effect for Hawaiian papayas. The regulation is based upon an appraisal of the prevailing supply and market situation for papayas. It is concluded that the regulation is appropriate for said supply and market condition expected to prevail during the effective period of the regulation and, consistent with the objectives of the act, will tend to assure consumers of an adequate supply of acceptable quality papayas while maintaining grower returns at a level consistent with the public interest.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Papaya Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such papayas, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such papayas will be regulated only through December 31, 1973, by current Regulation 3, as amended, and, in order to effectuate the declared policy of the act, this regulation should be effective not later than January 1, 1974, to provide a continuity of regulation to continuous shipments of such papayas; (2) this regulation with the effective period hereinafter specified, is the same as that which was specified in the notice (38 F.R. 33491), to which no exceptions were submitted; and (3) compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 928.304 Papaya Regulation 4.

(a) Order: During the period January 1, 1974 through December 31, 1974, no handler shall ship any container of papayas:

(1) To any destination within the production area unless said papayas grade at least Hawaii No. 1 and are of the size which individually weigh not less than 14 ounces: *Provided*, That papayas handled as Hawaii Fancy grade shall be of a size which individually weigh not less than 16 ounces.

(2) To any export destination unless said papayas grade at least Hawaii No. 1: *Provided*, That such papayas shall be of pyriform shape and weigh not less than 10 ounces each.

(b) When used herein "Hawaii Fancy", "Hawaii No. 1", "Hawaii No. 2" and "pyriform shape" shall have the same meaning as set forth in the State of Hawaii Revised Regulation No. 1 Subsection 5.32—Wholesale Standards for Hawaiian Grown Papayas. All other terms shall have the same meaning as when used in the marketing agreement and order.

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

Dated, December 20, 1973, to become effective January 1, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-27159 Filed 12-27-73;8:45 am]

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

[Milk Order No. 120]

PART 1120—MILK IN THE LUBBOCK-PLAINVIEW, TEXAS, MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Lubbock-Plainview, Texas, marketing area.

It is hereby found and determined that for the months of January through June 1974 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1120.44, paragraph (c), and in paragraph (d) the language "located not more than 300 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from the City Hall at Lubbock, Texas."

STATEMENT OF CONSIDERATION

This action will continue through June 1974 the current suspension of those provisions that require automatic Class I classification of fluid milk products transferred or diverted from a pool plant to a nonpool plant located more than 300 miles from the City Hall in Lubbock, Texas. Without the suspension, the Class I classification would apply regardless of the use of the fluid milk product at the nonpool plant.

The current suspension, which became effective February 14, 1973, expires December 31, 1973. Continuation of the suspension was requested by a cooperative association representing more than 95 percent of the producers who deliver their milk to plants regulated under the Lubbock-Plainview order.

In the Department's recommended decision issued August 28, 1972 (37 FR 18984, 19210, 19482) on proposed amendments to 33 orders (including this order), it was concluded that the classification of milk moved to nonpool plants should not be contingent upon the distance that such milk is moved. No exceptions to this conclusion were filed. Although a revised recommended decision was later issued by the Department on August 27, 1973 (38 FR 25024, 25282, 25522), the findings with respect to mileage limitations were unchanged.

Final action on the 33-market proceeding is still pending. In view of this, the present suspension of the aforesaid provisions should be extended to promote the orderly marketing of milk in the Lubbock-Plainview market until the issue is resolved through the amendment procedure. This will permit the cooperative association to utilize manufacturing facilities located more than 300 miles from Lubbock in disposing of the market's reserve milk and have such dispositions classified on the basis of the actual use of the milk.

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

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will facilitate the orderly disposal of the market's reserve milk to manufacturing outlets;

(b) This suspension eases a restriction and does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) This suspension continues the effect of a previous suspension. Moreover, in a recommended decision issued August 28, 1972 (37 FR 18984, 19210, and 19482), on proposed amendments to 33 orders (including this order), it was concluded that the classification of milk moved to nonpool plants should not be contingent upon the distance that such milk is moved. No exceptions to this conclusion were filed. Interim action is appropriate pending amendatory action.

Therefore, good cause exists for making this order effective on January 1, 1974.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of January through June 1974.

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

Effective date: January 1, 1974.

Signed at Washington, D.C. on December 21, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-27217 Filed 12-27-73;8:45 am]

[Milk Order No. 121]

PART 1121—MILK IN THE SOUTH TEXAS MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the South Texas marketing area.

It is hereby found and determined that for the months of January through June 1974 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1121.16, which defines "fluid milk products," the language "cultured sour cream and sour cream products."

STATEMENT OF CONSIDERATION

This action will continue the present suspension of certain provisions that now results in milk utilized for sour cream and sour cream products being classified as Class II milk rather than Class I milk. The present suspension expires December 31, 1973.

Continuation of the suspension was requested at a public hearing in Dallas, Texas, on December 3–7, 1973, by a proprietary handler regulated under the South Texas order. The request was supported by another proprietary handler who operates plants regulated under the South Texas and North Texas orders. No opposition was expressed at the hearing to the request.

The distributing plant of the handler requesting the suspension is located in the center of the North Texas order marketing area. Although the handler has a majority of his Class I sales in the South Texas market where he is regulated, most of the remainder of his sales, which include sour cream, is in the North Texas market. The North Texas order classifies milk used in sour cream and sour cream products in the lower-priced class (Class II).

Issues under consideration at the aforementioned hearing include the proposed merger of the North Texas, South Texas, Central West Texas, San Antonio, Austin-Waco and Corpus Christi orders and the appropriate classification of milk under such a merged order. Also under consideration is the immediate coordination of the South Texas classification plan with the uniform classification plan recommended recently by the Department for 39 other orders, including the five other Texas orders involved in the merger hearing (38 FR 25024, 25282, 25522, 25756).

In view of the particular competitive situation that again would prevail should the present suspension not be continued, and in view of the issues now under consideration at a public hearing involving the South Texas market, the continued suspension of sour cream and sour cream products from the fluid milk product definition is appropriate until the matter is resolved through the hearing procedure. Such action will provide during the interim period the same classification of sour cream and sour cream products under both the North Texas and South Texas orders.

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

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

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

(c) This suspension has been in effect since June 1973 and this action would continue such suspension. A handler requested continuation of this suspension at a public hearing held in Dallas, Texas, on December 3–7, 1973. There was no opposition to the request. Interim action is necessary pending amendatory procedures.

Therefore, good cause exists for making this order effective January 1, 1974.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of January through June 1974.

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

Effective date: January 1, 1974.

Signed at Washington, D.C., on December 21, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-27218 Filed 12-27-73;8:45 am]

Proposed Rules

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 20, 25]

INCOME TAX

Valuation of Remainder Interests in Real Property

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by January 28, 1974. Written comments or suggestions which are not exempt from disclosure by the Internal Revenue Service may be inspected by any person upon compliance with 26 CFR 601.702(d)(9). The provisions of 26 CFR 601.601(b) shall apply with respect to the designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by January 28, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 170(f)(4) (83 Stat. 557; 26 U.S.C. 170(f)(4)) and 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954.

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

Preamble. This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) in order to provide regulations under section 170(f)(4) of the Internal Revenue Code of 1954, as added by section 201(a)(1) of the Tax Reform Act of 1969.

Frequently, a person will give to a charity real property that is subject to use by the donor or another person (or persons) during the life of the donor or the life (or lives) of the other person (or persons), or for a specified number of years. In such cases the gift that is given to the charity is called a remainder interest. If the charity to which the gift is given qualifies under section 170 of the Internal Revenue Code of 1954, the donor may take a deduction for the value of the remainder interest. Section 170(f)(4) of the Internal Revenue Code of 1954, as added by section 201(a) of the Revenue Act of 1969, relates to the valuation of a remainder interest in real property for purposes of section 170 of the Code, relating to charitable contributions. This document adds § 1.170A–12 to the Income Tax Regulations (26 CFR Part 1) in order to provide regulations under such section 170(f)(4).

Paragraph (a) of proposed § 1.170A–12 provides that depreciation and depletion will be taken into account in determining the value of remainder interests in real property for purposes of section 170 of the Internal Revenue Code of 1954 if the property was contributed after July 31, 1969. Section 170(f)(4) of the Code provides that the value of a remainder interest in real property contributed after such date shall be discounted at a rate of 6 percent, except that the Secretary or his delegate may prescribe a different rate. The 6 percent tables contained in § 25.2512–9 of the Gift Tax Regulations (26 CFR Part 25) are made applicable to such contributions, even though they may have been made prior to January 1, 1971, the general effective date of the tables.

Paragraph (b) of proposed § 1.170A–12 provides a formula for computing the value of a remainder interest where the remainder interest is in depreciable property and only one life is involved. The formula takes into account the estimated useful life of the property and appropriate actuarial factors.

Paragraph (c) of proposed § 1.170A–12 provides for a simple mathematical formula to compute the value of a remainder interest in real property that is subject to a term for years. The formula provided by this paragraph is simpler than that provided by paragraph (b) since a term for years is a definite length of time and does not require the use of an actuarial table.

Paragraph (d) of proposed § 1.170A–12 provides the definition of "estimated useful life". "Estimated useful life" is defined essentially as the economic useful life of the property so far as can be estimated at the time of the gift. It is to be derived through whatever means of estimation are available to the taxpayer or to the Government when valuing the property, and may include references to experiences with similar property, and estimates of persons skilled in estimating the useful lives of similar property. Additionally, the taxpayer may at his option select, with respect to property contributed before 1971, a guideline life provided in Revenue Procedure 62–21 for the relevant asset guideline class or, with respect to property contributed in 1971 and later years, an asset depreciation period under the Asset Depreciation Range system in effect at the time that the contribution of the remainder interest was made.

Paragraph (e) of proposed § 1.170A–12 provides rules by which the Internal Revenue Service will provide the factors in the case of an actual gift when more than one life or when depletion is involved. These rules are similar to the rules provided in paragraph (e) of § 25.2512–9 of the Gift Tax Regulations (26 CFR Part 25).

It was contemplated at one time that the substance of the rules contained in this document would appear in § 20.2031–11 of the Estate Tax Regulations and § 25.2512–10 of the Gift Tax Regulations (26 CFR Part 25). It was subsequently decided, however, that such rules should appear as proposed in this document, and it is accordingly proposed by this document to delete such §§ 20.2031–11 and 25.2512–10.

Proposed amendments to the regulations. In order to provide regulations under section 170(f)(4) of the Internal Revenue Code of 1954, as added thereto by section 201(a)(1) of the Tax Reform Act of 1969 (83 Stat. 549, 557), and in order to delete certain regulations under sections 2031 and 2512 of such Code, the Income Tax Regulations (26 CFR Part 1) under section 170 of the Internal Revenue Code of 1954, the Estate Tax Regulations (26 CFR Part 20) under section 2031 of such Code, and the Gift Tax Regulations (26 CFR Part 25) under section 2512 of such Code are amended as set forth below:

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

PARAGRAPH 1. The following new section is inserted immediately after § 1.170A–11:

§ 1.170A–12 Valuation of a remainder interest in real property for contributions made after July 31, 1969.

(a) *In general.* (1) Section 170(f)(4) provides that, in determining the value of a remainder interest in real property for purposes of section 170, depreciation and depletion of such property shall be taken into account. Depreciation shall be computed by the straight line method and depletion shall be computed by the cost depletion method. Section 170(f)(4) and this section apply only in the case of a contribution, not made in trust, of a remainder interest in real property made after July 31, 1969, for which a deduction is otherwise allowable under section 170.

(2) In the case of the contribution of a remainder interest in real property con-

sisting of a combination of both depreciable and nondepreciable property, an allocation of the fair market value of the property at the time of the contribution shall be made between the depreciable and nondepreciable property, and depreciation shall be taken into account only with respect to the depreciable property. The expected value at the end of its "estimated useful life" (as defined in paragraph (d) of this section) of that part of the remainder interest consisting of depreciable property shall be considered to be nondepreciable property for purposes of the required allocation. In the case of the contribution of a remainder interest in stock in a cooperative housing corporation (as defined in section 216(b)(1)), an allocation of the fair market value of the stock at the time of the contribution shall be made to reflect the respective values of the depreciable and nondepreciable property underlying such stock, and depreciation on the depreciable part shall be taken into account for purposes of valuing the remainder interest in such stock.

(3) If the remainder interest that has been contributed follows only one life, the value of the remainder interest shall be computed under the rules contained in paragraph (b) of this section. If the remainder interest that has been contributed follows a term for years, the value of the remainder interest shall be computed under the rules contained in paragraph (c) of this section. In every case where it is provided in this section that the rules contained in paragraph (d) of § 25.2512–9 (Gift Tax Regulations) apply, such rules shall apply notwithstanding the general effective date for such rules contained in paragraph (a) of such section. In some cases, a reduction in the amount of a charitable contribution of a remainder interest, after the computation of its value under section 170(f)(4) and this section, may be required. See section 170(e) and § 1.170A–4.

(b) *Valuation of a remainder interest following only one life*—(1) *General rule.* The value of a remainder interest in real property following only one life shall be determined under the rules provided in paragraph (d) of § 25.2512–9 (Gift Tax Regulations), using Table A(1) or A(2) (whichever is appropriate) contained in paragraph (f) of such section. However, if any part of the real property is subject to exhaustion, wear and tear, or obsolescence, in valuing the remainder interest in that part the factor determined under subparagraph (2) of this paragraph shall be subtracted from the appropriate figure in column 4 of Table A(1) or A(2) in paragraph (f) of § 25.2512–9 before such figure is used in paragraph (d) of such section. If any part of the property is subject to depletion of its natural resources, such depletion shall be taken into account in determining the value of the remainder interest. See paragraph (e) of this section relating to actuarial computations to be made by the Internal Revenue Service in such a case.

(2) *Computation of depreciation adjustment factor.* Computations under this subparagraph are based upon Tables C(1) and C(2), contained in paragraph (f) of this section, which reflect interest at the rate of 6 percent a year compounded annually, life contingencies determined (as to each male and female life involved) from the values of lx that are set forth in columns 2 and 3, respectively, of Table LN of paragraph (f) of § 20.2031–10 (Estate Tax Regulations), and depreciation on a straight line basis. Table C(1) is to be used when the person upon whose life the interest is based is a male, and Table C(2) is to be used when such person is a female. The factor determined under this subparagraph is the amount determined by dividing (i) the difference between (*a*) the R-factor in column 2 of Table C(1) or C(2) (whichever is appropriate) opposite the initial age of the life tenant in column 1 and (*b*) the R-factor in column 2 of such table opposite the terminal age in column 1, by (ii) the product of (*a*) the estimated useful life of the depreciable property and (*b*) the D-factor in column 3 of such table opposite the initial age of the life tenant in column 1. For purposes of this subdivision, the "initial age" of a life tenant is his age at his birthday nearest the date of the contribution of the remainder interest, and the "terminal age" is 110 or the sum of the initial age of the life tenant and the estimated useful life of the depreciable property, if that sum is less than 110. The factor determined under this subdivision is carried to the fifth decimal place.

(3) *Example.* In 1972 A, who is 62, donates to Y University a remainder interest in his personal residence, consisting of a house and land, subject to a reserved life estate in himself. At the time of the gift the land has a value of $7,000 and the house has a value of $25,000 with an estimated useful life of 45 years, at the end of which the value of the house is expected to be $5,000. The portion of the property considered to be depreciable is $20,000 (the value of the house ($25,000) less its expected value at the end of 45 years). The portion of the property considered to be nondepreciable is $12,000 (the value of the land at the time of the gift ($7,000) plus the expected value of the house at the end of 45 years ($5,000)). The initial age of the life tenant is 62 and the terminal age is 107 (62 plus 45). The R-factors for age 62 and 107 are 9834.7092 and .004154752, respectively, and the D-factor for age 62 is 1896.885. The adjustment factor computed under subparagraph (2) of this paragraph is 0.11521 (9834.7092 less .004154752, divided by 45 x 1896.885). The figure in column 4 of table A(1), paragraph (f) of § 25.2512–9 opposite age 62 in column 1 is 0.47679. The value of the entire remainder interest is, therefore, $7,231.60 ($20,000 times (0.47679 less 0.11521)) plus $5,721.48 (0.47679 times $12,000), or $12,953.08.

(c) *Valuation of a remainder interest following a term for years.* The value of a remainder interest in real property following a term for years shall be determined under the rules provided in paragraph (d) of § 25.2512–9 (Gift Tax Regulations), using Table B provided in paragraph (f) of such section. However, if any part of the real property is subject to exhaustion, wear and tear, or obsolescence, in valuing the remainder interest in that part the value of such part is adjusted by subtracting from the value of such part the amount determined by multiplying such value by a fraction, the numerator of which is the number of years in the term or, if less, the estimated useful life of the property, and the denominator of which is the estimated useful life of the property. The resultant figure is the value of the property to be used in paragraph (d) of § 25.2512–9 (Gift Tax Regulations). If any part of the property is subject to depletion of its natural resources, such depletion shall be taken into account in determining the value of the remainder interest. See paragraph (e) of this section relating to actuarial computations to be made by the Internal Revenue Service in such a case. The provisions of this paragraph as it relates to depreciation are illustrated by the following example:

Example. In 1972, B donates to Z University a remainder interest in his personal residence, consisting of a house and land, subject to a 20 year term interest provided for his sister. At such time the house has a value of $60,000, and an expected useful life of 45 years, at the end of which time it is expected to have a value of $10,000, and the land has a value of $8,000. The value of the portion of the property considered to be depreciable is $50,000 (the value of the house ($60,000) less its expected value at the end of 45 years ($10,000)), and this is multiplied by the fraction $^{20}/_{45}$. The product, $22,222.22, is subtracted from $68,000, the value of the entire property, and the balance, $45,777.78, is multiplied by the factor .311805 (see Table B of § 25.2512–9(f)). The result, $14,273.74, is the value of the remainder interest in the property.

(d) *Definition of estimated useful life.* For the purposes of this section, the determination of the estimated useful life of depreciable property shall take account of the expected use of such property during the period of the life estate or term for years. The term "estimated useful life" means the estimated period (beginning with the date of the contribution) over which such property may reasonably be expected to be useful for such expected use. This period shall be determined by reference to the experience based on any prior use of the property for such purposes if such prior experience is adequate. If such prior experience is inadequate or if the property has not been previously used for such purposes, the estimated useful life shall be determined by reference to the general experience of persons normally holding similar property for such expected use, taking into account present condi-

tions and probable future developments. The estimated useful life of such depreciable property is not limited to the period of the life estate or term for years preceding the remainder interest. In determining the expected use and the estimated useful life of the property, consideration is to be given to the provisions of the governing instrument creating the life estate or term for years or applicable local law, if any, relating to use, preservation, and maintenance of the property during the life estate or term of years. In arriving at the estimated useful life of the property, estimates, if available, of engineers or other persons skilled in estimating the useful life of similar property may be taken into account. At the option of the taxpayer, the estimated useful life of property contributed after December 31, 1970, for purposes of this section, shall be an asset depreciation period selected by the taxpayer that is within the permissible asset depreciation range for the relevant asset guideline class established pursuant to § 1.167(a)–11(b)(4)(ii). For purposes of the preceding sentence, such period, range, or class shall be those which are in effect at the time that the contribution of the remainder interest was made. At the option of the taxpayer, in the case of property contributed before January 1, 1971, the estimated useful life, for purposes of this section, shall be the guideline life provided in Revenue Procedure 62–21 for the relevant asset guideline class.

(e) *Actuarial computations by the Internal Revenue Service.* If the valuation of the remainder interest in the real property is dependent upon the continuation or the termination of more than one life or upon a term certain concurrent with one or more lives, or if the property is subject to depletion of its natural resources, a special factor must be used. The special factor is to be computed on the basis of (1) interest at the rate of 6 percent a year, compounded annually, (2) life contingencies determined, as to each male and female life involved, from the values of 1x that are set forth in columns 2 and 3, respectively, of Table LN of paragraph (f) of § 20.2031–10 (Estate Tax Regulations), and (3) if depreciation is involved, the assumption that the property depreciates on a straight line basis over its estimated useful life. If a special factor is required in the case of an actual contribution, the Commissioner will furnish the factor to the donor upon request. The request must be accompanied by a statement of the sex and date of birth of each person, the duration of whose life may affect the value of the remainder interest, copies of the relevant instruments, and either a statement of the estimated useful life of the property, or a description of any depletion of natural resources, whichever is applicable.

(f) *Tables for computation of depreciation adjustment factor.* The following tables shall be used in the application of the provisions of paragraph (b) of this section:

TABLE C(1)—TABLE, SINGLE LIFE, MALE, 6 PERCENT, SHOWING COMMUTATION FACTORS FOR REDUCING ASSURANCES

(1) Age	(2) R-factors, male ($\overline{R}_x-0.5\overline{M}_x$)	(3) D-factors, male (D_x)
0	145253.043	100000
1	140373.057	91591.51
2	139089.019	86250.44
3	133733.646	81275.15
4	130561.352	76606.55
5	127451.464	72217.27
6	124391.771	68085.09
7	121374.816	64192.64
8	118394.852	60525.84
9	115446.949	57070.85
10	112526.924	53815.30
11	109631.234	50747.02
12	106757.944	47853.18
13	103907.248	45122.01
14	101081.810	42541.39
15	98286.156	40102.09
16	95525.472	37795.55
17	92804.488	35615.70
18	90127.085	33555.58
19	87495.005	31610.59
20	84912.301	29774.85
21	82377.175	28041.83
22	79891.020	26406.83
23	77453.319	24865.77
24	75062.105	23414.31
25	72714.179	22048.89
26	70405.571	20764.57
27	68132.728	19556.04
28	65892.891	18418.19
29	63683.989	17346.49
30	61504.811	16336.06
31	59354.718	15383.45
32	57233.131	14485.26
33	55139.672	13638.15
34	53074.137	12839.15
35	51036.460	12085.34
36	49026.815	11373.90
37	47045.579	10703.30
38	45093.283	10068.11
39	43170.633	9469.050
40	41278.574	8902.830
41	39418.241	8367.528
42	37590.819	7861.360
43	35797.513	7382.665
44	34039.536	6929.803
45	32318.082	6501.600
46	30634.317	6096.438
47	28989.362	5713.143
48	27384.507	5350.109
49	25821.319	5006.042
50	24301.552	4679.603
51	22827.000	4369.957
52	21399.306	4076.410
53	20019.711	3798.448
54	18689.039	3535.667
55	17407.687	3287.543
56	16175.805	3053.387
57	14993.447	2832.462
58	13860.746	2623.802
59	12778.075	2426.474
60	11745.9258	2239.835
61	10764.7295	2063.405
62	9834.7092	1896.885
63	8955.8177	1739.959
64	8127.7302	1592.366
65	7349.8971	1453.778
66	6621.5547	1323.833
67	5941.8017	1202.207
68	5309.5643	1088.586
69	4723.5741	982.7387
70	4182.3827	884.3534
71	3684.4221	793.1111
72	3228.0379	708.6716
73	2811.5265	630.6817
74	2433.1585	558.7943
75	2091.1854	492.6830
76	1783.8091	432.0085
77	1509.1690	376.7716
78	1265.3907	326.3874
79	1050.6431	280.6000
80	863.1339	239.1395
81	701.1091	201.6965
82	562.8164	168.1047
83	446.3416	138.3996
84	349.49534	112.6418
85	269.88244	90.72679
86	205.23496	72.09128
87	153.47332	56.44965
88	112.70969	43.48583
89	81.16860	32.87343
90	57.27246	24.32487
91	39.57641	17.80676
92	26.77844	12.44115
93	17.742117	8.592310
94	11.514197	5.797372
95	7.321634	3.825640
96	4.559440	2.475257
97	2.777017	1.566527

TABLE C(1)—TABLE, SINGLE LIFE, MALE, 6 PERCENT, SHOWING COMMUTATION FACTORS FOR REDUCING ASSURANCE

(1) Age	(2) R-factors, male ($\overline{R}_x-0.5\overline{M}_x$)	(3) D-factors, male (D_x)
98	1.6526304	.968734[3]
99	.9599624	.8847336
100	.5436795	.3441323
101	.2908713	.1972539
102	.1508282	.1099043
103	.08378735	.0596023
104	.04227156	.03134754
105	.02056792	.01598400
106	.009564003	.007802235
107	.004154752	.003769082
108	.001874519	.001738921
109	.0008761161	.0007741419
110	0	0

TABLE C (2)—TABLE, SINGLE LIFE, FEMALE, 6 PERCENT, SHOWING COMMUTATION FACTORS FOR REDUCING ASSURANCES

(1) Age	(2) R-factors, female ($\overline{R}_x-0.5\overline{M}_x$)	(3) D-factors, female (D_x)
0	112147.489	100000
1	108626.810	92231.32
2	106273.251	86853.86
3	104030.084	81861.20
4	101854.413	77172.89
5	99720.210	72761.28
6	97644.844	68606.76
7	95593.720	64694.76
8	93580.927	61008.32
9	91599.998	57534.90
10	89587.549	54260.90
11	87622.782	51174.25
12	85678.049	48263.68
13	83737.796	45517.71
14	81817.163	42926.64
15	79912.068	40481.39
16	78023.643	38173.06
17	76153.112	35994.50
18	74301.326	33938.50
19	72468.804	31998.62
20	70655.450	30168.98
21	68860.981	28443.06
22	67085.184	26815.94
23	65327.845	25279.41
24	63588.577	23831.21
25	61866.973	22465.26
26	60162.732	21176.94
27	58475.638	19961.65
28	56805.449	18815.51
29	55152.082	17734.06
30	53515.602	16713.88
31	51896.180	15751.05
32	50294.084	14842.59
33	48709.496	13985.34
34	47142.594	13176.48
35	45593.548	12413.21
36	44062.584	11692.90
37	42549.965	11013.09
38	41056.041	10371.35
39	39583.280	9765.438
40	38126.196	9193.330
41	36691.326	8653.050
42	35277.267	8142.748
43	33884.615	7660.777
44	32513.914	7205.585
45	31165.654	6775.709
46	29840.273	6369.267
47	28538.255	5986.260
48	27260.122	5623.992
49	26006.440	5281.569
50	24777.538	4957.993
51	23574.959	4652.052
52	22398.448	4362.830
53	21248.818	4089.577
54	20126.375	3831.003
55	19031.217	3588.229
56	17963.350	3358.600
57	16922.8834	3141.845
58	15910.0402	2936.994
59	14925.3302	2743.115
60	13969.4983	2559.440
61	13043.3232	2385.367
62	12147.5668	2220.479
63	11282.8427	2064.402
64	10449.5982	1916.814
65	9648.1181	1777.371
66	8878.5764	1645.668
67	8141.1407	1521.271
68	7436.0588	1403.608
69	6763.6037	1292.184
70	6124.4984	1186.608

TABLE C(1)—TABLE, SINGLE LIFE, MALE, 6 PERCENT, SHOWING COMMUTATION FACTORS FOR REDUCING ASSURANCES

(1) Age	(2) R-factors, male (R_x–0.5M_x)	(3) D-factors, male (D_x)
71	5518.8903	1086.057
72	4947.1854	992.1402
73	4409.5306	902.7950
74	3906.1530	818.3610
75	3437.1458	738.6324
76	3002.4521	663.6012
77	2601.7796	593.2002
78	2234.7447	527.1455
79	1901.0042	465.1352
80	1600.1931	407.0381
81	1331.8528	352.7169
82	1095.2881	302.3326
83	889.3034	256.2602
84	712.0480	214.9201
85	561.1138	178.4800
86	434.3257	145.7751
87	329.80033	116.8797
88	245.40166	91.86187
89	178.71726	70.65006
90	127.27025	53.07590
91	88.57159	38.80263
92	60.22702	27.76510
93	40.02735	19.30423
94	26.01874	13.07931
95	16.553384	8.649357
96	10.308376	5.596276
97	6.278518	3.541739
98	3.736409	2.190198
99	2.170366	1.322016
100	1.2291974	.7780440
101	.6779749	.4459087
102	.3689014	.2486846
103	.1894337	.1347540
104	.09557119	.07087322
105	.04650173	.03613801
106	.02162313	.01784345
107	.00939422	.008521467
108	.00359807	.003331504
109	.000803560	.001750247
110	—0—	—0—

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

§ 20.2031–11 [Deleted]

PAR. 2. Section 20.2031–11, of which the title only appears, is deleted.

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

§ 25.2512–10 [Deleted]

PAR. 3. Section 25.2512–10, of which the title only appears, is deleted.

[FR Doc.73–27046 Filed 12–27–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the authority contained in the Endangered Species Conservation Act of 1969, 80 Stat. 926 (16 U.S.C. 668aa–668cc), as amended by 83 Stat. 275 (16 U.S.C. 668cc–1 to 668cc–6), that the Secretary of the Interior proposes to amend Title 50, Part 17, Appendix A, "The U.S. List of Endangered Foreign Fish and Wildlife," of the Code of Federal Regulations.

This proposed amendment would add the following animals to Appendix A, "The U.S. List of Endangered Foreign Fish and Wildlife." This proposal is based upon evidence on file with the Bureau of Sport Fisheries and Wildlife, Washington, D.C., which shows these animals are threatened with extinction due to one or more of the following conditions: (1) The destruction, drastic modification, or severe curtailment, or the threatened destruction, drastic modification, or severe curtailment, of its habitat, or (2) its overutilization for commercial or sporting purposes, or (3) the effect on it of disease or predation, or (4) other natural or manmade factors affecting its continued existence.

REPTILES

Common name:	*Scientific name*
Green sea turtle	*Chelonia mydas.*
Loggerhead turtle	*Caretta caretta.*

The Secretary of the Interior is not foreclosed, at the conclusion of the notice period below stated, from publishing a list which omits one or more of the species herein proposed for listing.

Interested persons are invited to submit written comments, suggestions, or objections concerning this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. Comments received by March 1, 1974 will be considered.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 26, 1973.

[FR Doc.73–27257 Filed 12–27–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 726]

BURLEY TOBACCO

Determinations on Marketing Quotas for 1974–75, 1975–76 and 1976–77 Marketing Years

Pursuant to the Agricultural Adjustment Act of 1938, as amended ((7 U.S.C. 1281 et seq.), hereinafter referred to as the Act), consideration is being given to the proclamation of national marketing quotas for burley tobacco for the 1974–75, 1975–76 and 1976–77 marketing years and to the determination and announcement for the 1974–75 marketing year, the amount of the national marketing quota, the national reserve, and the national factor. A marketing quota referendum will be held within 30 days after the proclamation.

Section 319(b) requires marketing quotas on a poundage basis be proclaimed and the amount of the national marketing quota for the 1974–75 marketing year be determined and announced not later than February 1, 1974.

Section 319(c) provides that the national marketing quota determined under this section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 5 per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the "national reserve") from the national marketing quota in an amount not in excess of 1 per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (that is, farms for which farm marketing quotas are not otherwise established).

Section 319(e) provides, in part, that the farm marketing quota shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under subsection (c) of this section (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined: Provided, That such national factor shall not be less than 95 per centum: Provided further, That for the marketing years beginning October 1, 1972, and October 1, 1973, the farm marketing quota for any farm shall not be less than the smaller of (1) one-half acre times the farm yield times one-half the sum of the figure one and the national factor for the current year, or (2) the farm marketing quota for the immediately preceding marketing year times one-half the sum of the figure one and the national factor for the current year. The farm marketing quota so computed for any farm for any year shall be increased by the number of pounds by which marketings from the farm during the immediately preceding year were less than the farm marketing quota (after adjustments): Provided, That any such increase shall not exceed the amount of the farm marketing quota (including leased pounds) for the immediately preceding marketing year prior to any increase for undermarketings or decrease for overmarketings. The farm marketing quota so computed for each farm for any year shall be reduced by the number of pounds by which marketing from the farm during the immediately preceding year exceeded the farm marketing quota (after adjustments): Provided, That if, on account of excess marketings in the preceding year, the farm marketing quota is reduced to zero pounds without reflecting the entire reduction required, the additional reduction required shall be made in subsequent marketing years.

Section 319(e) provides also, that the farm marketing quota for a new farm shall be the number of pounds determined by the county committee with approval of the State committee to be fair and reasonable for the farm on the basis

of the past burley tobacco experience of the farm operator; the land, labor, and equipment available for the production of burley tobacco; crop rotation practices, and the soil and other physical factors affecting the production of burley tobacco: *Provided*, That the farm marketing quota for any such new farm shall not exceed 50 per centum of the average of the farm marketing quotas for similar farms for which farm marketing quotas are otherwise established: *Provided further*, That the number of pounds allocated to all new farms shall not exceed that portion of the national reserve provided by the Secretary for establishing quotas for new farms.

Section 319(h) provides that effective with the marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

Section 319(i) provides, in part, that if the Secretary, in his discretion, determines it is desirable to encourage additional marketings of any grades of burley tobacco during any marketing year to insure traditional market patterns to meet the normal demands of export and domestic markets, he may authorize the marketing of such grades without the payment of penalty or deduction from subsequent quotas to the extent of 5 per centum of the farm marketing quota for the farm on which the tobacco was produced, and such marketings shall be eligible for price support.

The Act (7 U.S.C. 1301(b)) defines the "reserve supply level" as the normal supply plus 5 per centum thereof. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports. A "normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The subjects and issues involved in the proposed determinations with respect to burley tobacco for the 1973–74 marketing year are:

1. The amount of the reserve supply level.

2. The amount of the national marketing quota.

3. The amount of the national reserve.

4. The national factor.

5. The date or period of the marketing quota referendum and whether the referendum should be conducted at polling places rather than by mail ballot (31 FR 12011).

6. Whether the Secretary should implement the provision in section 319(i) to encourage additional marketings of any grades to insure traditional market patterns.

Consideration will be given to data, views and recommendations pertaining to the proposed determinations, rules and regulations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m., Monday through Friday, in room 6741-South Building, 14th and Independence Avenue SW., Washington, D.C. All submissions must, in order to be sure of consideration, be postmarked not later than January 12, 1974.

Signed at Washington, D.C. on December 11, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-27135 Filed 12-27-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 110, 128]

[CGD 73-190]

DELAWARE BAY AND RIVER

Anchorage Ground and Regulated Navigation Area

This notice proposes the establishment of a regulated navigation area for the Delaware Bay and the lower portion of the Delaware River, and proposes amendments to the anchorage ground regulations that would apply in this area.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments concerning the proposal to the Commandant (G-CMC), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name and address and organization, if any, identify the notice number [CGD 73-190], and give reasons for any recommended change in the proposal. Copies of all written comments received will be available for examination both in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. and at the Office of the Commander, Third Coast Guard District, Governors Island, New York, N.Y. All comments received on or before February 15, 1974 will be fully considered before final action is taken on this proposal.

This notice proposes to amend the Delaware Bay and River anchorage regulations in 33 CFR 110.157 that apply to Anchorage A located in the lower portion of Delaware Bay. The proposal increases the size of Anchorage A 1,000 yards in a southeasterly direction and 1,000 yards in a northwesterly direction. Enlarging this anchorage will alleviate the problem of vessel congestion caused by the increasing number of and greater length of tank vessels that anchor there to conduct lightering operations. The proposal also authorizes the Captain of the Port or his authorized representative to suspend oil transfer operations in Anchorage A when he determines that a condition exists endangering a vessel in the surrounding area or posing a threat of oil pollution. This proposed rule would find most of its application to oil transfer operations in process when adverse weather developed involving high winds and heavy seas. The portion of this rule applying to suspension of oil transfer operations because of a threat of oil pollution is already contained in 33 CFR 155.130, which becomes effective on July 1, 1974. This portion of the rule would be revoked on the effective date of 33 CFR 155.130.

This notice also proposes a regulated navigation area for the Delaware Bay and River between the Delaware Memorial Bridge and the boundary line of inland waters at the entrance to the Bay. A discussion of the two proposed regulations for vessel operation in this area follows:

Section 128.301(b)(1) prohibits a vessel with a draft greater than 55 feet from entering the regulated navigation area unless its entry has been authorized by the Captain of the Port, Philadelphia, Pennsylvania. Though the water depth in portions of the regulated navigation area exceeds 55 feet, a vessel with a greater draft that enters this area incurs a significant risk of being grounded. Coast Guard authorization to a vessel with a draft greater than 55 feet to enter this area would not normally be granted except in an emergency posing a threat of damage to the vessel.

Section 128.301(b)(2) restricts oil transfer operations in the regulated navigation area to Anchorage A unless the Captain of the Port has authorized operations to be conducted outside the anchorage. In the past vessels, as a matter of common practice, have limited oil transfer operations to Anchorage A; and the Coast Guard is proposing that this practice now be made mandatory to ensure that the threat of a pollution incident in the Delaware Bay continues to be minimal. The local oil and hazardous materials contingency plan for Delaware Bay is designed to cope with pollution incidents that may occur in Anchorage A, and the Coast Guard continually monitors lightering operations in Anchorage A. Authorization to conduct an oil transfer operation outside Anchorage A would be granted only if the operation did not pose a threat of a pollution incident or a hazard to other vessels.

The Captain of the Port, Philadelphia, Pennsylvania, has discussed the proposals in this notice with representatives of the Pilot's Association for the Bay and River Delaware, the Gulf Oil Company, and the Interstate Oil Company, which is the lightering company

that conducts most of the lightering operations in Delaware Bay.

The Coast Guard has determined that, except for the regulation providing for suspension of oil transfer operations in the proposed amendment to 33 CFR 110.157(a)(1), these proposals do not constitute "major Federal action significantly affecting the quality of the human environment" within the meaning of the National Environmental Policy Act of 1969. The environmental effect of the proposed regulation for suspension of oil transfer operations was the subject of an environmental impact statement previously prepared for the regulations in 33 CFR 155.

The proposed amendments to 33 CFR 110 are issued under the authority of sec. 7, 38 Stat. 1053 as amended (33 U.S.C. 471); sec. 6(g)(1), Pub. Law 89-670, 80 Stat. 940 (49 U.S.C. 1655(g)(1)); 35 FR 4959, 49 CFR 1.46(c)(1). The proposed amendments to 33 CFR 128 are issued under the authority of Sec. 104, Pub. Law 92-340, 86 Stat. 424 (33 U.S.C. 1224); 37 FR 21943, 49 CFR 1.46(o)(4).

In consideration of the foregoing, the Coast Guard proposes to amend Chapter I of Title 33 of the Code of Federal Regulations as follows:

PART 110—ANCHORAGE REGULATIONS

1. By revising § 110.157 to read as follows:

§ 110.157 Delaware Bay and River.

(a) *The anchorage grounds*—(1) *Anchorage A (tanker lightering) off the entrance to Mispillion River.* In Delaware Bay southwest of Brandywine Channel beginning at latitude 38°57'18" N., longitude 75°10'49" W.; thence northwesterly to latitude 39°00'17" N., longitude 75°13'02" W.; thence southwesterly to latitude 38°59'45" N., longitude 75°14'06" W.; thence southeasterly to latitude 38°56'44" N., longitude 75°11'53" W.; thence northeasterly to the point of beginning. This anchorage is for the specific purpose of allowing deep draft tankers to anchor and lighter their cargo before proceeding up the Delaware River. Supervision over the anchoring of vessels and over cargo transfer operations in Anchorage A is exercised by the Captain of the Port. The regulations in paragraph (b) and (b)(2) of this section do not apply to this anchorage. The Captain of the Port, or his authorized representative, may issue an order to a vessel operator to suspend oil transfer operations in this anchorage when he finds that there is a condition requiring immediate action to prevent damage to a vessel or to prevent discharge or threat of discharge of oil. The operator of the vessel may not conduct oil transfer operations until the suspension order is withdrawn by the Captain of the Port or his authorized representative.

PART 128—REGULATED NAVIGATION AREAS

2. By adding a new § 128.301 to read as follows:

§ 128.301 Delaware Bay and River.

(a) The following is a Regulated Navigation Area—The waters of Delaware Bay and River south and southeasterly of the southern span of the Delaware Memorial Bridge and inside the boundary line of inland waters described in § 82.25 of this chapter.

(b) *Regulations*—(1) *Draft limitation.* Unless otherwise authorized by the Captain of the Port, no vessel with a draft greater than 55 feet may enter this regulated navigation area.

(2) *Oil transfer operations.* Unless otherwise authorized by the Captain of the Port, no vessel may conduct oil transfer operations in this regulated navigation area except in the anchorage ground designated in § 110.157(a)(1) of this chapter.

Dated: December 21, 1973.

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

[FR Doc.73-27152 Filed 12-27-73;8:45 am]

Federal Aviation Administration

[14 CFR Ch. I]

[Docket No. 13410; Notice No. 73-32]

NOISE STANDARDS, SHORT HAUL AIRCRAFT

Advance Notice of Proposed Rulemaking

The Federal Aviation Administration is considering proposing noise standards for aircraft that are expected to be developed for efficient short stage length operations. This class of aircraft, referred to herein as "short haul," is expected to include aircraft having (1) short takeoff and landing capability; (2) reduced takeoff and landing capability; and (3) vertical or near vertical takeoff and landing capability.

This advance notice of proposed rulemaking is being issued in accordance with the FAA's policy for the early institution of public proceedings in actions related to rulemaking. An "advance" notice is issued to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rulemaking problem.

Interested persons are invited to participate in this rulemaking action by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before March 1, 1974, will be considered by the Administrator before talking action with respect to the subject matter. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

As indicated in the preamble at the time of the adoption of Part 36 of the Federal Aviation Regulations, the standards of that Part are appropriate for the conventional takeoff and landing subsonic aircraft but contain many concepts which are inappropriate for aircraft that are capable of taking off and landing vertically (VTOL); that have short takeoff and landing capabilities (STOL); or that have reduced takeoff and landing capability (RTOL). Specifically, the vertically operating aircraft exhibit unique acoustic characteristics since their propulsive thrust is generally obtained from large rotors and the short and reduced takeoff and landing aircraft may have acoustic characteristics related to the use of thrust to obtain lift. Part 36 does not contain specific additional regulations for the VTOL, STOL and RTOL short haul aircraft, since the acoustic technology appropriate to those aircraft required further study.

Under section 611 of the Federal Aviation Act of 1958, as amended by the Noise Control Act of 1972 (Public Law 92-574), in order to afford relief and protection to the public health and welfare from aircraft noise and sonic boom, the Administrator of the Federal Aviation Administration after consultation with the Secretary of Transportation and with the Administrator of the Environmental Protection Agency is required to prescribe and amend standards for the measurement of aircraft noise and sonic boom and to prescribe and amend such regulations as he may find necessary to provide for the control and abatement of aircraft noise and sonic boom, including the application of such standards, rules, and regulations in the issuance, amendment, modification, suspension or revocation of any certificate authorized by Title VI of the Federal Aviation Act of 1958. In prescribing and amending standards, rules and regulations the Administrator is required to consider, among other things, whether any proposed standard, rule or regulation is economically reasonable, technologically practicable, and appropriate for the particular type of aircraft, aircraft engine, appliance or certificate to which it will apply.

It is recognized that there are many problems involved in developing noise standards for short haul aircraft. These problems are compounded by the fact that the short haul class of aircraft has not been clearly defined. The class is generally understood as encompassing a wide variety of configurations, combinations of propulsive systems, and operational capabilities. As compared to conventional subsonic aircraft, the short-haul aircraft have a higher engine thrust-to-aircraft weight ratio, tending to result in increased noise for a given gross weight and more complex operational differences (e.g., offset, curved and steep approaches and takeoffs). It is anticipated that metropolitan routes for some of these aircraft may utilize low altitude cruise resulting in less sound attenuation than typical cruise altitudes for conventional

aircraft. It is also believed that the reverse thrust noise associated with short landing distances may be a significant factor.

The extent of the problem involved in identifying the aircraft that fall within the short haul classification is illustrated by the following list of potential short haul propulsive and lift concepts:

(a) *Turboprop aircraft.* (1) Deflected-slipstream.
(2) Tilt-wing.
(3) Nonpowered lift CTOL.
(b) *Rotary wing aircraft.* (1) Conventional helicopters.
(2) Advanced helicopters, i.e., compound type with slowed, stopped, trailing, stowed or other variable geometry rotors.
(3) Autogyros.
(c) *Turbofan and jet flap aircraft.* (1) Fully internal flow.
(2) Internally blown flap.
(3) Externally blown flap.
(4) Augmentor wing.
(5) Overwing blown flap.
(d) *Lift pod aircraft.* (1) High bypass ratio, high thrust-weight turbofans, either concentric or turbotip drive, in wing or fuselage lift pods; separate cruise propulsion turbofans.
(e) *Fan-in-wing aircraft.* (1) Turbotip lift fans powered by turbojets or low bypass turbofans which also afford cruise propulsion.

This advance notice is designed to assist the FAA in developing standards, rules and regulations which are economically reasonable, technologically practicable and appropriate for VTOL STOL, RTOL, or other short haul aircraft. For the purpose of this ANPRM, these aircraft types are tentatively described as aircraft having the capability of executing a minimum of six degree approaches and steep-gradient departures in routine operations and capable of operating from prepared surfaces with lengths of about:

(1) 1000 feet for VTOL aircraft (includes helicopters, rotor only or compound),
(2) 2000 feet for STOL aircraft, and
(3) 4000 feet for RTOL aircraft.

There is also the problem of applying subjective rating measures to such a wide variety of propulsive systems and there is the problem of the three dimensional noise sensitivity associated with STOLports located in metropolitan areas which have high rise buildings.

Any noise standards for short haul aircraft will obviously have to take into consideration the role of the short haul aircraft in the air transportation system. It is expected that short haul transport aircraft will be designed and utilized for operations from the following types of airports:

(1) Primary CTOL airports with additional short runways,
(2) Secondary, and reliever or other general aviation airports,
(3) Primary airports with predominately short-haul operations, and
(4) V/STOLports near or within city centers.

It is probable that the evolution of the short haul mode of transport will take place using the types of airports shown above. To retain the economic advantage of the shorter passenger trip time, frequency of flight trip schedule is important. Indications are that some large operators would prefer to see a short haul vehicle which could alternately be utilized for general purpose medium range routes, but the tradeoff cost of achieving these capabilities at the expense of the vehicle's primary purpose (i.e. short haul operations) is unknown. Therefore, the noise implications of these different uses of the same aircraft should be the subject of public comment.

Terminal Noise Problems

The air traffic constraints on the operation of short-haul aircraft in the terminal areas may vary considerably and may be severe at large airports with little or no restraints at smaller airports. Similarly, the range of noise sensitivities associated with the various short haul runways envisioned is very large; varying from critical at some metropolitan STOL ports to negligible at remote locations in Alaska or on new short runways at primary CTOL airports.

Much has been said about the noise advantages accruing from the unique operational capabilities of the STOL, VTOL and RTOL, such as steep climb and descent, offset approaches and smaller turning radius, and a case has been made that a noise rule should not restrict the use of these operational characteristics for achieving minimum noise levels. On the other hand, very little substantiation exists as to the extent to which all such capabilities will be practicable in airline service. Public comment on this matter would be useful.

Noise Certification Concepts

The FAA is considering a basic three point concept for the noise certification of short haul aircraft. This is a miniscale version of the method applied in Part 36 regulations for CTOL aircraft with the major changes of (a) moving the three certification points closer to the runway and (b) changing the noise level limits. It has been suggested that the three noise points should be 2,000 feet from the threshold for the approach phase and 1,000 feet from the takeoff sideline for all types of short haul aircraft. However, the extended centerline takeoff noise certification point varies with each aircraft type and the following have been suggested as measuring points:

(1) 3,000 feet from the vertical lift-off point or brake release point for VTOL aircraft;
(2) 4,000 feet from the brake release point for STOL aircraft; and
(3) 6,000 feet from the brake release point for RTOL aircraft.

Under the concept it is presumed that the takeoff configuration would remain constant except that gear retraction would be optional and power cutback would not be permitted during the takeoff phase.

This multiple point method has the distinct advantage of knowledge and experience gained in the process of developing the Part 36 rule. It provides a certain degree of compatibility between the aircraft and the stolport, heliport or airport.

In September of this year, the ICAO Working Group B suggested another set of measuring points for V/STOL aircraft:

(1) 5,000 feet (1,500 meters) from brake release point under takeoff path;
(2) 3,000 feet (900 meters) from touchdown under approach path; and
(3) 500 feet (150 meters) to the side at point of maximum noise level parallel to takeoff path.

Another certification feature might be the addition of a noise limit for cruise or en route operation.

Noise Evaluation Unit

Some controversy has developed on the question of whether a unit other than EPNL should be used to account for the characteristics of present and future short haul aircraft. There has been little basis to suggest that there should be such a change except that the characteristics of future V/STOL and RTOL propulsion system noise are unknown. However, based on the information available to the FAA, it appeals that the EPNL unit can be used in rating aircraft sounds from other than current types of jet aircraft. The basis of the EPNL unit, the PNL, was, in fact, derived to distinguish subjective difference between jet noise and propeller noise, the characteristics of which differ considerably.

The FAA has studied the subject of STOL noise, gathering expert opinions from domestic and international sources. It does appear that the EPNL unit would suffice for initial short haul aircraft noise regulations.

During the course of its evaluation of the feasibility and need for noise standards for short haul aircraft, the FAA discussed the matter with prospective engine and airframe manufacturers, airport owners and operators, airline operators and the general public. It is clear from these discussions that preliminary regulatory concepts for short haul aircraft should be developed now to prepare for the introduction of short haul operations. However, since the short haul class of aircraft has not been sufficiently defined to support specific regulatory proposals, an advance notice of proposed rulemaking would best serve the purpose of developing reliable and specific data on the noise characteristics and economics needed for an effective noise rule for short haul aircraft.

Public Comment Requested

As indicated above, taking into account the current stage of FAA's program to develop noise standards for the expected class of short haul aircraft, the objective of this rule making action is to obtain information on the specifics of RTOL, VTOL, STOL and other potential short haul aircraft designs with respect to their noise characteristics, the expected economics and operational limitations on the use of these aircraft based on those noise characteristics, and the expected evolutionary development of these aircraft with respect to noise certification. With these objectives in mind, the following are the areas in which public comment and assistance is requested:

1. The manner in which the class of aircraft, referred to herein as short haul,

should be defined for noise purposes. For example, should the class be divided into subclasses, i.e., rotary wing, VTOL, STOL, RTOL?

2. The extent to which aircraft referred to as "short haul" aircraft should be further defined for purposes of assessing the economic impact and technological feasibility of noise regulations.

3. The extent to which the noise level characteristics of short haul aircraft and their propulsion systems can be predicted, particularly with respect to the new family of large aircraft that are expected to be developed in the foreseeable future and that are designed for short haul as well as conventional operations.

4. The extent to which present noise reduction methods for conventional aircraft can be incorporated into noise reduction techniques for the variety of aircraft falling within the short haul classification of aircraft. The FAA is particularly interested in comments concerning the adaptation of the present three point concept to noise reduction for short haul aircraft.

5. The specificity with which noise measurement points for certification purposes can be identified to ensure that noise information recorded for the short haul aircraft will have maximum utility for long-range land planning and future airport development.

6. The extent to which the variations in noise characteristics and operating economics associated with the numerous aircraft now considered to fall within the short haul classification can be identified.

7. Noise certification concepts that could be used in proposing noise standards for the certification of short haul aircraft, bearing in mind the need to consider whether a proposal based on that concept would be economically reasonable, technologically practicable, and appropriate to the particular aircraft.

8. The most appropriate regulatory approach to use in developing noise standards (e.g. amend Part 36, develop a new Part etc.).

9. Compliance times that should be specified in a noise regulation for the different subclasses or short haul aircraft.

10. The limitations on the utilization of the high maneuverability capabilities of the VTOL and the STOL aircraft expected because of airline practices based on passenger comfort, pilot acceptance, navigational equipment, safety margins, and operating economics.

11. The need for a minimum en route altitude or an en route noise limit for short haul aircraft based on attainable noise reductions.

12. The extent to which economic incentives might be applied through FAA rulemaking to produce the maximum amount of noise reduction for the short haul aircraft.

13. The appropriateness of the EPNL as the unit for certificating rotary wing and other VTOL aircraft.

14. The appropriateness of the EPNL as the unit for certificating propulsive lift aircraft in view of the high energy, low frequency noise caused by the impingement of the jet exhaust on the wings and flap surfaces.

15. Possible fresh areas of additional study or alternative methods for attaining the maximum noise reduction for the short haul aircraft that are economically reasonable, technologically practicable, and appropriate for the aircraft.

16. The addition of the fourth (a second more distant approach) measuring point to assure minimal noise impact in the approach zone.

(Secs. 307(c), 313(a), 601, 611, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421, 1431 (as amended by the Noise Control Act of 1972 (P.L. 92-574))); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and Executive Order 11514, March 5, 1970)

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

R. P. SKULLY,
Director,
Office of Environmental Quality.

[FR Doc.73-27287 Filed 12-27-73;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Procedures for Picking Up, Receiving and Opening Packages

On May 18, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 13033) proposed amendments to 10 CFR Part 20 of its regulations. The proposed amendments would require that licensees who pick up packages of radioactive material at a carrier's facility do so "as expeditiously as possible" and that all labeled packages of radioactive material in other than gaseous or special form be monitored "promptly" on receipt for significant, removable, external contamination.

Interested persons were invited to submit written comments and suggestions for consideration by July 2, 1973. The comment period was later extended to August 2, 1973. Many comments were received. The majority of those comments, primarily from members of the medical profession, criticized the amendments on one or more of the following points:

(1) Applying the monitoring requirement equally to Type A and Type B packages even though they represent widely varying potential hazards;

(2) Applying the monitoring requirement to packages of radiopharmaceuticals, thereby increasing the cost of medical care, even though radiopharmaceutical packages represent a minimum hazard potential;

(3) Applying the monitoring requirements at all in view of the few cases of leaking packages in the history of the transportation of radioactive material; and

(4) Requiring package recipients to report evidence of leakage to the carrier when the recipient may not know in all cases the identities of all the carriers involved in the routing of any particular shipment.

Other commenters either questioned the lack of specificity of the time requirements, or questioned other details of implementation such as the adequacy of instrumentation.

Many of the commenters who objected to the proposed amendments noted that package monitoring routinely is performed at their facilities during normal working hours. Several suggested that a requirement to monitor packages during normal working hours would be a reasonable requirement and an acceptable alternative to the proposed requirements.

After consideration of the comments and other factors involved, the Commission has revised the proposed amendments as discussed below:

(1) The wording "as expeditiously as possible" in the requirement for picking up packages has been changed to "expeditiously" and the phrase "upon notification" changed to "upon receipt of notification".

(2) The requirement to monitor packages containing radioactive material for external contamination has been revised to specify increased quantities in Type A packages exempted from the requirement and the times during which such monitoring must be performed.

The quantities exempted from the monitoring requirement as specified in the rule have been increased to 100 millicuries for any radionuclide with a radioactive half-life of less than 30 days. For other radionuclides, the quantities exempted from monitoring are the quantities exempted from labeling during transportation under Department of Transportation (DOT) regulations, which for most radionuclides is 1 millicurie. Most of the Type A packages of medical radioisotopes received by individual physicians and hospitals will be exempted.

The requirement to monitor Type A packages has been limited to those containing liquid radioactive contents, taking into account the differences in mobility with the physical form of the material. Mo-99/Tc-99m (technetium) generators are considered to be in other than liquid form and would not require monitoring. As in the previous proposed rule, Type B packages containing radioactive material other than as gases or in special form would require monitoring. Radioactive noble gases, such as krypton-85 or xenon-133 whether as gases or gases in solution, are gases and would not require monitoring.

With respect to both Type A and Type B packages that are not exempt from the monitoring requirements, the proposed rule would require monitoring of the external surfaces for contamination as soon as practicable after receipt, within three hours of receipt at the licensee's facility if received during normal working hours or within 18 hours if received outside of normal working hours. In some cases, this would require a weekend and holiday monitoring capability by recipients of packages not exempted.

(3) As in the previously proposed rule, external contamination above specified levels would be required to be reported immediately upon detection to the final delivering carrier as well as to the AEC.

To assure that necessary action is taken in those few instances when contamination is detected on the package surfaces, the AEC in each case will notify DOT immediately upon notification by the recipient. The AEC and DOT will see that carriers who handled the shipment other than the final delivering carrier are notified, if appropriate.

With respect to the comments that the recipient may not know in all cases the identity of all carriers involved, the rule would require notification of only the final delivering carrier. In most cases, the final delivering carrier will be identified on the shipping papers or can be identified by contacting the person from whom the material was ordered. In those rare cases where the recipient cannot identify the final carrier, the AEC and DOT will assist in identifying him.

A number of commenters questioned the ability of many recipients of radioactive material to monitor packages with readily available equipment at the levels specified in the proposed rule. After further consideration, and based on the premise that the spread of contamination in the transportation system will result from a leaking package only if gross contamination is present, the level specified in the rule for immediate reporting of external contamination has been increased to 0.01 microcuries per 100 square centimeters of package surface which is 10 times the higher of the two levels specified in the previously proposed rule.

The rule as proposed would not affect the applicability of other sections of the regulations with respect to "reporting of incidents" (§ 20.403), "reports of loss or theft of licensed material" (§ 20.402), "surveys" for compliance with the regulations (§ 20.201), and reports of instances involving a reduction in effectiveness of the packaging (§ 71.61).

In summary, the proposed rule as revised would impose the following requirements:

(1) If the package routing requires pickup by the recipient, such packages must be expeditiously picked up from the carrier's facility upon notification. This does not require persons to pick up packages at the carrier's facility if they would not otherwise have done so.

(2) Packages containing either liquid radioactive material exceeding the exempt quantities specified in the proposal or radioactive material other than as gases or special form exceeding the Type A quantities, must be monitored for external contamination as soon as practicable after receipt, within three hours if the package is received during normal working hours or within 18 hours if received outside of normal working hours.

(3) If contamination of external surfaces of a package above specified limits is found, the final delivering carrier and the Commission must be notified immediately.

Public Meeting. On January 17, 1974, the Commission will hold a public meeting on the proposed amendment set forth below beginning at 9:30 a.m. in Conference Room P-118, U.S. Atomic Energy Commission, 7920 Norfolk Avenue, Bethesda, Maryland. Interested persons are invited to attend the meeting and present oral or written statements on this proposal. The meeting will be conducted informally and as expeditiously as practicable, consistent with affording a reasonable opportunity for presentation of views. Written statements may be received for the record. Anyone desiring to make a statement should notify the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C., 20545 by January 11, 1974. It is expected that such statements will be limited to 10 minutes. Written summaries or copies of oral presentations are encouraged. Depending on the time available, discussion of the pertinent points raised by the participants may be undertaken by the Regulatory staff.

A transcript of the meeting will be made, and a copy of the transcript, together with copies of documents presented at the meeting, will be placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., where they will be available for inspection by members of the public.

Pursuant to the Atomic Energy Act of 1954, as amended, and Section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by January 28, 1974. Copies of comments received on this notice may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

1. The section heading of § 20.205 is amended to read "Procedures for picking up, receiving, and opening packages."

2. The present text of § 20.205 is designated paragraph (c), and new paragraphs (a) and (b) are added. As revised, § 20.205 reads as follows:

§ 20.205 Procedures for picking up, receiving, and opening packages.

(a) Each licensee who picks up a package of radioactive material from a carrier's terminal shall pick up such package expeditiously upon receipt of notification from the carrier of its arrival.

(b) (1) Each licensee, upon receipt of a package of radioactive material, shall monitor the external surfaces of the package for radioactive contamination caused by leakage of the radioactive contents. The following packages are exempt from this requirement:

(i) Packages containing no more than the exempt quantity specified in the table in this paragraph;

(ii) Packages containing radioactive material as gases or in special form;

(iii) Packages containing radioactive material in other than liquid form (including Mo-99/Tc-99m generators) and not exceeding the Type A quantity limit specified in the table in this paragraph; and

(iv) Packages containing only radionuclides with half-lives of less than 30 days and a total quantity of no more than 100 millicuries.

The monitoring shall be performed as soon as practicable after receipt, but no later than three hours after the package is received at the licensee's facility if received during the licensee's normal working hours or eighteen hours if received after normal working hours.

TABLE OF EXEMPT AND TYPE A QUANTITIES

Transport Group[1]	Exempt Quantity Limit (in millicuries)	Type A Quantity Limit (in curies)
I	.01	0.001
II	0.1	0.050
III	1	3
IV	1	20
V	1	20
VI	1	1000
VII	25,000	1000

[1] The transport group for each radionuclide is specified in appendix C of pt. 71 of this chapter.

(2) If removable radioactive contamination in excess of 0.01 microcuries (22,000 disintegrations per minute) per 100 square centimeters of package surface is found on the external surfaces of the package, the licensee shall immediately notify the final delivering carrier involved and, by telephone and telegraph, the appropriate Atomic Energy Commission Regulatory Operations Regional Office shown in Appendix D.

(c) Each licensee shall establish and maintain procedures for safely opening packages in which licensed material is received, and shall assure that such procedures are followed and due consideration is given to special instructions for the type of package being opened.

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

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

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-27065 Filed 12-27-73;8:45 am]

[10 CFR Part 71]

PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL

Quality Assurance Requirements for Shipping Containers

The Atomic Energy Commission has under consideration amendments to its regulations in 10 CFR Part 71 "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions," to upgrade requirements for quality assur-

ance in the design, fabrication, assembly, testing, use and maintenance of packagings for shipping and transporting licensed radioactive material. The amendments would also revoke, subject to a timely application for reapproval, the present authority to use certain shipping casks for solid irradiated nuclear fuel which had been approved under criteria used before the current standards were developed.

Under the proposed amendments which follow, each licensee subject to 10 CFR Part 71 would be required to assess the adequacy of his quality assurance program against the upgraded standards and requirements, and to make whatever changes are required to comply with those standards and requirements. AEC would verify compliance with the standards through its licensing and inspection programs. Each applicant for a license or license amendment under 10 CFR Part 71 would be required to describe his quality assurance program to be applied to the design, fabrication, assembly, testing, maintenance and use of his proposed packaging. The applicant would further be required to identify the codes, standards and general requirements to be imposed under the program. Within this framework, the licensee would be required to document his quality assurance program in detailed written procedures and requirements, and follow those procedures and requirements in his operations. The adequacy of the detailed written documents and the licensee's implementation of them would be determined through the Commission's compliance program. That adequacy will be judged in part on the complexity and proposed use of the package under consideration, and on the complexity and importance to safety of its components.

The quality assurance requirements proposed here would apply to a licensee's design, fabrication, assembly, testing, use and maintenance of a Type B, Large Quantity or Fissile material package which he constructs for himself or has someone else construct for him. In the case of a licensee using a package approved for another licensee's use, in accordance with the general license provisions of present § 71.12, the quality assurance requirements of the licensee for whom the package was first approved must be followed in the use, testing and maintenance of the package by the second licensee. Any changes in the program must be approved by the Commission.

A new provision would require notification of the Commission's Directorate of Regulatory Operations before fabrication is begun of packaging with certain heat loads or anticipated internal pressures. This would facilitate communication between the licensee and the Commission's regulatory staff to resolve any differences on the adequacy of the quality assurance program before significant expenditures and irretrievable effort are committed to packaging of such importance.

To assure that external contamination of packages is kept as low as practicable, a new provision would require that external surfaces of packaging be designed and finished to facilitate decontamination.

Authority to use certain shipping casks for solid irradiated nuclear fuel is contained in § 71.41 of Part 71 "Previously constructed packages for irradiated solid nuclear fuel." This authority applies to shipping casks approved after September 23, 1961 and constructed by January 1, 1967, when the current package standards system was first adopted in the United States. Under these proposed amendments, any such casks still in use must be shown to comply with current package standards, either in their present condition or after modification.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 71 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by February 11, 1974. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

1. Paragraph (c) of § 71.21 is amended to read as follows:

§ 71.21 Contents of application.

* * * * *

(c) A description of the proposed program of quality assurance as required by § 71.24.

2. Section 71.24 is amended to read as follows:

§ 71.24 Quality assurance.

(a) The applicant shall describe his quality assurance program to be applied to the design, fabrication, assembly, testing, maintenance and use of the proposed packaging. Appendix E, "Quality Assurance Criteria For Shipping Containers For Radioactive Material" sets forth the requirements for quality assurance programs for packaging. The description of the program shall include a discussion of how the applicable requirements of Appendix E will be satisfied.

(b) The applicant shall identify, by title and qualifications, the individual(s) in his organization responsible for assuring that packages of radioactive materials to be delivered to a carrier for transport have been prepared in accordance with all applicable requirements.

(c) The applicant shall identify the codes and standards proposed for package design, fabrication, assembly, testing, maintenance and use.

3. A new paragraph (e) is added to § 71.31 to read as follows:

§ 71.31 General standards for all packaging.

* * * * *

(e) The external surfaces of packaging shall, as far as practicable, be designed, fabricated and finished to facilitate decontamination.

4. Section 71.41 is amended to read as follows:

§ 71.41 Previously constructed packages for irradiated solid nuclear fuel.

(a) Notwithstanding any other provisions of this subpart, a package, the use of which has been authorized by the Commission for the transport of irradiated solid nuclear fuel on or after September 23, 1961, and which has been completely constructed prior to January 1, 1967, shall be deemed to comply with the package standards of this subpart for that purpose, except as otherwise provided in paragraph (b).

(b) The holder of the specific license providing the authority specified in paragraph (a) of this section shall, within 6 months after (the effective date of this section), file a consolidated application for a superseding license for the use of such packages in accordance with this part. If the licensee fails to do so, the provisions of paragraph (a) of this section and the authority granted by the license to deliver the material to a carrier for transport in such packages shall expire at that time. The Commission may issue a new license superseding the existing license, may confirm the existing license with or without modification, or may deny the application in whole or in part and terminate the existing license in whole or in part. If modification of the design of a package being used under the authority of this section in effect prior to (effective date of these amendments) is proposed by a licensee in his application for a superseding license in accordance with this paragraph, the licensee shall designate in his application the time period needed to modify the package(s) after approval by the Commission.

5. Section 71.51 is amended to read as follows:

§ 71.51 Establishment and maintenance of a quality assurance program.

The licensee shall establish, maintain and execute a quality assurance program satisfying each of the criteria specified in Appendix E "Quality Assurance Criteria for Shipping Containers For Radioactive Material."

6. Section 71.53 is amended to read as follows:

§ 71.53 Initial determinations and tests.

Tests shall be performed or determinations made, prior to the first use of a package, to satisfy the requirements of this section and of the license. After determining that the packaging has been fabricated in accordance with the design approved by the Commission, the packaging shall be conspicuously and durably marked with its model number, as specified in the license, and with a unique manufacturer's serial number.

(a) If a completely sealed shielding chamber is necessary to demonstrate compliance with the requirements of this part, its leak-tightness shall be demonstrated by test, appropriate for the

shielding material to be contained, during the fabrication of the packaging and before the shielding chamber is filled with shielding material. This test shall be performed while possible leakage points are accessible for repair and before any leak paths can be plugged with shielding material. If leakage is indicated, the leaks shall be located and repaired, and the test repeated. The leak test of the shielding chamber may be performed after the addition of the shielding material whenever such procedure provides higher assurance of shielding chamber leak-tight ness than the test otherwise specified in this paragraph.

(b) If a completely sealed chamber is necessary to demonstrate compliance with the requirements of this part, its leaktightness and structural integrity shall be demonstrated by test, appropriate for the material to be contained. The chamber shall be pressurized to 1.5 times the sum of the maximum normal operating pressure and any differential pressure below mean sea-level atmospheric pressure to which it may be subjected in transit, or to 11 psig, whichever is greater, and the pressure maintained for at least 10 minutes. If the chamber will contain radioactive material, the leak test shall have a minimum sensitivity of A x 10^{-4} per hour, where A is the Type A quantity for the material to be contained. If the chamber will not contain radioactive material, the leak test shall be sufficiently sensitive to detect any leakage beyond that determined to be acceptable under § 71.35. If any leakage above those rates, or any mechanical deformation beyond that determined to be acceptable under § 71.35 is shown, corrective action shall be taken and retesting performed.

(c) If the decay heat load from the approved contents of a package is greater than 5 watts, the adequacy of the package design to safely dissipate the design heat load shall be demonstrated by test. If the decay heat load is greater than 5 kilowatts, each package shall be demonstrated by test to safely dissipate the design heat loads. The heat source used in the test shall be the design heat load and shall be placed in the normal position for heat generation.

(d) If packaging incorporates shielding to meet dose rate limits, the effectiveness of the shielding shall be demonstrated by test. The packaging shall be loaded with the type of material for which it is designed, or an equivalent source of radiation, and the entire outer surface shall be surveyed for radiation in excess of the predicted levels.

(e) If packaging incorporates one or more valves to meet the release limits of § 71.36, the functioning of each individual valve to be used shall be demonstrated by test to function according to its design. The test shall be conducted with the valve(s) at the temperature and pressure anticipated if the package were subjected to the hypothetical accident conditions specified in Appendix B. In conducting the test, it is not necessary that the entire package be subjected to the test conditions. This test shall be repeated at intervals not to exceed one year.

(f) If packaging incorporates one or more seals in its closure system to meet the release limits of § 71.36, the functioning of each individual seal to be used shall be demonstrated by test to function according to its design. The test shall be conducted at the pressure anticipated if the package were subjected to the hypothetical accident conditions specified in Appendix B. Unless the seal is to be replaced after each use, the test shall include cycling (opening and closing) of the seal closure for a number of times appropriate for the intended use of the seal. This test shall be repeated at intervals not exceeding one year.

(g) If packaging incorporates neutron moderators or non-fissile neutron absorbers, the design efficacy of these materials shall be demonstrated by test or examination.

7. New paragraphs (g), (h) and (i) are added to § 71.54 to read as follows:

§ 71.54 Routine determinations.

Prior to each use of a package for shipment of licensed material the licensee shall ascertain that the package with its contents satisfies the applicable requirements of Subpart C and of the license, including determinations that:

* * * * *

(g) Space provided for contained expansion of liquid coolant or a liquid shielding medium is adequate, auxiliary devices important to the containment of liquid coolant or a liquid shielding medium are functioning properly, and the systems for the liquid coolant and the liquid shielding medium are leaktight.

(h) The pressure relief valve or valves are operable.

(i) The package has been closed and sealed in accordance with written procedures.

8. In § 71.62 a new paragraph (c) is added and paragraph (a)(10) is amended to read as follows:

§ 71.62 Records.

(a) The licensee shall maintain for a period of 2 years after its generation a record of each shipment of fissile material or of more than a type A quantity of radioactive material, as defined in § 71.4(q), in a single package, showing, where applicable:

* * * * *

(10) Results of the determinations required by § 71.54.

* * * * *

(c) The licensee shall maintain, during the life of the packaging to which they pertain, sufficient quality assurance records to furnish documentary evidence of the quality of items which have safety significance, and of services affecting such quality, including records of the results of the determinations required by § 71.53, and of monitoring, inspection and auditing of work performance during the design, fabrication and assembly of the packaging.

9. A new paragraph (c) is added to § 71.63 to read as follows:

§ 71.63 Inspections and tests.

* * * * *

(c) The licensee shall notify the Director of Regulatory Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545, at least 45 days prior to fabrication of a package to be used for the shipment, in that single package, of radioactive material having a decay heat load in excess of 5 kW or with an operating pressure in excess of 15 psig.

10. A new Appendix E is added to read as follows:

APPENDIX E—QUALITY ASSURANCE CRITERIA FOR SHIPPING CONTAINERS FOR RADIOACTIVE MATERIAL

Introduction: In accordance with § 71.24, every applicant for a license or license amendment for use of a shipping container (packaging) is required to describe his quality assurance program, and every licensee is required by § 71.51 to establish and maintain a quality assurance program for the design, fabrication, assembly, testing, use and maintenance of each packaging. Packaging is defined in § 71.4(1), and includes all receptacles, wrappers, components, and supplementary equipment in and with which radioactive material is transported.

This appendix establishes quality assurance requirements which apply to all activities affecting the componnets of the packaging which are significant to safety. These activities include designing, purchasing, fabricating, handling, shipping, storing, cleaning, assembling, inspecting, testing, operating, maintaining, repairing, and modifying.

As used in this appendix, "quality assurance" comprises all those planned and systematic actions necessary to provide adequate confidence that a system or component will perform satisfactorily in service. Quality assurance includes quality control, which comprises those quality assurance actions related to control of the physical characteristics and quality of the material or component to predetermined requirements.

1. ORGANIZATION

The licensee shall be responsible for the establishment and execution of the quality assurance program. The licensee may delegate to other organizations the work of establishing and executing the quality assurance program, or any part thereof, but shall retain responsibility therefor. The authority and duties of persons and organizations performing quality assurance functions shall be clearly established and delineated in writing. Such persons and organizations shall have sufficient authority and organizational freedom to identify quality problems; to initiate, recommend, or provide solutions; and to verify implementation of solutions. In general, assurance of quality requires management measures which provide that the individual or group assigned the responsibility for checking, auditing, inspecting, or otherwise verifying that an activity has been correctly performed be independent of the individual or group directly responsible for performing the specific activity.

2. QUALITY ASSURANCE PROGRAM

The licensee shall establish at the earliest practicable time, consistent with the schedule for accomplishing the activities, a quality assurance program which complies with the requirements of this appendix. The quality assurance program shall be documented by written procedures or instructions, and shall be carried out in accordance with those pro-

cedures throughout the period during which packaging is used. The licensee shall identify the material and components to be covered by the quality assurance program and the major organizations participating in the program, together with the designated function of these organizations. The quality assurance program shall provide control over activities affecting the quality of the identified materials and components to an extent consistent with their importance to safety, and as necessary to assure conformance to the approved design of each individual package used for the shipment of radioactive material. Activities affecting quality shall be accomplished under suitably controlled conditions. Controlled conditions include the use of appropriate equipment; suitable environmental conditions for accomplishing the activity, such as adequate cleanness; and assurance that all prerequisites for the given activity have been satisfied. The program shall take into account the need for special controls, processes, test equipment, tools and skills to attain the required quality, and the need for verification of quality by inspection and test.

The licensee shall base the requirements and procedures of his quality assurance program on the following considerations concerning the complexity and proposed use of the package and its components:

(1) The importance of malfunction or failure of the item to safety;

(2) The design and fabrication complexity or uniqueness of the item;

(3) The need for special controls and surveillance over processes and equipment;

(4) The degree to which functional compliance can be demonstrated by inspection or test; and

(5) The quality history and degree of standardization of the item. The program shall provide for indoctrination and training of personnel performing activities affecting quality as necessary to assure that suitable proficiency is achieved and maintained. The licensee shall review the status and adequacy of the quality assurance program at established intervals. Management of other organizations participating in the quality assurance program shall regularly review the status and adequacy of that part of the quality assurance program which they are executing.

3. DESIGN CONTROL

Measures shall be established to assure that applicable regulatory requirements and the package design, as specified in the license, for those materials and components to which this appendix applies, are correctly translated into specifications, drawings, procedures and instructions. These measures shall include provisions to assure that appropriate quality standards are specified and included in design documents and that deviations from such standards are controlled. Measures shall be established for the selection and review for suitability of application of materials, parts, equipment, and processes that are essential to the safety-related functions of the materials and components.

Measures shall be established for the identification and control of design interfaces and for coordination among participating design organizations. These measures shall include the establishment of procedures among participating design organizations for the review, approval, release, distribution, and revision of documents involving design interfaces. The design control measures shall provide for verifying or checking the adequacy of any new design, such as by the performance of design reviews, by the use of alternate or simplified calculational methods, or by the performance of a suitable testing program. The verifying or checking process shall be performed by individuals or groups other than those who performed the original design, but who may be from the same organization. Where a test program is used to verify the adequacy of a specific design feature in lieu of other verifying or checking processes, it shall include suitable qualification testing of a prototype unit under the most adverse design conditions. Design control measures shall be applied to items such as the following: criticality physics, stress, thermal, hydraulic, and accident analyses; compatibility of materials; accessibility for inservice inspection, maintenance and repair; and delineation of acceptance criteria for inspections and tests.

Design changes, including field changes, shall be subject to design control measures commensurate with those applied to the original design. Changes in the conditions sepcified in the license require Commission approval.

4. PROCUREMENT DOCUMENT CONTROL

Measures shall be established to assure that applicable requirements of this part which are necessary to assure adequate quality are suitably included or referenced in the documents for procurement of material, equipment, and services, whether purchased by the licensee or by his contractors or subcontractors. To the extent necessary, the licensee shall require contractors or subcontractors to provide a quality assurance program consistent with the pertinent provisions of this part.

5. INSTRUCTIONS, PROCEDURES AND DRAWINGS

Activities affecting quality in the fabrication, use and maintenance of packaging shall be prescribed by documented instructions, procedures, or drawings of a type appropriate to the circumstances and shall be accomplished in accordance with these instructions, procedures, or drawings. These shall include appropriate quantitative or qualitative acceptance criteria for determining that important activities have been satisfactorily accomplished.

Procedures shall be established for opening, loading, closing and preparing packages for transport to assure that, prior to delivery to a carrier for transport, all applicable conditions of approval, such as limits on the fissile content, weight and heat generation rate, are met and that each package is properly closed.

6. DOCUMENT CONTROL

Measures shall be established to control the issuance of documents, such as instructions, procedures, and drawings, including changes thereto, which prescribe all activities affecting quality. These measures shall assure that documents, including changes, are reviewed for adequacy and approved for release by authorized personnel and are distributed and used at the location where the prescribed activity is performed. Changes to documents shall be reviewed and approved by the same organizations that performed the original review and approval unless the applicant designates another organization. Changes in the conditions specified in the license require Commission approval.

7. CONTROL OF PURCHASED MATERIAL, EQUIPMENT, AND SERVICES

Measures shall be established to assure that purchased material, equipment, and services, whether purchased directly or through contractors and subcontractors, conform to the procurement documents. These measures shall include provisions, as appropriate, for source evaluation and selection, objective evidence of quality furnished by the contractor or subcontractor, inspection at the contractor or subcontractor source, and examination of products upon delivery. Documentary evidence that material and equipment conform to the procurement specifications shall be available prior to installation or use of such material and equipment. This documentary evidence shall be retained by or be available to the licensee and shall be sufficient to identify the specific requirements met by the purchased material and equipment. The effectiveness of the measures for control of purchased material, equipment and services shall be assessed by the licensee or his designee at appropriate intervals.

8. IDENTIFICATION AND CONTROL OF MATERIALS, PARTS AND COMPONENTS

Measures shall be established for the identification and control of materials, parts, and components. These measures shall assure that identification of the item is maintained by heat number, part number, or other appropriate means, either on the item or on records traceable to the item, as required throughout fabrication, installation, and use of the item. These identification and control measures shall be designed to prevent the use of incorrect or defective materials, parts and components.

9. CONTROL OF SPECIAL PROCESSES

Measures shall be established to assure that special processes, including welding, heat treating, and nondestructive testing, are controlled and accomplished by qualified personnel using qualified procedures in accordance with applicable codes, standards, specifications, criteria, and other special requirements.

10. INSPECTION

A program for inspection of activities affecting quality shall be established and executed by or for the organization performing the activity to verify conformance with the documented instructions, procedures, and drawings for accomplishing the activity. Such inspection shall be performed by individuals other than those who performed the activity being inspected. Examination, measurements, or tests of material or products processed shall be performed for each work operation where necessary to assure quality. If inspection of processed material or products is impossible or disadvantageous, indirect control by monitoring processing methods, equipment, and personnel shall be provided. Both inspection and process monitoring shall be provided when quality control is inadequate without both. If mandatory inspection hold points, which require witnessing or inspecting by the licensee's designated representative and beyond which work shall not proceed without the consent of its designated representative, are required, the specific hold points shall be indicated in appropriate documents.

11. TEST CONTROL

A test program shall be established to assure that all testing required to demonstrate that the packaging components will perform satisfactorily in service is identified and performed in accordance with written test procedures which incorporate the requirements of this part and the requirements and acceptance limits contained in the package approval. The procedures shall include provisions for assuring that all prerequisites for the given test have been met, that adequate test instrumentation is available and used, and that the test is performed under suitable environmental conditions. Test results shall be documented and evaluated to assure that test requirements have been satisfied.

12. CONTROL OF MEASURING AND TEST EQUIPMENT

Measures shall be established to assure that tools, gages, instruments, and other measuring and testing devices used in activities affecting quality are properly controlled, cali-

brated, and adjusted to maintain accuracy within necessary limits.

13. HANDLING, STORAGE AND SHIPPING

Measures shall be established to control the handling, storage, shipping, cleaning and preservation of materials and equipment to be used in packaging in accordance with instructions to prevent damage or deterioration. When necessary for particular products, special protective environments, such as inert gas atmosphere, specific moisture content levels and temperature levels shall be specified and provided.

14. INSPECTION, TEST AND OPERATING STATUS

Measures shall be established to indicate, by the use of markings such as stamps, tags, labels, routing cards, or other suitable means, the status of inspections and tests performed upon individual items of the packaging.

These measures shall provide for the identification of items which have satisfactorily passed required inspections and tests, where necessary to preclude inadvertent by-passing of such inspections and tests. Measures shall also be established for indicating the operating status of components of the packaging, such as by tagging valves and switches, to prevent inadvertent operation.

15. NONCONFORMING MATERIALS, PARTS, OR COMPONENTS

Measures shall be established to control materials, parts, or components which do not conform to requirements in order to prevent their inadvertent use or installation. These measures shall include, as appropriate, procedures for identification, documentation, segregation, disposition, and notification to affected organizations. Nonconforming items shall be reviewed and accepted, rejected, repaired or reworked in accordance with documented procedures.

16. CORRECTIVE ACTION

Measures shall be established to assure that conditions adverse to quality, such as deficiencies, deviations, defective material and equipment, and nonconformances, are promptly identified and corrected. In the case of a significant condition adverse to quality, the measures shall assure that the cause of the condition is determined and corrective action taken to preclude repetition. The identification of the significant condition adverse to quality, the cause of the condition, and the corrective action taken shall be documented and reported to appropriate levels of management.

17. QUALITY ASSURANCE RECORDS

Sufficient written records shall be maintained to furnish evidence of activities affecting quality. The records shall include the following: design records, records of use and the results of reviews, inspections, tests, audits, monitoring of work performance, and materials analyses. The records shall also include closely-related data such as qualifications of personnel, procedures, and equipment. Inspection and test records shall, as a minimum, identify the inspector or data recorder, the type of observation, the results, the acceptability, and the action taken in connection with any deficiencies noted. Records shall be identifiable and retrievable. Consistent with applicable regulatory requirements, the licensee shall establish requirements concerning record retention, such as duration, location, and assigned responsibility.

18. AUDITS

A comprehensive system of planned and periodic audits shall be carried out to verify compliance with all aspects of the quality assurance program and to determine the effectiveness of the program. The audits shall be performed in accordance with the written procedures or check lists by appropriately trained personnel not having direct responsibilities in the areas being audited. Audit results shall be documented and reviewed by management having responsibility in the area audited. Followup action, including re-audit of deficient areas, shall be taken where indicated.

(Secs. 53, 62, 81, 161; Pub. L. 83-703; 68 Stat. 930, 932, 935, 948, as amended (42 U.S.C. 2073, 2092, 2111, 2201).)

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

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-27064 Filed 12-27-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

2,4-DICHLOROPHENYL p-NITROPHENYL ETHER

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Hawaii submitted a petition (PP 3E1363) proposing establishment of a tolerance for residues of the herbicide 2,4-dichlorophenyl p-nitrophenyl ether in or on the raw agricultural commodity taro (corm) at 0.02 part per million.

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

1. The herbicide is useful for the purpose for which the tolerance is proposed.

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

3. The proposed tolerance will protect the public health.

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 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 F.R. 9038), it is proposed that Section 180.223 be amended by adding a new paragraph, "0.02 part per million * * *" after the paragraph, "0.05 part per million * * *" as follows:

§ 180.223 2,4-Dichlorophenyl *p*-nitrophenyl ether; tolerances for residues.

* * * * *

0.02 part per million in or on taro (corm).

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before January 28, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, 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 comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: December 20, 1973.

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

[FR Doc.73-27241 Filed 12-27-73;8:45 am]

[40 CFR Part 180]

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

Sodium Chlorate; Proposed Exemption

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experimental Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee; the Agricultural Experiment Stations of Alabama, Kansas, Mississippi, Nebraska, New Mexico, Oklahoma, and Texas; the Grain Sorghum Producers Association; and the Texas Certified Seed Producers submitted a petition (PP 3E1386) proposing establishment of an exemption from the requirement of a tolerance for residues of sodium chlorate in or on grain sorghum, fodder, and forage when used in accordance with good agricultural practice as a desiccant in grain sorghum production.

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

1. The pesticide is useful for the purpose for which the exemption is proposed.

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

3. The proposed exemption will protect the public health.

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), it is proposed that § 180.1020 be revised to read as follows:

§ 180.1020 Sodium chlorate; exemption from the requirement of a tolerance.

Sodium chlorate is exempted from the requirement of a tolerance for residues in or on cottonseed and chili peppers

when used in accordance with good agricultural practice as a defoliant, desiccant, or fungicide on cotton and as a defoliant on chili peppers.

Sodium chlorate is exempted from the requirement of a tolerance for residues in or on grain sorghum, fodder, and forage when used, with urea as a fire retardant, in accordance with good agricultural practice as a desiccant in grain sorghum production.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before January 28, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, 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 comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: December 20, 1973.

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

[FR Doc.73-27240 Filed 12-27-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19840; RM-2090, RM-2281]

FM BROADCAST STATIONS IN MAINE

Request for Supplemental Information and Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202 (b), *Table of Assignments*, FM Broadcast Stations. (Bath, Auburn, and Saco, Maine).

1. This Request for Supplemental Information concerns the comments and counterproposal filed by Andy Valley Broadcasting System, Inc., Auburn, Maine, licensee of Station KPNO, in the above-entitled proceeding (FCC 73-1032, 38 FR 28305). The counterproposal was accepted for filing and a rule making file number, RM-2281, was assigned in the Public Notice, Report No. 389, December 4, 1973.

2. The counterproposal by Andy Valley Broadcasting System, Inc., (38 FR 33405) proposes the assignment of Channel 292A to Auburn, Maine. Since Auburn, with a population of 24,151, is presently assigned Channel 261A and adjoins the city of Lewiston, Maine, which has a population of 41,779, and two Class B FM stations, it cannot be considered as a small isolated community seeking a first FM assignment. It is noted that the attached engineering statement only shows that the proposed assignment would meet the minimum mileage separation requirements. In order that the Commission would be able to determine whether the requested assignment would be in the public interest, a preclusion study should be submitted. The study should show the areas and communities that would be precluded from future assignments on the seven pertinent channels and indicate whether there are any other channels available for assignment to communities located therein. See *Policy to Govern Request for Additional FM Assignments*, 8 F.C.C. 2d 79, 9 R.R. 2d 1245 (1967). The supplemental information should be submitted by December 21, 1973.

3. In order that the interested parties to this proceeding may have an opportunity to reply to the comments submitted herein and to the counterproposal, the time for filing reply comments will be extended to December 31, 1973.

4. Accordingly, *it is ordered*, That the date for filing reply comments is extended from November 26, 1973, to and including January 2, 1974.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, and § 0.281 of the Commission's rules.

Adopted: December 10, 1973.

Released: December 14, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-27222 Filed 12-27-73;8:45 am]

[47 CFR Part 94]

[Docket Nos. 19869, Docket No. 14179; RMs-1862 *et al.*]

PRIVATE OPERATIONAL-FIXED MICROWAVE RADIO SERVICE

Memorandum Opinion and Order and Notice of Proposed Rulemaking; Correction

In the matter of amendment of the Commission's rules to establish a Private Operational Fixed Microwave Radio Service (Part 94), Docket No. 19869; amendment of Parts 7, 9, 10, and 16 new 81, 87, 91, and 93) of the Commission's rules to provide for the assignment of frequencies in the bands above 952 MC to operational fixed stations in such services upon showing that harmful interference will not be caused to existing stations, Docket No. 14179; petition for rulemaking filed by the National Association of Manufacturers to amend Part 91, RM-1862; petition for rulemaking filed by the Utilities Telecommunications Council to amend Part 2, RM-339; petition for rulemaking from American Petroleum Institute to amend Parts 2, 81, 87, 89, 91, and 93, RM 2272.

The Appendix of the Commission's Memorandum Opinion and Order and notice of proposed rulemaking in Docket 19869, FCC 73-1162, released November 26, 1973 at 38 FR 33604, is corrected as follows:

In proposed rule § 94.65(f), (38 FR 33614) Table V is corrected by the addition of footnote 3, to read as follows:

§ 94.65 Frequencies.

* * * * * *

(f) * * *

TABLE V

2650-2656 [3]
2662-2668 [3]
2674-2680 [3]
2686.9375 [3]
2687.9375 [3]
2688.9375 [3]

[3] Use of these frequencies by persons establishing their eligibility in the Industrial and Land Transportation Radio Services (Parts 91 and 93) is secondary to use by persons with eligibility established in the Public Safety Radio Service (Part 89). Operational fixed stations authorized in the band 2500-2690 MHz prior to July 16, 1971, may continue to be authorized on a coequal basis to other stations operating in accordance with the Table of Frequency Allocations. No expansion of existing systems on frequencies not allocated to this service will be permitted. Additional stations or new assignments may be authorized only in accordance with the provision of this section.

Released: December 18, 1973.

[SEAL] CHARLES A. HIGGINBOTHAM,
Acting Chief, Safety and Special Radio Services Bureau.

[FR Doc.73-27223 Filed 12-27-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1100]

[Ex parte No. 55 Sub-No. 10]

MOTOR CARRIERS OF PROPERTY OR PASSENGERS

Proposal Regarding Filing of Applications

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of December 1973.

There being under consideration § 1100.247 of the Commission's General Rules of Practice, notice is hereby given that the amendments to § 1100.247 as set out below are proposed to be prescribed by the Commission.

Since the decision in the Schaeffer case in 1967 (106 M.C.C. 100), as modified by subsequent decisions, the Commission has required applicants in motor carrier application cases to submit shipper certifications of support pursuant to requirements set forth therein. A summary of these requirements appears as part of the application form, and it is now proposed in this proceeding that they be incorporated in the Commission's General Rules of Practice as an amendment to rule 247(b)(1) as hereinafter set forth.

The Commission has for some time been concerned with the extent to which applicants have evaded the purpose and principle underlying the rules of the Schaeffer case by the late submission and addition of shipper witnesses. In innumerable instances, this process of adding witnesses has continued even as late as the closing days of the oral hear-

ings. The Commission is of the view that the public interest and the public convenience and necessity for a proposed operation should be the material and principal basis for the filing of an application and that the applicant should know at that time the need and support of shippers for the service. While some additional shipper support may reasonably be ascertained after the filing of an application, it is unfair to the Commission and to other parties to permit the process of adding witnesses to continue indefinitely. It is therefore proposed by this rulemaking proceeding to include a provision which limits addition of shipper witnesses later than 90 days following the publication of the application in the FEDERAL REGISTER. This is accomplished by the insertion of a sentence in section 247(b)(1) as amended and as shown below.

Additionally, by a notice issued November 4, 1971, 36 FR 21388, Nov. 6, 1971, the Commission announced that restrictive amendments to operating authority applications would not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding had been assigned for oral hearing. The purpose of this policy is to control the practice of certain applicants of filing applications for wide authority and subsequently submitting numerous amendments as necessary to eliminate opposing parties' interests. The Commission is of the view that this process accentuates the ability of the applicant to negotiate with other carriers when the burden is upon applicant to demonstrate the needs of the public for service. The process of conducting these negotiations has continued throughout the course of oral hearings to the detriment and unnecessary expense of the public and other parties to the case. It is proposed herein to amend rule 247(c)(2) to make the formerly announced policy a part of the Commission's Rules of Practice and in so doing to provide that restrictive amendments may not be submitted later than 90 days following publication of the application in the FEDERAL REGISTER.

It is proposed that § 1100.247 of the Commission's General Rules of Practice be amended as follows:

§ 1100.247 Special rules governing notice of filing of applications by motor carriers of property or passengers and brokers under sections 206 (except section 206(a)(6) relating to Certificates of Registration), 209 and 211, by water carriers under sections 302(e), 303, and 309, and 410 of the Interstate Commerce Commission Act, and certain other procedural matters with respect thereto. (Rule 247).

* * * * *

(b) *Applications—(1) form and content.* (i) An application filed with the Commission under these special rules shall be prepared in accord with and contain the information called for in the form of application prescribed by the Commission. The application *must* be accompanied by certifications of support on the prescribed form for each individual, corporation or partnership (if less than 10), upon whose support applicant intends to rely. If more than 10 witnesses will appear in support of the application, the name and address of each witness in excess of 10 whose testimony will be presented must be submitted with the application with additional certifications in sufficient number to be reasonably representative of the total number of witnesses to be presented and the scope of the authority sought in the application. Except for good cause shown, no application will be accepted for filing unless it is accompanied by certifications and identifications as herein required.

(ii) If, subsequent to the filing of an application, witnesses who were not known to the applicant at the time of filing the application become known to the applicant, applicant shall file a certification for each such witness (if less than 10), containing a statement by the witness as to the date on which he made his support first known to the applicant, with the Commission as soon as practicable following discovery of the witness and shall concurrently serve copies thereof upon all parties of record. For subsequently discovered witnesses in excess of 10, information regarding the identity and location of each and date upon which first made support known shall be transmitted promptly to the Commission and all parties of record. *Certificates or notices with respect to additional witnesses as provided above must be received not later than 90 days following publication of notice of the filing of the application in the FEDERAL REGISTER. Provided,* however, that the provisions of this paragraph as to subsequently discovered witnesses shall not be applicable to applications to transport passengers nor to applications which are assigned for handling under modified procedure after the entry of the order of the Commission directing that the application be handled under modified procedure.

(iii) Noncompliance with these requirements, absent a showing of good cause therefor, will result in disallowance of testimony and evidence proffered by public witnesses upon whose behalf certifications or identifications have not been filed within the time allowed.

(c) *Notice to interested persons.* * * *

(2) Amendments: Except for good cause shown, amendments to applications which broaden the scope of the proposed operations will not be allowed if tendered after notice of the filing of an application has been published in the FEDERAL REGISTER. Restrictive amendments acceptable to the Commission may be submitted at any time except that in cases designated for oral hearing they may not be submitted later than 90 days following publication of notice of the filing of the application in the FEDERAL REGISTER. Absent a showing of exceptional reason therefor, amendments offered after such period will not be received or considered by the Commission, and applicant will be expected to pursue in good faith the entire authority sought.

* * * * *

It is ordered, That based on the foregoing explanation, a rulemaking proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act, and 5 U.S.C. 553 and 559 (the Administrative Procedure Act).

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless the need therefor should later appear, but that any interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subject pertaining to this proceeding.

It is further ordered, That any person intending to participate in the formal pleadings stage in this proceeding by submitting initial statements or reply statements shall notify the Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before January 11, 1974 the original and one copy of a statement of his intention to participate; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed, and that initial statements and reply statements must be filed on or before February 1, 1974 and February 15, 1974, respectively.

And it is further ordered, That written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C. during regular business hours; that a copy of this order be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection; and that a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-27216 Filed 12-27-73;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

[Public Notice CM-97]

SHIPPING COORDINATING COMMITTEE SUBCOMMITTEE ON CODE OF CONDUCT FOR LINER CONFERENCES

Notice of Meeting

A meeting of the Subcommittee on the Code of Conduct for Liner Conferences will be held at 10 a.m. on Tuesday, January 8, 1973 in room 1408, Department of State, for a debriefing on the results of the UN Conference of Plenipotentiaries on the Code of Conduct for Liner Conferences which was held November 12—December 15, 1973 in Geneva, and to make plans for the session of the Conference beginning March 11, 1974 in Geneva.

For information concerning the meeting, contact Mr. Richard K. Bank, Executive Secretary, Shipping Coordinating Committee, Department of State, Washington, D.C. Telephone (area code 202) 632-0704.

Dated: December 21, 1973.

RICHARD K. BANK,
Executive Secretary,
Shipping Coordinating Committee.

[FR Doc.73-27247 Filed 12-27-73;8:45 am]

[Public Notice CM-98]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Monday, January 14, 1974, at the Department of State, Room 1207, from 9 a.m. to 12 noon. The agenda will include discussion of several aspects of the study being developed in cooperation with the U.S. Advisory Commission on Information. This is "a study of the similar and related functions performed by the U.S. Information Agency, its overseas information service, and the Department of State," Bureau of Educational and Cultural Affairs. There will also be a discussion of the Bureau's 1974-75 budget; and a review of the findings contained in the recent Institute of International Education report, "Open Doors."

For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting. Telephone: 632-2764.

Dated: December 21, 1973.

MARGARET TWYMAN,
Staff Director,
Commission Secretariat.

[FR Doc.73-27248 Filed 12-27-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Notice of Open Meeting

Pursuant to the provisions of section 10, Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a regional meeting of the National Committee for Employer Support of the Guard and Reserve Advisory Council will be held on January 15, 1974, at the Sheraton Inn, Lincoln, Nebraska.

The purpose of the meeting is to develop greater activity by members of the National Advisory Council in the solicitation of employer support of the Guard and Reserve.

The minutes of the meeting will be available to anyone desiring information about the meeting.

Additional information concerning these meetings may be obtained by contacting the Assistant to the National Chairman, National Committee for Employer Support of the Guard and Reserve, Room 3A29, 400 Army Navy Drive, Arlington, Virginia 22202.

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

DECEMBER 20, 1973.

[FR Doc.73-27205 Filed 12-27-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

GEOTHERMAL LEASE FORM AND SPECIAL STIPULATIONS FOR JANUARY 22, 1974 LEASE SALE

Public Notice

Pursuant to the December 21, 1973, announcement of a geothermal lease sale to be held in the Bureau of Land Management's California State Office, Sacramento, California on January 22, 1974, the following lease terms, special stipulations and lease bid form will apply.

Also, pursuant to the Final Rules for the leasing of geothermal resources published in the FEDERAL REGISTER on December 21, 1973 (38 FR 35068), the following noncompetitive lease application must be used.

LEASE FORM

3200-21
(January 1974)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GEOTHERMAL RESOURCES LEASE

Serial Number

Proper BLM Office

Competitive

Noncompetitive

In consideration of the mutual promises, terms, and conditions contained herein, and the grant made hereby, this lease is entered into by the UNITED STATES OF AMERICA (hereinafter called the "Lessor"), acting through the Bureau of Land Management (hereinafter called "the Bureau") of the Department of the Interior (hereinafter called the "Department"), and _____ (hereinafter called the "Lessee").

This lease is made pursuant to the Geothermal Steam Act of 1970 (84 Stat. 1566; 30 U.S.C. 1001-1025) (hereinafter called "the Act") to be effective on _____, _____ (hereinafter called the "effective date"). It is subject to all the provisions of the Act and to all the terms, conditions, and requirements (a) of all regulations promulgated by the Secretary of the Interior (hereinafter called "the Secretary") in existence upon the effective date, specifically including, but not limited to, 43 CFR Parts 3000 and 3200 and 30 CFR Parts 270 and 271, and all geothermal resources operational orders (hereinafter called "GRO orders") issued pursuant thereto, all of which are incorporated herein and, by reference, made a part hereof, and (b) of any regulations hereafter issued by the Secretary (except those inconsistent with any specific provisions of this lease other than regulations incorporated herein by reference) all of which shall be, upon their effective date, incorporated herein and, by reference, made a part hereof.

Sec. 1. GRANT. The Lessor hereby grants and leases to the Lessee the exclusive right and privilege to drill for, extract, produce, remove, utilize, sell, and dispose of geothermal steam and associated geothermal resources, hereinafter called "geothermal resources", in or under the following described lands situated within the County of _____, State of _____:

Public Lands			Acquired Lands		
T.	; R.	: Meridian	T.	; R.	: Meridian
Total Area _____			Total Area _____		

Containing approximately _____ acres, hereinafter referred to as the "leased area" or "leased lands", together with:

(a) The non-exclusive right to conduct within the leased area geological and geophysical exploration in accordance with applicable regulations; and

(b) The right to construct or erect and to use, operate and maintain within the leased area, together with ingress and egress thereupon all wells, pumps, pipes, pipelines, buildings, plants, sumps, brine pits, reservoirs, tanks, waterworks, pumping stations, roads, electric power generation plants, transmission lines, industrial facilities, electric, telegraph or telephone lines and such other works and structures and to use so much of the surface of the land as may be necessary or reasonably convenient for the production, utilization and processing of geothermal resources or to the full enjoyment of the rights granted by this lease, subject to compliance with applicable laws and regulations: *Provided that*, although the use of the leased area for an electric power generation plant or transmission facilities or a commercial or industrial facility is authorized hereunder, the location of such facilities and the terms of occupancy therefor shall be under separate instruments issued under any applicable laws and regulations; and

(c) The nonexclusive right to drill potable water wells in accordance with state water laws within the leased area and to use the water produced therefrom for operations on the leased lands free of cost, provided that such drilling and development are conducted in accordance with procedures approved by the Supervisor of the Geological Survey, hereinafter called "Supervisor"; and

(d) The right to convert this lease to a mineral lease under the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181–287) or under the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359), whichever is appropriate, if the leasehold is primarily valuable for the production of one or more valuable by-products which are leasable under those statutes, and the lease is incapable of commercial production or utilization of geothermal steam: *Provided that* an application is made therefore prior to the expiration of the lease extension by reason of by-product production as hereinafter provided, and subject to all the terms and conditions of said appropriate Acts. The lessee is also granted the right to locate mineral deposits under the mining laws (30 U.S.C. 21–54), which would constitute by-products if commercial production or utilization of geothermal steam continued, but such a location to be valid must be completed within ninety (90) days after the termination of this lease. Any conversion of this lease to a mineral lease or a mining claim is contingent on the availability of such lands for this purpose at the time of the conversion. If the lands are withdrawn or acquired in aid of a function of any Federal Department or agency, the mineral lease or mining claim shall be subject to such additional terms and conditions as may be prescribed by such Department or agency for the purpose of making operations thereon consistent with the purposes for which these lands are administered; and

(e) The right, without the payment of royalties hereunder, to reinject into the leased lands geothermal resources and condensates to the extent that such resources and condensates are not utilized, but their reinjection is necessary for operations under this lease in the recovering or processing of geothermal resources. If the lessee, pursuant to any approved plan, disposes of the unusable brine and produced waste products into underlying formations he may do so without the payment of royalties.

Sec. 2. TERM

(a) This lease shall be for a primary term of ten (10) years from the effective date and so long thereafter as geothermal steam is produced or utilized in commercial quantities but shall in no event continue for more than forty (40) years after the end of the primary term. However, if at the end of that forty year period geothermal steam is being produced or utilized in commercial quantities, and the leased lands are not needed for other purposes, the Lessee shall have a preferential right to a renewal of this lease for a second forty-year term in accordance with such terms and conditions as the Lessor deems appropriate.

(b) If actual drilling operations are commenced under an approved cooperative or unit plan on the leased lands or on behalf of the leased lands prior to the end of the primary term, and are being diligently prosecuted at the end of the primary term, this lease shall be extended for five (5) years and so long thereafter, but not more than thirty-five (35) years, as geothermal steam is produced or utilized in commercial quantities. If at the end of such extended term geothermal steam is being produced or utilized in commercial quantities, the Lessee shall have a preferential right to a renewal for a second term as in (a) above.

(c) If the Lessor determines at any time after the primary term that this lease is incapable of commercial production and utilization of geothermal steam, but one or more valuable by-products are or can be produced in commercial quantities, this lease shall be extended for so long as such by-products are produced in commercial quantities but for not more than five (5) years from the date of such determination.

Sec. 3. RENTALS AND ROYALTIES.

(a) *Annual Rental*—For each lease year prior to the commencement of production of geothermal resources in commercial quantities on the leased land, the Lessee shall pay the Lessor on or before the anniversary date of the lease a rental of $_____ for each acre or fraction thereof.

(b) *Escalating Rental*—Beginning with the sixth lease year and for each year thereafter until the lease year beginning on or after the commencement of production of geothermal

resources in commercial quantities, the Lessee shall pay on or before the anniversary date of the lease an escalated rental in an amount per acre or fraction thereof equal to the rental per acre for the preceding year and an additional sum of one dollar. If the lease is extended beyond 10 years for reasons other than the commencement of production of geothermal resources in commercial quantities, the rental for the eleventh year and for each lease year thereafter until the lease year beginning on or after the commencement of such production will be the amount of rental for the tenth lease year. If any expenditures are made in any lease year for diligent exploration on the leased lands in excess of the minimum required expenditures for that year, the excess may be credited against any rentals in excess of $_____ per acre due the Lessor for that or any future year.

(c) *Royalty* (1) On or before the last day of the calendar month after the month of commencement of production in commercial quantities of geothermal resources and thereafter on a monthly basis, the Lessee shall pay to the Lessor:

(A) A royalty of ____% on the amount or value of steam, or any other form of heat or other associated energy produced, processed, removed, sold or utilized from this lease or reasonably susceptible to sale or utilization by the Lessee.

(B) A royalty of ____% on the value of any by-product derived from production under this lease, produced, processed, removed, sold or utilized from this lease or reasonably susceptible of sale or utilization by the Lessee, except that as to any by-product which is a mineral named in Section 1 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181), the rate of royalty for such mineral shall be the same as that provided in that statute and the maximum rate of royalty for such mineral shall not exceed the maximum royalty applicable under that statute.

(C) A royalty of ____% on the value of commercially dimineralized water which has been produced from the leased lands, and has been sold or utilized by the Lessee or is reasonably susceptible of sale or utilization by the Lessee. In no event shall the Lessee pay to the Lessor, for the lease year beginning on or after the commencement of production in commercial quantities on the leased lands or any subsequent lease year, a royalty of less than $2 per acre or fraction thereof. If royalty paid on production during the lease year has not satisfied this requirement, the Lessee shall pay the difference on or before the expiration date of the lease year for which it is paid.

(e) *Waiver and Suspension of Rental and Royalties*—Rentals or royalties may be waived, suspended, or reduced pursuant to the applicable regulations on the entire leasehold or any portion thereof in the interest of conservation or for the purpose of encouraging the greatest ultimate recovery of geothermal resources if the Lessor determines that it is necessary to do so in order to promote such development, or because the lease cannot be successfully operated under the terms fixed herein.

(f) *Undivided Fractional Interests*—Where the interest of the Lessor in the geothermal resources underlying any tract or tracts described in Section 2 is an undivided fractional interest, the rentals and royalties payable on account of each such tract shall be in the same proportion to the rentals and royalties provided in this lease as the individual fractional interest of the Lessor in the geothermal resources underlying such tract is to the full fee interest.

(g) *Readjustments*—Rentals and royalties hereunder may be readjusted in accordance with the Act and regulations to rates not in excess of the rates provided therein, and at not less than twenty (20) year intervals beginning thirty-five (35) years after the date geothermal steam is produced from the lease as determined by the Supervisor.

Sec. 4. PAYMENTS. It is expressly understood that the Secretary may establish the values and minimum values of geothermal resources for the purpose of computing royalties in accordance with the applicable regulations. Unless otherwise directed by the Secretary, all payments to the Lessor will be made as required by the regulations. If the time for payment falls on a day on which the proper office to receive payment is closed, payment shall be deemed to be made on time if made on the next official working day.

Sec. 5. BONDS. The Lessee shall file with the Authorized Officer and shall maintain at all times the bonds required under the regulations to be furnished as a condition to the issuance of this lease or prior to entry on the leased lands in the amounts established by the Lessor and to furnish such additional bonds or security as may be required by the Lessor upon entry on the lands or after operations or production have begun.

Sec. 6. WELLS.

(a) The Lessee shall drill and produce all wells necessary to protect the leased land from drainage by operations on lands not the property of the Lessor, or other lands of the Lessor leased at a lower royalty rate, or on lands as to which royalties and rentals are paid into different funds from those into which royalties under this lease are paid. However, in lieu of any part of such drilling and production, with the consent of the Supervisor, the Lessee may compensate the Lessor in full each month for the estimated loss of royalty through drainage in the amount determined by said Supervisor.

(b) At his own election, and with the approval of the Supervisor, the Lessee shall drill and produce other wells in conformity with any system of well spacing or production allotments affecting the field or area in which the leased lands are situated, which is authorized by applicable law.

(c) After due notice in writing, the Lessee shall diligently drill and produce such wells as the Supervisor shall require in order that the leased lands may be properly and timely developed and for the production of by-products, including commercially demineralized water for beneficial uses in accordance with applicable state laws. However, the Supervisor may waive or modify the requirements of this subparagraph (c) in the interest of conservation of natural resources or for economic feasibility or other reasons satisfactory to him. If the products or by-products of geothermal production from wells drilled on this lease are susceptible of producing commercially demineralized water for beneficial uses, and a program therefore is not initiated with due diligence, the Lessor may at its option elect to take such products or by-products and the Lessee shall deliver all or any portion thereof to the Lessor at any point in the Lessee's geothermal gathering or disposal system without cost to the Lessee, if the Lessee's activities, under the lease, would not be impaired and

such delivery would otherwise be consistent with field and operational requirements. The retention of this option by the Lessor shall in no way relieve the Lessee from the duty of producing commercially demineralized water where required to do so by the Lessor, except when the option is being exercised and then only with respect to wells where it is being exercised, or limit the Lessor's right to take any action under Section 25 to enforce that requirement.

Sec. 7. INSPECTION. The Lessee shall keep open at all reasonable times for the inspection of any duly authorized representative of the Lessor the leased lands, and all wells, improvements, machinery, and fixtures thereon and all production reports, maps, records, books, and accounts relative to operations under the lease, and well logs, surveys, or investigations of the leased lands.

Sec. 8. CONDUCT OF OPERATIONS. The Lessee shall conduct all operations under this lease in a workmanlike manner and in accordance with all applicable statutes, regulations, and GRO orders, and all other appropriate directives of the Lessor so as to prevent injury to life, health, or property and to avoid the waste of resources of every type, and shall comply with all requirements which are set forth in 43 CFR Group 3200, including, but not limited to, Subpart 3204, or which may be prescribed by the Lessor pursuant to the regulations, and with the special stipulations which are attached to the lease, all of which are specifically incorporated into this lease. A branch of any term of these requirements and stipulations will be a breach of the terms of this lease and subject to all the provisions of this lease with respect to remedies in case of default. Where any stipulation is inconsistent with a regular provision of this lease, the stipulation shall govern.

Sec. 9. INDEMNIFICATION.

(a) The Lessee shall be liable to the United States for any damage suffered by the United States in any way arising from or connected with the Lessee's activities and operations conducted pursuant to this lease, except where damage is caused by employees of the United States acting within the scope of their authority.

(b) The Lessee shall indemnify and hold harmless the United States from any and all claims arising from or connected with the Lessee's activities and operations under this lease.

(c) In any case where liability without fault is imposed on the Lessee pursuant to this section, and the damages involved were caused by the action of a third party, the rules of subrogation shall apply in accordance with the law of the jurisdiction where the damage occurred.

Sec. 10. CONTRACTS FOR SALE OR DISPOSAL OF PRODUCTS. The Lessee shall file with the supervisor not later than thirty (30) days after the effective date thereof any contract, or evidence of other arrangement for the sale or disposal of geothermal resources.

Sec. 11. ASSIGNMENT OF LEASE OR INTEREST THEREIN. Within ninety (90) days from the date of execution thereof, the Lessee shall file for approval by the Authorized Officer of the Bureau (hereinafter called "the Authorized Officer") any instruments of transfer made of this lease or of any interest therein, including assessments of record title and working or other interests.

Sec. 12. REPORTS AND OTHER INFORMATION. At such times and in such form as the Lessor may prescribe, the Lessee shall comply with all reporting requirements of the geothermal resources leasing, operating, and unit regulations and shall submit quarterly reports containing the data which it has collected through the monitoring of air, land, and water quality and all other data pertaining to the effect of the environment of operations under the lease. The Lessee shall also comply with such other reporting requirements as may be imposed by the Authorized Officer or the Supervisor. The Lessor may release to the general public any reports, maps, or other information submitted by the Lessee except geologic and geophysical interpretations, maps, or data subject to 30 CFR 270.79 or unless the Lessee shall designate that information as proprietary and the Supervisor or the Authorized Officer shall approve that designation.

Sec. 13. DILIGENT EXPLORATION. In the manner required by the regulations, the Lessee shall diligently explore the leased lands for geothermal resources until there is production in commercial quantities applicable to this lease. After the fifth year of the primary term the Lessee shall make at least the minimum expenditures required to qualify the operations on the leased lands as diligent exploration under the regulations.

Sec. 14. PROTECTION OF THE ENVIRONMENT (LAND, AIR AND WATER) AND IMPROVEMENTS. The Lessee shall take all mitigating actions required by the Lessor to prevent: (a) soil erosion or damage to crops or other vegetative cover on Federal or non-Federal lands in the vicinity; (b) the pollution of land, air, or water; (c) land subsidence, seismic activity, or noise emissions; (d) damage to aesthetic and recreational values; (e) damage to fish or wildlife or their habitats; (f) damage to or removal of improvements owned by the United States or other parties; or (g) damage to or destruction or loss of fossils, historic or prehistoric ruins, or artifacts. Prior to the termination of bond liability or at any other time when required and to the extent deemed necessary by the Lessor, the Lessee shall reclaim all surface disturbances as required, remove or cover all debris or solid waste, and, so far as possible, repair the offsite and onsite damage caused by his activity or activities incidental thereto, and return access roads or trails and the leased lands to an acceptable condition including the removal of structures, if required. The Supervisor or the Authorized Officer shall prescribe the steps to be taken by Lessee to protect the surface and the environment and for the restoration of the leased lands and other lands affected by operations on the leased lands and improvements thereon, whether or not the improvements are owned by the United States. Timber or mineral materials may be obtained only on terms and conditions imposed by the Authorized Officer.

Sec. 15. WASTE. The Lessee shall use all reasonable precautions to prevent waste of natural resources and energy, including geothermal resources, or of any minerals, and to prevent the communication of water or brine zones with any oil, gas, fresh water, or other gas or water bearing formations or zones which would threaten destruction or damage to such de-

posits. The Lessee shall monitor noise and air and water quality conditions in accordance with any orders of the Supervisor.

Sec. 16. MEASUREMENTS. The Lessee shall gauge or otherwise measure all production, sales, or utilization of geothermal resources and shall record the same accurately in records as required by the Supervisor. The records shall be kept and preserved by the Lessee for a period of five (5) years.

Sec. 17. RESERVATIONS TO LESSOR. All rights in the leased area not granted to the Lessee by this lease are hereby reserved to the Lessor. Without limiting the generality of the foregoing such reserved rights include:

(a) *Disposal*—The right to sell or otherwise dispose of the surface of the leased lands or any resource in the leased lands under existing laws, or laws hereafter enacted, subject to the Lessee under this lease;

(b) *Rights-of-way*—The right to authorize geological and geophysical explorations on the leased lands which do not interfere with or endanger actual operations under this lease, and the right to grant such easements or rights-of-way for joint or several use upon, through or in the leased area for steam lines and other public or private purposes which do not interfere with or endanger actual operations or facilities constructed under this lease;

(c) *Mineral Rights*—The ownership of and the right to extract oil, hydrocarbon gas, and helium from all geothermal steam and associated geothermal resources produced from the leased lands;

(d) *Casing*—The right to acquire the well and casing at the fair market value of the casing where the Lessee finds only potable water, and such water is not required in lease operations or any well drilled for the production of geothermal resources; and

(e) *Measurements*—The right to measure geothermal resources and to sample any production thereof.

Sec. 18. ANTIQUITIES AND OBJECTS OF HISTORIC VALUE. The Lessee shall immediately bring to the attention of the Authorized Officer any and all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered as a result of operations under this lease, and shall leave such discoveries intact. Failure to comply with any of the terms and conditions imposed by the Authorized Officer with regard to the preservation of antiquities may constitute a violation of the Antiquities Act (16 U.S.C. 431–433). Prior to operations, the Lessee shall furnish to the Authorized Officer a certified statement that either no archeological values exist or that they may exist on the leased lands to the best of the Lessee's knowledge and belief and that they might be impaired by geothermal operations. If the Lessee furnishes a statement that archaeological values may exist where the land is to be disturbed or occupied, the Lessee will engage a qualified archaeologist, acceptable to the Authorized Officer, to survey and salvage, in advance of any operations, such archaeological values on the lands involved. The responsibility for the cost for the certificate, survey, and salvage will be borne by the Lessee, and such salvaged property shall remain the property of the United States or the surface owner.

Sec. 19. DIRECTIONAL DRILLING. A directional well drilled under the leased area from a surface location on nearby land not covered by the lease shall be deemed to have the same effect for all purposes of this lease as a well drilled from a surface location on the leased area. In such circumstances, drilling shall be considered to have been commenced on the leased area when drilling is commenced on the nearby land for the purpose of directional drilling under the leased area, and production of geothermal resources from the leased area through any directional well located on nearby land, or drilling or reworking of any such directional well shall be considered production or drilling or reworking operations (as the case may be) on the leased area for all purposes of this lease. Nothing contained in this section shall be construed as granting to the Lessee any rights in any land outside the leased area.

Sec. 20. OVERRIDING ROYALTIES. The Lessee shall not create overriding royalties of less than one-quarter (¼) of one percent of the value of output nor in excess of 50 percent of the rate of royalty due to the United States specified in Section 3 of this lease except as otherwise authorized by the regulations. The Lessee expressly agrees that the creation of any overriding royalty which does not provide for a prorated reduction of all overriding royalties so that the aggregate rate of royalties does not exceed the maximum rate permissible under this section, or the failure to suspend an overriding royalty during any period when the royalties due to the United States have been suspended pursuant to the terms of this lease, shall constitute a violation of the lease terms.

Sec. 21. READJUSTMENT OF TERMS AND CONDITIONS. The terms and conditions of this lease other than those related to rentals and royalties may be readjusted in accordance with the Act at not less than ten-year intervals beginning ten (10) years after the date geothermal steam is produced from the leased premises as determined by the Supervisor.

Sec. 22. COOPERATIVE OR UNIT PLAN. The Lessee agrees that it will on its own, or at the request of the Lessor where it is determined to be necessary for the conservation of the resource or to prevent the waste of the resource, subscribe to and operate under any reasonable cooperative or unit plan for the development and operation of the area, field, or pool, or part thereof embracing the lands subject to this lease as the Secretary may determine to be practicable and necessary or advisable in the interest of conservation. In the event the leased lands are included within a unit, the terms of this lease shall be deemed to be modified to conform to such unit agreement. Where any provision of a cooperative or unit plan of development which has been approved by the Secretary, and which by its terms affects the leased area or any part thereof, is inconsistent with a provision of this lease, the provisions of such cooperative or unit plan shall govern.

Sec. 23. RELINQUISHMENT OF LEASE. The Lessee may relinquish this entire lease to any officially designated subdivision of the leased area in accordance with the regulations by filing in the proper Bureau office a written relinquishment, in triplicate, which shall be effective as of the date of filing. No relinquishment of this lease or of any portion of the leased area shall relieve the Lessee or his surety from any liability for breach of any obligation of this

lease, including the obligations to make payment of all accrued rentals and royalties and to place all wells in the leased lands to be relinquished in condition for suspension or abandonment, and to protect or restore substantially the surface or subsurface resources in a manner satisfactory to the Lessor.

Sec. 24. REMOVAL OF PROPERTY ON TERMINATION OR EXPIRATION OF LEASE.

(a) Upon the termination or expiration of this lease in whole or in part, or the relinquishment of the lease in whole or in part, as herein provided, the Lessee shall within a period of ninety (90) days (or such longer period as the Supervisor may authorize because of adverse climatic conditions) thereafter remove from the leased lands, no longer subject to the lease all structures, machinery, equipment, tools and materials in accordance with applicable regulations and orders of the Supervisor. However, the Lessee shall, for a period of not more than six (6) months, continue to maintain any such property needed on the relinquished area, as determined by the Supervisor, for producing wells or for drilling or producing geothermal resources on other leases.

(b) Any structures, machinery, equipment, tools, appliances, and materials, subject to removal by the Lessee as provided above, which are allowed to remain on the leased lands shall become the property of the Lessor on expiration of the 90-day period or any extension of that period which may be granted by the Supervisor. If the Supervisor directs the Lessee to remove such property, the Lessee shall do so at his own expense, or if he fails to do so within a reasonble period, the Lessor may do so at the Lessee's expense.

Sec. 25. REMEDIES IN CASE OF DEFAULT.

(a) Whenever the Lessee fails to comply with any of the provisions of the Act, or of this lease, or of the regulations issued under the Act, or of any order issued pursuant to those regulations and that default shall continue for a period of thirty (30) days after service of notice by the Lessor, the Lessor may (1) suspend operations until the requested action is taken to correct the noncompliance, or (2) cancel the lease in accordance with Section 12 of the Act (30 U.S.C. 1011). However, the 30-day notice provision applicable to this lease under Section 12 of the Act shall also apply as a prerequisite to the institution of any legal proceedings by the Lessor to cancel this lease while it is in a producing status. Nothing in this subsection shall be construed to apply to, or require any notice with respect to any legal action instituted by the Lessor other than an action to cancel the lease pursuant to Section 12 of the Act.

(b) Whenever the Lessee fails to comply with any of the provisions of the Act or of this lease, or the regulations, or of any GRO, or other orders, and immediate action is required, the Lessor without waiting for action by the Lessee may enter on the leased lands and take such measures as he may deem necessary to correct the failure, including a suspension of operations or production all at the expense of the Lessee. The Lessor may also exercise any legal or equitable remedy or remedies which it may have.

(c) A waiver of any particular violation of the provisions of the Act, or of this lease, or of any regulations promulgated by the Secretary under the Act, shall not prevent the cancellation of this lease or the exercise of any other remedy or remedies under paragraphs (a) and (b) of this section by reason of any other such violation, or for the same violation occurring at any other time.

(d) Nothing herein shall limit or affect the Lessee's right to a hearing and appeal as provided in Section 12 of the Act and in the regulations promulgated thereunder.

(e) Upon cancellation, the Lessee shall remove all property in accordance with Section 24 hereof, and shall restore the leased lands in a manner acceptable to the Lessor or as may be otherwise required by the Lessor.

Sec. 26. HEIRS AND SUCCESSORS IN INTEREST. Each obligation hereunder shall extend to and be binding upon, and every benefit hereof shall inure to, the heirs, executors, administrators, successors, or assigns, of the respective parties hereto.

Sec. 27. UNLAWFUL INTEREST. No member of, or Delegate to Congress, or Resident Commissioner, after his election or appointment, either before or after he has qualified, and during his continuance in office, and no officer, agent, or employee of the Department shall be admitted to any share or part in this lease or derive any benefit that may arise therefrom; and the provisions of Section 3741 of the Revised Statutes (41 U.S.C. Sec. 22), as amended, and Sections 431, 432, and 433 of Title 18 of the United States Code, relating to contracts made or entered into, or accepted by or on behalf of the United States, form a part of this lease so far as the same may be applicable.

Sec. 28. EQUAL OPPORTUNITY CLAUSE. The Lessee agrees that, during the performance of this lease:

(1) The Lessee will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Lessee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Lessee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Lessor setting forth the provisions of this Equal Opportunity clause.

(2) The Lessee will, in all solicitations or advertisements for employees placed by or on behalf of the Lessee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The Lessee will send to each labor union or representative of workers with which Lessee has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Lessor, advising the labor union or workers' representative of the Lessee's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Lessee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Lessee will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the

Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Secretary of the Interior and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Lessee's noncompliance with the Equal Opportunity clause of this lease or with any of said rules, regulations, or orders, this lease may be canceled, terminated or suspended in whole or in part and the Lessee may be declared ineligible for further Federal Government contracts or leases in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Lessee will include the provisions of Paragraphs (1) through (7) of this Section (28) in every contract, subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each contractor, subcontractor, or subcontract, or purchase order as the Secretary may direct as a means of enforcing such provisions including sanctions for noncompliance; *provided, however*, that in the event the Lessee becomes involved in, or is threatened with, litigation with a contractor, subcontractor, or vendor as a result of such direction by the Secretary, the Lessee may request the Lessor to enter into such litigation to protect the interests of the Lessor.

Sec. 29. CERTIFICATION OF NONSEGREGATED FACILITIES. By entering into this lease, the Lessee certifies that Lessee does not and will not maintain or provide for Lessee's employees any segregated facilities at any of Lessee's establishments, and that Lessee does not and will not permit Lessee's employees to perform their services at any location, under Lessee's control, where segregated facilities are maintained. The Lessee agrees that a breach of this certification is a violation of the Equal Opportunity clause of this lease. As used in this certification, the term "segregated facilities" means, but is not limited to, any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. Lessee further agrees that (except where Lessee has obtained identical certifications from proposed contractors and subcontractors for specific time periods) Lessee will obtain identical certifications from proposed contractors and subcontractors prior to the award of contracts or subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that Lessee will retain such certifications in Lessee's files; and that Lessee will forward the following notice to such proposed contractors and subcontractors (except where the proposed contractor or subcontractor has submitted identical certifications for specific time periods): Lessee will notify prospective contractors and subcontractors of requirement for certification of nonsegregated facilities. A Certification of Nonsegregated Facilities, as required by the May 9, 1967 Order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor, must be submitted prior to the award of a contract or subcontract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each contract and subcontract or for all contracts and subcontracts during a period (i.e., quarterly, semiannually, or annually).

Sec. 30. SPECIAL STIPULATIONS.

In witness whereof the parties have executed this lease.

THE UNITED STATES OF AMERICA

(Signature of Lessee)	By (Authorized Officer)
(Signature of Lessee)	(Title)
(Date)	(Date)

The following special stipulations apply to lands situated in the Geysers KGRA:

SPECIAL STIPULATIONS AND CONDITIONS

GEYSERS KGRA

The Lessee shall contact the Supervisor prior to the development of a plan of operation to be apprised of practices which shall be followed or avoided in field development, including but not limited to road standards, road crossings, gates, cattleguards, fencing, erosion controls, and surface rehabilitation.

The Lessee shall comply with the following special conditions and stipulations unless they are modified by the Lessee, the Supervisor, and the authorized officer:

1. Upon notification by the authorized officer that archeological values exist or are believed to exist in the leased lands, the Lessee will engage a qualified archeologist, acceptable to the BLM, to survey and salvage items of archeological value in advance of any surface disturbance. The responsibility and cost of this survey and salvage will be that of the Lessee.

2. The Lessee shall participate in earthquake and land subsidence prevention and detection programs applicable to the leased area where determined to be necessary.

3. Mud pits and sumps containing any additives toxic to wildlife will be protected from entry by birds and other wildlife.

4. Noise levels shall at all times be kept to a minimum and will never exceed 65 decibels at a distance of 1,500 feet from its source.

5. No clearing of ground cover for power transmission lines, except for tower or pole pads, shall be allowed.

6. All power and transmission lines will be designed to minimize loss of raptors and other large birds by electrocution. Nonspecular conductors may be required.

7. The use of wide-tired or balloon-tired, vehicles and helicopters may be required in offroad areas where necessary, to protect the soil and other resources.

8. Disturbance of soils, within the leased lands which are susceptible to slides, slumps, excessive settlement, soil creep, and severe erosion shall be avoided wherever possible. If it is not possible for the Lessee to avoid these areas, the Lessee shall comply with special stabilization and prevention of soil movement practices required by the Supervisor.

All soil disturbances shall be stabilized by mulching and seeding.

a. No vegetation or soil shall be disturbed within 300 feet (horizontal measurement) of Bear Canyon Creek, Dry Creek, Gunning Creek, Anderson Creek, Big Sulphur Creek, Little Sulphur Creek, Hot Springs Creek, Squaw Creek, Hummingbird Creek, Cobb Creek, or Ana Belcher Creek except at approved crossings and other areas approved by the Supervisor.

b. No vegetation or soil shall be disturbed within 700 feet (horizontal measurement) of Kelsey Creek, High Valley Creek, Sweetwater Creek, and Adobe Creek except at approved crossings and other areas approved by the Supervisor.

The following special stipulations apply to the lands situated in Mono-Long Valley KGRA:

SPECIAL STIPULATIONS AND CONDITIONS

MONO-LONG VALLEY KGRA

The Lessee shall contact the Supervisor prior to the development of a plan of operation to be apprised of practices which shall be followed or avoided in field development, including but not limited to road standards, road crossings, gates, cattleguards, fencing, erosion control and surface rehabilitation.

The Lessee shall comply with the following special conditions and stipulations, unless they are modified by the Lessee, the Supervisor, and the authorized officer:

1. Upon notification by the authorized officer that archeological values exist or are believed to exist in the leased lands, the Lessee will engage a qualified archeologist, acceptable to the BLM, to survey and salvage items of archeological value in advance of any surface disturbance. The responsibility and cost of this survey and salvage will be that of the Lessee.

2. The Lessee shall participate in earthquake and land subsidence prevention and detection programs applicable to the leased area where determined to be necessary by the Supervisor.

3. Mud pits and sumps containing any additives toxic to wildlife will be protected from entry by birds and other wildlife.

4. Noise levels shall at all times be kept to a minimum and will never exceed 65 decibels at a distance of 1,500 feet from its source.

5. No clearing of ground cover for power transmission lines, except for tower or pole pads, shall be allowed.

6. All power and transmission lines will be designed to minimize loss of raptors and other large birds by electrocution. Nonspecular conductors may be required by the Supervisor for lines crossing Federal lands.

7. The use of wide-tired or balloon-tired vehicles and of helicopters may be required by the Lessor in offroad area where such use is necessary to protect the soil and resources.

8. Directional drilling for development operations shall be required where determined to be reasonable.

9. At any time where there is an actual or threatened temperature inversion or other weather phenomenon as determined by the Supervisor, he may take such actions as he deems necessary, including requiring that operations be stopped, to prevent the temporary concentration of toxic materials in the atmosphere in excess of the Federal or State air quality standards in existence at the time of the inversion.

10. The following described lands shall be subject to seasonal restrictions on exploration and development in order to protect existing wildlife resources and recreational uses:

Leasing Unit I: T3S R29E MDM

Sec. 17, SE¼ SW¼, SW¼ SE¼;
Sec. 18, S½ NW¼, W½ SE¼, SW¼;
Sec. 19, NW¼ NE¼, NW¼;
Sec. 20, W½ NE¼, E½ NW¼.

Leasing Unit II: T3S R29E MDM

Sec. 19, S½ SE¼, NE¼ SE¼;
Sec. 20, SW¼;
Sec. 29, S½ SW¼;
Sec. 30, NE¼ NE¼, SE¼ SE¼;
Sec. 31, NE¼, N½ SE¼;
Sec. 32, NW¼, N½ SW¼;

11. There will be no surface disturbance within 100 feet of either rim of Hot Creek Canyon, without prior approval of the lessor.

The following special stipulations apply to the lands situated in the East Mesa KGRA:

SPECIAL STIPULATIONS AND CONDITIONS

EAST MESA KGRA

The Lessee shall contact the Supervisor prior to the development of a plan of operation to be approved of practices which shall be followed or avoided in field development, including but not limited to road standards, road crossings, gates, cattleguards, fencing, erosion control, and surface rehabilitation.

The Lessee shall comply with the following special conditions and stipulations unless they are modified by the Lessee, the Supervisor, and the authorized officer:

1. Upon notification by the authorized officer that archeological values exist or are believed to exist in the leased lands, the Lessee will engage a qualified archeologist, acceptable to the BLM, to survey and salvage items of archeological value in advance of any surface disturbance. The responsibility and cost of this survey and salvage will be that of the Lessee.

2. The Lessee shall participate in earthquake and land subsidence prevention and detection programs applicable to the leased area unless determined by the Supervisor to be unnecessary.

3. Mud pits and sumps containing any additives toxic to wildlife will be protected from entry by birds and other wildlife.

4. Noise levels shall at all times be kept to a minimum and shall never exceed 65 decibels at a distance of 1,500 feet from its source.

5. No clearing of ground cover for power transmission lines, except for tower or pole pads, shall be allowed.

6. All power and transmission lines will be designed to minimize loss of raptors and other large birds by electrocution. Nonspecular conductors may be required by the Supervisor for lines crossing Federal lands.

7. Directional drilling for development operations shall be required where determined to be reasonable.

8. The use of wide-tired, or balloon-tired, vehicles and helicopters may be required by the Supervisor in offroad areas where necessary to protect the soil and other resources.

9. No well sites shall be located within ¼ mile of the center line of the All American and East Highline Canals and Interstate Highway 8.

10. The Lessor reserves the ownership of brines and condensates and the right to receive or take possession of all or any part thereof following the extraction or utilization by Lessee of the heat energy associated therewith subject to such rules and regulations as shall be prescribed by the Secretary of the Interior. If the Lessor elects to take the brines and condensates, the Lessee shall deliver all or any portion thereof to the Lessor at any point in the Lessee's geothermal gathering system after separation of the steam and brine products or from the disposal system as specified by the Lessor for the extraction of said brines and condensates by such means as the Lessor may provide and without cost to the Lessee. There is no obligation on the part of the Lessor to exercise its reserved rights. The Lessor shall not be liable in any manner if those rights are not exercised, and, in that event, the Lessee shall dispose of the brines and condensates in accordance with applicable laws, rules, and regulations.

11. The Lessor reserves the right to conduct on the leased lands, testing and evaluation of geothermal resources which the Lessor determines are required for its desalinazation research programs for utilization of geothermal fluids. These programs may include underground explorations, if they are conducted in a manner compatible with lease operations and the production by Lessee of geothermal steam and associated geothermal resources. Lessor reserves the right to erect, maintain, and opeate any and all facilities, pipelines, transmission lines, access roads, and appurtenances necessary for desalinization research on the leased premises. Any geophysical data collected by either the Bureau of Reclamation or the Lessee will be made available upon request to the other party. Any brines and condensates removed by the Lessor shall be replaced without cost to the Lessee with fluids as compatible with reservoir fluids as the brines or condensates that the Lessor removed and where the Lessor and Lessee determine they are needed by the Lessee for his operations or for reinjection into the geothermal anomalies. Any desalting plants, piping, wells, or other equipment installed by the Lessor on the leased premises shall remain the property of the Lessor; and the Lessee shall conduct his operations in a manner compatible with the operation and maintenance of any desalting plants, piping, wells, or other equipment installed by the Lessor.

12. The Lessor and the Lessee, if authorized by law, may enter into cooperative agreements for joint development and production of geothermal resources from the leased premises consistent with applicable laws and regulations.

13. (To be included on lease blocks #1, #2, #3, and #4 on the East Mesa KGRA):

The Lessee shall not interfere with the Lessor's installations on this lease or operations being conducted by the Lessor. No well shall be drilled within 750' of well sites drilled by the Lessor without its approval. The Lessor reserves the right to conduct further power generation research, using steam or brine, not in excess of 10 megawatts capacity on the East Mesa KGRA, and related mineral separation research as desired by the Lessor to complete the Lessor's total research program.

The following bid form BLM–3200–4 (December 1973) is to be used in submitting bids for the subject lease sales. The bid form may be obtained from the Bureau of Land Management or the form may be copied for use in submitting bids.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

COMPETITIVE GEOTHERMAL RESOURCES LEASE BID

FORM APPROVED
OMB NO. 42–R1642

Known Geothermal Resources Area

State | Date of Sale

The following bid is submitted for competitive geothermal resources lease on the lands identified below:

PARCEL NUMBER OR LAND DESCRIPTION	AMOUNT OF BID		
	TOTAL	PER ACRE	DEPOSIT SUBMITTED WITH BID

1. Are you a citizen of the United States? ☐ Yes ☐ No

2. If a corporation or other legal entity, specify kind

3. Are you the sole party in interest in this lease? ☐ Yes ☐ No

I CERTIFY That I am qualified to hold any lease which may issue as a result of this sale under the Geothermal Steam Act of 1970 (84 Stat. 1566) and the regulations thereunder.

(Signature of Bidder)

(Address of Bidder)

(City, State, and zip code)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

(Instructions on reverse)

Form 3200–4 (December 1973)

INSTRUCTIONS

1. Separate bid for *each* parcel is required. If no parcel number has been assigned to tract, then land description or identification should be furnished.

2. Bid *must* be accompanied by one-half of total amount of bid. The amount should be cash or money order, certified or cashier's check, or bank draft which *must* be made payable to the *Bureau of Land Management*.

3. Identify envelope *Bid for Geothermal Resources Lease* in (*name of KGRA*). Be sure correct parcel number of tract on which bid is submitted and date of bid opening are noted plainly on envelope. No bid may be modified or withdrawn unless such modification or withdrawal is received prior to time fixed for opening of bids.

4. Mail or deliver bid to office and place indicated in *Notice of Sale*.

5. If bid is submitted by an agent or attorney-in-fact, association (including a partnership), corporation, guardian, or a trustee the showing required by 43 CFR 3202.2 should accompany bid, *except* that if the required information has previously been filed, a reference by serial number to the record in which it was filed, together with a statement as to any amendments, will be sufficient.

6. If bidder is *not* the sole party in interest in the lease for which bid is submitted, full disclosure of interests of all other parties *must* be made as required by 43 CFR 3202.2–5, accompanied by a separate showing of qualifications of such parties to hold the lease interest.

The following application to lease geothermal resources (Form 3200–1, December 1973) may be copied or obtained from the Bureau of Land Management to apply for non-competitive leases as of January 1, 1974.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 42-R1685

Serial Number

APPLICATION TO LEASE GEOTHERMAL RESOURCES
(Sec. 4 Noncompetitive Lease)

The undersigned hereby makes application to lease all or any of the lands described herein that are available for lease pursuant and subject to the terms and provisions of the Act of December 24, 1970 (84 Stat. 1566, 30 U.S.C. Sec. 1001), or any amendments hereafter enacted, hereinafter referred to as the Act, and to all applicable regulations now or hereafter in force when not inconsistent with any express and specific provisions herein, which are made a part hereof.

1. Name (*Last, First, Middle initial, print or type*)	*Address (include zip code)*
Social Security or Taxpayer Number	

2. Legal description

State	County
NATIONAL RESOURCE LANDS	ACQUIRED LANDS
Total area Acres	Total area Acres

	YES	NO
3. Service charge enclosed		
4. Rental enclosed		
5. Compliance bond enclosed		
6. Are you the sole party in interest?		
7. Are you a citizen of the United States?		
8. Have you reached the age of majority?		
9. Is application made for a corporation or other legal entity?		
10. Has a statement of qualifications been filed?		

I CERTIFY That my interests, direct or indirect, in geothermal resources leases in the above State do not exceed 20,480 acres. That the statements made herein are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

(Signature of Applicant) (Signature of Applicant)

(Date) (Attorney-in-Fact)

Title 18 U.S.C. Section 1001 makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

(*Instructions on reverse*) Form 3200-1 (December 1973)

GENERAL INSTRUCTIONS

Submit copies of application typewritten or printed plainly, and signed in ink. Application *must* be filed in the proper BLM Office for the State in which the lands are located, in *duplicate* for national resource lands and in *triplicate* where acquired lands are involved. Applications for lands in the following States which have no proper BLM Office should be filed in the office indicated below.

North Dakota, South Dakota
State Office, BLM
Billings, Montana 59101

Kansas, Nebraska
State Office, BLM
Cheyenne, Wyoming 82001

Oklahoma
State Office, BLM
Santa Fe, New Mexico 87501

Eastern States
Eastern States Office, BLM
7981 Eastern Avenue
Silver Spring, Maryland 20910

If additional space is needed in furnishing any of the required information, it should be prepared on additional sheets, initialed, and attached to your application.

Item 1—Give last name, first name, middle initial, and Social Security or Taxpayer Number. Give street and number (P.O. Box), City, State, and Zip Code.

Item 2—Land Description—Give complete and accurate description of lands for which lease is desired. If lands have been surveyed under the public land rectangular system, each application *must* describe lands by legal subdivision, section, township, and range. When protracted surveys have been approved and effective date thereof published in the FEDERAL REGISTER, all applications to lease lands shown on such protracted surveys, filed on or after such effective date, *must* describe lands only according to section, township, and range shown on approved protracted surveys. If lands have neither been surveyed on the ground nor shown on records as protracted surveys, each application *must* describe lands by metes and bounds, giving courses and distances between successive angle points on the boundary of tract, in cardinal directions except where boundaries of lands are in irregular form, and connected by courses and distances to an official corner of the public land surveys. In Alaska, descriptions of unsurveyed lands *must* be connected by courses and distances to either an official corner of the public land surveys or to a triangulation station established by any agency of the United States (*such as the United States Geological Survey, the Coast and Geodetic Survey, or the International Boundary Commission*), if the record position thereof is available to the general public. For description of unsurveyed public lands adjacent to tidal waters in Louisiana and Alaska, see 43 CFR 3203.4(d).

Total area of land requested should be shown, in acres, in space provided. That area, except where the rule of approximation applies, must not exceed 2560 acres. All of the land applied for must be within a six (6) mile square or an area of six (6) surveyed or protracted sections in length or width. In instances where the United States does not own a 100 percent interest in the mineral deposits in any particular tract, the offeror should indicate the percentage of Government ownership.

Item 3—Service Charge—Nonrefundable service charge of fifty dollars ($50) must accompany application.

Item 4—Rental—Advance rental at rate of not less than one dollar ($1) per acre, or fraction thereof, must be submitted at time of filing application.

Item 5—Bonding—A single copy of the bonds on forms approved by the Director *must* be filed in the proper BLM Office. Bonds may be filed with application or *must* be filed within thirty (30) days after receipt of notice from Authorized Officer.

Item 6—Party in Interest—Indicate whether sole party in interest or not. If not, submit, at the time application is filed, a signed statement setting forth names of other interested parties and the nature of the agreement between them. All interested parties *must* furnish evidence of their qualifications to hold an interest in the lease when application is filed.

Item 8—Age of Majority—Indicate whether or not the age of majority. If application is made by a guardian or trustee for a person who has not reached the age of majority, the application *must* be accompanied by evidence required by Section 3202.2-2 of the Regulations.

Item 9—Application by Corporation or Association—If the applicant is a corporation, or an association, it must submit a statement containing the following information: (1) State in which it is incorporated or formed; (2) that it is authorized to hold geothermal leases; (3) that the officer executing this application is authorized to act on behalf of corporation or association in such matters; and, (4) the percentage of voting stock and all stock owned by aliens or for those having addresses outside the United States. If 10 percent or more of the stock of any class is owned or controlled by, or on behalf of, any one stockholder, a separate showing as to his name, citizenship, and holdings *must* be furnished.

Item 10—Statement of Qualifications Filed—If qualification statement has been previously filed indicate and identify by serial number the record in which such statements were filed together with a statement as to any amendments thereof.

Submit application in a sealed envelope. Envelope *must* be plainly identified that it is an application for a lease pursuant to 43 CFR 3210. (*Items not listed are self-explanatory.*)

Dated: December 19, 1973.

W. W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.73-27053 Filed 12-27-73;8:45 am]

GEOTHERMAL RESOURCES

Amendment of Notice of Proposed Withdrawal and Reservation of Lands

1. The notice of proposed withdrawal and reservation of lands for the protection of geothermal resources, published in the FEDERAL REGISTER issue of March 24, 1967 (32 FR 4506–4507), amended by a revised notice appearing in the issue of April 12, 1967 (32 FR 5860), is hereby further amended to remove the segregative effect of the proposed withdrawal and reservation as far as is necessary to permit the Secretary of the Interior to issue geothermal resources leases under the Geothermal Steam Act of 1970 (84 Stat. 1566; 30 U.S.C. Ch. 23). Therefore, pursuant to the regulations contained in 43 CFR 2091.2–5(b), at 10 a.m. on January 1, 1974, the following described lands will be relieved of the segregative effect of said notice of proposed withdrawal with respect to leasing under the provisions of the Geothermal Steam Act of 1970:

CALIFORNIA

MOUNT DIABLO MERIDIAN

Calistoga Geothermal Area

T. 8 N., R. 6 W.,
Secs. 5 and 6.
T. 9 N., R. 6 W.,
Secs. 31 and 32.
T. 8 N., R. 7 W.,
Sec. 1.
T. 9 N., R. 7 W.,
Secs. 25 and 36.

Lake City Geothermal Area

T. 43 N., R. 15 E.,
Secs. 1 and 12.
T. 44 N., R. 15 E.,
Secs. 11 thru 14, 23 thru 26, 35 and 36.
T. 43 N., R. 16 E.,
Secs. 1 thru 24.
T. 44 N., R. 16 E.,
Secs. 7, 8, 15 thru 22, 26 thru 35.
T. 43 N., R. 17 E.,
Secs. 7 and 18.

Lassen Geothermal Area

T. 29 N., R. 4 E.,
Secs. 1 thru 36.
T. 30 N., R. 4 E.,
Secs. 31 thru 36.
T. 29 N., R. 5 E.,
Secs. 1 thru 36.
T. 30 N., R. 5 E.,
Secs. 31 and 32.
T. 29 N., R. 6 E.,
Secs. 1 thru 36.
T. 30 N., R. 6 E.,
Secs. 29 thru 36.

Mono-Long Valley Geothermal Area

T. 1 N., R. 26 E.,
Secs. 1 thru 18, 20 thru 29, 32 thru 36.
T. 2 N., R. 26 E.,
Secs. 1 thru 4, 8 thru 36.
T. 3 N., R. 26 E.,
Secs. 25, 35, 36.
T. 1 N., R. 27 E.,
Secs. 1 thru 36.
T. 2 N., R. 27 E.,
Secs. 1 thru 36.
T. 3 N., R. 27 E.,
Secs. 13 thru 15, 19 thru 36.
T. 1 N., R. 28 E.,
Secs. 1 thru 36.
T. 2 N., R. 28 E.,
Secs. 3 thru 10, 14 thru 36.
T. 3 N., R. 28 E.,
Secs. 19, 29 thru 33.
T. 1 N., R. 29 E.,
Secs. 6, 7, 17 thru 20, 29 thru 33.
T. 2 N., R. 29 E.,
Sec. 31.
T. 1 S., R. 26 E.,
Secs. 1 thru 5, 8 thru 16, 21 thru 28, 33 thru 36.
T. 2 S., R. 26 E.,
Secs. 1 thru 4, 9 thru 16, 22 thru 27, 34 thru 36.
T. 3 S., R. 26 E.,
Secs. 1 thru 3, 10 thru 15, 23 thru 26, 35 and 36.
T. 4 S., R. 26 E.,
Secs. 1 and 12.
T. 1 S., R. 27 E.,
Secs. 1 thru 36.
T. 2 S., R. 27 E.,
Secs. 1 thru 36.
T. 3 S., R. 27 E.,
Secs. 1 thru 36.
T. 4 S., R. 27 E.,
Secs. 1 thru 29.
T. 1 S., R. 28 E.,
Secs. 1 thru 36.
T. 2 S., R. 28 E.,
Secs. 1 thru 36.
T. 3 S., R. 28 E.,
Secs. 1 thru 36.
T. 4 S., R. 28 E.,
Secs. 1 thru 36.
T. 1 S., R. 29 E.,
Secs. 4 thru 9, 15 thru 22, 26 thru 35.
T. 2 S., R. 29 E.,
Secs. 1 thru 36.
T. 3 S., R. 29 E.,
Secs. 1 thru 36.
T. 4 S., R. 29 E.,
Secs. 1 thru 34.
T. 2 S., R. 30 E.,
Secs. 18, 19, 30 thru 32.
T. 3 S., R. 30 E.,
Secs. 5 thru 9, 16 thru 21, 28 thru 33.
T. 4 S., R. 30 E.,
Secs. 5 thru 8, 17 thru 19.

SAN BERNARDINO MERIDIAN

Salton Sea Geothermal Area

T. 10 S., R. 12 E.,
Secs. 13 thru 16, 21 thru 28, 33 thru 36.
T. 11 S., R. 12 E.,
Secs. 1 thru 3, 10 thru 14, 23 thru 25, 36.
T. 10 S., R. 13 E.,
Secs. 13 thru 36.
T. 11 S., R. 13 E.,
Secs. 1 thru 36.
T. 12 S., R. 13 E.,
Secs. 1 thru 12.
T. 11 S., R. 14 E.,
Secs. 7, 18, 19, 29 thru 32.
T. 12 S., R. 14 E.,
Secs. 5 thru 8, 17, 18.

MOUNT DIABLO MERIDIAN

Geysers-Sulphur Bank Geothermal Area

T. 11 N., R. 7 W.,
Secs. 5 thru 7, 18.
T. 12 N., R. 7 W.,
Secs. 1 thru 11, 14 thru 23, 27 thru 33.
T. 13 N., R. 7 W.,
Secs. 4 thru 10, 15 thru 23, 26 thru 36.
T. 14 N., R. 7 W.,
Secs. 31 and 32.
T. 11 N., R. 8 W.,
Secs. 1 thru 24, 26 thru 34.
T. 12 N., R. 8 W.,
Secs. 1 thru 36.
T. 13 N., R. 8 W.,
Secs. 1 thru 36.
T. 14 N., R. 8 W.,
Secs. 31 thru 36.
T. 11 N., R. 9 W.,
Secs. 1 thru 3, 10 thru 15, 23 thru 25.
T. 12 N., R. 9 W.,
Secs. 1 thru 4, 9 thru 16, 21 thru 28, 33 thru 36.
T. 13 N., R. 9 W.,
Secs. 1, 10 thru 15, 21 thru 28, 33 thru 36.

Wendel-Amedee Geothermal Area

T. 28 N., R. 15 E.,
Sec. 1.
T. 29 N., R. 15 E.,
Secs. 13, 14, 22 thru 27, 35 and 36.
T. 28 N., R. 16 E.,
Secs. 4 thru 9, 17 and 18.
T. 29 N., R. 16 E.,
Secs. 18 thru 20, 29 thru 33.
Total acreage in California—838,400.

NEVADA

MOUNT DIABLO MERIDIAN

Steamboat Springs Geothermal Area

T. 17 N., R. 20 E.,
Secs. 4 and 5.
T. 18 N., R. 20 E.,
Secs. 20, 21, 27 thru 29, 32 thru 34.

Beowawe Geothermal Area

T. 31 N., R. 47 E.,
Secs. 13 and 24.
T. 31 N., R. 48 E.,
Secs. 1 thru 5, 7 thru 1[illegible], 15 thru 20.
T. 31 N., R. 49 E.,
Sec. 6.

Brady Springs Geothermal Area

T. 22 N., R. 26 E.,
Secs. 1 thru 4, 9 thru 16, 21 thru 27.
T. 23 N., R. 26 E.,
Secs. 34 thru 36.
T. 22 N., R. 27 E.,
Secs. 6 thru 8, 17 thru 19, 30.
T. 23 N., R. 27 E.,
Sec. 31.
Total acreage in Nevada—38,400.

IDAHO

BOISE MERIDIAN

Yellowstone Geothermal Area

T. 12 N., R. 45 E.,
Secs. 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34, 35.
T. 13 N., R. 45 E.,
Secs. 2, 3, 10, 11, 14, 15, 22, 23, 26, 27, 34, 35.
T. 14 N., R. 45 E.,
Sec. 34.
Total acreage in Idaho—16,000.

MONTANA

PRINCIPAL MERIDIAN

Yellowstone Geothermal Area

T. 14 S., R. 5 E.,
Secs. 3, 4, 9, 10, 15, 16, 21, 22 27 28, 33, 34.
T. 15 S., R. 5 E.,
Secs. 3, 4, 9, 10, 15, 16, 21, 22, 27, 28, 34.
T. 9 S., R. 8 E.,
Secs. 22, 23, 24.
T. 9 S., R. 9 E.,
Secs. 19, 20, 21.
Total acreage in Montana—17,920.

NEW MEXICO

PRINCIPAL MERIDIAN

Baca Location No. 1 Geothermal Area

T. 18 N., R. 3 E., N½.
T. 19 N., R. 3 E.
T. 20 N., R. 3 E.,
Secs. 4, 8, 9, 16, 17, 19 thru 21, 28 thru 33.
T. 18 N., R. 4 E.,
Secs. 2 thru 10, 17 and 18.
T. 21 N., R. 4 E.,
Secs. 25, 35, 36.
T. 21 N., R. 5 E.,
Secs. 29 thru 33.

All of the Baca Location No. 1 Land Grant lying in Tps. 19, 20, and 21 N., Rs. 3, 4, and 5 E., New Mexico Principal Meridian (unsurveyed).

All of the Canyon De San Diego Land Grant lying in T. 19° N., R. 3 E., New Mexico Principal Meridian.

Total acreage in New Mexico—140,180.

2. This notice does not affect any lands which may have been withdrawn under authority of Executive Order No. 5389 of July 7, 1930, as amended by Public Land Order No. 399 of August 20, 1947, published in the FEDERAL REGISTER of August 28, 1947 (12 FR 5780–1).

3. The foregoing lands will continue to remain segregated from all other forms of appropriation under the public land laws, including, without limitation, the mining laws and the remainder of the mineral leasing laws.

GEORGE L. TURCOTT,
Associate Director.

DECEMBER 19, 1973.

[FR Doc.73-27064 Filed 12-27-73;8:45 am]

BURLEY DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Advisory Board for Burley Grazing District No. 2 will meet at 9:30 a.m., on January 18, 1974, in the Conference Room of the Burley District Office Building, 200 South Oakley Highway, Burley, Idaho. The agenda for the January 18th meeting includes considering and recommending action upon the following matters: (1) Protests on grazing applications; (2) Proposed range development projects for Fiscal Year 1975 and cooperative agreements; (3) Proposed rule making on minimum branding and marking requirements for livestock; (4) Pocatello Management Framework Plan. Other topics for discussion include five-year goals for program activities—Idaho, program for Youth Conservation Camp, procedures for distribution and expenditure of Advisory Board funds.

The meeting will be open to the public; seating will be available for about 8 observers. Written and oral statements are welcome. Written statements should be addressed to the Advisory Board Chairman, Mr. Milton T. Jones, c/o District Manager, Bureau of Land Management, P.O. Box 489, Burley, Idaho 83318.

NICK JAMES COZAKOS,
District Manager.

[FR Doc.73-27204 Filed 12-27-73;8:45 am]

Office of the Secretary

PROPOSED NATIONAL PARKS, WILDLIFE REFUGES, FORESTS, AND WILD AND SCENIC RIVERS IN ALASKA

Notice of Availability of Draft Environmental Statements

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared draft environmental statements for the following proposed National Parks, Wildlife Refuges, Forests, and Wild and Scenic Rivers in Alaska. The proposals are made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statements consider the legislative establishment of the National Parks, Wildlife Refuges, Forests, and Wild and Scenic Rivers and their management by the agencies indicated below.

SUBMISSION OF COMMENTS

Written comments on the environmental statements are invited and will be accepted no later than March 20, 1974. In order that all comments being sent from the State of Alaska are received within the stated time period, the use of airmail is urged. Comments should be addressed to:

Theodor R. Swem, Chairman
Alaska Planning Group
United States Department of the Interior
Washington, D.C. 20240

CAPE KRUSENSTERN NATIONAL MONUMENT

[DES 73-87]

Proposal recommends that: Approximately 350,000 acres of public lands and waters in northwest Alaska be legislatively established by Congress as the Cape Krusenstern National Monument.

Management by: National Park Service.

MOUNT MCKINLEY NATIONAL PARK

[DES 73-83]

Proposal recommends that: Approximately 3.2 million acres of public lands and waters adjacent to the existing Mount McKinley National Park in central Alaska be designated by Congress as the Mount McKinley National Park.

Management by: National Park Service.

HARDING ICEFIELD-KENAI FJORDS NATIONAL MONUMENT

[DES 73-86]

Proposal recommends that: Approximately 300,000 acres of public lands and waters on the south coast of the Kenai Peninsula in Alaska be established legislatively by Congress as the Harding Icefield-Kenai Fjords National Monument and further, that legislative recognition be given an Area of Ecological Concern of 460,000 acres associated with the proposed monument.

Management by: National Park Service.

KATMAI NATIONAL PARK

[DES 73-84]

Proposal recommends that: Approximately 1.9 million acres of public lands and waters in southwest Alaska be designated by Congress as the Katmai National Park.

Management by: National Park Service.

GATES OF THE ARCTIC NATIONAL PARK

[DES 73-91]

Proposal recommends that: Approximately 8.4 million acres of public lands and waters in north-central Alaska be designated by Congress as the Gates of the Arctic National Park and the Noatak, Alatna, Tinayguk, Killik (including Easter Creek), and the North Fork of the Koyukuk Rivers be designated as Wild Rivers in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: National Park Service.

CHUKCHI-IMURUK NATIONAL RESERVE

[DES 73-93]

Proposal recommends that: Approximately 2.7 million acres of public lands and waters on the Seward Peninsula of Alaska be designated by Congress as the Chukchi-Imuruk National Reserve.

Management by: National Park Service and the Bureau of Sport Fisheries and Wildlife.

YUKON-CHARLEY NATIONAL RIVERS

[DES 73-92]

Proposal recommends that: Approximately 2.0 million acres of public lands and waters along the upper Yukon River be designated by Congress as Yukon-Charley National Rivers.

Management by: National Park Service.

LAKE CLARK NATIONAL PARK

[DES 73-89]

Proposal recommends that: Approximately 2.6 million acres of public lands and waters north of Cook Inlet, Alaska, be designated by Congress as the Lake Clark National Park.

Management by: National Park Service.

WRANGELL-ST. ELIAS NATIONAL PARK

[DES 73-90]

Proposal recommends that: Approximately 8.6 million acres of public lands and waters in southeast Alaska be designated by Congress as the Wrangell-St. Elias National Park.

Management by: National Park Service.

YUKON DELTA NATIONAL WILDLIFE REFUGE

[DES 73-101]

Proposal recommends that: Approximately 5.2 million acres of public lands and waters adjacent to the Clarence Rhode National Wildlife Refuge, Alaska, be designated by Congress as the Yukon Delta National Wildlife Refuge.

Management by: Bureau of Sport Fisheries and Wildlife.

ARCTIC NATIONAL WILDLIFE REFUGE

[DES 73-95]

Proposal recommends that: Approximately 3.8 million acres of public lands and waters in northeast Alaska be designated by Congress as the Arctic National Wildlife Refuge and that portions of the Ivishak and Wind Rivers be designated as Wild Rivers in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Bureau of Sport Fisheries and Wildlife.

KOYUKUK NATIONAL WILDLIFE REFUGE

[DES 73-97]

Proposal recommends that: Approximately 4.4 million acres of public lands and waters in west-central Alaska be

designated by Congress as the Koyukuk National Wildlife Refuge.

Management by: Bureau of Sport Fisheries and Wildlife.

TOGIAK NATIONAL WILDLIFE REFUGE

[DES 73-100]

Proposal recommends that: Approximately 2.7 million acres of public lands and waters north of Bristol Bay, Alaska, be established by Congress as the Togiak National Wildlife Refuge and that approximately 60 miles of the Kanektok River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Bureau of Sport Fisheries and Wildlife.

YUKON FLATS NATIONAL WILDLIFE REFUGE

[DES 73-102]

Proposal recommends that: Approximately 3.6 million acres of public lands and waters in northeast Alaska be designated by Congress as the Yukon Flats National Wildlife Refuge.

Management by: Bureau of Sport Fisheries and Wildlife.

ILIAMNA NATIONAL RESOURCE RANGE

[DES 73-96]

Proposal recommends that: Approximately 2.9 million acres of public lands and waters west of Cook Inlet, Alaska, be designated by Congress as the Iliamna National Resource Range and that a 47-mile segment of the Alagnak River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Bureau of Land Management and the Bureau of Sport Fisheries and Wildlife.

NOATAK NATIONAL ARCTIC RANGE

[DES 73-98]

Proposal recommends that: Approximately 7.6 million acres of public lands and waters in northwest Alaska be designated by Congress as the Noatak National Arctic Range; that the arctic range be included in the National Wildlife Refuge System and be managed by the Bureau of Land Management under a 20-year development moratorium; that approximately 265 miles of the Noatak River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Bureau of Sport Fisheries and Wildlife and Bureau of Land Management.

FORTYMILE NATIONAL WILD RIVER

[DES 73-109]

Proposal recommends that: 375 miles of the Fortymile River system and 320,000 acres of adjacent public lands and waters in east-central Alaska be designated by Congress as the Fortymile National Wild River.

Management by: Bureau of Land Management.

UNALAKLEET NATIONAL WILD RIVER

[DES 73-110]

Proposal recommends that: A 60-mile segment of the Unalakleet River and 100,000 acres of adjacent public lands and waters east of Norton Sound, Alaska, be designated by Congress as the Unalakleet National Wild River.

Management by: Bureau of Land Management.

PORCUPINE NATIONAL FOREST

[DES 73-103]

Proposal recommends that: Approximately 5.5 million acres of public lands and waters in northeast Alaska be designated by Congress as the Porcupine National Forest and that 114 miles of the Porcupine River and 102 miles of the Sheenjek River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Forest Service, Department of Agriculture.

YUKON-KUSKOKWIM NATIONAL FOREST

[DES 73-105]

Proposal recommends that: Approximately 7.3 million acres of public lands and waters in Interior Alaska be designated by Congress as the Yukon-Kuskokwim National Forest and that 202 miles of the Nowitna River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Forest Service, Department of Agriculture.

WRANGELL MOUNTAINS NATIONAL FOREST

[DES 73-104]

Proposal recommends that: Approximately 5.5 million acres of public lands and waters in southeast Alaska be designated by Congress as the Wrangell Mountains National Forest and that 90 miles of the Bremner River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Forest Service, Department of Agriculture.

A limited number of single copies of the draft environmental statements are available from the managing agencies at the following locations:

Theodor R. Swem, Chairman
Alaska Planning Group
United States Department of the Interior
Washington, D.C. 20240

Statements available: All Proposals

United States Department of the Interior
Bureau of Sport Fisheries and Wildlife
813 D Street
Anchorage, Alaska 99501

Statements available: National Refuges and Ranges

United States Department of Agriculture
U.S. Forest Service
Federal Office Building
P.O. Box 1628
Juneau, Alaska 99801

Statements available: National Forests

United States Department of the Interior
Bureau of Outdoor Recreation
524 W. Sixth Avenue
Anchorage, Alaska 99501

Statements available: National Wild Rivers

United States Department of the Interior
Bureau of Land Management
555 Cordova Street
Anchorage, Alaska 99501

Statements available: National Ranges and Wild Rivers

United States Department of the Interior
National Park Service
334 West 5th Avenue
Suite 250
Anchorage, Alaska 99501

Statements available: National Parks, Monuments, and the National Rivers

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Portland, Oregon 97208

Bureau of Sport Fisheries and Wildlife
500 Gold Avenue, SW
Room 9018
P.O. Box 1306
Albuquerque, New Mexico 87103

Bureau of Sport Fisheries and Wildlife
Federal Building—Fort Snelling
Room 630
Twin Cities, Minnesota 55111

Bureau of Sport Fisheries and Wildlife
17 Executive Park Drive, NE
Room 411
Atlanta, Georgia 30329

Bureau of Sport Fisheries and Wildlife
John W. McCormack, P. O. and Courthouse
Boston, Massachusetts 02109

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and "C" Streets, NW
Washington, D.C. 20240

State Supervisor
Bureau of Sport Fisheries and Wildlife
2800 Cottage Way
Sacramento, California 95825

State Supervisor
Bureau of Sport Fisheries and Wildlife
300 Booth Street
Reno, Nevada 89502

State Supervisor
Bureau of Sport Fisheries and Wildlife
506 W. Valley Mall Blvd.
Union Gap, Washington 98903

State Supervisor
Bureau of Sport Fisheries and Wildlife
P.O. Box 9037, Guilbeau Station
San Antonio, Texas 78204

State Supervisor
Bureau of Sport Fisheries and Wildlife
P.O. Drawer FW
Mississippi State, Miss. 39762

State Supervisor
Bureau of Sport Fisheries and Wildlife
P.O. Box 25878
Raleigh, North Carolina 27611

State Supervisor
Bureau of Sport Fisheries and Wildlife
School of Forestry
University of Georgia
Athens, Georgia 30601

State Supervisor
Bureau of Sport Fisheries and Wildlife
550 West Fort (Box 025)
Boise, Idaho 83724

State Supervisor
Bureau of Sport Fisheries and Wildlife
2721 N. Central Avenue (Suite 704)
Phoenix, Arizona 85004

State Supervisor
Bureau of Sport Fisheries and Wildlife
Room 238 Old Post Office
Oklahoma City, Oklahoma 73102

State Supervisor
Bureau of Sport Fisheries and Wildlife
Agricultural Adm. Bldg.
Purdue University
West Lafayette, Indiana 47907

State Supervisor
Bureau of Sport Fisheries and Wildlife
321 Old Post Office Bldg.
3rd and State Streets
Columbus, Ohio 43215

State Supervisor
Bureau of Sport Fisheries and Wildlife
315 Post Office Bldg.
600 West Capitol Street
Little Rock, Arkansas 72201

State Supervisor
Bureau of Sport Fisheries and Wildlife
4131 N.W. 13th Street
Gainesville, Florida 32601

State Supervisor
Bureau of Sport Fisheries and Wildlife
1720 West End Avenue
Nashville, Tennessee 37203

State Supervisor
Bureau of Sport Fisheries and Wildlife
271–273 Agricultural Center
Lousiana State University
Baton Rouge, Louisiana 70803

State Supervisor
Bureau of Sport Fisheries and Wildlife
Room 212, Federal Bldg.
Augusta, Maine 04330

State Supervisor
Bureau of Sport Fisheries and Wildlife
1825–B Virginia Street
Annapolis, Maryland 21401

State Supervisor
Bureau of Sport Fisheries and Wildlife
451 Russell Street
Hadley, Massachusetts 01035

State Supervisor
Bureau of Sport Fisheries and Wildlife
55 Pleasant Street
Concord, New Hampshire 03301

State Supervisor
Bureau of Sport Fisheries and Wildlife
U.S. Post Office & Courthouse (Rm. 510)
Trenton, New Jersey 08607

State Supervisor
Bureau of Sport Fisheries and Wildlife
P.O. Box 150
Albany, New York 12201

State Supervisor
Bureau of Sport Fisheries and Wildlife
111 Ferguson Bldg.
University Park, Penna. 16802

State Supervisor
Bureau of Sport Fisheries and Wildlife
108 Washington Street, S.E.
Blacksburg, Virginia 24060

State Supervisor
Bureau of Sport Fisheries and Wildlife
P.O. Box 346
Elkins, West Virginia 26241

State Supervisor
Bureau of Sport Fisheries and Wildlife
Fed. Building & U.S. Courthouse
111 S. Wolcott
Casper, Wyoming 82601

State Supervisor—Animal Control
Bureau of Sport Fisheries and Wildlife
246 Federal Building
Lincoln, Nebraska 68508

United States Department of the Interior
Bureau of Sport Fisheries and Wildlife
439 Federal Building
P.O. Box 250
Pierre, South Dakota 57501

United States Department of the Interior
Bureau of Sport Fisheries and Wildlife
Federal Building
Room 1748
601 E. 12th Street
Kansas City, Kansas 64106

United States Department of the Interior
Bureau of Sport Fisheries and Wildlife
Federal Building
Room 316
P.O. Box 1897
Bismarck, North Dakota 58501

United States Department of the Interior
Bureau of Sport Fisheries and Wildlife
711 Central Avenue
Billings, Montana 59102

United States Department of the Interior
Bureau of Sport Fisheries and Wildlife
Federal Building
Room 2215
125 S. State Street
Salt Lake City, Utah 84111

Copies of the National Parks, Monuments, and Rivers draft statements are available for inspection at the following locations:

United States Department of the Interior
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

United States Department of the Interior
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106

United States Department of the Interior
National Park Service
523 Fourth and Pike Building
Seattle, Washington 98101

United States Department of the Interior
National Park Service
Old Santa Fe Trail
P.O. Box 728
Santa Fe, New Mexico 87501

United States Department of the Interior
National Park Service
450 Golden Gate Avenue, Box 36063
San Francisco, California 94102

Copies of the National Ranges and Wild Rivers draft statements are available for inspection at the following locations:

United States Department of the Interior
Bureau of Land Management
1600 Broadway
Room 700
Denver, Colorado 80202

United States Department of the Interior
Bureau of Land Management
Federal Building, 300 Booth St.
Reno, Nevada 89502

United States Department of the Interior
Bureau of Land Management
Federal Building
125 South State Street
Salt Lake City, Utah 84111

United States Department of the Interior
Bureau of Land Management
Federal Bldg., Room 3022
Phoenix, Arizona 85025

United States Department of the Interior
Bureau of Land Management
Federal Bldg., Room 398
550 W. Fort St.
Boise, Idaho 83702

United States Department of the Interior
Bureau of Land Management
Federal Building
P.O. Box 1449
Santa Fe, New Mexico 87501

United States Department of the Interior
Bureau of Land Management
2120 Capitol Avenue
P.O. Box 1828
Cheyenne, Wyoming 82001

United States Department of the Interior
Bureau of Land Management
2800 Cottage Way
Room E–2841
Sacramento, California 95825

United States Department of the Interior
Bureau of Land Management
Federal Building
316 North 26th St.
Billings, Montana

United States Department of the Interior
Bureau of Land Management
729 Northeast Oregon St.
P.O. Box 2965
Portland, Oregon 97208

United States Department of the Interior
Bureau of Land Management
Robin Bldg.
7981 Eastern Avenue
Silver Spring, Maryland 20910

Copies of the National Wild Rivers draft statements are available for inspection at the following locations:

United States Department of the Interior
Bureau of Outdoor Recreation
Federal Office Building
600 Arch Street
Philadelphia, Penna. 19106

United States Department of the Interior
Bureau of Outdoor Recreation
148 Cain Street
Atlanta, Georgia

United States Department of the Interior
Bureau of Outdoor Recreation
3853 Research Park Dr.
Ann Arbor, Mich. 48104

United States Department of the Interior
Bureau of Outdoor Recreation
Denver Federal Center
Building 41, P.O. Box 25387
Denver, Colorado 80225

United States Department of the Interior
Bureau of Outdoor Recreation
5000 Marble Avenue, N.E.
Albuquerque, New Mexico 87110

United States Department of the Interior
Bureau of Outdoor Recreation
450 Golden Gate Ave.
San Francisco, California 94102

Copies of the National Forest draft statements are available for inspection at the following locations:

Regional Forester
U.S. Forest Service
Federal Building
Missoula, Montana 59801

Regional Forester
U.S. Forest Service
Denver Federal Building
Denver, Colorado 80225

Regional Forester
U.S. Forest Service
Federal Building
517 Gold Ave. SW
Albuquerque, New Mexico 87101

Regional Forester
U.S. Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

Regional Forester
U.S. Forest Service
630 Sansome St.
San Francisco, Calif. 94111

Regional Forester
U.S. Forest Service

319 SW Pine St.
P.O. Box 3623
Portland, Oregon 97208

Regional Forester
U.S. Forest Service
1720 Peachtree Rd. NW
Atlanta, Georgia 30309

Regional Forester
U.S. Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisc. 53203

Dated: December 21, 1973.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary, Program Development and Budget.

[FR Doc.73-27200 Filed 12-27-73;8:45 am]

PROPOSED NATIONAL PARKS, WILDLIFE REFUGES, FORESTS, AND WILD AND SCENIC RIVERS IN ALASKA

Notice of Availability of Draft Environmental Statements

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared draft environmental statements for the following proposed National Parks, Wildlife Refuges, Forests, and Wild and Scenic Rivers in Alaska. The proposals are made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statements consider the legislative establishment of the National Parks, Wildlife Refuges, Forests, and Wild and Scenic Rivers and their management by the agencies indicated below.

SUBMISSION OF COMMENTS

Written comments on the environmental statements are invited and will be accepted no later than February 20, 1974. In order that all comments being sent from the State of Alaska are received within the stated time period, the use of airmail is urged. Comments should be addressed to:

Theodor R. Swem, Chairman
Alaska Planning Group
United States Department of the Interior
Washington, D.C. 20240

ANIAKCHAK CALDERA NATIONAL MONUMENT

[DES 73-85]

Proposal recommends that: Approximately 440,000 acres of public lands on the Alaska Peninsula be designated by Congress as the Aniakchak Caldera National Monument, and that the entire Aniakchak River be designated a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: National Park Service.

KOBUK VALLEY NATIONAL MONUMENT

[DES 73-88]

Proposal recommends that: Approximately 1.9 million acres of public lands and waters in northwest Alaska be designated by Congress as the Kobuk Valley National Monument and, further, that the entire Salmon River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: National Park Service.

ALASKA COASTAL NATIONAL WILDLIFE REFUGES

[DES 73-94]

Proposal recommends that: Approximately 70,000 acres of public lands and waters along the coast of Alaska be designated by Congress as the Barren Islands, Bering Sea, Chukchi Sea, Kodiak, and Shumagin Islands National Wildlife Refuges.

Management by: Bureau of Sport Fisheries and Wildlife.

SELAWIK NATIONAL WILDLIFE REFUGE

[DES 73-99]

Proposal recommends that: Approximately 1.4 million acres of public lands and waters east of Kotzebue Sound, Alaska, be designated by Congress as the Selawik National Wildlife Refuge.

Management by: Bureau of Sport Fisheries and Wildlife.

BEAVER CREEK NATIONAL WILD RIVER

[DES 73-107]

Proposal recommends that: A 135-mile segment of Beaver Creek and 200,000 acres of adjacent public lands in Interior Alaska be designated by Congress as the Beaver Creek National Wild River.

Management by: Bureau of Land Management.

BIRCH CREEK NATIONAL WILD RIVER

[DES 73-108]

Proposal recommends that: A 135-mile segment of Birch Creek and 200,000 acres of adjacent public lands in Interior Alaska be designated by Congress as the Birch Creek National Wild River.

Management by: Bureau of Land Management.

ADDITIONS TO THE CHUGACH NATIONAL FOREST

[DES 73-106]

Proposal recommends that: Approximately 500,000 acres of public lands and waters in southeast Alaska be designated by Congress as the Chugach National Forest.

Management by: Forest Service, Department of Agriculture.

A limited number of single copies of the draft environmental statements are available from the managing agencies at the following locations:

Theodor R. Swem, Chairman
Alaska Planning Group
United States Department of the Interior
Washington, D.C. 20240

Statements available: All proposals

United States Department of the Interior
Bureau of Sport Fisheries and Wildlife
813 D Street
Anchorage, Alaska 99501

Statements available: National Refuges and Ranges

United States Department of Agriculture
U.S. Forest Service
Federal Office Building
P.O. Box 1628
Juneau, Alaska 99801

Statements available: National Forests

United States Department of the Interior
Bureau of Outdoor Recreation
524 W. Sixth Avenue
Anchorage, Alaska 99501

Statements available: National Wild Rivers

United States Department of the Interior
Bureau of Land Management
555 Cordova Street
Anchorage, Alaska 99501

Statements available: National Ranges and Wild Rivers

United States Department of the Interior
National Park Service
334 West 5th Avenue
Suite 250
Anchorage, Alaska 99501

Statements available: National Parks, Monuments, and the National Rivers

In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

Copies of the National Wildlife Refuges and the Ranges draft statements are available for inspection at the following locations:

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1500 Plaza Building, Room 288
1500 NE Irving Street
P.O. Box 3737
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500 Gold Avenue, SW
Room 9018
P.O. Box 1306
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Bureau of Sport Fisheries and Wildlife
Federal Building—Fort Snelling
Room 630
Twin Cities, Minnesota 55111

Bureau of Sport Fisheries and Wildlife
17 Executive Park Drive, NE
Room 411
Atlanta, Georgia 30329

Bureau of Sport Fisheries and Wildlife
John W. McCormack P.O. and Courthouse
Boston, Massachusetts 02109

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 3246
18th and "C" Streets, NW
Washington, D.C. 20240

State Supervisor
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2800 Cottage Way
Sacramento, California 95825

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P.O. Box 9037, Guilbeau Station
San Antonio, Texas 78204

State Supervisor
Bureau of Sport Fisheries and Wildlife
P.O. Drawer FW
Mississippi State, Mississippi 39762

State Supervisor
Bureau of Sport Fisheries and Wildlife

P.O. Box 25878
Raleigh, North Carolina 27611

State Supervisor
Bureau of Sport Fisheries and Wildlife
School of Forestry
University of Georgia
Athens, Georgia 30601

State Supervisor
Bureau of Sport Fisheries and Wildlife
550 West Fort (Box 025)
Boise, Idaho 83724

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Oklahoma City, Oklahoma 73102

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Agricultural Adm. Bldg.
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Gainesville, Florida 32601

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Nashville, Tennessee 37203

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Trenton, New Jersey 08607

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Albany, New York 12201

State Supervisor
Bureau of Sport Fisheries and Wildlife
111 Ferguson Bldg.
University Park, Penna. 16802

State Supervisor
Bureau of Sport Fisheries and Wildlife
108 Washington Street, S.E.
Blacksburg, Virginia 24060

State Supervisor
Bureau of Sport Fisheries and Wildlife
P.O. Box 346
Elkins, West Virginia 26241

State Supervisor
Bureau of Sport Fisheries and Wildlife
Fed. Building & U.S. Courthouse
111 S. Wolcott
Caspar, Wyoming 82601

State Supervisor—Animal Control
Bureau of Sport Fisheries and Wildlife
246 Federal Building
Lincoln, Nebraska 68508

United States Department of the Interior
Bureau of Sport Fisheries and Wildlife
439 Federal Building
P.O. Box 250
Pierre, South Dakota 57501

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Bureau of Sport Fisheries and Wildlife
Federal Building
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Kansas City, Kansas 64106

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Bureau of Sport Fisheries and Wildlife
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National Park Service
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Bureau of Land Management
Federal Building, 300 Booth St.
Reno, Nevada 89502

United States Department of the Interior
Bureau of Land Management
Federal Building
125 South State Street
Salt Lake City, Utah 84111

United States Department of the Interior
Bureau of Land Management
Federal Bldg., Room 3022
Phoenix, Arizona 85025

United States Department of the Interior
Bureau of Land Management
Federal Bldg., Room 398
550 W. Fort St.
Boise, Idaho 83702

United States Department of the Interior
Bureau of Land Management
Federal Building
P.O. Box 1449
Santa Fe, New Mexico 87501

United States Department of the Interior
Bureau of Land Management
2120 Capitol Avenue
P.O. Box 1828
Cheyenne, Wyoming 82001

United States Department of the Interior
Bureau of Land Management
2800 Cottage Way
Room E–2841
Sacramento, California 95825

United States Department of the Interior
Bureau of Land Management
Federal Building
316 North 26th St.
Billings, Montana

United States Department of the Interior
Bureau of Land Management
729 Northeast Oregon St.
P.O. Box 2965
Portland, Oregon 97208

United States Department of the Interior
Bureau of Land Management
Robin Bldg.
7981 Eastern Avenue
Silver Spring, Maryland 20910

Copies of the National Wild Rivers draft statements are available for inspection at the following locations:

United States Department of the Interior
Bureau of Outdoor Recreation
Federal Office Building
600 Arch Street
Philadelphia, Penna. 19106

United States Department of the Interior
Bureau of Outdoor Recreation
148 Cain Street
Atlanta, Georgia

United States Department of the Interior
Bureau of Outdoor Recreation
3853 Research Park Dr.
Ann Arbor, Mich. 48104

United States Department of the Interior
Bureau of Outdoor Recreation
Denver Federal Center
Building 41, P.O. Box 25387
Denver, Colorado 80225

United States Department of the Interior
Bureau of Outdoor Recreation
5000 Marble Avenue, N.E.
Albuquerque, New Mexico 87110

United States Department of the Interior
Bureau of Outdoor Recreation
450 Golden Gate Ave.
San Francisco, California 94102

Copies of the National Forest draft statements are available for inspection at the following locations:

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U.S. Forest Service
Federal Building
Missoula, Montana 59801

Regional Forester
U.S. Forest Service
Denver Federal Building
Denver, Colorado 80225

Regional Forester
U.S. Forest Service
Federal Building
517 Gold Ave. SW
Albuquerque, New Mexico 87101

Regional Forester
U.S. Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

Regional Forester
U.S. Forest Service
630 Sansome St.
San Francisco, Calif. 94111

Regional Forester
U.S. Forest Service
319 SW Pine St.
P.O. Box 3623
Portland, Oregon 97208

Regional Forester
U.S. Forest Service
1720 Peachtree Rd. NW
Atlanta, Georgia 30309

Regional Forester
U.S. Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisc. 53203

Dated: December 21, 1973.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary, Program Development and Budget.

[FR Doc.73-27201 Filed 12-27-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

EAGLE-TUMBLEWEED DRAW WATERSHED PROJECT, NEW MEXICO

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Eagle-Tumbleweed Draw Watershed Project, Eddy and Chaves Counties, New Mexico, USDA-SCS-ES-WS-(ADM)-72-24(F).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment throughout the watershed, supplemented by a floodwater retarding structure, two floodwater diversions, and about 20,100 feet of channel work for flood prevention.

The final environmental statement was transmitted to CQ on December 21, 1973.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Ave., S.W., Washington, D.C. 20250

Soil Conservation Service, USDA, 517 Gold Avenue, S.W., Box 2007, Albuquerque, New Mexico 87103

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement.

The estimated cost is $5.75.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 21, 1973.

EUGENE C. BIERE,
WILLIAM B. DAVEY,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.73-27246 Filed 12-27-73;8:45 am]

MUSH CREEK WATERSHED PROJECT, ALABAMA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Mush Creek Watershed Project, Dallas and Lowndes Counties, Alabama, USDA-SCS-ES-WS-(ADM) 73-41(F).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment throughout the watershed, supplemented by two single-purpose floodwater retarding structures.

The final environmental statement was transmitted to CEQ on December 19, 1973.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, S.W., Washington, D.C. 20250

Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama, 36830

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $4.75.

Copies of the environmental statement have been sent to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines.

(Catalog of Federal Domestic Assistance Program No 10.904, National Archives Reference Services.)

Dated: December 19, 1973.

EUGENE C. BIERE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.73-27244 Filed 12-27-73;8:45 am]

TROUBLESOME CREEK WATERSHED, PROJECT, IOWA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a Final Environmental Statement for the Troublesome Creek Watershed Project, Audubon, Cass, and Guthrie Counties, Iowa, USDA-SCS-ES-WS-(ADM)-73-24(F).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment measures, 135 grade stabilization structures, 2 multi-purpose structures for floodwater retarding and recreation, and 2 recreation developments.

The final environmental statement was transmitted to CEQ on December 20, 1973.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, S.W., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 823 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is $4.00.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 20, 1973.

EUGENE C. BIERE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.73-27243 Filed 12-27-73;8:45 am]

TWELVE MILE CREEK WATERSHED PROJECT, IOWA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Twelve Mile Creek Watershed Project, Union, Adair, and Ringgold Counties, Iowa, USDA-SCS-ES-WS-(ADM)-73-8(F).

The environmental statement concerns a plan for watershed protection, flood prevention and municipal and industrial water supply. The planned works of improvement provide for conservation land treatment, 11 grade stabilization structures, 22 floodwater retarding structures, and 1 multi-purpose reservoir with capacity for floodwater retarding and municipal and industrial water.

This final environmental statement was transmitted to CEQ on December 21, 1973.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and

Independence Avenue, S.W., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 823 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is $4.00.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 21, 1973.

EUGENE C. BIERE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.73-27245 Filed 12-27-73;8:45 am]

WATERSHED PLANNING

Notice of Authorization

This provides notice of authorization dated December 14, 1973, to concerned state conservationists of the Soil Conservation Service to provide planning assistance to specified local organizations for the indicated watersheds. The state conservationist may now proceed with investigations and surveys as necessary to develop watershed work plans under authority of the Watershed Protection and Flood Prevention Act (Pub. L. 83-566), as amended.

Environmental statements or negative declarations will be prepared concurrently with the preparation of the watershed work plans. Environmental statements, when prepared, will be made available to the general public, filed with the Council on Environmental Quality, and the notice of availability published in tht FEDERAL REGISTER.

Persons interested in any of these projects may contact the local organizations or the concerned state conservationist as indicated below:

MONTANA

Alkali Creek Watershed; 26,600 acres; Yellowstone County.

Sponsors—Board of County Commissioners and Yellowstone Conservation District.

State Conservationist—Mr. A. B. Linford, Soil Conservation Service, Federal Building, P.O. Box 970, Bozeman, Montana 59715.

OKLAHOMA

Robinson Creek Watershed; 40,320 acres; Lincoln County.

Sponsor—Lincoln County Conservation District.

State Conservationist—Mr. Hampton Burns, Soil Conservation Service, Agriculture Building, Farm Road & Burmley Street, Stillwater, Oklahoma 74074.

PENNSYLVANIA

Sacony Creek Watershed; 15,012 acres; Berks County.

Sponsors—Berks County Conservation District, County of Berks, Township of Maxatawny, Township of Rockland, Borough of Kutztown, Township of Longswamp, and Borough of Topton.

State Conservationist—Mr. Benney Martin, Soil Conservation Service, Federal Building & Court House, Box 985 Federal Square Station, Harrisburg, Pennsylvania 17108.

UTAH

Richfield-West Sevier Watershed; 182,700 acres; Millard and Sevier Counties.

Sponsors—Cedar Ridge Irrigation Company, Elsinore Irrigation Company, Piute Reservoir and Irrigation Company, Richfield Irrigation Canal Company, Richfield Cottonwood Irrigation Company, Sevier Valley Canal Company, Vermillion Irrigation Company, Willow Creek Irrigation Company, Sevier County Soil Conservation District, City of Richfield, Town of Redmond, and Cottonwood Graziers.

State Conservationist—Mr. Albert W. Hamelstrom, Soil Conservation Service, 4012 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

(Catalog of Federal Domestic Assistance program No. 10.904, National Archives Reference Services.)

Dated: December 14, 1973.

KENNETH E. GRANT,
Administrator, Soil Conservation Service.

[FR Doc.73-27242 Filed 12-27-73;8:45 am]

Food and Nutrition Service

NATIONAL SCHOOL LUNCH PROGRAM

National Average Payments for Fiscal Year 1974

On July 2, 1973 (38 FR 17519), a national average per lunch payment of eight (8) cents from general cash-for-food assistance funds for the fiscal year 1974 was prescribed by the Secretary under section 4 of the National School Lunch Act, as amended (42 U.S.C. 1753).

Public Law 93-150, approved November 7, 1973, amended sections 4 and 11 of the National School Lunch Act to: (1) increase the minimum level for the national average factor for payments from general cash-for-food assistance funds (section 4); (2) require the Secretary to prescribe national average factors for payments from special cash assistance funds (section 11) for free and reduced price lunches; (3) require the Secretary to prescribe, on July 1 and January 1, of each fiscal year, semi-annual adjustments in the general cash-for-food assistance and the special cash assistance factors to reflect changes in the cost of operating a school lunch program; and (4) provide that for the fiscal year ending June 30, 1974, the special cash assistance factor for any State for each free or each reduced price lunch shall not be less than the average reimbursement paid in such State for each such lunch, respectively, in the fiscal year ending June 30, 1973.

Accordingly, notice is hereby given that the national average factors for lunches served during the six-month period July 1-December 31, 1973, to children in schools participating in the National School Lunch Program (7 CFR Part 210) are as follows:

(1) The national average factor for payments from general cash-for-food assistance funds shall be ten (10) cents for each lunch: *Provided, however,* That the aggregate amount of the general cash-for-food assistance payments to any State educational agency shall not be less than the amount of such payments made by such State educational agency to participating schools within the State for the fiscal year ending June 30, 1972.

(2) The national average factors for payments from special cash assistance funds shall be thirty-five (35) cents for each reduced price lunch and forty-five (45) cents for each free lunch: *Provided, however,* That for those States which paid an average rate of reimbursement in excess of 45 cents from special cash assistance funds for all free lunches served to eligible children during the fiscal year ending June 30, 1973, the special cash assistance factor for free lunches served to eligible children during the six-month period July 1-December 31, 1973, shall be equal to such average rate of reimbursement; and for those States which paid an average rate of reimbursement in excess of 35 cents from special cash assistance funds for reduced price lunches served to eligible children during the fiscal year ending June 30, 1973, the special cash assistance factor for reduced price lunches served to eligible children during the six-month period July 1-December 31, 1973, shall be equal to such average rate of reimbursement.

The total amount of general cash-for-food assistance payments and special cash assistance payments to be made to each State agency from the sums appropriated therefor, shall be based upon such national average factors.

The national average payment factors for lunches served during the six-month period, January 1-June 30, 1974, will be prescribed by January 1, 1974.

Definitions. The terms used in this notice shall have the meanings ascribed to them in the regulations governing the National School Lunch Program (7 CFR Part 210) and the regulations for Determining Eligibility for Free and Reduced Price Meals (7 CFR Part 245).

Effective Date: This notice shall become effective December 26, 1973.

Dated: December 26, 1973.

(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Services.)

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.73-27306 Filed 12-27-73;10:04 am]

SCHOOL BREAKFAST PROGRAM

National Average Payments for Fiscal Year 1974

On July 2, 1973 (38 FR 17519), national average per breakfast factors for paid, reduced price and free breakfasts served during the fiscal year ending June 30, 1974, were prescribed by the Secretary under Section 4 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1753).

Public Law 93-150, approved November 7, 1973, amends section 4 of the Child Nutrition Act of 1966 to increase the

minimum level for the national average per breakfast factors and requires the Secretary to prescribe, on July 1 and January 1, of each fiscal year, semiannual adjustments in the national average per breakfast factors to reflect changes in the cost of operating a School Breakfast Program.

Accordingly, notice is hereby given that the national average factors for breakfasts served during the six-month period July 1–December 31, 1973, to children in schools participating in the School Breakfast Program (7 CFR Part 220) are revised as follows: (a) eight (8) cents for each breakfast; (b) an additional fifteen (15) cents for each reduced price breakfast; (c) an additional twenty (20) cents for each free breakfast. The total amount of breakfast assistance payments to be made to each State educational agency from the sums appropriated therefor shall be based upon such national average factors: *Provided, however,* That the aggregate amount of breakfast assistance payments to any State educational agency shall not be less than the amount of the breakfast payments made by such State educational agency to participating schools within the State for the fiscal year ending June 30, 1972: *Provided further,* That additional payments shall be made in such amounts as are needed to finance reimbursement rates established under § 220.9(b–1) of Part 220 of the Code of Federal Regulations.

The national average factors for breakfasts served during the six-month period January 1–June 30, 1974, will be prescribed by January 1, 1974. *Definitions.* The terms used in this notice shall have the meanings ascribed to them in the regulations governing the School Breakfast Program and the regulations for Determining Eligibility for Free and Reduced Price Meals (7 CFR Part 245).

Effective date: This notice shall be effective December 26, 1973.

Dated: December 26, 1973.

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services.)

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.73-27307 Filed 12-27-73;10:04 am]

COMMISSION ON CIVIL RIGHTS

ARIZONA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arizona State Advisory Committee will convene at 6:00 p.m. on January 9, 1974, at the International Airport Inn, 3148 East Van Buren Street, Phoenix, Arizona 85008.

Persons wishing to attend this meeting should contact the Committee Chairman or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purpose of this meeting shall be to discuss plans in preparation for the proposed factfinding meeting on the Arizona Prison Project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 19, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-27151 Filed 12-27-73;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

COMMERCIAL STANDARD

Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standard CS 125–47, "Prefabricated Homes."

This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of August 7, 1973 (38 FR 21288), to withdraw this standard.

The effective date for the withdrawal of this standard will be February 26, 1974. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: December 18, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-27149 Filed 12-27-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT–APPL number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 300 7th Street, SW., Washington, D.C. 20590.

Patent application 401,294: Display System Employing Digitally-Addressable GRT. Filed 27 September 1973, PC $3.00/MF $1.45.

Patent application 412,263: De-Icing and Ice Preventive Composition and Process. Filed 2 November 1973, PC $3.00/MF $1.45.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets, NW., Washington, D.C. 20240.

Patent application 398: Removal of Mercury from Solution. Filed 19 September 1973, PC $3.00/MF $1.45.

Patent application 398, 025: Prefabricated Brick Panels. Filed 17 September 1973, PC $3.00/MF $1.45.

Patent application 401,002: Smelting of Copper Oxides to Produce Blister Copper. Filed 26 September 1973, PC $3.00/MF $1.45.

Patent 3,764,402: Creep-Resistant, High-Strength Zn-Al and Zn-Al-Mg Alloys. Filed 29 February 1972, patented 9 October 1973, Not available NTIS.

Patent 3,764,526: Dynamics Reverse Osmosis Membranes of Ultrathin Discs. Filed 28 March 1972, patented 9 October 1973, Not available NTIS.

Patent 3,764,650: Recovery of Gold from Ores. Filed 31 December 1970, patented 9 October 1973, Not available NTIS.

Patent 3,767,378: Production of Rutile and Iron from Ilmenite. Filed 5 January 1972, patented 23 October 1973, Not available NTIS.

Patent 3,767,782: Self-Destructing Pesticidal Formulations and Methods for Their Use. Filed 23 December 1970, patented 23 October 1973, Not available NTIS.

Patent 3,767,783: Self-Destructing Pesticidal Formulations and Methods for Their Use. Filed 23 December 1970, patented 23 October 1973, Not available NTIS.

Patent 3,769,185: Electrolytic Preparation of Zirconium and Hafnium Diborides Using a Molten, Cryolite-Base Electrolyte. Filed 18 December 1972, patented 30 October 1973, Not available NTIS.

DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,487,687: Fluid Velocity Limit Gage. Filed 30 November 1967, patented 6 January 1970, Not available NTIS.

Patent 3,488,018: Ducted Propulsion Units for VTOL Aircraft. Filed 13 March 1968, patented 6 January 1970, Not available NTIS.

Patent 3,488,274: Electrolytic Composite Anode and Connector. Filed 31 May 1967, patented 7 January 1970, Not available NTIS.

Patent 3,488,507: Photovoltaic Detector and Method of Manufacture. Filed 15 April 1966, patented 6 January 1970, Not available NTIS.

Patent 3,496,906: Day/Night Bidirectional Marine Marker. Filed 2 February 1968, patented 24 February 1970, Not available NTIS.

Patent 3,497,846: Magnetic Anchor for Curved and Irregular Surfaces. Filed 27 December 1967, patented 24 February 1970, Not available NTIS.

Patent 3,498,768: Rust-Inhibitive Abrasive Blasting. Filed 18 October 1967, patented 3 March 1970, Not available NTIS.

Patent 3,499,240: Illuminated Grid for Backlighted Plotting Boards. Filed 21 February 1967, patented 10 March 1970, Not available NTIS.

Patent 3,699,435: Signal Spectrum Generator. Filed 26 July 1971, patented 17 October 1972, Not available NTIS.

Patent 3,699,462: Channel Combining Circuit for Synchronous Phase Detection Systems. Filed 1 June 1971, patented 17 October 1972, Not available NTIS.

Patent 3,699,534: Cellular Arithmetic Array. Filed 15 December 1970, patented 17 October 1972, Not available NTIS.

Patent 3,699,553: Nondestructive Readout Thin Film Memory Device and Method Therefor. Filed 12 February 1971, patented 17 October 1972, Not available NTIS.

Patent 3,700,269: Sexless Hose Coupling. Filed 17 November 1970, patented 24 October 1972, Not available NTIS.

Patent 3,700,293: Piston Type Thrust Bearing. Filed 7 April 1971, patented 24 October 1972, Not available NTIS.

Patent 3,700,350: Helicopter Cyclic and Collective Pitch Mechanism. Filed 3 February 1971, patented 24 October 1972, Not available NTIS.

Patent 3,700,354: Compressor Blade Root Seal. Filed 3 May 1971, patented 24 October 1972, Not available NTIS.

Patent 3,700,409: Spot Test for Identification of Oil Contaminants in Water. Filed 23 April 1971, patented 24 October 1972, Not available NTIS.

Patent 3,700,445: Photoresist Processing Method for Fabricating Etched Microcircuits. Filed 29 July 1971, patented 24 October 1972, Not available NTIS.

Patent 3,700,446: Process for Manufacture of Stripline Circuit Modules. Filed 22 June 1970, patented 24 October 1972, Not available NTIS.

[FR Doc.73-27150 Filed 12-27-73;8:45 am]

Office of Foreign Direct Investments

FOREIGN DIRECT INVESTMENT PROGRAM

1974 Program Changes

DECEMBER 26, 1973.

Robert H. Enslow, Director of the Office of Foreign Direct Investments, announced the following liberalization in the Foreign Direct Investment Program effective for 1974.

1. The minimum worldwide allowable available to smaller direct investors will be raised from $10 million to $20 million.

2. The earnings allowable will be increased from 60% to 100% of foreign affiliate earnings for either 1973 or 1974, at the direct investor's election. This will permit compliance with the Regulations without the necessity of foreign earnings remittance.

3. A new "debt repayment allowable" will be added to the Regulations which will authorize a direct investor to repay 20% of its total outstanding foreign borrowing allocated to positive direct investment as of the end of the 1973 compliance year. This repayment allowable will be in addition to the minimum, historical and earnings allowables. The minimum, historical and earnings allowables will not, however, be available for debt repayment and direct investors will not be permitted to reduce outstanding foreign debt below 80% of the amount allocated effective as of year-end 1973. The Regulations will operate to permit repayment of specific outstanding debt obligations, but direct investors will be required to refinance aggregate repayments in excess of the 20% repayment allowable. Relief for borrowing hardship situations will continue to be available through specific authorization.

Mr. Enslow stated that the 1974 liberalization is in accordance with the Nixon Administration's commitment to eliminate capital controls by the end of 1974. These changes will substantially reduce the burden on direct investors to finance foreign investment with new long-term foreign borrowing, while at the same time moderating any adverse impact arising from repayment of existing foreign borrowing. Mr. Enslow said that the text of the amendments to the Regulations will be published in the FEDERAL REGISTER in the near future.

Dated: December 26, 1973.

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

[FR Doc.73-27249 Filed 12-27-73;8:45 am]

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Rules for Allocation of Quotas for Calendar Year 1974 Among Producers Located in the Virgin Islands, Guam, and American Samoa

On December 4, 1973, the Departments of Commerce and the Interior published a joint notice of proposed rulemaking under Pub. L. 89-805, setting out the proposed formula for allocation of 1974 watch quotas among producers located in the Virgin Islands, Guam and American Samoa (38 FR 33410 et seq.). Interested parties were invited to participate in the proposed rulemaking by submitting their written views within fifteen days from the filing date (December 3, 1973) of the notice of proposed rulemaking with the FEDERAL REGISTER. The Departments have carefully reviewed the comments received in the formulation of the final rules and have modified section 4 of the proposed rules applicable to the allocation of the annual quotas for calendar year 1974 to established producers in the Virgin Islands. Deleted from the formula for the allocation of quotas based on the total net dollar amount of income taxes applicable to each producer's calendar year 1973 Headnote 3 (a) watch assembly operation is the qualifying phrase "irrespective of whether such taxes are partially or fully exempt by the territorial government."

The Departments have determined that including taxes partially or fully exempted by the Virgin Islands' government in the quota allocation formula would not result in quota allocations best suited to contribute to the economy of the Virgin Islands.

Watch producers located in the Virgin Islands, Guam and American Samoa must receive their initial quota allocations for calendar year 1974 to avoid any interruption in their assembly operations and to enable these producers to contract for their inventory requirements and to accept and fill purchase orders for their 1974 quota allocations. Accordingly, good cause exists for making the following rules effective as of January 2, 1974.

SECTION 1. Upon effective date of these rules, or as soon thereafter as practicable, each producer located in the Virgin Islands, Guam, and American Samoa which received a duty-free watch quota allocation for calendar year 1973, will receive an initial quota allocation for calendar year 1974 equal to 50 percent of the number of watch units assembled by such producer in the particular territory and entered duty-free into the customs territory of the United States during the first ten months of calendar year 1973, or 5,000 units, whichever is greater. (For new entrants see section 7 below).

SEC. 2. Each producer to which an initial quota has been allocated pursuant to Section 1 hereof must, on or before April 1, 1974, have assembled and entered duty-free into the customs territory of the United States at least 30 percent of its initial quota allocation. Any producer failing to enter duty-free into the customs territory of the United States on or before April 1, 1974, a number of watch units assembled by it in a particular territory equal to, or greater than, 30 percent of the number of units initially allocated to such producer for duty-free entry from that territory will, upon receipt of a show cause order from the Departments, be given an opportunity, within 30 days from such receipt, to show cause why the duty-free quota which it would otherwise be entitled to receive should not be cancelled or reduced by the Departments. Such a show cause order may also be issued whenever there is reason to believe that shipments through December 31, 1974, by any producer under the quota allocated to it for calendar year 1974 will be less than 90 percent of the number of units allocated to it. Upon failure of any such producer to show good cause, deemed satisfactory by the Departments, why the remaining, unused portion of the quota to which it would otherwise be entitled should not be cancelled or reduced, said remaining, unused portion of its quota shall be either cancelled or reduced, whichever is appropriate under the show cause order. In the event of a quota cancellation or reduction under this section, or in the event a firm voluntarily relinquishes a part of its quota, the Departments will promptly reallocate the quota involved, in a manner best suited to contribute to the economy of the territories, among the remaining producers: *Provided however*, That if in the judgment of the Departments it is appropriate, applications from new firms may, in lieu of such reallocation, be invited for any part or all of any unused portions of quotas remaining unallocated as a result of cancellation or reduction hereunder.

Every producer to which a quota is granted is required to file a report on April 15, July 15 and October 15, of each year covering the periods January 1 to March 31, April 1 to June 30 and July 1 to September 30 respectively via registered mail on Form DIB-321P (formerly OIPF-344) copies of which will be forwarded to each producer at its territorial address of record at least 15 days prior to the required reporting date. Copies of this form may also be obtained from the Special Import Programs Division, Office of Import Programs, U.S. Department of Commerce, Washington, D.C. 20230. Form DIB-321P will provide the Departments with information regarding the producer's watch movement assembly operation in the insular possessions. Such information may include the status of beginning and ending inventories of finished watch movements and component parts, scheduled delivery dates and number of watch movement parts and components ordered, number of watch movements assembled, number of watch movements entered into the customs territory of the United States, and a list of confirmed orders for shipment of finished watch movements into the customs territory of the United States prior to December 31, 1974. Each producer to which a quota is granted will

also report on Form-321P any change in ownership and control which has occurred subsequent to the filing of an application for a watch quota on Form DIB-334P (formerly OIPF-764) (see Section 8, below).

SEC. 3. Application forms will be mailed to recipients of initial quota allocations as soon as practicable and must be filed with the Departments on or before January 31, 1974. All data required must be supplied as a condition for annual allocations and are subject to verification by the Departments. In order to accomplish this verification it will be necessary for representatives of the Departments to meet with appropriate officials of quota recipients in the insular possessions in order to have access to company records. Representatives of the Departments plan to perform this verification beginning on or about February 15, 1974 in Guam and American Samoa and beginning on or about March 1, 1974 in the Virgin Islands, and will contact each producer locally regarding the verification of its data.

SEC. 4. (Virgin Islands only.) The annual quotas for calendar year 1974 for the Virgin Islands will be allocated as soon as practicable after April 1, 1974, on the basis of (1) the number of units assembled by each producer in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1973, (2) the total dollar amount of wages subject to FICA taxes paid by such producer in the territory during calendar year 1973 to persons whose pay was attributable to its Headnote 3(a) watch assembly operation, and (3) the total net dollar amount of income taxes applicable to its calendar year 1973 Headnote 3(a) watch assembly operation. In making allocations under this formula, an equal weight of 40 percent will be assigned to production and shipment history and to wages subject to FICA taxes, and a weight of 20 percent will be assigned to the total net dollar amount of income taxes applicable to calendar year 1973 Headnote 3(a) watch assembly operations.

SEC. 5. (Guam only) The annual quotas for calendar year 1974 for Guam will be allocated as soon as practicable after April 1, 1974 on the basis of the number of units assembled by each producer in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1973, and the total dollar amount of wages subject to FICA taxes paid by such producer in the territory during calendar year 1973 to persons whose pay was attributable to its Headnote 3(a) watch assembly operation. In making allocations under this formula, equal weight will be assigned to production and shipment history and to wages subject to FICA taxes.

SEC. 6. (Virgin Islands and Guam) For purposes of allocating watch quotas for calendar year 1974 under Sections 4 and 5 above, any watches or watch movements shipped from the Virgin Islands or Guam during calendar year 1973 for duty-free entry into the customs territory of the United States against a producer's 1973 watch quota, and which were lost prior to entry into the customs territory of the United States, shall nevertheless be considered as having been entered into the customs territory for purposes of quota fulfillment: Provided, That the Departments have been satisfied that shipment was in fact made but lost prior to entry into the customs territory.

SEC. 7. (Virgin Islands only) In the determination of initial and annual watch quota allocations for calendar year 1974, the Departments propose to take into account and make appropriate adjustments for any new entrant or entrants to whom a quota allocation was made during calendar year 1973 pursuant to Section 7 of the Rules for Allocation of Watch Quotas for Calendar Year 1973 (37 FR 28768, December 29, 1972), and who would not have a full year's operation as a basis for computation of a quota for calendar year 1974.

SEC. 8. The rules restricting transfers of duty-free quotas issued on January 29, 1968 and published in the FEDERAL REGISTER on January 31, 1968 (33 FR 2399), are hereby incorporated by reference as applicable to transfers of quotas issued during calendar year 1974 except that detailed reporting of ownership and control will be reported on an annual basis on Form DIB-334P at the time the producer applies for an annual duty-free watch quota for calendar year 1974. Subsequent change in ownership and control will be reported on April 15, July 15 and October 15, 1974, on Form DIB-321P required in Section 2 above.

Any interested party has the right to petition for the amendment or repeal of the foregoing rules and may seek relief from the application of any of their provisions upon a showing of good cause under the procedures relating to reviews by the Secretaries of Commerce and the Interior which were published in the FEDERAL REGISTER on November 17, 1967 (32 FR 15818).

SETH M. BODNER,
Deputy Assistant Secretary for Resources and Trade Assistance, Department of Commerce.

STANLEY S. CARPENTER,
Director, Office of Territorial Affairs, Department of the Interior.

DECEMBER 26, 1973.

[FR Doc.73-27272 Filed 12-27-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Rules for Allocation of Quotas for Calendar Year 1974 Among Producers Located in the Virgin Islands, Guam, and American Samoa

CROSS REFERENCE: For a document on allocation of calendar year 1974 Virgin Islands, Guam, and American Somoa duty free watch quotas for established producers, see FR Doc. 73-27272, Department of Commerce, Office of the Secretary, *supra*.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

RIGHT TO READ STATES GRANTS

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 2 (a) of the Cooperative Research Act, as amended by Section 303 of the Education Amendments of 1972 (20 U.S.C. 331a), applications for continuation of on-going projects are being accepted from State Departments of Education and other eligible applicants for grants under the Right to Read States Program.

Applications for the continuations must be received by the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th & D Streets, SW., Washington, D.C. 20202, Attention: 13.533) on or before January 31, 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

Dated: December 20, 1973.

JOHN OTTINA,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.533; Right to Read—Elimination of Illiteracy)

[FR Doc.73-27310 Filed 12-27-73;10:05 am]

Office of the Secretary

[Docket No. CC-8]

POWERTHERM CORP.

Notice of Proposed Ineligibility (Debarment)

Pursuant to sections 208 and 209 of Federal Executive Order 11246 and 41 CFR § 60-1.26, Notice is hereby given that Respondent Powertherm Corporation, will be given an opportunity to be heard on the Allegations set forth below. A copy of Executive Order 11246, a copy of the Regulation of the Office of Federal Contract Compliance, a copy of the Department's Procedural Rules for Proceedings under Executive Order 11246, and copies of the Philadelphia Plan Orders and Appendices of June 27 and September 23, 1969, are attached.

Within fourteen (14) days from receipt of this notice, Respondent may file an answer to this notice and may request a hearing. The request for hearing shall be included as a separate paragraph of the answer. The answer shall admit or deny specifically and in detail the matters set forth in each allegation of the notice unless Respondent is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Matters alleged as affirmative defenses shall be separately stated and numbered. If Respondent fails to file an answer, request a hearing,

or otherwise formally contest the allegations in this notice within the 14-day period following receipt hereof, the matters alleged herein are deemed admitted and Respondent's opportunity for hearing is deemed waived. The Director, Office for Civil Rights, may enter an order declaring Respondent ineligible for award of Federal and Federally-assisted contracts or subcontracts, or extensions or other modifications of existing contracts, until the Respondent has satisfied the Secretary of Labor that it has established and will carry out personnel and employment policies and practices in compliance with the Order.

The answer, request for hearing, and all other documents permitted to be submitted by Respondent in this proceeding must be mailed or delivered to the Civil Rights Hearing Clerk, Department of Health, Education, and Welfare, Room 4519 North Building, 330 Independence Avenue, SW., Washington, D.C. 20201. An original and two copies should be filed and an additional copy should be mailed or delivered to the attorney in the Office of the General Counsel whose address is indicated below his signature hereon.

ALLEGATIONS

The General Counsel of the Department of Health, Education, and Welfare (hereinafter, "Department"), acting on behalf of the Department alleges as follows:

1. Respondent is a contractor which performs heating, ventilating and air-conditioning (hereafter referred to as H.V.A.C.) work on institutional construction projects, with a place of business at Union Hill Road, West Conshohocken, Pennsylvania, 19428.

2. a. The construction of a new undergraduate facility for Temple University, Philadelphia, Pennsylvania (hereinafter referred to as the Temple University Psychology-Speech project or the Psychology project) is Federally-assisted by a grant administered by the Department of Health, Education, and Welfare. (Pennsylvania General State Authority Project No. 1104–12.) Respondent was the prime H.V.A.C. contractor on the Psychology project and carried out work in the steamfitting trade on this project in 1970 through 1973.

b. The construction of a new building which includes classrooms, faculty offices, laboratories, libraries and other facilities for Temple University, Philadelphia, Pennsylvania (hereinafter referred to as the Temple University Humanities-Social Science project or the Humanities project) is Federally-assisted by a grant administered by the Department of Health, Education, and Welfare. (Pennsylvania General State Authority Project No. 1104–13.) Respondent was the prime H.V.A.C. contractor on the Humanities project and carried out work in the steamfitting trade on this project in 1971 through 1973.

3. Respondent's contracts for the Psychology and Humanities projects meet the criteria for applicability of Executive Order 11246 [41 CFR 60–1.5(a)] and for applicability of the Revised Philadelphia Plan (Philadelphia Plan Order of June 27, 1969, paragraph 2 on page 1):

a. The total estimated cost of each of the two projects was greater than $500,000;

b. Each of the two projects is situated in the Philadelphia, Pennsylvania, Standard Metropolitan Statistical Area, which includes the County of Philadelphia; and

c. Each of Respondent's two contracts exceeded $10,000.

4. a. Section 301 of Executive Order 11246 provides that applicants for Federal financial assistance for construction shall agree to incorporate the standard equal employment opportunity provisions set forth at Section 202 of Executive Order 11246 in all construction contracts and subcontracts paid for in whole or in part with the Federal financial assistance, "together with such additional provisions as the Secretary [of Labor] deems appropriate to establish and protect the interest of the United States in the enforcement of those obligations [standard equal employment opportunity provisions]."

Pursuant to this latter provision of section 301, and in exercise of its overall responsibility for enforcement of Executive Order 11246, the U.S. Department of Labor issued to heads of all Federal Agencies the Revised Philadelphia Plan Orders of June 27, 1969, and September 23, 1969. These Orders require that, on each applicable Federally-assisted construction project, no prime contract shall be awarded to a bidder on such a project unless the bidder's affirmative action program contains specific numerical minority utilization goals which meet the standards, specified in the invitation for bids, for the trades to be used in performing the contract. The bidder must incorporate these goals into its bid.

b. The Revised Philadelphia Plan Orders, applicable to the Psychology and Humanities projects, specified that an acceptable affirmative action program for the trade of steamfitting would result in minority manpower utilization on the projects of: From five (5) to eight (8) percent for 1970, from eleven (11) to fifteen (15) percent for 1971, from fifteen (15) to nineteen (19) percent for 1972, and from twenty (20) to twenty-four (24) percent for 1973.

5. During the terms of Respondent's performance on the Psychology and Humanities projects it did not participate in any multi-employer program pertaining to the steamfitting trade which was approved by OFCC and which is acceptable in lieu of a goal for minority steamfitter employees.

6. a. Respondent incorporated into its bid for the Psychology project goals for minority employment in the trade of steamfitting which met the standards of paragraph 4(b) of this notice.

b. Respondent incorporated into its bid for the Humanities project goals for minority employment in the trade of steamfitting which met the standards of paragraph 4(b) of this notice.

c. On both of these projects, Respondent also contracted to make every good faith effort to meet the goals which had been established.

7. a. Respondent began work on the Psychology project in September of 1970 and is now close to completion, or has completed, performance on this project. Respondent employed steamfitter workers on the Psychology project in 1970 through 1973. Respondent hired its first and only minority steamfitter on the project, a trainee, on approximately October 30, 1972. This minority person performed approximately 3% of the total steamfitting manhours performed by Respondent on the Psychology project during 1972. He performed approximately 17% of Respondent's total steamfitting manhours, on the Psychology project, during the period of January through April, 1973. Respondent did not meet the minority manpower goals for each year [1970, 1971, 1972, or 1973] as set forth in the Revised Philadelphia Plan Orders, in the invitation for bids, and in Respondent's contract. In addition, throughout the term of Respondent's performance on the Psychology project it did not meet these goals in a substantially uniform manner, as required by section 4 of the September 23, 1969 order. In addition to the minority person hired, Respondent had other opportunities during the term of performance on the Psychology project to hire, and did hire, new steamfitter employees to work on this project.

b. Respondent began work on the Humanities project in approximately February 1971 and is now close to completion or has completed, performance on this project. Respondent employed steamfitters on the Humanities project in 1971 through 1973. Respondent hired its first minority steamfitter on the project, an apprentice, on approximately January 2, 1972. This person was employed by Respondent until approximately January 30, 1972. On approximately April 4, 1972 Respondent hired a minority trainee for the Humanities project. Respondent has hired no other minority employees on the Humanities project. Minority persons performed approximately 11 percent of the total steamfitting manhours performed by Respondent on the Humanities project during 1972. Minority persons performed approximately 16 percent of Respondent's total steamfitting manhours, on the Humanities project, during the period of January through April, 1973. Thus, Respondent did not meet the minority manpower goals for each year [1971, 1972, and 1973] as set forth in the Revised Philadelphia Plan Orders, in the invitation for bids, and in Respondent's contract. In addition, throughout the course of Respondent's performance on the Humanities project it did not meet these goals in a substantially uniform manner, as required by section 4 of the September 23, 1969 order. In addition to the minority persons hired, Respondent had other opportunities during the term of performance on the Humanities project to hire, and did hire, new steamfitter employees to work on this project.

8. During the terms of Respondent's performance on the Psychology and Hu-

manities projects, Respondent has had opportunities to hire and did hire new steamfitter employees to work on projects other than the Psychology and Humanities projects. None of these newly hired steamfitters were minority employees. On these other projects, Respondent has employed one minority steamfitter, who was first employed by Respondent in approximately 1964.

9. Respondent did not make every good faith effort to meet its minority employment goals for the steamfitting trade on the Temple Humanities and Psychology projects. Among other things:

a. Respondent did not notify community organizations as well as government, private training, or worker referral agencies of opportunities for employment with Respondent during the performance on the two Temple projects.

b. Respondent did not maintain a file in which it recorded for use in securing minority-group workers, the names and addresses of, and other information regarding minority-group workers referred to it, including specifically what action was taken with respect to employing such individuals with contractor's firm, and if such worker was not employed by the contractor, the reasons therefor as well as the reasons workers referred to the hiring hall were not employed.

c. Respondent did not seek to meet its goals by participating in and availing itself of training programs in the Philadelphia, Pennsylvania, area during the term of its performance on the Psychology and Humanities projects.

d. Respondent secures employees through Steamfitters Union Local Number 420, Philadelphia, Pennsylvania. Respondent has not notified the OFCC Area Coordinator (or HEW), as provided for under section 5(c) of the September 23 order, that the Union has not referred to the Respondent-contractor a minority worker sent by the contractor or that the Union has impeded the Respondent in its efforts to meet its goals. The Government is not aware that such failure to refer or impeding has taken place. Nonetheless, if such failure to refer or impeding has taken place, then Respondent is in noncompliance with section 5 (c) of the September 23 order.

10. Respondent did not take adequate and reasonable affirmative steps to assure nondiscrimination in employment in the work it performed on the Psychology and Humanities projects, nor did it maintain nondiscriminatory employment in the steamfitting trade in its entire work force during the term of its performance on these two projects.

11. Adequate efforts were made by this Department to achieve Respondent's voluntary compliance with the federally-established equal employment opportunity requirements in its contracts on the Psychology and Humanities projects, but such efforts were unsuccessful in securing Respondent's compliance.

12. By reason of the above, Respondent failed to comply with the provisions of its federally-assisted contracts embodying the Revised Philadelphia Plan Orders and with sections (1) and (4) of the Equal Employment Opportunity Clause of its contracts as prescribed by the Office of Federal Contract Compliance Regulations (41 CFR 60-1.4(b) and (c)) and as prescribed by Executive Order 11246 (Sections 202 and 301).

Wherefore, the General Counsel requests that the Hearing Officer recommend that an Order be entered, pursuant to 41 CFR 60-1.26(b)(2)(vi):

1. Finding that Respondent failed to comply with Executive Order 11246, and the rules, regulations and orders issued and promulgated thereunder, as well as with its contracts, during the term of its performance on the Humanities and Psychology projects in 1970, 1971, 1972, and 1973 in the trade of steamfitting;

2. Finding that this Department has been unable to achieve the compliance of Respondent through voluntary and informal means; and

3. Providing that Respondent shall be ineligible for the award of any contracts or subcontracts funded in whole or in part with Federal funds, and shall be ineligible for extensions or other modifications of any existing contracts, until Respondent has satisfied the Secretary of Labor that Respondent has established and will carry out personnel and employment policies in compliance with the provisions of Executive Order 11246, and the rules, regulations and orders issued thereunder.

Dated: December 20, 1973.

For the General Counsel, Department of Health, Education, and Welfare.

EDWARD P. LEVY,
Attorney.

PAUL D. GROSSMAN,
Attorney.
Civil Rights Division, Room 3265, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

CERTIFICATE OF SERVICE

I hereby certify that one copy of the attached document, Notice of Hearing, was this day mailed to the following (registered mail, return receipt requested, as to Respondent):

M. George Mooradian, Esq.
Goushian, Mooradian, and Goldsmith
Attorneys for Respondent
111 Land Title Building
Broad and Chestnut Streets
Philadelphia, Pennsylvania 19102

Mr. John Armstrong, President
Powertherm Corporation
Union Hill Road
West Conshohocken, Pennsylvania 19428

Steamfitters Local Union No. 420
6630 Lindbergh Boulevard
Philadelphia, Pennsylvania 19142
Attn: Mr. Thomas J. Dugan
Business Manager

Mechanical Contractors Association of Philadelphia, Inc.
1422 Chestnut Street
Philadelphia, Pennsylvania 19102
Attn: Mr. William H. Lindsay, Jr.
Executive Vice President

I further certify that on this date the original and two copies of the attached document were filed with the Hearing Clerk (Civil Rights), Department of Health, Education, and Welfare, Room 4519 HEW North, 330 Independence Avenue, SW., Washington, D.C. 20201.

Dated: December 20, 1973.

PAUL D. GROSSMAN,
Attorney.

[FR Doc.73-27191 Filed 12-27-73;8:45 am]

Social Security Administration

HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Notice of Meetings

Notice is hereby given, pursuant to Public Law 92-463, that the Health Insurance Benefits Advisory Council (HIBAC), established pursuant to Section 1867 of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare and Medicaid matters, will meet on Friday, January 11, 1974, at 9 a.m., in Room 4131 of the Department of Health, Education, and Welfare's North Building, Third and C Streets, SW., Washington, D.C. The Council will consider matters relating to the Medicare and Medicaid programs.

The Home Health Care Committee of HIBAC, which is studying the possibility of broadening the coverage of home health services; the Health Education Committee of HIBAC, which is formulating recommendations for consumer health education; and the Nurse Anesthetists Committee of HIBAC, which is studying the possibility of covering nurse anesthetists as recognized providers of service for Medicare, tentatively plan to meet prior to the meeting of the Council.

All of these meetings are open to the public.

Further information on the Council and the Committees (including the times and places at which the latter will convene) may be obtained from Mr. Max Perlman, Executive Secretary, Health Insurance Benefits Advisory Council, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-9134. Members of the public planning to attend any of these meetings should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Numbers: 13.800, Health Insurance for the Aged-Hospital Insurance; 13.801, Health Insurance for the Aged-Supplementary Medical Insurance; 13.714, Medical Assistance Program.)

Dated: December 21, 1973.

MAX PERLMAN,
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.73-27229 Filed 12-27-73;8:45 am]

MEDICARE PROGRAM

Delegations of Authority With Respect to Disclosure of Certain Reports

Section 249C of Pub. L. 92-603 added subsections (d) and (e) to section 1106 of the Social Security Act (42 U.S.C.

1306). Subsection (d) authorizes the Secretary of Health, Education, and Welfare to disclose to the public, subject to specified limitations, certain official reports dealing with the operation of the health programs established by titles XVIII and XIX of the Social Security Act, as amended. The Secretary has delegated this authority, as it pertains to title XVIII of the Social Security Act, as amended, to the Commissioner of Social Security, with authority to redelegate (subsection a of section D–1 of Part 4 (Social Security Administration) in the "Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare"). Notice is hereby given that the Commissioner of Social Security has redelegated such authority, as follows:

I. Pursuant to paragraph (1) of subsection (d) of section 1106 of the Social Security Act, as amended, authority to determine that formal evaluations relating to the performance of state agencies (including reports of follow-up reviews) under the terms of their agreements with the Secretary, in accordance with section 1864 of the Social Security Act, as amended, are final and official, and authority to disclose such evaluations or reports to the public, has been redelegated to the following officials of the Social Security Administration:

A. Deputy Commissioner

B. Director and Deputy Director, Bureau of Health Insurance

C. Deputy Director (Program Operations) and Assistant Deputy Director (Program Operations), Bureau of Health Insurance

D. Assistant Bureau Director, and Deputy Assistant Bureau Director, Division of State Operations, Bureau of Health Insurance

This redelegation includes authority to:

1. Determine that references to internal tolerance rules, practices, working papers and informal memoranda have been excluded from such evaluations or reports;

2. Determine that state agencies have been afforded a reasonable opportunity (not to exceed 30 days) to review such evaluations or reports and to offer comments thereon; and

3. Make final and official evaluations or reports available for public inspection in readily accessible form and fashion, along with any pertinent written statements.

II. Pursuant to paragraphs (1) and (2) of subsection (d) of section 1106 of the Social Security Act, as amended, authority to determine that contractor performance review reports and other formal evaluations of the performance of carriers and intermediaries, including reports of follow-up reviews and comparative evaluations, under the terms of their agreements with the Secretary, in accordance with sections 1842 and 1816, respectively, of the Social Security Act, as amended, are final and official, and authority to disclose such reports or evaluations to the public, has been redelegated to the following officials of the Social Security Administration:

A. Deputy Commissioner

B. Director and Deputy Director, Bureau of Health Insurance

C. Deputy Director (Program Operations) and Assistant Deputy Director (Program Operations), Bureau of Health Insurance

D. Assistant Bureau Director, and Deputy Assistant Bureau Director, Division of Contractor Operations, Bureau of Health Insurance

This redelegation includes authority to:

1. Determine that references to internal tolerance rules, practices, working papers or informal memoranda have been excluded from such reports or evaluations;

2. Determine that intermediaries and carriers have been afforded a reasonable opportunity (not to exceed 30 days) to review such reports or evaluations and to offer comments thereon;

3. Determine that information with respect to any deficiency (or improper practice or procedure) which is known to have been fully corrected within 60 days of the date such deficiency was first brought to the attention of the deficient party has not been included in any such reports or evaluations; and,

4. Make final and official reports or evaluations available for public inspection in readily accessible form and fashion, along with any pertinent written statements.

III. Pursuant to paragraph (3) of subsection (d) of section 1106 of the Social Security Act, as amended, authority to determine that program validation survey reports and other formal evaluations of the performance of providers of services (including follow-up reports), in accordance with the provisions of title XVIII of the Social Security Act, as amended, are final and official, and authority to disclose such reports or evaluations to the public, has been redelegated to the following officials of the Social Security Administration:

A. Deputy Commissioner

B. Director and Deputy Director, Bureau of Health Insurance

C. Assistant Director (Program Review), Bureau of Health Insurance

D. Regional Commissioners

E. Regional Representatives and Deputy Regional Representatives, Bureau of Health Insurance

This redelegation includes authority to:

1. Assure that references to internal tolerance rules and practices have been excluded from such reports or evaluations;

2. Determine that such reports or evaluations have not identified individual patients, physicians, other practitioners, or individuals;

3. Determine that providers of services involved in such reports or evaluations have been afforded a reasonable opportunity (not to exceed 30 days) to review such reports or evaluations and to offer comments thereon;

4. Determine that information with respect to any deficiency (or improper practice or procedure) which is known to have been fully corrected within 60 days of the date such deficiency was first brought to the attention of the deficient party, has not been included in any such reports or evaluations; and

5. Make final and official reports or evaluations available for public inspection in readily accessible form and fashion, along with any pertinent written statements.

Section 299D of Pub. L. 92–603 amended subsection (a) of section 1864 of the Social Security Act (42 U.S.C. 1395) by adding a new sentence at the end of the subsection. This sentence authorizes the Secretary of Health, Education, and Welfare to disclose state agency survey reports to the public. These reports deal with compliance by providers and suppliers of services with the conditions of their participation in the Medicare program established by the provisions of title XVIII of the Social Security Act, as amended. The Secretary has delegated this authority to the Commissioner of Social Security, with authority to redelegate (Subsection a. of section D–1 of Part 4 (Social Security Administration) in the "Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare"). Notice is hereby given that the Commissioner of Social Security has redelegated such authority, as follows:

Pursuant to subsection (a) of section 1864 of the Social Security Act, as amended by section 299D of Pub. L. 92–603, authority to determine that state agency survey reports (including reports of follow-up reviews) and statements of deficiencies based upon official survey reports, relating to compliance by providers and suppliers of services with the conditions of their participation in the Medicare program established by the provisions of title XVIII of the Social Security Act, as amended, are final and official, and authority to disclose such reports to the public, has been redelegated to the following officials of the Social Security Administration:

A. Deputy Commissioner

B. Director and Deputy Director, Bureau of Health Insurance

C. Deputy Director (Program Operations) and Assistant Deputy Director (Program Operations), Bureau of Health Insurance

D. Assistant Bureau Director and Deputy Assistant Bureau Director, Division of State Operations, Bureau of Health Insurance

E. Regional Commissioners

F. Regional Representatives and Deputy Regional Representatives, Bureau of Health Insurance

This redelegation includes authority to:

1. Assure that references to internal tolerance rules and practices are excluded from such reports or deficiency statements;

2. Determine that such reports or deficiency statements have not identified individual patients, physicians, other practitioners, or individuals;

3. Determine that providers of services involved in such reports or deficiency statements have been afforded a reasonable opportunity to offer comments; and

4. Make final and official reports or deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements.

Subsection (a) of section 1106 of the Social Security Act, as amended, authorizes the Secretary of Health, Education, and Welfare to publish regulations concerning the disclosure of information obtained through administration of the Social Security Act. Pursuant to this, the Secretary has sanctioned the publication of section 401.3(v)(4) of Social Security Regulation No. 1, which states that the Secretary may disclose the names of providers of services, physicians, or other persons who have been found guilty, as the result of proceedings in Federal Court, of submitting false claims in connection with payments under the provisions of title XVIII of the Social Security Act, as amended, or who have been found by a carrier or intermediary, under contract with the Secretary, to have been engaged in a pattern of furnishing services to Medicare beneficiaries which are substantially in excess of their medical needs. This authority has been delegated by the Secretary to the Commissioner of Social Security, with authority to redelegate (subsection a. of section D–1 of Part 4 (Social Security Administration) in the "Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare"). Notice is hereby given that the Commissioner of Social Security

has redelegated such authority as follows:

Pursuant to subsection (a) of section 1106 of the Social Security Act, as amended, and section 401.3(v)(4) of Social Security Regulation No. 1, authority to determine that a provider of services, physician, or other person furnishing services or supplies to beneficiaries under title XVIII of the Social Security Act, as amended, has been found guilty, as the result of proceedings in Federal Court, of submitting false claims for payment under the provisions of title XVIII of the Social Security Act, as amended, or has been found by a carrier or intermediary, under contract with the Secretary, to have been engaged in a pattern of furnishing services to Medicare beneficiaries which is substantially in excess of their medical needs, and authority to disclose the names of such providers, physicians or other persons to the public, has been redelegated to the following officials of the Social Security Administration:

A. Deputy Commissioner

B. Director and Deputy Director, Bureau of Health Insurance

C. Assistant Director (Program Review), Bureau of Health Insurance

This redelegation includes authority to:

1. Determine that a provider of services, physician, or other person furnishing services or supplies to beneficiaries under title XVIII has been found by a carrier or intermediary to have been engaged in a pattern of furnishing services to such beneficiaries which is substantially in excess of their medical needs;

2. Determine that required consultation with a professional medical association, or, if appropriate, the State medical authority, has occurred;

3. Determine that such provider, physician, or other person has been afforded a reasonable opportunity to offer evidence on his behalf; and

4. Disclose the names of such providers, physicians, or other persons to members of the public.

However, disclosure of the names of providers of services, physicians, or others, to whom Medicare program payments have been terminated under sections 1862(d) and paragraphs (D), (E), and (F) of section 1866(b)(2) of the Social Security Act, as amended, may not be made pursuant to this authority.

These redelegations are effective December 28, 1973. None of these redelegations may be further redelegated.

Dated: November 23, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

[FR Doc.73-27190 Filed 12-27-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-141]

FEDERAL COORDINATING OFFICER

Notice of Appointment

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11725 of June 27, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Elwood P. Hartzell as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for the disasters listed below, effective January 1, 1974:

State	Disaster No.	Declaration date
Massachusetts: Vice John F. Sullivan, appointed July 31, 1973 (38 FR 23055, Aug. 15, 1973).	325	Mar. 6, 1972
Maine: Vice John F. Sullivan, appointed June 1, 1973 (38 FR 14988, June 7, 1973).	326	Mar. 7, 1972
New Hampshire: Vice John F. Sullivan, appointed June 1, 1973 (38 FR 14988, June 7, 1973).	327	Mar. 7, 1973
Maine: Vice John F. Sullivan, appointed May 25, 1973 (38 FR 14442, June 1, 1973).	384	May. 23, 1973
Vermont: Vice John F. Sullivan, appointed July 9, 1973 (38 FR 18574, July 12, 1973).	397	July 6, 1973
New Hampshire: Vice John F. Sullivan, appointed July 11, 1973 (38 FR 19148, July 18, 1973).	399	July 11, 1973
Massachusetts: Vice John F. Sullivan, appointed Oct. 16, 1973 (38 FR 29240, Oct. 23, 1973).	405	Oct. 16, 1973

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated: December 20, 1973.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.73-27215 Filed 12-27-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 13409]

NAVIGATIONAL DEVIATIONS ON THE U.S.-HAWAII TRACK SYSTEM

Policy Regarding Pilot Reports

The Federal Aviation Administration is establishing a six-month study to determine the cause for navigational deviations from assigned track between the mainland of the United States and Hawaii. Success of the study depends on a waii. Success of the study depends on a full report of each navigational deviation during the six-month period. To encourage persons involved in navigational deviations to make such reports, the Administrator will take no enforcement or other adverse action, remedial or disciplinary, against any person involved in navigational deviations from assigned track that are reported to the FAA during the period of this program. This action is taken under his statuary mandate to promote safety in flight. A most important benefit expected to be derived from this program should be a reduction in fuel consumption due to a shortening of the average en route flight time and optimum use of the airspace in the assignment of cruising altitudes.

By obtaining full, frank, and complete cooperation from persons involved in navigatinal deviations, the FAA should be in a position to obtain the necessary information for use in evaluation and development of air traffic control procedures, separation criteria, and pertinent Federal Aviation Regulations. Therefore, it is the policy of the Federal Aviation Administration that if any flight crew member of an aircraft involved in a navigational deviation reports the facts, conditions, and circumstances thereof to the FAA, the Administrator will take no enforcement or other adverse action, remedial or disciplinary, against any of the flight crewmembers of that aircraft for navigational deviations revealed by the report, even though a violation of the Federal Aviation Regulations may be disclosed.

This policy applies to navigational deviations from the assigned track between the mainland of the United States and Hawaii that occur from December 11, 1973, to June 30, 1974, inclusive.

Issued under the authority of sections 305, 307(c), 312(c), 313(a), 601(a), and 701(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1346, 1348(c), 1353(c), 1354(a), 1321(a), and 1441(a)).

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

JAMES E. DOW,
Acting Administrator.

[FR Doc. 73-27288 Filed 12-27-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-466, 50-467]

HOUSTON LIGHTING & POWER CO.

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Houston Lighting & Power Company (the applicant), for construction permits for two boiling water nuclear reactors designated as the Allens Creek Nuclear Generating Station, Units 1 & 2 (the facilities), each of which will be designed for initial operation at approximately 3579 thermal megawatts with a net electrical output of approximately 1200 megawatts. The proposed facilities are to be located on the applicant's site consisting of approximately 11,150 acres of land area in southern Austin County, Texas, west of the Brazos River, and about 45 miles west of the center of Houston.

The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities, and will be conducted by an Atomic Safety and Licensing Board (Board) which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Glenn O. Bright, Dr. E. Leonard Cheatum, members, and Elizabeth S. Bowers, Esq., Chairman. Dr. Stuart G. Forbes has been designated as a technically qualified alternate, and Michael Glaser, Esq. has been designated as an alternate qualified in the conduct of administrative proceedings.

Pursuant to 10 CFR § 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities; and

3. Whether the applicant is financially qualified to design and construct the proposed facilities;

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) whether the review conducted by the Commission pursuant to NEPA has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with Section A.11 of Appendix D of 10 CFR Part 50: (1) Determine whether the requirements of section 102(2)(C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others in the manner specified below.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by January 28, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and (d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by January 18, 1974.

Papers required to be filed in this proceeding shall 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. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Mr. R. Gordon Gooch, Baker & Botts, 1701 Pennsylvania Avenue, NW., Washington, D.C. 20006, attorney for the applicant.

For further details, see the application for construction permits dated August 24, 1973, and amendments thereto, and the applicant's environmental report dated August 24, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents are also available at the Sealy Public Library, 415 Main Street, Sealy, Texas 77474 for inspection by members of the public between the hours of 1:00 p.m. and 6 p.m. on Tuesdays and Thursdays and from 9:00 a.m. to 12 noon on Saturdays. As they become available, a copy of the safety evaluation report by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report and the Commission's final environmental statement, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Maryland, this 20th day of December 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-27291 Filed 12-27-73;8:45 am]

[Docket Nos. 50-466, 50-467]

HOUSTON LIGHTING AND POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report

Houston Lighting and Power Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on December 7, 1973 for authorization to construct and operate two single cycle boiling water nuclear reactors. The application was tendered on August 24, 1973. Following a preliminary review for completeness, it was rejected on September 25, 1973 for lack of sufficient information. The applicant submitted additional information on November 13, 1973 and the application was found to be acceptable for docketing. Docket Nos. 50-466 and 50-467 have been assigned to the application and it should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Allens Creek Nuclear Generating Station, Units 1 & 2 are to be located in southern Austin County, Texas, west of the Brazos River, and about 45 miles west of the center of Houston and are designed for initial operation at approximately 3579 megawatts (thermal), with a net electrical output of approximately 1200 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 27, 1974. The request should be filed in connection with Docket Nos. 50-466-A and 50-467-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Sealy Public Library, 415 Main Street, Sealy, Texas 77474.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated August 24, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the Division of Planning Coordination, Office of the Governor, P.O. Box 12428, Capitol Station, Austin, Texas 78711 and at the Houston-Galveston Area Council, 3311 Richmond Avenue, Houston, Texas 77006.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 10th day of December 1973.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Boiling Water Reactors Branch 1, Directorate of Licensing.

[FR Doc.73-27098 Filed 12-27-73;8:45 am]

[Docket Nos. 50-461, 50-462]

ILLINOIS POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

Illinois Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed October 30, 1973 for authorization to construct and operate two generating units utilizing two boiling water reactors. The application was tendered on July 17, 1973. Following a preliminary review for completeness, the application was rejected on August 17, 1973 for lack of sufficient information. The applicant submitted additional information on September 14 and 28, 1973, and the application was found to be acceptable for docketing. Docket Nos. 50-461 and 50-462 have been assigned to the application, which should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Clinton Power Station, Units 1 and 2 are to be located in Harp Township, DeWitt County, Illinois. Each unit is designed for initial operation at approximately 2894 megawatts (thermal), with a net electrical output of approximately 955 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Regulation, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 5, 1974. The request should be filed in connection with Docket Nos. 50-461-A and 50-462-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated October 26, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities is being made

available for public inspection at the aforementioned locations and at the Office of Planning and Analysis, 216 East Monroe Street, Third Floor, Springfield, Illinois 62706.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland this 26th day of November 1973.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Boiling Water Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.73-25962 Filed 12-6-73;8:45 am]

[Docket Nos. 50-463, 50-464]

PHILADELPHIA ELECTRIC CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

Philadelphia Electric Company (the applicant), 2301 Market Street, Philadelphia, Pennsylvania 19101, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on November 16, 1973, for authorization to construct and operate two generating units utilizing two high temperature gas-cooled reactors. The application was tendered on July 3, 1973. Following a preliminary review for completeness, the application was rejected on August 15, 1973, for lack of sufficient information. The applicant submitted additional information on October 18, 1973, and the application was found to be acceptable for docketing. Docket Nos. 50-463 and 50-464 have been assigned to the application and they should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Fulton Generating Station, Units 1 and 2, will be located on the east bank of Conowingo Pond in Fulton Township, Lancaster County, Pennsylvania, approximately 17 miles south of Lancaster, Pennsylvania, 59 miles west-southwest of Philadelphia, and 36 miles northeast of Baltimore, Maryland. Each reactor will be designed for initial operation at approximately 3000 megawatts (thermal), with a net electrical output of approximately 1160 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 5, 1974. The request should be filed in connection with Docket Nos. 50-463-A and 50-464-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Lancaster County Library, 125 North Duke Street, Lancaster, Pennsylvania, 17602.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated November 14, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations, at the Office of Radiological Health, Department of Environmental Resources, P.O. Box 2063, Harrisburg, Pennsylvania 17105 and at the Lancaster County Planning Commission, 900 East King Street, Lancaster, Pennsylvania 17602.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statements, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 28th day of November 1973.

For the Atomic Energy Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.73-25963 Filed 12-6-73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued two new guides in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 1, "Power Reactor Guides." These Regulatory Guides are the first of a series of guides to be issued for the purpose of identifying in detail information needed for the evaluation of nuclear power reactor license applications in addition to that presently specified in the "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants." In order to distinguish this series of guides from other regulatory guides, the following numbering system will be employed. The "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants" will be designated as Regulatory Guide 1.70. Each Guide identifying additional information will be designated 1.70.X starting with 1.70.1 and consecutively increasing the final digit(s).

Regulatory Guide 1.70.1, "Additional Information—Hydrological Considerations for Nuclear Power Plants," identifies information related to hydrological considerations that the AEC Regulatory staff has often found to be missing from safety analysis reports. Regulatory Guide 1.70.2, "Additional Information—Air Filtration Systems and Containment Sumps for Nuclear Power Plants," identifies information related to air filtration systems and containment sumps that the AEC Regulatory staff has often found to be missing from safety analysis reports.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Availability of Electric Power Sources
Requirements for Instrumentation to Assess Nuclear Power Plant

Conditions During and Following an Accident for Water-Cooled Reactors
Shared Emergency and Shutdown Power Systems at Multi-Unit Sites
Physical Independence of Safety Related Electric Systems
Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary
Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors
Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors
Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake
Qualification Tests of Electric Valve Operators for Use in Nuclear Power Plants
Fire Protection Criteria for Nuclear Power Plants
Protective Coatings for Nuclear Reactor Containment Facilities
Inservice Surveillance of Grouted Prestressing Tendons
Seismic Input Motion to Uncoupled Structural Model
Primary Reactor Containment (Concrete) Design and Analysis
Preservice Testing of In-Situ Components
Category I Structural Foundations
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel
Fracture Toughness Requirements for Vessels Under Overstress Conditions
Applicability of Nickel-base Alloys and High Alloy Steels
Material Limitations for Component Supports
Protection Against Postulated Events and Accidents Outside of Containment
Design Basis Tornado for Nuclear Power Plants
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants
Assumptions used for Evaluating the Potential Radiological Consequences of a Boiling Water Reactor Gas Holdup Tank Failure
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services
Quality Assurance Requirements for Lifting Equipment
Maintenance and Testing of Batteries
Qualification of Class I Electrical Equipment
Type Tests for Class I Cables and Connectors Installed Inside the Containment
Seismic Qualification of Class I Electric Equipment
Fracture Toughness Requirements for Materials for Class 2 and 3 Components
Maintenance of Water Purity in PWR Secondary Systems
Plastic Piping Material Properties
Concrete Radiation Shields for Nuclear Power Plants
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors
Quality Assurance Terms and Definitions
Nuclear Reactor Glossary of Terms
Criteria for Heat-up and Cool-down Procedures
Effects of Residual Elements on Predicted Radiation Damage
Welder Qualifications for Limited Accessibility Areas
Inservice Inspection and Testing of Steam Generators
Component Design Criteria for Elevated Temperature Reactors

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 18th day of December, 1973.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-27189 Filed 12-27-73;8:45 am]

[Docket No. 50-460]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Receipt of Application; Availability of Applicant's Environmental Report; Time for Submission of Views

Washington Public Power Supply System (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed October 18, 1973, for authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor. The application was tendered on July 16, 1973. Following a preliminary review for completeness, the application was rejected on August 20, 1973, for lack of sufficient information. The applicant submitted additional information on October 1, 1973, and the application was found to be acceptable for docketing. Docket No. 50-460 has been assigned to the application and it should be referenced in any correspondence relating to the application.

The proposed nuclear facility, designated by the applicant as the WPPSS Nuclear Project No. 1, is located on the applicant's site in Benton County, Washington, and is designed for initial operation at approximately 3619 megawatts thermal, and a net electrical output of approximately 1206 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 19, 1974. The request should be filed in connection with Docket No. 50-460-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated October 15, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations, and at the Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504 and the Benton-Franklin Governmental Conference, 906 Jadwin Avenue, Richland, Washington 99352.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 14th day of December 1973.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3, Directorate of Licensing.

[FR Doc.73-27005 Filed 12-20-73;8:45 am]

LAWRENCE AWARD NOMINATION—AD HOC SCREENING PANELS, GENERAL ADVISORY COMMITTEE

Notice of Meetings

DECEMBER 26, 1973.

In accordance with the purposes of section 157b(3) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the General Advisory Committee has organized four ad hoc nomination-screening panels for the Ernest-Orlando Lawrence Memorial Award of the USAEC for 1974. Each panel will meet in executive session for one day, beginning at 9 a.m., on January 11, 14, 18, and 21, in Room 1010 at 1717 H Street NW., Washington, D.C., as follows:

January 11, 1974—Weapons Panel
January 14, 1974—Life Sciences Panel
January 18, 1974—Chemical and Metallurgy Panel
January 21, 1974—Physics Panel

The panel meetings will be in their entirety the exchanges of opinions and the formulation of recommendations to the General Advisory Committee relative to the nominating letters. The work of two panels (the Weapons Panel and the Chemical and Metallurgy Panel) will also include the discussion of classified documents and that of all panels will include discussion of privileged documents. I have determined in accordance with subsection 10(d) of Public Law 92-463, that these four meetings will consist of an exchange of opinions, and formulation of recommendations, the discussion of which, if written, would fall within within exemption (5) of 5 U.S.C. 552(b); that all four meetings will also include discussion of certain documents

considered privileged and which fall within exemption (4) of 5 U.S.C. 552(b); and two of the meetings (the Weapons Panel and Chemical and Metallurgy Panel) will also involve discussion of certain classified documents considered exempt under exemptions (1) and (3) of 5 U.S.C. 552(b). It is essential to close these meetings to protect such privileged information and protect the free interchange of internal views and avoid undue interference with Committee operation; and in addition for the two panels noted above, to protect such classified information.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.73-27311 Filed 12-27-73;10:16 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25487]

BRIDGEPORT SERVICE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 29, 1974, at 10:00 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Hyman Goldberg.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before January 17, 1974, and the other parties on or before January 25, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., December 20, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-27233 Filed 12-27-73;8:45 am]

[Docket No. 22859]

DOMESTIC AIR FREIGHT RATE INVESTIGATION

Notice of Postponement of Hearing

The hearing previously scheduled for January 8, 1974, (38 FR 34356, December 13, 1973) is postponed to February 5, 1974, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., December 20, 1973.

[SEAL] ARTHUR S. PRESENT,
Administrative Law Judge.

[FR Doc.73-27234 Filed 12-27-73;8:45 am]

[Docket No. 25280, etc.; Order 73-12-77]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Increased Fuel Costs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of December 1973.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

The agreement is proposed to become effective January 1, 1974, and would increase worldwide passenger fares and cargo rates by approximately six percent in order to compensate for increased fuel costs. The increases associated with passenger fares would expire March 31, 1975, and those related to cargo rates would expire September 30, 1975.

Passenger fares would be increased by a flat six percent in all world areas except on the North Atlantic and on North/Central and South Pacific routes. The increase on the North Atlantic is equivalent to four percent of the one-way shoulder-season normal economy fare between New York and the various European points, with the resulting dollar amount applied to all fares in the structure, regardless of season. Fares across the Pacific would be similarly increased across-the-board, with the dollar amount calculated at four percent of the normal economy fare from Los Angeles. Round-trip fares would be increased by twice the dollar amount applicable to one-way fares.

Cargo rates in all world areas except the North Atlantic and the North/Central and South Pacific would likewise be increased by a flat six percent across-the-board. In the excepted areas, the increase is four percent of the 45 kilogram general commodity rate applied to all rates in the structure.[1]

By Order 73-11-138, dated November 29, 1973, the Board established dates for the receipt of carrier justification and comments from any other interested parties. Comments and justification have been received and evaluated and the matter now stands ready for the Board's decision.

With only one exception[2] all of the U.S. carrier members of IATA have submitted justification in support of the agreement. In addition comments in support of the agreement have been filed by a number of foreign flag carriers,[3] all of which are members of IATA, and by Seaboard World Airlines, a non-IATA all-cargo carrier. Without exception all of the respondent carriers cite substantial increases in the cost of fuel in recent months (November and December 1973) and indicate that prices are expected to increase even more significantly in 1974.

The carriers indicate that in order to offset the increased fuel expenses it is necessary that an upward adjustment be made in worldwide fares and rates. The proposed six percent increase, they contend, generally falls short of total recoupment in that the revenues gained would not be sufficient to offset anticipated cost increases in 1974. The proposed revenue adjustment would, however, generally provide the carriers with offsetting revenues in order to compensate for increased fuel prices on the basis of known fuel costs at the present time. A summary of the carrier justification and comments appears in the attachment.

The Board has been aware of the unprecedented spiraling costs of fuel in recent months and agrees with the carriers that some adjustment in fares and rates is required to offset these increased costs. The issue at hand is whether or not the proposed six percent increase is reasonable and required to offset increased costs.

As is shown in the attachment prices paid for fuel by the U.S. carriers in November and December 1973 generally exceeded the prices paid in the corresponding period of 1972 by well over 50 percent. For 1974 the situation promises to be even more bleak. Although the carriers generally have been unable to finalize contract terms for 1974, cost estimates are in excess of 100 percent over the first nine months of 1973.

Form 41 reports for the 12 months ending September 1973, indicate total revenues earned by U.S. carriers in international/territorial operations were $2,156 million (passengers, freight, express and baggage). A six percent revenue increase across-the-board would be $129 million. For this same time frame, fuel expenses were $274 million. A 50 percent increase in fuel costs would amount to $137 million; hence total fuel cost increases experienced to date would not be offset by the additional revenues. In these circumstances we find that the proposed fare and rate increases are justified and required as a result of actual increased fuel costs and should be approved.

In approving the agreement the Board is not unmindful of the fact that the

[1] Rates from New York are used as the base in the case of the North Atlantic and Los Angeles and West Coast common-rated points in the case of the North/Central and South Pacific.

[2] American Airlines.

[3] Alitalia, Japan Air Lines, Lufthansa and Swissair.

shortage of fuel will force cut-backs in international air services. Under these circumstances each aircraft flying would be expected to produce greater revenues as a result of increased passenger and cargo loads while at the same time the amount of fuel required to earn these revenues would be reduced. It, therefore, could be argued that the proposed fare and rate increases are excessive in view of potential frequency cut-backs resulting from the fuel shortage.

We see little if any likelihood that the fare and rate increases we are herein permitting to become effective will result in excessive profits for the industry. Some cost savings would result from the curtailed utilization of existing aircraft capacity but the carriers will continue to incur the major expense of the grounded equipment-depreciation—not to mention current costs of ground and maintenance facilities, etc. Further the carriers allege that significant fuel cost increases are yet to come, a fact which has been informally corroborated by the Board. The consensus is that fuel prices will continue to increase but the precise amounts are not determinable at this time. Estimates range from a conservative 12 percent increase in January 1974 over December 1973 to an increase of from 50 to 75 percent in the next 60 days. For these reasons the proposed increases, which are justified by experienced cost increases, do not appear excessive for the future and should not result in increased profits as a consequence of reduced carrier frequencies.

The Board, acting pursuant to sections 102, 204(a), 404(b), 412 and 1002 of the Act, finds that the resolutions set forth in Agreement C.A.B. 24086, R–1 through R–12, are not adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

1. Agreement C.A.B. 24086, R–1 through R–12, be and hereby is approved; and

2. The carriers are hereby authorized to file tariffs implementing the approved agreements on not less than one day's notice for effectiveness not earlier than January 1, 1974. The authority granted in this paragraph expires with January 31, 1974.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

SUMMARY OF CARRIER JUSTIFICATIONS AND COMMENTS

Alitalia. Increases in the prices of fuel from the period January to June 1973 and October 1973 to March 1974 are calculated to be 75 percent based on system operations. On the basis of fuel uplifted in the United States and Canada a 50 percent increase is estimated.

Braniff. Had the proposed increases been in effect for 12 months ended October 31, 1973, and had there has been no impact on traffic, Braniff's gross international revenues would have increased $5.2 million. Had Braniff for the same time period been paying for fuel the prices it is paying in December 1973, its fuel bill would have increased $6.0 million. The actual price to be paid for fuel in 1974 is not known. Increases above the current levels are not only possible but likely. The increases already experienced more than justify the relief requested. Braniff's price for bonded fuel at Miami was 67.22 percent higher in December than in March 1973. At New York, the December prices were 112.92 percent above those in March. These two stations together account for 55 percent of Braniff's bonded fuel purchases system-wide. Fuel prices in Mexico and South America have increased dramatically.

Eastern. Based upon the 12-month period ending June 30, 1973, and applied to fares and rates presently in effect, the six percent increase would produce an increase in revenues of $1.3 million. Based upon projected fuel costs for 1974, which are estimated to be 237 percent higher than those in effect during the 12-month period ending June 1973, increased fuel costs are estimated at $15.9 million. Based on actual contract rates for fuel in effect December 1, 1973, the fuel costs increase for 1974 would be 48.6 percent higher than the rates in effect during the year ended June 30, 1973. This translates to a cost increase of $3.3 million which exceeds the $1.3 million projected from increased revenues.

Flying Tiger. As of November 1, 1973, fuel prices have increased 29 percent over the fiscal year 1973 experience. In January 1973 the cost of fuel purchased at one of the largest fueling points on its system was 11.1 cents per gallon. The new contract price effective January 1, 1974 is 20.43 cents per gallon—an increase of more than 83.8 percent. By its terms the fuel contract is subject to additional escalation even before it comes into effect. Based on what has already transpired, it appears that the January 1974 price would be at least 26.0 cents a gallon or a 134 percent increase. Projected to six months April 30, 1974, the average cost increase over that experienced in fiscal 1973 is estimated to be 64.59 percent. The Agreement would result in increased revenues of $5.1 million whereas the cost increases would be $5.2 million based on fiscal 1973 operations.

Japan Air Lines. Based on actual notices received from fuel suppliers the cost per gallon of fuel during the first quarter of 1974 would be increased by 76.9 percent over the actual costs incurred in the second quarter of 1973. To fully offset the fuel cost increases revenues earned in FY 1973 would have had to be increased by 7.9 percent. The proposed increases would only cover about 50 percent of the anticipated fuel cost increases.

Lufthansa. Estimates revenue gain for 1974 for North Atlantic services to be $7.9 million as opposed to estimated fuel cost increases of $12.7 million.

National. Prior to July 1, 1973 National's in-bond jet fuel under the terms of its contract was 7.5 cents per gallon in the United States and 8.36 cents per gallon in London. Effective July 1, 1973 the price was increased to 8.5 cents per gallon in the United States. The next scheduled fuel cost increase, a 32 percent increase to 11.25 cents per gallon in the U.S., was to commence July 1, 1974. National, however, is currently faced with having to accept an immediate fuel price increase in both the U.S. and London to 14.5 cents per gallon representing an increase of 71 percent.

Northwest. Projects fuel increases for 1974 to range 104–127 percent above those experienced in January–September 1973. In 1974 fuel increases would increase costs by $15.4 million while revenue gains from the agreement would only amount to $10.2 million.

Pan American. Fuel prices have increased 43.3 percent in November 1973 over November 1972. In December 1973 fuel prices were up 51 percent over the previous December. Fuel costs for 1974 are estimated at 69.2 percent over 1973. Fuel price increases began in June 1973 and became steep in October 1973. In December 1973, the price of fuel was 42 percent over the May 1973 price. Estimates for 1974 are based on the latest effective fuel cost increases and information received from fuel suppliers. At major stations, given May 1973 as a base of 100, the latest fuel prices run from 111 to 177. Fuel prices for international services at all major stations have increased a minimum of 47 percent since May 1973 with the exception of New York with a 22 percent increase as of November 1, 1973. On a system basis it is estimated that fuel prices on a per gallon basis in 1974 would be 95.2 percent greater than the per gallon prices in effect during the first quarter of 1973. The prices quoted for projection purposes are conservative. Informal advices from suppliers indicate even greater increases.

IMPACT ON PAN AMERICAN OF IATA FUEL COST AGREEMENT FORECAST YEAR ENDED DECEMBER 31, 1974

[Adjustments (dollars in millions)]

	Increased revenues from agreement—		
	Based on present fares	Based on proposed fares	Increased fuel costs
North Atlantic combination services [1]	$28.6	$29.5	$37.0
North/Central Pacific, combination services [1]	10.6		10.8
South Pacific, combination services [1]	2.9		4.1
Caribbean, combination services [1]	6.8		10.1
Central/South American, combination services [1]	8.7		13.2
North Atlantic, all cargo	4.3	4.3	4.7
Pacific, all cargo	1.6		5.5
Latin American, all cargo	1.3		2.2

[1] Combination passenger/cargo services.

Seaboard World. Since July 1, 1973, Seaboard has already incurred or been notified of fuel cost increases totaling 117.2 percent which either are already in effect or will be effective no later than December 31, 1973. Since July 1, 1973 Seaboard has incurred fuel cost increases at seven of its major stations ranging from 48 percent at New York to 452 percent at Boston. The fuel uplifted at these stations accounts for 83.8 percent of the carrier's commercial fuel. Total revenue increases would not match the increase in operating expenses caused solely by fuel cost increases.

Swissair. Present fuel costs exceed 1974 budgeted fuel costs by 36.4 percent. To compensate for increased fuel costs, a 5.5 percent increase in revenue would be required.

TWA. Since the spring of 1973 fuel prices have increased substantially. In November 1973 the increases amounted to 47 percent in the Atlantic and 66 percent in the Pacific over November of 1972. Although the prices per gallon of fuel in November 1973 were 16.07 cents and 23.06 cents (Atlantic and Pacific respectively), TWA indicates that a conservative estimate per gallon for 1974 would be 26 cents and 27 cents each respec-

tively based on various indicators including verbal estimates from their suppliers. In 1972 fuel accounted for 11 percent of the total Atlantic operating costs and 14 percent of the Pacific. In 1974 these costs are forecast to account for 19 and 21 percent each, respectively, despite an anticipated 15 percent reduction in fuel consumption from 1972 to 1974. This translates into a total fuel cost increase of $46 million.

Delta. Lists prices per gallon for each major sector of its international operations, and indicates that total final costs (as at December 12, 1973) have increased 49.1 percent over the average for the first nine months of 1973. An additional 15.1 percent increase over present final costs is expected by March 31, 1974. With a full six percent fare increase Delta estimates that its revenue would have been $16,080,692; operating expenses at present fuel prices are estimated at $13,048,888, resulting in $3,031,794 operating income. With the March 31, 1974 fuel costs, however, expenses would be $13,408,749 and consequently operating income would fall to $2,671,933, a decline of about 12 percent. Taking into account a reduction in revenue to $15,459,455 due to elasticity of demand and corollary decline in traffic, income would drop to $2,050,706, a 15 percent decline.

[FR Doc.73-27232 Filed 12-27-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the meeting of the Food Industry Advisory Committee, created by section 7(b) of Executive Order 11695, will be held on January 4, 1974, at 9 a.m., Room 7206, 2000 M Street NW., Washington, D.C.

The agenda will consist exclusively of discussions of a specific document which I have determined falls within exemption (5) of 5 U.S.C. 552(b). The document is a Cost of Living Council staff paper containing opinions and recommendations with respect to future decontrol of the food industry.

Since this meeting will consist of discussions of a document which falls within exemption (5) of 5 U.S.C. 552(b), pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting itself falls within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C., on December 26, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc. 73-27312 Filed 12-27-73;10:30 am]

ENVIRONMENTAL PROTECTION AGENCY

ANTIMICROBIAL PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to P.L. 92-463, notice is hereby given that a meeting of the Antimicrobial Program Advisory Committee will be held at 9 a.m., January 17, 1974, in Conference Room 3305, Waterside Mall, 401 M Street SW., Washington, D.C.

This will be the third meeting of this Committee. The meeting is scheduled to extend into the evening of January 17, and to be resumed at 9 a.m., on January 18 for approximately three hours. The Agenda will allow a maximum time of one hour for public participation at the beginning of each meeting, provided the procedures established by the Committee for public participation have been followed. Any member of the public who desires to present an oral statement must: (1) Notify the Executive Secretary or the Chairman at least 48 hours prior to the meeting; (2) Identify himself by name and affiliation; (3) Identify the subject of the statement; (4) Estimate the time that will be required to present the statement; and, (5) Limit the statement to the Agenda of the meeting, as published in the FEDERAL REGISTER.

Although the Agenda will include brief discussions of problems associated with the labeling of disinfectants used in household, industrial, and hospital environments; the meeting will be devoted almost exclusively to an evaluation of E.P.A.'s Proposed Statement of Policy regarding Labeling Claims for Residual Bacteriostatic and/or Self-Sanitizing Activity in Labeling of Pesticide Products (FEDERAL REGISTER, Vol. 38, No. 163—Thursday, August 23, 1973). The Committee will review and evaluate written comments submitted from interested persons in response to the above FEDERAL REGISTER notice. It is anticipated that the Committee will make recommendations as to the adequacy or need for revision of the Proposed Statement of Policy.

The meeting will be open to the public. Because of the Federal Government Security Requirements, a list of the names and affiliations of all members of the public who wish to attend the evening session on January 17 must be submitted to the Building Security Office by an official of the Committee. Any interested person who wishes to attend this evening session should notify the Executive Secretary or the Chairman by January 17. Any member of the public wishing to participate or present written or oral views should contact Dr. William G. Roessler, Executive Secretary, Antimicrobial Program Advisory Committee, (202) 755-2562, at least 48 hours prior to the meeting.

CHARLES L. ELKINS,
Acting Assistant Administrator
for Hazardous Materials Control.

DECEMBER 21, 1973.

[FR Doc.73-27236 Filed 12-27-73;8:45 am]

OFFICINE ALFIERI MASERATI S.P.A. ET AL.

1976 Nitrogen Oxide Standard Suspension Request; Notice and Procedures for Disposition

Section 202(b)(5)(B) of the Clean Air Act, as amended, provides that at any time after January 1, 1973, any automobile manufacturer may file with the Administrator of the Environmental Protection Agency an application requesting the suspension for one year only of the effective date, with regard to that manufacturer, of the nitrogen oxides emission standard appreciable to light duty vehicles manufactured beginning with the 1976 model year.

If the Administrator determines that such suspension should be granted, he must simultaneously with such determination prescribe by regulation an interim emission standard which applies to emission standard applicable to light such vehicles manufactured during the 1976 model year.

On July 30, 1973, the Administrator granted to Chrysler Corporation, Ford Motor Company, and General Motors Corporation a one-year suspension of the effective date of the statutory 1976 light duty motor vehicle nitrogen oxides emission standard. The Administrator simultaneously established an interim NO_x emission standard of 2.0 grams per mile applicable to each applicant's 1976 model year vehicles (see 38 FR 22474, August 21, 1973).

The Administrator's decision was based on findings required by section 202(b)(5)(D)(i), (ii), (iii) and (iv) of the Clean Air Act, as amended. EPA regards findings (i) (a suspension is essential to the public interest) and (iii) and (iv) (technology required to meet the standards is not generally available) as applicable to the automobile industry as a whole and, hence, conclusive as to any applications for suspension of the 1967 NO_x statutory standard. The remaining finding, that the applicant has made all good faith efforts to meet the statutory standard (section 202(b)(5)(D)(ii)), will be made with respect to each applicant on the basis of an application, and after adequate time for public review and comment. A decision granting or denying any application will be made within 60 days after receipt thereof. Any manufacturer granted a suspension will be subject to the interim 2.0 grams per mile NO_x standard established by the July 30, 1973 decision.

On November 15, 1973, Officine Alfieri Maserati S.p.A. filed with the Administrator an application for a one-year suspension with respect to that company of the effective date of the 1976 NO_x emission standard. Subsequent applications for suspension have been filed by Daimler-Benz (received November 20, 1973), Jensen Motors (received November 28, 1973), Renault (received December 4, 1973), Volkswagen (received November 30, 1973), and Subaru (received December 11, 1973).

The procedures for disposition of these and all other applications for suspension under section 202(b)(5)(B) of the Act, filed with the Administrator prior to January 4, 1974, will be as follows: (i) The applications will be made available for public review and comment; (ii) the Administrator will conduct a public hearing, if, on the basis of public comments received, he determines a useful purpose would be served thereby (such hearing will be announced by FEDERAL REGISTER notice); (iii) each application will be

reviewed by EPA to determine whether the applicant made all good faith efforts; (iv) if any application is deemed deficient, the applicant will be notified by EPA to supplement his suspension request and, if the applicant fails to satisfactorily revise the application, the applicant will be required to appear and testify at a public hearing; and (v) the Administrator will issue by FEDERAL REGISTER notice his decision to grant or deny the respective applications on or before the 60th day from the day of receipt of such applications.

Any interested person may participate in this procedure through the filing of written comments or information with the Director, Mobile Source Enforcement Division, Environmental Protection Agency, Room 3220, 401 M Street SW., Washington, D.C. 20460 on or before January 9, 1974.

Any person who provides written information for consideration may be required, upon 24 hours' notice, to appear at a hearing, if held, to respond to questions by the hearing panel or by such other interested persons as the panel deems appropriate at any time prior to conclusion of the hearing.

Presentations by interested persons shall be addressed to whether the applicant has made all good faith efforts to meet the standard.

The applications and such portions of the applicants' supporting documentation as may properly be made public will be available for public inspection in the Freedom of Information Office, Environmental Protection Agency, Room 227, 401 M Street SW., Washington, D.C. 20460. Any person may obtain copies of public portions of the applications as provided for by 40 CFR Part 2.

Dated: December 26, 1973.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.73-27303 Filed 12-27-73;8:45 am]

OHIO

Notice of Request for State Program Approval for Control of Discharges of Pollutants to Navigable Waters

On October 18, 1972, Congress passed the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. Sections 1251-1376, Supp. 1973; hereinafter the "Act"). This legislation established the National Pollutant Discharge Elimination System (NPDES) permit program, under which the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) may issue permits to municipal, industrial, and agricultural entities to control the discharge of pollutants into navigable waters.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the U.S. EPA a full and complete description of the program it intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of Section 402(b) and U.S. EPA's Guidelines. Among other authorities, the State must have: (1) adequate authority to issue permits which comply with all pertinent requirements of the Act; (2) adequate authority, including civil and criminal penalties, to abate violations of permits; and (3) authority to insure that the Administrator, the public, any other affected State, and other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. U.S. EPA's Guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR Part 124), beginning at page 28390.

The State of Ohio has submitted a full and complete Request for State Program Approval and proposes that the Ohio Environmental Protection Agency, 361 E. Broad Street (Seneca Towers), Columbus, Ohio 43216 (Ira L. Whitman, Phd., Director, 614-466-8318) operate the NPDES permit program for discharges into the navigable waters within the jurisdiction of the State in accordance with the Act.

Francis T. Mayo, Regional Administrator of U.S. EPA, Region V, has scheduled a public hearing to consider this request and enable all interested parties to present their views on the State's submission. The hearing will be held at the Hollenden House, 610 Superior Avenue, Cleveland, Ohio 44114 on January 30, 1974 at 9:30 a.m.

A three-member hearing panel will preside over the hearing. The panel will consist of the Administrator of U.S. EPA or his representative, who will serve as the Presiding Officer, the Director of the Ohio Environmental Protection Agency or his representative, and the Regional Administrator of U.S. EPA, Region V or his representative. Oral statements will be heard and considered, but for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so there will be time for all interested parties to be heard. Persons are encouraged to bring extra copies of their written statements for the use of the hearing panel and other interested persons.

The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted. The hearing record will be left open for a period of five days following the hearing to allow any person to submit additional written statements or to present views or evidence tending to rebut testimony presented during the hearing.

Any interested person may comment upon the State submission by writing to the U.S. EPA, Region V Office, One North Wacker Drive, Chicago, Illinois 60606. Such comments will be made available to the public for inspection and copying. All comments or objections received by February 4, 1974, or presented at the public hearing, will be considered by U.S. EPA before taking final action on the Ohio Request for State Program Approval.

The State's submission, related documents, and all comments received are on file and may be inspected and copied (at 20 cents per page) at the U.S. EPA, Region V Office in Chicago.

Copies of this notice are available upon request from the Enforcement Division of U.S. EPA, Region V (312/353-5252).

Please bring the foregoing to the attention of persons you know would be interested.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

DECEMBER 21, 1973.

[FR Doc.73-27238 Filed 12-27-73;8:45 am]

VERMONT

Notice of Request for State Program Approval for Control of Discharges of Pollutants to Navigable Waters

On October 18, 1972, Congress passed the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. sections 1251-1376, Supp. 1973; hereinafter the "Act"). This legislation established the National Pollutant Discharge Elimination System (NPDES) permit program, under which the Administrator of the Environmental Protection Agency may issue permits to municipal, industrial, and agricultural entities to control the discharge of pollutants into navigable waters.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the U.S. Environmental Protection Agency (U.S. EPA) a full and complete description of the program it intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of Section 402(b) and U.S. EPA's Guidelines. Among other authorities, the State must have: (1) Adequate authority to issue permits which comply with all pertinent requirements of the Act, and (2) adequate authority, including civil and criminal penalties, to abate violations of permits, and (3) authority to insure that the Administrator, the public, any other affected State, and other affected agencies are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. U.S. EPA's Guidelines establishing State Program Elements Necessary for Participa-

tion in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR 124), beginning at page 28390.

The State of Vermont has submitted a full and complete Request for State Program approval and proposes that the Vermont Agency of Environmental Conservation, Montpelier, Vermont (Martin L. Johnson, Secretary, 802/288-3357) operate the NPDES permit program for discharges into the navigable waters within the jurisdiction of the State in accordance with the Act.

John A. S. McGlennon, Regional Administrator of EPA-Region I, has scheduled a public hearing to consider this request and enable all interested parties to present their views on the State's submission. The hearing will be held in the Pavilion Auditorium of the Pavilion Building, Montpelier, Vermont 05602, on February 1, 1974 at 11 a.m. A three-member hearing panel will preside over the hearing. The panel will consist of the Administrator of EPA or his representative, who will serve as the Presiding Officer, the Secretary of the Vermont Agency of Environmental Conservation, or his representative, and the Regional Administrator of EPA-Region I or his representative. Oral statements will be heard and considered, but, for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so there will be time for all interested parties to be heard. Persons are encouraged to bring extra copies of their written statements for the use of the hearing panel and other interested persons.

The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program submitted. The hearing record will be left open for a period of five days following the hearing to allow any person to submit additional written statements or to present views or evidence tending to rebut testimony presented during the hearing.

Any interested person may comment upon the State submission by writing to the EPA-Region I Office (John F. Kennedy Federal Building, Room 2203, Boston, Massachusetts 02203). Such comments will be made available to the public for inspection and copying. All comments or objections received by February 6, 1974, or presented at the public hearing, will be considered by U.S. EPA before taking final action on the Vermont Request for State Program Approval.

The State's submission, related documents, and all comments received are on file and may be inspected and copied (at 20 cents/page) at the EPA-Region I Office in Boston.

Copies of this notice are available upon request from the Enforcement Division of EPA-Region I (617/223-5600).

Please bring the foregoing to the attention of persons you know would be interested in this matter.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

DECEMBER 20, 1973.

[FR Doc.73-27237 Filed 12-27-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19516, 19611; FCC 73-1328]

INTERCAST, INC., AND ROYCE INTERNATIONAL BROADCASTING

Memorandum Opinion and Order Enlarging Issues

In reapplication of Intercast, Inc., Sacramento, California, Docket No. 19516, File No. BPH-7669; Edward Royce Stolz, II, tr/as Royce International Broadcasting, Sacramento, California, Docket No. 19611, File No. BPH-7924, for construction permits.

1. This proceeding involves the mutually exclusive applications of Intercast, Inc. (Intercast) and Edward Royce Stolz, II tr/as Royce International Broadcasting (Stolz) for new FM broadcast stations at Sacramento, California. The applications were designated for hearing by our Order, FCC 72-916, 37 FR 23201, published October 31, 1972. Although the Administrative Law Judge had closed the record in this proceeding on June 14, 1973, the Review Board reopened the record and remanded the proceeding for further hearings after denying Stolz's Second Petition to Enlarge[1] (Memorandum Opinion and Order, FCC 73R-382, released November 14, 1973). On its own motion, the Board specified the following issue against Intercast:

To determine whether Messrs. Kenneth Ponder, Jesse Sesion, and for Robert Harvey, and/or Intercast, Inc., have made misrepresentations or abused Commission processes or been lacking in candor with respect to documents purporting to be affidavits submitted to the Commission on July 12, 1972 [1973 [2]] and if so, the effect of such conduct on the applicant's requisite and/or comparative qualifications to be a Commission licensee.

2. In denying the Second Petition filed on July 27, 1973, by Stolz seeking enlargement of issues to include inquiry into possible misrepresentations or lack of candor in the statements made in the documents filed July 12, 1973 by Intercast, the Review Board made clear that it did not deem inquiry into the content of the documents to be warranted. We do not agree. We believe that substantial questions have been raised as to whether, in the three affidavits submitted on July 12, 1973, one or more of Intercast's principals have attempted to mislead the Commission.

3. These affidavits were filed in support of an opposition to a June 19, 1973 Petition to Enlarge[3] filed by Stolz in which he sought the addition of legal qualifications and Section 1.65 issues[4] on the grounds that the State of California suspended Intercast's franchise on April 3, 1972, for failure to pay taxes and that Intercast for more than a year failed to notify the Commission of the suspension of its Articles of Incorporation. Intercast asserted in opposition that the taxes had been paid belatedly, that the franchise had been revived, and that any violation of Section 1.65 should be excused because the situation had been rectified and the principals were unaware of the suspension until after the first petition to enlarge was filed on June 19, 1973. To support the statement of lack of awareness of the suspension, affidavits of three principals were submitted. These three attached affidavits were to the effect: (a) That the three principals had relied upon an accountant to advise them when taxes were due and to prepare the documents for that purpose; that the accountant had become so ill that he could not properly perform his duties; (b) that the records of the Franchise Tax Board of California listed an old, noncurrent address of one of the principals (Robert L. Harvey) as the corporate address so that notification of delinquent tax and suspension did not reach any of the principals; and (c) that none of the principals was aware of the suspension before the first petition to enlarge was filed. The Board accepted the statements in the affidavits and denied the petition to add legal qualifications and Section 1.65 issues, even though there was pending before the Board a Second Petition to Enlarge Issues alleging misrepresentations and lack of candor in these affidavits and an admission by Intercast that two of the affidavits bore traced signatures.

[1] The Board had also denied a previous Petition to Enlarge by Stolz. (FCC 73R-316, released September 6, 1973). See n. 3, *infra*.

[2] The Board's reference to 1972 is clearly a typographical error.

[3] By its Memorandum Opinion and Order, FCC 73R-316, released September 6, 1973, the Review Board denied Stolz's petition to add legal and Section 1.65 issues against Intercast, and we do not here consider the correctness of the Board's action. This petition was, however, the occasion for the filing on July 12, 1973, of three affidavits, attached to Intercast's opposition to the petition to enlarge issues.

[4] In part, Section 1.65 of the Rules reads as follows: "Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application or in Commission proceedings involving a pending application. Whenever the information furnished in the pending application is no longer substantially accurate and complete in all significant respects, the applicant shall as promptly as possible and in any event within 30 days, unless good cause is shown, amend or request the amendment of his application so as to furnish such additional or corrected information as may be appropriate . . ."

4. Stolz alleged, in the Second Petition to Enlarge Issues, that since, in 1971, the franchise was suspended for nonpayment of taxes and had to be revived, the principals could not have been ignorant of the suspension that would follow failure to pay such taxes in 1972; that Intercast gives neither the name of the accountant nor medical opinion to support the claim that he was too ill to perform his duties at the time the tax was due in 1972 and subsequently; that the statements regarding the corporate address listed with the Franchise Tax Board are not consistent with the Board's record; and that in the circumstances an issue should be added to permit inquiry on the record into the truth of the affidavits. The Broadcast Bureau in its comments expressed the view that inquiry is warranted if Intercast did not answer questions regarding the content of the affidavits in its reply pleadings. The Board in its November 14, 1973 order, *supra*, denied the petition on grounds that although Stolz had pointed out numerous gaps in Intercast's account of its suspension and reinstatement, he had offered no allegations raising a substantial question of wrongdoing, only theory and conjecture. The Board stated it had no reason to doubt Intercast's claim that the only affirmative fact Stolz had alleged, *i.e.* the error in Intercast's address, is based on a typographical error. The Board concluded that Stolz's arguments were inadequate to support the requested issues. As noted above, the Board, on its own motion, nevertheless reopened the record to inquire into the circumstances surrounding "the preparation and submission of the forged affidavits" but made clear that it was not providing for inquiry into the content of the affidavits.

5. We are of the opinion that neither Intercast's pleadings nor the supporting documents adequately explain substantial questions which are raised on the face of the affidavits, *e.g.*, (a) the significance of the address on file with the Franchise Tax Board cannot be determined without knowing the dates of Mr. Robert Harvey's residence at the various addresses and the practices of the Franchise Tax Board with regard to notifying corporations of tax delinquency and suspension; (b) the significance of the accountant's illness cannot be assessed without proper medical opinion as to his ability to perform duties during the relevant period; and (c) Stolz's allegations that we should not believe Intercast's claim that none of the principals had knowledge of the suspension cannot be dismissed in the circumstances without further substantiation. To a substantial degree, inquiry into the content of the documents would involve testimony of the same witnesses as will the issue already prescribed by the Review Board. Therefore, in the interest of administrative convenience, on our own motion we are adding an issue to include inquiry into possible misrepresentation or lack of candor in the content of the affidavits submitted on July 12, 1973.

6. *Accordingly, it is ordered*, That the issues in this proceeding are enlarged to include the following issue:

To determine whether Intercast, Inc. or any of its principals, namely Dr. Kenneth Ponder, Mr. Jesse Session or Mr. Robert Harvey, has been lacking in candor or misrepresented facts to the Commission in documents submitted to the Commission in this proceeding on July 12, 1973; whether in light of the facts adduced under this issue, Intercast, Inc. possesses the necessary qualifications to be a licensee of the Commission; and if Intercast is qualified, the effect of the facts adduced upon Intercast, Inc.'s comparative qualifications.

7. *It is further ordered*, That the burden of proceeding initially with the presentation of evidence is placed upon Edward Royce Stolz II, tr/as Royce International Broadcasting, who initially raised these matters, and the burden of proof is placed upon Intercast, Inc. with respect to this issue.

Adopted: December 19, 1973.

Released: December 21, 1973.

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

[FR Doc.73-27221 Filed 12-27-73;8:45 am]

FEDERAL MARITIME COMMISSION

ARMADORES REGINA MAGNA S.A.

Notice of Issuance of Casualty Certificate

Security for the protection of the public financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Armadores Regina Magna S.A.
Box 7082
Panama, Republic of Panama
c/o Chandris Cruises Incorporated
666 Fifth Avenue
New York, New York 10019

Dated: December 20, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-27224 Filed 12-27-73;8:45 am]

ARMADORES REGINA MAGNA S.A.

Notice of Issuance of Performance Certificate

Security for the protection of the public indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Armadores Regina Magna S.A.
Box 7082
Panama, Republic of Panama
c/o Chandris Cruises Incorporated
666 Fifth Avenue
New York, New York 10019

Dated: December 20, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-27228 Filed 12-27-73;8:45 am]

EQUIPMENT INTERCHANGE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 17, 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:

A. Birnbaum, Director
Conference Affairs & Tariffs
Zim Container Service
One World Trade Center, Suite 2969
New York, New York 10048

Agreement No. 10103, between Zim Israel Navigation Co. Ltd. (Zim Container Service Division), and Transamerican Trailer Transport Inc., covers an arrangement for the interchange of containers and/or related equipment in connection with the operation of their common carrier services in the trades between ports in the United States, on the one hand, and ports in the Far East, Europe and the Middle East, and in Puerto Rico, in accordance with the terms and conditions set forth in said agreement.

Dated: December 21, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-27227 Filed 12-27-73;8:45 am]

JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 7, 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:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 3103-53, is an application on behalf of the member lines of the Japan/Korea—Atlantic & Gulf Freight Conference, filed December 19, 1973, for consideration and approval under Section 15, to extend the presently approved intermodal authority of the conference, as set forth in Article 1 and the Witnesseth Clause of the conference agreement, for a period of eighteen (18) months beyond the present expiration date of January 23, 1974. Under the extended authority applied for, it is provided that if the conference does not exercise the intermodal tariff publishing authority granted within the first twelve (12) months of the said extended period, the member lines may publish their own intermodal tariffs.

Dated: December 21, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-27226 Filed 12-27-73;8:45 am]

NEW YORK FREIGHT BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 7, 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:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 5700-17 is an application on behalf of the member lines of the New York Freight Bureau (Hong Kong), filed December 19, 1973, for consideration and approval under Section 15, to extend the presently approved intermodal authority of the conference, as set forth in Articles 1 and 6 of the conference agreement, for a period of eighteen (18) months beyond the present expiration date of January 23, 1974. Under the extended authority applied for, it is provided that if the conference does not exercise the intermodal tariff publishing authority granted within the first twelve (12) months of the said extended period, the member lines may publish their own intermodal tariffs.

Dated: December 21, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-27225 Filed 12-27-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-7674, etc. Opinion No. 679]

ALABAMA POWER CO.

Opinion and Order Affirming Initial Decision Consolidating Proceedings and Ordering Refunds

DECEMBER 14, 1973.

On November 1, 1971, Alabama Power Co. (Alabama) filed with this Commission a tariff which would establish increases in its wholesale power rates and new terms and conditions for wholesale power sales to distribution cooperatives and municipalities. By order in Docket No. E-7674 of December 30, 1971, 46 FPC 1386, rehearing denied February 11, 1972, 47 FPC 280, the Commission suspended the effective date of the tariff until February 2, 1972. From the latter date, with certain exceptions hereafter noted, Alabama has collected the revised rates subject to refund. Intervening in opposition to the filed tariff were twelve[1] of the fifteen municipalities served by Alabama, all eleven[2] of the rural electric cooperatives so served, the Municipal Electric Utilities Association of Alabama, and Alabama Electric Cooperative, Inc.

After hearing, the initial decision of Administrative Law Judge Alvin A. Kurtz in Docket No. E-7476, issued May 25, 1973, found the filed rate schedules just and reasonable with revised provisions as to System Reliability and Planning and for cancellation after five years on two years' notice.

Exceptions to the initial decision were filed by the intervening cooperatives and municipalities. Replies were filed by Alabama and the Commission Staff. Intervenors' motion for oral argument was denied by Commission order issued July 13, 1973.

FUEL ADJUSTMENT CLAUSE

Counsel for the intervenors and for Alabama stipulated to a tariff clause providing for a rate adjustment on the basis of a 34 cent cost per million Btu of fossil fuel to Alabama, the adjustment to be plus or minus 1/1,000 mill per kwh for each full 1/100 cent above 35 cents or below 33 cents per million Btu. The intervenors asked to be relieved from the stipulation, and to have the tariff clause revised to provide for a base cost of 35 cents (instead of 34) with rate revisions when fuel cost exceeds 36.75 cents (instead of 35) or falls below 33.25 cents (instead of 33). The initial decision denied the request.

The intervenors except. They state that *New England Power Co.*, Opinion No. 633, ____, FPC____ (1972), rehearing denied, Opinion No. 633-A, ____ FPC ____ (1972) issued after the stipulation was entered into, requires that "realistic" fuel costs be used despite any stipulation. They argue that Alabama's initial cost presentation showed a fuel cost below the base cost of fuel in the fuel adjustment clause, and later filed evidence to reflect a fuel cost of 35 cents

[1] Alexander City, Dothan, Fairhope, The Utilities Board of the City of Foley, LaFayette, Lanet, Luverne, Opelika, Piedmont, The Utilities Board of Sylacauga, Troy and Tuskegee.

[2] Baldwin County Electric Membership Corp.; Central Alabama Electric Cooperative, Inc.; Clarke-Washington Electric Membership Corp.; Coosa Valley Electric Cooperative, Inc.; Dixie Electric Cooperative, Inc.; Pea River Electric Cooperative, Inc.; Pioneer Electric Cooperative, Inc.; Tallapoosa River Electric Cooperative, Inc.; Wiregrass Electric Cooperative, Inc.; Black Warrior Electric Membership Corp.; and Tombigbee Electric Cooperation, Inc.

per million Btu. This, they urge, constitutes "duplicate recovery of fuel costs by the vehicle of its Fuel Adjustment Clause." (Exceptions, p. 14).

Alabama answers that the evidence as to 35 cent fuel cost was submitted "only to support the rate level as originally filed and to demonstrate the further deterioration of return occasioned by rapidly escalating fuel costs." (Brief opposing exceptions, p. 8). Alabama states the intervenors have misstated the facts in their argument as to duplicate recovery of costs.

Alabama also argues that *New England Power Co.* does not require a dead band between the upper and lower triggering price levels and that § 35.14 of the Commission rules, which governs fuel adjustment clauses, does not require a five percent dead band.

There is no issue between Alabama and the intervenors as to whether there should be a dead band. The filed tariff contains a dead band, between 33 and 35 cents. The issues are (1) whether the dead band should center on 34 cents or 35 cents, and (2) whether the dead band should be five percent above and below the center. In *New England Power Co.*, the Commission used five percent in order to avoid fuel cost adjustments for a period before the company changed to one percent sulfur fuel oil, a special circumstance not present here. Also, there is no indication in *New England Power Co.* that the Commission felt five percent was proper in all cases. It was merely found proper in that case.

The 34 cents cost was used in the 1970 test year cost of service presentation. Generally, the purpose of a fuel cost adjustment clause is to allow rates to be adjusted to reflect increases or decreases in the fuel cost used in the cost of service. On this basis, the 34 cent cost should be the center of the dead band. No evidence was introduced as to whether the upper and lower limits of the dead band should be five percent from the center or some other percentage. The exception is denied and the initial decision on this point is adopted as the decision of the Commission.

Billing Demand

The initial decision approved the exclusion of power wheeled by Alabama from Southeastern Power Administration (SEPA) from the computation of billing demand. To this the intervenors except. We agree with the initial decision that this method of computation is reasonable, and adopt the initial decision as to this question.

System Reliability and Planning

The intervenors request three additions to the system reliability and planning clause. That clause, with the proposed additions, follows:

"12. [*11.*] *System Reliability and Planning*—Electricity supplied by the Company, hereunder, shall not be used in conjunction with any other source of electricity without reasonable notice to the Company and agreement between the Company and the Cooperative [Municipality] on (1) such measures or conditions that may be required for reliability and safety of both systems, (2) the rates, terms and conditions that should be applied to the remaining services to be supplied by the Company and (3) the amount of compensation due the Company from the Cooperative [Municipality] for economic losses or burdens imposed on the Company by reason of the changes in service requested by the Cooperative [Municipality]. In the event the Company and the Cooperative [Municipality] are unable to reach agreement, the Company shall file a rate schedule with the Federal Power Commission appropriate for such partial requirement service together with any claim for compensation to recover any economic losses that may be imposed on the Company by reason of such changed service. Nothing herein shall preclude the Cooperative [Municipality] from securing power from other sources in the event the Company and the Cooperative [Municipality] are unable to reach agreement on the amount of compensation, if any, due to the Company from the Cooperative [Municipality].[3]

(1) It is further understood that nothing herein shall preclude the Cooperative [Municipality] from engaging in the generation or purchase, from sources other than the Company, of capacity and energy for supply to portions of the Cooperative's [Municipality's] system not electrically connected to the Company's system, including such portions, if any, which have been carved out of theretofore connected portions of the system.[4] Systems shall not be considered "electrically connected" unless they are usually operated in a connected state; a capability of connection in an emergency situation (e.g., by closing a switch) will not of itself render the systems "electrically connected".[5]

The initial decision did not deal with the proposed additions, since they were not advanced prior to the exceptions. We deny intervenors' request on this ground as well as on the merits.

The first proposed addition would change the clause entirely. The present clause provides for a just and reasonable rate to be determined by this Commission if the parties cannot agree, with the basic contract to continue. The amendment sought would permit an intervenor to change to another supplier if Alabama did not agree with the intervenor on rates. We do not find such a change is warranted.

The second suggested addition might permit the intervenors to unload much of their system from Alabama's electric system during the term of the tariff and obtain a major portion of their power requirements from another source, leaving Alabama in the position, in effect, of providing spinning reserve on a continuous basis with no compensation except that which might be derived from the diminishing compensation provided by the ratchet provision of paragraph 4 of the rate schedule. We find this result to be undesirable.

Alabama says the third addition is unnecessary, but if the Commission thinks it is needed, it has "no objection to an appropriate clarification." (Brief Opposing Exceptions, p. 20). Since the parties are in agreement that the potential of connection does not bring a system within the words "electrically connected," and intervenors will be protected by our decision to that effect, there is no necessity for the suggested addition.

The Coosa Discount

Intervenors contend they are entitled to a discount from the rates which would otherwise be established. The Initial decision rejected the contention. Intervenors' witnesses tell this story:

Congress had pre-empted the Coosa River for Federal hydroplant development. In 1954, Alabama approached intervenors and promised them rate discounts in return for their not opposing Alabama's attempt to obtain (1) legislation giving the Federal Power Commission authority to license private hydro developments on the Coosa, and (2) a license for an Alabama project there. Alabama did obtain the license. "Wholesale customers made the authorization possible by foregoing their legal right to contest the defederalization of the Coosa River (which forbearance cost them a loss of prospective status as preference customers in the event of federal hydro development). Unless these wholesale customers were granted some rate concession, they would see no greater share of the lower cost hydrogeneration than would the retail customers. The Coosa Discount therefore represented the consideration by the Company to the wholesale customers. As Mr. St. John[6] described the concept: 'the Coosa discount is a means by which a portion of the overall cost savings engendered by the Coosa hydrodevelopment is allocated to the customers who helped to make the development possible' and 'Alabama Power's proposal resulted in the trading by the interested parties of their future prospective benefits for somewhat lesser benefits in hand' (Tr. 8/1343–44)." (Exceptions p. 36). Alabama did put into effect retroactive rate discounts to intervenors after obtaining the license. Intervenors do not contend these reduced rate levels should be maintained (Exceptions, p. 35). They do contend that they are entitled to the same percentage reduction in the rates here established as was given them in the Coosa Discount. This they compute at .092 mills per Kwh, based on a reduction of revenues allowed in the cost of service computation by $269,422 after taxes. (Exceptions, p. 39, citing Tr. 803, 2045, and Ex. 35).

Alabama answers (1) that Alabama never agreed to keep the Coosa Discount in effect for the term of the license, but only for the terms of the particular contracts now terminated, (2) that the initial decision was correct in finding the Coosa Discount to be an unlawful preference forbidden by the Federal Power Act, and (3) that the discount would reduce an inadequate rate of return (less than six percent) still further, although the initial decision found an eight percent return proper, and that return will not be realized even without the Coosa Discount.

Alabama Electric Cooperative v. *Alabama Power Co.*, 38 FPC 962, reh. den. 38 FPC 1257 (1967), and cases cited at pages 968–9 thereof, make it clear that it is not an undue preference to grant lower rates in return for a quid pro quo that confers benefits on all consumers, which is what intervenors contend was

[3] Exceptions, page 23.
[4] Exceptions, page 24.
[5] Exceptions, page 24.

[6] President of St. John Engineers, Inc., a firm providing engineering consulting services to Alabama municipal distributors, and Secretary-Treasurer of Municipal Electric Utility Association of Alabama.

done here. The principal issue is whether Alabama was bound to continue the Coosa Discount for the life of the licensed project, as intervenors contend, or whether it was bound only for the life of the contracts now terminated. The supplemental agreement with the City of Foley, contained this language, quoted in the initial decision (p. 7) and the intervenors' exceptions (p. 31):

"Whereas, the Company agreed that upon enactment of legislation by the United States Congress restoring jurisdiction to the Federal Power Commission to grant a license to the Company for its proposed Coosa River Development, and upon the granting of such license by the Federal Power Commission to the Company, it would make certain revisions in the Schedule of Rates in the existing power supply contracts with each of the Municipalities served by the Company."

That supplemental agreement (Ex. 52), provided for specific lowered rates, and also provided: "This Supplemental Agreement shall not be deemed to amend or modify said amended contract in any respect whatever except to the extent herein expressly provided." (par. 4) The termination provisions of the original contract remained in full force and effect, and there was no commitment in the supplemental agreement to give effect to the Coosa Discount after the contract's termination.

Intervenors cite a letter from Alabama's Chairman of the Board to the Governor of Alabama, which stated:

"Confirming our discussions: Upon the enactment of legislation by the United States Congress restoring jurisdiction to the Federal Power Commission to grant a license to the Company for its proposed Coosa River Development, and upon the granting of such license by the Federal Power Commission to the Power Company, the Company will enter into new contracts with each of the 12 distributing cooperatives, which we now serve, for power supply to each delivery point, such revised contract to embody a revision in the monthly rate and change in the substation discount." (Exs. 46 and 69; Exceptions p. 30).

Again, there is no commitment to continue the Coosa Discount after the new contracts were terminated.

Intervenors also cite (Exceptions, p. 30) a memorandum by H. H. Pearson of Alabama which summarized the proposed rate changes to municipalities. The relevant language is:

"The proposed change in rate is contingent upon the enactment of legislation by the United States Congress restoring jurisdiction to the Federal Power Commission to grant a license to the Alabama Power Company for its proposed Coosa River Development and the granting of such license by the Federal Power Commission to the Alabama Power Co. Upon the granting of such license, the Power Company will enter into new contracts with the municipalities and REA cooperatives which it now serves for power supply to each delivery point, such new contract to include the Proposed Monthly Rate" (Ex. 47).

Again, no commitment appears to continue the discount after contract termination.

Intervenors next cite (Exceptions, pp. 30–1) letters sent by Alabama's Manager of Industrial Power Sales to officials of the municipalities (Ex. 48) and the cooperatives (Ex. 70). The letters sent to each municipal official stated:

"During the month of April 1954 our representative visited each of the municipalities purchasing power from us for distribution and advised that the Company would—upon enactment of legislation by the United States Congress restoring jurisdiction to the Federal Power Commission to grant a license to the Company for its proposed Coosa River Development, and upon the granting of such license by the Federal Power Commission to the Company—make certain revisions in the Schedule of Rates in the existing power supply contracts with each of the municipalities served by us."

The letters to the cooperative officials stated:

". . . we agreed that—upon enactment of legislation by the United States Congress restoring jurisdiction to the Federal Power Commission to grant a license to the Company for its proposed Coosa River Development, and upon the granting of such license by the Federal Power Commission to the Company—the Company would make certain revisions in the Rate Schedule attached to the existing power supply contracts with each of the REA Cooperatives served by us." (Ex. 70).

All letters then stated that the FPC had granted the license, and enclosed supplemental contracts executed by Alabama containing the revised rates. All supplemental contracts also provided (Paragraph Second): "This Supplemental Agreement shall not be deemed to amend or modify" the original contracts "in any respect whatsoever except to the extent herein expressly provided," and did not promise continuation of the discount after contract termination.

Intervenors argue "* * * the consideration for the promise" to refrain from contesting Alabama "should be treated as no shorter-lived than the duration of the hydro-electric development authorization achieved by Alabama Power through reliance thereon." (Exceptions, p. 34) They fail to show however, that the consideration actually granted *was* so long-lived, whatever it *should* have been. The intervenors did sign the supplemental contracts, which kept alive the termination provisions of the original contracts and made no arrangement for carrying the Coosa Discount over into later contract rates.

We do not know when the Federal project would have been built, or even that it was sure to be built. The intervenors got the benefit of the Coosa Discount and the assurance of greater power supply considerably earlier than the benefits they would have received if they had waited for government power.[1] These considerations, as well as the resulting lower cost-of-service of Alabama now, are all benefits which might be considered to offset the fact that the Coosa Discount would extend through only part of the life of the licensed project. The exception is denied.

[1] The Coosa Discount went into effect retroactively as soon as the license was granted. Not only would a Government project probably have taken longer to arrange and complete, but the Government power would have been available only when its project was completed. The Coosa Discount was given effect for years before Alabama's project was completed.

Refunds

The body of the initial decision did not deal with this question. Ordering clause (B), however, provided ". . . the obligation to refund as set forth in the Commission's order issued December 30, 1971, is hereby discharged and held for naught." (p. 37). Intervenors except, contending that some of them are entitled to refunds of amounts illegally collected.

The order of December 30, 1971, in Docket No. E–7674, provided that the new rate schedule should become effective, subject to refund of amounts above the rates found in this proceeding to be just and reasonable, on February 2, 1972, *or such later date as the individual contract of the particular purchaser might terminate.* (Emphasis supplied.) On appeal from this order a joint memorandum to the court from the Commission and Alabama stated that Alabama would have to make an additional filing as each individual contract terminated after February 2, 1972, in order to increase its rates to that particular customer. Alabama made such filings in April, 1973, relating to several of the intervenors. Alabama asked that these filings be retroactive in the cases where the contract termination dates had already passed. The Commission assigned Docket Nos. E–8126 and E–8143 to these cases, and by order issued May 17, 1973, permitted them to become effective thirty days after filing (unless the particular rate schedule expired later). The Commission said: "However, there does not appear to be any basis for waiver of the Commission's regulations to permit the service agreements to become effective retroactively." (p. 3)

Thereafter, the present intervenors who were affected sent individual letters to Alabama, with copies to the Commission, stating that Alabama had illegally collected the increased rates from the time of termination of the contract involved until the date the order of May 17, 1973, allowed these rates to become effective, setting forth the amount illegally collected, and stating that this amount plus 7 percent interest would be withheld from future payments due. The order of May 17, 1973, did not include an order to make refunds.

Refunds are due, unquestionably, of the amount of increases in rates collected prior to the effective dates established by the order of May 17, 1973. This is not because the increased rates were unjust and unreasonable, but because the proper filings were not made and the increased rates thereby made legally effective at the time the increases were first charged. This determination, however, was made in Dockets Nos. E–8126 and E–8143, whereas the initial decision and exception thereto are in Docket No. E–7674. The initial decision released potential refund obligations created by the order of December 30, 1971—that is, the obligation to refund the amount of increases

collected after the legally effective date for such increases to the extent such rates were found unjust and unreasonable. This is not the period for which these refunds are due. Accordingly, there was no error in the initial decision's ordering clause.

Our order will provide for the consolidation of Docket Nos. E–8126 and E–8143 with Docket No. E–7674 and for refunds of amounts illegally collected to the extent intervenors have not offset them against later billings.

PREMATURITY

Intervenors previously urged that Alabama's filing should be rejected as premature because a 1970 test year was inappropriate "for the establishment of rates which in large part could not go into effect until 1973 through 1976." (Exceptions, p. 42.) The Commission order of December 30, 1971, and the order denying rehearing on February 11, 1972, rejected this contention. Intervenors now contend the evidence at the hearing, not available when the prior orders were issued affords a basis for finding the filing premature. The evidence cited (Tr. 1113) is that Alabama's expert had no opinion on the fair rate of return for Alabama in any of the years 1973 through 1976. We find no basis in this evidence to change our prior ruling. The exception is denied.

CONTENTION THAT MOST MUNICIPAL CONTRACTS EXTEND AT LEAST TO 1980

The intervenor municipalities contend that, except for the City of Troy and one of the two delivery points of the City of Lanet, their previously existing contracts do not expire until the termination of their collateral contracts with SEPA, which cannot be until June 20, 1980. If so, the increased rates could not be put into effect earlier.

This argument was not made in Docket No. E–8143, when the Cities of Fairhope, La Fayette, Lanet, Troy and the Utilities Board of the City of Tuskegee filed protest April 26, 1973, against Alabama's filed increase being put into effect. In the order issued May 17, 1973, the Commission fixed effective dates in 1973 for rate increases to all these cities. Rehearing was not sought.

The contracts between Alabama and each of the municipalities affected were in existence in June 1970. These contracts provide each municipality should purchase power from no one but Alabama except with Alabama's permission (Ex. 53, para. Sixth) and provides that after five years termination of the contract may be had by either party upon specified notice to the other (Ex. 53, para. First).

In June 1970, Alabama, SEPA, and the municipalities affected entered into agreements whereby SEPA agreed with the municipalities to sell them hydroelectric power (the "Government-Preference Customer Contracts"), Alabama agreed with SEPA (in the "Government-Company Contract") to wheel the power to the municipalities and to supply the municipalities with the power necessary to supplement the SEPA power, and Alabama agreed with the municipalities to allow them to purchase SEPA power and to furnish them supplementary power. The agreements between Alabama and each municipality affected were in the form of a contract amending-not replacing-the original contract.

The Government-Company Contract (Ex. 55) provides that it shall not be terminated prior to June 20, 1980 (Sec. 28.1, p. 46). The Government-Preference Customer Contract (Ex. 56) provides ". . . it shall continue in effect until midnight June 20, 1980, unless previously terminated . . ." (Sec. 1(a) pp. 4–5) by the Customer giving two years' notice not prior to five years from contract date, or by the Government giving one year's notice, or if the customer violates certain restrictions.

The Company-Customer contract contains the language on which intervenors rely. These contracts provide:

"First: The Contract for electric service in effect between the parties or any extension, renewal or modification thereof is hereby amended to permit the Customer to purchase power assigned to it from the Projects.

"Second: The Company agrees to sell and the Customer agrees to buy *at the rate and under the terms and conditions contained in said contract* for electric service all capacity and energy required by the Customer to supplement capacity and energy purchased under the Government-Preference Customer Contract. . . .

"Third: This amendment shall become effective upon the effective date of the Government-Preference Customer Contract, and *shall terminate upon the termination of either the Government-Company Contract, or the Government-Preference Customer Contract.*" (Emphasis added).

Intervenors argue that the underlined language of paragraph Third means that June 20, 1980, is the earliest Alabama can terminate its contracts with the affected municipalities unless the Government-Preference Customer Contract is sooner terminated in accordance with its provisions (Exceptions p. 49), which it has not been.

Alabama answers that the underlined language in paragraph Second "recognizes that the terms and conditions in the electric service contracts between the Company and its customers was to be preserved, including the provision providing for termination after the initial five-year term." (Brief Opposing Exceptions, p. 49). Alabama also quotes paragraph Fourth of the Company-Customer Contract which provides:

"Fourth: All the terms and conditions of the Main Contract between Customer and Company, as heretofore amended, shall remain in full force and effect except as specifically changed in this present amendment thereto." (Brief Opposing Exceptions, p. 50).

Alabama argues: "This paragraph expressly preserves the terms and conditions of the previously existing contracts, including provision for termination after the initial five-year term upon the giving of the specified notice. Obviously the only provision of the previously existing electric service contracts that was amended was the provision that the customer had to take *all* of its power requirements from the Company. That is all that the amendatory contract did and it cannot be read to accomplish any other result. The previously existing contracts for electric service were expressly preserved, including the termination provisions contained therein."

Alabama further argues that the cooperatives' contracts are identical with the municipalities', and yet the municipalities do not make this contention they cannot be terminated. Alabama contends it would be an unlawful preference to treat the municipalities and cooperatives differently as to rate increases where they have identical contracts.

We find the language cited by the intervenors insufficient to establish that the parties intended to freeze Alabama's rates for so many years. The interpretation that the termination clauses of the original contracts were preserved by the language of the amendatory contracts we find to be correct. The exception will be denied.

THE FOLEY AND OPELIKA CONTRACTS

The municipal intervenors contend that Alabama had no right to raise rates to the Cities of Foley and Opelika by reason of the prior contracts with those cities. Those contracts provided: "This agreement shall not bar the Company from initiating and putting into effect for the Customer . . . (2) any changes in rates or charges which have become the established rate by appropriate filing with the regulatory agency having jurisdiction . . ." (Item B) The municipal intervenors argue: "The tariff filing under review in this proceeding was not the 'established rate' at the time of the tender and will not be such unless and until found to be just and reasonable . . . a filing of a rate which, at the time, is not being paid by a single customer, does not constitute . . . an 'established rate' . . ." (Exceptions p. 53).

We find the quoted language permitted the filing of increased rates and the changing of them after suspension. In addition, as we have previously indicated, the contracts were terminable upon proper notice, which was duly given. The exception is denied.

ANTITRUST MATTERS

Intervenors contended below that Alabama had for several decades engaged in illegal anti-competitive activities, and that because of such conduct Alabama should be denied the rate increases and the tariff terms and conditions it seeks in this proceeding. The initial decision rejected this contention, and no exception was taken to that determination. Alabama asks, however, that the Commission consider and pass upon the antitrust matters so that Alabama will not have to relitigate them in a subsequent proceeding.

The intervenors, by filing no exceptions, have waived any right of review of the initial decision on this point. (Sec-

tion 1.31 of the Commission's Rules of Practice and Procedure.) To the extent a Commission decision would foreclose further proceedings, the initial decision stands as the decision of the Commission on this matter.

The Commission orders: (A) Docket Nos. E–8126 and E–8143 are consolidated with Docket No. E–7674 in this proceeding.

(B) Alabama Power Co. shall within sixty days of the date of this order file reports of all refunds due in Docket Nos. E–8126 and E–8143 by reason of collection of rates in excess of those legally in effect, less any amounts offset by customers or otherwise repaid to them. If accompanied by written agreement by the customer, such reports may state simply that all refunds have been made with interest if that be the case. Otherwise, such reports shall specify the dates the various excess amounts were collected and, if repaid, the dates and amounts of repayments, in such manner as to enable interest to be computed for the period between collection and repayment of each excess amount collected. If any report is not accompanied by a written statement of the customer concerned agreeing to the report as filed, such report shall be accompanied by proof of service of the report upon such customer. Each customer shall file any objections to the report within twenty days of the service, and make service of such objections upon Alabama Power Co.

(C) Alabama Power Co. shall refund in full all such excess amounts collected and unrepaid, including interest at seven per cent per annum for all periods between the dates of collection and the dates of repayment, including interest on amounts already repaid to the dates of repayment. Such refund shall be at the time of filing the report if the customer's agreement to the report is filed with it. If such agreement is not filed, but the customer files no objections within the twenty-day period, refund shall be made within sixty days of the filing of the report. If objections are filed, refund shall be made within sixty days of the Commission order dealing with the report and objections, unless the Commission otherwise orders

(D) The initial decision is affirmed and the exceptions thereto are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–27160 Filed 12–27–73;8:45 am]

ALABAMA-TENNESSEE NATURAL GAS CO.

[Docket Nos. RP71–7 and RP73–77]

Notice of Proposed PGA Rate Adjustment

DECEMBER 12, 1973.

Take notice that on November 16, 1973, Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee) tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Substitute First Revised Sheet No. 3–A Superseding Original Sheet No. 3–A to be effective January 1, 1974.

Alabama-Tennessee states that the sole purpose of the substitute revised tariff sheet is to adjust Alabama-Tennessee's rates pursuant to the PGA provision in Section 20 of the General Terms and Conditions of the tariff. Alabama-Tennessee further states that such tariff sheet reflects a total adjustment in its rates of 1.27 cents per Mcf which is the amount of the increased rate filed this same date by Alabama-Tennessee's sole supplier, Tennessee Gas Pipeline Company, a division of Tenneco Inc.

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–27169 Filed 12–27–73;8:45 am]

[Docket No. E–8537]

BOSTON EDISON CO.

Notice of Tariff Change

DECEMBER 13, 1973.

Take notice that Boston Edison Co. (Boston Edison) on November 30, 1973, tendered for filing proposed changes in its FPC Electric Rate Schedule, No. 44, for service to the Braintree Municipal Light Department of Braintree, Massachusetts. Boston Edison states that those proposed changes which pertain to firm partial requirements service apply a fuel clause, lower second block non-fuel clause energy charges and increase second block energy sales. The remaining changes relate to the computation of Edison's costs for schedules and non-scheduled outage service; relieve Edison of the obligation of providing economy energy service to Braintree; concern Braintree's decision not to operate certain generating units on a regular basis; are of an interpretive nature; or do not directly involve service, rates or billing.

Furthermore, Boston Edison states that the proposed changes were agreed to by both Edison and Braintree and the purpose of the changes is to mutually benefit Edison and Braintree and clarify and adapt their power supply relationship to the requirements and conditions of coordinated utility planning and operation in the New England area.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1973. Protests will be considered by the Commission in determing the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–27184 Filed 12–27–73;8:45 am]

[Project No. 1935]

CALIFORNIA

Order Vacating Land Withdrawal

DECEMBER 14, 1973.

In order to effectuate a land exchange, the Forest Service, United States Department of Agriculture, has requested that the land withdrawal for Project No. 1935 be vacated in its entirety thereby requiring Commission consideration under section 24 of the Federal Power Act.

The following described land is withdrawn pursuant to the filing by the Covington Lumber Co. on May 19, 1945, of an application for license for Project No. 1935 for which the Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated July 9, 1945:

MOUNT DIABLO MERIDIAN, CALIFORNIA

All portions of the following subdivision lying within 15 feet of the center line of the dam and ditch, and 10 feet from high water of the reservoir as shown on a map designated "Exhibit K" entitled "Power Project of Covington Lumber Company" and filed in the office of the Federal Power Commission on May 19, 1945.

T. 35 N., R. 8 W., sec. 4, S½.
(approximately 2.11 acres)

The land lies within the Trinity National Forest and is located along the East Fork of Stuart Fork about a mile upstream from the backwater limit of the Bureau of Reclamation's Clair Engle Lake formed by Trinity Dam on the Trinity River.

Project No. 1935 consisted of a diversion dam 2 feet high and 40 feet long across the East Fork of Stuart Fork, a conduit about 3,880 feet long leading to a powerhouse with an installed capacity of 50 horsepower, and a short power line. The project supplied electrical energy to the licensee's sawmill. Steam power developed from sawmill refuse eventually replaced the project and the ten-year license for the project expired on November 24, 1956. Sawmill operations ceased in October 1960; however, the project facilities (diversion dam and conduit) on Federal land are still used for domestic water supply purposes under authority of a Forest Service special use permit.

There are no known plans that propose use of the land for hydroelectric development purposes.

The Commission finds: The withdrawal for Project No. 1935 serves no useful purpose and should be vacated.

The Commission orders: The withdrawal of the subject land pursuant to the application for Project No. 1935 is hereby vacated in its entirety.

By the Commission.

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

[FR Doc.73-27170 Filed 12-27-73;8:45 am]

[Docket No. E-8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Order Suspending Proposed Changes in Rates and Setting Matter for Hearing

DECEMBER 13, 1973.

On October 12, 1973, Cambridge Electric Light Co. (Cambridge) tendered for filing an unexecuted service agreement and proposed increased rates [1] for service to the Town of Belmont, Massachusetts (Belmont). Cambridge states that the proposed rates would increase billings to Belmont by $250,000 annually based on the twelve months period ending December 31, 1972. Cambridge proposed an effective date of December 14, 1973.

The filing was noticed on November 1, 1973, with protests and petitions to intervene due on or before November 13, 1973. On November 13, 1973, Belmont filed a Protest, Petition to Intervene and Motion to Reject. Belmont alleged that the proposed tariff contains anti-competitive and restrictive provisions which prevent Belmont from obtaining other sources of power, and from wholesaling power. Belmont also alleged that the filing provides for an excessive rate of return, that the rates contain a fuel clause which does not comply with Commission Opinion No. 633, and that improper assignments and allocation of revenues and expenses have been made. Belmont requested that the Commission reject the proposed tariff or, alternatively, order a hearing concerning the proposed tariff and suspend it for the full statutory period of five months. On November 28, 1973, Cambridge filed an answer generally in opposition to Belmont's Protest, Petition to Intervene and Motion to Reject. No other protests or petitions have been received.

Our review of the filing indicates that the proposed rate may result in excess revenues and that the proposed increases have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore, set the matter for hearing, and order that the rates be suspended for the full statutory period.

It appears that Cambridge's fuel adjustment clause does not conform with the Commission's Opinion No. 633 in that Cambridge imputes to its purchased energy its own fuel expense variations. Accordingly, we shall reject the proposed fuel clause and direct Cambridge to file within 30 days a revised fuel adjustment clause consistent with the Commission's Regulations.

As to the allegation made by Belmont that the proposed tariff contains anti-competitive and restrictive provisions, we note that the tariff does contain language similar to that investigated by the Commission in *Carolina Power and Light Co.* in Docket No. E-7918, and this should be subject to further consideration at the hearing hereinafter ordered. With regard to Belmont's other allegations, these also may require development in the evidentiary hearing hereinafter ordered.

The Commission finds:

(1) Belmont's Motion to Reject should be denied.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Cambridge's revised rate schedule proposed in this docket, and that the tendered rate schedule be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) Participation in this proceeding of the above-named petitioner to intervene may be in the public interest.

The Commission orders.

(A) Belmont's Motion to Reject is hereby denied.

(B) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held, commencing with a prehearing conference on February 26, 1974, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Cambridge's revised rate schedule proposed herein.

(C) At the prehearing conference on February 26, 1974, Cambridge's prepared testimony and exhibits together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of Section 1.11 of the Commission's rules of practice.

(D) On or before March 4, 1974, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before April 8, 1974. Any rebuttal evidence by Cambridge shall be served on or before April 22, 1974. The public hearing herein ordered shall convene on May 7, 1974, at 10 a.m.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control the proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) Pending hearing and final decision in this proceeding, Cambridge's revised rate schedule tendered on October 12, 1973, is hereby suspended and the use thereof deferred until May 14, 1974, five months after the proposed effective date.

(G) Cambridge's proposed fuel adjustment clause is hereby rejected and Cambridge shall file within 30 days a revised fuel adjustment clause consistent with the Commission's Opinion No. 633.

(H) The above-named petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* that the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it may be aggrieved because of any order or orders issued by the Commission in this proceeding.

(I) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.73-27164 Filed 12-27-73;8:45 am]

[Docket No. E-8527]

CENTRAL LOUISIANA ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

DECEMBER 13, 1973.

Take notice that Central Louisiana Electric Co. (Central) tendered for filing on November 30, 1973, a proposed notice of cancellation covering Supplement Nos. 1-4 of Rate Schedule FPC No. 19, an Interconnection Agreement with the City of Alexandria. Central proposed to cancel the service schedules because of increases in the cost of fuel and increases in capital costs which make it unprofitable to continue service at the present rate. The old agreement terminates on December 31, 1973. If a new agreement with the City of Alexandria does not exist on January 1, 1974, Central will supply emergency service in accordance with proposed Service Schedule A. Central states that a service has been made on the City of Alexandria and the Louisiana Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in

[1] Designated as: Rate Schedule FPC No. 25 Supplement No. 1 thereto (Supersedes Rate Schedule FPC No. 2 as Supplemented).

accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before December 26, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27180 Filed 12-27-73;8:45 am]

[Docket Nos. RP73-86 and RP73-85]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

DECEMBER 14, 1973.

On December 4, 1973, Staff Counsel filed a motion to change the procedural dates fixed by notice issued October 12, 1973, to also include the conjunctive billing issue as required by order issued November 23, 1973. On December 7, 1973, a notice was issued deferring the procedural dates pending action on the above motion. By letter dated December 11, 1973, Staff Counsel advised that no party objected to the motion except Columbia Gas Transmission Corp. (Columbia). On December 10, 1973, Columbia filed an answer to the motion stating that it was in agreement with the staff that the issue of conjunctive billing requires additional time for the preparation of evidence but thinks that the rest of the case should move forward with proposed revised procedural dates.

Upon consideration, notice is hereby given that the request of Columbia is denied and the procedural dates are modified as follows:

Staff Service Date, January 15, 1974.
Prehearing Conference, January 29, 1974 (10 a.m., e.s.t.).
Intervenor Service Date, February 12, 1974.
Columbia Rebuttal Date, February 26, 1974.
Hearing, March 12, 1974 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27171 Filed 12-27-73;8:45 am]

[Docket No. E-8507]

CONSUMERS POWER CO.

Notice of Supplemental Agreement

DECEMBER 13, 1973.

Consumers Power Co. (Consumers) on November 20, 1973, tendered for filing a Supplemental Agreement between the company and the City of Lansing, Michigan, dated October 23, 1973. Consumers states that the Supplemental Agreement, proposed to become effective as of November 1, 1973, provides for certain modifications in the Wholesale Rate Contract dated October 7, 1970, designated as Consumers' FPC Rate Schedule No. 31. Consumers requests waiver of the notice requirements of § 35.3 of the Commission's rules of practice and procedure.

Consumers' letter of transmittal, *inter alia*, fails to provide a brief description of the proposed changes, whether in rates and charges or in services rendered. It neglects to state what service of copies has been made and it fails to include the draft of a proposed notice for the Commission's publication in the FEDERAL REGISTER required by rules § 1.19(c)(3).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27183 Filed 12-27-73;8:45 am]

[Docket No. E-8189]

DAYTON POWER AND LIGHT CO.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

DECEMBER 13, 1973.

On December 6, 1973, Staff Counsel requested a further extension of the procedural dates fixed by notice issued November 20, 1973, in the above-designated matter. The letter states that all parties request the extension.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Direct Case, December 28, 1973.
Prehearing Conference, January 24, 1974 (10 a.m., E.s.t.).
Service of Interveners' Direct Case, January 18, 1974.
Service of Dayton's Rebuttal, February 8, 1974.
Cross-Examination, February 20, 1974 (10 a.m., E.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27187 Filed 12-27-73;8:45 am]

[Docket Nos. RI74-80, et al.]

CONTINENTAL OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 12, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI74-80	Continental Oil Co	159	[1]5	El Paso Natural Gas Co. (Aneth Area, San Juan County, Utah) (Rocky Mountain Area).		11-12-73	12-13-73	[11] Accepted			
	do		6		$6,000	11-12-73		[2]	[10] 21.57	[3] [10] 24.0	
RI74-81	Amoco Production Co	[4]124	18	El Paso Natural Gas Co. (Kutz Pictured Cliffs Field, San Juan County, N. Mex.) (Rocky Mountain Area).	500	11-14-73		1-15-74	[4] 28.0	[3] 28.5	
	do	195	35	El Paso Natural Gas Co. (Pictured Cliffs and other Fields, San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain Area).	17,500	11-14-73		[9] 6-1-74	[4] 28.0	[3] 28.5	
RI74-82	Texaco, Inc	347	8	El Paso Natural Gas Co. (Cha Cha Gallup Field, San Juan County, N. Mex.) (Rocky Mountain Area).	[7] 25	11-14-73		[4] 1-15-74	24.48	[7] [9] 24.98	
					[3]	11-14-73		6-1-74	24.48	[3] [9] 28.50	
RI74-83	Amoco Production Co	[4]109	17	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain Area).	50	11-16-73		1-17-74	[4] 28.0	[3] 28.5	
	do	[4]117	38	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo. and Blanco and Flora Vista Fields, San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain Area).	250	11-16-73		1-17-74	[4] 28.0	[3] 28.5	
RI74-84	Texaco, Inc	[4]22	13	El Paso Natural Gas Co.	[7] 500	11-14-73		1-15-74	24.0	[7] [9] 24.50	
					[2]	11-14-73		1-15-74	24.0	[3] [9] 28.50	
	do	[4]26	24	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (Rocky Mountain Area).	[5] 5,000	11-14-73		1-15-74	24.0	[7] 24.5	
					[6] 1,070	11-14-73		1-15-74	24.0	[3] [9] 28.50	
	do	[4]27	16	El Paso Natural Gas Co. (Aztec Pictured Cliffs Field, San Juan County, N. Mex.) (Rocky Mountain Area).	[7] 850	11-14-73		1-15-74	24.48	[7] [9] 24.98	
					[2]	11-14-73		1-15-74	24.48	[3] [9] 28.50	
	do	197	14	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.) (Rocky Mountain Area).	[7] 1,150	11-14-73		6-1-74	24.48	[7] [9] 24.98	
					[4]	11-14-73		6-1-74	24.48	[3] [9] 28.50	
	do	210	7	El Paso Natural Gas Co. (Bisti (Lower Gallup) Field San Juan County, N. Mex.) (Rocky Mountain Area).	75	11-14-73		6-1-74	24.48	[9] 24.98	
	do	290	16	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (Rocky Mountain Area).	[7] 2,250	11-14-73		6-1-74	24.48	[7] [9] 24.98	
					[2]	11-14-73		6-1-74	24.48	[3] [9] 28.50	
	do	340	10	do	[7] 750	11-14-73		6-1-74	24.48	[7] [9] 24.98	
					[5]	11-14-73		6-1-74	24.48	[3] [9] 28.50	
	do	341	16	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex. and La Plata County, Colo.) (Rocky Mountain Area).	[7] [12] 7,500	11-14-73		6-1-74	[7] [12] 24.48	[7] [9] [12] 24.98	
	do			do	[7] [12] 200	11-14-73		[12] 1-15-74	[7] [12] 24.0	[7] [9] [12] 24.50	
					[2]	11-14-73		6-1-74	[7] [12] 24.0	[3] [9] 28.50	
RI74-85	Amoco Production Co	[4]163	27	El Paso Natural Gas Co. (acreage in the San Juan Basin, San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain Area).	50	11-15-73		1-16-74	[4] 28.0	[4] 28.5	
	do	193	18	do	325	11-15-73		6-1-74	[4] 28.0	[4] 28.5	
	do	199	26	do	250	11-15-73		[13] 1-16-74	[4] 28.0	[4] 28.5	
								[13] 6-1-74			
	do	233	15	do	1,500	11-15-73		6-1-74	[4] 28.0	[4] 28.5	
	do	302	14	do	500	11-15-73		[13] 1-16-74	[4] 28.0	[4] 28.5	
								[13] 6-1-74			
	do	320	9	do	[14]	11-15-73		6-1-74	[4] 28.0	[4] 28.5	
	do	[4]370	28	do	150	11-15-73		1-16-74	[4] 28.0	[4] 28.5	
RI74-86	Tenneco Oil Co	1	[4]7	El Paso Natural Gas Co. (San Juan Basin Area, San Juan County, N. Mex.) (Rocky Mountain Area).	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	45	[4]10	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	17	[4]8	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	26	[4]7	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	[4]36	[4]7	do	[15]	11-12-73		1-13-74	[15] 28.0	[15] 28.5	
	do	37	[4]8	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	47	[4]8	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	120	[4]9	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	121	[4]8	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	124	[4]9	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	126	[4]7	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	144	[4]10	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	152	[4]8	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	[4]157	[4]10	do	[15]	11-12-73		1-13-74	[15] 28.0	[15] 28.5	
	do	161	[4]13	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	[4]162	[4]10	do	[15]	11-12-73		1-13-74	[15] 28.0	[15] 28.5	
	do	163	[4]9	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	180	[4]6	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	225	[4]5	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	228	[4]5	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	230	[4]7	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	257	[4]8	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	21	[4]8	El Paso Natural Gas Co. (San Juan Basin Area, San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain Area).	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	
	do	[4]57	[4]7	do	[15]	11-12-73		1-13-74	[15] 28.0	[15] 28.5	
	do	[4]158	[4]11	do	[15]	11-12-73		1-13-74	[15] 28.0	[15] 28.5	
	do	38	[4]7	do	[15]	11-12-73		6-1-74	[15] 28.0	[15] 28.5	

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets No.
	do	39	[1] 8	do	(17)	11-12-73		6-1-74	[13] 28.0	[13] 28.5	
	do	51	[1] 8	do	(17)	11-12-73		6-1-74	[13] 28.0	[13] 28.5	
	do	151	[1] 8	do	(17)	11-12-73		6-1-74	[13] 28.0	[13] 28.5	
	do	172	[1] 5	do	(17)	11-12-73		6-1-74	[13] 28.0	[13] 28.5	
	do	198	[1] 5	do	(17)	11-12-73		6-1-74	[13] 28.0	[13] 28.5	
	do	164	[1] 8	El Paso Natural Gas Co. (San Juan Basin Area, La Plata County, Colo.) (Rocky Mountain Area).	(17)	11-12-73		6-1-74	[13] 28.0	[13] 28.5	
	do	196	[1] 8	do	(17)	11-12-73		6-1-74	[13] 28.0	[13] 28.5	
	do	260	4	El Paso Natural Gas Co. (San Juan Basin Area, San Juan County, N. Mex.) (Rocky Mountain Area).	(18)	11-12-73		(4)	[7] [13] 22.0	[7] [13] 22.5	
				do	297	11-12-73		1-13-73	[5] [13] 28.0	[5] [13] 28.5	
	do	281	[1] 2	do	45,566	11-12-73		1-13-74	[13] 24.0	[13] 28.5	
	do	282	2	do	75	11-12-73		(4)	[7] [13] 22.0	[7] [13] 22.5	
				do	(17)	11-12-73		[23] 1-13-74	22.0	[5] [13] 28.5	
	do	223	11	do	(17)	11-12-73		(4)	[7] [13] 22.0	[7] [13] 22.5	
				do	(17)	11-12-73		[27] 6-1-74 [23] 1-13-74	[5] [13] 28.0	[5] [13] 28.5	
	do	50	10	El Paso Natural Gas Co. (San Juan Basin Area, Rio Arriba County, N. Mex.) (Rocky Mountain Area).	(17)	11-12-73		(4)	[7] [13] 22.0	[7] [13] 22.5	
				do	(17)	11-12-73		[28] 6-1-74 [21] 1-13-74	[5] [13] 28.0	[5] [13] 28.5	
	do	176	23	El Paso Natural Gas Co. (San Juan Basin Area, Rio Arriba and San Juan Counties, N. Mex.) (Rocky Mountain Area).	(17)	11-12-73		(4)	[7] [13] 22.0	[7] [13] 22.5	
					(17)	11-12-73		[29] 6-1-74 [26] 1-13-74	[5] [13] 28.0	[5] [13] 28.5	

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Contract amendment dated Sept. 20, 1973.
[2] Subject to B.t.u. adjustment above and below 1,000 B.t.u.
[3] Accepted as of Dec. 13, 1973, insofar as proposed rate does not exceed the ceiling under Opinion No. 658 and suspended until May 13, 1974, insofar as proposed rate exceeds the ceiling under Opinion No. 658.
[4] Accepted as of Jan. 1, 1974.
[5] For gas from wells completed on or subsequent to June 1, 1970.
[6] Applies to acreage added by Supplement Nos. 21, 24, and 26.
[7] For gas from wells completed prior to June 1, 1970.
[8] Subject to applicable taxes and B.t.u. adjustment.
[9] Considered "new gas" pursuant to Opinion No. 699.
[10] The pressure base is 14.73 p.s.i.a.
[11] Accepted to be effective on Dec. 13, 1973.
[12] Excludes acreage dedicated by Supplement Nos. 9 and 10.
[13] Applies to acreage dedicated by Supplement Nos. 9 and 10.
[14] No present sales.
[15] Applies to acreage added by Supplement No. 18.
[16] Applies to acreage added by Supplement No. 14.
[17] Applicant states that the estimated sales volume is "not available."
[18] Subject to B.t.u. adjustment.
[19] No sales volume given.
[20] Applicable to acreage added by Supplement Nos. 17 and 19.
[21] Applicable to acreage added by Supplement Nos. 4 and 6.
[22] Applicable to acreage added by Supplement Nos. 3, 5, 6, and 9.
[23] Accepted as of Jan. 1, 1974, insofar as proposed rate does not exceed the ceiling under Order No. 435 and suspended until Jan. 13, 1974, insofar as proposed rate exceeds the ceiling under Order No. 435.
[24] Suspension period for sales from all acreage, except that covered by Supplement Nos. 21, 24, and 26.
[25] Suspension period for sales from all acreage, except that covered by Supplement No. 18.
[26] Suspension period for sales from all acreage, except that covered by Supplement No. 14.
[27] Suspension period for sales from all acreage, except that covered by Supplement Nos. 3, 5, 6, and 9.
[28] Suspension period for sales from all acreage, except that covered by Supplement Nos. 4 and 6.
[29] Suspension period for sales from all acreage, except that covered by Supplement Nos. 17 and 19.

The proposed rates which exceed the applicable ceiling rate in Opinion No. 658 are suspended for five months [1] and the proposed rates which exceed the applicable area ceiling rate in Order No. 435 are suspended for one day.

[FR Doc.73-26942 Filed 12-27-73;8:45 am]

[Docket No. E-8533]

DAYTON POWER AND LIGHT CO.

Notice of Compliance Filing

DECEMBER 13, 1973.

Take notice that Dayton Power and Light Co. (Dayton) on December 3, 1973, tendered for filing a Service Agreement for service with the City of Saint Mary's, Ohio, under FPC Electric Tariff Original Volume I. The effective date is December 1, 1973, and according to Dayton, service has been made on the City of Saint Mary's.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27182 Filed 12-27-73;8:41 am]

[Docket No. CP70-138]

EL PASO NATURAL GAS CO.

Notice of Extension of Time

DECEMBER 14, 1973.

On December 12, 1973, a motion was filed by Staff Counsel for an extension of time to file briefs on exceptions and briefs opposing exceptions to the decision issued November 19, 1973, in the above-designated matter. The motion states that there were no objections to the motion.

Upon consideration, notice is hereby given that the time is extended to and including February 13, 1974, within which briefs on exceptions may be filed by all parties. Briefs opposing exceptions may be filed on or before March 5, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27175 Filed 12-27-73;8:45 am]

[Docket No. E-8538]

INDIANA AND MICHIGAN ELECTRIC CO.

Notice of Amendment to Agreement

DECEMBER 13, 1973.

Take notice that on December 4, 1973, Indiana and Michigan Electric Co. (I&M) tendered for filing an amendment to an operating agreement among I&M, and Consumers Power Co. and Detroit Edison Co. (Michigan Companies).

The basic changes reflected in the amendment according to I&M is an increase in the demand charge for short term power of $.05 per Kilowatt per week and an increase in the demand charge for limited term power of $.35 per Kilowatt per month. I&M states that since

[1] Continental's proposed increased rate exceeds the ceiling under Opinion No. 658 because it includes B.t.u. above and below 1,000 B.t.u., whereas Opinion No. 658 permits an upward B.t.u. adjustment only for gas above 1,050 B.t.u.

the use of short term and limited term power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the amendment.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27185 Filed 12-27-73;8:45 am]

[Docket No. CI73-747]

INEXCO OIL CO.

Notice of Extension of Time

DECEMBER 14, 1973.

On December 4, 1973, Staff Counsel filed a motion to extend the time for the filing of direct testimony and evidence as fixed by the order issued September 12, 1973, in the above-designated matter.

By letter filed December 7, 1973, Staff Counsel advised that no party to the proceeding objected to the motion except Natural Gas Pipeline Co. of America.

On December 11, 1973, Natural Gas Pipeline Co. of America filed an answer urging the denial of staff's motion or, in the alternative, if staff's motion is approved, to grant Natural Gas Pipeline Co. of America additional time for the filing of rebuttal testimony.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Direct Testimony by Staff and all Intervenors Opposing the Application, January 2, 1974.
All Rebuttal Testimony and Evidence, January 16, 1974.
Hearing, January 22, 1974 (10 a.m., E.s.t.).
Decision by Administrative Law Judge, March 5, 1974.
Briefs on Exceptions, March 15, 1974.
Briefs Opposing Exceptions, March 25, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27173 Filed 12-27-73;8:45 am]

[Docket No. CP72-251]

NORTHERN NATURAL GAS CO.

Order Granting in Part Motion of Dallas County Gas Storage Association for Local Hearing, Prescribing Procedures, Setting Date for Filing of Evidence and Local Hearing Date

DECEMBER 14, 1973.

On November 15, 1973, Dallas County Storage Association (Association), an intervenor in Docket No. CP72-251, applied for rehearing and reconsideration of its request that the hearing in the above docket be convened in Dallas County, Iowa. The posture of the present pleading differs slightly from that of the original motion in that the Association now seeks only a portion of formal hearings in Iowa. The original motion requesting local hearing was denied by the Commission by order issued October 26, 1973 (—— FPC ——).

Consideration of a request of this nature must be done on a case by case basis. Some of the advantages of moving a portion of the hearing to Iowa are set forth in the pleading of the Association. The Association alleges that the scope of the project, the number of acres involved, and the intense interest of its members in the outcome of the application meet criteria previously applied by the Commission in deciding whether or not to hold a local hearing. Implicit also in the Association's position is the advantage of involving local issues in the administrative process. It is one of the drawbacks of centralized government that the individual landowner sometimes feels frustrated in his efforts to influence a government many miles away in Washington which at times may seem unresponsive to local needs and unaware of local problems.

There are of course, drawbacks to local hearings. One of these is the difficulty and the cost of securing adequate facilities in small cities and towns. Another problem faced by intervenors and Staff would be transportation to Adel, Iowa. Both of these difficulties can be mitigated, in our opinion, by utilization of Federal Courthouse facilities in Des Moines, Iowa instead of local facilities in Adel, Iowa. On balance, the factual situation presented by the Association's pleading is such that limited hearing time in Des Moines, Iowa for the purpose of securing testimony of witnesses that might otherwise not be available is desirable and in the public interest. Upon consideration of the application for rehearing and reconsideration submitted by Association.

The Commission finds:

(1) It is desirable and in the public interest that a portion of the hearing in Docket No. CP27-251 be conducted in Des Moines, Iowa for the purpose of securing the testimony of witnesses that might otherwise be unavailable.

(2) The motion of Dallas County Gas Storage Association should be granted as herein modified and conditioned by this order.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearing time in Federal Facilities in Des Moines, Iowa will be made available to commence March 18, 1974.

(B) All parties to this proceeding desiring to present testimony in Des Moines, Iowa, shall file such testimony on or before February 28, 1974, *provided*, that any testimony so filed shall contain a showing, subject to review by the Administrative Law Judge upon his own motion or the motion of any party, that presentation of the witness in Washington, D.C. at the hearings scheduled to commence on January 7, 1974, will constitute a hardship.

(C) Upon motion and showing that it would be an economic hardship for a witness to prepare written testimony, the Administrative Law Judge may permit a party to present sworn direct oral testimony.

(D) In order to provide for an expeditious local hearing procedure and to avoid repetitious, cumulative testimony and cross examination, the Administrative Law Judge shall, at least 15 days prior to convening the local hearing, issue a notice announcing the place and time of the local hearing and prescribing such procedures as the interest of justice may require.

(E) The Commission's Rules of Practice and Procedure shall apply in this procedures as the interest of justice may modified or supplemented herein, and no witness shall be excused from cross-examination without consent of all parties.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27161 Filed 12-27-73;8:45 am]

[Docket No. E-7867]

OHIO POWER CO.

Notice of Further Extension of Time and Postponement of Hearing

DECEMBER 14, 1973.

On October 31, 1973, a notice was issued deferring action on the motion filed by Allied Chemical Corp., *et al.* (Allied, *et al.*) for an extension of the procedural dates pending action on an application for a subpoena for the production of documentary evidence. On November 9, 1973, a notice of further extension was issued. On November 12, 1973, Allied, *et al.* moved to amend the dates set forth in the motion filed on October 11, 1973. The request states that all parties have agreed to the request.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Testimony and Exhibits by Interveners, January 23, 1974.
Service of Rebuttal Evidence by Ohio Power Company, February 5, 1974.
Cross-Examination, February 19, 1974 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27172 Filed 12-27-73;8:45 am]

[Docket No. RP72-115]

OKLAHOMA NATURAL GAS GATHERING CORP.

Notice of Change in Gas Tariff To Include PGA

DECEMBER 13, 1973.

Take notice that on November 30, 1973, Oklahoma Natural Gas Gathering Corp.

(Gathering Corporation) tendered for filing, pursuant to § 154.38(d)(4) of the Commission's regulations under the Natural Gas Act, a revised tariff sheet. Gathering Corp. states that the revised sheet provides for changes in its FPC Gas Tariff to include its Second Revised Sheet PGA–1 which is to become effective January 1, 1974. The company states that the tariff sheet would revise its Base Tariff Rate to recover the accumulated balance in the unrecovered purchased gas cost account and flow through the increase in the system cost of purchased gas. Gathering Corp. estimates the total increase in revenues involved with the filing to be $180,020.38.

The company states that copies of the tariff filing are being posted in accordance with § 154.16 of the Commission's regulation and are being mailed to all jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27165 Filed 12-27-73;8:45 am]

[Docket No. RP71-119, etc.]

PANHANDLE EASTERN PIPE LINE CO.

Order Granting Temporary Extraordinary Relief, Consolidating Proceedings, Setting Matters for Hearing, Granting Interventions and Prescribing Procedures

DECEMBER 13, 1973.

By order issued November 6, 1973, in Docket No. RP71-119, we accepted and made effective as of November 1, 1973, revised tariff sheets tendered by Panhandle Eastern Pipe Line Company (Panhandle). Those revised tariff sheets contained Panhandle's proposed curtailment plan which conformed to the curtailment procedures contained in the Commission's Statement of Policy, issued in Docket No. R–469, Order No. 467–B.

Numerous petitions for extraordinary relief have been filed by Panhandle's customers. In each petition, petitioner alleges that, if relief is not granted to it, serious irreparable injury will ensue. Accordingly, we institute these proceedings so that there will exist one forum in which to determine the propriety of the several individual requests for relief from curtailment on the Panhandle system. In this connection, we direct attention to our order issued concurrently herein in *Panhandle Eastern Pipe Line Company*, Docket No. RP71–119, which further clarifies guidelines for emergency relief.[1]

On considering the several requests for extraordinary relief, it is of course necessary to review each application individually on its own merits but the exigencies of the present gas shortage on Panhandle's system and commensurate curtailment of deliveries necessitate that we act expeditiously to grant temporary relief where appropriate pending resolution of these matters at formal hearing. It is for this reason and in order to grant relief on an equitably uniform basis without disadvantage to any commonly situated parties that we have consolidated the various petitions herein.

Reviewing the individual applications on file with the Commission, we note that, on October 29, 1973, the Missouri Refractories,[2] direct industrial customers of Panhandle, filed a petition for emergency relief based, *inter alia*, on the ground of the consequential adverse effect upon other industries dependent upon their products. In their petition, the Refractories state that they provide a large percentage of the requirements of industries dependent upon refractory products such as (1) blast furnace linings for the steel industry; (2) cement and lime kiln lining; (3) high fire glass tank liners for the glass industry; and (4) glass used in the petro-chemical industry. Under the circumstances there is good cause to temporarily except Missouri Refractories from the curtailment program and to authorize and direct Panhandle to continue supplying the Missouri Refractories with their requirements up to base volumes at their individual plants, pending a determination of this matter after hearing.

Southeastern Michigan Gas Company (Southeastern) lost an important source of gas supply and an adjustment to its base period volumes is warranted in order to enable it to provide for the needs of its high priority customers. Southeastern's unique situation was recognized by all parties in the curtailment proceeding and relief for Southeastern was agreed to and approved by us in Panhandle's interim plan. The situation that pertained on Southeastern's system, when we approved the interim plan, is still applicable today. Accordingly, we will require Panhandle to include on a temporary basis up to two thirds of the additional monthly base period volumes reflected in the revised Schedule A to Southeastern's response to Panhandle's revised tariff sheets filed on October 1, 1973, as an appropriate basis from which to determine its takes from Panhandle for the forthcoming winter heating season.

E. I. Dupont de Nemours and Company (Dupont), a direct industrial customer, requests a relatively small volume, 480 Mcf per day, in order to keep one of its plants in operation. Dupont's plant requiring these volumes is engaged in defense production. We will require Panhandle to provide it with these volumes on a temporary basis pending the determination of these proceedings.

Marblehead Lime Company is a small direct industrial customer of Panhandle which usually purchases slightly less than 1,000 Mcf per day from that pipeline. It states that it requires natural gas to maintain plant operations and to avert a shut-down at these plants. We will require Panhandle to provide the gas requirements of Marblehead on a temporary basis pending hearing.

Mueller Brass Company (Mueller) is a direct customer of Panhandle. It alleges in its petition for extraordinary relief that it requires 2,760 Mcf per day to keep its Port Huron plant in operation. It employs 2500 people at this facility and is Port Huron's largest employer. The Commission will require Panhandle to provide these volumes to Mueller on a temporary basis, pending the outcome of this proceeding.

Battle Creek Gas Company (Battle Creek) contends that its curtailment should be predicated upon the base volumes reflected in the Schedule A attached to its petition for extraordinary relief. It asserts that the impact of Panhandle's curtailment has been so severe that commencing on November 1, 1973, it was forced to curtail all its interruptible customers which included five hospitals, 19 schools, and the community sewage treatment plant. It further notes that it has been unable to acquire alternate fuels for these essential municipal services. The Commission will require that Panhandle curtail Battle Creek on the basis of the base volumes set forth in Schedule A to its petition for extraordinary relief. This exemption will be temporary in nature and subject to a determination by this Commission after the conclusion of the hearing provided for herein.

Since many of the same parties involved in the proceeding in Docket No. RP71–119 relating to a permanent plan for Panhandle may wish to participate herein, parties in that proceeding will be deemed to be parties in these dockets. However, in order to maintain an orderly procedure, any intervenor desiring to record objections and protests to the requested relief must file a formal protest to the noticed petition stating with particularity the nature of its objections.[3]

Several petitions to intervene in Panhandle's permanent curtailment pro-

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[1] See also orders issued November 30, 1973, in *United Gas Pipe Line Company*, Docket Nos. RP71–29, RP71–120.

[2] Consisting of A. P. Green Refractory Company, C–E Refractory Corporation, Harbison Walker Refractory Company, a Division of Dresser Industries Inc., Kaiser Aluminum and Chemical Corporation, North America Refractory Company, a Division of Eltra Corporation, and Wellsville Fire Brick Corporation.

[3] The consolidation by the Commission of the above-styled petitions for extraordinary relief for purposes of hearing is consistent with the request made by Panhandle in its Motion filed on November 29, 1973, in which it noted the merits of trying these petitions on a consolidated basis. We consider our action herein as disposing of the request made by Panhandle in that Motion.

ceeding in Docket No. RP71-119 have recently been filed with the Commission. These recent petitioners may desire to participate in the proceedings relating to the aforementioned requests for extraordinary relief in addition to the proceeding involving Panhandle's permanent curtailment plan. There has been no opposition voiced to these interventions and these petitioners have demonstrated that they should be permitted to intervene as requested. Accordingly, the Commission will permit the following petitioners to intervene in the above-styled proceedings and in the proceeding relating to Panhandle's permanent curtailment plan in docket No. RP71-119 on the condition that they accept the record in the applicable proceedings as that record stands.

Petitioner:	Date
Briggs Division of Celotex Corporation	Oct. 25, 1973
Cabot Corporation	Oct. 25, 1973
Phillips Pipe Line Company	Oct. 31, 1973
City of Toledo, Ohio	Dec. 4, 1973

The Commission orders:

(A) The petitions for extraordinary relief filed by Southeastern, Dupont, Missouri Refractories, Marblehead Line, Mueller Brass, and Battle Creek are granted, to the extent indicated above, on a temporary basis pending notice and hearing.

(B) A hearing shall be convened at 10:00 a.m. on January 23, 1974, in a hearing room at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. before an Administrative Law Judge to determine whether or not extraordinary relief should be granted to the petitioners in the subject proceedings on a permanent basis as requested in their petitions for extraordinary relief.

(C) All parties including interveners and staff will file and serve on all other parties their evidence and testimony on or before January 14, 1974.

(D) Cross-examination shall commence on January 23, 1974.

(E) The above-named petitioners seeking permission to intervene in the proceeding entitled Panhandle Eastern Pipe Line Company in Docket No. RP71-119, are permitted to intervene in that proceeding and along with all other parties previously granted intervention therein are hereby permitted to intervene and participate in the hearing in these proceedings relating to the aforementioned Petitions for Extraordinary Relief as indicated above, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters effecting rights and interests specifically set forth in their petitions to intervene, *Provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that such interveners might be aggrieved because of any order or orders issued by the Commission in this proceeding, and that these petitioners take the record as it now stands in the specific proceeding in which they petitioned to intervene.

By the Commission.

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

[FR Doc.73-27177 Filed 12-27-73;8:45 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Order Accepting and Making Effective Tariff Provisions Providing Exemption of Certain Small Volume Customers From Curtailment Overrun Penalty Provisions and Waiving Regulations

DECEMBER 13, 1973.

On November 23, 1973, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing its Third Revised Interim Original Sheet No. 42-C to its FPC Gas Tariff, Original Volume No. 1. Panhandle requests such waiver of the Commission's Regulations under the Natural Gas Act as may be necessary to permit the proposed filing to become effective on November 1, 1973, coincident with the other provisions of the revised interim tariff sheets submitted by it on October 1, 1973, which were accepted for filing by the Commission's order issued on November 6, 1973, in this proceeding and made effective as of November 1, 1973.

Panhandle states that the proposed revision, § 16.5(c)(4), is intended to ameliorate the effects of the compliance provisions of its presently effective interim tariff provisions noted above, on approximately 40 small distribution customers situated throughout its system whose local characteristics are such that they have little or no flexibility in operating their own distribution system while providing maximum protection to their highest priority usages.

The provision is intended to exempt small SG and G customers whose contract demand is less than 6,000 Mcf under certain circumstances and is as follows:

(4) As to volumes within the Contract Demand of an SG or G customer whose Contract Demand for every month is less than 6,000 Mcf, or customers whose usage is all Priority 1, if such customer certifies that (a) it did not during the billing month supply gas (i) for any Priority 4 through 9 being curtailed by Seller or (ii) for electric generation; and (b) it did not attach or supply any new gas usage on its system falling within (i) Priorities 3 through 9 subsequent to November 1, 1971, and (ii) any Priority subsequent to February 1, 1974.

On November 9, 1973, and December 3, 1973, the Commission issued Notices relating to petitions for extraordinary relief submitted by certain customers on Panhandle's System. In these petitions for extraordinary relief, six small volume customers requested that the Commission exempt small utility customers from Panhandle's monthly overrun penalty charge.[1]

These small customers of Panhandle assert that they will, under the presently effective curtailment plan, be forced to discontinue service to commercial and residential customers or face the prospect of paying a $10 per Mcf penalty charge. They further contend that, under the latter course of action, they will be forced into bankruptcy due to the fact that they will not be able to make payment on their bonded utility debt.

This provision is similar to the one agreed to by all of the parties and made a part of the previously effective interim curtailment plan on Panhandle's system. Further, the volumes involved are minimal and the potential impact on these customers is harsh. Accordingly, the public interest requires that we accept and make effective the aforementioned Revised Interim Tariff Sheet filed by Panhandle on November 23, 1973.

The Commission finds:

Good cause requires that the revised tariff sheet submitted by Panhandle on November 23, 1973, be accepted for filing and made effective as hereinafter ordered.

The Commission orders:

(A) The Third Revised Interim Original Sheet No. 42-C to Panhandle Eastern Pipe Line Company's FPC Gas Tariff Original Volume No. 1, submitted by Panhandle on November 23, 1973, is accepted for filing and made effective as of November 1, 1973.

(B) The provisions of section of the Commission's regulations under the Natural Gas Act are hereby waived to permit the filing to become effective as hereinabove ordered.

By the Commission.

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

[FR Doc.73-27178 Filed 12-27-73;8:45 am]

[Docket No. RP71-119]

PANHANDLE EASTERN PIPE LINE CO.

Order on Clarification

DECEMBER 13, 1973.

On November 6, 1973, we issued an order accepting and making effective

[1] These petitioners included the following companies which were docketed as indicated in the Commission's Notice of November 9, 1973, and December 3, 1973:

Petitioners:	Docket No.
Bowling Green Gas Co	RP74-31-2
West Field Gas Corp	RP74-31-6
City of Bushnell, Ill	RP74-31-8
City of Pittsfield, Ill	RP74-31-9
Shelbina, Mo	RP74-31-12
Clarence, Mo	RP74-31-14

The action taken by the Commission herein will render these petitions for extraordinary relief moot.

certain revised tariff sheets[1] filed by Panhandle Eastern Pipe Line Company (Panhandle) setting forth curtailment procedures in accordance with the policies and priorities of service adopted by the Commission in its Order No. 467, as amended.[2] This curtailment plan was made effective by the aforementioned order as of November 1, 1973.

The Commission in an Order issued in the above-styled proceeding on February 9, 1973, directed Panhandle to file tariff provisions which would define and delimit emergency procedures as required in Order No. 467–A so as to enable Panhandle to make immediate response in the event its customers were confronted with emergency situations. On May 2, 1973, Panhandle complied with the Commission directive by filing its substitute Second Revised Tariff Sheet No. 42–H. The Commission by Order issued on May 31, 1973, accepted the emergency tariff provision filed by Panhandle. The aforementioned filing tendered by Panhandle was interim in nature and was only intended to be effective through October 31, 1973. However, Panhandle included such an emergency provision in the revised tariff sheets that it submitted on October 1, 1973, which were made effective by the November 6, 1973, order noted above.[3]

While these provisions required by the Commission were intended to provide a vehicle for immediate response by interstate pipeline suppliers to emergency situations, they were not intended to be limited to a short term duration, *i.e.*, the immediate emergency period. Where the emergency can be documented to be of a longer term nature, *i.e.*, a winter heating season, and the applicant has exercised all prudent measures for obtaining alternate capabilities, exemptions or emergency relief may be given for a period not to exceed the duration of the winter heating season.

Any customer seeking exemption or emergency relief from the pipeline and under the provision of its curtailment program should detail: the location of the facility(s); the base requirements for the facility(s) for the duration of the emergency period; projected minimum requirements needed for continued operation; estimated loss in terms of dollars and production, etc. lost should curtailments continue; alternative capability (including availability of alternate fuels) or lack thereof. The requests should be attested to and three copies of each filed with the Commission. When the request comes from a distribution customer, that customer, in addition to the above, must demonstrate and attest that it has exhausted all reasonably available flexibility on its system and that emergency relief cannot be granted by the distributor without impairing service to customers having requirements of the same and higher priorities, as a condition to receiving the requested relief.

If the pipeline grants emergency relief, it shall so report to the Commission. We envision no further Commission action with respect to such emergency deliveries, unless a complaint under section 5(a) of the Natural Gas Act is lodged.

Where the exemption or emergency relief is denied by the pipeline, or where the relief sought is for a period longer than a particular season, the Commission will, upon proper showing, entertain petitions for extraordinary relief from curtailments.[4] We here state our intention to grant, where we deem the request justified, immediate temporary relief from curtailments to avoid irreparable injury. The request for extraordinary relief would remain subject to administrative processes and upon proper showing, after hearing, the relief may be made permanent for the period in question, or if the record so demonstrates the relief may be denied, with or without gas payback obligations.

We have, this day, issued an order in *Panhandle Eastern Pipe Line Company, et al.*[5] wherein we have directed that certain petitioners requesting extraordinary relief be required to support such requests in an evidentiary hearing that we have scheduled to be held for that purpose. In that order we have granted temporary relief to certain petitioners pending determination thereon after a formal hearing on those matters.

We also note that the curtailment proceeding, currently pending in the above-styled proceeding, is going forward on a schedule directed by the Presiding Administrative Law Judge.

Questionnaires providing data enabling the implementation of a curtailment plan consistent with our Order 467 as amended, have been returned to Panhandle by its customers. These data have been collated and analyzed by the pipeline and its customers have been provided with the anticipated impact that the presently effective curtailment plan will have upon them over the course of the next several months.

The record in the above-styled proceeding was recently reopened in order to permit the incorporation of the end-use data, which permits the implementation of the curtailment plan in conformity with our Order No. 467–B. These data will be subject to cross-examination and, if required, by the evidentiary record, modified to reflect proper procedures for curtailment on Panhandle's system.

By the Commission.

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

[FR Doc.73-27179 Filed 12-27-73;8:45 am]

[Docket No. CI74-186]

PHILLIPS PETROLEUM CO.

Notice Cancelling Hearing

DECEMBER 13, 1973.

On November 21, 1973, an order was issued fixing a hearing in the above-designated matter for December 18, 1973. On November 30, 1973, Phillips Petroleum Company withdrew its application for a certificate of public convenience and necessity.

Notice is hereby given that the hearing scheduled for December 18, 1973, is cancelled.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-27188 Filed 12-27-73;8:45 am]

[Docket No. E-8531]

PORTLAND GENERAL ELECTRIC CO.

Capacity Exchange Agreement

DECEMBER 13, 1973.

Take notice that on November 30, 1973, Portland General Electric Company (Portland) tendered for filing a capacity exchange agreement between Portland and Pacific Gas and Electric Company (PG&E) to be Supplement II to Portland FPC Rate Schedule No. 22 and PG&E FPC Rate Schedule No. 51.

Portland states that the agreement provides for PG&E to make energy available to Portland for the periods of November 1, 1973 to March 31, 1974 and November 1, 1974 to March 31, 1975; likewise Portland would make energy available to PG&E from May 16, 1974 to October 15, 1974. Portland also states that the agreement provides it with the option of returning energy to PG&E during off-peak periods. The energy would be exchanged without payment. Portland requests waiver of the notice require-

[1] These tariff sheets were designated as Second Revised Interim Second Revised Sheet No. 42, and Second Revised Interim Original Sheets Nos. 42–A to 42–F to Panhandle's FPC Gas Tariff, Original Volume No. 1.

[2] The Commission issued Order No. 467 on January 8, 1973, amending its General Rules of Practice and Procedure by adding a new Section 2.78(a). The aforementioned Statement of Policy relating to curtailment procedures was further amended by the Commission's issuance of Order Nos. 467–A and 467–B on January 15, 1973, and March 2, 1973, respectively.

[3] See Second Revised Interim Original Sheet No. 42–D Superseding First Revised Interim Original Sheet No. 42–D to Panhandle's FPC Gas Tariff Original Vol. No. 1.

[4] For purpose of proper standing we refer potential petitioners to the following language in our Order Denying Petition for Extraordinary Relief, *Panhandle Eastern Pipe Line Company (Northrup, King & Co.)*, Docket No. RP71–119, issued November 21, 1973: In its ruling on DeKalb AgResearch's petition, the Commission recognizing the existence of a state-federal dichotomy in natural gas regulation denied DeKalb's petition stating "that the issues posited by DeKalb and the relief sought are matters of primarily local concern and should properly be resolved by the Public Service Commission of the State of Indiana, which agency can more appropriately assess local needs". Petitions for relief may be filed by direct customers of the affected pipeline, the pipeline, or the appropriate State regulatory authority. Such petitions will be granted only upon a showing that the extraordinary circumstances giving rise to the request cannot be alleviated through allocation of existing supplies by the distribution company or state regulatory authority. (Mimeo p. 3).

[5] The petitioners seeking extraordinary relief in that order were assigned specific Docket Nos., *i.e.*, Docket Nos. RP74–31–1 through RP74–31–11.

ments of the Commission's regulations so that the agreement may be effective immediately.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27181 Filed 12-27-73;8:45 am]

[Docket No. E-7669, etc.]

PUBLIC SERVICE COMPANY OF INDIANA, INC. ET AL.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

DECEMBER 14, 1973.

On December 4, 1973, counsel for The Electric and Water Plant Board of the City of Frankfort, Kentucky (City), filed a motion for enlargement of time to file direct evidence. The motion states that Public Service Company of Indiana, Indianapolis Power and Light Company and Kentucky Utilities Company, City of Paris and the Kentucky-Indiana Municipal Power Association have no objection to the motion.

On December 7, 1973, counsel for Public Service Company of Indiana, Indianapolis Power and Light Company and Kentucky Utilities Company, with the concurrence of City, requested a further extension. On December 11, 1973, counsel for Public Service Company, *et al.*, advised that the other interveners have no objection to the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of direct testimony of Frankfort in Docket Nos. E-7669 and E-7937, and service of direct testimony of Paris, Kentucky in Docket No. E-7669, December 28, 1973.

Service of Commission Staff Testimony in Docket Nos. E-7669, E-7937, and E-8053, January 11, 1974.

Service of testimony of Public Service Company of Indiana, Indianapolis Power and Light Company, Kentucky Utilities Company and East Kentucky Cooperative in Docket Nos. E-7669 and E-7937, January 25, 1974.

Service of Testimony of Frankfort in Docket No. E-8053, January 25, 1974.

Service of Rebuttal Testimony by Frankfort in Docket Nos. E-7669 and E-7937, February 8, 1974.

Service of Rebuttal Testimony of Paris in Docket No. E-7669, February 8, 1974.

Rebuttal Testimony of Companies, February 8, 1974.

Prehearing Conference, February 12, 1974 (10 a.m., E.S.T.).

Cross-Examination, February 19, 1974 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27168 Filed 12-27-73;8:45 am]

[Docket No. E-8176]

SOUTHERN CALIFORNIA EDISON CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

DECEMBER 14, 1973.

On December 6, 1973, Staff Counsel filed a motion for an extension of the date presently set for the service of its testimony fixed by notice issued November 12, 1973, in the above-designated matter. The motion states that intervenor Cities had no objection to the motion but would in turn ask for an extension of the intervenor service dates. On December 7, 1973, intervenor Cities filed a response to the above motion requesting that the other procedural dates be extended for a corresponding amount of time.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Staff Evidence, December 28, 1973.

Service of Intervenors' Evidence, February 8, 1974.

Prehearing Conference, February 15, 1974 (10:00 a.m., EST).

Service of Company Rebuttal Evidence, March 8, 1974.

Hearing, March 26, 1974 (10:00 a.m., EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27174 Filed 12-27-73;8:45 am]

[Docket No. RP74-47]

SOUTHWEST GAS CORP.

Proposed Changes in Rates and Charges

DECEMBER 14, 1973.

Take notice that Southwest Gas Corporation (Southwest) on December 3, 1973, tendered for filing Substitute Fourth Revised Sheet No. 3A, Fifth Revised Sheet No. 3A, constituting Original PGA-1 and Second Revised Sheet No. 13A and 13B, Original Sheet No. 13C constituting a portion of the General Terms and Conditions, all in its FPC Gas Tariff, Original Volume No. 1. The above revised tariff sheets would increase the rates of Southwest under its purchased gas adjustment clause in Section 9 of its General Terms and Conditions. This increase reflects a purchase gas increase from El Paso Natural Gas Company, which increase is effective on January 1, 1974. Southwest requests that the effective date for its increase be January 1, 1974, concurrent with El Paso's higher rates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27167 Filed 12-27-73;8:45 am]

[Docket No. RP66-25, RP71-7]

TENNESSEE VALLEY MUNICIPAL GAS ASSOCIATION, ET AL.

Order on Court Remand Requiring Refunds

DECEMBER 14, 1973.

There are before us on remand by the United States Court of Appeals for the District of Columbia Circuit[1] orders of the Commission in the above-entitled proceedings. As referred to by the Court, proceedings in Docket No. RP66-25 were initiated on June 7, 1966, by a complaint by the Tennessee Valley Municipal Gas Association (Association), under Section 5(a) of the Natural Gas Act, charging that the jurisdictional rates of Alabama-Tennessee Natural Gas Company were unjust and unreasonable. After the decision of the Administrative Law Judge the Commission on October 17, 1969 (42 FPC 861) dismissed the Association's complaint and terminated the investigation on the ground that in determining future rates the record was too stale. On February 6, 1970 (43 FPC 154) the Commission vacated its order of dismissal and remanded the proceedings to an Administrative Law Judge for further hearings for the purpose of updating the record. The Judge on October 23, 1970 (45 FPC 646) issued his initial decision. He made findings on rate base and cost of service and concluded that on the basis of a 7.6 percent rate of return Alabama-Tennessee's rates were excessive in the amount of $106,863 and required the filing of revised tariff schedules.

The Commission on May 5, 1971, in Opinion No. 594 (45 FPC 635), determined that the rate of return should be 8.25 percent. It noted that the parties stipulated that the rate of return decision in Docket No. RP66-25 should be determinative in Docket No. RP71-7, discussed below. It found that the Judge's rate base and cost of service determinations were supported by substantial evidence, not unreasonable, and should be affirmed with certain corrections and the adjustment of the rate of return. It explained that it was not discussing the rate base and cost of service issues because on September 1, 1970, in Docket No. RP71-7, Alabama-Tennessee filed increased rates, which were suspended and

[1] *Tennessee Valley Municipal Gas Association, et al. v. Federal Power Commission*, 470 F. 2d 446 (CADC, Oct. 25, 1972).

became effective March 17, 1971. The Commission concluded that using an 8.25 percent rate of return would reduce Alabama-Tennessee's excess revenues to $45,238 and that it did not have authority to order a retroactive reduction in rates in this Section 5(a) proceeding. Therefore, it said that it could not reduce Alabama-Tennessee's rates in effect prior to March 17, 1971, and that the Association's complaint should be dismissed. It denied rehearing on July 2, 1971, (46 FPC 19). The Association filed a petition for review in the Court of Appeals of Opinion No. 594 and the orders in Docket No. RP66-25 on August 30, 1971.

In Docket No. RP71-7, which is under Section 4 of the Natural Gas Act, the Commission by order of May 18, 1971, (45 FPC 968) required a reduction in Alabama-Tennessee's rates effective as of March 17, 1971, when these rates became effective, in order to reflect a reduction in Alabama-Tennessee's proposed rate of return of 9.2 percent to the 8.25 percent rate of return determined to be appropriate in Docket No. RP66-25. The company was required to make refunds for the period beginning March 17, 1971, of the difference between the amounts paid the company and the reduced rates required to be filed by the order. Rehearing was denied by order of July 14, 1971. A petition for review was filed by the Association with respect to both these orders with the Court of Appeals. The Commission by Opinion No. 632, issued October 11, 1972, made a final determination in Docket No. RP71-7, *et al.*, required Alabama-Tennessee to file a cost of service, allocation and substitute tariff sheets conforming to its Opinion and ordered appropriate refunds from the date the rates became effective on March 17, 1971. Opinion No. 632, issued October 11, 1972, was not considered by the Court of Appeals in its Opinion of October 25, 1972.

In its decision the Court of Appeals found that the Commission's failure to reopen the proceedings on October 17, 1969, was legal error. It held that the Association must be put in the same position that it would have occupied had the error not been made, and that the measure of the retroactivity which the Commission must grant to cure this error was the period of 112 days, from October 17, 1969 to February 6, 1970, when the Commission vacated its dismissal and reopened the hearings. The 112 days would be measured back from May 5, 1971, when the Commission issued its Opinion No. 594 in Docket No. RP66-25. However, the retroactive period would include only the 63 days prior to March 17, 1971, because on that date the new rates went into effect in Docket No. RP71-7. The Court required refunds for this 63-day period and for the period after March 17, 1971, under the new rates.

The Court also held that Alabama-Tennessee's rates were improperly determined by the Commission on the basis of liberalized tax depreciation with normalization with respect to pre-1970 property and post-1969 non-expansion property contrary to the decision of the Court in *Memphis Light, Gas and Water Division* v. *F.P.C.*, 462 F. 2d 853 (CADC, 1972). The Court approved the Commission's determination of a rate of return at the 8.25 percent level.

After a conference between the parties on May 21, 1973, Alabama-Tennessee in a letter to the Secretary of the Commission dated July 2, 1973, pointed out that the Commission had not ruled upon all of the exceptions and attached a comparison of the juridicational cost of service and revenues for the year 1969 based on the record in Docket No. RP66-25. Making adjustments for costs and revenues on which exceptions were not answered by the Commission, Alabama-Tennessee purports to show that its jurisdictional revenues were deficient by $22,601 and asks that the remand be terminated. It also points out that the *Memphis* case was reversed by the Supreme Court in *F.P.C.* v. *Memphis Light, Gas and Water Division*, — U.S. — (May 7, 1973), No. 72-486.

The Association answered in a letter to the Secretary dated July 12, 1973. It objected to Alabama-Tennessee's letter as improper, contended that the Court of Appeals decision in *Memphis* was the law of the case and requested that a refund be ordered on the basis of annual excess revenues of $45,238 found by the Commission, corrected to reflect flow-through of liberalized depreciation and applied to the 63-day retroactive refund period found by the Court.

In our opinion there is no reason to change the computation of cost of service and excess revenues referred to in Opinion No. 594. In that Opinion we affirmed the determinations of the Administrative Law Judge after making certain corrections and adjusting the rate of return. The Court of Appeals found no inadequacy in our treatment and made no change in these computations except with respect to the flow-through of liberalized depreciation. Alabama-Tennessee has introduced no new evidence even if that should be permissible at this stage. There must be an end to litigation and we shall adhere to our determination of excess revenues in the amount of $45,238.

While the Court of Appeals for the D.C. Circuit in this proceeding ordered an adustment to reflect the flow-through rather than the normalization of the income tax allowance with respect to the pre-1970 and post-1969 non-expansion property on the basis of its *Memphis* decision, *Memphis* was reversed by the Supreme Court holding that the Commission was not denied authority to permit abandonment of flow-through on such property. The Association, however, argues that we must adhere to the D.C. Circuit's judgment in the present proceeding under the law of the case doctrine. We do not think there is any such requirement, which in this proceeding would be legalistic and unjust. This doctrine is said to be a salutary rule and a practice of the courts designed to avoid litigating a question already decided. It does not prevent reopening the question to avoid injustice or where there has been a contrary decision on the point. See *Messenger* v. *Anderson*, 225 U.S. 436, 444 (1912) (Holmes); *Hildreth* v. *Union News*, 315 F. 2d 548, 550 (CA6, 1963), *cert. denied* 375 U.S. 826; *General American Life Ins. Co.* v. *Anderson*, 156 F. 2d 615, 618-619 (CA6, 1946); *Toucer* v. *New York Life Ins. Co.*, 112 F. 2d 927, 928 (CA8, 1940), *aff'd* 313 U.S. 508 (1941).

On the merits we are of the opinion that Alabama-Tennessee properly employed liberalized tax depreciation with normalization with respect to pre-1970 property and post-1969 non-expansion property. We believe that such normalization, rather than flow-through, offers more hope for stability of rates for its customers and more assurance that, as far as taxes are concerned, the company can earn its fair rate of return without future rate increases. We note as we did in *Texas Gas* 43 FPC at p. 828,[2] that the basis of our decision in Alabama-Tennessee[3] requiring flow-through was that (1) liberalized depreciation would continue to exceed straight-line depreciation where the plant continues to grow, and (2) there would be no reduction in benefits where the plant remains stable. Thus the use of liberalized depreciation under these conditions would result not merely in a tax deferral but in a tax saving. However, in accordance with the Tax Reform Act of 1969[4] and our Order No. 404[5] a number of companies have elected to use normalization, that is straight-line tax depreciation for rate purposes while using liberalized depreciation for tax purposes, with respect to post-1969 property representing an expansion of facilities; and Alabama-Tennessee made such an election on June 16, 1970.

Using normalization on the post-1969 expansion property additions removes the principal source of liberalized tax depreciation which would offset the decreasing tax depreciation on older properties. As the court observed in paraphrasing our reasoning in *Texas Gas*, "the tax savings resulting from the deferral attributable to accelerated depreciation would not be permanent."

While this conclusion follows naturally from excluding for rate purposes the high liberalized depreciation on expansion property, it is supported by facts of which we can take notice. As shown by Alabama-Tennessee's annual reports on Form No. 2, the balance in its Account 282, Accumulated Deferred Income Taxes-Liberalized Depreciation, when pre-1970 property alone is considered, has trended downward in recent years.[6]

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[1] *Alabama-Tennessee Natural Gas Company*, 31 FPC 208, 928 (1964), aff'd 359 F. 2d 318 (CA5, 1966), certiorari denied 385 U.S. 847 (1966).

[2] *Texas Gas Transmission Corporation*, 43 FPC 824 (1970), aff'd *Memphis, supra*.

[3] Internal Revenue Code of 1954, § 167(1) as amended by 83 Stat. 625, 649, 653 (1969).

[4] 43 FPC 740 (1970).

[5] Accumulated Deferred Income Taxes related to liberalized depreciation on pre-1970 property were shown by the Company's Form 2 report as follows: 1969-$229,269; 1970-$213,331; 1971-$216,506; and 1972-$213,754. While these figures are subject to certain adjustments, they demonstrate the downward trend.

Similar and corroborating data is found in the succeeding rate case Docket No. RP71–7, showing a decline in accumulated deferred income taxes with respect to pre-1970 property additions since 1964. This data indicates that with respect to the pre-1970 property liberalized depreciation was less than depreciation under the straight-line method, so that Account 282 was charged with the balance. Thus with Alabama-Tennessee the effect of the use of liberalized depreciation with flow-through on the pre-1970 property results in decreasing depreciation charges available for tax reduction purposes. Normalization, with respect to the pre-1970 property, by which rates are based on straight-line tax depreciation, would result in a more stable cost of service.

There must also be considered the post-1969 property which does not represent expansion and is not subject to election under the Tax Reform Act. As with Transwestern (see 45 FPC 1170), when Alabama-Tennessee elected to change from flow-through as to post-1969 expansion property, it notified the Internal Revenue Service that it would use the formula method "to determine the amount of its qualified public utility property subject to the election." This meant that all new property would be treated as post-1969 expansion property except for the dollar value of flow-through replacements of retirements, computed at the original cost of the retired property. Thus the property not subject to election cannot grow and does not provide high liberalized depreciation to offset the lower tax depreciation on the older property. The post-1969 non-expansion property does not therefore produce a tax saving under liberalized depreciation when considered with the pre-1970 property.

An additional factor is of significance. We are now in an era of gas shortage, and it is unlikely that Alabama-Tennessee or other pipelines, taking into account both pre-1970 and post-1969 property, will expand as rapidly as they have in the past. Alabama-Tennessee's Form 2 shows in each of the last several years smaller increments to total net plant.

When we prescribed the use of flow-through we had the concept of an expanding natural gas industry. Our determinations must frequently be based upon our view of a future, which is not always clear. As the Court said in approving our requirement of flow-through (*Alabama-Tennessee Natural Gas Co.* v. *F.P.C.*, 359 F.2d at p. 339), "It is true that the Commission's decision rests on its reading of the future. But clairvoyance is part of the daily grind of a regulatory agency. Whether flow-through or normalization is the rule, the agency must base the rule on some projection into the future. . . . The Commission must, of course, concern itself with the possibility of having misread the future and with the future's taking a turn without benefit of advice from the Commission. All things change. But we should expect agency policy to be sufficiently flexible to attempt to change with changing times. Sufficient unto the day is the evil thereof."

To conclude, we are of the opinion that in computing Alabama-Tennessee's tax allowance for its cost of service normalization rather than flow-through should be used with respect to all of its property. We shall therefore compute the refund on the basis of the $45,238 excess revenues without a correction for liberalized depreciation. The refund so computed would amount to $7,808.20 ($45,238 × 63/365) plus interest.

The Court of Appeals, as noted above, called for a refund for the period after March 17, 1971, that is involved in Docket No. RP71–7. The increase made on that date was to be "refunded to the extent it exceeded the larger of (1) the previous legal rates or (2) just rates found in the Section 4 proceeding based on a fair rate of return of 8.25%." Our order of May 18, 1971, in that docket relating to rate of return and our order of October 11, 1972, attached to Opinion No. 632 ordered refunds for the period after March 17, 1971, which, in effect, conformed to the Court's formula.

The Commission further finds:

It is necessary and appropriate in the administration of the Natural Gas Act to order refunds for the retroactive period of 63 days, discussed above, in order to conform to the Opinion of the Court of Appeals issued October 25, 1972.

The Commission orders:

(A) Within 60 days of the issuance of this order, Alabama-Tennessee shall refund to the Association the amount of $7,808.20 with interest at 7 percent from January 13, 1971 (63 days prior to March 17, 1971).

(B) Within 10 days of making the refund required in (A) above, Alabama-Tennessee shall report such refund to the Commission.

(C) Upon payment of the refund and the report to the Commission, proceedings in Docket No. RP66–25 are terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27166 Filed 12-27-73;8:45 am]

[Docket No. CP74–146]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

DECEMBER 12, 1973.

Take notice that on November 20, 1973, Texas Gas Transmission Corporation (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP74–146 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities required to increase the withdrawal capabilities of Applicant's Midland Storage Field (Midland) during sustained periods of maximum demand up to 262,000 Mcf per day for the 1974–5 winter heating season and up to 327,000 Mcf per day during the 1975–6 season, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities in Kentucky necessary to increase the withdrawal capacity of its Midland Storage Field which was constructed pursuant to Commission authorization issued in Docket No. CP69–227 on June 23, 1969, as amended February 20, 1973, to allow for increased total storage volumes of up to 120,000,000 Mcf of natural gas, and further amended on August 2, 1973, to allow for increased withdrawal capabilities of up to 167,000 Mcf per day during sustained periods of peak demand. Applicant states that increased withdrawal capacity is now required due to substantial curtailment of gas supplies it receives from two of its pipeline suppliers, United Gas Pipe Line Company and Texas Eastern Transmission Corporation, and an anticipated decline in deliverability from Applicant's field supplies.

Applicant requests authorization to construct and operate the following facilities required to increase Midland's withdrawal capabilities:

1974 CONSTRUCTION

1. 15.25 miles of 30-inch pipeline to loop the existing 12-inch pipeline from Midland No. 3 junction with the Slaughters-Greenville 12-inch line to Slaughters Compression Station;

2. Extension of Midland header system consisting of approximately 4.83 miles of 26-inch of 30-inch pipelines;

3. Modifications at the Slaughters Compression Station, the Midland No. 2 and Midland No. 3 Compression Stations; and

4. 17 new gas storage wells and approximately 5.63 miles of gathering lines ranging in size from 4 to 20 inches in diameter together with associated cathodic protection and field roads in Midland.

1975 CONSTRUCTION

1. Extension of Midland header system consisting of approximately 0.74 mile of 20-inch pipeline;

2. A 2,000 horsepower addition at the Midland No. 4 Compressor Station; and

3. 20 new gas storage wells and approximately 3.01 miles of gathering lines ranging in size from 4 to 16 inches in diameter together with associated cathodic protection and field roads in Midland.

Applicant states that no new sales or service are proposed in this application and estimates the total cost of construction of the facilities proposed herein will be $14,815,500 which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party

in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matters finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27163 Filed 12-27-73;8:45 am]

[Docket No. RP74-25]

TEXAS GAS TRANSMISSION CORP.

Order Granting Interventions

DECEMBER 12, 1973.

On October 1, 1973, Texas Gas Transmission Corporation (Texas Gas) tendered for filing a general increase in rates which are subject to the jurisdiction of the Federal Power Commission. The proposed tariff sheets would increase the charges for service under all of the rate schedules in Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1, and would increase the charges for transportation service to Texaco Inc. and Gulf Oil Corporation under Rate Schedules Nos. X-32 and X-29, respectively, which are contained in Texas Gas' FPC Gas Tariff, Original Volume No. 2. On October 31, 1973, we issued an order which, *inter alia*, suspended a rate increase for five months, provided for hearing procedures, permitted interventions and denied certain motions.

Other notices of intervention and petitions to intervene have been received in addition to those granted in our prior order, as are listed below:

Petition to Intervene filed within time:
Louisville Gas and Electric Company
Notices of Intervention filed out of time:
Illinois Commerce Commission
Tennessee Public Service Commission
Petitions to Intervene filed out of time:
Consolidated Gas Supply Corporation
Jackson Utility Division, City of Jackson, Tennessee
Public Service Electric and Gas Company
Rochester Gas and Electric Corporation
Joint Petitions to Intervene filed out of time:
Cincinnati Gas and Electric Company and Lawrenceburg Gas Transmission Corporation

The Commission finds:

Participation of the above-named petitioners for intervention in this proceeding may be in the public interest.

The Commission orders:

(A) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petition to intervene: and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order issued by the Commission in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27162 Filed 12-27-73;8:45 am]

[Docket No. E-8536]

WEST TEXAS UTILITIES CO.

Changes in Rates and Charges

DECEMBER 13, 1973.

West Texas Utilities Company (Utilities) on December 3, 1973, tendered for filing, a proposed Agreement between the company and Gate City Electric Cooperative, Inc. (Gate City) dated August 1, 1973, to supersede its FPC Rate Schedule No. 11, and to become effective on January 1, 1973. The Agreement was not executed by Gate City at the time of filing. The Agreement would increase rates and charges and annual revenues in the amount of $5,790, based upon sales for the twelve months ended November 30, 1973, including adjustments in the fuel adjustment clause, and deletes the discount mechanism.

Copies of the proposed agreement have been, according to Utilities, provided Gate City Electric Cooperative, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 21, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-27186 Filed 12-27-73;8:45 am]

[Docket No. E-8158]

WISCONSIN POWER AND LIGHT CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

DECEMBER 13, 1973.

On December 3, 1973, Staff Counsel filed a motion to suspend the procedural dates fixed by order issued November 7, 1973, in the above-designated matter. The motion states that all parties concur in the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Testimony and Exhibits by Staff, January 29, 1974.
Service of Testimony by Intervenors, February 19, 1974.
Service of Company Rebuttal, March 8, 1974.
Prehearing Conference, April 2, 1974 (10:00 a.m., EST).
Hearing (upon conclusion of prehearing conference).

KENNETH F. PLUMB,
Secretary.

[F Doc.73-27176 Filed 12-27-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. G-13; Supp.]

INTERAGENCY MOTOR POOL SYSTEM

Reduction in Fuel

1. *Purpose.* This supplement prescribes revised policies and procedures whereby the reduction of fuel consumed by sedans, station wagons, and trucks in the Interagency Motor Pool System is increased from 15 to 20 percent.

2. *Effective date.* This supplement is effective on January 1, 1974.

3. *Expiration date.* This regulation expires December 31, 1974, unless sooner revised or superseded.

4. *Applicability.* The provisions of this supplement apply to all executive agencies. Other Federal agencies are urged to establish similar procedures so that maximum benefits may be obtained in reducing fuel consumption by Government-owned and -operated motor vehicles.

5. *Background.* In further implementation of the President's energy conservation program, an additional reduction in the consumption of motor vehicle fuel over and above that previously announced is necessary.

6. *Changes.* Temporary Regulation G-13 is revised by the following pen and ink changes:

a. Delete "15" and substitute "20" in lieu thereof in paragraphs 1a, 6, 7b, and 8b (1) and (2);

b. Delete "9.6" and substitute "12.8" in lieu thereof in paragraph 1b; and

c. In line 2 of paragraph 8a following the date December 31, 1973, substitute the following phrase "and a 20 percent reduction for each subsequent reporting period thereafter."

d. In Attachment A, Part 2:

(1) Delete "15" and substitute "20" in lieu thereof; and

(2) The formula shown in step 2 is revised to read:

"2. Adjusted Base × .80=Mileage Ceiling."

ARTHUR F. SAMPSON,
Administrator of General Services.

DECEMBER 27, 1973.

[FR Doc.73-27319 Filed 12-27-73;11:19 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

APPLICATIONS FOR INITIAL PERMITS FOR ELECTRIC FACE EQUIPMENT STANDARD

Notice of Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4044-000, DONNA KAY COAL COMPANY, INC., Donna Kay #5 Mine, Mine ID No. 15 05336 0, Neon, Kentucky.

(2) ICP Docket No. 4046-000, JAYNETTE COAL COMPANY, Mine No. 2, Mine ID No. 46 00595 0, Ashland, West Virginia.

(3) ICP Docket No. 4047-000, BUFFALO MINING COMPANY, Mine No. 8-B, Mine ID No. 46 01374 0, Lyburn, West Virginia.

(4) ICP Docket No. 4048-000, PATEN COAL COMPANY, Mine No. 13, Mine ID No. 44 01504 0, Council, Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865 (a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, *et seq.*, Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

DECEMBER 20, 1973.

[FR Doc.73-27193 Filed 12-27-73;8:45 am]

APPLICATIONS FOR INITIAL PERMITS FOR ELECTRIC FACE EQUIPMENT STANDARD

Notice of Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4049-000, BIG FORK COAL COMPANY, INC., Mine No. 8, Mine ID No. 46 00925 0, Summersville, West Vrginia.

(2) ICP Docket No. 4050-000, POCAHONTAS FUEL COMPANY, Eckman-Page Mine, Mine ID No. 46 01584 0, Eckman, West Virginia.

(3) ICP Docket No. 4051-000, POCAHONTAS FUEL COMPANY, Eckman Mine, Mine ID No. 46 01410 0, Eckman, West Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the Office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

DECEMBER 20, 1973.

[FR Doc.73-27194 Filed 12-27-73;8:45 am]

SELECTIVE SERVICE SYSTEM

SELECTIVE SERVICE SYSTEM ADVISORY COMMITTEE ON THE SELECTION OF PHYSICIANS, DENTISTS AND ALLIED SPECIALISTS

Notice of Establishment

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and after consultation with the Director of the Office of Management and Budget, I have determined that the establishment of the following advisory committee effective January 1, 1974, is in the public interest in connection with the duties imposed upon the Selective Service System by the Military Selective Service Act:

Selective Service System Advisory Committee on the Selection of Physicians, Dentists and Allied Specialists.

The function of this advisory committee is to obtain professional advice pertinent to the classification and processing of physicians, dentists and allied specialists under the Military Selective Service Act and the Selective Service Regulations.

BYRON V. PEPITONE,
Director.

[FR Doc.73-27219 Filed 12-27-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates were issued to variety-department stores and provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Ann & Hope Factory Outlet, Inc., 9-17-74: Mill Street, Cumberland, RI; 1689 Post Road, Warwick, RI.

Ben Franklin Store, No. 1900, Jasper, IN; 9-8-74.

Byck Brothers & Co., 532 South Fourth Street, Louisville, KY; 8-31-74.

C-Mart, 90 East Marion Street, Mount Gilead, OH; 8-31-74.

Conley's, 9-15-74: 101 Grant Street, Chardon, OH; 212 North Wooster Avenue, Dover, OH; 985 Ashland Road, Mansfield, OH; 3839 Pearl Road, Medina, OH; Route 170, North Kingsville, OH; 250 North Main Street, Rittman, OH.

Crest Cut Rate, Inc., 4500 Broadhead Road, Aliquippa, PA; 8-31-74.

Duckwall Stores Co., No. 9, Beloit, KS; 8-21-74.

Eagle Stores, Co., Inc.: No. 13, Asheboro, NC, 9-14-74; No. 103, Lincolnton, NC, 9-9-74.

Edward's, Inc., 9-7-74: Mitchell Shopping Center, Aiken, SC; 917 Bay Street, Beaufort, SC; 517 King Street, Charleston, SC; Pinehaven Shopping Center, Charleston, SC; St. Andrews Shopping Center, Charleston, SC; 2018 Reynolds Avenue, Charleston Heights, SC; 324-326 Laurel Street, Conway, SC; Hampton Place Shopping Center, Greenwood, SC; 819 Kings Highway Extension, Myrtle Beach, SC; 159 Broughton Street NW., Orangeburg, SC; 10-18 North Main Street, Sumter, SC; 201 Wichman Street, Walterboro, SC.

Glosser Brothers, Inc., Franklin and Locust Streets, Johnstown, PA; 9-15-74.

W. T. Grant Co., 9-2-74, except as otherwise indicated: No. 3086, Gary, IN; No. 189, Baltimore, MD; No. 69, St. Paul, MN; No. 823, Wychoff, NJ (9-30-74); No. 74, Canton, OH; No. 482, Delphos, OH (8-21-74); No. 313, Newark, OH; No. 770, Altoona, PA; No. 751, Broomall, PA (8-20-74); No. 1143, Folcroft, PA; No. 575, Milton, PA (9-24-74); No. 1077, Newton Square, PA; No. 555, Phoenixville, PA (9-9-74); No. 1071, Southampton, PA (9-14-74).

R. Guinan & Co., 117 South Oak Street, Mount Carmel, PA; 9-2-74.

Hested Store, No. 6715, Norfolk, NE; 9-2-74.

J. I. Ippel Co., 423 Court Street, Saginaw, MI; 8-26-74.

W. E. Jett Mercantile Co., 115-117 West Main Street, Anthony, KS; 8-27-74.

S. S. Kresge Co.: No. 639, Baden, PA, 9–2–74; No. 18, Reading, PA, 9–9–74; No. 425, Bluefield, WV, 9–6–73 to 8–31–74.

Landry Stores, Inc., Corner Main and Pere Megret Street, Abbeville, LA; 8–31–74.

Latonia 5/1.00 Store, 3925 Winston Avenue, Covington, KY; 9–17–74.

Levine & Miller, Inc., 415–417 Chickasha Avenue, Chickasha, OK; 9–20–73 to 8–31–74.

Leys Department Store, 8–31–74: 435 East Mill Street, Plymouth, WI; 258 North Main Street, West Bend, WI.

Magic Mart, Inc.: 1605 East Harding, Pine Bluff, AR, 8–13–74; Highway 84 and Locust Street, Caruthersville, MO, 8–22–74; Parkview Shopping Center, Marshall, TX; 8–31–74.

McCrory-McLellan-Green Stores, 9–4–74, except as otherwise indicated: Nos. 234 and 314, Baltimore, MD; No. 1202, Baltimore, MD (9–15–74); No. 208, Columbia, MD (8–1–74); No. 21, Cumberland, MD; No. 68, Easton, MD; No. 46, Frederick, MD (9–6–74); No. 117, Frederick, MD (9–14–74); No. 31, Hagerstown, MD; No. 346, LaVale, MD (9–6–74); No. 9, Altoona, PA; No. 151, Barnesboro, PA (9–8–74); No. 37, Bradford, PA (7–21–74); No. 90, Bristol, PA (9–19–74); No. 155, Canonsburg, PA; No. 28, Chester, PA; No. 220, Connellsville, PA; No. 87, Du Bois, PA; No. 1022, Easton, PA (7–26–74); No. 316, Edwardsville, PA (9–6–74); No. 325, Fairless Hills, PA (9–14–74); No. 39, Hanover, PA (9–6–74); No. 323, Hazelton, PA (9–6–74); No. 51, Indiana, PA; No. 80, Lancaster, PA; No. 1066, Lancaster, PA (9–11–74); No. 42, Lebanon, PA; No. 1046, Lebanon, PA (9–6–74); No. 273, Lewistown, PA; No. 1029, McKeesport, PA (9–6–74); No. 326, North York, PA (9–10–74); Nos. 201 and 1052, Philadelphia, PA (9–13–74); No. 1012, Philadelphia, PA (9–6–74); No. 104, Phillipsburg, PA; No. 53, Pittsburgh, PA; No. 1037, Pottsville, PA (9–6–74); No. 1, Scottdale, PA (8–4–74); No. 14, York, PA; No. 32, (9–6–73 to 8–31–74); No. 254, York, PA (8–21–74); No. 1117, Alexandria, VA (8–31–74); No. 309, Arlington, VA; No. 296, Front Royal, VA; No. 142, Harrisonsburg, VA; No. 215, Norfolk, VA (7–23–74); No. 101, Richmond, VA (9–14–74); No. 505, Roanoke, VA (8–31–74); No. 47, Winchester, VA (8–31–74); No. 13, Charleston, WV (9–19–74); No. 1133, Charleston, WV (8–31–74); No. 214, Clarksburg, WV (9–13–74); No. 40, Grafton, WV; No. 15, Huntington, WV (9–7–74); No. 1131, Huntington, WV; No. 83, Martinsburg, WV (9–15–74); No. 33, Morgantown, WV; No. 341, Moundsville, WV.

G. McNew Store, No. 6031, Hagerstown, MD; 9–2–74.

Morgan & Lindsey Stores, 8–31–74, except as otherwise indicated: No. 3046, Alexandria, LA; No. 3090, Arabi, LA; No. 3030, Many, LA; No. 3083, Morgan City, LA; No. 3068, New Orleans, LA; No. 3017, Rayville, LA; No. 3019, Reston, LA (8–28–73 to 7–31–74); No. 3086, Sulphur, LA; No. 3020, Brookhaven, MS (8–26–74); No. 3040, Indianola, MS (8–26–74); No. 3051, Jackson, MS (8–26–74).

M. E. Moses, Inc., No. 11, Dallas, TX; 8–31–74.

G. C. Murphy Co., 9–2–74, except as otherwise indicated: No. 330, Mattoon, IL (9–14–74); No. 119, Greencastle, IN; No. 430, Madison, IN; No. 422, Peru, IN; No. 443, Salem, IN; No. 17, Ashland, KY; No. 239, Louisville, KY; No. 111, Maysville, KY; No. 149, Annapolis, MD; Nos. 91, 138, 147, 148, 151, 152, 153, 224 and 285, Baltimore, MD; Nos. 134, 238 and 267, Baltimore, MD (9–11–74); No. 179, Cumberland, MD; No. 268, Glen Burnie, MD (9–11–74); No. 301, Glen Burnie, MD; No. 273, Hyattsville, MD; No. 236, Indianhead, MD; No. 305, Landover, MD (8–6–74); No. 309, Oxon Hill, MD (9–11–74); Nos. 248 and 266, Rockville, MD; No. 242, Suitland, MD; No. 95, Westminster, MD; No. 466, Logan, OH; No. 117, Aliquippa, PA; No. 27, Ambridge, PA; No. 78, Bangor, PA; No. 188, Barnesboro, PA; No. 68, Beaver, PA; No. 32, Beaver Falls, PA; No. 130, Bedford, PA; No. 144, Bellefonte, PA; No. 115, Bellevue, PA; No. 271, Bethlehem, PA (9–11–74); No. 34, Blairsville, PA (7–8–74); No. 178, Brookville, PA; No. 30, Brownsville, Pa; No. 160, Burgettstown, PA; No. 92, Butler, PA; No. 55, California, PA; No. 302, Carlisle, PA; No. 54, Carnegie, PA; No. 11, Charleroi, PA; No. 88, Clairton, PA; No. 66, Clarion, PA; No. 158, Clearfield, PA; No. 201, Connellsville, PA; No. 169, Corry, PA; No. 46, Elizabeth, PA; Nos. 175 and 225, Erie, PA; No. 124, Everett, PA; No. 58, Farrell, PA; No. 44, Ford City, PA; No. 184, Franklin, PA; No. 129, Gettysburg, PA; No. 3, Greensburg, PA; No. 307, Greenburg, PA (8–11–74); No. 43, Greenville, PA; No. 13, Grove City, PA; No. 28, Hanover, PA; No. 165, Harrisburg, PA; No. 228, Havertown, PA; No. 211, Hollidaysburg, PA; No. 143, Huntingdon, PA; No. 126, Indiana, PA; No. 23, Irwin, PA; No. 45, Jeannette, PA; No. 9, Kittanning, PA; No. 6, Latrobe, PA; No. 79, Lehighton, PA; No. 232, Lemoyne, PA; No. 59, Lewistown, PA; No. 116, Ligonier, PA; No. 202, McDonald, PA; Nos. 1 and 280, McKeesport, PA; No. 51, McKees Rocks, PA (8–7–74); No. 16, Meadville, PA; No. 70, Mechanicsburg, PA; No. 108, Mercer, PA (9–12–74); No. 186, Meyersdale, PA; No. 84, Midland, PA; No. 146, Mount Union, PA; No. 233, Natrona Heights, PA; No. 193, Nazareth, PA; No. 48, New Bethlehem, PA; No. 106, New Castle, PA; No. 4, New Kensington, PA; No. 157, North East, PA; Nos. 229 and 246, Philadelphia, PA; Nos. 12, 57, 83, 163, 170, 221, 237, 258 and 293, Pittsburgh, PA; No. 56, Pittsburgh, PA (8–4–74); No. 183, Punxsutawney, PA; No. 127, Red Lion, PA; No. 247, Ridgway, PA; No. 7, Rochester, PA; No. 128, Sharon, PA; No. 118, Shippensburg, PA; No. 85, St. Mary's, PA; No. 145, State College, PA; No. 64, Tarentum, PA; No. 73, Titusville, PA; No. 164, Uniontown, PA; No. 159, Vandergrift, PA; No. 60, Warren, PA; No. 8, Washington, PA (8–25–74); No. 155, Washington, PA; No. 177, Waynesburg, PA; No. 47, West Newton, PA; No. 39, Wilkinsburg, PA; No. 227, Willow Grove, PA; No. 94, York, PA (8–21–74); No. 205, York, PA; No. 319, Richmond, VA (8–25–74); No. 209, East Rainelle, WV; No. 172, Fairmont, WV; No. 137, Hinton, WV; No. 194, Logan, WV; No. 185, Philippi, WV; No. 180, Richwood, WV; No. 19, Sistersville, WV; No. 133, Welch, WV; No. 14, Wellsburg, WV.

Neisner Brothers, Inc., 9–2–74, except as otherwise indicated: Nos. 30, 31, 52, 54, 65, 74 and 97, Chicago, IL; No. 202, Crystal Lake, IL; No. 204, Burlington, IA; Nos. 32 and 43, Detroit, MI; No. 13, Hamtramck, MI; No. 101, Lincoln Park, MI; No. 73, Wyandotte, MI; No. 129, Rochester, MN; No. 59, St. Louis, MO; No. 100, Cincinnati, OH; No. 39, Norwood, OH; No. 61, San Antonio, TX (7–31–74).

Newberry's, 9–2–74, except as otherwise indicated: 1–15 North Jefferson Street, Martinsville, IN; 108–110 South Main Street, Harlan, KY; No. 6351, Norway, ME; No. 6154, Elkton, MD; No. 6732, Sidney, NE; No. 6303, Hackettstown, NJ; No. 6187, Vineland, NJ; No. 6204, Berwick, PA; No. 6009, Chambersburg, PA; No. 6127, Lewisburg, PA; No. 6129, Milton, PA; No. 6005, Shamokin, PA (9–10–74); No. 6090, Sunbury, PA; No. 6095, West Warwick, RI (9–7–74); No. 6202, El Paso, TX (8–31–74); No. 6091, Barre, VT (9–4–74).

Okolana Department Store, 7821 Preston Highway, Louisville, KY; 8–23–74.

Raylass Department Stores, Inc.: 101 Franklin Shopping Center, Franklin, VA, 7–31–74; 908–912 Main Street, Lynchburg, VA, 8–31–74; 312–320 East Broad Street, Richmond, VA, 8–31–74; 307 Main Street, South Boston, VA, 9–2–74.

Rogers Department Store, Inc., 959 28th Street SW., Wyoming, MI; 9–1–74.

Rose's Stores, Inc., 9–2–74, except as otherwise indicated: No. 178, Alexander City, AL (9–8–74); No. 62, Altamonte Springs, FL (8–26–74); No. 94, Casselberry, FL (8–26–74); No. 245, Deland, FL (8–26–74); No. 80, Milledgeville, GA (9–7–73 to 9–2–74); No. 35, Asheboro, NC; No. 145, Asheville, NC; No. 43, Clinton, NC (9–4–73 to 9–2–74); No. 24, Edenton, NC; No. 108, Elkin, NC; No. 132, Greensboro, NC; No. 50, Kinston, NC; No. 8, Lenoir, NC; No. 13, Mebane, NC; No. 200, Morehead City, NC (8–26–74); No. 90, Mount Olive, NC; No. 2, Oxford, NC; No. 81, Plymouth, NC; No. 21, Roanoke Rapids, NC; No. 78, Rocky Mount, NC (9–7–73 to 9–2–74); No. 4, Roxboro, NC; No. 32, Sanford, NC (9–4–73 to 9–2–74); No. 149, Tarboro, NC; No. 30, Thomasville, NC; No. 39, Williamston, NC; No. 159, Wilson, NC (9–7–73 to 9–2–74); No. 161, Florence, SC; No. 42, Hartsville, SC; No. 48, Newberry, SC; No. 87, Chase City, VA (9–10–74); No. 7, Franklin, VA.

Roth's, Inc.: 4500 North First Avenue, Evansville, IN, 8–31–74; 100 East Third Street, Mount Vernon, IN, 8–27–74.

Selthner Brothers, Inc., 302 Federal Street, Saginaw, MI; 9–12–74.

Spurgeon, 103 South Main, Shawano, WI; 8–30–74.

Standard Supply Co., No. 6, Grant Town, WV; 7–31–74.

T. G. & Y. Stores Co., 9–2–74, except as otherwise indicated: No. 1318, Fernandina Beach, FL (8–14–74); No. 155, Kansas City, KS; No. 1405, Kansas City, KS (8–31–74); No. 143, Mission, KS; No. 1404, Shawnee, KS (8–31–74); No. 159, Columbia, MO; No. 151 Gladstone, MO (8–23–74); No. 454, Hannibal, MO; No. 158, Independence, MO; No. 163, Jefferson City, MO; No. 144, Moberly, MO (9–9–74); No. 71, Tulsa, OK (7–9–74); No. 1009, Tulsa, OK (8–13–74).

Thomas Kilpatrick & Co., 42nd and Center Street, Omaha, NE; 9–2–74.

Tyler Brothers, Wagener, SC; 9–4–73 to 8–8–74.

Younker Brothers, Inc., 9–2–74: Middle and Kimberley Roads, Bettendorf, IA; 4444 First Avenue NE., Cedar Rapids, IA; 1550 East Douglas, Des Moines, IA; 503 Merle Hay Plaza, Des Moines, IA; Seventh and Walnut Street, Des Moines, IA, 217–239 South 25th Street, Fort Dodge, IA; 111 East Washington, Iowa City, IA; 101 South Federal, Mason City, IA; 1501 First Avenue East, Newton, IA; 119 High Street West, Oskaloosa, IA; 129 East Main Street, Ottumwa, IA; Fourth and Pierce, Sioux City, IA; 1950 Grand Avenue North, Spencer, IA.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before January 28, 1974.

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

DONALD T. CRUMBACK,
Authorized Representative of the Administrator.

[FR Doc.73-27195 Filed 12-27-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 302]

GRAIN, GRAIN PRODUCTS, AND RELATED COMMODITIES—1973

Notice of Petition for Increase in Export Rates

DECEMBER 12, 1973.

Notice is hereby given that the Nation's railroads on December 3, 1973, filed a statement of position, which has been accepted as a petition, and accompanying verified statements in support, seeking authority to increase their export rates on grain and grain products by 10 percent, subject to six cents per hundred weight maximum, effective February 1, 1974.

Replies to the above-mentioned petition will be due on or before January 14, 1974. Ample time has been afforded for filing replies to preclude the necessity for any extensions.

Replies should be served on the following:

The original and 20 copies to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

At least one copy, but all parties able to do so should serve 25 copies, of each reply shall be served upon the petitioners. Such service shall be made upon Mr. Smith R. Brittingham, Jr., 527 American Railroads Building, 1920 L Street NW., Washington, D.C. 20036.

In all cases, where service is made by mail, the document shall be mailed in time to be received by January 14, 1974.

Each reply shall contain a certificate of service stating that it has been timely served on the Commission and the rail carriers as herein provided; and replies not so served will not be considered.

A copy of this notice will be served upon the petitioners and all parties to Ex Parte No. 302. Notice of the filing of the petition will be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission, at Washington, D.C., and by delivering a copy hereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Service date: December 21, 1973.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 73.27212 Filed 12-27-73;8:45 am]

[MC-C 8200]

SUNKIST GROWERS, INC.

Petition for Declaratory Order

Petitioner: SUNKIST GROWERS, INC., P.O. Box 7888, Valley Annex, Van Nuys, Calif. 91409. Petitioner's representative: Dickson R. Loos, Pope, Ballard & Loos, 888 17th Street NW., Washington, D.C. 20006. By petition filed November 8, 1973 petitioner seeks a declaratory order that shipments made on a f.o.b. packing house basis by a *member* of an agricultural cooperative association, which are carried in interstate commerce on motor vehicles controlled and operated by that agricultural cooperative association, constitute member transportation within the meaning of the provisions of Section 203(b)(5) of the Interstate Commerce Act.

Petitioner presently transports a large volume of traffic to a wide range of business enterprises (nonfarmers), including wholesalers, jobbers, and chain stores engaged in the business of selling citrus fruits and the products of citrus fruits. Title to said commodities passes to the consignee at the time of sale terms and the consignee is primarily liable for the transportation charges incurred.

Petitioner asserts that if it were to become a member of an agricultural cooperative association which provides transportation facilities (and those terms of sale as indicated above would be continued), it could select the carrier and would exercise control over the carrier's routing, selection of equipment and other incidents of transportation. Under such circumstances the petitioner is the shipper within the meaning of the rule laid out *In The Matter of Administrative Ruling No. 76, Ex Parte No. MC-83*, 117 M.C.C. 433.

Petitioner declares that it would be advantageous to its present ability to market and distribute its products to join an agricultural cooperative association which provides *member transportation* facilities (49 CFR 1047.20(f)) and which is exempt from the provisions of Part II of the Interstate Commerce Act by the provisions in Section 203(b)(5) of the Act.

By the instant petition, petitioner seeks a clarification and order of the Interstate Commerce Commission finding (1) that petitioner's participation in an agricultural cooperation is that of a *member business* within the meaning of 49 CFR 1047.20(f), and (2) that the operations as described above are exempt from the provisions of Part II of the Interstate Commerce Act within the provision in Section 203(b)(5) of the Act.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-27214 Filed 12-27-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

DECEMBER 21, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54475, filed November 30, 1973.

Applicant: EDWARD J. PALMER, doing business as, E.F.L. TRANSPORTATION, P.O. Box 2346, S. San Francisco, Calif. 94080. Applicant's representative: George M. Carr, 351 California Street, Suite 1215, San Francisco, Calif. 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between the following points, serving all intermediate points on the said routes and all off-route points within twenty-five (25) miles thereof: (1) To, from, and between all points and places located in the San Francisco territory described in Appendix I hereto and points and places located within twenty-five (25) miles of the boundaries of said territory; (2) San Francisco and Salinas on U.S. Highway 101; (3) San Francisco and Stockton on Interstate Highway 80, Interstate Highway 580, Interstate Highway 205 and Interstate Highway 5; (4) San Francisco and Sacramento on Interstate Highway 80; and (5) Stockton and Sacramento on Interstate Highway 5 and U.S. Highway 99. The applicant may use any and all streets, roads, highways, and bridges necessary or convenient for the performance of said service. Except that the applicant shall not transport any shipments of the following: (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B; (2) Automobiles, trucks, and buses, viz.: New and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: Barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers; (4) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Portland or similar cements, in bulk or packages when loaded substantially to capacity of motor vehicle; (8) Logs; (9) Articles of extraordinary value; (10) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (11) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said County Line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Blvd.) via Mission San Jose and Niles to Hayward; northerly along Foothill Blvd. and MacArthur Blvd. to Seminary Avenue; easterly along Seminary Avenue to Mountain Blvd.; northerly along Mountain Blvd. to Warren Blvd. (State Highway 13); northerly along Warren Blvd. to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary line; northerly along said boundary line to the Campus Boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Georgia Docket No. 6319-M, filed December 6, 1973. Applicant: C & D EXPRESS, INC., Rt. No. 3, Box 533, Chatsworth, Ga. 30705. Applicant's representative: Langford & Pope, Langford Building, P.O. Box 207, Calhoun, Ga. 30701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Textile and tufted textile products and related materials*, in truckload and less than truckload quantities to, from, and between all points within the Counties of Whitfield, Murray, Gilmer, and Gordon, Ga., including all points served by existing Class A carriers on existing fixed routes, over no fixed route; Intrastate, interstate, and foreign commerce authority sought.

HEARING: January 22, 1974, at the State Office Building, Room 177, 244 Washington St. SW., Atlanta, Ga., at 10 a.m. Requests for procedural information should be addressed to the Georgia Public Service Commission, 162 State Office Building, 244 Washington Street SW., Atlanta, Ga. 30334, and should not be directed to the Interstate Commerce Commission.

Nevada Docket No. CPC A-677 and (Sub-Nos. 1, 2, 3) CPC A-913, filed July 6, 1973. Applicant: ARCO, INC., doing business as THRASHER FREIGHT, Route 1, McCarran Ranch, Sparks, Nev. 89431. Applicant's representative: Reese H. Taylor, Jr., P.O. Box 646, Carson City, Nev. 89701. Certificate of public convenience and necessity sought to operate a freight service as follows: (1) Transportation of *commodities generally*, between Reno, Nev., and Gerlach, Nev., serving the intermediate point of Empire, Nev., via U.S. Highway 40 to Wadsworth, Nev.; thence by State Route 34; (2) Transportation of *ore, ore concentrate*, both metallic and nonmetallic, and livestock feeds, over irregular routes, between points and places within a radius of 25 miles of Gerlach, Nev.; (3) Transportation of *commodities generally*, between Reno, Nev., and Gerlach, Nev., serving the intermediate point of Nixon, and the off-route point of Sutcliffe, with the following restriction for Nixon: Service to Nixon shall be freight only. There will be no pick up or delivery of any package of less than 201 pounds, or an aggregate shipment of less than 601 pounds, originating at or destined to Nixon from one consignor to one consignee; (4) Transportation of *general commodities*, between Reno, Nev., and Nixon, Nev., serving all intermediate points within one mile on either side of the specified highway, between Sutcliffe and Nixon, via State Route 33 to Pyramid Lake and Sutcliffe, thence via State Route 33 to Nixon. (Service to Nixon will be restricted to freight only, and there will be no pick up or delivery of any package of less than 201 pounds, or an aggregate shipment of less than 601 pounds, originating at or destined to Nixon from one consignor to one consignee); and (5) Transportation of *general commodities*, serving the off-route points of Flying Ranch, 10 miles north of Reno, and Rocketdyne Test Site, 30 miles northeast of Reno. (These points will be served, pursuant to applicant's service between Reno and Gerlach, Nev., over State Route 33.) Interstate, intrastate, and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Nevada Public Service Commission, 222 E. Washington Street, Carson City, Nev. 89701, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-27213 Filed 12-27-73;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY ADVISORY COMMITTEES AND COORDINATING COMMITTEE

Notice of Determination and Certification With Respect to Renewal

DECEMBER 18, 1973.

The Chairman of the Federal Power Commission has determined that renewal of the terms of the National Gas Survey Executive Advisory Committee and the National Gas Survey Technical Advisory Committee—Supply, Technical Advisory Committee—Transmission and Technical Advisory Committee—Distribution, and the National Gas Survey Coordinating Committee, from and after December 31, 1973, to a date not later than December 31, 1974, is necessary in the public interest in connection with the performance of duties imposed on the Commission by law.

This notice is published pursuant to Commission General Order No. 464, issued December 19, 1972, paragraph 4(e) and authorities therein referred to. 38 FR 1083, 1086. See also Office of Management and Budget, Advisory Committee Management, Proposed Administrative Guidelines and Management Controls, 38 FR 2306, 2309.

The four advisory committees were originally established by concurrent Commission orders issued April 6, 1971, 36 FR 6922, and the coordinating committee by Commission order issued May 10, 1971, 36 FR 8910. These orders issued February 23, 1971, 36 FR 3851, which authorized formation of such committees and established procedures therefor.

The terms of the advisory committees have been previously extended from and after April 6, 1973, to a date not later than December 31, 1973, by Commission orders issued February 6, 1973, 38 FR 5938, 5939, and the term of the coordinating committee from and after May 10,

1973, to a date not later than December 31, 1974, by Commission order issued April 16, 1973, 38 FR 10505.

The nature and purposes of the advisory committees and coordinating committee to be renewed herein are set forth in detail in the aforementioned Commission orders by which they were initially authorized and established. As renewed, the subject committees would function as set forth in those orders for the additional period indicated above.

Reports by the advisory committees have been submitted to the Commission. It is contemplated that they will be published, along with related task force reports and the Commission's report, during the period February through June, 1974. The rapidly developing energy crisis and long-term energy policy strategy has been more fully delineated since the commencement of this Survey in 1971. Accordingly, it is clear that certain aspects of the present gas shortage originally studied by the Survey require further investigation and analysis. The Office of Management and Budget, Committee of Management Secretariat, has determined that renewal of the subject committees as set forth above, is consistent with the requirements of the Federal Advisory Committee Act, 86 Stat. 770.

Renewal of these committees would be reflected in appropriate Commission's orders to be issued after December 26, 1973.

JOHN N. NASSIKAS,
Chairman.

[FR Doc.73-27318 Filed 12-27-73;11:17 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION, DEPARTMENT OF AGRICULTURE

[Amdt. 17]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Miscellaneous Amendments

The regulations governing the School Breakfast Program are amended to implement Public Law 93-150, approved November 7, 1973, and for other purposes.

The principal changes stemming from Public Law 93-150 affect § 220.4 and § 220.9 to: (1) increase the minimum national average factors for breakfasts and the maximum rates of reimbursement for such breakfasts; (2) provide subsequent semiannual adjustments in the national average factors and maximum rates; (3) revoke the provision requiring breakfast program reimbursement paid to nonespecially needy schools to be limited to the cost of obtaining food; and (4) modify the method used to determine maximum reimbursement payments paid to schools for breakfasts served to children during the fiscal year.

Other changes, affecting § 220.1, § 220.2, and § 220.5, as well as § 220.4 and § 220.9, are nonsubstantive and were made either for clarification, deletion of obsolete provisions, technical reasons, or to reposition existing paragraphs.

Since these changes are effective for the entire fiscal year 1974, State agencies and schools must know of the changes as soon as possible so as to give them time to conform with the new rules. Consequently, notice and public procedure thereon is impracticable and contrary to the public interest.

1. In the Table of Sections, § 220.4 is renamed "Payment of funds to States and FNSROs," and § 220.5 is renamed "Method of payment to States."

2. § 220.1 is amended by deleting the word "apportionment" and inserting the word "payment" in lieu thereof.

3. In § 220.2, paragraphs (f) and (o) are deleted.

4. In § 220.4, the heading is revised to read, "Payment of funds to States and FNSROs."

5. Section 220.4 is revised to read as follows:

§ 220.4 Payment of funds to States and FNSROs.

(a) For each fiscal year the Secretary shall make breakfast assistance payments, at such times as he may determine, from the sums made available therefor, to each State agency, or FNSRO where applicable, in an amount equal to the sum of the products obtained by (1) multiplying the number of breakfasts meeting the breakfast requirements set forth in § 220.8 of this part served during such fiscal year to children in schools in such State, which participate in the school breakfast program under agreements with such State agency, or FNSRO where applicable, by a national average per breakfast factor or factors prescribed by the Secretary for all breakfasts; (2) multiplying the number of such breakfasts served free to children eligible for free breakfasts in such schools during such fiscal year by a national average per breakfast factor or factors prescribed by the Secretary for free breakfasts; and (3) multiplying the number of such breakfasts served at a reduced price to children eligible for reduced price breakfasts in such schools during such fiscal year by a national average per breakfast factor or factors prescribed by the Secretary for reduced price breakfasts: *Provided, however,* That the aggregate amount of all breakfast assistance payments made to each State agency, or to FNSRO where applicable, for any fiscal year shall not be less than the amount of the payments made by the State agency, or FNSRO where applicable, to participating schools within the State for the fiscal year ending June 30, 1972.

(b) Beginning with the fiscal year ending June 30, 1974, the national average per breakfast factor for all breakfasts shall not be less than 8 cents; an amount of not less than 15 cents shall be added for each reduced price breakfast (the reduced price breakfast factor); and an amount of not less than 20 cents shall be added for each free breakfast (the free breakfast factor).

(c) The Secretary shall prescribe by July 1 of each fiscal year and by January 1 of each fiscal year semiannual adjustments to the nearest one-fourth cent in the national average per breakfast factors for all breakfasts and for free and reduced price breakfasts, that shall reflect changes in the cost of operating a breakfast program.

(d) In addition to the funds made available under paragraph (a) of this section, funds shall be made available to the State agencies, and FNSROs where applicable, in such amounts as are needed to finance reimbursement rates assigned in accordance with the provisions of paragraph (b-1) of § 220.9 of this part.

6. In § 220.5, the heading is revised to read, "Method of payment to States."

7. In § 220.9, paragraph (c) is revoked, and paragraphs (b) and (b-1) are revised to read as follows:

§ 220.9 Reimbursement payments.

* * * * *

(b) Except as otherwise provided in paragraph (b-1) of this section, the maximum rates of reimbursement for breakfasts served to eligible children shall be as follows: (1) *For paid breakfasts.* The applicable national average per breakfast factor for all breakfasts; (2) *For reduced price breakfasts.* The sum of the applicable national average per breakfast factors for all breakfasts and for reduced price breakfasts; and (3) *For free breakfasts.* The sum of the applicable national average per breakfast factors for all breakfasts and for free breakfasts: *Provided, however,* That within such maximum rates, the total reimbursement payments for breakfasts served to eligible children during the fiscal year shall not exceed the total cost of such breakfasts served during the fiscal year, minus the sum of the products obtained by multiplying the total number of paid breakfasts served to children during the fiscal year by the full charge to children, and multiplying the total number of reduced price breakfasts served to eligible children during the fiscal year by the highest reduced price charge to children.

(b-1) A school participating in the School Breakfast Program may be considered for rates of reimbursement in excess of the specified maximum rates of reimbursement set forth in paragraph (b) of this section if it is an especially needy school. An especially needy school is one which establishes to the satisfaction of the State agency, or FNSRO where applicable, that it would be financially unable to support the service of free and reduced price breakfasts at such maximum rates because of: (1) the need to serve an especially high percentage of such free and reduced price breakfasts to children meeting the school's eligibility standards; or (2) unusual costs required to provide a breakfast in the school in spite of the observance of good management practices; or (3) other unusual factors indicative of a special financial need. The State agency, or FNSRO where applicable, shall determine that the impact of such factors on the per-breakfast cost of providing a breakfast in the school is such that the School Food Authority is financially unable to support the service of such free and reduced price breakfasts after taking into consideration the per-breakfast revenues available from School Breakfast Program reimbursement, from State and local revenues, including revenues from the sale of fully paid and reduced price breakfasts, and savings from the effective utilization of commodities available under Part 250 of this chapter. The State agency, or FNSRO where applicable, shall also determine to its satisfaction that revenues available to support the service of breakfasts sold at regular prices in the school are sufficient to cover the cost of such service. Upon such determinations the State agency, or FNSRO where applicable, may assign rates of reimbursement which are in excess of the rates specified in paragraph (b) of this section and which, together with revenues available from other sources, will finance up to 100 per centum of the cost of operating the school's nonprofit breakfast program. The total reimbursement paid for free and reduced price breakfasts served in school to children eligible for such breakfasts may exceed the costs of providing such breakfasts for any given month: *Provided, however,* That the total reimbursement paid for free and reduced price breakfasts served to children during the fiscal year may not exceed the lesser of the following amounts: (1) the sum of the products obtained by multiplying the total number of free breakfasts served to eligible children during the fiscal year by 45 cents, and by multiplying the total number of reduced price breakfasts served to eligible children during the fiscal year by 40 cents, or (2) the total cost of providing free and reduced price breakfasts served to eligible children during the fiscal year, minus

the product obtained by multiplying the total number of reduced price breakfasts served to eligible childre nduring the fiscal year by the highest reduced price charge to children.

(Catalog of Federal Domestic Assistance Program No. 10,553 National Archives Reference Services.)

Effective date: December 26, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.73-27308 Filed 12-27-73;10:04 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 619]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

PREAMBLE

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period December 30, 1973–January 5, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.919 **Lemon Regulation 619.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lamon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues strong on size 165's, but is easier on size 140's and larger, and on all sizes of choice grade fruit. Average f.o.b. price was $5.60 per carton the week ended December 22, 1973 compared to $5.71 per carton the previous week. Track and rolling supplies at 156 cars were down 14 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 21, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period December 30, 1973, through January 5, 1974, is hereby fixed at 195,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: December 26, 1973.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-27320 Filed 12-27-73;11:52 am]

federal register

FRIDAY, DECEMBER 28, 1973
WASHINGTON, D.C.

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PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to General Wage Determination Decisions and Index

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes these procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State:

California:	
AQ–1058; AQ–1059	Nov. 30, 1973
Delaware:	
AQ–2029	Nov. 16, 1973
Louisiana:	
AQ–39	Oct. 26, 1973
Maryland:	
AQ–2004	Aug. 10, 1973
AQ–2022	Oct. 19, 1973
Nebraska:	
AQ–63	Dec. 7, 1973
New York:	
AP–844	June 8, 1973
Ohio:	
AP–677; AP–682; AP–687; AP–688.	May 25, 1973
Oklahoma:	
AQ–64	Dec. 7, 1973
Virginia:	
AQ–2024	Oct. 19, 1973

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded:

Mississippi:	
AM–498 (AQ–4048)	Aug. 20, 1971
Texas:	
AQ–28 (AQ–66); AQ–29 (AQ–67) AQ–30 (AQ–69).	Sept. 28, 1973
AP–396 (AQ–68)	Jan. 26, 1973
Virginia:	
AQ–2023 (AQ–2038)	Oct. 19, 1973

Signed at Washington, D.C., this 21st day of December 1973.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-1058 - Mod. #2						
(38 FR 33216 - November 30, 1973)						
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California						
Changes:						
Painters:						
Lake, Marin, Mendocino, San Francisco, and Sonoma Counties:						
Brush	$9.07	.64	.65			
Spray	9.32	.64	.65			
Tapers	9.57	.64	.65			
Plasterers:						
San Francisco County	7.72	.48	.90	1.50	.02	
Plumbers; Steamfitters:						
Amador (Northern half of County), Sacramento, Yolo, Eldorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	9.36	.75	1.17		.11	
Soft Floor Layers:						
Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen (Excluding Honey Lake Area), Merced (East of the San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of Eldorado, Nevada, Placer and Sierra Counties (exlcuding Lake Tahoe Area)	7.795	.675	.55	1.00	.08	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-1059 - Mod. #2						
(38 FR 33230 - November 30, 1973)						
Alameda, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Lassen, Marin, Mariposa, Merced, Modoc, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California						
Change:						
Painters:						
Lassen (except extreme S. E. corner), Modoc, Shasta, Sutter, Tehama and Yuba Counties:						
Brush; Roller	$5.40	.35	.25	1.05		
Spray; Sandblast; Structural steel; Swing stage; Tapers	5.65	.35	.25	1.05		
Marin, San Francisco and Sonoma Counties:						
Brush	9.07	.64	.65			
Spray	9.32	.64	.65			
Tapers	9.57	.64	.65			
Plasterers:						
San Francisco County	7.72	.48	.90	1.50	.02	
Plumbers; Steamfitters:						
Amador (Northern half of County), Sacramento, Yolo, Eldorado, Nevada, and Placer Counties (excluding Lake Tahoe Area)	9.36	.75	1.17		.11	
Soft Floor Layers:						
Amador, Calaveras, Lassen (excluding Honey Lake Area), Merced (East of the San Joaquin River), San Joaquin, Shasta, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties and those portions of Eldorado, Nevada and Placer Counties (excluding Lake Tahoe Area)	7.795	.675	.55	1.00	.08	

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION NO. AQ-2029 - Mod #1 (38 FR 31774 - November 16, 1973) Statewide Delaware						
CHANGE:						
Piledrivermen, wharf & dock builders	$9.42	1.23	.55	k	.07	
Stonemasons	8.60	.70	.75			
FOOTNOTE:						
k. 7 Paid Holidays: Washington's Birthday, Good Friday, Memorial Day, Labor Day, Presidential Election Day, Veteran's Day and Thanksgiving Day.						
DECISION #AQ-39 - Mod. #1 (38 FR 29752 - October 26, 1973) Rapides Parish, Louisiana						
Change:						
Painters:						
Brush; paperhangers; tapers & floaters	$5.45					
Commercial steel such as schools, churches or any commercial building with finished closed in roof deck or walls	5.45					
Other commercial steel brush, spraying; stage, window jacks, flag poles and steeples	5.80					
DECISION NO. AQ-2004 - Mod. #5 (38 FR 21711 - August 10, 1973) Anne Arundel County, Maryland						
CHANGE:						
Plumbers	$8.68	.35	.45		.08	
Steamfitters	8.41	.45	.60		.10	

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION NO. AQ-2022 - Mod. #2 (38 FR 29182 - October 19, 1973) Baltimore City and Baltimore County, Maryland						
CHANGE:						
Plumbers	$8.68	.35	.45		.08	
Steamfitters	8.41	.45	.60		.10	
DECISION #AQ-63 - Mod. #1 (38 FR 33895 - December 7, 1973) Douglas & Sarpy Counties, Nebraska						
Omit:						
CHANNEL STABILIZATION WORK INCLUDING DREDGING & ROCKFILLED PILE DIKES AND REVETMENTS:						
LABORERS:						
Laborers & deckhands unloading barge; piledriver towboat	$3.55	.125	.10			
Piledriver deckhand and piledriver leadsman	3.75	.125	.10			
POWER EQUIPMENT OPERATORS:						
Boiler (or fireman); oiler	3.80	.125	.10			
Winch or boom truck; winch (power operated)	3.90	.125	.10			
Dozer; front end loader or high lift; scoop or similar equipment	4.15	.125	.10			
Engineer on dredge (12" up to 18"); mechanic or welder	4.20	.125	.10			
Piledriver (or engine man)	4.45	.125	.10			
Derrick; dragline, clam bucket, orange peel, or crane; dredge operator or leverman; engineer on dredge (15" and over); side boom; towboat operator	4.50	.125	.10			

MODIFICATIONS P. 5

DECISION #AP-844 - Mod. #4
(38 FR 15341 - June 8, 1973)
Oneida County, New York

Omit:
Heavy and Highway Laborers schedule issued in modification #3 (10-19-73 - 38 FR 29149)

Add:
HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Laborers and driller helpers	5.81	1.00	.60	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.01	1.00	.60	a		
Drillers, asphalt raker, stone or granite curb setters and acetylene torch operator	6.21	1.00	.60	a		
Blasters, form setters, stone or granite curb setters	6.41	1.00	.60	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays, A through F, providing the employee works the day before and after the holiday.

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-677 - Mod. #5 (38 FR 14026 - May 23, 1973) Mahoning County, Ohio						
Change:						
Asbestos workers	$9.69	.30	.30		.04	
Bricklayers & Stonemasons (Remainder of County)	8.70	.40	.15		.02	
Elevator Constructors	8.84	.395	.26	2%+a&b	.015	
Elevator Constructors' helpers	70%JR	.395	.26	2%+a&b	.015	
Elevator Constructors' helpers (prob)	50%JR					
Marble setters	8.865					
Linemen & Cablesplicers	10.05	.25	1%			
Terrazzo workers	8.865					
Tile setters	8.865					
Power Equipment Operators:						
Class IV	7.96	.50	.50		.12	
Oilers	7.86	.50	.50		.12	
DECISION #AP-682 - Mod. #5 (38 FR 14047 - May 23, 1973) Trumbull County, Ohio						
Change:						
Asbestos workers	$9.69	.30	.30		.04	
Bricklayers	8.65	.40	.20		.02	
Bricklayers: sawmen	8.90	.40	.20		.02	
Stonemasons	8.65	.40	.20		.02	
Elevator constructors	8.84	.395	.26	2%+a&b	.015	
Elevator constructors' helpers	70% JR	.395	.26	2%+a&b	.015	
Elevator constructors' Hlprs, Prob.	50% JR					
Linemen, cable splicers, poledigging equipment operator	10.05	.25	1%			
Plumbers & Steamfitters (Remainder of County)	9.25	.57	.55		.01	
Power Equipment Operators:						
Class IV	7.96	.50	.50		.12	
Oilers	7.86	.50	.50		.12	

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-687 - Mod. #4 (38 FR 13903 - May 25, 1973) Mahoning County, Ohio						
Change:						
Asbestos workers	$9.69	.30	.30		.04	
Bricklayers & Stonemasons (Remainder of County)	8.70	.40	.15		.02	
Elevator Constructors	8.84	.395	.26	2%+a&b	.015	
Elevator Constructors' helpers	70%JR	.395	.26	2%+a&b	.015	
Elevator Constructors' helpers (prob)	50%JR					
Marble setters	8.865					
Linemen & Cablesplicers	10.05	.25	1%			
Terrazzo workers	8.865					
Tile setters	8.865					
Power Equipment Operators:						
Class IV	7.96	.50	.50		.12	
Oilers	7.86	.50	.50		.12	
DECISION #AP- 688 - Mod. #3 (38 FR 13905 - May 25, 1973) Trumbull County, Ohio						
Change:						
Asbestos workers	$9.69	.30	.30		.04	
Bricklayers	8.65	.40	.20		.02	
Bricklayers sawmen	8.90	.40	.20		.02	
Stonemasons	8.65	.40	.20		.02	
Elevator constructors	8.84	.395	.26	2%+a&b	.015	
Elevator constructors' helpers	70% JR	.395	.26	2%+a&b	.015	
Elevator constructors' Hlprs. Prob.	50% JR					
Linemen, cable splicers, poledigging equipment operator	10.05	.25	1%			
Plumbers & Steamfitters (Remainder of County)	9.25	.57	.55		.01	
Power Equipment Operators:						
Class IV	7.96	.50	.50		.12	
Oilers	7.86	.50	.50		.12	

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-64 - Mod #1 (38 FR 33904 - December 7, 1973) Tulsa County, Oklahoma						
Change:						
Soft floors layers	$5.12		.15	.18	.02	
Terrazzo workers	7.15					
DECISION NO. AQ-2024 - Mod. #2 (38 FR 29195 - October 19, 1973) Henrico County and the City of Richmond, Virginia						
CHANGE:						
Marble Setters	$5.65					
Terrazzo Workers	5.65					
Tile Setters	5.65					
Roofers:						
Composition	4.75					
Helpers	3.40					

SUPERSEDEAS DECISION

STATE: MISSISSIPPI
DECISION NUMBER: AQ-4048
COUNTY: SEE BELOW
DATE: Date of Publication
Supersedes Decision No. AM-498 dated August 20, 1971 in 36 FR 16473
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
COUNTIES:						
Hinds, Yazoo, Madison, Rankin, Copiah and Simpson						
RESIDENTIAL CONSTRUCTION:						
Bricklayers	$4.90					
Carpenters	3.75					
Cement masons	4.10					
Electricians	4.625					
Ironworkers	3.25					
Laborers:						
Common laborer	2.60					
Mason tenders	2.60					
Mortar mixers	2.725					
Painters	3.50					
Plumbers	6.20					
Roofers	4.00					
Sheet metal workers	5.05					
Tile setters	4.00					
Truck drivers	2.60					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Galveston
DECISION NO.: AQ-66 DATE: Date of Publication
Supersedes Decision No. AQ-28, dated September 28, 1973, in 38 FR 27185.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

33 - Texas - 1 d . (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.02	.50	.495		.03	
BOILERMAKERS	7.00	.30	.76		.02	
BRICKLAYERS	7.45	.275	.30		.03	
CARPENTERS:						
Carpenters	7.02	.45	.30		.05	
Millwrights	7.29	.45	.30		.05	
Piledrivermen	7.02	.45	.30			
CEMENT MASONS	6.60	.44	.37			
ELECTRICIANS	7.84	.28	11%+.31		.03	
ELEVATOR CONSTRUCTORS	7.06	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
GLAZIERS	7.36	.275	.20		.01	
IRONWORKERS:						
Structural; Ornamental; Reinforcing	7.145	.40	.50		.075	
LABORERS:						
Common	4.90	.28	.20		.02	
Air tool operator (jackhammer - vibrator)	5.075	.28	.20		.02	
Mason tenders	5.075	.28	.20		.02	
Pipelayers (concrete & clay)	5.075	.28	.20		.02	
Sandblasters	5.075	.28	.20		.02	
Power buggy operators	5.075	.28	.20		.02	
Lather tenders	5.175	.28	.20		.02	
Mortar mixers	5.175	.28	.20		.02	
Well driller	5.45	.28	.20		.02	
Well drillers' helpers	5.025	.28	.20		.02	
Blaster, powderman	5.325	.28	.20		.02	
Plasterer tender & hod carrier	5.175	.28	.20		.02	
MARBLE MASONS	6.50					
PAINTERS:						
Painters	6.095	.55	.45	.665	.02	
Painters on swinging stage work or using materials injurious to the skin	6.345	.55	.45	.665	.02	
PIPEFITTERS:						
East of the Trinity River:						
Commercial work to $50,000	7.34	.275	.30		.02	
Commercial work $50,000 & over	7.75	.275	.30		.02	
West of the Trinity River	7.63	.40	.55		.045	
PLASTERERS	6.825	.27	.30		.05	
PLUMBERS:						
Commercial work up to $50,000	7.34	.275	.30		.02	
Commercial work $50,000 & over	7.75	.275	.30		.02	

33 - Texas - 1 d (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS:						
Roofers	$6.29	.20	.10	.15	.03	
Kettleman	5.35	.20	.10	.15	.03	
Helpers	4.13	.20	.10	.15	.03	
SHEET METAL WORKERS	5.72		.125			
SOFT FLOOR LAYERS	6.62	.25	.10		.05	
SPRINKLER FITTERS	8.50	.40	.60		.07	
STONEMASONS	7.45	.275	.30		.03	
TERRAZZO WORKERS	6.50					
TILE SETTERS	6.50					
TRUCK DRIVERS:						
Under 1½ tons; wash, grease, tireman, fuel pump operation when used on construction jobs	5.05					
1½ thru 2½ tons; dump truck less than 7 yds.	5.34					
Over 2½ tons; farm tractor; fork lifts, floats	5.50					
Euclids (not self-loading)	5.60					
Warehousemen	5.24					
Material checkers; pick-up drivers	6.01					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
HEAVY EQUIPMENT						
Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick-power operated (all types); Clam Shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and Similar Tractors; Asphalt Plant Mixer Operator on Job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated	$6.95	.30	.40		.04	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
LIGHT EQUIPMENT						
Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck crane Drivers; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 105 cfm ompressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated	$6.27	.30	.40		.04	
FIREMAN	5.83	.30	.40		.04	
OILER	5.69	.30	.40		.04	

AQ-66 P. 5 — 14 - Texas - 3 j (1 - 2)

INCIDENTAL PAVING & UTILITIES (EXCLUDING GALVESTON ISLAND)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$3.05					
Asphalt Heaterman	3.15					
Asphalt Raker	3.00					
Asphalt Shoveler	2.50					
Batching Plant Scaleman	3.20					
Carpenter	4.00					
Carpenter Helper	3.25					
Concrete Finisher (Paving)	4.00					
Concrete Finisher Helper (Paving)	2.90					
Concrete Finisher (Structures)	3.75					
Concrete Finisher Helper (Structures)	3.10					
Concrete Rubber	3.20					
Electrician	5.50					
Electrician Helper	4.35					
Form Builder (Structures)	3.75					
Form Builder Helper (Structures)	3.00					
Form Liner (Paving and Curb)	3.85					
Form Setter (Paving and Curb)	3.75					
Form Setter Helper (Paving and Curb)	2.85					
Form Setter (Structures)	3.85					
Form Setter Helper (Structures)	3.05					
Laborer, Common	2.25					
Laborer, Utility Man	2.75					
Mechanic	4.00					
Mechanic Helper	3.40					
Oiler	3.15					
Serviceman	3.10					
Painter (Structures)	5.35					
Painter Helper (Structures)	3.00					
Pipelayer	3.50					
Pipelayer Helper	3.25					
Reinforcing Steel Setter (Paving)	3.00					
Reinforcing Steel Setter (Structures)	3.40					
Reinforcing Steel Setter Helper	2.60					
Steel Worker (Structural)	3.60					
Steel Worker Helper (Structural)	3.20					
Sign Erector	3.00					
Power Equipment Operators:						
Asphalt Distributor	3.25					
Asphalt Paving Machine	3.75					
Broom or Sweeper Operator	2.90					

AQ-66 P. 6 — 14 - Texas - 3 j (2 - 2)

INCIDENTAL PAVING & UTILITIES (EXCLUDING GALVESTON ISLAND)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Bulldozer, 150 H.P. and Less	$3.25					
Bulldozer, over 150 H.P.	4.00					
Concrete Paving Finishing Machine	3.65					
Concrete Paving Mixer	4.50					
Concrete Paving Spreader	4.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.75					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.00					
Crusher or Screening Plant Operator	3.25					
Foundation Drill Operator (Crawler Mounted)	4.35					
Foundation Drill Operator (Truck Mounted)	3.90					
Front End Loader (1½ CY and Less)	3.25					
Front End Loader (Over 2½ CY)	3.80					
Motor Grader Operator, Fine Grade	4.00					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	3.00					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.75					
Roller, Pneumatic (Self-Propelled	2.75					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	3.00					
Tractor (Crawler Type) over 150 H.P.	3.80					
Tractor (Pneumatic) over 80 H.P.	3.00					
Traveling Mixer	2.75					
Truck Drivers:						
Single Axle, Light	2.75					
Single Axle, Heavy	2.75					
Tandem Axle or Semitrailer	2.75					
Lowboy-Float	3.40					
Winch	3.25					
Welder	4.60					
Welder Helper	3.15					
LINE CONSTRUCTION:						
Linemen	$8.035	.28	1%		1/2%	
Groundmen	5.50	.28	1%		1/2%	
Groundmen (1st 6 mos.)	4.02	.28	1%		1/2%	

STATE: Texas
DECISION NO.: AQ-67
COUNTY: Harris
DATE: Date of Publication
Supersedes Decision No. AQ-29, dated September 28, 1973, in 38 FR 27188.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

14 - Texas - 1 d (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.02	.50	.495		.03	
BOILERMAKERS	7.00	.30	.76		.02	
BRICKLAYERS	7.45	.275	.30		.03	
CARPENTERS:						
Carpenters	7.02	.45	.30		.05	
Millwrights	7.29	.45	.30		.05	
Piledrivermen	7.02	.45	.30			
CEMENT MASONS	6.60	.44	.37		.05	
ELECTRICIANS	8.15	.25	3%		.04	
ELEVATOR CONSTRUCTORS	7.06	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS(PROB)	50%JR					
GLAZIERS	7.36	.275	.20		.01	
IRONWORKERS:						
Structural; Ornamental; Reinforcing	7.145	.40	.50		.075	
LABORERS:						
Common	4.90	.28	.20		.02	
Air tool operator (jackhammer - vibrator)	5.075	.28	.20		.02	
Mason tenders	5.075	.28	.20		.02	
Pipelayers (concrete and clay)	5.075	.28	.20		.02	
Sandblasters	5.075	.28	.20		.02	
Power buggy operator	5.075	.28	.20		.02	
Lather tender	5.175	.28	.20		.02	
Mortar mixers	5.175	.28	.20		.02	
Well driller	5.45	.28	.20		.02	
Well driller helpers	5.025	.28	.20		.02	
Blaster, powdermen	5.325	.28	.20		.02	
Plaster tender & hod carrier	5.175	.28	.20		.02	
LATHERS	7.67	.20	.15		.02	
PAINTERS:						
East Harris County:						
All brush painting, hand roller	7.08					
All spray painting, sandblasting, waterblasting	7.455					
Steeple jack work, hot materials	7.705					
Remainder of County:						
Brush	6.645	.275	.30	.40	.04	
Roller, steam cleaning, pneumatic tools	6.645	.275	.30	.40	.04	
Spray	7.02	.275	.30	.40	.04	
Sandblasting-waterblasting	7.02	.275	.30	.40	.04	
Steeple jack work, hot materials	7.27	.275	.30	.40	.04	

14 - Texas - 1 d (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PIPEFITTERS	$7.63	.40	.55		.045	
PLASTERERS	7.40	.32	.30		.01	
PLUMBERS	7.27	.32	.47	.50	.10	
ROOFERS:						
Roofers	6.29	.20	.10	.15	.03	
Kettlemen	5.35	.20	.10	.15	.03	
Helpers	4.13	.20	.10	.15	.03	
SHEET METAL WORKERS	7.585	.225	.475	.20	.025	
SOFT FLOOR LAYERS	6.62	.25	.10		.05	
SPRINKLER FITTERS	8.50	.40	.60		.07	
TILE SETTERS, MARBLE MASONS, MOSAIC & TERRAZZO WORKERS	5.00					
TRUCK DRIVERS:						
Under 1½ tons; wash, grease, tireman, fuel pump operation when used on construction jobs	5.05					
1½ thru 2½ tons; dump truck less than 7 yds.	5.34					
Over 2½ tons; farm tractors; fork lifts, floats	5.50					
Euclids (not self-loading)	5.60					
Warehousemen	5.24					
Material checkers; pick-up drivers	6.01					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.
b - Paid Holidays - A through F.

PAID HOLIDAY:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
HEAVY EQUIPMENT						
Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick-power operated (all types); Clam Shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel-Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and Similar Tractors; Asphalt Plant Mixer Operator on Job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated	$6.95	.30	.40		.04	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
LIGHT EQUIPMENT						
Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated	$6.27	.30	.40		.04	
FIREMAN	5.83	.30	.40		.04	
OILER	5.69	.30	.40		.04	

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14 - Texas - 3 j (1 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$3.05					
Asphalt Heaterman	3.15					
Asphalt Raker	3.00					
Asphalt Shoveler	2.50					
Batching Plant Scaleman	3.20					
Carpenter	4.00					
Carpenter Helper	3.25					
Concrete Finisher (Paving)	4.00					
Concrete Finisher Helper (Paving)	2.90					
Concrete Finisher (Structures)	3.75					
Concrete Finisher Helper (Structures)	3.10					
Concrete Rubber	3.20					
Electrician	5.50					
Electrician Helper	4.35					
Form Builder (Structures)	3.75					
Form Builder Helper (Structures)	3.00					
Form Liner (Paving and Curb)	3.85					
Form Setter (Paving and Curb)	3.75					
Form Setter Helper (Paving and Curb)	2.85					
Form Setter (Structures)	3.85					
Form Setter Helper (Structures)	3.05					
Laborer, Common	2.25					
Laborer, Utility Man	2.75					
Mechanic	4.00					
Mechanic Helper	3.40					
Oiler	3.15					
Serviceman	3.10					
Painter (Structures)	5.35					
Painter Helper (Structures)	3.00					
Pipelayer	3.50					
Pipelayer Helper	3.25					
Reinforcing Steel Setter (Paving)	3.00					
Reinforcing Steel Setter (Structures)	3.40					
Reinforcing Steel Setter Helper	2.60					
Steel Worker (Structural)	3.60					
Steel Worker Helper (Structural)	3.20					
Sign Erector	3.00					
Power Equipment Operators:						
Asphalt Distributor	3.25					
Asphalt Paving Machine	3.75					
Broom or Sweeper Operator	2.90					

AQ-67 P. 6

14 - Texas - 3 j (2 - 2)

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Bulldozer, 150 H.P. and Less	$3.25					
Bulldozer, over 150 H.P.	4.00					
Concrete Paving Finishing Machine	3.65					
Concrete Paving Mixer	4.50					
Concrete Paving Spreader	4.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½CY)	3.75					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.00					
Crusher or Screening Plant Operator	3.25					
Foundation Drill Operator (Crawler Mounted)	4.35					
Foundation Drill Operator (Truck Mounted)	3.90					
Front End Loader (2½ CY and Less)	3.25					
Front End Loader (Over 2½ CY)	3.80					
Motor Grader Operator, Fine Grade	4.00					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	3.00					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.75					
Roller, Pneumatic (Self-Propelled)	2.75					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	3.00					
Tractor (Crawler Type) over 150 H.P	3.80					
Tractor (Pneumatic) over 80 H.P	3.00					
Traveling Mixer	2.75					
Truck Drivers:						
Single Axle, Light	2.75					
Single Axle, Heavy	2.75					
Tandem Axle or Semitrailer	2.75					
Lowboy-Float	3.40					
Winch	3.25					
Welder	4.60					
Welder Helper	3.15					
LINE CONSTRUCTION:						
Lineman	$8.035	.28	11		1/2%	
Groundman	5.50	.28	11		1/2%	
Groundman (1st 6 mos.)	4.02	.28	11		1/2%	

SUPERSEDEAS DECISION

AQ-68 P. 2

STATE: Texas

COUNTIES: Cameron, Hidalgo, Starr & Willacy

DECISION NO.: AQ-68

DATE: Date of Publication

Supersedes Decision No. AP-396, dated January 26, 1973, in 38 FR 2646.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories.)

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$6.905	.35	.295			
BOILERMAKERS	7.00	.30	.76		.02	
BRICKLAYERS	5.27					
CARPENTERS:						
Carpenters	4.50				.025	
Piledrivermen	4.67					
CEMENT MASONS	3.50					
ELECTRICIANS	5.76		1%		1%	
GLAZIERS	2.75					
LABORERS:						
Common laborers	1.60					
Mason tenders	1.75					
Pipelayers (concrete & clay)	2.00					
PAINTERS:						
Brush	2.60					
PLASTERERS	5.00					
PLUMBERS - PIPEFITTERS	6.20	.18			.05	
ROOFERS:						
Roofers	3.00					
Kettlemen	2.05					
SOFT FLOOR LAYERS	2.00					
SPRINKLER FITTERS	8.50	.40	.60		.07	
TERRAZZO WORKERS	2.50					
TERRAZZO WORKERS' HELPERS	1.83					
TILE SETTERS	2.50					
TILE SETTERS' HELPERS	1.75					
TRUCK DRIVERS	1.93					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

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INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asphalt Raker	$2.80					
Batching Plant Scaleman	3.00					
Carpenter	3.25					
Carpenter Helper	2.00					
Concrete Finisher (Paving)	2.55					
Concrete Finisher (Structures)	2.75					
Concrete Finisher Helper (Structures)	2.25					
Concrete Rubber	2.00					
Electrician	5.50					
Electrician Helper	3.25					
Fireman	3.00					
Form Setter (Paving and Curb)	3.00					
Form Setter Helper (Paving and Curb)	2.50					
Form Setter (Structures)	3.10					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.00					
Laborer, Utility Man	2.25					
Mechanic	3.20					
Mechanic Helper	2.75					
Oiler	2.15					
Serviceman	2.40					
Painter (Structures)	2.25					
Painter Helper (Structures)	2.00					
Piledriverman	3.50					
Pipelayer	2.30					
Pipelayer Helper	2.00					
Reinforcing Steel Setter (Structures)	3.05					
Reinforcing Steel Helper	2.50					
Spreader Box Man	3.00					
Power Equipment Operators:						
Asphalt Distributor	2.85					
Asphalt Paving Machine	3.00					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.15					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.50					
Foundation Drill Operator (Truck Mounted)	4.70					

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Front End Loader (2½ CY and Less)	$3.00					
Front End Loader (Over 2½ CY)	3.50					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.20					
Roller, Steel Wheel (Plant-Mix Pavements)	2.50					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.35					
Roller, Pneumatic (Self-Propelled)	2.10					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.10					
Tractor (Crawler Type) over 150 H.P.	3.00					
Tractor (Pneumatic) 80 H.P. and Less	2.25					
Tractor (Pneumatic) over 80 H.P.	2.85					
Traveling Mixer	3.00					
Trenching Machine	3.00					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.00					
Tandem Axle or Semitrailer	2.00					
Welder	3.50					
Welder Helper	2.75					
LINE CONSTRUCTION:						
Lineman	$5.58	.28	1%		1/2%	
Groundman	3.53	.28	1%		1/2%	
Groundman, 1st 6 mos.	2.43	.28	1%		1/2%	

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: AQ-69
COUNTY: Lubbock
DATE: Date of Publication
Supersedes Decision No. AQ-30, dated September 28, 1973, in 38 FR 27191.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories.)

24 - Texas - 1 y (1 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.25	.30	.25		.02	
BOILERMAKERS	7.00	.30	.76		.02	
BRICKLAYERS-STONEMASONS	6.85					
CARPENTERS	6.00	.30	.30		.01	
CEMENT MASONS	5.50					
ELECTRICIANS:						
Electricians	6.90	.25	1%		1/10%	
Cable splicers	7.20	.25	1%		1/10%	
IRONWORKERS:						
Structural; Ornamental; Reinforcing	6.38	.40	.50		.10	
All ironworkers on jobs (30) miles or more from the city of Lubbock	6.505	.40	.50		.10	
LABORERS:						
Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading and unloading materials, wrecking buildings and all structures and all construction laborers except those named below	3.775	.275			.01	
Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all non-metallic pipe); handling, laying and cleaning pumpcrete pipe	4.05	.275			.01	
Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders	3.975	.275			.01	
Wagon drill	4.125	.275			.01	
Blasters and powder make-up men	4.375	.275			.01	
LATHERS	6.75	.20			.01	
PAINTERS:						
Brush	5.75					
Spray	6.40					

24 - Texas - 1 y (2 - 2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$6.00					
PLUMBERS - STEAMFITTERS	6.75		.35		.02	
ROOFERS	3.50					
SHEET METAL WORKERS	7.82		.10		.03	
SOFT FLOOR LAYERS	5.75					
SPRINKLER FITTERS	8.50	.40	.60		.07	
TRUCK DRIVERS	3.00					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
Oiler-Fireman	$5.18	.30	.50		.10	
LIGHT EQUIPMENT						
Air compressors, Pumps, Welding Machines, Throttle valves, Light plants; Conveyor; Wagon drill; Elevators building; Form graders; Hoist, single drum; Ford tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening plants; Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the light Equipment Class, when power operated	6.08	.30	.50		.10	
HEAVY EQUIPMENT						
Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Forklifts (over 25 ft.); Winch Truck Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - Power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile concrete mixers over 14 cubic feet; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welder; Trenching machines; Roller, ten tons or over; Air compressors, pumps, welding machines and light plants; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated	6.48	.30	.50		.10	

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asphalt Heaterman	$2.85					
Asphalt Raker	3.00					
Asphalt Shoveler	2.35					
Batching Plant Scaleman	2.85					
Carpenter	3.50					
Carpenter Helper	3.25					
Concrete Finisher (Paving)	3.55					
Concrete Finisher (Structures)	3.50					
Concrete Finisher Helper (Structures)	2.90					
Form Builder (Structures)	3.05					
Form Builder Helper (Structures)	2.50					
Form Setter (Paving and Curb)	2.60					
Form Setter (Structures)	3.50					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.25					
Laborer, Utility Man	2.60					
Mechanic	3.25					
Mechanic Helper	2.25					
Oiler	2.85					
Serviceman	3.00					
Powderman	3.25					
Sign Erector	3.00					
Sign Erector Helper	2.50					
Spreader Box Man	2.65					
Swamper	2.85					
Power Equipment Operators:						
Asphalt Distributor	3.00					
Asphalt Paving Machine	3.00					
Broom or Sweeper Operator	2.25					
Bulldozer, 150 H.P. and Less	3.25					
Bulldozer, over 150 H.P.	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.50					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.90					
Crusher or Screening Plant Operator	3.00					
Foundation Drill Operator (Truck Mounted)	4.50					
Front End Loader (2½ CY and Less)	2.80					
Front End Loader (Over 2½ CY)	3.50					

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Motor Grader Operator, Fine Grade	$4.10					
Motor Grader Operator	3.50					
Roller, Steel Wheel (Plant-Mix Pavements)	2.60					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.70					
Roller, Pneumatic (Self-Propelled	2.50					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.75					
Tractor (Crawler Type) over 150 H.P.	3.50					
Tractor (Pneumatic) 80 H.P. and Less	2.50					
Tractor (Pneumatic) over 80 H.P.	3.00					
Traveling Mixer	3.50					
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00					
Truck Drivers:						
Single Axle, Light	2.25					
Single Axle, Heavy	2.50					
Tandem Axle or Semitrailer	2.25					
Weighman (Truck Scales)	2.25					
Welder	3.55					
LINE CONSTRUCTION:						
Lineman	$6.70	.25	1%			
Operators	5.36	.25	1%			
Groundmen (more than 1 year experience)	3.69	.25	1%			
Groundmen (less than 1 year experience)	3.35	.25	1%			
Flat bed truck operator	4.69	.25	1%			

SUPERSEDEAS DECISION

STATE: Virginia

The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia

DECISION NO: AQ-2038

DATE: Date of Publication

Supersedes Decision No. AQ-2023, dated October 19, 1973, in 38 FR 29193.

DESCRIPTION OF WORK: Building Construction (excluding all residential construction).

65-VA-Zone-1 B 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.00	.30	.25			
Boilermakers	7.55	.40	.70		.01	
Bricklayers & stone masons	6.60	.30	.20		.02	
Bricklayers and stone masons on stack or chimneys 50' and over	6.85	.30	.20		.02	
Carpenters	6.20	.20	.20		.01	
Cement Masons:						
Cement Masons	5.45					
Cement masons, machine and scaffold men	5.55					
Electricians:						
Electricians	6.945	.5%	1%+3%		1%	
Cable splicers	6.945	.5%	1%+3%		1%	
Linemen	6.90	.25	1%		1%	
Elevator constructors	5.09	.145	.17	½a+b	.005	
Elevator constructors' helpers	3.56	.145	.17	½a+b	.005	
Elevator constructors' helpers (pmnb)	2.545					
Glaziers	5.95	.30	.10		.01	
Ironworkers:						
Structural, ornamental, machinery movers, riggers & fence erectors and reinforcing	6.75	.45	.30		.03	
Laborers:						
Common	3.90	.10	.10		.03	
Tenders, concrete saw op., air tool, vibrator, nozzlemen (gunnite & sandblasting), motorized buggy op.	4.00	.10	.10		.03	
Mortar mixers, hod carriers, pipelayer and/or caulkers	4.15	.10	.10		.03	
Burners on wrecking	4.25	.10	.10		.03	
Lathers	6.59		.25		.01	
Marble setters	5.25	.30	.20			
Marble setters' helpers	4.15	.10	.10		.03	
Millwrights	7.25	.20	.20		.01	
Painters:						
Brush and roller	6.05		.20			
Structural steel from ground to 74 feet	6.55		.20			
Spray, paperhangers & glove work	6.40		.20			
Any work over 74 feet from the ground	7.35		.20			
Bituminous coating & hot creosote	7.70		.20			
Swing stage under 40 Ft.	6.30		.20			
Swing stage over over 40 ft. up to 74 ft.	6.55		.20			
Sandblasting	6.80		.20			
Epoxy - brushed or rolled	6.30		.20			
Rollers with handles 6" and over	6.30		.20			

65-VA-Zone-1 B 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Piledrivermen & dock builders	$3.55	.20	.20			
Plasterers	7.20				.01	
Plumbers & Steamfitters	6.51	.40	.35		.05	
Roofers:						
Composition	4.75					
Helpers	3.40					
Sheet metal workers	6.10	.35	.20			
Soft floor layers	6.20	.20	.20		.01	
Sprinkler fitters	7.37	.40	.60		.07	
Terrazzo workers	5.25	.30	.20			
Floor grinders	4.30	.10	.10		.03	
Base grinders	4.30	.10	.10		.03	
Terrazzo workers; helpers	4.15	.10	.10		.03	
Tile setters	5.25	.30	.20			
Tile setters' helpers	4.15	.10	.10		.03	
Truck drivers	1.75					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit

b. Holidays: A through F.

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65-VA-FEO-1- E

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
HEAVY DUTY OPERATORS						
Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad	$6.675	.225	.10		.05	
MEDIUM DUTY OPERATORS						
Cableways, tractors with attachments, combiantion front end loader and back-hoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16'S, fork lift	5.34	.225	.10		.05	
LIGHT DUTY OPERATORS						
Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons power plant, generator (1200 KW or larger), pumps (over 2 inches, including welpoints), A-frame trucks, trucks, mechanic's helper	4.505	.225	.10		.05	
Firemen	4.34	.225	.10		.05	
Oilers	4.17	.225	.10		.05	

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