

federal register

January 9, 1974—Pages 1413-1503

WEDNESDAY, JANUARY 9, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 6

Pages 1413-1503

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.

DEFENSE ARTICLES AND SERVICES FOR PORTUGAL— Presidential memorandum.....	1423
PHASE IV—CLC amendments on nonferrous metals; effective 1-4-74.....	1425
MEDICARE— HEW proposal on benefits for home health services and increase in SMIB deductible; comments by 2-8-74	1453
HEW proposal for time limits on filing claims; comments by 2-8-74	1450
HOSPITAL SERVICES—HEW proposal on compliance with Community Service Assurances; comments by 2-8-74....	1446
AGED AND DISABLED INSURANCE—HEW proposal on review of hospital and nursing facilities; comments by 2-8-74	1447
HEALTH SERVICES DELIVERY PROJECTS—HEW issues regulations; effective 1-1-74.....	1443
REVENUE SHARING—Treasury Department regulations concerning entitlements of certain recipient governments..	1471
ENDANGERED SPECIES—Interior Department republishes certain rules for and list of certain species; effective 1-9-74	1444
FIRE EXTINGUISHERS—OSHA proposes to increase hydrostatic test interval for Aluminum Shells; effective 1-9-74	1437
RIGHT OF WAY—FHA rules on moving expenses or persons displaced by Federal and federally assisted projects..	1427
RETREADED PNEUMATIC TIRES—DoT revises tire dimension requirements.....	1443
MEETINGS— NASA: Lunar Planning Committee, 1-17 and 1-18-74..	1487
DoD: DDR & E High Energy Laser Review Group 1-23 and 1-24-74	1471
Interior Department: Sleeping Bear Dunes National Lakeshore Advisory Commission, 1-11-74.....	1472
Bonneville Power Administration, 2-11-74.....	1472
DoD: Army Material Acquisition Review Committee, 1-14 through 1-16-74.....	1471
CLC: Food Industry Wage and Salary Committee, 1-10-74	1473

PART II:

MEDICAL ASSISTANCE PROGRAMS—HEW proposal on review of utilization of care and services; comments by 2-8-74.....	1499
--	------



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$5.00 per month or \$45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Contents

THE PRESIDENT		Notices		FEDERAL POWER COMMISSION	
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:		Food Industry Wage and Salary Committee; meeting-----		Notices	
Memorandum of November 2, 1973-----	1423			National Gas Survey Advisory Committees and Coordinating Committee; renewal-----	
EXECUTIVE AGENCIES		CUSTOMS SERVICE		National Power Survey Executive Advisory Committee; designation of members-----	
AGRICULTURE DEPARTMENT		Notices		Hearings, etc.:	
See Agricultural Stabilization and Conservation Service; Forest Service; Soil Conservation Service.		Foreign currencies; certification of rates-----		Amoco Production Co.-----	
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE		DEFENSE DEPARTMENT		Atlantic Richfield Co. (2 documents)-----	
Rules and Regulations		See also Army Department.		Bangor Hydro-Electric Co.-----	
Extra long staple cotton; national marketing quota referendum, 1974 crop-----		Notices		C & K Petroleum, Inc.-----	
	1426	DDR&E High Energy Laser Review Group; meeting-----		Cox, Edwin L.-----	
ARMY DEPARTMENT				Distrigas Corp.-----	
Notices		ENVIRONMENTAL PROTECTION AGENCY		Texas Eastern Transmission Corp.-----	
Army Material Acquisition Review Committee; meeting-----		Rules and Regulations			
	1471	Implementation plans, approval and promulgation:		FEDERAL RESERVE SYSTEM	
ATOMIC ENERGY COMMISSION		New Jersey-----		Notices	
Notices		New York-----		Capital National Corp.; approval of merger of bank holding companies-----	
Minnesota Mining and Manufacturing Co.; issuance of byproduct material license-----		Proposed Rules		First Bancorp of N. H., Inc.; acquisition of bank-----	
	1470	Air quality implementation plans:		First International Bancshares, Inc.; denial of acquisition of bank-----	
BONNEVILLE POWER ADMINISTRATION		Arizona; hearing-----		First Virginia Bankshares Corp.; retention of Arlington Mortgage Co.-----	
Notices		Guam; proposed revision-----		Insured banks; joint call for report-----	
Public information meeting; change in date-----		New Mexico; hearing-----		Southeast Banking Corp.; acquisition of bank-----	
	1472	Effluent limitations guidelines; corrections:			
CIVIL SERVICE COMMISSION		Dairy products processing point source category-----			
Rules and Regulations		Fertilizer manufacturing point source category-----			
Excepted service:					
Department of Commerce-----		Notices			
Department of Housing and Urban Development (2 documents)-----		Pesticide registration; receipt of applications-----		FISH AND WILDLIFE SERVICE	
Department of State-----				Rules and Regulations	
Environmental Protection Agency-----		FEDERAL DEPOSIT INSURANCE CORPORATION		General provisions; miscellaneous amendments-----	
Office of Economic Opportunity-----		Notices			
	1425	Insured banks; joint call for report-----		FOOD AND DRUG ADMINISTRATION	
COMMERCE DEPARTMENT		Insured mutual savings banks not members of the Federal Reserve System; call for annual report-----		Rules and Regulations	
Notices		Insured State banks not members of the Federal Reserve System; call for annual report-----		New animal drugs for use in feeds; lincomycin-----	
Policy Advisory Committee for Trade Negotiations; establishment-----				New animal drugs in oral dosage form:	
	1473	FEDERAL HIGHWAY ADMINISTRATION		Chloramphenicol capsules, veterinary-----	
Proposed Federal actions affecting the environment; time for filing comments-----		Rules and Regulations		Phenylbutazone-----	
	1473	Relocation assistance-----			
COMPROLLER OF THE CURRENCY		FEDERAL INSURANCE ADMINISTRATION		Proposed Rules	
Notices		Rules and Regulations		New drugs; relationship of Federal methadone treatment programs to State methadone authorities; correction-----	
Insured banks; joint call for report-----		National Flood Insurance Program:			
	1470	Communities with special hazard areas-----		FOREST SERVICE	
COST OF LIVING COUNCIL		Status of participating communities (2 documents)-----		Notices	
Rules and Regulations				Cooperative gypsy moth suppression and regulatory program; availability of draft environmental statement-----	
Nonferrous metals; Phase IV price regulations-----		1429, 1430			
	1425				

(Continued on next page)

HEALTH, EDUCATION, AND WELFARE DEPARTMENT		Proposed Rules		Royal Properties Inc.....	1488
<i>See also</i> Food and Drug Administration; Public Health Service; Social and Rehabilitation Service; Social Security Administration.		Determination of minimum wages for Federal and federally assisted construction; proposed variation:		Seaboard American Corp.....	1488
Notices		Allegheny County, Pa.....	1446	Seaboard Corp.....	1488
Center for Disease Control; organization, functions, and delegations of authority.....	1461	Westmoreland County, Pa.....	1446	Technical Resources, Inc.....	1489
Health Resources Administration; organization, functions, and delegations of authority.....	1456			U.S. Financial Inc.....	1489
Public Health Service; organization, functions, and delegations of authority.....	1468			Westgate California Corp.....	1489
HOUSING AND URBAN DEVELOPMENT ADMINISTRATION		NATIONAL AERONAUTICS AND SPACE ADMINISTRATION		SOCIAL AND REHABILITATION SERVICE	
<i>See also</i> Federal Insurance Administration.		Notices		Rules and Regulations	
Notices		NASA Lunar Planning Committee; meeting.....	1487	Application, determination of eligibility and furnishing of assistance; State plan requirements; correction.....	
Associate General Counsel for Equal Opportunity, Litigation and Administration; delegation of authority.....	1470			Certain service programs; postponement of effective date.....	
INDIAN AFFAIRS BUREAU		NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION		Proposed Rules	
Notices		Rules and Regulations		Medical assistance programs; review of utilization of care and services.....	
Atkasook; eligibility as a native village; correction.....	1472	Federal motor vehicle safety standards; retreaded pneumatic tires.....	1443		
INTERIOR DEPARTMENT		NATIONAL PARK SERVICE		SOCIAL SECURITY ADMINISTRATION	
<i>See</i> Bonneville Power Administration; Fish and Wildlife Service; Indian Affairs Bureau; National Park Service.		Notices		Proposed Rules	
INTERSTATE COMMERCE COMMISSION		Sleeping Bear Dunes National Lakeshore Advisory Commission; meeting.....	1472	Federal health insurance for the aged and disabled:	
Rules and Regulations		OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION		Certification and recertification; requests for payment.....	
Car service; Chicago and North Western Transportation Co.....		Rules and Regulations		Condition of participation; hospitals and skilled nursing facilities.....	
Notices		Occupational safety and health standards; hydrostatic test intervals for fire extinguishers with aluminum shells.....	1437	Supplementary medical insurance benefits.....	
Assignment of hearings.....	1489	PUBLIC HEALTH SERVICE		Supplemental security income for aged, blind, and disabled; student regularly attending school.....	
Motor carrier alternate route deviation notices (2 documents).....	1489, 1490	Rules and Regulations			
Motor carrier applications and certain other proceedings.....	1490	Policies and general applicability; health services funding.....	1441	SOIL CONSERVATION SERVICE	
Motor Carrier Board transfer proceedings.....	1494	Proposed Rules		Notices	
Notice of filing of motor carrier intrastate applications.....	1495	Community service.....	1446	Indian Creek watershed project; availability of final environmental statement.....	
LABOR DEPARTMENT		REVENUE SHARING OFFICE		Lost River watershed project; availability of draft environmental statement.....	
<i>See also</i> Occupational Safety and Health Administration.		Notices			
		Revenue sharing funds; entitlements of recipient governments.....	1471	TRANSPORTATION DEPARTMENT	
		SECURITIES AND EXCHANGE COMMISSION		<i>See</i> Federal Highway Administration; National Highway Traffic Safety Administration.	
		Notices		TREASURY DEPARTMENT	
		<i>Hearings, etc.:</i>		<i>See</i> Comptroller of the Currency; Customs Service; Revenue Sharing Office.	
		BBI, Inc.....	1487	Notices	
		Canadian Javelin, Ltd.....	1487	Potassium chloride from Canada; tentative determination to modify dumping find.....	
		Equity Funding Corp. of America.....	1488		
		Industries International, Inc.....	1488		
		Omega Alpha, Inc.....	1488		
		Patterson, Corp.....	1488		

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, 1974, and specifies how they are affected.

3 CFR		23 CFR		42 CFR	
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:		740.....	1427	50.....	1441
Memorandum of November 3, 1973.....	1423	24 CFR		PROPOSED RULES:	
		1914 (2 documents).....	1429, 1430	53.....	1446
		1915.....	1431	45 CFR	
5 CFR		29 CFR		206.....	1443
213 (6 documents).....	1425	1910.....	1437	220.....	1443
		PROPOSED RULES:		221.....	1443
6 CFR		1 (2 documents).....	1446	222.....	1443
150.....	1425	5 (2 documents).....	1446	226.....	1443
		40 CFR		PROPOSED RULES:	
7 CFR		52 (2 documents).....	1437, 1439	250.....	1500
722.....	1426	PROPOSED RULES:		49 CFR	
20 CFR		52 (3 documents).....	1454, 1455	571.....	1443
PROPOSED RULES:		405.....	1454	1033.....	1444
405 (3 documents).....	1447, 1450, 1453	418.....	1454	50 CFR	
416.....	1452			10.....	1444
21 CFR				11.....	1444
135c (2 documents).....	1427			12.....	1444
135e.....	1427			13.....	1444
PROPOSED RULES:				14.....	1444
130.....	1446			17.....	1444

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.)

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Next Week's Meetings

JANUARY 13

HEW: Personality and Cognition Research Review Committee to be held at San Francisco, Calif. (closed).
34351; 12-13-73

FDA: Panel on Review of Contraceptives and other Vaginal Drug Products to be held at Bethesda, Md. (closed).
35342; 12-27-73

JANUARY 14

FDA: Diagnostic Products Advisory Committee to be held at Rockville, Md. (open).
35342; 12-27-73

HEW: Metropolitan Mental Health Problems Review Committee to be held at Silver Spring, Md. (closed except discussion session).
34351; 12-13-73

FDA: Panel on Review of Orthopaedic Devices to be held at Dallas, Tex. (open and closed).
35342; 12-27-73

FDA: Panel on Review of Contraceptives and other Vaginal Drug Products to be held at Rockville, Md. (open and closed).
35342; 12-27-73

HEW: Health Services Research Study Section to be held at Rockville, Md. (open and closed).
35345; 12-27-73

HEW: National Professional Standards Review Council, Subcommittee on Policy Development to be held at Rockville, Maryland (open).
844; 1-3-74

National Advisory Committee on Oceans and Atmosphere: To be held at Miami, Florida (open).
35355; 12-27-73

State Department: United States Advisory Commission on International Educational and Cultural Affairs to be held at Washington, D.C. (open).
35497; 12-28-73

AEC: Lawrence Award Nomination-Ad Hoc Screening Panels, General Advisory Committee to be held at Washington, D.C. (closed).
35525; 12-28-73

JANUARY 15

HEW: Experimental and Special Training Review Committee to be held at Rockville, Md. (closed except discussion session).
34351; 12-13-73

Commerce Department: Telecommunications Equipment Technical Advisory Committee to be held at Washington, D.C. (open).
22; 1-2-74

DoD: Defense Intelligence Agency Scientific Advisory Committee, to be held at Sunnyvale, California (closed).
1147; 1-4-74

Interior Department: Bureau of Land Management, Phoenix District Advisory Board to be held at Kingman, Arizona (open).
17; 1-2-74

FPC: National Power Survey Technical Advisory Committee on Finance to be held at Washington, D.C. (open).
856; 1-3-74

DOD: Department of Defense Wage Committee to be held at Washington, D.C. (closed).
35237; 12-26-73

Interior Department: Baker District Advisory Board to be held at Baker, Oregon (open).
27536; 10-4-73

DOD: National Committee for Employer Support of the Guard and Reserve to be held at Lincoln, Nebraska (open).
35497; 12-28-73

HEW: Health Resources Administration, National Advisory Council on Regional Medical Programs, to be held at Rockville, Maryland (open).
34682; 12-17-73

FDA: Dental Drug Products Advisory Committee to be held at Rockville, Md. (open and closed).
35342; 12-27-73

Interior Department: Pinedale Grazing Advisory Board to be held at Pinedale, Wyoming (open).
34901; 12-19-73

FDA: Diagnostic Products Advisory Committee to be held at Rockville, Md. (closed).
35342; 12-27-73

Interior Department: Bureau of Land Management, Safford District Advisory Board to be held at Safford, Arizona (open).
33621; 12-6-73

HEW: Health Services Research Study Section to be held at Rockville, Md. (open and closed).
35345; 12-27-73

National Advisory Committee on Oceans and Atmosphere: To be held at Miami, Florida (open).
35355; 12-27-73

JANUARY 16

DoD: Army Corps of Engineers, Advisory Committee for National Dredging Study to be held at Washington, D.C. (open).
17; 1-2-74

NIH: Division of Research Grants, Nutrition Study Section Workshop to be held at Bethesda, Md. (open).
35034; 12-21-73

HEW: Experimental and Special Training Review Committee to be held at Rockville, Md. (closed).
34351; 12-13-73

FDA: Panel on Review of Bacterial Vaccines and Bacterial Antigens to be held at Bethesda, Md. (open and closed).
35342; 12-27-73

DoD: Army Corps of Engineers, Advisory Committee for National Dredging Study to be held at Washington, D.C. (open).
17; 1-2-74

HEW: Crime and Delinquency Review Committee to be held at Washington, D.C. (closed except for discussion).
34351; 12-13-73

HEW: Health Services Research Study Section to be held at Rockville, Md. (open and closed).
35345; 12-27-73

HEW: Health Resources Administration, National Advisory Council on Regional Medical Programs to be held at Rockville, Maryland (open).
34682; 12-17-73

National Advisory Committee on Oceans and Atmosphere: To be held at Miami, Florida (open).
35355; 12-27-73

Federal Metal and Nonmetal Mine Safety Advisory Committee to be held at Phoenix, Arizona (open).
34677; 12-17-73

HEW: National Advisory Council on Vocational Education, to be held at Washington, D.C. (open).
34753; 12-18-73

JANUARY 17

CSC: Federal Prevailing Rate Advisory Committee to be held at Washington, D.C. (closed).
35240; 12-26-73

HEW: National Advisory Council on Vocational Education, to be held at Washington, D.C. (open).
34753; 12-18-73

HEW: National Advisory Committee on the Handicapped to be held at Atlanta, Georgia (open).
1088; 1-4-74

Interior Department: Salmon District Advisory Board to be held at Salmon, Idaho (open).
833; 1-3-74

FDA: Panel on Review of Dentifrices and Dental Care Agents to be held at Rockville, Md. (open and closed).
35342; 12-27-73

Veterans' Administration: Wage Committee to be held at Washington, D.C. (closed).
33697; 12-6-73

FDA: Panel on Review of Bacterial Vaccines and Bacterial Antigens to be held at Bethesda, Md. (closed).
35342; 12-27-73

HEW: Clinical Projects Research Review Committee to be held at Washington, D.C. (closed except discussion session).
34352; 12-13-73

Next Week's Hearings

JANUARY 14

LABOR—Industry Committee for the Virgin Islands; held on the Island of St. Thomas... 34742; 12-18-73
 EPA—DDT as pesticide to control Douglass Fir Tussock moth; Portland, Oregon... 35349; 12-27-73

JANUARY 15

AGRICULTURAL MARKETING SERVICE—Walnuts grown in California, Oregon and Washington... 35321; 12-27-73
 DOT/COAST GUARD—Portable tanks, requirements for testing, inspection, and stamping to be held in New Orleans, La... 33494; 12-5-73

JANUARY 16

COMMERCE/NOAA—Yellowfin tuna; reporting requirements for cargo vessels... 33492; 12-5-73
 EPA—DDT as pesticide used to control Douglass Fir tussock moth; Walla Walla, Washington... 35349; 12-27-73

JANUARY 18

EPA—DDT used to control Douglas Fir tussock moth Coeur D'Alene, Idaho... 35349; 12-27-73

Comments

JANUARY 10

FAA—Control zone and transition area; proposed alteration... 34123; 12-11-74
 AGRIC/AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE—Flue-cured tobacco; marketing quotas for 1974-75 year... 35235; 12-26-73
 FAA—Transition area; proposed alteration... 34123; 12-11-74
 ENVIRONMENTAL PROTECTION AGENCY—Regulations of fuels and fuel additives; proposed test procedures... 34126; 12-11-74

JANUARY 11

TREASURY DEPARTMENT—Seized merchandise, proposed treatment pending forfeiture proceedings... 34208; 12-12-73

JANUARY 14

EPA—Navigable waters of State of Illinois; water quality standards... 32822; 11-28-73
 FEDERAL MARITIME COMMISSION—Increases in contract rates; extension of reply comment period... 35022; 12-21-73
 FDA—Additional standards for blood, grouping serum... 31312; 11-13-73
 —Fruit jelly and preserves; standards of identity... 31450; 11-14-73
 NHTSA—Incentive grant criteria for State safety belt use laws... 32818; 11-28-73
 LABOR DEPARTMENT—Supplement to approved New York Plan; revised Developmental Schedule... 34328; 12-13-73

HEW: Health Services Developmental Grants Study Section to be held at Rockville, Md. (closed)... 35345; 12-27-73

HEW: Mental Health Small Grant Committee to be held at Washington, D.C. (closed except discussion session)... 34352; 12-13-73

EPA: Antimicrobial Program Advisory Committee to be held at Washington, D.C. (open)... 35528; 12-28-73

Interior Department: BLM, Montrose District Advisory Board to be held at Durango, Colorado (open)... 1079; 1-4-74

Federal Metal and Nonmetal Mine Safety Advisory Committee to be held at Phoenix, Arizona (open)... 34677; 12-17-73

HEW: Experimental and Special Training Review Committee to be held at Rockville, Md. (closed)... 34351; 12-13-73

HEW: Crime and Delinquency Review Committee to be held at Washington, D.C. (closed)... 34351; 12-13-73

JANUARY 18

FDA: Panel on Review of Dentifrices and Dental Care Agents to be held at Rockville, Md. (closed)... 35342; 12-27-73

HEW: Clinical Projects Research Review Committee to be held at Washington, D.C. (closed)... 34352; 12-13-73

HEW: National Advisory Committee on the Handicapped to be held at Atlanta, Georgia (open)... 1088; 1-4-74

HEW: Health Services Developmental Grants Study Section to be held at Rockville, Md. (closed)... 35345; 12-27-73

HEW: Mental Health Small Grant Committee to be held at Washington, D.C. (closed)... 34352; 12-13-73

Interior Department: Advisory Board for Burley Grazing District No. 2 to be held at Burley, Idaho (open)... 35508; 12-28-73

HEW: National Advisory Council on Health Manpower Shortage Areas, to be held at Rockville, Maryland (open)... 34753; 12-18-73

AEC: Lawrence Award Nomination-Ad Hoc Screening Panels, General Advisory Committee to be held at Washington, D.C. (closed)... 35525; 12-28-73

HEW: Crime and Delinquency Review Committee to be held at Washington, D.C. (closed)... 34351; 12-13-73

JANUARY 19

HEW: Clinical Projects Research Review Committee to be held at Washington, D.C. (closed)... 34352; 12-13-73

HEW: National Advisory Council on Health Manpower Shortage Areas, to be held at Rockville, Maryland (open)... 34753; 12-18-73

AMS—Navel oranges grown in Arizona and designated part of California... 33965; 12-10-73

HEW—New drug products; special packaging... 34329; 12-13-73

EPA—Vermont; Revision of Implementation Plan... 34330; 12-13-73

EPA—Cooling water intake structures; minimizing adverse environmental impact... 34410; 12-13-73

FCC—License applications for certain FM broadcast stations in Missouri; reply comments... 34897; 12-20-73

COAST GUARD—Marine engineering; clarification amendments... 34122; 12-11-74

JANUARY 15

DOT/HMRB—Handling of hazardous materials on motor vehicles... 31017; 11-9-73

DOT—Transportation of hazardous materials; miscellaneous proposals regarding radioactive materials... 29483; 10-25-73

FMC—Additional provisions and reporting requirements applicable to self-policing systems under General Order 7... 33501; 12-5-73

EPA—Nevada; approval and promulgation of Implementation plans... 34330; 12-13-73

SEC—Securities trading; certain prohibitions... 34341; 12-13-73

JANUARY 16

CUSTOMS SERVICE—Permission for scheduled aircraft to make first landing elsewhere than at an international airport... 34668; 12-17-73

FAA—Alteration of Del Rio, Tex. control zone and transition area... 34670; 12-17-73

FAA—Designation of Camp Ripley, Minn. transition area... 34671; 12-17-73

FAA—Alteration of Mineral Wells, Tex. control zone and transition area... 34671; 12-17-73

FAA—Designation of Jacksboro, Tenn. transition area... 34672; 12-17-73

FCC—MTS and WATS telephone services; new or revised classes; reply comments... 34672; 12-17-73

EPA—Effluent limitations guidelines for organic chemicals manufacturing industry point source category... 34706; 12-17-73

JANUARY 17

FAA—Designation of Orr, Minn. transition area... 34643; 12-18-73

EPA—Revisions to air quality implementation plans for Arizona and New Mexico... 34743; 12-18-73

VA—Revisions to fee schedule for copies of papers and records... 34746; 12-18-73

JANUARY 18

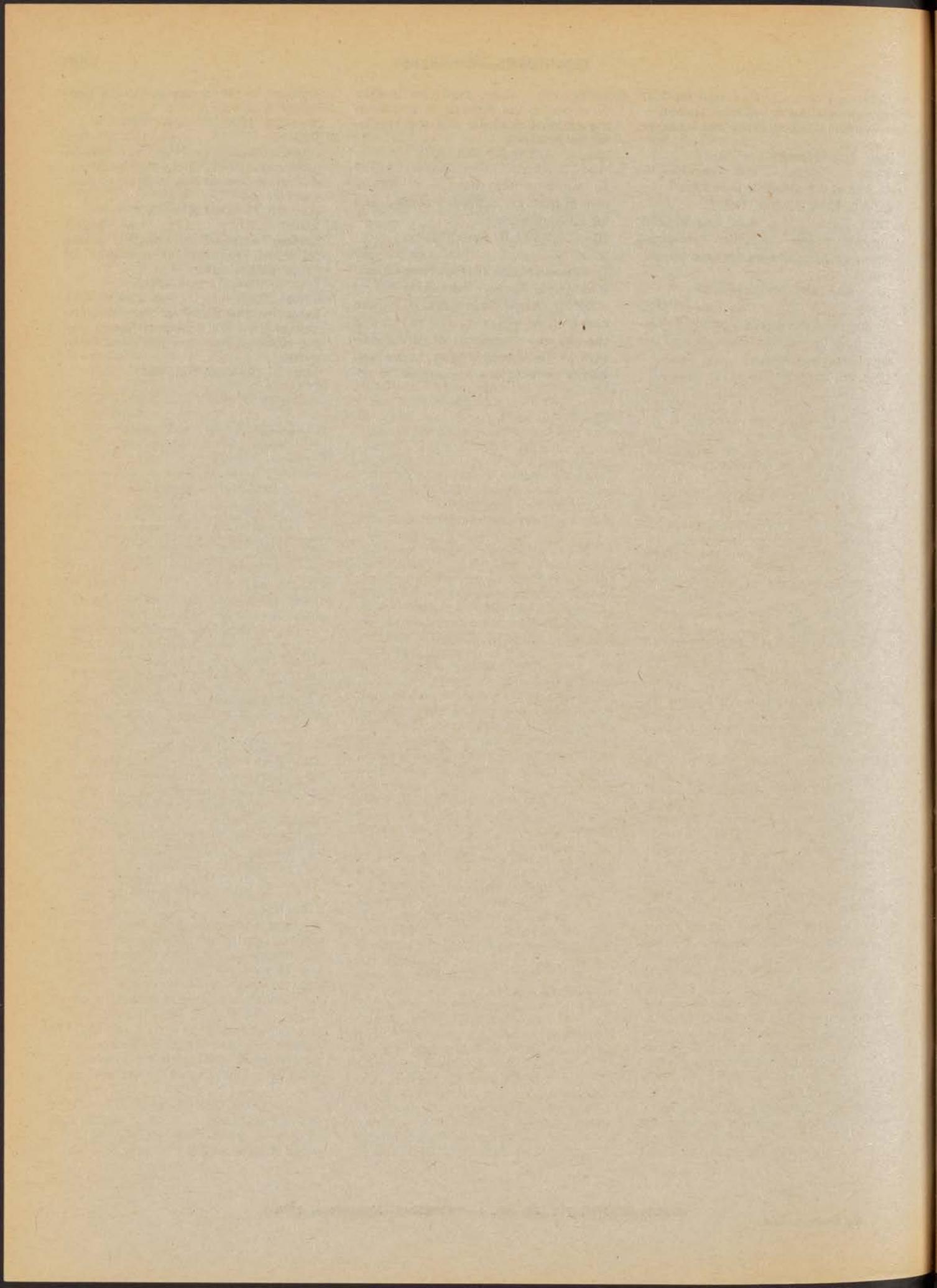
- DOT—new pneumatic tires for passenger cars and uniform tire quality grading. 31841; 11-19-73
- INDIAN AFFAIRS BUREAU—Revision of appeals procedures. 34812; 12-19-73
- INDIAN AFFAIRS BUREAU—Hearings on road projects; starting dates. 34813; 12-19-73
- INTERIOR DEPARTMENT—Revision of appeals procedure from administrative actions concerning the Bureau of Indian Affairs. 34813; 12-19-73
- HEW—Penalties for failure to provide certain child health services. 34821; 12-19-73
- SBA—Definition of small business non-manufacturer for bidding on government procurement. 34822; 12-19-73
- HUD—Federal National Mortgage Association. 34822; 12-19-73
- FRS—Payment of interest on deposits of reserves of member banks. 35236; 12-26-73

Weekly List of Public Laws

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

- H.R. 655..... Pub. Law 93-217
To provide for the naming of the lake to be created by the Buchanan Dam, Chowchilla River, California
(Dec. 28, 1973; 87 Stat. 912)
- H.R. 1920..... Pub. Law 93-231
To designate the portion of the project for flood control protection on Chartiers Creek that is within Allegheny County, Pennsylvania, as the "James G. Fulton Flood Protection Project"
(Dec. 29, 1973; 87 Stat. 946)
- H.R. 2303..... Pub. Law 93-225
To continue mandatory price support for tung nuts only through the 1976 crop
(Dec. 29, 1973; 87 Stat. 942)
- H.R. 3490..... Pub. Law 93-200
To amend section 40b of the Bankruptcy Act (11 U.S.C. 68(b)) to remove the restriction on change of salary of full-time referees
(Dec. 27, 1973; 87 Stat. 838)
- H.R. 3733..... Pub. Law 93-244
To authorize the American Battle Monuments Commission to assume control of overseas war memorials erected by private persons and non-Federal and foreign agencies and to demolish such war memorial in certain instances
(Jan. 2, 1974; 87 Stat. 1070)
- H.R. 4738..... Pub. Law 93-227
To provide for the striking of medals in commemoration of the one hundredth anniversary of the statehood of Colorado
(Dec. 29, 1973; 87 Stat. 944)
- H.R. 5760..... Pub. Law 93-221
To provide for the striking of medals commemorating the International Exposition on Environment at Spokane, Washington, in 1974
(Dec. 29, 1973; 87 Stat. 913)
- H.R. 5874..... Pub. Law 93-224
Federal Financing Bank Act of 1973
(Dec. 29, 1973; 87 Stat. 937)
- H.R. 6758..... Pub. Law 93-229
To amend chapter 33 of title 28 of the District of Columbia Code, relating to usury, and for other purposes
(Dec. 29, 1973; 87 Stat. 945)
- H.R. 7352..... Pub. Law 93-209
To amend section 4082(c) of title 18, United States Code, to extend the limits of confinement of Federal prisoners
(Dec. 28, 1973; 87 Stat. 907)
- H.R. 8449..... Pub. Law 93-234
Flood Disaster Protection Act of 1973
(Dec. 31, 1973; 87 Stat. 975)
- H.R. 8529..... Pub. Law 93-242
Offshore Shrimp Fisheries Act of 1973
(Jan. 2, 1974; 87 Stat. 1061)
- H.R. 9142..... Pub. Law 93-236
Regional Rail Reorganization Act of 1973
(Jan. 2, 1974; 87 Stat. 985)
- H.R. 10806..... Pub. Law 93-223
To amend the District of Columbia Minimum Wage Act so as to enable airline employees to exchange days at regular rates of compensation, and for other purposes
(Dec. 29, 1973; 87 Stat. 936)
- H.R. 11238..... Pub. Law 93-241
To amend the Act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes
(Jan. 2, 1974; 87 Stat. 1057)
- H.R. 11333..... Pub. Law 93-233
To provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes
(Dec. 31, 1973; 87 Stat. 947)
- H.R. 11372..... Pub. Law 93-239
Emergency Highway Energy Conservation Act
(Jan. 2, 1974; 87 Stat. 1046)
- H.R. 11441..... Pub. Law 93-202
To postpone the implementation of the Headstart fee schedule
(Dec. 28, 1973; 87 Stat. 838)
- H.R. 11575..... Pub. Law 93-238
Department of Defense Appropriation Act, 1974
(Jan. 2, 1974; 87 Stat. 1026)
- H.R. 11576..... Pub. Law 93-245
Supplemental Appropriation Act, 1974
(Jan. 3, 1974; 87 Stat. 1071)
- H.R. 11771..... Pub. Law 93-240
Foreign Assistance and Related Programs Appropriation Act, 1974
(Jan. 2, 1974; 87 Stat. 1048)
- H.J. Res. 736..... Pub. Law 93-226
To provide for a feasibility study and to accept a gift from the United States Capitol Historical Society
(Dec. 29, 1973; 87 Stat. 943)
- H.J. Res. 858..... Pub. Law 93-211
To provide for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac
(Dec. 28, 1973; 87 Stat. 909)
- H.J. Res. 865..... Pub. Law 93-232
Authorizing the President to proclaim March 29, 1974, as "Vietnam Veterans Day"
(Dec. 29, 1973; 87 Stat. 946)
- S. 14..... Pub. Law 93-222
Health Maintenance Organization Act of 1973
(Dec. 29, 1973; 87 Stat. 914)
- S. 513..... Pub. Law 93-204
To amend section 232 of the National Housing Act to authorize insured loans to provide fire safety equipment for nursing homes and intermediate care facilities
(Dec. 28, 1973; 87 Stat. 883)
- S. 1038..... Pub. Law 93-213
To amend title 37, United States Code, to authorize travel and transportation allowances to certain members of the uniformed services in connection with leave
(Dec. 28, 1973; 87 Stat. 910)
- S. 1529..... Pub. Law 93-206
To authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Minidoka project, Idaho, and for other purposes
(Dec. 28, 1973; 87 Stat. 904)
- S. 1559..... Pub. Law 93-203
Comprehensive Employment and Training Act of 1973
(Dec. 28, 1973; 87 Stat. 839)
- S. 1776..... Pub. Law 93-207
To amend the Federal Water Pollution Control Act, as amended
(Dec. 28, 1973; 87 Stat. 906)
- S. 1945..... Pub. Law 93-230
Agriculture, certain grapefruit marketing orders, provision
(Dec. 29, 1973; 87 Stat. 945)
- S. 1983..... Pub. Law 93-205
Endangered Species Act of 1973
(Dec. 28, 1973; 87 Stat. 884)
- S. 2166..... Pub. Law 93-218
To authorize the disposal of opium from the national stockpile
(Dec. 28, 1973; 87 Stat. 912)
- S. 2178..... Pub. Law 93-215
Hale Boggs Federal Building, New Orleans, Louisiana, under construction, designation
(Dec. 28, 1973; 87 Stat. 911)
- S. 2267..... Pub. Law 93-201
To amend section 303(b) of the Interstate Commerce Act to remove certain restrictions upon the application and scope of the exemption provided therein, and for other purposes
(Dec. 27, 1973; 87 Stat. 838)
- S. 2316..... Pub. Law 93-214
To authorize the disposal of copper from the national stockpile and the supplemental stockpile
(Dec. 28, 1973; 87 Stat. 910)

- S. 2413..... Pub. Law 93-220
To authorize the disposal of aluminum from the national stockpile and for other purposes
(Dec. 28, 1973; 87 Stat. 913)
- S. 2482..... Pub. Law 93-237
To amend the Small Business Act
(Jan. 2, 1974; 87 Stat. 1023)
- S. 2491..... Pub. Law 93-228
Agriculture and Consumer Protection Act of 1973, payments for crop failure, repeal
(Dec. 29, 1973; 87 Stat. 944)
- S. 2493..... Pub. Law 93-216
To authorize the disposal of silicon carbide from the national stockpile and the supplemental stockpile
(Dec. 28, 1973; 87 Stat. 911)
- S. 2498..... Pub. Law 93-212
To authorize the disposal of zinc from the national stockpile and the supplemental stockpile
(Dec. 28, 1973; 87 Stat. 909)
- S. 2551..... Pub. Law 93-219
To authorize the disposal of molybdenum from the national stockpile, and for other purposes
(Dec. 28, 1973; 87 Stat. 912)
- S. 2714..... Pub. Law 93-210
To amend section 291(b) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, relating to cost-of-living increases, and to increase the pay and allowances of certain officers of the Armed Forces whose pay and allowances are not subject to adjustment to reflect changes in the Consumer Price Index
(Dec. 28, 1973; 87 Stat. 908)
- S. 2794..... Pub. Law 93-208
Veterans, educational and subsistence payments and eligibility at educational institutions closed due to energy crisis, continuation
(Dec. 28, 1973; 87 Stat. 907)
- S. 2812..... Pub. Law 93-243
Sewage treatment construction grants for 1975, formula for allocation of funds, authorization
(Jan. 2, 1974; 87 Stat. 1069)
- S.J. Res. 182..... Pub. Law 93-235
Extending the dates for the transmission of the 1974 Economic Report and the report of the Joint Economic Committee
(Jan. 2, 1974; 87 Stat. 984)



Presidential Documents

Title 3—The President

MEMORANDUM OF NOVEMBER 2, 1973

[Presidential Determination No. 74-7]

Memorandum for the Secretary of State

Presidential Determination— Portugal

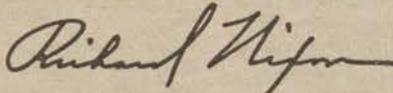
NOVEMBER 2, 1973.

Pursuant to the authority vested in me by Section 614(a) of the Foreign Assistance Act of 1961, as amended, I hereby:

(a) Determine the use of not to exceed \$1,000,000 in FY 1974 for the grant of defense articles, defense services and training to Portugal, without regard to Section 620(m) of the Act, is important to the security of the United States; and

(b) Authorize such use up to \$1,000,000 for the grant of defense articles, defense services and training to Portugal, without regard to the limitations of Section 620(m) of the Act.

This determination shall be published in the FEDERAL REGISTER.



[FR Doc.74-780 Filed 1-7-74;2:55 pm]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE Department of Commerce

Section 213.3314 is amended to show that one position of Private Secretary to the Deputy Under Secretary for Legislative Affairs is excepted under Schedule C.

Effective January 9, 1974, § 213.3314 (a) (10) is added as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.*

(10) One Private Secretary to the Deputy Under Secretary for Legislative Affairs.

(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.74-712 Filed 1-8-74; 8:45 am]

PART 213—EXCEPTED SERVICE Environmental Protection Agency

Section 213.3318 is amended to reflect the following organizational redesignation: from Office of the Assistant Administrator for Categorical Programs to Office of the Assistant Administrator for Hazardous Materials Control.

Effective January 9, 1974, § 213.3318 (i) is amended as set out below.

§ 213.3318 Environmental Protection Agency.

(i) *Office of the Assistant Administrator for Hazardous Materials Control.*

(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.74-709 Filed 1-8-74; 8:45 am]

PART 213—EXCEPTED SERVICE Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Confidential Secretary to the General Counsel is excepted under Schedule C. This section is fur-

ther amended to show that one position of Confidential Secretary to the Assistant Director for Operations is no longer excepted under Schedule C.

Effective January 9, 1974, § 213.3373 (a) (9) is added and § 213.3373 (c) (4) is revoked as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.*

(9) One Confidential Secretary to the General Counsel.

(c) *Office of the Assistant Director for Operations.*

(4) [Revoked]

(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.74-710 Filed 1-8-74; 8:45 am]

PART 213—EXCEPTED SERVICE Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Executive Assistant to the Assistant Secretary for Equal Opportunity is excepted under Schedule C.

Effective January 9, 1974, § 213.3384 (f) (6) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

(f) *Office of the Assistant Secretary for Equal Opportunity.*

(6) One Executive Assistant to the Assistant Secretary.

(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.74-711 Filed 1-8-74; 8:45 am]

PART 213—EXCEPTED SERVICE Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Administrative Aide

to the President/General Manager, Community Development Corporation is excepted under Schedule C.

Effective January 9, 1974, § 213.3384 (j) (1) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

(j) *Community Development Corporation.*

(1) Administrative Aide to the President/General Manager.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant
to the Commissioners.*

[FR Doc.74-713 Filed 1-8-74; 8:45 am]

PART 213—EXCEPTED SERVICE Department of State

Section 213.3304 is amended to show that two additional positions of Private Secretary to the Secretary and one position of Private Secretary to the Executive Assistant to the Secretary are excepted under Schedule C.

Effective January 9, 1974, § 213.3304 (a) (2) is amended and § 213.3304 (a) (15) is added as set out below.

§ 213.3304 Department of State.

(a) *Office of the Secretary.*

(2) Five Private Secretaries to the Secretary.

(15) One Private Secretary to the Executive Assistant to the Secretary.

(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.74-798 Filed 1-8-74; 9:03 am]

Title 6—Economic Stabilization CHAPTER I—COST OF LIVING COUNCIL PART 150—PHASE IV PRICE REGULATIONS Nonferrous Metals

1. Section 150.54(v) is amended to make the exemption of certain nonfer-

rous metals applicable to certain nonferrous alloys. As with other nonferrous metals, the nonferrous alloys exempted by this action are exempt only through the processing stage which results in basic shapes. The exemption does not apply to nonferrous alloys sold in semi-finished or finished form. In addition, it does not apply to nonferrous alloys which have a raw material content by value of 50 percent or greater copper or aluminum.

A further amendment to § 150.54(v) (3) changes the wording to resolve uncertainties which may have arisen regarding the limitation imposed by that paragraph. The new wording provides that the exemption does not apply to any nonferrous metal waste product, by-product, residue or basic shape whose raw material content by value is greater than 50 percent copper or aluminum separately or in combination, whether from primary or secondary materials. This amendment is intended to make clear that for purposes of applying this exclusion from the exemption, the copper or aluminum content includes copper or aluminum derived from secondary (scrap) materials.

2. Section 150.208(a), which sets forth the scope of the base price adjustment permitted for certain aluminum and copper items, is amended to delete the word "directly." As amended, the section permits firms to use its provisions to re-determine base prices for certain basic shapes of aluminum or copper which were previously not included in the section's coverage. Prior to this amendment the section did not apply to basic shapes of aluminum or copper which included alloying material because the basic shape was not derived *directly* from the milling, smelting or refining of the metals. Under the amended provisions of § 150.208(a) a firm may use § 150.208 to set a base price for a basic shape which contains alloying material. Aluminum billet is an example of a basic shape affected by this amendment.

Because § 150.209, which applies to intra-firm transfers of nonferrous metals, and Special Rule No. 3, which applies to pass-through of nonferrous metals cost increases, both make reference to the provisions of §§ 150.208 and 150.54(v), their scope is automatically extended by these amendments.

The Cost of Living Council has determined that the amendments to §§ 150.54(v) and 150.208 are necessary to provide parallel treatment to similar commodities. The Council determined that it was inappropriate to continue to regulate the price of certain nonferrous alloys when their constituent elements are exempt. Similarly, the Council determined that a basic shape of copper or aluminum which contained alloying material was not sufficiently different from an unalloyed basic shape as to justify exclusion from § 150.208.

3. Special Rule No. 3 is amended to delete a requirement that firms incur higher nonferrous metals costs for 30 days before increasing prices pursuant

to the provision of the special rule. A form of the 30 day limit is still in effect since, under the rule as amended, a firm must incur the increased costs and may not increase prices before January 7, 1974. The amendment eliminates a disparity between fabricators which purchased nonferrous metals from firms which raised nonferrous metals prices immediately after announcement of the Council's December 6, 1973 actions and those fabricators which purchased nonferrous metals from firms which, through uncertainty or inadvertence, did not raise nonferrous metals prices immediately in response to the December 6, 1973 action.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these regulations. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508.

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

In consideration of the foregoing, §§ 150.54(v) and 150.208 of Part 150 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective December 6, 1973. Special Rule No. 3 of Subpart J of Part 150 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective January 4, 1974.

Issued in Washington, D.C. on January 4, 1974.

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

1. Section 150.54(v) is amended to read as follows:

§ 150.54 Certain price adjustments.

(v) *Nonferrous metals except aluminum and copper.* Prices charged for the nonferrous metal content of ores, tailings, and secondary (scrap) metals, and for nonferrous metal waste products, byproducts, residues and basic shapes, derived from the milling, smelting and refining of ores and nonferrous metals, except as hereinafter specified in this paragraph, are exempt. This paragraph does not apply to:

(1) gold, silver, copper or aluminum as specified above, except aluminum scrap;

(2) ferroalloys; or

(3) any nonferrous metal waste product, by-product, residue or basic shape whose raw material content by value is greater than 50 percent copper or aluminum, separately or in combination,

whether from primary or secondary materials.

The products exempted are generally those described in Group Nos. 103, 106 and 109 and Industry Nos. 3332, 3333, 3339 and 3341 of the Standard Industrial Classification Manual, 1972 Edition. For purposes of this paragraph, "ferroalloys" means the metals described in Schedule 6, Part 2, Subpart B of the Tariff Schedules of the United States, 19 U.S.C. 1202.

2. Section 150.208(a) is amended to read as follows:

§ 150.208 Aluminum and copper base prices.

(a) *Applicability.* This section applies to that portion of any ore or tilling which is aluminum (bauxite or alumina) or copper. This section applies to any nonferrous metal waste product, by-product, residue or basic shape derived from the milling, smelting and refining of aluminum (bauxite or alumina) or copper. The affected ores, metals and products are generally described in Industry Nos. 1021, 1051, 3331, 3334 and 3341 of the Standard Industrial Classification Manual, 1972 Edition.

3. Special Rule No. 3 of the Appendix to Subpart J is amended in paragraph 2 to read as follows:

Appendix—Special Rule No. 3.

2. *Relief from prenotification.* A firm which incurs increased costs for nonferrous metals as a result of the exemptions of § 150.54(p) or § 150.54(v) or as a result of the base price adjustment permitted by § 150.208 may, after incurring those increased costs, make price adjustments after January 6, 1974, on those items subject to this special rule based on those cost increases in accordance with the rules of Part 150, but without regard to the prenotification provisions of Subpart H.

[FR Doc.74-715 Filed 1-4-74; 4:23 pm]

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1974 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM RESULT

Section 722.564 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 *et seq.*). This section announces the result of the national marketing quota referendum with respect to the 1974 crop of extra long staple cotton held during the period December 3 to 7, 1973, each inclusive.

Since the only purpose of § 722.564 is to announce the referendum result, it is hereby found and determined that

compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.564 shall be effective January 4, 1974.

§ 722.564 Result of the national marketing quota referendum for the 1974 crop of extra long staple cotton.

(a) *Referendum period.* The national marketing quota referendum for the 1974 crop of extra long staple cotton was held by mail ballot during the period December 3 to 7, 1973, each inclusive, in accordance with § 722.561 (38 FR 28945) and Part 717 of this chapter.

(b) *Farmers voting.* A total of 1,596 farmers engaged in the production of the 1973 crop of extra long staple cotton voted in the referendum. Of those voting, 1,402 farmers, or 87.8 percent, favored the 1974 national marketing quota, and 194 farmers, or 12.2 percent, opposed the 1974 national marketing quota.

(c) *1974 national marketing quota continues in effect.* The national marketing quota for the 1974 crop of extra long staple cotton of 108,400 bales proclaimed in § 722.558 (38 FR 28944) shall continue in effect since two-thirds or more of the extra long staple cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended (7 U.S.C. 1343).)

Effective date: January 4, 1974.

Signed at Washington, D.C., on January 4, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-671 Filed 1-4-74; 8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Phenylbutazone

The Commissioner of Food and Drugs has evaluated a new animal drug application (94-170V) filed by Danbury Pharmacal, Inc., 131 West St., Danbury, CT 06810, proposing safe and effective use of phenylbutazone tablets for the treatment of dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in § 135c.57 by adding a new paragraph (j) as follows:

§ 135c.57 Phenylbutazone tablets and boluses.

(j) (1) *Specifications.* The drug is in tablet form with each tablet containing 100 milligrams of phenylbutazone.

(2) *Sponsor.* See code No. 100 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) The drug is indicated for the relief of inflammatory conditions associated with the musculo-skeletal system in dogs.

(ii) It is administered orally to dogs at a dosage level of 20 milligrams per lb. of body weight in 3 divided doses daily. The total daily dose should not exceed 800 milligrams per animal. The drug is used at a relatively high dosage level for the first 48 hours and then gradually reduced to a maintenance dosage level capable of producing the desired clinical response.

(iii) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective January 9, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: January 2, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-658 Filed 1-8-74; 8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Chloramphenicol Capsules, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (65-273V) filed by Zenith Laboratories, Inc., 140 Le Grand Ave., Northvale, NJ 07647, proposing safe and effective use of chloramphenicol capsules containing 500 milligrams of chloramphenicol for treatment of dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by revising § 135c.63(b) to read as follows:

§ 135c.63 Chloramphenicol capsules, veterinary.

(b) *Sponsor.* (1) For chloramphenicol capsules containing 50, 100, 250, and 500 milligrams of chloramphenicol see code Nos. 049, 071, and 077 in § 135.501(c) of this chapter.

(2) For chloramphenicol capsules containing 100 and 250 milligrams of chloramphenicol see code No. 091 in § 135.501(c) of this chapter.

(3) For chloramphenicol capsules containing 250 milligrams of chloramphenicol see code No. 096 in § 135.501(c) of this chapter.

Effective date. This order shall become effective January 9, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: January 2, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-657 Filed 1-8-74; 8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Lincomycin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34-085V) filed by The Upjohn Co., Kalamazoo, MI 49001, proposing revised assay limits for animal feed premixes containing lincomycin. The supplemental application is approved.

Lincomycin in animal feed is covered by § 135e.49 of the regulations. Paragraph (a) of that section lists the specifications for lincomycin by reference to § 148x.1. The requirements for certification of lincomycin given in § 148x.1 were revised without the reference in § 135e.49 being updated. This order therefore provides for updating § 135e.49, paragraph (a).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.49 is amended by revising paragraphs (a) and (c) to read as follows: § 135e.49 Lincomycin.

(a) *Specifications.* Meets the specifications prescribed by § 148x.1(a) (1) of this chapter.

(c) *Assay limits.* Finished feed not less than 80 percent nor more than 130 percent of labeled amount. Premix not less than 90 percent nor more than 115 percent of labeled amount.

Effective date. This order shall be effective January 9, 1974.

(sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: January 2, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-656 Filed 1-8-74; 8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER J—RIGHT-OF-WAY AND ENVIRONMENT

PART 740—RELOCATION ASSISTANCE

Moving Expenses

The Federal Highway Administration hereby amends Part 740 to make several changes to rules governing the payment of moving expenses to persons displaced by Federal or federally assisted projects. These changes are intended to incorporate provisions of Office of Management and Budget Circular A-103 and to increase the effectiveness of the relocation program.

These changes become effective not later than December 17, 1973. A State may adopt them earlier if it so desires. In consideration of the foregoing Part 740 of Title 23 of the Code of Federal Regulations is amended as follows:

1. Paragraph (q) of § 740.3 is deleted as follows:

§ 740.3 Definitions.

(q) [Deleted].

2. Paragraph (b) of § 740.52 is amended to read as follows:

§ 740.52 Moving and related expenses payments—general provisions for all relocated individuals, families, businesses, and farms.

(b) *Distance of move.* There is no limitation on the distance a relocatee moves either interstate or intrastate. Federal participation is limited to moving expenses not to exceed a 50-mile move either interstate or intrastate except when the State determines that relocation cannot be accomplished within the 50-mile area. Such exceptions may only be allowed to the nearest adequate and available site.

3. Paragraph (i) of § 740.52 is amended to read as follows:

§ 740.52 Moving and related expense payments—general provisions for all relocated individuals, families, businesses, and farms.

(i) *Storage.* When an actual expense basis is used and the State determines that it is necessary for a relocated person to store his personal property for a reasonable time, not to exceed 12 months, the cost of such storage shall be eligible for Federal participation as a part of the moving expenses. Storage of personal property on the property being acquired or on other property owned by the relocatee is not eligible for Federal participation.

4. Paragraph (p) of § 740.52 is amended by adding at the end thereof a new subparagraph (11) to read as follows:

§ 740.52 Moving and related expense payments—general provisions for all relocated individuals, families, businesses, and farms.

(p) * * *

(11) Payment for search cost in connection with locating a replacement dwelling.

5. Paragraph (b) (2) of § 740.54 is amended to read as follows:

§ 740.54 Moving payments to businesses.

(b) * * *

(2) *Self-Moves.* (i) The owner of a relocated business shall prepare a certified inventory of the items to be actually moved. When the State can obtain two acceptable bids or estimates from qualified moving firms based on the certified inventory list, the owner of a relocated business may be paid an amount equal to the low bid or estimate without negotiation. When circumstances warrant the State may negotiate a lower amount not to exceed the lower of two acceptable bids or estimates. The business may still

claim removal and reinstallation expenses as shown under § 740.52(1).

(ii) If such bids or estimates cannot be obtained or if circumstances (such as large fluctuations in inventory) prevent reasonable bidding in the opinion of the State, the displaced owner may be paid his actual reasonable moving costs supported by receipted bills or other evidence of expenses incurred. The allowable expenses of a self-move under this provision may include:

(a) Amounts paid for truck and/or equipment hired.

(b) If vehicles or equipment owned by a business being moved are used, a reasonable amount to cover gas and oil, and the cost of insurance and depreciation directly allocable to hours and/or days the equipment is used for the move.

(c) Wages paid for the labor of persons who physically participate in the move. Labor costs are to be computed on the basis of actual hours worked at the hourly rate paid, but the hourly rate may not exceed that paid by commercial movers or contractors in the locality for each profession or craft involved.

(d) If a business proposes to use working foremen or group leaders regularly employed by the business to provide supervisory services in connection with the move, the amount of their wages covering time spent in actual supervision of the move may be included as a moving expense.

(iii) A State may adopt a procedure by which a qualified State employee, other than the employee handling the claim, makes a moving expense finding not to exceed \$1,000. The amount of such moving expense finding may be paid the owner of the business upon completion of the move without supporting evidence of actual expenses incurred. The employee making the finding may not be involved in the delivery of the payment.

(iv) Upon completion of a self-move, the owner of the relocated business shall certify in his claim for payment that the items listed were actually relocated. Those items that the owner elects not to relocate may be claimed under actual direct losses as prescribed in § 740.54(c). If the items listed on the owner's certified inventory deviate to any significant extent from the list of items actually relocated, the amount previously agreed to will be revised accordingly.

6. Paragraph (b) of § 740.54 is amended by adding at the end thereof a new paragraph (b) (4) to read as follows:

§ 740.54 Moving payments to businesses.

(b) * * *

(4) *Surveillance.* It is required by law that all moving expenses be actual and reasonable. To assure this, the State will be expected to provide surveillance commensurate with the expected expenditures involved. Emphasis will be directed toward those moves that are of a complicated nature and/or a substantial expenditure.

7. Paragraph (e) (1) of § 740.54 is amended to read as follows:

§ 740.54 Moving payments to businesses.

(e) * * *

(1) *State must determine.* For the owner of a business to be entitled to this payment, the State must determine that:

(i) The business cannot be relocated without substantial loss of its existing patronage. Such determination shall be made by the State only after consideration of all pertinent circumstances, including but not limited to the following factors:

(a) The term "loss of existing patronage" is the net annual average dollar volume of business during the 2 taxable years immediately preceding the taxable year in which the business is displaced. Net loss would be determined by comparing this amount to the estimated net income of the business for the 12 month period after relocation. Some of the situations which may create a substantial loss of existing patronage under this criteria are:

(1) The displaced business occupied rented quarters and the only replacement sites are for sale but not within the financial capabilities of the displaced business. The same situation could occur even though the original business quarters were owned.

(2) Substantial additional expense for the move which may not be compensable such as downtime during the move, the need to borrow additional capital, the inability of the business owner to secure additional financing, the need to use other business resources for a new plant, and any other related costs of this nature.

(3) The business may be located in an area of low rentals which permits the owner of a small low-volume business to be competitive with his larger competitors. If the business is required to relocate into a higher rental area, it could incur a substantial loss of customers due to a necessary increase in prices to meet his increased operating costs.

(b) The type of business conducted by the displaced person.

(c) The nature of the clientele of the displaced person.

(d) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person. This is most evident in those instances where the displaced owner is either elderly, ill or handicapped. There are many situations, particularly in older neighborhoods, where the owner lives next door or within the same building as his business. A replacement location may not be suitable for these particular owners if they were required to travel any distance to work.

(ii) The business is not part of a commercial enterprise having at least one other establishment not being acquired by the State or the United States which is engaged in the same or similar business.

(iii) A part-time individual or family occupation in the home which does not contribute materially to the income of

the displaced owner is not eligible for this payment.

8. Paragraph (e)(2) of § 740.54 is amended to read as follows:

§ 740.54 Moving payments to businesses.

(e) * * *

(2) *Payment determination.* The term "average annual net earnings" means one-half of any net earnings of the business before Federal, State and local income taxes, during the 2 taxable years immediately preceding the taxable year in which the business is relocated. If the 2 taxable years immediately preceding displacement are not representative, the State with prior approval from the division engineer may use a 2-year period beginning with 2 years prior to negotiations for the project that would be more representative. It must be determined that the proposed construction has been the cause of the outflow of residents thereby resulting in a decline in net income for the business prior to utilizing this alternate procedure. "Average annual net earnings" include any compensation paid by the business to the owner, his spouse, or his dependent during the 2-year period. In the case of a corporate owner of a business, earnings shall include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. For the purpose of determining majority ownership, stock held by a husband, his wife and their dependent children shall be treated as one unit.

9. (e)(4) of § 740.54 is amended to read as follows:

§ 740.54 Moving payments to businesses.

(e) * * *

(4) *Owner must provide information.* For the owner of a business to be entitled to his payment, the business must provide information to support its net earnings. City, county, State, or Federal tax returns for the tax years in question are the best sources of this information and would be accepted as evidence of earnings. Any commonly acceptable method could be accepted such as certified financial statements or an affidavit from the owner stating his net earning providing it grants the State the right to review the records and accounts of the business. The owner's statement alone would not be sufficient if the amount claimed exceeded the minimum payment of \$2500.

(10) Paragraph (e) of § 740.54 is amended by adding a new paragraph (e)(5) at the end thereof to read as follows:

§ 740.54 Moving payments to businesses.

(e) * * *

(5) *Multi-family structures.* Where multi-family structures reasonably comparable to the structure being acquired are not available, the owner may be entitled to an in lieu of moving payment. If a multi-family structure is available that has lesser units than the subject, the "substantial loss of existing patronage" determination is based not on the loss of

living units but upon the estimated net annual average dollar volume difference in the two structures. If the income is not expected to decrease from that derived on the subject property, an in lieu of moving payment may not be made even though there may be a loss in the number of living units. If the only comparables available are single family dwellings, the owner would be eligible for and in lieu of moving payment.

11. Subparagraph (a)(2) of § 740.56 is amended to read as follows:

§ 740.56 Moving payments—nonprofit organizations.

(a) * * *

(2) In lieu of the payments described in (1) above, the nonprofit organization may be paid \$2500 if:

(a) The nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with nonprofit organizations includes the persons, community or clientele serviced or affected by the activities of the nonprofit organization.

(b) The nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

Issued December 19, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-680 Filed 1-8-74;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-275]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Michigan	Allegan	Saugatuck, Township of.				Dec. 28, 1973. Emergency.
North Carolina	Wilkes	North Wilkesboro, City of.				Do.
Tennessee	Shelby	Bartlett, City of.				Do.
Vermont	Franklin	St. Albans, City of.				Do.

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

Issued: December 27, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-582 Filed 1-8-74;8:45 am]

RULES AND REGULATIONS

[Docket No. FI-276]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
California	Stanislaus	Unincorporated Areas				Dec. 27, 1973
Georgia	Tift	Tifton, City of				Emergency
Illinois	Randolph	Kaskasia, Village of				Do.
Michigan	Charlevoix	Boyne, City of				Do.
Mississippi	Madison	Ridgeland, City of				Do.
Pennsylvania	Montgomery	Upper Gwynedd, Township of				Do.
South Carolina	York	Rock Hill, City of				Do.
Virginia	Campbell	Unincorporated Areas				Do.

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

Issued: December 21, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc. 74-583 Filed 1-8-74; 8:45 am]

[Docket No. FI-277]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective January 9, 1974.

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	Tuscaloosa	Northport, City of.	H 01 125 2260 01 through H 01 125 2260 10	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.	City Clerk's Office, City Hall, 1910 Bridge Ave., Northport, Ala. 35476.	Dec. 28, 1973.
California	Yolo	Winters, City of.	H 06 113 4240 01 through H 06 113 4240	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 S. Broadway, Los Angeles, Calif. 90012.	Mayor, City Hall, 318 First St., Winters, Calif. 95694.	Do.
Colorado	Bent	Las Animas, City of.	H 08 011 1470 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, Las Animas, Colo. 81054.	Do.
Connecticut	Tolland	Mansfield, Town of.	H 09 013 0367 01	Department of Environmental Protection, Division of Water and Related Resources, Room 207 State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Planning and Zoning Office, Office Annex, Mansfield Center, Conn. 06250.	Do.
Florida	Alachua	Waldo, City of.	H 12 001 309 01	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	President of City Council, City Hall, Waldo, Fla. 32094.	Do.
Do.	Broward	Cooper City, City of.	H 12 011 0663 01	do	City Hall, City of Cooper City, 5109 Southwest 90th Ave., Cooper City, Fla. 33314.	Do.
Do.	do	Hillsboro, Town of.	H 12 011 1400 01 through H 12 011 1400 02	do	Mayor, Town Hall, 1210 Hillsboro Beach Blvd., Hillsboro Beach, Fla. 33062.	Do.
Do.	Hardee	Bowling Green, City of.	H 12 049 0320 01	do	Mayor, City Hall, Bowling Green, Fla. 33334.	Do.
Do.	Palm Beach	Green Acres, Town of.	H 12 099 1190 01	do	Mayor, 500 Perry Ave., Green Acres, Fla. 33409.	Do.
Do.	do	Lake Clarke Shores, Town of.	H 12 099 1662 01	do	Mayor, 6800 Pinetree Lane, West Palm Beach, Fla. 33406.	Do.
Do.	Polk	Mulberry, City of.	H 12 105 2140 01	do	City Manager, City Hall, Mulberry, Fla. 33860.	Do.
Do.	Suwannee	Branford, Town of.	H 12 121 0360 01	do	Mayor, City Bldg., Branford, Fla. 32008.	Do.
Idaho	Kootenai	Post Falls, City of.	H 16 055 1460 01 through H 16 055 1460 03	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor of Post Falls, Post Falls, Idaho 83854.	Do.
Do.	Shoshone	Kellogg, City of.	H 16 079 0860 01	do	Shoshone County Commissioners, City of Kellogg, Wallace, Idaho 83873.	Do.
Illinois	Bureau	Walnut, Village of.	H 17 011 8940 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 W. Jefferson St., Springfield, Ill. 62702.	Mayor, City Hall, Walnut, Ill. 61376	Do.
Do.	Calhoun	Kampsville, Village of.	H 17 013 4360 01	do	Chairman, Calhoun County Commissioners, County Clerks Office, Village of Kampsville, Hardin, Ill. 62947.	Do.
Do.	Scott	Naples, Town of.	H 17 171 5985 01	do	Mayor, Naples, Ill. 62669	Do.
Do.	Jackson	Grand Tower, City of.	H 17 077 3530 01	do	Mayor, Grand Tower, Ill. 62942	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Kankakee	Momence, City of	H 17 001 5680 01 through H 17 001 5680 02	do.	Chairman, City Council, City of Momence, Momence, Ill. 60054.	Do.
Do.	Morgan	Meredosia	H 17 137 5490 01	do.	President, Village Board, Village of Meredosia, Meredosia, Ill. 62865.	Do.
Do.	White	Maunie, Village of	H 17 193 5400 01	do.	Mayor, Village of Maunie, Maunie, Ill. 62861.	Do.
Indiana	Fountain	Covington, City of	H 18 045 1040 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, 701 Second St., City of Covington, Covington, Ind. 47932.	Do.
Do.	Grant	Marion, Town of	H 18 053 2850 01	do.	Mayor, City Hall, Town of Marion, Marion, Ind. 46952.	Do.
Do.	Johnson	Greenwood, City of	H 18 081 1950 01 through H 18 081 1950 03	do.	Mayor, City Bldg., 335 S. Madison Ave., Greenwood, Ind. 46142.	Do.
Do.	Martin	Shoals, Town of	H 18 101 4520 01	do.	Town Board, Town Hall, Shoals, Ind. 47581.	Do.
Do.	Porter	Dune Acres, Town of	H 18 127 1250 01	do.	Town Board, Dune Acres, Ind.	Do.
Do.	Warrick	Chandler, Town of	H 18 173 0795 01	do.	Town Board, Chandler, Ind. 47610.	Do.
Do.	Jennings	Vernon, Town of	H 18 079 5000 01	do.	Mayor, Town of Vernon, Vernon, Ind. 47282.	Do.
Do.	Porter	Valparaiso, City of	H 18 127 4960 01 through H 18 127 4960 04	do.	Mayor, City Hall, City of Valparaiso, Valparaiso, Ind. 46383.	Do.
Do.	Vigo	Terre Haute, City of	H 18 167 4840 01 through H 18 167 4840 09	do.	Mayor, City Hall, City of Terre Haute, Terre Haute, Ind. 47807.	Do.
Iowa	Jackson	Sabula, Town of	H 19 097 7480 01 through H 19 097 7480 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, Town Hall, Town of Sabula, Sabula, Iowa.	Do.
Do.	Keokuk	What Cheer, City of	H 19 107 9080 01 through H 19 107 9080 02	do.	Mayor, City Hall, What Cheer, Iowa 50288.	Do.
Do.	Louisa	Columbus Junction, City of	H 19 115 1760 01 through H 19 115 1760 02	do.	County Board of Supervisors, Columbus Junction Courthouse, Wapello, Iowa 52653.	Do.
Do.	Pottawattamie	Oakland, City of	H 19 155 6240 01	do.	Mayor, City Hall, City of Oakland, Oakland, Iowa 51560.	Do.
Do.	Van Buren	Bonaparte, City of	H 19 177 0910 01	do.	Mayor, City Hall, Bonaparte, Iowa 52620.	Do.
Do.	do	Farmington, City of	H 19 177 2890 01	do.	Mayor, City Hall, Farmington, Iowa 52326.	Do.
Do.	Woodbury	Danbury, City of	H 19 193 2030 01	do.	Mayor, City Hall, City of Danbury, Danbury, Iowa 51019.	Do.
Kansas	Bourbon	Fort Scott, City of	H 20 011 1830 01 through H 20 011 1830 02	Division of Water Resources, State Board of Agriculture, Topeka, Kansas 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kansas 66612.	Mayor, 223 S. National Ave., Fort Scott, Kans. 66701.	Do.
Do.	Decatur	Oberlin, City of	H 20 039 4100 01	do.	Mayor, City Office, Oberlin, Kans. 67749.	Do.
Do.	Dickinson	Abilene, City of	H 20 041 0020 01	do.	City Manager, City Hall, Abilene, Kans. 67410.	Do.
Do.	do	Chapman, City of	H 20 041 0880 01	do.	Mayor, City Hall, Chapman, Kans.	Do.
Do.	do	Solomon, City of	H 20 041 5140 01	do.	Mayor, City Hall, Solomon, Kans. 67480.	Do.
Do.	Douglas	Eudora, City of	H 20 045 1730 01	do.	Mayor, Eudora, Kans. 66025.	Do.
Do.	Ellis	Ellis, City of	H 20 051 1600 01	do.	Mayor, Box 27, Ellis, Kans. 67637.	Do.
Do.	Franklin	Ottawa, City of	H 20 059 4270 01 through H 20 059 4270 02	do.	City Manager, 4th and Walnut St., Ottawa, Kans. 66067.	Do.
Do.	Kearny	Lakin, City of	H 20 093 2940 01 through H 20 093 2940 04	do.	Mayor, City Hall, Lakin, Kans. 67800.	Do.
Do.	Hamilton	Syracuse, City of	H 20 075 5330 01 through H 20 075 5330 02	do.	Mayor, City Hall, Syracuse, Kans. 67878.	Do.
Do.	Shawnee	Rossville, City of	H 20 177 4800 01	do.	Mayor, City Hall, Rossville, Kans. 66533.	Do.
Do.	Wilson	Fredonia, City of	H 20 205 1870 01	do.	Mayor, City Hall, Fredonia, Kans. 66736.	Do.
Do.	do	Neodesha, City of	H 20 205 3930 01	do.	Mayor, City Hall, Neodesha, Kans. 66757.	Do.
Louisiana	Concordia Parish	Ferriday, Town of	H 22 029 0750 01 through H 22 029 0750 02	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.	City Hall, Texas at 2d St., Ferriday, La. 71334.	Do.
Do.	Jefferson Davis Parish	Lake Arthur, Town of	H 22 053 1240 01	do.	Mayor, Town Hall, Lake Arthur, La. 70549.	Do.
Minnesota	Aitkin	Aitkin, Village of	H 27 001 0050 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, Village Hall, Aitkin, Minn. 56431.	Do.
Do.	Faribault	Blue Earth, City of	H 27 043 0690 01 through H 27 043 0690 04	do.	Mayor, City Hall, Blue Earth, Minn. 56013.	Do.
Do.	Isanti	Isanti, Village of	H 27 059 3530 01	do.	Mayor, Isanti, Minn. 55040.	Do.
Do.	Pine	Pine City, Village of	H 27 115 5860 01 through H 27 115 5860 02	do.	Mayor, Pine City, Minn. 55063.	Do.
Do.	Renville	Morton, Village of	H 27 129 4950 01	do.	Mayor, Morton, Minn. 56270.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Missouri	Carroll	Carrollton, City of.	H 29 033 1420 01	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, Carrollton, Mo. 64633.	Do.
Do.	Clay	Avondale, City of.	H 29 047 0460 01	do.	City Hall, City of Avondale, 3007 Highway 10, Avondale, Mo.	Do.
Do.	Franklin	Washington, City of.	H 29 071 8150 01 H 29 071 8150 02 H 29 117 1590 01	do.	City Council, P.O. Box 61, Washington, Mo. 63090.	Do.
Do.	Livingston	Chillicothe, City of.	H 29 117 1590 02 H 29 143 6430 01	do.	Mayor, 715 Washington, Chillicothe, Mo. 64601.	Do.
Do.	New Madrid	Portageville, City of.	H 29 143 6430 02 H 29 189 0650 01	do.	Mayor, City Hall, Portageville, Mo. 63773.	Do.
Do.	St. Louis	Berkeley, City of.	H 29 189 0650 02 H 29 189 0650 02	do.	City Hall, City of Berkeley, 6140 Middleway Blvd., Berkeley, Mo. 63134.	Do.
Do.	do.	Eureka, Town of.	H 29 189 2575 01	do.	Mayor, City Hall, 106 S. Central Ave., Eureka, Mo. 63025.	Do.
Do.	do.	Hazelwood, City of.	H 29 189 2575 06 H 29 189 3580 01	do.	Mayor, City Hall, P.O. Box 66, Hazelwood, Mo. 63042.	Do.
Do.	do.	Kinloch, City of.	H 29 189 3580 06 H 29 189 4220 01	do.	Mayor, City Hall, Kinloch, Mo. 63140.	Do.
Do.	Washington	Potosi, City of.	H 29 189 4220 02 H 29 221 6440 01	do.	Mayor, City Hall, Potosi, Mo. 63664.	Do.
Do.	St. Louis	Times Beach, City of.	H 29 189 7728 01	do.	Mayor, City of Times Beach, Times Beach, Mo.	Do.
Do.	do.	Warson Woods, Town of.	H 29 189 7728 02 H 29 189 8140 01	do.	Mayor, City Hall, Warson Woods, Mo. 63122.	Do.
Montana	Blaine	Chinook, City of.	H 30 005 0220 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, Chinook, Mont. 59523.	Do.
Do.	Powell	Deer Lodge, City of.	H 30 077 0320 01	do.	Mayor, City Hall, Deer Lodge, Mont. 59722.	Do.
Do.	Ravalli	Darby, Town of.	H 30 081 0310 01	do.	County Planning Board, Town of Darby, Darby, Mont. 59840.	Do.
Do.	Valley	Glasgow, City of.	H 30 105 0490 01	do.	Mayor, Civic Center, Glasgow, Mont. 59230.	Do.
Nebraska	Burt	Lyons, City of.	H 31 021 2060 01	Nebraska Natural Resources Commission, P.O. Box 04725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68508.	Mayor, City Hall, Lyons, Nebr. 68033.	Dec. 28, 1973.
Do.	do.	Oakland, City of.	H 31 021 3550 01	do.	Mayor, City Hall, Oakland, Nebr. 68045.	Do.
Do.	Cass	Weeping Water, City of.	H 31 025 5160 01 H 31 025 5160 02	do.	Mayor, Weeping Water, Nebr. 68463.	Do.
Do.	Cuming	West Point, City of.	H 31 039 5210 01 H 31 039 5210 02	do.	Mayor, West Point, Nebr. 68788.	Do.
Do.	Gage	Blue Springs, City of.	H 31 067 0620 01	do.	Mayor, City Hall, Blue Springs, Nebr. 68318.	Do.
Do.	Morrill	Bridgeport, City of.	H 31 123 0680 01	do.	Mayor and City Council, City Hall, Bridgeport, Nebr. 69336.	Do.
Nevada	Lyon	Yerington, City of.	H 32 019 0240 01	Division of Water Resources, Department of Conservation and Natural Resources, Nye Bldg., Carson City, Nev. 89701. Nevada Insurance Division, Department of Commerce, Nye Bldg., Carson City, Nev. 89701.	City Council, Yerington, Nev. 89447.	Do.
New Jersey	Atlantic	Somers Point, City of.	H 34 001 3090 01 H 34 001 3090 04	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.	Somers Point City Hall, Shore Road and New Jersey Ave., Somers Point, N.J. 08211.	Do.
Do.	Bergen	Bergenfield, Borough of.	H 34 003 0270 01 H 34 033 0270 06	do.	Municipal Bldg., 193 North Washington Ave., Bergenfield, N.J. 07621.	Do.
Do.	do.	Ramsey, Borough of.	H 34 033 2740 01	do.	Mayor, 33 N. Central Ave., Ramsey, N.J. 07446.	Do.
Do.	do.	Saddle River, Borough of.	H 34 003 2740 04 H 34 003 2950 01 H 34 003 2950 02	do.	Borough Engineer's Office, Municipal Bldg., Saddle River, N.J. 07453.	Do.
Do.	do.	Waldwick, Borough of.	H 34 003 3470 01 H 34 003 3470 02	do.	Borough of Waldwick, Municipal Bldg., 15 E. Prospect St., Waldwick, N.J. 07463.	Do.
Do.	Burlington	Mount Laurel, Township of.	H 34 005 2034 01 H 34 005 2034 02	do.	Mount Laurel Municipal Center, 100 N. Mount Laurel Rd., Moorestown, N.J. 08057.	Do.
Do.	do.	Southampton, Township of.	H 34 005 3186 01 H 34 005 3186 04	do.	Office of the Township Clerk, Municipal Bldg., Township of Southampton, Vincetown, N.J. 08033.	Do.
Do.	Essex	Belleville, Town of.	H 34 013 0230 01 H 34 013 0230 04	do.	Engineering Department, Municipal Bldg., Town of Belleville, Belleville, N.J. 07109.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Mercer	Hightstown, Borough of.	H 34 021 1400 01	do.	Borough of Hightstown, Municipal Bldg., Hightstown, N.J. 08530.	Do.
Do.	Middlesex	Carteret, Borough of.	H 34 021 1400 02 H 34 023 0570 01	do.	Building Inspector's Office, Borough of Carteret, Municipal Bldg., Carteret, N.J. 07008.	Do.
Do.	do.	Edison, Township of.	H 34 023 0570 05 H 34 023 0844 01	do.	Business Administrator's Office, Municipal Bldg., Woodbridge and Plainfield Ave., Edison, N.J. 08817.	Do.
Do.	Monmouth	Hazlet, Township of.	H 34 023 0844 11 H 34 025 1352 01	do.	Mayor, 319 Middle Rd., Hazlet, N.J. 07730.	Do.
Do.	Morris	Washington, Township of.	H 34 025 1352 03 H 34 027 3512 01	do.	Township Clerk's Office, Township of Washington, Washington, N.J.	Do.
Do.	Somerset	Bernards, Township of.	H 34 027 3512 06 H 34 035 0284 01	do.	Municipal Bldg., Township of Bernards, Bernards, N.J.	Do.
Do.	Union	Hillside, Township of.	H 34 035 0284 04 H 34 039 1413 01	do.	Building Inspector, Municipal Bldg., John F. Kennedy Plaza, Hillside, N.J.	Do.
Do.	do.	Scotch Plains, Township of.	H 34 039 2976 01 H 34 039 2976 04	do.	Building Inspector, Municipal Bldg., Annex, Scotch Plains Township, 1831 E. 2d St., Scotch Plains, N.J. 07076.	Do.
New York	Allegany	Almond, Village of.	H 36 003 0120 01 H 36 003 0120 02	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and 324 State St., Albany, N.Y. 12210.	Chairman, Town Planning Board, Town Bldg., Almond, N.Y. 14804.	Do.
Do.	Cayuga	Cayuga, Village of.	H 36 011 0990 01	do.	Village Clerk's Office, Cayuga, N.Y. 13034.	Do.
Do.	Steuben	Addison, Village of.	H 36 101 0020 01 H 36 101 0020 03	do.	Village Hall, Village of Addison, Addison, N.Y. 14801.	Do.
Do.	Suffolk	Quogue, Village of.	H 36 103 5070 01 H 36 133 5070 02	do.	Village Hall, Quogue, N.Y. 11959.	Do.
Do.	Westchester	Yonkers, City of.	H 36 119 6820 01 H 36 119 6820 06	do.	Engineering Department, City Hall Bldg., Yonkers, N.Y. 10701.	Do.
North Carolina	Cleveland	Shelby, City of.	H 37 045 4180 01 H 37 045 4180 06	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, City Hall, Shelby, N.C. 28150.	Do.
Do.	Edgecombe	Conetoe, Town of.	H 37 065 1050 01	do.	Mayor, Conetoe, N.C. 27819.	Do.
Do.	do.	Macesfield, Town of.	H 37 065 2810 01	do.	Mayor, Macesfield, N.C. 27852.	Do.
Do.	do.	Pinetops, Town of.	H 37 065 3620 01	do.	Mayor, Pinetops, N.C. 27801.	Do.
Do.	do.	Speed, Town of.	H 37 065 4330 01	do.	Mayor, Speed, N.C. 27881.	Do.
Do.	Gaston	Mount Holly, City of.	H 37 071 3190 01	do.	Mayor, Mount Holly, N.C. 28120.	Do.
Do.	Rowan	China Grove, Town of.	H 37 159 0900 01	do.	Mayor, Town Hall, China Grove, N.C. 28033.	Do.
Do.	Scotland	Laurinburg, City of.	H 37 165 2500 01 H 37 165 2500 02	do.	Mayor, Laurinburg, N.C. 28352.	Do.
North Dakota	Hettinger	Mott, City of.	H 38 041 2230 01	State Water Commission, State Office Bldg., 900 E. Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	City Hall, City of Mott, Mott, N. Dak. 58646.	Do.
Do.	Traill	Mayville, City of.	H 38 097 2080 01	do.	Chairman, Board of City Commissioners, Mayville, N. Dak. 58257.	Do.
Ohio	Geauga	Chardon, Village of.	H 39 055 1490 01 H 39 055 1490 03	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 E. Rich St., Columbus, Ohio 43215.	Mayor, City Hall, S. Hamden St., Chardon, Ohio 44024.	Do.
Do.	Hardin	Kenton, City of.	H 39 065 3890 01 H 39 065 3890 02	do.	Mayor, City Bldg., Kenton, Ohio 43326.	Do.
Do.	Jefferson	Brilliant, Village of.	H 39 081 1010 01	do.	Mayor's Office, 409 Prospect, Brilliant, Ohio 43013.	Do.
Do.	Lorain	Oberlin, City of.	H 39 093 6140 01 H 39 093 6140 02	do.	City Manager, City Hall, Oberlin, Ohio 44074.	Do.
Do.	do.	Wellington, Village of.	H 39 093 8660 01	do.	Mayor, Town Hall, Wellington, Ohio 44090.	Do.
Do.	Stark	Canal Fulton, Village of.	H 39 151 1290 01	do.	Mayor, Village Hall, Canal Fulton, Ohio 44614.	Do.
Do.	do.	Massillon, City of.	H 39 151 4820 01 H 39 151 4820 04	do.	Mayor, City Hall, Massillon, Ohio 44646.	Do.
Do.	Wyandot	Upper Sandusky, City of.	H 39 175 8290 01 H 39 175 8290 03	do.	Mayor, City Hall, Upper Sandusky, Ohio 43351.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Oklahoma	Kiowa	Snyder, City of	H 40 075 4360 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112.	Mayor, City Hall, Snyder, Okla. 73566.	Do.
Do.	Pushmataha	Antlers, Town of	H 40 127 0170 01	do.	Mayor, City Hall, Antlers, Okla. 74523.	Do.
Do.	Tulsa	Jenks, Town of	H 40 143 2440 01	do.	Chairman, Planning Board, 824 N. Birch, Jenks, Okla. 74037.	Do.
Oregon	Jackson	Gold Hill, City of	H 41 029 0840 01	Executive Department, State of Oregon, Salem, Ore. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. N.E., Salem, Ore. 97310.	Mayor, City Hall, Gold Hill, Ore. 97525.	Do.
Do.	Wallowa	Wallowa, City of	H 41 063 2170 01	do.	Mayor, Wallowa, Ore. 97835.	Do.
Pennsylvania	Allegheny	Elizabeth, Borough of	H 42 003 2520 01	Department of Community Affairs, Commonwealth of Pa., Harrisburg, Pa. 17120. Pennsylvania Insurance Dept., 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, 206 3d Ave., Elizabeth, Pa. 15137.	Do.
Do.	do.	Munhall, Borough of	H 42 003 5640 01	do.	Mayor, 1900 West St., Munhall, Pa. 15120.	Do.
Do.	do.	Port Vue, Borough of	H 42 003 5640 03 H 42 003 6770 01	do.	Mayor, 1191 Romine Ave., Port Vue, Pa. 15133.	Do.
Do.	do.	Sewickley, Borough of	H 42 003 6770 02 H 42 003 7510 01	do.	Mayor, Thorn St., Sewickley, Pa. 15143.	Do.
Do.	do.	Versailles, Borough of	H 42 003 8770 01	do.	Mayor, 5110 Walnut St., Versailles, Pa. 15132.	Do.
Do.	Berks	Kutztown, Borough of	H 42 011 4160 01	do.	Kutztown Planning Commission, 211-213 W. Main St., Borough of Kutztown, Kutztown, Pa. 19530.	Do.
Do.	Bradford	Ridgebury, Township of	H 42 011 4160 04 H 42 015 7006 01	do.	Township Secretary, Ridgebury Township, R.D. #2, Bentley Creek, Wellsburg, N.Y. 14804.	Do.
Do.	do.	South Waverly, Borough of	H 42 015 7006 04 H 42 015 7960 01	do.	South Waverly Borough Council, Borough of South Waverly, Sayre, Pa. 18840.	Do.
Do.	Bucks	Warmminster, Township of	H 42 017 8844 01 H 41 017 8844 02	do.	Warmminster Township Bldg., Henry and Gibson Aves., Warmminster, Pa. 18974.	Do.
Do.	Clinton	Castanea, Township of	H 42 035 1136 01	do.	Township Secretary, Township of Castanea, 222 Mackey Ave., Castanea, Pa. 17745.	Do.
Do.	Columbia	Franklin, Township of	H 42 035 1136 04 H 42 037 3014 01	do.	Chairman of Supervisors, Franklin Township, Route No. 2, Catawissa, Pa. 17820.	Do.
Do.	Dauphin	Lower Swatara, Township of	H 42 037 3014 04 H 42 043 4606 01	do.	Board of Commissioners, Township of Lower Swatara, 30 Olmstead Dr., Middletown, Pa. 17057.	Do.
Do.	do.	Lower Paxton, Township of	H 42 043 4606 10 H 42 043 4615 01	do.	Lower Paxton Township Municipal Bldg., 95 S. Houcks Rd., Harrisburg, Pa. 17112.	Do.
Do.	do.	Reed, Township of	H 42 043 4615 08 H 42 043 6926 01	do.	Township Secretary, Township of Reed, Rural Delivery No. 2, Halifax, Pa. 17032.	Do.
Do.	Delaware	Swarthmore, Borough of	H 42 045 8300 01	do.	Swarthmore Borough Hall, 121 Park Ave., Swarthmore, Pa. 19081.	Do.
Do.	Indiana	Chymer, Borough of	H 42 045 8300 04 H 42 063 1460 01	do.	Mayor, 46 Dixon Rd., Chymer, Pa. 15728.	Do.
Do.	Jefferson	Brockway, Borough of	H 42 063 1460 02 H 42 065 0930 01	do.	Borough Secretary, Borough Bldg., Brockway, Pa. 15824.	Do.
Do.	do.	Reynoldsville, Borough of	H 42 065 0930 03 H 42 065 6970 01	do.	Council President, Borough Bldg., Reynoldsville, Pa. 15851.	Do.
Do.	Lackawanna	Jermyn, Borough of	H 42 065 6970 04 H 42 069 3989 01	do.	Mayor, Borough Bldg., Jermyn, Pa. 18433.	Do.
Do.	Lancaster	Mount Joy, Borough of	H 42 071 5550 01 H 42 071 5550 02	do.	Mayor, 465 Donegal Spring Rd., Mount Joy, Pa. 17552.	Do.
Do.	do.	Quarryville, Borough of	H 42 071 6860 01	do.	Mayor, 306 S. Church St., Quarryville, Pa. 17565.	Do.
Do.	Lebanon	North Annville, Township of	H 42 075 6004 01	do.	Lebanon County-City Planning Department, Room 3, Muncie Bldg., 400 8th St., Lebanon, Pa. 17042.	Do.
Do.	Lehigh	Macungie, Borough of	H 42 075 6004 09 H 42 077 4750 01	do.	Mayor, Borough Hall, 26 Church St., Macungie, Pa. 18062.	Do.
Do.	do.	Whitehall, Township of	H 42 077 4750 01 H 42 077 9314 01	do.	Whitehall Township Bldg., 3219 MacArthur Rd., Whitehall, Pa. 18052.	Do.
Do.	Montgomery	Upper Providence, Township of	H 42 077 9314 06 H 42 091 8721 01	do.	Secretary, Upper Providence Township, P.O. Box G, Oaks, Pa. 19456.	Do.
Do.	Northampton	Nazareth, Borough of	H 42 091 8721 10 H 42 095 5700 01	do.	Mayor, Borough Hall, Hall Square, W. Center St., Nazareth, Pa. 18064.	Do.
Do.	do.	Walnutport, Borough of	H 42 095 5700 01	do.	Mayor, Borough of Walnutport, Borough Hall, Lincoln Ave., Walnutport, Pa. 18088.	Do.
Do.	Westmoreland	West Newton, Borough of	H 42 129 9200 01	do.	Municipal Bldg., West Newton Borough, 112 South Water St., West Newton, Pa. 15089.	Do.
Do.	Wyoming	Eaton, Township of	H 42 129 9200 03 H 42 131 2384 01 H 42 131 2384 03	do.	Township of Eaton, Rural Delivery No. 5, Dymond Terrace, Tunkhannock, Pa. 18637.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	do.	Meshoppen, Borough of.	H 42 131 5080 01	do.	Meshoppen Borough Bldg., Canal St., Meshoppen, Pa. 18630.	Do.
Texas	Brazoria	Brazoria, City of.	H 48 039 0850 01 H 48 039 0850 02	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	City Hall, 114 East Texas St., Brazoria, Tex. 77422.	Do.
Do.	do.	Lake Barbara, City of.	H 48 039 3790 01	do.	Mayor, City of Lake Barbara, Clute, Tex. 77531.	Do.
Do.	Delta	Cooper, City of.	H 48 119 1530 01	do.	Mayor, City of Cooper, 101 North-west 1st St., Cooper, Tex. 75432.	Do.
Do.	El Paso	Canutillo, City of.	H 48 141 1150 01	do.	Mayor, City of Canutillo, City Hall, Canutillo, Tex. 79835.	Do.
Do.	Freestone	Teague, City of.	H 48 161 6790 01 H 48 161 6790 02	do.	Mayor, City of Teague, City Hall, Teague, Tex. 75860.	Do.
Do.	Guadalupe	Marion, City of.	H 48 187 4330 01	do.	Mayor, City Hall, Marion, Tex. 78124.	Do.
Do.	Medina	Devine, City of.	H 48 325 1890 01	do.	City Hall, 303 S. Teel Dr., Devine, Tex. 78016.	Do.
Do.	do.	La Coste, City of.	H 48 325 3760 01	do.	Mayor, City Hall, La Coste, Tex. 78039.	Do.
Utah	Carbon	Helper, City of.	H 49 007 0600 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.	Mayor, City of Helper, City Hall, Helper, Utah 84526.	Do.
Washington	Benton	Benton City, Town of.	H 53 005 0120 01 H 53 005 0120 02	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	City Council, Town of Benton City, Box 218, Benton City, Wash. 99320.	Do.
Do.	Yakima	Union Gap, Town of.	H 53 077 2340 01 H 53 077 2340 02	do.	Town Council, Town of Union Gap, Union Gap, Wash. 98903.	Do.
Wisconsin	Ashland	Ashland, City of.	H 55 003 0220 01 H 55 003 0220 05	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 N. Bassett St., Madison, Wis. 53703.	Court House Bldg., City of Ashland, 201 W. 2d St., Ashland, Wis. 54806.	Do.
Do.	Brown	Allouez, Town of.	H 55 009 0060 01 H 55 009 0060 02	do.	Chairman, Town of Allouez, DePere, Wis. 54115.	Do.
Do.	Buffalo	Mondovi, City of.	H 55 011 3130 01	do.	Mayor, City of Mondovi, 156 S. Franklin, Mondovi, Wis. 54755.	Do.
Do.	Clark	Greenwood, City of.	H 55 019 2030 01	do.	Mayor, City of Greenwood, Greenwood, Wis. 54437.	Do.
Do.	Crawford	Bell Center, Village of.	H 55 023 0400 01	do.	Village President, Village of Bell Center, Gays Mills, Wis. 54631.	Do.
Do.	Dodge	Waupun, City of.	H 55 027 5090 01 H 55 027 5090 02	do.	Mayor, City of Waupun, City Hall, Waupun, Wis. 53093.	Do.
Do.	Eau Claire	Altoona, City of.	H 55 035 0110 01	do.	Mayor, City of Altoona, City Hall, Altoona, Wis. 54740.	Do.
Do.	Fond Du Lac	North Fond Du Lac, Village of.	H 55 039 3430 01	do.	President, Village of N. Fond Du Lac, Village Hall, N. Fond Du Lac, Wis. 54935.	Do.
Do.	Green	Albany, Village of.	H 55 045 0040 01	do.	President, Village of Albany, Albany, Wis. 53502.	Do.
Do.	do.	Browntown, Village of.	H 55 045 0720 01	do.	President, Village of Browntown, Browntown, Wis. 53522.	Do.
Do.	Iowa	Avoca, Village of.	H 55 049 0260 01	do.	Village President, Village of Avoca, Village Hall, Avoca, Wis. 53506.	Do.
Do.	Jefferson	Johnson Creek, Village of.	H 55 055 2340 01	do.	Village President, Johnson Creek, Wis. 53038.	Do.
Do.	Juneau	Necedah, Village of.	H 55 057 3270 01	do.	Village President, Village Hall, Necedah, Wis. 54648.	Do.
Do.	Kewaunee	Algoma, City of.	H 55 061 0050 01 H 55 061 0050 02	do.	City Hall, City of Algoma, 225 Steele St., Algoma, Wis. 54201.	Do.
Do.	Manitowoc	Two Rivers, City of.	H 55 071 4890 01 H 55 071 4890 02	do.	Building and Zoning Supervisor, City of Two Rivers, P.O. Box 87, Two Rivers, Wis. 54241.	Do.
Do.	Milwaukee	Franklin, City of.	H 55 079 1790 01 H 55 079 1790 12	do.	Franklin's Municipal Bldg., 9229 W. Loomis Rd., Franklin, Wis. 53132.	Do.
Do.	Monroe	Sparta, City of.	H 55 081 4530 01 H 55 081 4530 02	do.	Mayor, City of Sparta, City Hall, Sparta, Wis. 54656.	Do.
Do.	Oconto	Oconto Falls, City of.	H 55 083 3510 01	do.	Mayor, City of Oconto Falls, City Hall, Oconto Falls, Wis. 54154.	Do.
Do.	Ozaukee	Fredonia, Village of.	H 55 089 1810 01	do.	Village President, Fredonia, Wis. 53021.	Do.
Do.	Portage	Amherst, Village of.	H 55 097 0130 01	do.	Village President, Village of Amherst, Amherst, Wis. 54406.	Do.
Do.	Price	Phillips, City of.	H 55 099 3750 01 H 55 099 3750 02	do.	Mayor, City of Phillips, City Hall, Phillips, Wis. 54555.	Do.
Do.	Racine	Rochester, Village of.	H 55 101 4170 01	do.	Village President, Village of Rochester, Rochester, Wis. 53167.	Do.
Do.	Shawano	Gresham, Village of.	H 55 115 2040 01	do.	Village President Village Hall, Gresham, Wis. 54123.	Do.
Do.	Vernon	De Soto, Village of.	H 55 123 0540 01	do.	President, Village of De Soto, Village Board, De Soto, Wis. 54624.	Do.
Do.	do.	Ontario, Village of.	H 55 123 3570 01	do.	President, Village Board, Ontario, Wis. 54651.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Walworth	Genoa City, Village of.	H 55 127 1880 01	do.	Village President, Village of Genoa City, Genoa City, Wis. 53128.	Do.
Do.	do.	Whitewater, City of.	H 55 127 5300 01	do.	City Manager, City of Whitewater, Whitewater, Wis. 53190.	Do.
Do.	Washington	Hartford, City of.	H 55 131 2070 01	do.	Mayor, City Hall, Hartford, Wis. 53027.	Do.
Do.	Waupaca	Waupaca, City of.	H 55 135 5080 01	do.	Mayor, City Hall, Waupaca, Wis. 54981.	Do.
Wyoming	Converse	Glenrock, Town of.	H 55 135 080 02 H 56 009 0330 01	Wyoming Disaster and Civil Defense Agency, P. O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Glenrock Town Council, Glenrock, Wyo. 82637.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (83 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127) and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: December 27, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc. 74-584 Filed 1-8-74; 8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Hydrostatic Test Intervals for Fire Extinguishers With Aluminum Shells

On July 19, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 19225) concerning a proposed amendment to the standard on portable fire extinguishers (29 CFR 1910.157). The proposal was to increase the hydrostatic test interval for aluminum shells from five years to twelve years.

The notice invited interested persons to submit written data, views, and arguments regarding the proposed change and to request an informal hearing if desired. A total of four letters were received. All were in accord with the proposal to place dry chemical fire extinguishers with aluminum shells in the same class with dry chemical extinguishers with brazed-brass shells and mild steel shells. There were no objections to the proposed amendment and no hearing was requested.

Section 1910.157(d) requires a hydrostatic test for a fire extinguisher at any time the extinguisher shows evidence of corrosion or mechanical injury. In addition, the section requires hydrostatic tests at stated intervals. The purpose of the periodic tests is to check for defects in the extinguisher's shell which may result from normal fatigue and which could not be detected without tests. Since a recent study of the Kaiser Aluminum and Chemical Corporation shows no loss of strength to aluminum shells subjected to an accelerated 12 year severe service life test, it is reasonable to require periodic tests no more frequently than once every 12 years. This conclusion brings the

standard into conformity with its source (NFPA No. 10-1973) which also has been revised recently to the same extent. Accordingly, pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754), and 29 CFR Part 1911, the proposed amendment to § 1910.157 is hereby adopted without change as set forth below.

Effective date. As this amendment is intended to relieve a restriction, it shall become effective January 9, 1974.

Signed at Washington, D.C. this 28th day of December, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

In § 1910.157(d) (4) (iii), Table L-3 is revised to read as follows:

§ 1910.157 Portable fire extinguishers.

(d) *Inspection, maintenance, and hydrostatic tests* * * *

(4) *Hydrostatic tests.* * * *

(iii) At intervals not exceeding those specified in Table L-3 and subdivision (iv) of this subparagraph, extinguishers shall be hydrostatically tested. The first hydrostatic retest may be conducted between the fifth and sixth years for those with a designated test interval of 5 years.

TABLE L-3

Extinguisher type	Test interval year
Soda-acid	5
Cartridge-operated water and/or anti-freeze	5
Storage-pressure water and/or anti-freeze	5
Wetting agent	5
Foam	5
Loaded stream	5

Extinguisher type	Test interval year
Dry chemical extinguishers with stainless steel shells or soldered-brass shells	5
Carbon dioxide extinguishers	5
Dry chemical extinguishers with brazed-brass shells, mild-steel shells or aluminum shells	12
Bromotrifluoromethane	12
Dry powder extinguishers for metal fires	12

NOTE: Cylinders under jurisdiction of the U.S. Department of Transportation (formerly Interstate Commerce Commission) may require hydrostatic testing at more frequent periods.

(Sec. 8, Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655) Secretary of Labor's Order No. 12-71, 36 FR 8754)

[FR Doc. 74-674 Filed 1-8-74; 8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions; New Jersey

On May 31, 1972 (37 FR 10342), the Administrator approved with certain exceptions the New Jersey Implementation Plan which provides for attainment and maintenance of national ambient air quality standards, in accordance with requirements of the Clean Air Act as amended (42 U.S.C. 1857 et seq.). The approved portions of the plan provided for a control strategy for the achievement of primary standard for sulfur oxides by 1975, and included limitations on fuel composition as contained in New Jersey Air Pollution Control Code (NJAC), subchapters 7:27-9 and 7:27-10 (formerly New Jersey Air Pollution Con-

trol Code, Chapters 10 and 10-A), as follows:

LIMITATION ON FUEL COMPOSITION

Fuel type	Percent sulfur by weight	
	Urban counties	Outer counties
No. 2 and lighter grades	0.2	0.3
No. 4	.3	.7
No. 5, No. 6 and heavier grades	.3	1.0
Bituminous coal	.2	1.0
Anthracite coal	.2	.7
Coke	.65	.65

The outer counties consist of Atlantic, Cape May, Cumberland, Hunterdon, Ocean, Sussex and Warren Counties. All other counties are considered urban counties.

Air quality data obtained from a comprehensive network of sampling stations in New Jersey indicated that in 1972 the national primary standards for sulfur oxides had been attained throughout most of the State. National secondary standards had also been achieved throughout a large portion of the State.

On November 7, the State of New Jersey proposed to revise its control strategy for the achievement and maintenance of national ambient air quality standards by amending its regulation pertaining to the sulfur content of fuel, whereby fuels of a higher sulfur content would be allowed to be used until March 15, 1974.

The need for this plan revision results from the inability of several large fuel oil suppliers, accounting for the majority of the fuel oil marketed in New Jersey, to meet fully their commitments to provide fuel oil and to supply conforming fuel oil. Other suppliers are unable to supply conforming fuel oil beyond their own contractual requirements in quantities sufficient to prevent shortfalls in supply. Fuel oil which had in the past been available on the spot market is not available in sufficient quantities to fulfill present needs. The uncertainty in the present supply situation has resulted in the inability of suppliers and large users to quantify the volume amounts of their fuel oil shortfall or to determine the non-conforming fuel oil available and the sulfur content of such non-conforming fuel. The shortfalls of conforming fuel oil were documented in a series of public hearings and fact finding meetings involving suppliers with commitments in New Jersey and New York. These hearings were held on July 24-25, August 29, and September 19 by the New York State Public Service Commission and by the New Jersey Legislative Energy Crisis Study Commission, Subcommittee on Immediate Energy Needs. Additional testimony supporting the need for this temporary plan revision was presented by suppliers and consumers at the public hearing held by the State of New Jersey on November 16, 1973. Two major suppliers have indicated that shortfalls in conforming oil will range from 30 percent to more than 50 percent when inventories are depleted this December. Both suppliers expressed their ability to sup-

plement available supplies with non-conforming oil.

Most fuel oil suppliers have been reluctant to request a variance. This has resulted in a situation where numerous individual customers have had to request variances covering their own needs. To expedite the processing of this large volume of individual applications, the State of New Jersey has proposed a two-stage system of variance processing through March 15, 1974 contained in subchapter 7:1-3.1.

The first stage provides that in some situations the existing sulfur limitations must remain the same while in others a maximum increase of 0.7 percent (from 0.3 percent to 1.0 percent) is permitted. Present estimates by the Department of Interior indicated that a total energy shortage may temporarily exist requiring the increased use of solid fuels to meet energy demands. Therefore the allowable sulfur content of coal was also raised significantly in recognition of the difficulty of purchasing low sulfur coal on a non-contract basis.

There is an insufficient supply of coal to allow its use by all those power generating facilities capable of reconverting.

A more detailed evaluation on a plant-by-plant basis was conducted by New York State DEC, New Jersey DEP, New York City EPA, U.S.E.P.A., and Federal Energy Office officials on December 6, 1973 based on more recent information.

Based on environmental considerations, (existing ambient air quality, location of plants, proximity to population centers, stack heights, and emission control capability) and coal conversion factors (timing, storage capacity, transportation and coal availability), the following plants are specifically encouraged to convert to coal at this time:

Company	Plant	City	Boiler unit(s)
Public Service Electric & Gas	Bergen	Bergen	All.
Do	Burlington	Burlington	5, 6, 7.
Atlantic City Electric	B. I. England	Beesleys Point	All.
Do	Deepwaters	Deepwaters	1, 6/8.

The revised sulfur limitations are contained in N.J.A.C. subchapter 7:1-3.1 as follows:

Fuel	Percent sulfur by weight	
	Class 1 county ¹	Class 2 county ²
No. 2 and lighter grade fuel oils	0.3	0.5
No. 4 grade fuel oils	1.0	1.0
No. 5, No. 6 heavier grade fuel oils	0.5	1.0
Crude oil	0.5	1.0
Bituminous coal	1.5	1.5
Anthracite coal	0.7	0.7
Coke	1.0	1.0

¹ Class 1 counties means the counties of Bergen, Essex, Hudson, Union, and Middlesex.

² Class 2 counties means the counties other than Class 1 counties.

The second step provides for exemptions from these revised fuel sulfur levels

upon application to and approval by the New Jersey Department of Environmental Protection. Under no circumstances will coal with a sulfur content greater than 3.0 percent by weight or fuel oil with a sulfur content of 1.5 percent by weight in Class 1 counties or 3.0 percent by weight in Class 2 counties be authorized. The individual user or supplier must provide information concerning present inventory, supply, reasons given by supplier for his inability to deliver fuels meeting standards contained in N.J.A.C. subchapters 7:1-3.1 and the nature of actions which will be taken in the event of an air pollution Alert, Warning or Emergency.

EPA's analysis of the data submitted by the State of New Jersey has indicated that the use of fuel with the maximum sulfur content set forth in the N.J.A.C. subchapters 7:1-3.1 will cause national primary ambient air standards to be exceeded in some areas. This effect has been minimized by requiring more stringent limitations in those five counties with historically more severe sulfur oxide problems. In addition, the use of low sulfur fuel during periods of poor atmospheric dispersion will be required whenever possible.

New Jersey's proposal pertaining to the sulfur content of fuel is hereby approved, except as provided below, for the following reasons:

1. the proposed revision was adopted by the State after adequate notice and public hearing, under expedited procedures approved by the Administrator in matters relating to fuel supply;
2. it satisfies the substantive requirements of 40 CFR Part 51 that pertain to revisions of implementation plans;
3. it has been determined to be consistent with emergency Federal fuel and energy policies;
4. the revision will not prevent the timely attainment by 1975 of the national ambient air quality standards for sulfur oxides in New Jersey, since it is temporary in nature and;
5. this variance which includes the partial use of coal is being granted for only such time as is necessary to provide the flexibility of moving available lower sulfur fuels into areas where the primary standard is jeopardized.

The revised sulfur limitations as set forth in N.J.A.C. subchapter 7:1-3.1 for bituminous coal in Class 1 and Class 2 counties are not approved at this time for the following power generating stations:

Company	Plant	City	Boiler unit(s)
Public Service Electric & Gas	Essex	Newark	All.
Do	Sewaren	Sewaren	Do
Do	Burlington	Burlington	1-4
Do	Kearney	Kearney	All.
Do	Bergen	Bergen	No. 1
Do	Hudson	Jersey City	Do
Jersey Central Power & Light	Sayreville	Sayreville	All.
Do	E. H. Werner	South Amboy	Do
Atlantic City Electric	Deepwaters	Deepwaters	5/7, 7/8, 3/5, 4/6

The Agency finds that good cause exists for making this temporary change in the New Jersey Implementation Plan effective upon publication because postponement of approval will only further delay the increase in fuel supply resulting from the temporary relaxation of sulfur limitations.

Immediate effectiveness of this approval will enable the fuel suppliers and fuel users in the State of New Jersey to proceed to procure fuel on an orderly basis.

(42 U.S.C. 1857c-5)

Dated: January 3, 1974.

RUSSELL E. TRAIN,
Administrator,
Environmental Protection Agency.

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

Subpart FF—New Jersey

1. In § 52.1570 paragraph (c) is amended by adding subparagraph (4) as follows:

§ 52.1570 Identification of Plan.

(c) * * *

(4) November 20, 1973 by the New Jersey Department of Environmental Protection.

2. Section 52.1601 is added as follows:

§ 52.1601 Control Strategy and Regulations: Sulfur oxides.

(a) The applicable limitation on the sulfur content of fuel marketed and used in New Jersey until and including March 15, 1974, as set forth in N.J.A.C. subchapter 7:1-3.1 is approved, except that the use of coal in the following utility plants and boiler units is not approved:¹

Company	Plant	City	Boiler unit(s)
Atlantic City Electric.	Deep-waters.	Deep-waters.	5/7, 7/9, 3/5, 4/6.
Public Service Electric & Gas.	Essex	Newark	All.
Do	Sewaren	Wood-bridge.	All.
Do	Bergen	Bergen	No. 1
Do	Burlington	Burlington	1-4.
Do	Kearney	Kearney	All.
Do	Hudson	Jersey City.	No. 1.
Jersey Central Power & Light.	Sayreville.	Sayreville.	All.
Do	E. H. Werner.	South Amboy.	All.

¹Action by the Administrator regarding coal conversion at the listed plants and units is being held in abeyance until the Administrator determines whether and to what extent that conversion cannot be deferred, based on analysis of fuel allocations for residual oil and coal in the Mid-Atlantic and New England States.

[FR Doc.74-643 Filed 1-8-74;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions; New York

BACKGROUND

On May 31, 1972 (37 FR 10842), the Administrator approved with certain exceptions the New York State Implementation Plan providing for attainment and maintenance of national ambient air quality standards in accordance with requirements of the Clean Air Act as amended (42 U.S.C. 1857 et. seq.). The approved portions of the plan include a control strategy which provided for the achievement of the primary standards for sulfur oxides in the New Jersey-New York-Connecticut Interstate Air Quality Control Region by 1975.

On November 13, 1973 (38 FR 31295), the Administrator approved a revision to the applicable New York State Implementation Plan providing for temporary exception to the requirements of Part 225, Subchapter A, Chapter III, Title 6 of the New York State Official Compilation of Codes, Rules and Regulations (hereafter referred to as 6 NYCRR 225) as it pertains to fuel oil marketed by Northville Industries Corporation and used by its customers in Suffolk County.

PROPOSED REVISION

On November 27, 1973 New York State submitted a proposal to modify the control strategy for sulfur oxides in the New Jersey-New York-Connecticut AQCR by granting the Consolidated Edison Company of New York (hereafter "Con Edison") a temporary exception to the requirements of Part 225, Subchapter A, Chapter III, Title 6 of the New York State Official Compilation of Codes, Rules and Regulations (6 NYCRR Part 225). New York State's action was taken pursuant to 6 NYCRR § 225.3(d) which provides that if a person can show to the Commissioner's satisfaction that there is an insufficient supply of fuel, the Commissioner of the New York State Department of Environmental Conservation (NYSDEC) may exempt such person from the fuel quality limitations of 6 NYCRR Part 225.

Con Edison has specifically requested the following actions by the state: (1) that permission be granted promptly to use residual oil with whatever sulfur content was currently available whenever sufficient supplies of low sulfur residual oil were not available; (2) that permission be granted to burn non-conforming coal at the Company's Ravenswood Unit No. 30 (rated capacity 1,000 MW) and Arthur Kill Unit No. 30 (rated capacity 500 MW).

NYSDEC has proposed to grant Con Edison a variance to the requirements of 6 NYCRR Part 225 to permit the immediate use of fuel oil containing up to 1.5 percent sulfur, and coal with a sulfur content not to exceed 1.0 lb per million BTU gross heat input (approximately equivalent to 1.85 percent sulfur in oil), with an ash content of 15 percent or less.

These limitations would be extended up to 3.0 percent sulfur content for fuel oil and up to 2.5 lbs. sulfur per million BTU for coal if Con Edison establishes to the State's satisfaction that adequate supplies of fuel oil and coal meeting the above requirements cannot be obtained.

REASONS FOR ADMINISTRATOR'S APPROVAL

New York State's proposal to grant the temporary exception to the requirements of 6 NYCRR Part 225 pertaining to fuel purchased and used by Con Edison in the New York Metropolitan Area is hereby approved in part for the following reasons:

1. The proposed revision was adopted by the State after adequate notice and public hearings and expedited procedures approved by the Administrator in matters relating to fuel supply.

2. It satisfies the substantive requirements of 40 CFR Part 51 that pertain to revisions of applicable State implementation plans.

3. It has been determined that the approved portions are consistent with Federal fuel and energy policies.

4. Being temporary in nature, it will not prevent the achievement and maintenance of national primary ambient air quality standards for sulfur oxides in 1975 and for particulate matter in 1977; and

5. This variance which includes the partial use of coal is being granted for only such time as is necessary for the emergency energy legislation to become effective so as to provide the flexibility of moving available less polluting fuels into areas where the maintenance of primary air quality standard is jeopardized.

Con Edison's application to the New York State Department of Environmental Conservation for relief from fuel quality requirements was based primarily on the inability of its major suppliers of fuel oil to meet their commitments during the period October 1, 1973 to March 31, 1974. According to Con Edison, a number of its suppliers have invoked the force majeure provisions of their oil supply contracts because of the actions of Middle East and North African oil producing countries in reducing the quantities of fuel oil normally exported for use in the United States. This development led to the determination that, with the already predicted long term imbalance between supply and demand for energy, the Middle East-North African oil embargo will result in serious risk that the utility will not be able to supply minimally adequate amounts of electric power and steam to the millions of persons whose health, safety and welfare depend on services provided by Con Edison.

The Administrator's approval also takes into consideration that, by granting relief to Con Edison from the sulfur in fuel limitations of 6 NYCRR Part 225, a greater portion of the supply of low sulfur fuel oil will remain available to apartment houses, residences, commer-

cial establishments and other low level sources can be expected to have at least a 3-10 times greater impact on ground level concentrations than the same emissions from the Con Edison system. If clean fuel is in short supply it should be used in apartment houses in preference to Con Edison facilities.

Furthermore, by moving promptly on this application, EPA and the State have acted to limit competition within the New York Metropolitan area for available conforming fuel and may mitigate the possible spread of coal usage in an emergency to other facilities where the environmental impact would be considerably more severe. It should be noted that Con Edison's request for switching from residual oil to coal in its New York City plants applies to no more than 17 percent of its in-city production capacity.

The Administrator's approval of this variance as it relates to fuel oil provides for the use of residual fuel oil with a sulfur content of up to 3.0 percent throughout the Con Edison system until March 31, 1974 subject to the conditions imposed by the State of New York. The Administrator's approval of this variance as it relates to coal provides for the use of coal with a sulfur content up to 2.5 lbs. per million BTU and 15 percent ash content at the #30 unit of the Arthur Kill Plant until March 31, 1974 subject to the conditions imposed by New York State. Approval of the variance as it pertains to the Ravenswood Plant is being held in abeyance, however. Coal may not be used in Con Edison's Ravenswood Plant unless the Administrator notifies Con Edison of his findings that sufficient additional fuel supplies cannot be diverted to the Con Edison system. This decision is not expected to have any significant impact on Con Edison's ability to react to a worsening energy supply situation since the boiler conversion time at the Ravenswood Plant has been estimated to be less than three days, and the Administrator's decision with respect to the Arthur Kill Plant will allow for a continued flow of coal which could be diverted to Ravenswood No. 30 in the event of an emergency.

JOINT HEARING

On November 12, 1973, a joint hearing was held by NYSDEC, the New York City Environmental Protection Administration, and the New York State Public Service Commission to consider the Con Edison application to determine the status of the fuel supply situation. Testimony was presented by various Federal and local agencies as well as environmental, consumer and business groups. Sworn testimony was presented by Con Edison and two of its major suppliers of fuel oil.

On the basis of the testimony presented at the hearings the Chairman of the New York State Public Service Commission (NYSDEC), pursuant to the provisions of 6 NYCRR section 225.5(d), certified on November 23, 1973 that an insufficiency of 2.5 to 5.2 million barrels exist in Con Edison's supply of conforming fuel oil for the period through March

31, 1974. That represented a shortfall of approximately 17-36 days of average daily winter usage by the Con Edison system. The Chairman further certified "a large, general insufficiency in No. 6 residual fuel oil conforming to Part 225 for users and their suppliers through the New York City Metropolitan Area". These findings are consistent with those made by the New Jersey State Department of Environmental Protection on the New York Metropolitan Area.

The NYSDEC has further certified that there is an overall insufficiency of residual fuel oil supply to Con Edison of at least 400,000 barrels and probably 3 million barrels. A severe winter could add a million barrels or more to this estimated deficit. This overall shortfall in the supply of fuel oil is a primary basis for Con Edison's application for permission to burn coal.

These judgments have been made on the basis of the rapidly changing events that leave both Con Edison, oil suppliers, and government officials alike with a great deal of uncertainty as to crude oil availability because of the international developments.

On December 6, 1973, the Regional Administrator convened a meeting attended by representatives of the Federal Energy Office (FEO), electric generating power utilities in New York and New Jersey and various Federal, state and local regulatory agencies. During the course of the meeting, the FEO representatives established that if all major conservation programs achieved the same degree of fuel savings as predicted, there would still remain a significant shortfall with its severest impact on the Atlantic Coast States (Petroleum Administration District 1).

POTENTIAL IMPACTS

The New Jersey-New York-Connecticut Interstate Air Quality Control Region is classified Priority I for both sulfur dioxide and particulate matter based mainly on the relatively high ambient concentration of these two pollutants within a 10 mile radius of mid-Manhattan. Since 1969, substantial reductions have been achieved in ambient concentrations of sulfur oxides throughout the area and moderate improvements were made in air quality associated with particulate matter. These improvements have been associated primarily with improvements in the quality of fuels used in the region.

In 1969, for example, the peak annual average sulfur oxide concentration was 0.147 ppm and the national annual average primary standard of 0.03 ppm was exceeded throughout the City of New York, an area of about 365 square miles, as well as in adjacent areas of Nassau and Westchester Counties. The peak annual geometric mean for particulate matter was 136 $\mu\text{g}/\text{m}^3$ and the annual mean primary standard of 75 $\mu\text{g}/\text{m}^3$ was exceeded over an area of about 250 square miles or almost 70 percent of the city. In 1971, the peak annual average sulfur oxides concentration decreased to 0.063 ppm and the primary standard was

exceeded over an area of about 200 square miles or 55 percent of the city. The peak annual geometric mean for particulate matter was 140 $\mu\text{g}/\text{m}^3$ and the annual primary standard was exceeded over an area of about 300 square miles or more than 80 percent of the city. In 1972, the peak annual average sulfur oxide concentration was 0.038 ppm and the national annual average primary standard was exceeded over an area of only 35 square miles or less than 10 percent of the city. Similarly, the peak annual geometric mean for particulate matter decreased to 99 $\mu\text{g}/\text{m}^3$ and the annual mean primary standard was exceeded over an area of about 100 square miles or almost 30 percent of the city.

New York State has determined that use of fuel oil with a sulfur content of 3 percent by weight for this period would lead to an increase in ambient air concentrations to a level equivalent to those experienced in 1971. The annual average values in the major impact area, which includes the eastern portions of Manhattan, the western portions of Queens and Brooklyn, and the southeast portions of the Bronx, may be expected to increase to about 0.056 ppm, almost twice the national primary standard. Moreover, levels in excess of the standard may be expected over most of the entire City of New York.

The state has also determined that full implementation of its variance on the burning of coal would lead to a substantial expansion in the approximately 100 square miles of New York City in which the national primary standard for particulates is not being achieved. The state's requirement for a 99 percent or greater removal of particulates from coal burning would actually lead to an increase in particulate matter emission of about 3 tons/day when compared to emissions from uncontrolled burning of residual fuel oil. Con Edison is being required by New York to submit a plan to upgrade its electrostatic precipitator capacity to those levels of removal considered to be optimum.

NYSDEC has not required Con Edison to submit a plan for a set percentage removal of SO_2 at any of its facilities scheduled to use non-conforming fuel. But, NYSDEC has required Con Edison to submit, within 60 days, a feasibility study for SO_2 reductions at these facilities. It is EPA's position that any consideration of a long-term commitment to the use of high sulfur fuel in New York City be restricted to oil and in such cases an early effort be made to obtain the necessary stack gas scrubbing devices. After a comprehensive review of the state of the art on SO_2 scrubbing technology, EPA believes that subject to the constraints of the physical characteristics of the plant site, the majority of power plants can commit themselves to a full scale program of stack gas cleaning. While many plants might not be able to achieve full scale implementation for a few years they should begin as soon as possible to implement pilot plant or module operation for the purpose of determining the engineering needs of a full scale system.

State of the art technology is capable of achieving 80-90 percent sulfur removal.

The Administrator has taken into account the need to act promptly in making whatever modifications are necessary to provide the capability for burning coal in power plants. Given that supply is a constraining factor, it is the Administrator's position that conversions from fuel oil to coal should be made in power plants with the least harmful environmental impact. Moreover, the Administrator reiterates this Agency's policy that the principal thrust in any efforts to increase reliance on coal should take place in plants generally located in less densely populated areas with less frequent current violations of standards than occurs in New York City. In the situation before him, the Administrator believes that the potential impact of the predicted fuel oil shortfall will be mitigated by Con Edison's ability to obtain relief from the New York Power Pool. Conceivably some plants in the Power Pool will be able to convert to coal use and thereby free available residual fuel oil for such users as Con Edison. The Administrator, therefore, finds that the best interests of the public will be served, and the public health and welfare best protected, by his partial approval of this exception to the New York State implementation plan.

This agency finds that good cause exists for making this variance effective on January 9, 1974, because absence of this fuel supply would adversely impact on the health and safety of the millions of people in the New York Metropolitan area who depend on the services supplied by Con Edison, and who are unlikely to obtain adequate alternate sources of electric power and steam during this period.

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

(42 U.S.C. 1857c-5)

Dated: January 3, 1974.

RUSSELL E. TRAIN,
Administrator,

Environmental Protection Agency.

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

Subpart HH—New York

1. In § 52.1670, paragraph (c) is amended by adding subparagraph (3) as follows:

§ 52.1670 Identification of Plan.

(c)
(3) October 26, 1973, November 27, 1973.

2. In § 52.1675, paragraph (f) is amended as follows:

§ 52.1675 Control Strategy and Regulation: Sulfur Oxides.

- (f) Temporary Fuel Variances
- (1) Fuel oil

Source	Location	Regulation involved	Date of adoption	Effective date	Termination date
Northville Industries Corp.	Suffolk County	Part 225	Oct. 26, 1973	Immediately	Jan. 15, 1974
Consolidated Edison Plants	New York City	Part 225	Nov. 27, 1973	dc	Mar. 31, 1974

(ii) Coal.¹

Source	Location	Regulation involved	Date of adoption	Effective date	Termination date
Arthur Kill Plant, Consolidated Edison.	New York City	Part 225	Nov. 27, 1973	Immediately	Mar. 31, 1974

[FR Doc.74-644 Filed 1-8-74;8:45 am]

Title 42—Public Health
CHAPTER I—PUBLIC HEALTH SERVICE
DEPARTMENT OF HEALTH, EDUCATION,
AND WELFARE

SUBCHAPTER D—GRANTS

PART 50—POLICIES OF GENERAL APPLICABILITY

Subpart A—Health Services Funding

On May 21, 1973, proposed regulations concerning health services funding were published in the FEDERAL REGISTER (38 FR 13418, May 21, 1973), which would establish a new policy for health service delivery projects supported with funds administered by the Office of the Assistant Secretary for Health. Public comments were invited; approximately 100 comments were received, reflecting considerable misunderstanding about the proposed regulations. Primarily, concern was expressed that (1) the proposed policy would result in denying needed health services to the poor by requiring that they pay for services and (2) project grant funds would be terminated because the projects to which the policy would apply would be unable to develop sufficient funding from other sources. Changes in the regulations have been made to clarify the intent and to allay these concerns.

The regulation clearly states that no condition is intended to be imposed which would require charges for services to people unable to pay or which would supersede any requirement that priorities be given to persons from low-income families or to areas with concentrations of such persons. Further, it is not the intent of these regulations to limit the scope of services.

Projects will be evaluated on their progress toward reaching realistic objectives of maximum recovery of non-grant revenues, as stated in their plan. This regulation does not impose time limits for a project to reach its stated objectives, and does not establish a rate of increase in third-party reimbursements necessary to show improvement, or an absolute requirement that a project become self-sufficient. The regulation recognizes the

¹ Action by the Administrator regarding conversion of the Ravenswood Plant from oil to coal is being held in abeyance until the Administrator determines whether and to what extent that conversion cannot be deferred, based on analysis of fuel oil allocations for residual oil and coal in the Mid-Atlantic and New England States.

variations in projects and in State reimbursement mechanisms which will be considered in evaluating each project's progress.

Federal grant support will need to continue for health service delivery projects, given the present financing system and the income levels of the people now receiving care through the projects. However, projects will be required, and assisted, to develop the capability to recover third-party reimbursements and other revenue to the maximum extent possible so that Federal grant dollars will be used most productively.

The regulations will require each project to establish a plan to (1) institute sound fiscal management procedures so that it can recover to the maximum extent feasible third-party revenues to which it is entitled as a result of services provided; (2) garner all other available Federal, State, local, and private funds, and (3) charge beneficiaries according to their ability to pay for services provided, without creating a barrier to those services.

Accordingly, having duly considered all comments received, the regulations as set forth below, are hereby adopted effective on January 1, 1974.

Dated: December 13, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: January 2, 1974.

CASPAR W. WEINBERGER,
Secretary.

Subpart A—Health Services Funding

Sec.	
50.101	Applicability.
50.102	Definitions.
50.103	General policy.
50.104	Project application.
50.105	Project requirements.
50.106	Project evaluation.
50.107	Income earned.

AUTHORITY.—Secs. 215, 310, 314(e), 1001, 1008, Public Health Service Act, as amended; 58 Stat. 690, 81 Stat. 534, 76 Stat. 592, 80 Stat. 1186, 84 Stat. 188, 84 Stat. 1506 and 1507, 86 Stat. 137; 42 U.S.C. 216, 242h, 246 (e), 254b, 300, 300a-4, and 300b; secs. 220, 223, 242, 243, 246, 247, 251, 252, and 256, Community Mental Health Centers Act, as amended; 79 Stat. 427-29, 82 Stat. 1008, 1009, 84 Stat. 59, 1239, and 1851; 42 U.S.C. 2687, 2688c, g, h, j-1, j-2, k, l, and n-1; sec. 410, Drug Abuse Office and Treatment Act of 1972; 86 Stat. 82; 21 U.S.C. 1177.

Subpart A—Health Services Funding
§ 50.101 Applicability.

(a) This subpart is applicable to health services delivery projects which are eligible for support pursuant to the following programs administered by the Assistant Secretary for Health:

(1) Migrant health—section 310 of the PHS Act (42 U.S.C. 242h);

(2) Health services development (family health centers, health services projects)—section 314(e) of the PHS Act (42 U.S.C. 246(e));

(3) Family planning—section 1001 of the PHS Act (42 U.S.C. 300);

(4) Community mental health centers staffing—section 220 of the Community Mental Health Centers Act, as amended (CMHC Act) (42 U.S.C. 2687);

(5) Alcoholism and alcohol abuse:

(i) Staffing—section 242, CMHC Act (42 U.S.C. 2688g);

(ii) Specialized facilities staffing—section 243, CMHC Act (42 U.S.C. 2688h);

(iii) Special projects—section 246, CMHC Act (42 U.S.C. 2688j-1);

(iv) Prevention and treatment—section 247, CMHC Act (42 U.S.C. 2688j-2);

(6) Narcotic addiction, drug abuse, and drug dependence:

(i) Staffing—section 251, CMHC Act (42 U.S.C. 2688k);

(ii) Special projects—section 252, CMHC Act (42 U.S.C. 2688l);

(iii) Special treatment and rehabilitation projects—section 256, CMHC Act (42 U.S.C. 2688n-1);

(iv) Special project grants and contracts—section 410, Drug Abuse Office and Treatment Act (21 U.S.C. 1177) (with respect to treatment and rehabilitation);

(b) Nothing in this regulation is intended to impose any conditions which would require charges for services to people unable to pay therefor or which would supersede any requirement that priorities be given to persons from low-income families or to areas with concentrations of such persons.

(c) These regulations supersede any inconsistent regulation applicable to a program listed in paragraph (a) of this section except as otherwise provided with specific reference to this subpart in such other regulation.

§ 50.102 Definitions.

As used in this subpart:

(a) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(b) "HSA" means the Health Services Administration and any of its constituent components.

(c) "ADAMHA" means the Alcohol, Drug Abuse and Mental Health Administration and any of its constituent components.

(d) "Program" means one of the programs listed in § 50.101(a).

(e) "Project" means any discrete health services delivery activity, whether implemented through grant or contract,

which is eligible for HSA or ADAMHA support under any program.

§ 50.103 General policy.

In the delivery of health services it is the policy of HSA and ADAMHA to use their financial and technical resources to:

(a) Assist in improving the effectiveness and efficiency of the health care delivery system in meeting the health care needs of all citizens, with special emphasis upon the needs of the underserved.

(b) Develop maximum compatibility between health care services delivered with HSA or ADAMHA support and federally supported third party payment for health services and practices.

(c) Encourage development of alternate and ongoing funding sources to which HSA or ADAMHA supported activities can be constructively transferred after initial periods of HSA or ADAMHA assistance thereby creating a more equitable and efficient use of the total funds available for the delivery of health services.

§ 50.104 Project application.

In addition to other requirements imposed by law, regulation, or program guidelines, an approvable application for Federal support under a program listed in § 50.101(a) must contain:

(a) A general plan describing how the applicant intends to comply with the requirements of this subpart including plans with supporting data to recover the maximum reimbursement available for the services provided.

(b) A specific time-phased financial plan including at least:

(1) Statements of management and program objectives and needs, and planning assumptions;

(2) A description of the financial management arrangements to be utilized in supplementing or supplanting as applicable HSA or ADAMHA financial support with other sources of funding;

(3) Projections of total income including HSA or ADAMHA and other funding sources accompanied by supporting inventories and analyses of funding potentials and problems;

(4) Expenditure, cost, and utilization data and other management information which will serve to explain or clarify the plan and encourage maximum independence from grant support.

(c) Evidence that the applicant has provided not less than 30 calendar days¹ for review and comment (setting forth dates of submission) by the appropriate areawide comprehensive health planning agency or agencies or, if there is no such agency in the area, to such other public or nonprofit private agency or organization, if any, which performs similar functions, and to the State comprehensive health planning agency. The applicant shall forward comments received to the awarding authority or

¹ See sec. 247(c)(2), CMHC Act, allowing not more than 30 days for such review.

indicate that no response was received within the time provided.

§ 50.105 Project requirements.

In addition to other requirements and conditions imposed by law, regulation or program guidelines, an approvable project must provide the following:

(a) A management structure and methodology to carry out the general plan in § 50.104(a) and the financial plan in § 50.104(b).

(b) Except in cases of persons unable to pay therefor, that charges shall be made for services rendered. Such charges shall not be a barrier to services. Where third party payors (including Government agencies) are authorized or under a legal obligation to pay all or a portion of such charges, all services covered by that reimbursement plan must be billed and every reasonable effort must be made to obtain payment.²

(c) That where a significant percentage of the cost of care and services provided by the project is to be reimbursed by a third party, a written agreement with such third party is required unless otherwise provided by the Secretary for good cause shown.

(d) Maximum coordination of project activities with, and utilization of, the activities of other available health services delivery projects and programs (whether or not such services are supported with Federal funds) and State and local health agencies serving the same population in order to eliminate duplication of effort.

(e) An ongoing procedure to identify all persons served who are eligible for third-party reimbursement.

§ 50.106 Project evaluation.

In addition to other criteria established by applicable law, regulation, or program guidelines, the following will be taken into account when evaluating applications for support by HSA or ADAMHA of any project:

(a) The merit of the plan referred to in § 50.104 (a) and (b) for (1) assuring effective utilization of HSA or ADAMHA grant support and (2) to the extent feasible supplementing or supplanting such support.

(b) The potential of the project for developing new and effective methods for health services delivery and financing, preferably on a prepaid capitation basis.

(c) The administrative and management capability of the applicant.

(d) Prior performance, if any, with respect to the project requirements in § 50.105.

§ 50.107 Income earned.

Incentives to maximize income may be provided by the granting agency to proj-

² Policies relating to payments under title XVIII of the Social Security Act (medicare) are set forth in Intermediary Letter No. 73-9, dated March 1973. Policies under title XIX of the Social Security Act (medicaid) are set forth in State Letter No. 1033, dated Apr. 23, 1968, and information memoranda to State agencies of June 23, 1970, Jan. 20, 1971, Aug. 24, 1971, and Apr. 24, 1972.

ects by permitting use of a substantial portion of income generated by the project for one or more of the following purposes:

- (a) To increase the number of persons served by the project.
- (b) To increase the number or range of reimbursable services provided by the project.
- (c) To improve the quality of the services.
- (d) To develop and maintain a reserve fund to be used in offsetting underestimates of funding needs for approved project activities, and for purposes of complying with State regulations for prepaid health care services.
- (e) To improve management and operational capabilities, including those related to the maximization of third party reimbursement revenues.

Section 50.107 shall not apply to projects cited in §§ 50.101(a)(4) (community mental health centers), 50.101(a)(5) (alcoholism), and 50.101(a)(6) (narcotic addiction).

[FR Doc.74-577 Filed 1-8-74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 220—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN; TITLE IV PART A AND B OF SOCIAL SECURITY ACT

PART 221—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN AND FOR AGED, BLIND OR DISABLED INDIVIDUALS: TITLES I, IV (PARTS A AND B), VI, X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

PART 222—SERVICE PROGRAMS FOR AGED, BLIND OR DISABLED PERSONS: TITLES I, X, XIV AND XVI OF THE SOCIAL SECURITY ACT

PART 226—PURCHASE OF SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS

Postponement of Effective Date

Final regulations for the social services programs under the public assistance titles of the Social Security Act were published on October 31, 1973 (38 FR 30072) to be effective November 1, 1973. The effective date of these regulations has been postponed until January 1, 1975 by P.L. 93-233, signed by the President on December 31, 1973.

Accordingly, the regulations in Parts 220, 222, and 226 of this title as previously published remain in effect until January 1, 1975. However, in order to take into account title VI of the Social Security Act, effective January 1, 1974, all references to titles I, X, XIV, and XVI contained therein are hereby amended to include title VI, as appropriate. All references to "applicants", "recipients", and "financial assistance" in Part 222 shall be deemed to include supplemental security income benefits under title XVI of the Social Security Act and applicants therefor and recipients thereof, as appropriate.

In addition, statutes affecting the social services programs have been enacted since the reinstated regulations were originally published. Therefore, relevant sections of the following acts must be applied in implementing Parts 220, 222, and 226 of this title as previously published:

- (1) Social Security Amendments of 1972 (P.L. 92-603).
- (2) Revenue Sharing Act (P.L. 92-512).
- (3) Extension of Renegotiation Act (P.L. 93-66).
- (4) P.L. 93-233.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)) (Catalog of Federal Domestic Assistance No. 13.754, Public Assistance—Social Services.)

Dated January 3, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved January 4, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-750 Filed 1-8-74;8:45 am]

PART 206—APPLICATION, DETERMINATION OF ELIGIBILITY AND FURNISHING OF ASSISTANCE, PUBLIC ASSISTANCE PROGRAM

State Plans Requirements; Correction

Regulations published in the FEDERAL REGISTER on August 15, 1973 (38 FR 22009) regarding beginning date for financial assistance were unintentionally changed by regulations published on December 3, 1973 (38 FR 33379), regarding beginning date for medical assistance.

Accordingly, the correct language is restored and § 206.10(a)(6) reads as set forth below:

Section 206.10, Part 206, Chapter II, Title 45 of the Code of Federal Regulations is corrected by revising subparagraph (a)(6) to read as follows:

§ 206.10 Application, determination of eligibility and furnishing of assistance.

- (a) *State plan requirements.* * * *
- (6) Assistance shall begin as specified in the State plan, which:

- (i) For financial assistance.
 - (A) Must be no later than:
 - (1) The date of authorization of payment, or
 - (2) Thirty days in OAA, AFDC, AB, and AABD (as to the aged and blind), and 60 days in APTD and AABD (as to the disabled), from the date of receipt of a signed and completed application form, whichever is earlier: *Provided*, That the individuals then met all the eligibility conditions, and

(B) For purposes of Federal financial participation, may be as early as the first of the month in which an application has been received and the individual meets all the eligibility conditions; and

- (ii) for medical assistance, effective

July 1, 1973, must be no later than the third month prior to the month of application for financial or medical assistance if the individual was eligible, or on application (regardless of whether or not the individual was alive at the time of application) would have been eligible on the date that he received medical care or services; and may be as early as the first day of such third prior month if he was eligible at any time in such month.

Approved: January 2, 1974.

L. DAVID TAYLOR,
Acting Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.74-670 Filed 1-8-74;8:45 am]

Title 49—Transportation

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

[Docket No. 1-8; Notice 14]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Retreaded Pneumatic Tires

On August 21, 1973 (38 FR 22493), the NHTSA proposed to amend 49 CFR § 571.117 (Motor Vehicle Standard No. 117, "Retreaded Pneumatic Tires") to revise retreaded tire physical dimension requirements, to facilitate the labeling of bias/belted tires, to specify acceptable methods of permanent labeling, and to reduce labeling size. Interested persons were given the opportunity to submit comments by September 24, 1973. Only three comments were submitted within the comment period, none of which objected to the substance of the proposed amendments. Accordingly, the proposed revision of paragraphs S5.1.2, S6.3.1, and S6.3.2 of 49 CFR § 571.117 is adopted without change as set forth below.

Effective date: The amendments to S5.1.2 and S6.3.1 are effective January 9, 1974. The amendment to S6.3.2 is effective February 1, 1974. These amendments facilitate compliance with the standard, relieve restrictions, and do not reduce the level of safety established by the standard. Accordingly, good cause exists and is hereby found for an effective date less than 30 days from publication.

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

Issued on January 3, 1974.

JAMES B. GREGORY,
Administrator.

1.S5.1.2 is revised to read:

S5.1.2 Except as specified in S5.1.3, each retreaded tire, when mounted on a test rim of the width specified for the tire's size designation in Appendix A of § 571.109, shall comply with the requirements of S4.2.2 of § 571.109, except that the tire's section width shall not be more than 110 percent of the section width specified, and the tire's size factor shall

be at least 97 percent of the size factor specified, in Appendix A of § 571.109 for the tire's size designation.

2. Paragraphs S6.3.1 is revised as follows:

S6.3.1 Each retreaded pneumatic tire manufactured on or after June 1, 1973, shall be labeled, in at least one location on the tire sidewall in letters and numerals not less than 0.078 inches high, with the following information:

(f) If the tire is of bias/belted construction, the words "bias/belted", or the actual number of plies in the sidewall and the actual number of plies in the tread area.

The information shall either be retained from the casing used in the manufacture of the tire, or may be labeled into or onto the tire during the retreading process, either permanently (through molding, branding, or other method that will produce a permanent label) or by the addition of a label that is not easily removable.

3. Paragraph S6.3.2 is revised as follows:

S6.3.2 Each retreaded pneumatic tire manufactured on or after February 1, 1974, shall be permanently labeled (through molding, branding, or other method that will produce a permanent label) in at least one location on the tire sidewall, in letters and numerals not less than 0.078 inches high, with the following information:

(f) If the tire is of bias/belted construction, the words "bias/belted", or the actual number of plies in the sidewall and the actual number of plies in the tread area.

[FR Doc.74-708 Filed 1-8-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1166]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co.

JANUARY 2, 1974.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of December 1973.

It appearing, That the lease of the railroad properties of the Des Moines Western Railway Company (DMW) to the Fort Dodge, Des Moines & Southern Railway Company (FDMS) expires December 31, 1973, and has not been extended; that commencing January 1, 1974, the FDMS will be required to cease operations over the railroad properties of the DMW; that the DMW owns no locomotives or cars and employs no operating personnel and hence is incapable of performing essential operations of its railroad properties; that the Chicago and North Western Transportation Company

has agreed to purchase and operate the railroad properties of the DMW; that shippers located adjacent to the tracks of the DMW are in need of continued railroad service over these tracks; that the CNW has agreed to provide such services and that the DMW has consented to such use of its line by the CNW pending disposition by the Commission of the request of the CNW for authority to purchase and operate the railroad properties of the DMW; that operation by the CNW over the aforementioned tracks of the DMW is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1166 Service Order No. 1166 (Chicago and North Western Transportation Company authorized to operate over tracks of Des Moines Western Railway Company).

(a) The Chicago and North Western Transportation Company (CNW) be, and it is hereby, authorized to operate over tracks of the entire line of the Des Moines Western Railway Company (DMW), all within the vicinity of Des Moines, Iowa.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the CNW over tracks of the DMW is deemed to be due to carrier's disability, the rates applicable to traffic moved by the CNW over the tracks of the DMW shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., December 31, 1973.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-725 Filed 1-8-74;8:45 am]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 10—GENERAL PROVISIONS

PART 11—CIVIL PROCEDURES

PART 12—SEIZURE AND FORFEITURE PROCEDURES

PART 13—GENERAL PERMIT PROCEDURES

PART 14—IMPORT, EXPORT, AND INTERSTATE TRANSPORTATION OF WILDLIFE

PART 17—ENDANGERED WILDLIFE

The Endangered Species Act of 1973 (hereinafter referred to as the Act of 1973) was signed into law on December 28, 1973. In order to provide continuity with the rules and procedures previously in effect under the Endangered Species Conservation Act of 1969 (hereinafter referred to as the Act of 1969), the Act of 1973 provides for certain rules to be republished, and for the lists of endangered species and the designated ports to continue in effect without republication. The purpose of this rulemaking is to republish the relevant rules promulgated under the Act of 1969 which are appropriate to carry out the Act of 1973; and to identify the lists of endangered species and designated ports which continue in effect pursuant to the Act of 1973. All of the regulations to be readopted and the lists of endangered species and designated ports appear in the rulemaking published on January 4, 1974, at 39 FR 1157 (hereinafter referred to as the "rulemaking"). That rulemaking was essentially a structural revision and recodification of all the wildlife regulations in Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, including those under the Act of 1969. There were no substantive changes in the rulemaking to those rules and regulations previously issued under the Act of 1969.

Section 4(f)(2)(B)(i) of the Act of 1973 provides that regulations which were promulgated under the Act of 1969, may be republished and readopted where appropriate to carry out the provisions of the Act of 1973. Pursuant to that provision, the regulations in the rulemaking of January 4, 1974, which were issued under the authority of the Act of 1969, are hereby readopted and republished under the provisions of section 4(f)(2)(B)(i) of the Act of 1973 with the exception of § 17.13. That section deals with the method of amending the lists of endangered species under the Act of 1969, is not readopted and is deleted. These regulations shall continue in effect until amended pursuant to section 4(f)(2) of the Act of 1973. These republished regulations will apply to all matters arising under the Act of 1973.

Section 4(c)(3) of the Act of 1973 provides that species which were on the endangered species list under the Act of 1969 as of the day before the Act of 1973 became effective, shall be deemed to be

"endangered species" under that Act of 1973, until such time as that former list (under the Act of 1969) is republished to conform with the classifications for "endangered" and "threatened" species in the Act of 1973. The lists of foreign and native endangered species included in Part 17 of the rulemaking, and referred to above, are the lists referred to by section 4(c) (3) of the Act of 1973. Pursuant to the Act of 1973, all the species contained therein are deemed to be "endangered species" under the Act of 1973, until such time as those lists are republished in accordance with section 4(c) (3) of the Act of 1973. Those lists shall be considered to have been in effect continuously from the effective date of the Act of 1973.

Section 9(f) (2) of the Act of 1973 provides that any port designated for the entry of wildlife under the Act of 1969 shall be deemed to be a port designated under the Act of 1973, until such time as the Secretary of the Interior otherwise provides. The ports listed in Part 14 of the rulemaking shall be considered to be those deemed to be designated under the

Act of 1973. Pursuant to the Act of 1973, those ports are considered to have been designated continuously from the effective date of that Act, until such time as the Secretary of the Interior otherwise provides.

Accordingly the following regulations are hereby adopted:

1. The citations of authority in Parts 10, 11, 12, 13, 14 and 17 are amended by deleting the citation to the Endangered Species Conservation Act of 1969, and inserting in its place, the following: "Endangered Species Act of 1973, section 11 (f), 87 Stat. 884."

§ 11.2 [Amended]

2. Section 11.2 is amended by deleting the citations to the Endangered Species Conservation Act of 1969, and inserting in its place, the following: "Endangered Species Act of 1973, 87 Stat. 884."

§ 17.1 [Amended]

3. a. Section 17.1 is amended by deleting the words: "and provide for public participation in the amendment of the

endangered wildlife lists," and by replacing the comma after the words "foreign wildlife" with a period.

b. Section 17.1 is amended by deleting the citations to the Endangered Species Conservation Act of 1969, and inserting in its place, the following: "Endangered Species Act of 1973, 87 Stat. 884."

4. The rules and regulations in Subchapter B, Chapter 1, Title 50 of the Code of Federal Regulations (39 FR 1157, January 4, 1974), which were issued under the Act of 1969 are hereby repromulgated and adopted under authority of the Act of 1973, except 50 CFR 17.13, which is deleted.

Effective Date: Pursuant to section (4) (f) (2) (B) of the Endangered Species Act of 1973, these regulations shall be effective January 9, 1974.

Dated: January 3, 1974.

LYNN A. GREENWALT,
Director, Bureau of
Sport Fisheries and Wildlife.

[FR Doc.74-659 Filed 1-8-74;8:45 am]

Proposed Rules

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

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 1 and 5]

DETERMINATION OF MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Variation Permitting Use of Certain Negotiated Housing Rates in Allegheny County, Pennsylvania

On August 15, 1972, there was published in the FEDERAL REGISTER a proposal to issue a variance providing for the payment of lower than the prevailing commercial rates on low rise residential construction in Allegheny County, Pennsylvania. The proposal was published pursuant to a request from the Mellon Stuart Company and the Pittsburgh Building and Construction Trades Council.

As indicated in the proposal, the Pittsburgh Building and Construction Trades Council has negotiated with Mellon Stuart Company of Pittsburgh, Pennsylvania, an agreement for the payment on housing construction in Allegheny County (other than high rise housing) of wage rates 10 percent below the negotiated rates for commercial construction in such county. The parties to the agreement requested that provision be made pursuant to applicable regulations of the Department of Labor (29 CFR Parts 1 and 5) for acceptance of the payment of wages at such specially negotiated rates on low rise residential construction in Allegheny County as satisfying the requirements of Department of Labor wage determinations applicable to contracts for such work pursuant to the Davis-Bacon Act and related statutes.

Since the publication of the proposal, consideration has been given to objections received, to wage payment evidence pertinent to residential construction in Allegheny County, developed as the result of a survey by the Department of Labor and the Department of Housing and Urban Development, and to subsequent hearings relating to what rates are currently being paid and prevailing in the area. Pursuant to such consideration, it has been administratively determined that issuance of the proposed variance is inappropriate at this time and that proceedings therefor should be terminated.

Accordingly the proposal of August 15, 1972, to issue a variance is hereby withdrawn.

Signed at Washington, D.C., this 28th day of December 1973.

WARREN D. LANDIS,
Acting Administrator,
Wage and Hour Division.

[FR Doc.74-676 Filed 1-8-74; 8:45 am]

[29 CFR Parts 1 and 5]

DETERMINATION OF MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Proposed Variation Permitting Use of Certain Negotiated Housing Rates in Westmoreland County, Pennsylvania

On November 9, 1973, there was published in the FEDERAL REGISTER at 38 FR 31086 a proposal to issue a variance providing for the payment of lower than the prevailing commercial rates on low rise residential construction in Westmoreland County, Pennsylvania. The proposal was published pursuant to a request from Crossgates, Inc., and the Allegheny-Kiski Valley Building and Construction Trades Council.

As indicated in the proposal, the Allegheny-Kiski Valley Building and Construction Trades Council has negotiated with Crossgates, Inc., of McMurray, Pennsylvania, an agreement for the payment on housing construction in Westmoreland County (other than high rise housing) of wage rates 10 percent below the negotiated rates for commercial construction in such county. The parties to the agreement requested that provision be made pursuant to applicable regulations of the Department of Labor (29 CFR Parts 1 and 5) for acceptance of the payment of wages at such specially negotiated rates on low rise residential construction in Westmoreland County as satisfying the requirements of Department of Labor wage determinations applicable to contracts for such work pursuant to the Davis-Bacon Act and related statutes.

Since the publication of the proposal, objections have been received and duly considered. It is noted that no wage payment evidence pertinent to residential construction in Westmoreland County has been submitted showing that the lower rates are currently being paid and prevailing on similar private construction in the area.

In consideration of the foregoing, it has been administratively determined that issuance of the proposed variance is not in the public interest and inappropriate at this time and that proceedings therefor should be terminated.

Accordingly the proposal of November 9, 1973, to issue a variance is hereby withdrawn.

Signed at Washington, D.C., this 28th day of December 1973.

WARREN D. LANDIS,
Acting Administrator,
Wage and Hour Division.

[FR Doc.74-676 Filed 1-8-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

NEW DRUGS

Relationship of Methadone Treatment Programs Operated by the Federal Government to State Methadone Authorities

Correction

In FR Doc. 73-25312 appearing on page 32944 in the issue of Thursday November 29, 1973, in the fourth line of the last paragraph, "1973" should read "1974".

Public Health Service

[42 CFR Part 53]

COMMUNITY SERVICE

Notice of Proposed Rule Making

Notice is hereby given that the Assistant Secretary for Health, Office of the Secretary, with the approval of the Secretary of Health, Education, and Welfare and subject to the approval of the Federal Hospital Council, proposes to amend Part 53 of Title 42, CFR, by more fully setting forth the requirements for compliance with "community service" assurances and by making technical amendments in conformity with such requirements.

The purpose of the proposed amendment is to establish more specific requirements for compliance with assurances to furnish a community service previously given by recipients of, or to be given by applicants for, assistance under Title VI of the Public Health Service Act as amended (42 U.S.C. 291 et seq.).

The proposed amendment retains the current requirements for compliance with community service assurances, but further requires that a facility must (1) make arrangements for reimbursement with those private and governmental third-party payors which offer reimbursement for services at not less than the "reasonable cost" of such services and (2) not categorically deny its services to all patients having a specific third-party source of payment where such payment provides reimbursement for the "reasonable cost" of such services. However, consistent with the current community service requirements which allow a limitation on admission based on medical indigency, those hospitals which serve only the medically indigent may retain their current admission policies and are required to make arrangements only with third-party payors which provide reimbursement for services to the medically indigent.

This proposed revision is intended to respond to suggestions received in connection with the recent revision of 42 CFR § 53.111, entitled "Services for persons unable to pay" (37 FR 14719, 14720, July 22, 1972), to the effect that facilities receiving assistance under the Hill-Burton program be required to participate in the Medicaid program.

The proposed amendments would revoke §§ 53.1(s) and 53.112(a)(1), which relate to the community service assurance, and add a new § 53.113 to set forth with more specificity the requirements for compliance with that assurance.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment of 42 CFR Part 53 to the Health Care Facilities Service, Parklawn Building, 5600 Fishers Lane, Rockville, Md., 20852, on or before February 8, 1974. Comments received will be available for public inspection at Room 9-05, Parklawn Building, between the hours of 8:45 a.m. and 5:15 p.m., Monday through Friday.

This proposed amendment is issued under authority of section 603 of the Public Health Service Act as amended, 78 Stat. 451, 42 U.S.C. 291c.

It is therefore proposed to amend 42 CFR Part 53 in the manner set forth below.

(Catalog of Federal Domestic Assistance Program Nos. 13.220, Health Facilities Construction—Grants, 13.253, Health Facilities Construction—Loans and Loan Guarantees.)

Dated: December 26, 1973.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: January 3, 1974.

CASPAR W. WEINBERGER,
Secretary.

§ 53.1 [Amended]

1. Section 53.1 is amended by revoking paragraph (s).

2. The title of § 53.112 and paragraph (a) are amended to read as follows:

§ 53.112 Nondiscrimination.

(a) Before an application is recommended by a State agency to the Secretary for approval, the State agency shall obtain an assurance from the applicant that all portions and services of the entire facility for the construction or modernization of which, or in connection with which, aid under the Act is sought will be made available without discrimination on account of creed and no professionally qualified person will be discriminated against on account of creed with respect to the privilege of professional practice in the facility.

4. A new § 53.113 is added, to read as follows:

§ 53.113 Community service.

(a) *Applicability.* The provisions of this section apply to every applicant which heretofore has given or hereafter will give an assurance that it will furnish a community service.

(b) *Definitions.* As used in this section:

(1) The term "facility" has the same meaning as is given it in § 53.111(b)(1).

(2) The term "applicant" has the same meaning as is given it in § 53.111(b)(2).

(3) The term "fiscal year" has the same meaning as is given it in § 53.111(b)(3).

(4) The term "reasonable cost" has the same meaning as is given it in § 53.111(b)(6).

(c) *Assurance.* Before an application under this part is recommended by a State agency to the Secretary for approval, the State agency shall obtain an assurance from the applicant that the facility will furnish a community service.

(d) *Compliance.* In order to comply with its community service assurance an applicant must:

(1)(i) Make the services it furnishes available to the general public, or

(ii) Limit the availability of such services only on the basis of age, medical indigency, or type or kind of medical or mental disability, or

(iii) If the facility constitutes a medical or nursing care unit of a home or other institution, make such home or other institution available in accordance with paragraph (d)(1)(i) or (ii) of this section; and

(2)(i) Make administrative arrangements, if eligible to do so, for reimbursement for services with those principal third-party payors (private and governmental) which offer reimbursement for services that is not less than the reasonable cost of such services, and

(ii) Take such additional steps as may be necessary to ensure that the services which it offers are not categorically denied to all persons having a specific source of payment which provides reimbursement at not less than the reasonable cost of such services: *Provided*, That facilities which admit and treat only the medically indigent are subject to the provisions of this subparagraph only to the extent that they must make administrative arrangements with those third-party payors which provide reimbursement for services provided to the medically indigent.

(e) *Compliance Reports.*

(1) Each applicant shall, within 180 days after the effective date of this regulation, or within 90 days after the completion of construction, whichever is later, unless a longer period is approved by the State agency for good cause shown, file with the State agency written documentation of the arrangements which it has entered into in accordance with paragraph (d) of this section.

(2) The annual statement required by section 646 of the Act and § 53.128(q), a copy of which must be submitted to the State agency in accordance with the requirements of § 53.111(e)(1), shall set forth:

(i) The amount of the reimbursement received pursuant to each arrangement with a third-party payor; and

(ii) Any changes in previously reported arrangements with third-party payors.

(f) *Evaluation and Enforcement.* The State plan shall provide for evaluation and enforcement of the community service assurance in accordance with the following requirements:

(1) The State agency shall, (i) at least annually, evaluate the compliance of each facility with such assurance; and

(ii) establish procedures for the investigation of complaints that such assurance is not being complied with.

(2) The State plan shall provide for adequate methods of enforcement of the assurance, including effective sanctions to be applied against any facility which fails to comply with such assurance. Such sanctions may include, but need not be limited to, license revocation, termination of State assistance and court action.

(g) *Reports.* (1) The State agency shall, not less often than annually, report in writing to the Secretary its evaluation of each facility's compliance with the assurance, the disposition of each complaint received by the State agency, proposed remedial action with respect to each facility found by the State agency to be not in compliance with the assurance, and the status of such remedial action.

(2) In addition, the State agency shall promptly report to the Regional Attorney and Regional Health Director of the Department of Health, Education, and Welfare the institution of any legal action against a facility or the State agency involving compliance with the assurance.

[FR Doc.74-669 Filed 1-8-74; 8:45 am]

Social Security Administration

[20 CFR Part 405]

[Regulations No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Condition of Participation—Hospitals and Skilled Nursing Facilities

UTILIZATION REVIEW

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments are being adopted pursuant to the provisions of section 237(c) of the Social Security Amendments of 1972, Public Law 92-603, which amended section 1861(k) of the Social Security Act, 42 U.S.C. 1395x(k), by adding authority under which the Secretary may require the use in the Medicare program (title XVIII of the Act) of utilization review procedures established pursuant to the Medicaid program (title XIX of the Act), which he determines are superior in their effectiveness to the utilization review procedures of the Medicare program (title XVIII of the Act).

A notice of proposed rulemaking which would amend the regulations of the Social and Rehabilitation Service dealing with the utilization review requirements of State plans under the Medicaid program is being published in this edition of the FEDERAL REGISTER. These proposed amendments would require hospitals and skilled nursing facilities participating in the title XIX program to meet the utilization review requirements under title XVIII, except that different or additional requirements are being applied pursuant to title XIX in certain areas. The major changes concern requirements for pre-admission certification, and additional specific requirements relating to review of all stays in hospitals and skilled nursing facilities. Changes are also made in the title XIX regulations concerning the composition of the utilization review committee.

Since many providers of services participating in the Medicare program also participate in the Medicaid program, it is inefficient to have differing utilization review requirements applicable to the same facility under each program, especially when compliance with such requirements is the responsibility of the same State agency (in accordance with sections 1864 and 1902(a)(9) of the Act, 42 U.S.C. 1395aa and 1396a(a)(9), as amended by section 239 of Pub. L. 92-603). Even more crucial is the fact that the title XIX criteria in each of these areas are superior to the comparable requirements established pursuant to title XVIII. Accordingly, pursuant to the Secretary's authority under section 1861(k) of the Social Security Act, 42 U.S.C. 1395x(k), as added by section 237(c) of Pub. L. 92-603, these amendments would provide that such new title XIX requirements be incorporated into the conditions of participation on utilization review for hospitals and for skilled nursing facilities under title XVIII. These regulations further implement section 237(c) of Pub. L. 92-603 by providing that when the Secretary determines that any other procedures established under a State plan pursuant to title XIX are superior in effectiveness to the utilization review requirements under title XVIII, such procedures shall be utilized in hospitals and skilled nursing facilities in that State to the extent the waiver applies for title XIX, instead of the procedures specified in Subpart J or K of Part 405, as the case may be.

In Part III of the FEDERAL REGISTER of July 12, 1973 (38 FR 18620-18634), there were published, inter alia, notice of proposed rulemaking, and proposed amendments to Subpart K of Part 405, "Conditions of Participation; Skilled Nursing Facilities." The proposed amendments to Subpart K set forth below relate to that notice.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Fourth and Independence

Avenue, S.W., Washington, D.C. 20201, on or before February 8, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue, S.W., Washington, D.C. 20201.

(Sections 1102, 1861, and 1871, 49 Stat. 647, as amended; 79 Stat. 331, as amended; 86 Stat. 1421; 42 U.S.C. 1302, 1395x, and 1395hh.)

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged and Disabled—Hospital Insurance)

Dated: December 21, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 3, 1974.

CASPAR W. WEINBERGER,
Secretary.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) is amended as follows:

1. Section 405.1035 is amended by revising paragraphs (a), (b), (e), (f), (g), and adding paragraph (j) to read as follows:

§ 405.1035 Condition of participation—utilization review plan.

(a) *Condition.* The hospital has in effect a plan for utilization review which applies at least to the services furnished by the hospital to inpatients who are entitled to benefits under title XVIII of the Act. An acceptable utilization review plan provides for the timely review of the medical necessity for admissions, duration of stays, and professional services rendered, and has as its objectives both the maintenance of high quality patient care and assurance of appropriate and efficient utilization of available health facilities and services.

(e) *Standard; conduct of function by committees.* The utilization review function is conducted by a staff committee of the hospital composed of two or more physicians, with or without participation of other professional personnel, or a group outside the hospital which is similarly composed and established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality, or a group established in a manner approved by the Secretary; provided, if for the particular geographic area served by the hospital, another group outside the institution has been designated by the Medicaid State agency under conditions to be promulgated by the Secretary to perform utilization review functions pursuant to 45 CFR § 250.20(a)(1)(i) for purposes of utilization review under title XIX of the Social Security Act, then such other group shall also perform the utilization review functions under this section. However, reviews by any Committee or group may not be conducted by medical or other professional person-

nel who are directly responsible for the care of patients whose care is being reviewed or who are employed by or financially interested in any such institution.

(f) *Standard; reviews.* (1) Prior to an elective admission of an eligible individual or within one working day following the day of the emergency admission of such an individual, such individual's attending or admitting physician shall provide for review by the group or committee responsible for conducting the utilization review function of the hospital the following documentation:

(i) Identification of the individual and physician;

(ii) The diagnosis and/or complaint(s) indicating the need for the admission;

(iii) The physician's plan of treatment;

(iv) Date of admission requested (or actual date of admission in the case of emergency) and, where appropriate, date of operating room reservation;

(v) Such supporting material (e.g., recent test findings, recent case history, etc.) as such group or committee may deem appropriate; and

(vi) Justification for every emergency admission.

(2) Such group or committee shall review such documentation prior to admission if an elective admission is involved, or within two working days following admission if an emergency admission is involved, and, if it approves, it shall certify such admission for a length of stay in the hospital based on appropriate length of stay data selected or developed by the hospital (usually the 50th percentile) on length of stay for individuals with characteristics (e.g., age, diagnosis) similar to those of the eligible individual (see paragraph (a)(4) of this section). If, however, such group or committee has reason to believe that the admission is or was not medically necessary, it shall so notify the individual's attending physician prior to admission in the case of an elective admission or within two working days following admission in the case of an emergency admission, and afford him a reasonable opportunity to present his views before it makes a final determination. If the final determination is that medical necessity for the admission has not been shown, the group or committee shall notify the hospital, the individual and his attending physician prior to admission in the case of an elective admission or within three working days following admission in the case of an emergency admission.

(3) In addition to the review specified in paragraph (f)(2) of this section, such group or committee, through the use of an appropriate selection technique, reviews on a timely basis an adequate number of admissions of eligible individuals for the purpose of giving such admissions a closer professional scrutiny. In utilizing a selection technique, the group or committee must assure that the process of selection will yield a sufficient number of cases to assure statistical validity including cases involving questionable diagnoses, treatments, or spe-

cific diagnoses that are associated with high costs or the frequent furnishing of excessive services, and admissions by physicians for whom close professional scrutiny is appropriate because of their questionable patterns of care.

(4) Current and reliable data as to the duration of stay in the hospital by individuals of similar characteristics (e.g., age, diagnosis) will be used to assign, to each case involving an admission of an eligible individual, the date such case will be reviewed to determine whether medical necessity for further stay in the hospital exists. The hospital must clearly demonstrate that such data will be used in the manner described in the succeeding subparagraphs of this paragraph.

(i) Prior to the expiration of the period for which an admission is certified (see paragraph (f) (2) of this section), the physician members of the group or committee responsible for conducting the utilization review function of the hospital shall make a finding based upon documentation submitted by the individual's attending physician as to whether a further stay in the hospital by the individual is medically necessary. If the individual's further stay is approved as being medically necessary, the duration of such further stay shall be certified, on the basis of the data specified in paragraph (f) (4) (ii) of this section, for such period of time as such group or committee deems appropriate; at the expiration of such further stay, such case shall be reviewed in like manner with such review being repeated so long as medical necessity for the stay exists.

(ii) If, after opportunity for consultation is given an individual's attending physician, the physician members of the group or committee find that a further stay in the hospital is not medically necessary, written notice of such finding shall be given to the hospital, the attending physician, and the individual immediately after such finding is made. Except for an exceptional case, such notice must be given no later than one day after the expiration of the certified period.

(iii) In addition to review in each case as specified in paragraphs (f) (1), (2), and (3), the group or committee will analyze its findings in such cases and take appropriate action to correct any deficiencies in the process of review of cases of extended duration, such as performing special medical care evaluation studies, review and revision of the hospital's discharge planning program, and coordination of utilization review with other hospital staff activities.

(g) *Standard; Medical care evaluation studies.* Medical care evaluation studies are performed to promote the most effective and appropriate use of available health facilities and services consistent with patient needs and professionally recognized standards of health care. Studies, which could include assessment of findings resulting from cases identified through the review process conducted in accordance with paragraph (f) of this section, emphasize

identification and analysis of patterns of patient care and changes indicated to maintain consistent high quality of services. Each medical care evaluation study (whether medical or administrative in emphasis) identifies and analyzes factors related to the patient care rendered in the facility, and serves as the basis for recommendations for change beneficial to patient, staff, the facility, and the community. Studies, on a sample or other basis, include but need not be limited to, admissions, durations of stay, patient outcomes, and professional services (including drugs and biologicals) furnished. At least one study is in progress at any given time. The review is accomplished by considering data obtained by any one or any combination of the following:

(i) By use of services and facilities of external organizations which compile statistics, design profiles, and produce other comparative data; or

(ii) By cooperative endeavor with the fiscal intermediary(ies) in the locality; or

(iii) By internal studies of medical records or other appropriate data.

(j) *Standard; applicability of utilization review requirements approved under title XIX.* Notwithstanding the preceding paragraphs of this section, if the Secretary grants to the State a waiver of the utilization review requirements otherwise applicable under title XIX in accordance with 45 CFR 250.20(a) (4) (v), any provision of the State plan for which the waiver is granted relating to utilization review in hospitals, which he determines is superior in its effectiveness to the procedures required under this section, shall be utilized by hospitals in that State to the extent the waiver applies for title XIX instead of the procedures specified in this section.

6. Section 405.1137 is amended by revising paragraph (b); redesignating (d)—(g) as (e)—(h) and adding a new (d); removing (f) (as redesignated); and adding a new (i) to read as follows:

§ 405.1137 Condition of participation—utilization review.

(b) *Standard; composition and organization of utilization review committee.* The utilization review function is conducted by a staff committee of the facility composed of two or more physicians, with or without participation of other professional personnel or a group outside the facility which is similarly composed and established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality or a group established in a manner approved by the Secretary; provided, if for the particular geographic area served by the facility, another group outside the institution has been designated by the Medicaid State agency under conditions to be promulgated by the Secretary to perform the utilization review functions pursuant to 45 CFR 250.20(a) (1) (i) for purposes of utilization review under title XIX of the Social Security Act, then such other group shall

also perform the utilization review functions under this section. However, reviews by any committee or group may not be conducted by medical or other professional personnel who are directly responsible for the care of patients whose care is being reviewed or who are employed by or financially interested in any such institution. All medical determinations are made by the physician members of the committee.

(d) *Standard; review of admission and extended duration.* (1) Prior to the admission of an eligible individual, or no later than the day of admission in case of an eligible individual admitted within 14 days of discharge from a hospital, such individual's admitting physician shall provide his certification (see 405.1632) and his plan of treatment for review by the group or committee responsible for conducting the utilization review function of the facility.

The group or committee responsible for conducting the utilization review function of the facility shall review the certification and plan of treatment submitted by the physician before admission or in the case of an individual admitted within 14 days of discharge from a hospital, no later than one day after admission, and determine whether such individual needs on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can be only be provided in a skilled nursing facility on an inpatient basis for any of the conditions with respect to which he was receiving inpatient hospital services (or services which would constitute inpatient hospital services if the institution met the requirements of paragraphs 6 and 9 of section 1861(e) of the Act) prior to transfer to a skilled nursing facility.

(2) Where the group or committee determines that the individual requires a covered level of care, it schedules the case for a follow-up review when in its judgment there is a substantial likelihood that the individual will no longer require a covered level of care, but in no event should such review take place later than the 21st day after admission except where the follow-up review date is based on:

(i) the average, or some other appropriate point (e.g., median), of current length of stay data for diagnostic class of cases, and the average or other length of stay review point for the individual's specific diagnostic class of cases exceeds 21 days; or

(ii) a period, pursuant to section 1814 (h) (1) of the Act, which exceeds 21 days.

(3) Where the group or committee determines that the level of care needed by the individual is noncovered, it shall promptly notify the individual's admitting physician in writing and provide the physician a reasonable opportunity to present his views before it makes a final determination. If the final determination is that the individual requires a non-covered level of care, the group or com-

mittee shall promptly notify in writing the individual, his admitting physician, and the facility prior to the date of admission, except that in case of an individual transferred from a hospital or admitted within 14 days of discharge from a hospital, such notification shall be made not later than 2 days after admission.

(4) If the group or committee has a reasonable doubt as to whether the individual needs a covered level of care (whether such doubt arises at admission or during the individual's stay in the facility), it shall promptly submit medical information to the intermediary and request the opinion of the intermediary as to whether the individual needs such services and, if so, an appropriate follow-up review date. Such request shall be submitted to the intermediary: prior to admission; or in the case of a patient admitted within 14 days of discharge from a hospital, no later than 2 days after admission; or if later, the date such group or committee has such reasonable doubt.

(5) On or before the end of a period approved in accordance with paragraph (d) (2) or (3) the physician members of the group or committee make a finding as to whether the individual continues to need a covered level of care based upon documentation submitted by the individual's attending physician. Where a finding is made that the individual continues to need such services, an additional stay will be approved for such duration as the group or committee deems appropriate, provided that reviews are made at least every 30 days for the first 90 days and at least every 90 days thereafter. Reviews will be performed and, where appropriate, additional stays of specific extended duration will be approved at or before the end of this period, and any subsequent approved periods.

(6) If, after opportunity for consultation is given the individual's attending physician, the physician members of the group or committee determine that the individual no longer needs a covered level of care, final written notification of such finding is made to the facility, the attending physician and the individual no later than one day after the expiration of the approved period.

[(d)—(e) redesignated (e)—(h).]

[(f) Revoked]

(1) *Standard; Applicability of utilization review requirements approved under title XIX.* Notwithstanding the preceding paragraphs of this section, if the Secretary grants to the State a waiver of the utilization review requirements otherwise applicable under title XIX in accordance with 45 CFR 250.20(a)(5) (vii), any provision of the State plan for which the waiver is granted relating to utilization review in skilled nursing facilities, which he determines is superior in its effectiveness to the procedures required under this section, shall be utilized by the skilled nursing facilities in that State to the extent the waiver

applies for title XIX instead of the procedures specified in this section.

[FR Doc.74-673 Filed 1-8-74;8:45 am]

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Certification and Recertification; Requests for Payment

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form, are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The proposed amendments to the regulations implement sections 281 (e) and (f) of the Social Security Amendments of 1972 (Pub. L. 92-603) which provide a time limit on requests for Medicare payment for services reimbursable on a reasonable cost basis, and section 258 of such amendments to the Act, which provides for an extension of the time limit on claims for payment for services reimbursable on a reasonable charge basis where late filing is due to administrative error of the Department of Health, Education, and Welfare or its agents, and sections 1814 and 1835 of the Social Security Act, as amended, under which the Secretary retains authority to prescribe a time limit for services reimbursable on a reasonable cost basis where the services were furnished before October 1, 1970, and for emergency hospital services and hospital services outside the United States.

The time limitations prescribed in §§ 405.1667(b) and 405.1692(b) will be effective with respect to requests for payment or claims filed after December 31, 1974. The extension of the time limit provided by paragraph (c) of § 405.1692 is applicable to claims filed in accordance with paragraphs (a) and (b) of § 405.1692.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Acting Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before February 8, 1974.

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

The proposed amendments are to be issued under the authority contained in

sections 1102, 1814, 1835, 1842, and 1871, 49 Stat. 647, as amended, 79 Stat. 294, 303, and 309, as amended, 79 Stat. 331 (42 U.S.C. 1302, 1395f, n, u, hh).

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: November 20, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 2, 1974.

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

Subpart P of Regulation No. 5 is amended as set forth below.

1. Paragraphs (a) and (c) of § 405.1660 are revised to read as follows:

§ 405.1660 Payment on behalf of the individual; general.

(a) *Hospital insurance benefits.* Where an individual is entitled to hospital insurance benefits, payment based on reasonable cost is made on his behalf to a participating provider of services (or in some cases to a nonparticipating hospital for emergency services or, effective with respect to certain services furnished on admissions after December 31, 1972, to certain hospitals outside the United States) for covered inpatient hospital services (see §§ 405.116, 405.152, and 405.153), post-hospital extended care services (see § 405.125), post-hospital home health services (see § 405.131), and outpatient hospital diagnostic services furnished before April 1968 (see §§ 405.145 and 405.152). Effective with respect to services furnished on or after April 1, 1968, coverage of outpatient hospital diagnostic services is included as "medical and other health services" under the supplementary medical insurance benefits plan.

(c) *Claim for payment.* A claim for payment for services described in paragraph (a) or (b) of this section must be submitted by the participating provider or the hospital which has elected to claim payment for emergency services or services outside the United States, and the individual or an authorized person acting on his behalf must request, in writing, that such payment be made (see §§ 405.1663 and 405.1667).

2. Section 405.1662 is revised to read as follows:

§ 405.1662 Form used for claiming payment.

A claim for payment under the hospital insurance benefits program or the supplementary medical insurance plan shall be submitted by a participating provider of services or a hospital which has elected to claim payment for emergency services or certain services outside the United States on a form designated by the Social Security Administration and executed in accordance with such instructions as are prescribed by the

Administration (see § 422.510 of Part 422 of this chapter).

3. Section 405.1663 is revised to read as follows:

§ 405.1663 Individual's request for payment.

Except as provided in paragraph (a), (b), or (c) of this section or in § 405.1664, before payment may be made on behalf of an individual, a written request for payment must be executed by the individual or an authorized person acting on his behalf. The individual or the authorized person may do this by signing the request for payment statement on the form designated by the Social Security Administration (see § 405.1662) or any statement which evidences an intent to claim payment for authorized services. A participating provider of services, or the hospital which has elected to claim payment for emergency services or services outside the United States, shall have the individual or an authorized person sign the request for payment before the claim is submitted for payment (see § 405.1667).

(a) In the case of inpatient hospital services (see §§ 405.116 and 405.152) a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same hospital with respect to the same continuous period of inpatient hospital services.

(b) In the case of home health services (see §§ 405.131 and 405.236), a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same participating provider of services under the same home care plan (see §§ 405.131 and 405.236).

(c) In the case of post-hospital extended care services (see § 405.125), a request for payment is not required for the second or subsequent claim submitted on behalf of such individual by the same participating provider of services with respect to the same continuous period of extended care services.

4. The material preceding paragraph (a) of § 405.1664, and paragraph (d) of such section are revised to read as follows:

§ 405.1664 Persons authorized to request payment.

The Social Security Administration determines who is a proper party to execute a request for payment, as described in § 405.1663, for services furnished to an individual by a participating provider of services, or a hospital which has elected to claim payment for emergency services or services outside the United States, under the following rules:

(d) Where the participating provider of services, or the hospital which has elected to claim payment for emergency services or services outside the United States is unable to have a request for payment executed in accordance with paragraph (a), (b), or (c) of this section, an official of the provider or hospital

(e.g., a hospital administrator) may execute a request for payment at the time the claim is forwarded for payment (see § 405.1667). The provider or hospital should not, except as provided in paragraph (e) of this section, routinely sign the request for payment on behalf of any individual. (See § 405.1665 for information regarding explanatory statement required.)

5. The material preceding paragraph (a) of § 405.1665 is revised to read as follows:

§ 405.1665 Evidence of authority to execute a request for payment.

Where a person other than the individual (see § 405.1664) executes a written statement requesting payment to be made to a participating provider of services or to a hospital claiming payment for emergency services or services outside the United States on behalf of the individual, such person shall submit a brief statement (to be forwarded by the provider or hospital with the claim for payment except where the individual's request is retained in accordance with the provisions of § 405.1667(b)) that:

6. Section 405.1666 is revised to read as follows:

§ 405.1666 Signature of representative of the participating provider or hospital.

A claim form (see § 405.1662) submitted by a participating provider of services or a hospital which has elected to claim payment for emergency services or services outside the United States, for the purpose of claiming payment under the hospital insurance benefits program or the supplementary medical insurance benefits plan for covered items and services furnished to an individual, must be signed by an authorized representative of such provider or hospital.

7. Section 405.1667 is revised to read as follows:

§ 405.1667 Claim for payment by a provider of services or a hospital which has elected to claim payment for emergency services or services outside the United States.

(a) *Submitting a claim.* A participating provider of services, or a hospital which has elected to claim payment for emergency services or services outside the United States, shall submit claims for payment under the hospital insurance plan and the supplementary medical insurance plan to its designated intermediary or carrier or to the Social Security Administration, as appropriate. Such provider or hospital shall file an individual's request for payment (see § 405.1663) with its intermediary or carrier or with the Social Security Administration, as appropriate, with or prior to the submittal of the claim for payment for services furnished to the individual, except as follows: a provider or hospital which has entered into an arrangement to do so with its intermediary or carrier

or with the Social Security Administration may retain an individual's request for payment as part of its files and such request shall be deemed to have been filed in the appropriate manner when it is executed or when the claim is filed, whichever is later.

(b) *Time limitation on submitting the request and claim for payment.*

(1) The request and claim for payment must be submitted on or before the close of the calendar year after the year in which the services were furnished, except as follows: where error or misrepresentation of the Social Security Administration or its agents is responsible for the failure of the provider of services or the hospital to submit the request and claim for payment within such time limitation, the time limitation for filing will be extended through the last day of the sixth calendar month following the month in which such error or misrepresentation is rectified, but not beyond December 31 of the third calendar year after the year in which the services were furnished.

(2) For purposes of paragraph (b) (1) of this section, services furnished in the last 3 months of a calendar year shall be deemed to have been furnished in the following year.

(3) For purposes of paragraph (b) (1) of this section, a provider of services or hospital shall be deemed to have filed a request and claim for payment with respect to inpatient hospital services or post-hospital extended care services on the date it submits an admission notice with respect to such services if such request and claim are submitted as provided in paragraph (a) of this section within 60 days after the intermediary or Social Security Administration, as appropriate, replies to the admission notice.

(c) *Effective date.* The time limitation in paragraph (b) of this section shall be effective with respect to claims for payment filed after December 31, 1974.

8. Paragraphs (a) and (b) of section 405.1672 are revised to read as follows:

§ 405.1672 Individual's request for direct payment—General.

(a) *Hospital insurance benefits.* Payment under the hospital insurance benefits program, on the basis of an itemized bill, may be made to the entitled individual in accordance with section 142 of the Social Security Amendments of 1967 (Pub. L. 90-248) and § 405.156 (in amounts determined in accordance with § 405.158) for a nonparticipating hospital's reasonable charges for covered inpatient hospital services which are furnished by, or under arrangements made by, such nonparticipating hospital. This provision applies only with respect to admissions before 1968 where the nonparticipating hospital is not entitled to receive payment for such services under the hospital insurance benefits program and where a claim for payment is made before January 1969. Payment under the hospital insurance benefits program on the basis of an itemized bill may also be made to the entitled individual in accordance with

section 1814(d) of the Act, as amended by section 143 of the Social Security Amendments of 1967, and in accordance with § 405.157 (in amounts determined in accordance with § 405.158) for a nonparticipating hospital's reasonable charges for covered emergency inpatient hospital services furnished with respect to admissions after 1967 and for covered emergency outpatient hospital diagnostic services furnished after 1967 and before April 1, 1968, by or under arrangements made by, such nonparticipating hospital where the hospital has not elected to receive payment for such services under the hospital insurance benefits program. Effective with respect to services furnished on or after April 1, 1968, outpatient hospital diagnostic services are included as "medical and other health services" under the supplementary medical insurance benefits plan (see section 1861(s) (2) (C) of the Act) and not included as covered services under the hospital insurance benefits program. Payment under the hospital insurance benefits program on the basis of an itemized bill may also be made to an entitled individual in accordance with section 1814(f) of the Act, as amended by section 211 of the Social Security Amendments of 1972, for a nonparticipating hospital's reasonable charges for covered inpatient hospital services furnished outside the United States with respect to admissions after December 31, 1972, where the hospital has not elected to receive payment for such services under the hospital insurance program.

(b) *Supplementary medical insurance.* Payment under the supplementary medical insurance benefits plan (excluding payment for services furnished by, or under arrangements made by, a participating provider of services or a hospital which has elected to claim payment for emergency services—see § 405.1660), on the basis of reasonable charges, may be made to the entitled individual for covered "medical and other health services" discussed in § 405.231, and for services which would constitute emergency outpatient services, if payment cannot be made under the provisions of § 405.249 solely because the nonparticipating hospital furnishing such services has not elected to claim such payment. Payment under the supplementary medical insurance program may also be made to an entitled individual for covered physicians' services and ambulance services furnished outside the United States to such individual in conjunction with inpatient hospital services covered under section 1814(f) of the Act, as amended by section 211 of the Social Security Amendments of 1972.

9. Section 405.1692 is revised to read as follows:

§ 405.1692 *Time limitation for claiming benefits payable on a reasonable charge basis.*

The time limits for claiming benefits payable on a reasonable charge basis are as follows:

(a) *Claim for payment for services other than emergency hospital services or services outside the United States.* Effective with respect to claims submitted after April 1, 1968, a claim (other than a claim for benefits for emergency hospital services or services outside the United States (see paragraph (b) of this section)) submitted by, or on behalf of, any person(s) for the purpose of claiming supplementary medical insurance payment on a reasonable charge basis for covered services, must be filed with the Social Security Administration, a carrier, or an intermediary on or before December 31 of the calendar year following the year in which such services were furnished. However, services furnished in the last 3 months of a calendar year shall be deemed furnished in the succeeding calendar year.

Example. An individual received surgery in August 1972. He (or the individual performing the surgery, if the right to claim payment has been assigned), must file a claim for payment for such services on or before December 31, 1973. If the surgery had been performed in November 1972, the claim must be filed on or before December 31, 1974.

(b) *Claim for payment for emergency hospital services or services outside the United States.* Effective with respect to claims submitted after December 31, 1974, an individual's claim for payment under the hospital insurance or medical insurance plan for emergency hospital services received from a nonparticipating hospital or for services outside the United States must be filed with the Social Security Administration, a carrier or an intermediary on or before December 31 of the calendar year following the year in which the services were furnished. Services furnished in the last 3 months of a calendar year shall be deemed furnished in the following year.

(c) *Extension of the time limit in cases of administrative error.* Where error or misrepresentation of the Social Security Administration or its agents is responsible for the failure of the individual or his assignee to file a claim within the time limitation in paragraph (a) or (b) of this section, such time limitation will be extended through the last day of the sixth month following the month in which such error or misrepresentation is rectified.

10. Section 405.1693 is revised to read as follows:

§ 405.1693 *Definition of claim for purposes of time limitation.*

For purposes of § 405.1692, a claim is any writing submitted by, or on behalf of, any person(s) which indicates the person's intent to claim payment under the hospital or medical insurance benefits plan in connection with specified covered services furnished to an identified individual. It is not necessary that such writing be on a form prescribed by the Social Security Administration, that the services be itemized, or that the information be complete (e.g., a claim could be filed by a note from the individual's spouse, a physician's bill, or an incom-

plete prescribed claim form). If a claim, as defined herein, is mailed or delivered to the Administration, a carrier, or an intermediary within the applicable time limitation, the claim is filed timely even though the prescribed form or additional required information is supplied or obtained after such limitation: *Provided*, That the form prescribed by the Social Security Administration, executed in accordance with such instructions as may be prescribed by the Administration (see § 422.510 of Part 422 of this chapter) or any additional information that may be required is filed with the Administration, carrier or intermediary within six months after the month in which the claimant is advised to file such form or additional information, or within the time limit, whichever is later.

11. Section 405.1694 is revised to read as follows:

§ 405.1694 *Extension of time limitation.*

Notwithstanding the provisions of § 405.1667 and § 405.1692, where the last day of the time limitation falls on a nonworkday (Saturday, Sunday, legal holiday, or a day all or part of which is declared to be a nonworkday for Federal employees by statute or Executive order) a claim for payment will be considered filed timely if deposited in the U.S. postal system or received by the Social Security Administration, a carrier, or an intermediary on the first workday thereafter.

[FR Doc. 74-578 Filed 1-8-74; 8:45 am]

[20 CFR Part 416]

[Reg. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Student Regularly Attending School

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments relate to the definition of a student under title XVI of the Social Security Act, as amended by section 301 of the Social Security Amendments of 1972 (Public Law 92-603), enacted October 30, 1972. The amendment to title XVI of the Social Security Act is effective January 1, 1974.

The rules set forth in the proposed regulations will be applied by the Social Security Administration in order to administer the Supplemental Security Income program during the period from January 1, 1974, when the new program becomes effective, until final regulations are adopted.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education,

and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before February 8, 1974.

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

The proposed amendments are to be issued under the authority contained in sections 1102, 1601, 1616, 1631, and 1634, 49 Stat. 647, as amended, 86 Stat. 1465, 1474, 1475, 1478 (42 U.S.C. 1302, 1381-1385).

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: December 21, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 2, 1974.

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

Chapter III of Title 20 of the Code of Federal Regulations is amended by adding §§ 416.1057 and 416.1058 to read as follows:

§ 416.1057 Student regularly attending school.

(a) *General.* A student is in regular attendance when he is enrolled in a course or courses of study and attending to the extent required for the purpose of continued enrollment:

(1) In a course of vocational or technical training designed to prepare the student for gainful employment (i) involving shop practice at least 15 clock hours weekly; or (ii) without shop practice at least 12 clock hours weekly.

(2) In a college or university at least 8 semester or quarter hours weekly.

(3) In a secondary school at least 12 clock hours weekly.

(4) Less than the appropriate requirement in subparagraph (1), (2), or (3) of this paragraph if the Secretary determines that there are extenuating circumstances, e.g., the course is not offered in the area where the student resides and attendance is limited due to transportation difficulties.

For purposes of this section, government-sponsored courses in the various self-improvement and anti-poverty programs are deemed to be for the purposes of preparing the child for gainful employment. A course of home study for rehabilitation purposes or in preparation for sheltered work given by a rehabilitation agency under the supervision of a home visitor or tutor is also deemed to be a course of vocational training for purposes of this section.

(b) *Vacation periods.* A student is deemed to be in regular attendance during normal vacation periods if he is in regular attendance in the month immediately following the vacation period.

(c) *Final month of school or training program.* A student is deemed to be in regular attendance for the month in which he completes or discontinues his school or training program.

§ 416.1058 Evidence required for establishing that student is regularly attending school.

Where evidence of regular attendance at a school, college, or university, or at a course of vocational or technical training designed to prepare the student for gainful employment, is pertinent to a determination under this title, the student, when so requested by the Administration, shall submit:

(a) An ID card issued by the school or institution;

(b) A tuition receipt issued by the school or institution; or

(c) The following information:

(1) Name and address of the school or institution furnishing the training;

(2) The name of the person to contact for verification; and

(3) Information on course or courses of study, dates of enrollment, hours in attendance, and other activities of the student.

[FR Doc.74-580 Filed 1-8-74;8:45 am]

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Amounts Payable for Home Health Services: Increase in SMIB Deductible

Notice is hereby given pursuant to the Administrative Procedure Act, as amended (5 U.S.C. 553) that amendments to the regulations (20 CFR §§ 405.239, 405.240, 405.243, 405.244 and 405.245), as set forth below in tentative form are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments revise and update the present regulations to reflect sections 204(a) and 299K of the Social Security Amendments of 1972 (P.L. 92-603) which increase the SMI deductible to \$60 and eliminate coinsurance for Part B home health services.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, views, or objections relating thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington D.C. 20201, on or before February 8, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North

Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1833, 1871, 49 Stat. 647 as amended, 79 Stat. 302, as amended, 79 Stat. 331, 42 U.S.C. 1302, 1395l, hh.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: November 20, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 4, 1974.

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

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as follows:

1. Section 405.239 is revised to read as follows:

§ 405.239 Option available to patients under a home health plan who require physical therapy.

A patient under a home health plan may elect to receive required physical therapy service as a "medical and other health service" (see § 405.231(1)) rather than as a home health service (see § 405.236(b)) and thereby save home health visits for other covered home health services.

2. Section 405.240 is amended by revising paragraph (d) to read as follows:

§ 405.240 Payment of supplementary medical insurance benefits; amounts payable.

(d) (1) Eighty percent of the reasonable cost of home health services furnished by (or under arrangements made by) a participating home health agency for services furnished prior to January 1, 1973; and

(2) One hundred percent of the reasonable cost of home health services furnished by (or under arrangements made by) a participating home health agency for services furnished after December 31, 1972; and

3. Paragraph (b) of section 405.243 is amended by revising the example as follows:

§ 405.243 Psychiatric services limitation; expenses incurred for physician services.

(b) Application of limitation. * * *

Example: As a private patient, Mr. X's only medical expenses during the calendar year 1973 amounted to \$750 for physicians' services in connection with the treatment of a mental disorder which did not require inpatient hospitalization. The statutory limit for any calendar year on the amount of these expenses that is covered under this Subpart B is \$312.50 (\$312.50 being lesser in amount than 62½ percent of \$750). Mr. X is required to meet the first \$60 as a deductible, and 20 percent of the balance. The remaining 80 percent is payable under this Subpart B.

Total covered expenses	Mr. X's payment	Payment under sub-part B
\$312.50	\$437.50	
-60.00	160.00	
252.50	50.50	\$202.00

¹ Deductible. (see § 405.245).

² In excess of \$312.50.

³ 20 percent of total covered expenses less deductible.

⁴ 80 percent of total covered expenses less deductible.

If Mr. X had incurred \$350 of the above expenses while an inpatient of an institution (see paragraph (b) of this section), and the remaining \$400 while not an inpatient of an institution, payment would be computed as follows:

Total covered expenses	Mr. X's payment	Payment under sub-part B
\$250 ¹	\$150	
+350 ²		
600	60	
-60 ⁴		
540	108	\$432

¹ 62½ percent of \$400.

² In excess of 62½ percent of \$400.

³ 100 percent of expenses incurred while an inpatient.

⁴ Deductible.

⁵ 20 percent of total covered expenses less deductible.

⁶ 80 percent of total covered expenses less deductible.

4. Section 405.244 is amended by revising paragraph (c) to read as follows:

§ 405.244 Incurred expenses; expenses excluded from total expenses or not considered for purposes of the deductible.

(c) To the extent that an individual incurred expenses with respect to radiological and pathological services for which payment is made in an amount equal to 100 percent of the reasonable charges for such services (see § 405.240 (a) (2)), the costs or charges for such services are not considered as incurred expenses for purposes of §§ 405.245 and 405.246 and are not subject to the supplementary medical insurance benefits deductible.

5. Section 405.245 is revised to read as follows:

§ 405.245 The supplementary medical insurance benefits deductible.

Subject to the provisions of § 405.244, the total amount of expenses incurred by an individual during a calendar year is reduced, prior to applying the payment percentages in § 405.240, by a deductible in an amount equal to:

(a) \$60 (except that with respect to expenses incurred prior to 1973 the deductible amount shall be \$50); less

(b) The amount of any expenses incurred by such individual in the last three months of the preceding calendar year and applied toward such individual's deductible under this section for such preceding year.

Example: During 1973, Mr. Jones incurred total expenses of \$350 for covered medical and other health services furnished to him. Ordinarily, a deductible of \$60 would be imposed in determining the amount payable under the supplementary medical insurance

plan. However, during November of 1972, Mr. Jones had incurred expenses of \$35 for covered medical and other health services which had been applied toward his supplementary medical insurance deductible for 1972. Since any expenses incurred in the last quarter of the prior calendar year, and applied toward the supplementary medical insurance benefits deductible for such year, can be carried over to the following year and applied toward the deductible, Mr. Jones' 1973 supplementary medical insurance benefits deductible is only \$25 (\$60-\$35).

[FR Doc.74-707 Filed 1-8-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 405]

EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR DAIRY PRODUCTS PROCESSING INDUSTRY POINT SOURCE CATEGORY

Proposed Guidelines

Correction

In FR Doc. 73-26699 appearing at page 34954 of the issue of Thursday, December 20, 1973, the first sentence of the last paragraph before the signature, now reading, "All comments received will be considered," should read, "All comments received on or before January 21, 1974, will be considered."

[40 CFR Part 418]

FERTILIZER MANUFACTURING POINT SOURCE CATEGORY

Proposed Effluent Limitations Guidelines

Correction

In FR Doc. 73-25338 appearing at page 33852 in the issue of Friday, December 7, 1973, make the following changes:

1. In the table in § 418.12(d), the figure "10 mg/l" should read "15 mg/l".

2. In the table in § 418.23, in the "Effluent limitation" for ammonia nitrogen, the figure "0.025 kg/kkg" should read "0.05 kg/kkg"; and in the "Effluent limitation" for oil and grease, the figure "0.05 kg/kkg" should read "0.025 kg/kkg".

3. In the table in § 418.24 the following should be inserted after the first line of the "Effluent limitation" for ammonia nitrogen: "0.11 kg/kkg of product".

[40 CFR Part 52]

ARIZONA AIR QUALITY IMPLEMENTATION PLAN

Four Corners Interstate Air Quality Control Region; Public Hearing

On December 18, 1973, in 38 FR 34743, the Administrator proposed extending to July 31, 1977, the attainment date for the national primary standard for sulfur oxides in the Four Corners Interstate Air Quality Control Region.

The Administrator also proposed to clarify the emission requirements affecting the Navajo Power Plant near Page, Arizona and to approve a compliance schedule submitted by the operating agents of that plant (the Salt River Project Agricultural Improvement and

Power District) which reflects the July 31, 1977 extension.

To consider the above proposals, the Environmental Protection Agency, Region IX, will hold a public hearing on February 5, 1974, at 9 a.m., at the following address:

Maricopa County Board of Supervisors Auditorium
205 West Jefferson Street
Phoenix, Arizona 85003

Once commenced, the hearing may be continued from time to time, or to a different place. If such becomes necessary, it will be announced at the hearings.

All interested persons are invited to express their views at this hearing. Persons wishing to make comments may submit same in writing and/or appear at the hearing. Written comments should be submitted, in triplicate, to:

U.S. Environmental Protection Agency
Attn: Hearing Coordinator
Region IX, Enforcement Division
100 California Street
San Francisco, California 94111

Oral statements will be received and considered, but, for accuracy of the record, all important testimony which a speaker wishes to preserve should also be submitted in writing. Where written statements are extensive, any accompanying oral statements should summarize such written material so that there will be time for all interested persons to be heard. In addition, persons orally summarizing written statements should bring extra copies of their written statements to the hearing for the benefit of interested persons who may wish to read such statements.

All comments or objections received on or prior to January 17, 1974, or presented at the public hearing will be considered in the formulation of final determinations.

The proposed regulations and compliance schedule which will be the subject of this hearing can be inspected at the offices of the Arizona Department of Health, Division of Air Pollution Control, 1740 West Adams Street, Phoenix, Arizona 85007 and at the EPA Region IX office at the address given above. Any further information on hearing arrangements may be obtained by writing the EPA Regional Office at the above address or by calling Ms. Lorraine Pearson, Hearing Clerk at 415-556-7450.

ALAN G. KIRK, II,
Assistant Administrator for
Enforcement and General Counsel.

JANUARY 3, 1974.

[FR Doc.74-846 Filed 1-8-74;8:45 am]

[40 CFR Part 52]

GUAM IMPLEMENTATION PLAN

Proposed Revision

On June 18, 1973 (38 FR 15834) the Administrator of the Environmental Protection Agency (EPA) promulgated amendments to 40 CFR Part 51. These amendments are designed primarily to expand the scope of review prior to con-

struction or modification of buildings, facilities, and installations so as to require consideration of the air quality impact not only of pollutants emitted directly from stationary sources but also of pollution arising from mobile source activity associated with such buildings, facilities, and installations. This latter activity is indirect source review.

The preamble to the June 18, 1973, FEDERAL REGISTER publication of the amendments to 40 CFR Part 51 established a timetable for submittal by the States of the revisions to their implementation plans, along with the review and notice of approval or disapproval by EPA. The deadline specified for submittal of the necessary revisions to State Implementation Plans was August 15, 1973.

On August 8, 1973, after a public hearing held on July 17, 1973, the Guam Environmental Protection Agency (GEPA) adopted a revised implementation plan. This revised plan was endorsed and submitted to the EPA Region IX Office on August 14, 1973, by the Governor.

This revised plan provides for the prior review of new and modified indirect sources. This is accompanied by expanding the construction permit and operating permit systems to include those sources considered by GEPA as having significant impact on air quality as a result of associated mobile source activity.

The implementation plan was, at the same time, revised to meet the requirements specified in 40 CFR Part 51 for a Priority I-A Region for particulate matter and sulfur oxides and to consider air quality data obtained since the adoption of the original implementation plan.

The original implementation plan which was adopted by the Guam Air Pollution Control Commission on January 13, 1972, was based on estimated air quality data. Since the adoption of that plan, actual air quality data has been obtained which indicates that the Guam Air Quality Control Region should be reclassified to Priority I-A for particulate matter and sulfur oxides.

On June 5, 1973, the EPA Region IX Office requested in a letter to the Governor that the implementation plan be upgraded to meet the requirements for a Priority I-A for particulate matter and sulfur oxides, and that the control strategies for particulate matter and sulfur oxides be re-evaluated in terms of the actual air quality data.

As a result, the revised plan contains new control strategies for particulate matter and sulfur oxides. The revised control strategy for particulate matter contains the emission limitations for point sources, as in the original plan. The regulations concerning fugitive dust (Chapter 8 of the regulations) have been changed to deal more specifically with certain sources and to deal with more sources than previously. Additional sources controlled by the revised strategy are sandblasting, disturbed topsoil, demolition operations, and unpaved roads, road shoulders, and parking lots. It is designed to attain the National Primary and Secondary Standards in 1975.

The control strategy for sulfur oxides has been revised by reducing the allowable emissions from fuel-burning facilities. It is designed to attain the Primary and Secondary Standards in 1975.

The plan was also revised to include an expanded ambient air monitoring system designed to meet the requirements specified in 40 CFR Part 51 for Priority I-A regions for particulate matter and sulfur oxides.

Also included is a revised power plant contingency plan which is designed to prevent the buildup of extremely high levels of sulfur dioxide during adverse meteorological conditions by reducing emissions from power plants.

The Administrator's decision to approve or disapprove this revised plan will be based on whether it meets the requirements of section 110(a)(2)(A)-(H) of the Clean Air Act and the EPA requirements in 40 CFR Part 51.

Copies of the Guam plan are available for public inspection during normal business hours at the Office of the EPA, Region IX, 100 California Street, San Francisco, California 94111, and at the GEPA Office located in Mangilao, Guam, and the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460.

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111. Relevant comments received by February 8, 1974, will be considered. Receipt of comments will be acknowledged but substantive responses to individual comments will not be provided. Comments received will be available during normal working hours at the Region IX Office. All relevant matter presented shall be evaluated and the Agency will incorporate in the rules adopted a concise general statement of their basis and purpose.

(Sec. 110(a), Clean Air Act, as amended (42 U.S.C. 1857c-5(a))

Dated: January 3, 1974.

RUSSELL TRAIN,
Administrator,
Environmental Protection Agency.

[FR Doc.74-645 Filed 1-8-74;8:45 am]

[40 CFR Part 52]

NEW MEXICO AIR QUALITY IMPLEMENTATION PLAN

Notice of Public Hearings

On December 18, 1973, in 38 FR 34743, the Administrator proposed extending to July 31, 1977, the attainment date for the national primary standard for sulfur oxides in the Four Corners Interstate Air Quality Control Region.

The Administrator also proposed to clarify the emission requirements affecting the San Juan Power Plant and the Four Corners Power Plant and to approve compliance schedules respec-

tively submitted by the operating agents of each plant which reflect the July 31, 1977 extension.

To consider the above proposals, the Environmental Protection Agency, Region VI, will hold a public hearing on February 6, 1974, at 9 a.m., at the following address:

P.E.R.A. Building
Santa Fe
New Mexico

In addition to compliance schedules for the control of SO₂ emissions, the companies have also submitted compliance schedules for the control of particulate matter emissions. These compliance schedules also reflect a final compliance date of July 31, 1977. Since the installation of control devices needed to reduce particulate matter emissions may be dependent upon the construction schedule for SO₂ controls, the Agency deems it desirable to hold hearings on both compliance schedules within the same time frame. Accordingly, following the hearing described above, the Agency will hold a separate hearing on the particulate matter compliance schedules submitted by the companies. It is estimated that this hearing will begin at 3 o'clock in the afternoon.

All interested persons are invited to express their views at the above noticed hearings. Persons wishing to make comments may submit same in writing and/or appear at the hearing. Written comments should be submitted, in triplicate to:

U.S. Environmental Protection Agency
Attn: Hearing Coordinator
Region VI, Enforcement Division
1600 Patterson Street
Dallas, Texas 75201

Written comments may be submitted prior to the hearings or within 7 days following completion of the hearings.

Copies of all compliance schedules may be obtained from EPA's Regional Office at the above address and are also available for public inspection at the following addresses:

N.M. Environmental Improvement Agency
Regional Office
620 S. Lake
Farmington, N.M.
N.M. Environmental Improvement Agency
P.E.R.A. Building
Santa Fe, N.M.

The hearing officer for the above hearings will be James L. Collins, Regional Hearing Officer. The hearing officer will have the responsibility for maintaining order; excluding irrelevant or repetitious material; scheduling presentations; and, to the extent possible, notifying participants of the time at which they may appear. The hearings will be conducted informally. Technical rules of evidence will not apply.

ALAN G. KIRK II,
Assistant Administrator for
Enforcement and General Counsel.

JANUARY 3, 1974.

[FR Doc.74-647 Filed 1-8-74;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 HEALTH, EDUCATION, AND WELFARE

HEALTH RESOURCES ADMINISTRATION Organization, Functions, and Delegations of Authority Amendments

This amendment to the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, reflects the implementation of the Reorganization Order signed by Acting Secretary Frank Carlucci on June 29, 1973 (38 FR 18261, July 9, 1973), with respect to the organization of the Health Resources Administration as an agency of the Department, and changes the name of the Bureau of Health Services Research and Evaluation to Bureau of Health Services Research. There is hereby established a new Part 7, Health Resources Administration, as set forth below. Those provisions in the former Part 7, National Institute of Education, are hereby redesignated as a new Part B.

SECTION 7-A Mission. The Health Resources Administration (7000) provides leadership with respect to the identification, deployment and utilization of personnel, educational, physical, financial and organizational resources in the achievement of optimal health services for the people of the United States. To these ends, the Health Resources Administration (HRA): (1) Conducts and supports analyses, research, developmental activities, technical assistance and evaluation programs, and informational services designed to improve the overall health services system of the Nation; (2) collects, analyzes, and disseminates data on vital and health statistics, health status, health resources assessment and utilization, organization and management of health services, health expenditures, and related matters for the use of the Administration, other elements of the Department, and the health services industry generally; (3) provides leadership and support for the development of State, area, and local comprehensive health planning and services and for regional cooperative arrangements among medical schools, research institutions, medical care facilities, and practitioners; (4) administers programs to meet health manpower requirements for the Nation through the support of education, training, and institutions engaged in education and research in the health field, and by maintaining relationships with national, State, and local official and voluntary organizations and institutions working in these areas; and (5) provides leadership to and supports activities concerned with health facilities, financing, and economics.

SEC. 7-B Organization and Function. The Health Resources Administration is directed by an Administrator who is responsible to the Assistant Secretary for Health. The Administration consists of the following major components, with functions indicated:

OFFICE OF THE ADMINISTRATOR (7A00)

Provides leadership and direction to the programs and activities of the Health Resources Administration.

Immediate Office of the Administrator (7A01). (1) Provides leadership for the execution of Administration responsibilities related to the development of a national policy with respect to the identification, deployment and utilization of physical, financial and personnel resources in the achievement of optimal health services for the people of the United States; (2) manages and directs the activities of the Administration; (3) supports and stimulates programs designed to encourage the training and full utilization of minority and disadvantaged persons both within the Administration and, for the health professions, on a Nation-wide basis; and (4) directs the coordination of the Administration's activities to assure adequate resources for a comprehensive health-service system.

Office of Health Resources Opportunity (7A0103). (1) Provides the focal point for the development and implementation of HRA objectives as they relate to the disadvantaged; (2) recommends legislation necessary for new program direction and financing necessary to improve health resources and health career opportunity for the disadvantaged; (3) serves as the advocacy focus for HRA to assure access to health profession and allied health educational opportunities, and to assure an equitable health delivery system for non-whites and other disadvantaged; (4) initiates, supports, and coordinates in conjunction with HRA units the development of research, statistics, and continual comprehensive data systems and analyses on requirements, resources, accessibility, and accountability of health delivery systems to the disadvantaged; (5) assists other government health agencies and private agencies in planning for and extending the scope, content, and quality of their programs as they relate to Office of Health Resources Opportunity goals and objectives; (6) promotes and provides technical advice and assistance to institutions, organizations, individuals, and projects to develop in conjunction with HRA units, curricula, training programs, methodologies and demonstrations designed to overcome problems involved in recruiting and retraining disadvantaged

persons for health professions and allied health careers; and (7) assures, in conjunction with appropriate HRA units, the provision of health services and health career opportunities for the disadvantaged through specific consideration of their needs in comprehensive health planning and in the allocation of health facilities.

Office of Equal Employment Opportunity (7A0105). (1) Plans, directs, and coordinates Equal Employment Opportunity (EEO) programs covering Headquarters and field employees; (2) provides staff advice to the Administrator and to other key officials throughout the Health Resources Administration with respect to policies, plans, procedures, regulations, and reports pertaining to the general equal employment opportunity policy of the Federal Government and the Department's programs established under Executive Order 11478; (3) plans and develops programs and procedures designed to eliminate discriminatory employment practices; (4) receives and provides for the investigation of complaints of alleged discrimination; and (5) maintains liaison with the Office of the Assistant Secretary for Health, the Civil Service Commission, and other organizations outside the HRA concerned with equal employment opportunity.

Office of Communications (7A17). (1) Directs, formulates policy for, conducts, and coordinates communications activities of the Health Resources Administration; (2) provides communications expertise and staff advice to the Administrator in support of program and policy formulation and execution; (3) establishes and maintains productive relationships with the communications media; (4) establishes and implements policies for review, processing, quality control, and dissemination of HRA program communications materials; (5) provides central communications services to all HRA programs; and (6) serves as focal point for coordination of HRA communications activities with those of other health agencies within HEW and with regional, State, local, voluntary and professional organizations.

Office of Management (7A19). (1) Serves as the Administrator's principal staff arm for providing Administration-wide leadership in all phases of management; (2) directs and coordinates the Administration's activities in the areas of management policy, operational planning, systems management, financial management, procurement and materiel management, grants management, and personnel management; (3) advises the Administrator on management implications of Administration plans and pro-

grams; (4) provides staff support and facilities for advisory councils, conferences, and meetings; (5) collaborates with the Office of Planning, Evaluation, and Legislation in the development and implementation of the five-year program and financial plan for the Administrator; and (6) provides facility and space management services for Administration field elements and directs the Agency's safety management program.

Division of Management Policy (7A1902). (1) Conducts organization and management studies and surveys; (2) initiates or reviews proposals for establishing or modifying organizational structure or function, delegations of authority, and management objectives, policies, and standards; (3) negotiates solutions to intra- and inter-agency problems of organization, functions, delegations, procedures, or coordination; (4) conducts Administration-wide management improvement programs, including manpower utilization and productivity measurement; (5) participates in program and legislative planning to assure recognition of management problems; (6) manages the documentation and issuance system of the Administration; and (7) conducts the records and forms management programs of the Administration.

Division of Financial Management (7A1904). (1) Collaborates with the Office of Planning, Evaluation, and Legislation in the development and implementation of the five-year program and financial plan; (2) develops policies and instructions for and coordinates the implementation of an Administration-wide budget system; (3) prepares budget submissions; (4) directs the Administration's accounting activities; (5) develops and manages a system for allocating funds within the Health Resources Administration and maintaining accounting records and controls; (6) participates in development of policies and procedures concerning financial aspects of grants and negotiated research and development contracts; and (7) maintains liaison with the Office of the Assistant Secretary for Health, and the Office of the Secretary.

Division of Management Services (7A1905). (1) Plans, directs, and coordinates administrative management activities of the Office of the Administrator; (2) provides a full range of administrative support services for the Office of the Administrator, including personnel, materiel procurement and control, space allocations, and graphic arts; (3) develops and implements management policies, procedures, systems, and practices for the conduct of Office of the Administrator affairs; (4) serves as the focal point for liaison with the Office of the Assistant Secretary for Health and the Office of the Secretary on personnel, procurement, supply, space and other management concerns of the Office of the Administrator; (5) organizes and manages the committee management system of the Administration; and (6) plans, organizes, and directs the Executive Secretariat of the Administration with primary responsibility for the control of

written communications to and from the Administrator.

Division of Grants and Procurement Management (7A1908). (1) Provides leadership in the planning, development, and implementation of policies and procedures of grants and contracts; (2) provides advice and consultation on interpretation and application of PHS and Departmental policies and procedures affecting contracts and grants management; (3) develops and issues policy and procedural materials for the Administration's contract and grant program; (4) establishes standards and guides for and evaluates contracts and grants management operations throughout the Administration; (5) coordinates Administration positions and actions with respect to grants audit requirements and results; and (6) maintains liaison, directly or through the Regional Health Administrators, with grantee institutions and organizations and with the Office of the Assistant Secretary for Health and other components of the Department.

Division of Personnel Management (7A1909). (1) Plans, directs, and coordinates personnel management programs for the Health Resources Administration; (2) provides personnel management advisory services to the Administrator and other key officials throughout the Administration; (3) develops HRA policies, procedures, and standards for personnel management involving both Commissioned Officers and civil service employees; (4) provides staff support in the areas of manpower planning, employment, employee development, upward mobility, labor relations, employee relations, security, and position and pay management; and (5) maintains liaison with the Office of the Assistant Secretary for Health, the Office of the Secretary, the Civil Service Commission, and other agencies concerned with personnel management.

Office of Planning, Evaluation, and Legislation (7A31). Serves as the Administrator's principal advisor on long and short-range goals for meeting the health resource needs of the Nation. Develops plans, establishes evaluative requirements, and designs legislative proposals to support Departmental goals. To these ends: (1) Assumes leadership in planning for the most effective use of HRA resources; (2) promotes evaluative and monitoring activities which will provide objective measurements of program performance and the total effectiveness of agency efforts; (3) contributes to legislative analyses to assure the fullest possible consideration of programmatic requirements in meeting established Departmental and PHS goals; (4) as determined by the Administrator, HRA, maintains liaison, directly or through the Regional Health Administrators, with State or local health officials and with the private health sector to achieve common understanding and effective coordination; and (5) maintains surveillance of HRA data collection, R&D and other intelligence which contributes to policy analysis within the Office of the Assistant Secretary for Health and an-

icipates issues which may require Federal intervention.

Division of Evaluation (7A3103). (1) Responsible for the creation within HRA of disciplined program evaluation as an inherent part of all agency activities; (2) establishes through HRA Bureaus an appreciation of the need for objective measurements of the results of all programs supported by grants and contracts; (3) works closely with relevant data and information gathering activities to enhance the quantification of evaluation studies; and (4) reviews plans for evaluations of programs and projects with specific attention to the study design and appropriateness to HRA objectives.

Division of Planning (7A3105). (1) Responsible for HRA contributions to the Forward Planning document and its adaptation to budgetary processes; (2) reviews Bureau work plans and their impact on current or future planning and monitors their implementation; (3) coordinates interrelated Bureau activities which may influence programmatic planning; and (4) maintains surveillance over long-term analytic and research activities.

Division of Legislation (7A3107). (1) Maintains continuous review of legislation which affects the activities of HRA; (2) prepares materials for testimony before Congressional committees; (3) assists in the interpretation of relevant legislation; (4) coordinates agency responses to Departmental and PHS legislative needs; (5) keeps HRA activities informed on legislative matters and provides analyses of pending bills and new laws; (6) promotes a rational approach to health legislation, identifying conflicts, gaps, or other barriers to the achievement of Departmental goals; (7) maintains current data on major changes in State laws which influence health resources, with particular attention to conflicts between Federal and State laws; (8) anticipates the need for data and analyses which may be demanded by Congressional or Departmental legislative interests; and (9) serves as liaison between HRA and the Office of the Assistant Secretary for Health on legislative matters.

NATIONAL CENTER FOR HEALTH STATISTICS
(7B00)

(1) Collects, analyzes, and disseminates national health statistics on vital events and health activities, including the physical, mental, and physiological characteristics of the population, illness, injury, impairment, the supply and utilization of health facilities and manpower, the operation of the health services system, health economic expenditures, and changes in the health status of people; (2) administers the Cooperative Health Statistics System; (3) stimulates and conducts basic and applied research in health data systems and statistical methodology; (4) coordinates the overall health statistical activities of the programs and agencies of the Health Resources Administration and provides technical assistance in the management

of statistical information; (5) maintains operational liaison with statistical gathering and processing services of other health agencies, public and private, and provides technical assistance within the limitations of staff resources; (6) fosters research, consultation and training programs in international statistical activities; (7) participates in the development of national health statistics policy with other Federal agencies; and (8) in its role as the government's general-purpose statistical agency in the health field, as designated by the Office of Management and Budget, provides the Assistant Secretary for Health with consultation and advice on statistical methods and health statistical information.

Office of the Center Director (7B01). (1) Plans, directs, administers, coordinates and evaluates the total vital and health and health related statistics programs of the National Center for Health Statistics; (2) stimulates basic and applied research and developmental activities; (3) provides national and international leadership in health statistics; (4) conducts a variety of professional activities to provide assistance to government agencies, to foster international relationships, and to improve the broad field of health statistics; (5) coordinates the Center's activities with other health statistical agencies, public and private; (6) provides managerial and administrative support for the Center; (7) provides a Center focus for program planning and development; and (8) develops and coordinates legislative activities.

Division of Analysis (7B31). (1) Plans, directs and conducts a program of in-depth statistical analysis of health status, health services and demographic data; (2) stimulates the development of concepts and statistical data programs throughout the Center; (3) conducts economic analyses of health, including health status, resources and utilization of services; (4) proposes a general schedule of data to be collected by the Center for submission to and approval by the Center Director; (5) prepares an overall plan for the analysis and presentation of data of Center program; (6) develops and applies actuarial methodology in a wide range of vital events and health phenomena; and (7) conducts a program of research related to the health statistics activities, including analytic methodology, techniques and procedures.

Division of the Cooperative Health Statistics System (7B33). (1) Serves as the Director's principal advisor on field relations with State, local and government agencies; (2) coordinates all NCHS activities related to the development and implementation of the Cooperative Health Statistics System; (3) supports and stimulates research and developmental activities aimed at the integration, development and improvement in the Cooperative Health Statistics System; (4) plans, organizes, and directs the Applied Statistics Training Institute; (5) assists users of Cooperative System's data in the utilization of statistical data and methodology through the operation of the Data Use Laboratory; (6) admin-

isters a grants and contracts program for the implementation of the Cooperative Health Statistics System; and (7) monitors and evaluates the Center's programs in meeting state and local health statistical needs.

Division of Health Interview Statistics (7B35). (1) Plans and administers statistical programs based on a systematic nationwide health interview survey; (2) produces statistical data in tabular and machine-readable form; (3) conducts a research program on survey methodology, data quality and reliability; (4) prepares statistical reports for publication; and (5) collects and evaluates economic data as it relates to individual medical care costs.

Division of Vital Statistics (7B43). (1) Plans and administers statistical programs serving demographic and public health needs of vital statistics, and provides for the analysis and release of data on vital events; (2) promotes utilization of data through expansion of the U.S. vital registration systems and through conduct of sampling surveys to provide demographic and health information; (3) conducts methodological research on evaluating and presenting vital statistics data; (4) develops standards for data collection, data reduction, and tabulation including quality control measures as the basis for a national cooperative vital statistics system at federal, State, and local levels; (5) prepares and releases for publication summary and descriptive analysis of data from the vital statistics system; (6) serves as the focal point in the Federal government for liaison with the registration areas on matters of legal and statistical concern regarding the registration system; (7) monitors and evaluates the vital statistics process to ensure the timeliness of the Center's annual vital statistics series; and (8) publishes life tables and special analysis of life tables phenomena.

Division of Health Manpower and Facilities Statistics (7B37). (1) Plans and administers statistical programs based on systematic nationwide surveys and inventories of health manpower and facilities; (2) produces statistical data in tabular and machine-readable form; (3) conducts a research program on survey methodology, data quality and reliability; (4) prepares statistical reports for publications; and (5) plans, support and conducts special projects on health manpower and facilities.

Division of Health Resources Utilization Statistics (7B39). (1) Plans and administers statistical programs based on a systematic nationwide collection of data on the utilization of health resources; (2) produces statistical data in tabular and machine-readable form; (3) conducts a research program on survey methodology, data quality and reliability; (4) prepares statistical reports for publication; and (5) plans, supports and conducts special projects on health resources utilization.

Division of Health Examination Statistics (7B41). (1) Plans and administers statistical programs based on systematic nationwide health examination surveys

of individuals; (2) produces statistical data in tabular and machine-readable form; (3) conducts a research program on survey methodology, data quality and reliability; (4) prepares statistical reports for publication; and (5) plans, supports and conducts special projects on the health examination of individuals.

Division of Operations (7B45). (1) Plans, directs, coordinates, and evaluates technical support and data collection operations for all of the Center's programs; (2) conducts data reduction and data preparation services in support of data collection and analysis programs; (3) manages the computer operations and provides system programming services; (4) conducts a research program to improve the computer processing technology and methodology; and (5) provides technical information, data dissemination, and technical publication services for all Center programs.

**BUREAU OF HEALTH SERVICES RESEARCH
(7C00)**

Conducts or, by means of grants and contracts, supports and stimulates a national program of health services research, development, demonstration, evaluation and health services research training. Responsible for providing information, analyses and advice for policy making, planning and development of national health services strategies. Serves as lead agency in design and support of research and development projects which are prototypes and models for health services programs and providers of health services with emphasis on: (1) Assessing the impact of innovations in planning, organization, financing, management technology, and quality of care on the health care delivery system; (2) investigating the effects of financing and reimbursement methods on the cost, utilization, and availability of health care services; (3) analyzing alternatives for national health insurance, testing different options, and evaluating the impact of different approaches; (4) studying the interaction of public policy and Federal, State and local laws and regulations with the health system; (5) analyzing and testing options for increased participation of the community and the consumer in the health care process; (6) evaluation of health services and health services innovations with respect to cost effectiveness, quality and availability of personal health services; (7) supporting training of individuals to plan, conduct and manage research, development, demonstration and evaluation of health care delivery systems; (8) assisting in the development of an overall health services research strategy for DHEW and coordinating health services research activities in other health agencies; (9) serving as a primary source of technical and professional assistance to the Assistant Secretary for Health in the area of health policy research and development of a National Health Strategy; and (10) disseminating the results of research, and providing technical assist-

ance to other Federal programs and to health services providers.

Office of the Director (7C01). (1) Fosters and stimulates a national program of health services research and development activities; (2) plans, directs, administers, coordinates, and evaluates the program and management operations of the Bureau; (3) coordinates the Bureau's activities with other Administration organizational elements, other Federal organizations within and outside the Department, State and local bodies, and professional and scientific organizations; (4) administers and implements grant and contract policies and procedures emanating from the Office of the Secretary; (5) provides secretariat services to the Bureau's Advisory Councils and administers a system of review for the Bureau's grants and contracts; and (6) plans, coordinates, and develops methods for the systematic collection and dissemination of new scientific and technical information among health services researchers and health care practitioners.

Division of Health Services Research Strategy (7C31). Develops general health services research strategy for the Bureau and for HRA and HEW, and develops program plans for the Bureau. Develops intelligence, and provides information, analyses and advice for policy making and planning with respect to health services research. To achieve these objectives: (1) Supports, directs, and coordinates intramural research aimed at identifying and defining health care delivery problems within a comprehensive framework; (2) engages in cooperative, comparative international studies of health services; (3) serves as the lead unit of the Bureau to provide technical assistance to Regional Offices and the general health services community; and (4) serves as legislative and regulatory liaison for Bureau programs and activities.

Division of Health Services Evaluation (7C33). Conducts evaluation investigations through in-house staff or by grant and contract to determine the validity, effectiveness and impact, and generalizability of innovative health care experiments conducted both by the Bureau of Health Services Research and other agencies. To accomplish these objectives: (1) Develops collaborative studies with other Federal health agencies; (2) evaluates the impact of other HRA programs and of other HSA, NIH, FDA, SSA, and SRS programs as assigned; (3) assures that major research, development and demonstration projects conducted by the Bureau of Health Services Research have an evaluation component which is part of the basic research design and will not require separate evaluation investigations; (4) conducts independent evaluations of health services activities, or clusters of activities as requires; and (5) develops appropriate evaluation methodologies.

Division of Long-Term Care (7C35). Develops and demonstrates provider- and community-oriented approaches to improving long-term care health services

for the disabled and elderly. Responsible for implementing the President's Nursing Home Improvement Program to improve the quality of life and health care in these facilities. To carry out these responsibilities: (1) Develops and tests models and prototypes to improve the distribution, utilization and cost-effectiveness of resources and services; (2) provides technical assistance in collaboration with Regional Offices to State agencies, providers, and organizations to implement innovative approaches; (3) directs experiments and demonstrations in alternatives for reimbursement; (4) supports studies of quality of life and health-related care offered by providers; (5) collects, analyzes and disseminates data on status and utilization of and innovative approaches to health services to the elderly and disabled; (6) supports services improvement projects, including short-term training of provider personnel; (7) identifies need for and develops and supports intra- and extramural analyses and research on the organization, delivery and financing of health services and develops national strategies; and (8) collaborates with other programs of HEW, and with those in other Federal agencies on matters relating to long-term care health services for the disabled and elderly.

Division of Regional Medical Programs (7C37). Administers grants or contracts under Title IX of the Public Health Service Act, as amended, which authorizes support for Regional Medical Programs. Also makes awards pursuant to P.L. 93-50 for the construction of certain health facilities. To fulfill these responsibilities: (1) Makes grants or contracts in areas defined by the Secretary for focused, well-defined activities of limited duration carried on through Regional Medical Programs, and to support necessary administrative and supporting staff of RMPs; (2) develops criteria and review procedures for evaluating applications and measuring performance; (3) collects and processes necessary program data including data relating to the results of supported activities; (4) advises and assists RMPs in the development of alternative funding, transition to or amalgamation with other programs, and orderly phase-out of activities; (5) monitors funded activities including specialized programs in such fields as kidney disease, emergency medical services, and health service education activities; and (6) funds grants for the construction of facilities and arranges for continued administration of such grants by appropriate HEW construction units.

Division of Health Services Research and Analysis (7C39). Engages in research and analysis to identify and define health services delivery problems and to develop solutions to them. To accomplish these ends, conceptualizes, structures, fosters, supports and conducts extramural and intramural research on economic, political, legal, social and behavioral factors which influence the delivery of health care, including, but not limited to the following: (1) Maldistribution and inappropriate utilization of resources, in-

cluding manpower productivity, performance and licensure; (2) health behavior, knowledge and attitudes of consumers and providers of care; (3) the interaction of public policy and Federal, delivery system; and (8) collaborative State, and local regulatory activities; (4) community decision-making processes; (5) organizational and logistical elements of health care delivery systems in relation to cost, quality, and access; (6) National Health Insurance, with emphasis on economic and utilization implications of various options; (7) theoretical and simulation models of the health care delivery system; and (8) collaborative studies with other Federal and non-Federal agencies, including international research.

Division of Health Services Quality Research (7C41). Supports and conducts research into problems of measuring and monitoring the efficacy and quality of medical care. To accomplish this end: (1) Develops and tests alternate methods of assessing and assuring high quality health care delivery; (2) examines the validity and generalizability of current and proposed measures of quality, including the validity of proxy measures and sampling techniques; (3) performs studies on input, process and outcome measures of quality and the relationships among them; (4) assesses the validity and generalizability of current and proposed indices of health status, and their relationships to the delivery of health services; (5) analyzes the effects of various consumer and provider roles in setting standards for quality, and examines the impact of local versus national standards; (6) analyzes the effectiveness of efforts to improve the quality of care through positive and negative incentives designed to change behavior; (7) examines the costs of alternative quality assessment and assurance programs in terms of direct costs and resultant costs of providing health care; (8) in conjunction with other agencies and organizations, assesses the efficacy and quality of health care by relating commonly accepted medical procedures to outcomes under controlled conditions and under conditions of usual community practice; (9) examines the effects of organizational and structural factors in health care delivery systems on the quality of care; and (10) provides technical assistance to the Health Services Administration in setting criteria and standards.

Division of Health Systems Design and Development (7C43). Engages in applied research in health systems design and development to solve health services delivery problems. To accomplish this end: (1) Designs, develops, and implements demonstration projects in appropriate settings to test innovation in organization and management, delivery, financing, and technology; (2) develops delegated Federal initiatives for large-scale research and development and for subsequent phasing into implementation units; (3) provides technical assistance to the health services delivery system at regional, State and local levels; (4) de-

velops national testing of innovations with full specification of design, time-phasing and analysis; (5) specifies measurable objectives and operational procedures of development and demonstration projects and examines their cost effectiveness and impact; (6) engages in the development, demonstration, testing and evaluation of applied community-oriented projects in which reimbursement mechanisms and alternative organizational models for delivery of care are designed to affect the way in which services are paid, provided, and utilized; and (7) develops, implements and tests model medical care systems, regional cooperative linkages of health care providers, public regulatory systems, and options for increased participation of the consumer in the health care process.

Division of Health Care Information Systems and Technology (7C45). Engages in research in information systems and technology applied to health services delivery problems. To accomplish this end: (1) Identifies and develops ways in which technology can enhance the productivity and efficiency of health care personnel and institutions; (2) develops technologies that permit extension of medical services to underserved urban and rural populations; (3) seeks technological solutions to logistical problems surrounding the issues of better distribution of and increased access to health care, paying particular attention to the development of automated medical record systems; (4) supports demonstrations and evaluations of amalgamations of these technologies; (5) engages in a group of closely related Health Care Institutions Management activities which support the development of comprehensive, cost effective systems that automate information handling procedures within such institutions; (6) supports the development and evaluation of devices and systems in cooperation with other Federal agencies that automate processes associated with vital health services; and (7) coordinates with other Federal and private agencies with related applied research responsibilities and cooperates in comparing international studies of health services delivery.

BUREAU OF HEALTH RESOURCES DEVELOPMENT (7E00)

Serves as the principal focus within the Department of Health, Education, and Welfare for national leadership and administration of Federal programs in planning, coordinating, evaluating, and supporting development and utilization of the Nation's health resources (manpower, facilities and planning systems). To this end the Bureau: (1) Assesses the Nation's health resources supply and requirements and forecasts supply and requirements for future time periods under a variety of health resources utilization strategies; (2) collects and analyzes data and disseminates information on the characteristics and capacities of the Nation's health resources production systems; (3) proposes modifications of or new Departmental legislation, policies, and programs related to health re-

sources development and utilization; (4) promotes the efficient, economical, and effective development of the Nation's health resources through State and local comprehensive health planning agencies, and administers Federal programs designed to strengthen State and local capacities for planning health resources development, allocation, distribution, and utilization; (5) develops, tests, and demonstrates new and improved approaches to the development and utilization of health resources within various patterns of health care delivery and financing systems; (6) administers Federal programs for targeted resource development and utilization; (7) provides technical assistance, consultation, and special financial assistance to national, State and local agencies, organizations, and institutions for the development, production, utilization, and evaluation of health resources; (8) provides linkage between Bureau headquarters and Department Regional Office activities related to manpower education and utilization programs for targeted resource development by providing training, technical assistance, and consultation to Regional Office staff; (9) coordinates its activities with the programs of other agencies within the Department or in other Federal Departments and agencies concerned with health resources development and health care services; (10) provides a Departmental focus for liaison and coordination with non-Federal organizations and agencies concerned with health resources development and utilization; and (11) serves as the Departmental focus for technical assistance activities in the international aspects of health resources development, including the conduct of special international projects relevant to domestic health resource problems.

Office of the Director (7E01). Provides leadership and direction for the programs and activities of the Bureau. Specifically: (1) Develops program objectives, alternatives, and policy positions consistent with broad administration guidelines; (2) evaluates program accomplishments; (3) develops and administers operating policies and procedures and provides assistance to Bureau constituents to achieve effectiveness and economy in the management of Bureau programs; (4) coordinates Bureau activities with special emphasis on developing, implementing, and evaluating multidisciplinary programs for the education and utilization of the health professions and the development of an adequate and balanced health manpower supply, and on achieving an integrated approach to the planning, utilization, and deployment of the Nation's health resources; (5) provides selected management services for Bureau constituents and carries out necessary coordination with respect to management services provided for the Bureau by higher headquarters; (6) directs and coordinates Bureau activities carried out in support of Equal Employment Opportunity programs; (7) provides guidance and assistance to DHEW regional offices in executing the Bureau's responsibilities

for the efficient and effective conduct of decentralized grant and contract programs; (8) provides information about Bureau programs to the general public, health professions associations, and other interested groups and organizations; and (9) establishes and coordinates requisite external relationships.

Division of Medicine (7E31). (1) Provides the professional expertise and leadership required by the Bureau in carrying out its responsibilities for planning, coordinating, evaluating, and supporting development and utilization of the Nation's health manpower with special emphasis on physicians, osteopaths, and closely associated assistants, particularly the physician assistant; (2) serves as the Federal focus for these professions with regard to education, practice, and manpower research; (3) supports and conducts programs with respect to the need for and the development, use, credentialing, and distribution of such personnel; (4) engages with other Bureau programs in cooperative efforts of research, development, and demonstration on the interrelationships between members of the health care team, their tasks, educational requirements, and training modalities; (5) maintains liaison with relevant health professional groups and others, including consumers, having common interests in the Nation's capacity to deliver health services; and (6) provides consultation and technical assistance to public and private organizations, agencies, and institutions, including agencies of the Federal Government and Regional Offices, on all aspects of medical manpower relevant to the Division's functions.

Division of Dentistry (7E33). (1) Serves as the Federal focus for dentistry with regard to dental education, practice, and manpower and service research; (2) provides the professional dental expertise and leadership required by the Bureau in carrying out its responsibilities for planning, coordinating, evaluating, and supporting development and utilization of the Nation's health manpower resources; (3) supports and conducts programs with respect to the need for and the development, use, credentialing, and distribution of dental personnel, including dentists, dental hygienists, expanded function auxiliaries, dental assistants, and dental technicians; (4) conducts and supports programs to advance the health of individuals, families, and groups within the community through application of known measures for controlling dental diseases and disorders; (5) engages with other Bureau programs in cooperative efforts of research, development, and demonstration on the interrelationships between individual members of the health care team, their tasks, educational requirements, and related training modalities; (6) maintains liaison with health professional groups and others, including consumers, having common interests in the Nation's capacity to deliver dental services; and (7) provides consultation and technical assistance to public and private organizations, agencies, and institutions, including agencies of the Federal Government

and Regional Offices, on all aspects of dentistry relevant to the Division's functions.

Division of Nursing (7E35). (1) Serves as the Federal focus for nursing with regard to nursing education, practice, and research; (2) provides the professional nursing expertise and leadership required by the Bureau in carrying out its responsibilities for planning, coordinating, evaluating, and supporting development and utilization of the Nation's health manpower resources; (3) supports and conducts programs with respect to the need for and the development, use, credentialing, and distribution of nursing personnel, including registered nurses, practical or vocational nurses, and nursing aides; (4) assists State and local areas in planning, developing, and improving nursing services and educational programs; (5) conducts and supports programs related to the provision of nursing care to advance the health status of individuals, families, and communities; (6) engages with other Bureau programs in cooperative efforts of research, development, and demonstration on the interrelationships between individual members of the health care team, their tasks, educational requirements, and related training modalities; (7) maintains liaison with health professional groups and others, including consumers, having common interests in the Nation's capacity to deliver nursing services; (8) fosters, supports, and conducts projects to expand the scientific base of nursing practice and role reformulation and to develop and incorporate new knowledge into practice and education; and (9) provides consultation and technical assistance to public and private organizations, agencies, and institutions, including the Federal Government and Regional Offices, on all aspects of nursing relevant to the Division's functions.

Division of Associated Health Professions (7E37). (1) Provides the professional expertise and leadership required by the Bureau in carrying out its responsibilities for planning, coordinating, evaluating, and supporting the development and utilization of the Nation's health manpower in the fields of optometry, podiatry, pharmacy, veterinary medicine, public health, and the allied health professions and occupations; (2) serves as the Federal focus for these professions and occupations with regard to education, practice, and manpower research; (3) supports and conducts programs with respect to the need for and the development, use, credentialing, and distribution of such personnel; (4) engages with other Bureau programs in cooperative efforts of research, development, and demonstration on the interrelationship between members of the health care team, their tasks, educational requirements, and training modalities; (5) maintains liaison and carries out collaborative efforts with other Federal agencies and with other organizations and institutions in the fields of education, health service, and the health professions and sciences having a common interest in improving the Nation's capac-

ity to deliver health services; and (6) provides consultation and technical assistance to public and private organizations, agencies, and institutions, including agencies of the Federal Government and Regional Offices, on all aspects of manpower relevant to the Division's functions.

Division of Facilities Utilization (7E39). (1) Serves as the Federal focus for leadership in achieving effective use of new and existing health care facilities; (2) develops, organizes, and evaluates the functional requirements of health care facilities; (3) provides leadership in developing standards and other guide materials for use in designing and equipping health care facilities; (4) provides technical assistance and consultation and promotes the application of new concepts, standards, and practices for the more effective utilization of new and existing facilities; (5) provides expert assistance to State agencies and Regional Offices in carrying out their responsibilities related to the administration of grants and loans and associated aspects of health care facility financing; and (6) coordinates its activities with programs within the Bureau as well as within the Department and in other Federal departments and agencies concerned with health care facility planning.

Division of Comprehensive Health Planning (7E41). (1) Provides the leadership and support for the development and effective functioning of regional, State, area, and local comprehensive health planning agencies; (2) coordinates and integrates health planning at regional, State, area, and local levels; (3) facilitates the development of effective linkages between State and local health plans and the allocation of resources; (4) provides technical assistance and consultation to regional, State, and local agencies, organizations, and institutions in support of more effective health planning; and (5) coordinates its activities with related programs of the Bureau, other agencies within the Department or in other Federal departments, and non-Federal agencies concerned with health resources planning.

Division of Resource Analysis (7E43). (1) Serves as the Federal focus for in-depth analytic activities relating to health manpower and facilities resources, including health manpower and facilities production and supply requirements, demands, needs, distribution, and utilization; (2) reviews and conducts analyses of current and proposed legislative provisions and other program options from the standpoint of impact on health manpower and facility supply requirements, costs, and related factors; (3) develops techniques and methods for analytic studies in the health resources field, including techniques for special purpose survey planning, forecasting, and simulation for health manpower and facilities, and promotes their application; (4) assesses the impact and policy implications of socioeconomic, technological, scientific, legal, health service delivery, and other factors on health resources; and (5) provides liaison and consultative

services on resource analyses to Bureau and HRA components, Regional Offices, States, and local agencies.

Sec. 7-C Order of Succession. During the absence or disability of the Administrator or in the event of a vacancy in that office the first official listed below who is available shall act as Administrator except that during a planned period of absence the Administrator may specify a different order of succession:

- (1) Deputy Administrator
- (2) Associate Administrator for Operations
- (3) Director, Bureau of Health Resources Development
- (4) Director, Bureau of Health Services Research
- (5) Director, National Center for Health Statistics

Sec. 7-D Delegations of Authority. (1) The Administrator shall continue to exercise all the authorities given to him under the Delegations of Authority made by the Assistant Secretary for Health (38 FR 18260, July 9, 1973). All delegations or redelegations to any officers or employees of the Health Resources Administration which were in effect immediately prior to the effective date hereof continue in effect in them or their successors, pending further redelegation.

Dated: January 2, 1974.

ROBERT H. MARIK,
Assistant Secretary for
Administration and Management.

[FR Doc.74-668 Filed 1-8-74; 8:45 am]

CENTER FOR DISEASE CONTROL
Organization, Functions, and Delegations of Authority

This amendment to the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, reflects the implementation of the Reorganization Order, effective July 1, 1973, signed by Acting Secretary Frank Carlucci (38 FR 18261, July 9, 1973), with respect to the organization of the Center for Disease Control as an operating health agency of the Department. There is hereby established a new Part 9, Center for Disease Control, as set forth below. Those provisions in the former Part 9, National Institutes of Health, are hereby redesignated as a new Part 8. Those provisions in the former Part 8, Social Security Administration, are hereby redesignated as a new Part 4.

SECTION 9-A Mission. The Center for Disease Control (9000) provides leadership and direction to programs and activities designed to improve the health of the people of the United States by preventing or controlling diseases, improving laboratory performance, and assuring safe and healthful working conditions for all working people.

To these ends, the Center for Disease Control: (1) Maintains active surveillance of diseases through epidemiologic and laboratory investigations and the collection, analysis, and distribution of data related to preventable diseases and

conditions; (2) undertakes measures designed to prevent the importation or spread of communicable diseases from foreign countries into the United States or its territories; (3) provides assistance in the control and prevention of diseases, including environmentally induced human health problems; and provides epidemic aid to States and communities upon the request of appropriate health authorities; (4) maintains surveillance of the immunization status of the population; (5) develops through investigations, studies, and research, new or improved standards and methods for the diagnosis, treatment, prevention, or control of communicable and vector-borne diseases and other preventable conditions; and upgrades the performance of health workers engaged in prevention and control activities; (6) conducts a national program for improving the performance of clinical laboratories; (7) administers a nationwide program of professional and public information and education in the field of smoking and health; (8) administers a national program to develop and establish recommended occupational safety and health standards to assure safe and healthful working conditions for every working person; (9) provides consultation to, and participates with, other nations and international agencies in the eradication or control of communicable diseases and other preventable conditions.

Sec. 9-B Organization and Functions. The Center for Disease Control (9000) is administered by the Director of the Center, who is responsible to the Assistant Secretary for Health. The agency consists of the following staff offices and major components, with functions as indicated:

OFFICE OF THE DIRECTOR (9A00)

Provides leadership and direction to programs and activities of the Center for Disease Control.

Office of the Center Director (9A01).

(1) Manages and directs the activities of the Center; (2) provides leadership for the implementation of the Center's responsibilities related to the prevention and control of communicable and vector-borne diseases and other preventable conditions; (3) advises the Assistant Secretary for Health on policy matters concerning Center activities; (4) provides liaison, through the Center's Washington office, with other governmental agencies and outside groups; (5) in cooperation with the Public Health Service (PHS) Regional Offices provides or obtains technical assistance for State and local health departments and private and official agencies, as needed; (6) plans, develops, and coordinates an ongoing program to assure equal employment opportunities in the Center; (7) under the direction of the Executive Officer, provides leadership, coordination, and assessment of the Center's administrative management activities; (8) carries out facilities planning functions of the Center, and maintains liaison with the Division of Health Facilities Planning, Office of the Assistant Secretary for Health, and the Office of Facilities Engineering

and Property Management, Office of the Secretary; (9) serves as the focal point on matters relating to regionalization; maintains liaison with the Office of Regional Operations, Office of the Assistant Secretary for Health; and provides technical leadership and guidance to regional personnel on preventive health activities; (10) participates in the development of the Center's goals and objectives.

Office of Biosafety (9A09). (1) Develops and implements a Centerwide program for the control of biological, chemical, and physical hazards for the protection of Center employees and the surrounding community; (2) issues permits for importation and distribution of etiologic agents and vectors, and regulates packaging of etiologic agents in interstate commerce; (3) plans, directs, and coordinates laboratory, environmental, and industrial safety programs at all CDC facilities.

Office of Information (9A11). (1) Plans, organizes, and administers the Center's public information program consistent with policy direction established by ASPA; (2) maintains liaison with appropriate officials of the PHS and official and voluntary health agencies to coordinate information programs of mutual interest and concern; (3) provides a mechanism for review/clearance of informational materials; (4) utilizes existing resources in disseminating.

Office of International Services (9A13).

(1) Plans, organizes, and administers programs of specialized experience for foreign health workers; (2) provides for the reception and orientation of foreign visitors to the Center; (3) designs, develops, and implements seminar services on current international health affairs for Center staff; (4) coordinates the Special Foreign Currency Program (P.L. 480 activities overseas); (5) maintains liaison with the Office of International Health, Office of the Assistant Secretary for Health; and with other organizations concerned with international health.

Office of Program Planning and Evaluation (9A15).

(1) Develops the Center's multi-year program plans for input into the overall plans of the Office of the Assistant Secretary for Health and the DHEW; (2) implements the Department's Operational Planning System within CDC; (3) evaluates the Center's progress toward program goals and objectives, and coordinates evaluation efforts; (4) conducts continuing studies and analyses of major program activities; (5) develops and maintains a Center-wide program information system; (6) analyzes major health care programs and proposed legislation with respect to the Center's program goals and objectives.

Office of Administrative Management (9A19).

Under the direction of the Executive Officer: (1) Assists and advises in the development, coordination, direction, and assessment of management activities throughout the Center and assures consideration of management implications in program decisions; (2) conducts the Center's activities in the

areas of financial management, personnel management, management analysis, computer systems, engineering services, general services, procurement and material management, publications management, library, legislation reference, and other delegated authorities as may be assigned; (3) provides technical leadership and guidance to management services performed at field stations and evaluates technical performance; (4) maintains liaison with officials of the Office of the Assistant Secretary for Health and the Office of the Secretary on management matters; (5) provides financial data and systems development in support of overall planning and budgeting systems; (6) participates in the development of the Center's goals and objectives.

General Services Office (9A1902). (1) Provides general services to meet the operational needs of the Center, including space planning, communications, mail, printing and reproduction, distribution, and real property management; (2) develops and implements policies and procedures in these areas; (3) maintains liaison with DHEW, GSA, the Government Printing Office, and other government and private agencies.

Computer Systems Office (9A1903).

(1) Evaluates, develops, and implements scientific and business data processing applications required to meet Center needs; (2) evaluates and recommends selection of suitable data processing equipment and services, and determines the need and extent to which new developments within this field can be used to better accomplish Center objectives; (3) conducts and coordinates overall and special studies of the Center's technical and management data processing systems;

(4) operates electric accounting machine and electronic data processing equipment to produce reports and information.

Engineering Services Office (9A1904).

(1) Operates, maintains, repairs, and modifies the Center's Atlantic area plant facilities, and conducts a maintenance and repair program for the Center's program support equipment; (2) develops services for new, improved, and modified equipment to meet program needs; (3) maintains physical security for the Chamblee and Lawrenceville facilities; (4) provides technical assistance for and reviews maintenance and operation programs of field installations and recommends appropriate action; (5) provides engineering advice and consultation on new or expanded facilities; (6) collaborates with facilities planning officials in developing plans for a major repair and improvement program that includes plans, design, and specifications; (7) provides guidance on repairs which are done by contract, and administers repair and improvement projects done by the Center staff.

Financial Management Office (9A1905).

(1) Provides leadership and coordination in the development and administration of the Center's financial management policies; (2) develops

budget submissions for the Center; (3) collaborates with the Center's Office of Program Planning and Evaluation in the development and implementation of long range program and financing plans; (4) participates in budget reviews and hearings; (5) manages the Center's system of internal budgetary planning and control of funds; (6) develops and implements Center-wide budgetary, accounting, and fiscal systems and procedures; (7) provides accounting and auditing services; (8) develops, coordinates, and implements the cost advisory activities for the Center; (9) prepares financial reports; (10) serves as focal point for domestic and international travel authorization policy and procedures; (11) provides legislation reference services; (12) maintains liaison with the Office of the Assistant Secretary for Health, the Office of the Secretary, and other Government organizations on financial management matters.

CDC Library (9A1906). (1) Maintains a technical reference library of books, journals, and pamphlets for use of headquarters and field staff; (2) furnishes loan, reference, bibliographic, and translation services; (3) maintains a Union Catalog and publishes periodically a list of recent acquisitions, current journals, and translations.

Management Analysis Office (9A1907). (1) Conducts a continuing analysis program of the Center's organization, delineation of functions and responsibilities, use of delegations of authority, and administrative management policy, procedures, methods, and techniques; (2) conducts, serves as the focal point for, and assists with studies, surveys, and appraisal or evaluation reviews; (3) develops, maintains, and operates paperwork management programs, including records, reports, forms, and correspondence; (4) administers security and committee management programs; (5) operates a system for the control and release of issuances concerned with administrative management matters; (6) organizes and presents training courses for Center personnel in records, correspondence, issuances, forms, and security.

Personnel Management Office (9A1908). (1) Conducts and coordinates personnel management for the Center's civil service and Commissioned Corps personnel and for the Center's fellowship program; (2) provides personnel management services for employees assigned or detailed overseas; (3) coordinates and directs the planned assistance program of personnel management assistance to supervisors; (4) develops and issues procedures, conducts staffing, position classification, pay administration, performance evaluation, employee training and development, and employee relations and services programs; (5) coordinates and conducts a position management program; (6) maintains personnel records and reports, and processes personnel actions and documents; (7) administers the Federal life and health insurance plans and employee recognition and incentives program; (8) furnishes advice and assistance in the processing of Bu-

reau of Employees' Compensation claims; (9) advises and assists Center officials and employees in all areas of personnel management.

Procurement and Materiel Management Office (9A1909). (1) Plans and directs the procurement of research and development, technical services, equipment and supplies; personal property; transportation; and warehousing; (2) develops and implements policies and procedures in these areas; (3) maintains liaison with DHEW, GSA, other Federal agencies, and private organizations.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH (9C00)

Plans, directs, and coordinates the national program effort to develop and establish recommended occupational safety and health standards and to conduct research, training, and related activities to assure safe and healthful working conditions for every working man and woman. Specifically: (1) Administers research in the field of occupational safety and health, including the psychological factors involved; (2) develops innovative methods and approaches for dealing with occupational safety and health problems; (3) provides medical criteria which will ensure, insofar as practicable, that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience, with emphasis on ways to discover latent disease, establishing causal relationship between diseases and work conditions; (4) serves as a principal focus for training programs to increase the number and competence of personnel engaged in the practice and occupational safety and health; (5) develops and coordinates the appropriate reporting procedures which assist in accurately describing the nature of the national occupational safety and health problems; (6) consults with the U.S. Department of Labor; other Federal agencies; and, in cooperation with the PHS Regional Offices, State and local government agencies; industry and employee organizations; and other appropriate individuals, institutes, and organizations with regard to promotion of occupational safety and health.

Office of the Director (9C01). (1) Plan, directs, and coordinates, and evaluates the operations of the Institute; (2) maintains liaison with, and provides advice and assistance to, the U.S. Department of Labor, the U.S. Department of the Interior, other Federal agencies, State and local government agencies; international health organizations, and outside groups; (3) provides coordination with the Federal Health Programs Service's occupational health activities for Federal employees; (4) provides policy guidance and coordination to occupational safety and health activities in the PHS Regional Offices.

Office of Technical Publications (9C16). (1) Coordinates the development, publication, and distribution of various technical report series, documents, and instructional materials, such as fact sheets, technical bulletins, and

abstracts; (2) coordinates the exchange of technical developments and research results within and outside the Institute; (3) provides audiovisual services for the Institute; (4) coordinates all technical and non-technical public inquiries for the Institute.

Office of Extramural Activities (9C18). (1) Advises the Institute Director on matters relating to the development and progress of Institute-supported external research; (2) in cooperation with the offices and operating divisions of the Institute, stimulates research, training, and demonstration grants in relevant priority areas; (3) administers the management aspects of the Institute's grants programs by receiving, reviewing, analyzing, and evaluating all grant applications.

Office of Administrative Management (9C19). (1) Provides management information, advice, and guidance to the Institute Director; (2) coordinates all management activities in the conduct of finance, personnel, and procurement functions; (3) relates administrative management activities to programs; (4) develops necessary policies, procedures, and operations, and provides such special reports and studies as may be required in the management area; (5) maintains liaison with the Executive Officer and other Staff Service officials of the Center.

Office of Planning and Resource Management (9C21). (1) Plans and coordinates the strategy and philosophy of operation of the Institute regarding mission and objectives; (2) conducts or participates in special studies for program planning and evaluation; (3) conducts the necessary control functions to assure operational compliance toward program objectives within the Institute; (4) provides management systems consultation and analyses.

Office of Research and Standards Development (9C23). (1) Reviews existing scientific criteria for health and safety standards and assesses through priority systems the needs for additional research program areas for criteria development; (2) coordinates and maintains an overview of research activities in the operating divisions of the Institute with the ultimate aim toward finalization of criteria and standards.

Office of Manpower Development (9C25). (1) Provides policy guidance and evaluates the Institute's manpower development and training activities; (2) advises the Institute Director on national health manpower needs related to occupational safety and health, and relates to other Federal agencies regarding occupational safety and health manpower needs; (3) conducts equal employment opportunity activities of the Institute.

Office of Occupational Health Surveillance and Biometrics (9C27). (1) Operates as the principal statistical and data research unit in the Institute; (2) monitors new as well as existing occupational hazards, and maintains surveillance on the incidence of occupational illness and disease; (3) in coordination with the U.S. Department of Labor, establishes a priority list for the conduct of

research and the development of standards; (4) develops and conducts record studies of work population groups to determine the national trends and problem areas related to job health and safety, and provides health policy guidance in epidemiology; (5) coordinates the Institute's electronic data processing requirements to ensure that adequate computer facilities and services are available.

Division of Laboratories and Criteria Development (9C43). (1) Develops criteria for standards for the control of chemical, biological, and physical hazards to the health and safety of the working population, and initiates standard methodology and instrumentation for the detection, evaluation, and control of such hazards; (2) evaluates the toxicity, health, and safety hazards of industrial substances, processes, and other agents, as well as current research requirements and regulations; (3) conducts methodology studies for evaluating the varying capacity of workers to withstand physical and psychological responses; (4) provides for equipment development, analytical service, and calibration needs of other operating divisions within the Institute, and maintains an analytical and calibrations service for the U.S. Department of Labor; (5) evaluates and certifies the performance of safety and health equipment.

Division of Field Studies and Clinical Investigations (9C47). (1) Conducts nationwide studies, surveys, and comprehensive analyses to determine the health status of the working population, including the incidence and prevalence of disease and injury; (2) initiates studies to determine chronic and long-term effects of work-related exposures to toxic and hazardous substances.

Division of Technical Services (9C53). (1) Provides demonstrations, technical assistance, and consultation to public and private agencies responsible for the control of occupational diseases and accidental work injuries; (2) through the PHS Regional Offices serves as the focal point for the review of State plans and grants with the U.S. Department of Labor and makes the initial responses to requests for hazards evaluations; (3) in cooperation with the Office of Extramural Activities, stimulates, programs, and monitors demonstration grants for new and innovative methods of recognizing, evaluating, and controlling occupational hazards; (4) prepares manuals of good practice for safe work procedures; (5) operates the technical information inquiry service of the Institute.

Division of Occupational Health Programs (9C57). (1) Promotes occupational health programs at the State and local governmental levels as well as in industry and agriculture; (2) provides technical guidance in the development of occupational health programs; (3) correlates the practice of occupational medicine in industry with the total delivery of health services.

Division of Training (9C63). (1) Develops and plans short-term training ac-

tivities for Federal, State, and local governments, industry, and other appropriate organizations in the field of occupational safety and health; (2) conducts such short-term training.

Appalachian Laboratory for Occupational Respiratory Diseases (9C67). (1) Conducts studies of the incidence and prevalence of occupational respiratory diseases in specific work groups with particular emphasis on coal workers' pneumoconiosis; (2) provides medical and engineering research and service to fulfill the Institute's responsibilities under the Federal Coal Mine Health and Safety Act of 1969.

BUREAU OF EPIDEMIOLOGY (9E00)

(1) Maintains surveillance over communicable diseases and certain preventable conditions of national importance, and develops programs of international surveillance in collaboration with the Office of International Health, Agency for International Development, the Department of Defense, the Department of State, the World Health Organization, and the Pan American Health Organization; (2) plans, directs, and conducts the national quarantine program which enforces quarantine regulations to protect the United States against the introduction of diseases from foreign countries; (3) implements the provisions of the International Health Regulations; (4) collaborates with the health administrations of foreign countries in implementing the International Health Regulations; (5) investigates special disease problems and recommends control measures; (6) participates in the evaluation of experimental vaccines and immunizing agents and procedures; (7) provides epidemic aid and epidemiological services and consultation to States, Federal agencies, foreign countries, and other private and public recipients; (8) collaborates with the Food and Drug Administration, National Institutes of Health, Health Services Administration, Health Resources Administration, and other Federal agencies in areas of mutual program interest; (9) recruits and trains public health epidemiologists; (10) collects, analyzes, and publishes reports of morbidity and mortality statistical data; (11) serves as the WHO Regional Reference Laboratory for Rabies in the Americas; (12) provides consultation and technical assistance to regional personnel on surveillance and epidemiologic matters.

Office of the Director (9E01). (1) Plans, directs, and coordinates activities of the Bureau; (2) advises on the enforcement of medical aspects of international quarantine regulations; (3) provides epidemiological consultation to other components of the Center, other Federal and State agencies, and health related international organizations; (4) conducts surveillance and epidemiologic studies of prevalent diseases in Alaskan communities; (5) provides Bureau-wide services for scientific and technical publications and training aids, and is responsible for the *Morbidity and Mortality Weekly Report* and various surveillance reports; (6) develops administrative pol-

icies, procedures, Bureau plans, and other services to meet Bureau needs; (7) provides administrative and logistical support, and serves as liaison with the administrative staff in the Office of the Center Director; (8) recruits, trains, and assigns epidemiologists to programs of the Center; maintains liaison with medical schools, teaching hospitals, and other sources of recruitment for epidemiologists.

Bacterial Diseases Division (9E41). (1) Conducts surveillance programs and investigations of bacterial diseases, including bacterial zoonoses; (2) provides epidemic aid and epidemiological consultation, upon request, to State and local health departments, other Federal agencies, and international organizations; (3) conducts investigations on the application of biological and physical techniques in disease control, including studies on the relation of the environment to the transmission of diseases, particularly in institutions; (4) provides laboratory support required for investigations of epidemics, including mobile teams to staff field laboratories.

Cancer and Birth Defects Division (9E43). (1) Develops and maintains systems of case surveillance concerning cancer, birth defects, and related disorders in cooperation with the National Cancer Institute and the National Institute of Child Health and Human Development; (2) conducts epidemiologic investigations when indicated in field situations concerning unusual local occurrences of cancer and/or birth defects; (3) conducts epidemiologic research, often in collaboration with other public health agencies at Federal and State levels, concerning etiologic questions in oncogenesis and teratogenesis, especially as related to possible infectious disease etiology; (4) provides consultation as requested within and outside the United States concerning the epidemiology of cancer and birth defects.

Family Planning Evaluation Division (9E47). (1) Conducts epidemiologic surveillance of family planning services in specified demonstration areas, and provides on-site assistance with demonstration projects in conjunction with the Office of Population Affairs, Office of the Assistant Secretary for Health; and the Health Services Administration; (2) evaluates demographic changes in populations served by family planning programs; (3) conducts surveys to evaluate family planning programs and to measure fertility changes; (4) conducts abortion surveillance in conjunction with the Health Resources Administration; (5) conducts epidemiologic studies of contraceptive complications; (6) provides technical assistance in family planning evaluation.

Field Services Division (9E49). (1) Maintains field services for the surveillance of diseases of national importance through the assignment of medical and veterinary epidemiologists to State and local health departments; (2) conducts investigations and surveillance of measles, rubella, and mumps; (3) provides epidemic aid and consultation to States

in infectious disease control; (4) in collaboration with the Bureau of State Services, performs intensive surveillance and individual case investigations of vaccine reactions and failures in anticipation of vaccine licensure and use.

Parasitic Diseases and Veterinary Public Health Division (9E51). (1) Conducts surveillance and investigations of parasitic and zoonotic diseases; (2) provides consultation on parasitic diseases and veterinary public health to State and local health departments, other Federal agencies, medical centers, and research institutes in the United States and abroad; (3) provides veterinary assistance, in cooperation with the Pan American Health Organization, in dealing with health problems of the U.S.-Mexico Border; (4) provides anti-parasitic chemotherapeutic agents that are investigational new drugs (under agreement with the Food and Drug Administration) or difficult to obtain in the United States to tropical disease specialists, parasitologists, and other medical specialists.

Phoenix Laboratories Division (9E53). (1) Conducts clinical, field, and laboratory investigations of selected diseases with primary emphasis on hepatitis; (2) develops and evaluates methods for diagnosis, prevention, and control of these diseases; (3) consults, collaborates, and maintains liaison with Federal, State, local, and other agencies on technical developments related to hepatitis; (4) as a field extension of the Bureau of Epidemiology in the Southwest United States and on the U.S.-Mexico Border, provides contact and furnishes epidemic aid and other assistance to State and local health departments in this geographic area.

Quarantine Division (9E55). (1) Administers a national quarantine program to protect the United States against the introduction of diseases from foreign countries; (2) administers an overseas program for the medical examination of immigrants and others with excludable health conditions that would impose an economic burden on public health and hospital facilities; (3) maintains liaison with and provides information on quarantine matters to other Federal governmental agencies, State and local health departments, and interested industries; (4) provides liaison with international health organizations, such as the Pan American Health Organization and the World Health Organization; and participates in the development of international agreements affecting quarantine; (5) conducts studies to provide new information about health hazards abroad, measures for their prevention, and the potential threat of disease introduction into the United States; (6) provides logistic support to other programs of the Center in the distribution of requested biologicals.

Viral Diseases Division (9E57). (1) Conducts surveillance programs and investigations of viral diseases, including viral zoonoses; (2) provides epidemic aid and epidemiological consultation, upon request, to State and local health

departments, other Federal agencies, and international organizations; (3) conducts field and laboratory research studies in developing prophylactic agents and diagnostic tests and performing ecological investigations for the control of rabies; (4) serves as the WHO Regional Reference Center for Rabies in the Americas.

BUREAU OF LABORATORIES (9G00)

(1) Administers a comprehensive national laboratory improvement program; (2) conducts research for improving laboratory methodology; (3) conducts and coordinates a program to standardize clinical laboratory methods and materials; (4) evaluates techniques, materials, and reagents used in public health laboratories; (5) provides reference and typing center services related to clinical laboratory procedures for national and international organizations; (6) directs and conducts the administration of the licensure and evaluation of clinical laboratories engaged in interstate commerce under the authority and provisions of the Clinical Laboratories Improvement Act of 1967; (7) develops diagnostic products specifications and evaluates commercial products; (8) produces and distributes microbiological reference and working reagents not commercially available or of unreliable supply; (9) provides consultation, training, and informational services in laboratory techniques and laboratory management to States and other recipients; (10) distributes experimental vaccines and special immune globulins to prevent and control laboratory infections; (11) provides consultation, laboratory services, and epidemic aid in the area of vectorborne infections to State, Federal, and international agencies.

Office of the Director (9G01). (1) Provides leadership and guidance on policy and program planning and development, and program management and operations; (2) manages a comprehensive nationwide program for improving medical laboratory services; (3) provides coordination and liaison relating to Bureau activities which serve as national and international reference centers and various national groups and the World Health Organization; (4) provides coordination for other international activities of the Bureau; (5) coordinates the activities of the Bureau that provide technical support to the Food and Drug Administration program for regulation of diagnostic products; (6) supports the research and other programs of the Bureau through assistance in experimental design, statistical analyses, quality control, and technical editing service.

Bacteriology Division (9G41). (1) Provides reference laboratory diagnostic services and consultation to State and Federal agencies in medical and public health bacteriology and immunology; (2) serves as a laboratory referee for proficiency testing programs; (3) provides leadership for upgrading bacteriological services in public health and clinical laboratories; (4) collaborates with other components of the Center and with

national and international health agencies and academic institutions in providing training, consultation, and epidemic aid in the laboratory aspects of bacterial or other related diseases; (5) serves as designated national, regional, and international reference centers; (6) conducts research to develop means of diagnosing infectious diseases; (7) conducts, promotes, and supports in-house and field evaluations of new techniques for public health and clinical laboratory use; (8) investigates and defines the relationship of bacteria and host responses to the disease process; (9) plans, directs, and coordinates proficiency testing and evaluation programs in syphilis serology; (10) maintains standard tuberculin and other sensitins and a treponemal bank of pathogenic and non-pathogenic treponemes.

Biological Products Division (9G43). (1) Develops guidelines for the production and utilization of microbiological reagents used as diagnostic aids; (2) produces, evaluates, and distributes experimental vaccines, antisera and antitoxins, skin test antigens, and immune serum globulins to control and prevent laboratory infections and to prevent or minimize disease in particular population groups; (3) develops products specifications, and evaluates commercially prepared biological reagents; (4) conducts research on biological reagent production.

Clinical Chemistry Division (9G45). (1) Conducts and coordinates national and international programs to improve and standardize biochemical and immunochemical diagnostic procedures for the prevention and control of disease; (2) develops and evaluates tests for detecting disease; (3) collaborates in and supports national and international laboratory improvement and standardization programs in clinical chemistry and toxicology; (4) evaluates techniques, materials, reagents and devices used in health laboratories; (5) furnishes laboratory services and consultation to, and conducts joint programs with, other components of the Center and the Department; (6) collaborates in laboratory training and evaluation, and provides support to State and other public health laboratories for improvement and standardization of public health and clinical laboratory procedures; (7) serves as the WHO International Reference Center for Lipid Determination in Cardiovascular Research, and conducts other collaborative standardization programs with the World Health Organization.

Hematology Division (9G49). (1) Plans, conducts, and coordinates national and international programs for improvement and standardization of laboratory procedures in clinical hematology and immunohematology for the prevention and control of disease; (2) investigates, develops, and evaluates methods, standards, reagents, blood reference materials, instruments, and automated systems in diagnostic hematology; (3) provides reference analyses for selected hematologic determinations, and conducts joint programs and investigations in clinical and

laboratory hematology with other components of the Center, the Department, and national and international health agencies; (4) conducts or collaborates in hematology proficiency testing programs; (5) provides consultation and training in laboratory procedures to State and other public health laboratories for improvement and standardization of public health and clinical laboratory procedures; (6) serves as the International Standardization Laboratory for Hemoglobinopathies and Coagulation, and conducts other collaborative standardization programs with the World Health Organization; (7) serves as the National Hematology Standardization Laboratory for the initiation, evaluation, and development of national standards.

Laboratory Training and Consultation Division (9G53). (1) Administers a national laboratory training and consultation program directed primarily to State public health and other health laboratories; (2) conducts laboratory management reviews, and provides consultation to local, State, and Federal health laboratories; (3) coordinates the Center's health laboratory manpower development program.

Licensure and Proficiency Testing Division (9G55). (1) Plans and conducts a national laboratory licensure program; (2) evaluates and licenses clinical laboratories engaged in interstate commerce, as provided for in the Clinical Laboratories Improvement Act (CLIA) of 1967, insures compliance by licensees with standards promulgated, and issues letters of exemption, as appropriate; (3) develops and recommends regulations, criteria, and standards of laboratory licensure; (4) collaborates with the General Counsel's office in the development and revision of legislation and regulations relating to proficiency testing and licensure of laboratories engaged in interstate commerce; (5) evaluates the proficiency testing and examination programs offered by States, professional organizations, local public agencies, and non-profit private organizations to determine their suitability for use in lieu of the program administered under the authority of the CLIA; (6) administers a proficiency testing program for clinical laboratories licensed under the Act, Federal laboratories, and State and local public health laboratories; (7) provides referee testing service for interstate proficiency testing programs; (8) works with State and professional organizations in developing laboratory improvement programs, and develops prototype systems for use in implementing these programs; (9) collaborates with other programs of the Center in providing training and consultation; (10) insures that laboratories do not engage in interstate commerce unless licensed or exempted in accordance with the provisions of the CLIA.

Mycology Division (9G57). (1) Provides medical mycological reference laboratory services to Federal and State agencies for the diagnosis of actinomycotic and fungal diseases; (2) serves as the National Center for Fungal Serology; (3) conducts applied research studies for

the development and evaluation of more rapid and reliable laboratory procedures for the diagnosis of mycotic diseases; (4) plans and conducts ecologic, epidemiological, and taxonomic, and therapeutic studies of fungus diseases and their etiologic agents; (5) collaborates with other components of the Center and with Federal, State, national and international health organizations to provide training, consultation, and assistance in inter- and intrastate proficiency testing programs and epidemic aid in the laboratory aspects of actinomycotic and fungus diseases.

Parasitology Division (9G59). (1) Serves as a national reference laboratory center for parasitic diseases and as a laboratory referee for performance evaluation programs; (2) conducts methodology research to develop more rapid and accurate laboratory means of diagnosing parasitic diseases; (3) provides leadership for upgrading parasitology services in public health and clinical laboratories; (4) plans and conducts laboratory epidemiologic and immunologic studies of parasitic diseases; (5) collaborates with other Center activities and with State, national, and international health agencies in providing training, consultation, and epidemic aid in the laboratory aspects of parasitic infections.

Pathology Division (9G61). (1) Conducts or participates in national and regional programs for evaluation and improvement of histopathological, cytopathological, genetic, and immunopathological diagnostic procedures; (2) maintains a national repository of histochemical control material; and develops, adapts, and evaluates histochemical and ancillary procedures; (3) conducts experiments for development of quality control methods in cytopathology; (4) provides tissue-processing service to Center epidemiologists and laboratory investigators, and provides reference diagnostic and technical consultation to the Center and other health personnel; (5) trains individuals in tissue processing, cytogenetics, and electron microscopic techniques, and provides practical and theoretical instruction in histology, pathology, and genetics; (6) conducts research for development of new immunological, histological, and cytological techniques for the study of existing problems and for the application of available capabilities to emerging problems; (8) advises and supports the interstate licensure and performance evaluation activity of the Bureau of Laboratories in histopathology and cytology.

Scientific Services Division (9G63). (1) Directs and administers a program of providing animals, glassware, media, reagents, and other services in support of research and service activities of the Bureau of Laboratories and other programs of the Center; (2) manages data and specimen handling of specimens received at the Center for reference diagnosis; (3) maintains a bank of serum specimens of epidemiological, clinical, or research interest; (4) provides consultation and participates in training activities of the Center.

Vector-Borne Diseases Division (9G65). (1) Provides consultation, laboratory services, and epidemic aid in the area of arthropod-borne infections to State, Federal, and international agencies; (2) studies and evaluates the mechanisms of maintenance and dissemination of arthropod-borne, viral, bacterial, parasitic, and rickettsial diseases as a basis for control and prevention of infection in man; (3) develops and applies new techniques for the study and control of arthropod-borne diseases; (4) trains technical and professional personnel in field and laboratory approaches to investigation of arthropod-borne disease problems; (5) serves as the World Health Organization's Arthropod-Borne Virus Regional Reference Laboratory for the Americas.

Virology Division (9G67). (1) Provides reference laboratory diagnostic services, consultation, collaborative investigation, and epidemic aid in the areas of viral and rickettsial diseases to State and Federal agencies; (2) conducts methodology research to develop laboratory diagnostic tests for viral diseases; (3) provides leadership for upgrading diagnostic services in public health and other laboratories; (4) evaluates and defines the relationships of viruses and viral antibodies to disease processes; (5) collaborates with other Center activities and with State, national, and international health agencies in defining viral disease problems and in providing training in the laboratory aspects of these diseases; (6) serves as designated regional and international reference centers.

BUREAU OF STATE SERVICES (9J00)

(1) Plans, directs, and coordinates a national program for the prevention, control, or eventual eradication of serious diseases, such as gonorrhea, measles, poliomyelitis, rubella, syphilis, and tuberculosis, for which specific preventive measures are available; (2) administers intramural and extramural programs for the control, or eventual eradication, of preventable conditions, and for the control of environmentally induced human health problems; (3) conducts research relative to health problems of concern to the Bureau; (4) provides assistance in analyzing the influence of various factors such as socioeconomic status, nutritional status, and demographic characteristics on the incidence and severity of preventable diseases; (5) cooperates with PHS Regional Office staff in the provision of assistance and services to State and local health agencies, particularly with respect to grant supported disease control programs; (6) provides technical assistance to, and maintains liaison with, other U.S. Government agencies, State and local health agencies, international and national organizations, and industry.

Office of the Director (9J01). (1) Manages the activities of the Bureau; (2) provides leadership in policy formulation, coordination, and conduct of the Bureau's activities; and, in cooperation with the Regional Offices, assists State and local governments and community groups in carrying out nationwide dis-

ease control programs; (3) recruits and, in cooperation with PHS Regional Offices, coordinates the assignments, and provides career development to State and local assignees; (4) formulates, plans, conducts, and participates in studies to improve effectiveness and efficiency of individual and group participation; (5) provides assistance in the analysis and planning for preventive services; (6) provides assistance in the analysis and evaluation of the relationship of malnutrition to infectious diseases and other preventable conditions; (7) provides administrative, fiscal, and technical information services to the Bureau.

Environmental Health Services Division (9J41). (1) Conducts research, investigations, demonstrations, and programs directed toward the control of environmentally induced human health problems; (2) assists States and local governments in the development of manpower, training programs, and other services to deal with preventable conditions, such as rodent control activities and prevention of lead poisoning in children; (3) maintains liaison with, and provides advice and assistance to, other Federal agencies, such as the Department of Housing and Urban Development and the Department of the Interior, and to international health organizations and other outside groups on human health problems associated with environmental factors; (4) serves as the focal point in the Bureau for epidemiological information and statistical data on environmental hazards to human health; (5) develops and recommends criteria and standards to be used in program planning and evaluation of environmental health services.

Immunization Division (9J45). (1) Provides consultation, training, statistical, promotional, educational, epidemiological, and other technical services to assist and stimulate State and local health departments in the planning, development, implementation, and overall improvement of programs for the prevention, control, and eventual eradication of serious diseases for which effective immunizing agents are available; (2) supports a nationwide framework for effective surveillance of diseases for which effective immunizing agents are available; (3) develops improved immunization techniques and methods; (4) provides technical supervision to State and local assignees in cooperation with PHS Regional Offices.

Tuberculosis Control Division (9J49). (1) Administers research and operational programs for the prevention and control of tuberculosis and other respiratory diseases; (2) provides consultation, training, statistical, promotional, educational, epidemiological, and other technical services to assist and stimulate State and local health departments in the planning, development, implementation, and overall improvement of tuberculosis control programs; (3) supports a nationwide framework for effective surveillance of tuberculosis; (4) provides technical supervision to State and local assignees in cooperation with PHS Regional Offices.

Venereal Disease Control Division (9J51). (1) Administers research and operational programs for the prevention and control of syphilis, gonorrhea, and other venereal diseases; (2) provides consultation, training, statistical, promotional, educational, epidemiological, and other technical services to assist and stimulate State and local health departments in the planning, development, implementation, and overall improvement of venereal disease control programs; (3) supports a nationwide framework for effective surveillance of venereal diseases; (4) provides technical supervision to State and local assignees in cooperation with PHS Regional Offices.

BUREAU OF SMALLPOX ERADICATION (9M00)

(1) Directs and coordinates the surveillance of smallpox and smallpox vaccinations within the United States, including consultative assistance to the States on suspect smallpox cases and continuing assessment of smallpox vaccine reactions; (2) provides overall consultation, direction, coordination, and management for the United States' participation in the worldwide program for eradication of smallpox; (3) works with other government agencies and with other countries and international agencies to develop public health programs based on techniques and methodologies developed in smallpox eradication activities.

Office of the Director (9M01). (1) Plans, directs, and coordinates the overall activities of the Bureau of Smallpox Eradication; (2) participates and maintains liaison with national and international agencies in the eradication or control of smallpox and other preventable diseases.

Operations Division (9M45). (1) Directs and coordinates smallpox and vaccination surveillance within the United States, including consultative assistance to the States on suspect smallpox cases and continuing assessment of smallpox vaccine reactions; (2) directs, coordinates, and manages U.S. participation in the global smallpox eradication program. When feasible, provides similar services for other international immunization programs; (3) directs and coordinates, in conjunction with the Agency for International Development, disease and demography cluster sample survey.

Research and Development Division (9M49). (1) Develops, field tests, and makes recommendations on adoption of new and improved procedures to assist developing countries in improving their public health programs; (2) plans, conducts, and evaluates research activities in various aspects of disease control for immunization programs.

BUREAU OF TRAINING (9N00)

(1) Conducts a program to update and improve the performance of practicing health professionals in the methods and techniques of disease prevention and control; (2) promotes the establishment, maintenance, and improvement of State and other health training programs; (3) provides disease control training and consultation in natural disasters and

epidemics; (4) develops, and provides consultation on, advance training technology and methodologies through the above activities; (5) coordinates the Center's training activities.

Office of the Director (9N01). (1) Plans, directs, and evaluates the activities of the Bureau; (2) coordinates assistance provided by the Bureau to the Center and to other agencies; (3) coordinates the Center's preventive medicine residency program, and provides the Center's focal point for liaison in university affairs; (4) provides administrative, fiscal, publications, and distribution services to the Bureau, and manages the Center's implementation of the direct training reimbursement policy.

Instructional Media Division (9M41). (1) Provides and/or produces photographic services for the Bureau; (2) designs and prepares various instructional aids in support of training activities; (3) manages the operation of the Atlanta training facilities, and provides technical services for conferences, meetings, seminars, and special functions.

Instructional Services Division (9M45). (1) Assists disease prevention and control agencies in the implementation of training activities designed to qualify manpower to perform those work functions necessary to achieve their program purposes; (2) conducts training courses in the principles and application of epidemiologic methods in disease prevention and control, and in the control of hospital infections and foodborne diseases; and develops and implements homestudy courses; (3) assists disease prevention and control agencies in evaluating the success of implemented training solutions in removing training problems.

Instructional Systems Division (9N49). (1) Assists the Center's programs and other disease prevention and control agencies to (a) identify and analyze program performance problems caused by inadequately qualified manpower; and (b) specify explicit standards and efficient systems of work for achieving their program purposes; (2) constructs detailed plans for developing, implementing, and evaluating training solutions designed to remove identified training problems, and develops appropriate instructional materials; (3) utilizes effective and efficient procedures of performance problem analysis, plan specification, and instructional systems design.

BUREAU OF TROPICAL DISEASES (9P00)

(1) Plans, directs, and coordinates a program of research and investigation of selected communicable diseases; (2) assesses the extent and significance of certain vector-borne and tropical diseases, such as Chagas' disease, onchocerciasis, shigella, malaria, and other parasitic diseases; (3) develops and evaluates methods of controlling insect vectors, including insecticidal and biological control measures, and the diseases they transmit; (4) conducts investigations on the bionomics of insect vectors, and researches the host-parasite relationship of such diseases; (5) through interrelated laboratories in the United

States and the Tropics, provides assistance to other scientific, educational, and health organizations in developing competencies in the epidemiology and control of tropical and vector-borne diseases; (6) collaborates with, and provides technical consultation to, other U.S. Government agencies and international organizations in the development, evaluation, and application of control measures.

Office of the Director (9P01). (1) Plans, directs, coordinates, and evaluates activities of the Bureau; (2) provides leadership and technical guidance on research projects; (3) establishes Bureau objectives and policies; (4) provides liaison with other agencies, including the U.S. Department of Agriculture, United States Armed Forces, Agency for International Development, and the World Health Organization; (6) provides administrative and other staff services to the Bureau.

Central America Research Station (9P85). (1) Plans and conducts research projects on selected communicable diseases; (2) develops, demonstrates, and recommends measures for use in disease control programs; (3) collaborates in field trials for inquiries on new methods for control of vector-borne diseases; (4) maintains surveillance of disease problems of the area which may pose a threat to the United States; (5) provides career development opportunities for appropriate professional staff of the Center; (6) collects and provides to other programs of the Center indigenous materials needed in laboratory improvement activities; (7) when appropriate, conducts studies on other disease entities which are of mutual interest and importance to the United States and the host country or countries of the Central America region.

Vector Biology and Control Division (9P45). (1) Serves as the Center's resource for pesticide development, formulation, application, and analysis; (2) conducts investigations on the biology, ecology, host-parasite relationships and vector ability, and control of arthropod vectors; (3) provides technical guidance on methods for controlling insect vectors and the diseases they transmit; (4) develops, prepares, coordinates, and presents regular training courses at CDC, field courses, workshops and seminars in the general field of vector-borne diseases and selected tropical diseases.

NATIONAL CLEARINGHOUSE FOR SMOKING AND HEALTH (9S00)

(1) Provides leadership and direction for a national program to reduce death and disability due to smoking; (2) acts as coordinator for Department activities related to smoking and health, maintaining liaison, through the Office of the Center Director or directly as deemed appropriate by CDC, with other Federal agencies and with official and voluntary groups concerned with the problem; (3) participates in the activities of the National Interagency Council on Smoking and Health; (4) provides consultation to State and local interagency councils and to industrial and local groups in developing coordinated community approaches

to smoking control programs; (5) prepares an annual report to Congress reviewing the medical and scientific evidence on the health consequences of smoking; (6) collects and disseminates scientific information, and maintains the Clearinghouse literature collection; (7) works with groups and organizations, within and outside government, carrying out public awareness and education programs on smoking and health directed toward specific target groups as well as the general public; (8) works with health and education programs on smoking and health in developing and conducting health education on smoking and health in the schools; (9) plans and carries out studies to furnish a better understanding of the dynamics of smoking behavior, and to evaluate program progress and effectiveness.

Office of the Director (9S01). (1) Plans, directs, coordinates, and evaluates activities of the Clearinghouse; (2) maintains liaison with other Federal agencies and official and voluntary groups; (3) participates in the activities of the National Interagency Council on Smoking and Health, and provides technical consultation and assistance to State and local interagency councils and other groups in developing programs to control smoking; (4) prepares an annual report to Congress on the health consequences of smoking; (5) develops administrative policies, procedures, program plans, and other services to meet Clearinghouse needs; (6) provides overall administrative services to the Clearinghouse.

Community Program Development Division (9S43). Works with National, State, and local officials and voluntary, professional health and education groups to plan, develop, test, and provide practical models of community education programs on smoking and health, including: (1) Development and support of interdisciplinary-interorganizational mechanisms at all levels to improve the use of existing financial and manpower resources and services, (2) primary prevention activities for youth in school and in non-school programs, (3) pre- and inservice training and curriculum development for teachers, (4) pre- and post-graduate training for health professionals and prototype program activities for use in direct health care facilities, Federal and private; (5) establishment, supervision, and reporting on community projects to test and evaluate community smoking control efforts.

Health Education Division (9S45). (1) Plans, develops, and carries out national programs of information and education on smoking and health; (2) collects, organizes, and disseminates scientific information, and maintains a literature and bibliographic collection; (3) conducts public awareness activities, and maintains liaison with the press and other media representatives, citizen groups, and other organizations on cooperative awareness and education programs; (4) develops and distributes educational materials and special information reports on smoking and health to

professional audiences, radio, television, and other media, both commercial and educational.

Program Research Division (9S49). (1) Plans and carries out studies on the dynamics of smoking behavior; (2) conducts research to determine the factors involved in taking up smoking and in the cessation of smoking; (3) experiments with and evaluates the effectiveness of methods aimed at cessation of smoking; (4) conducts surveys to assess the incidence of smoking and changes in the attitudes, beliefs, and knowledge about smoking; (5) evaluates the effectiveness of school and community programs in reducing the incidence of smoking; (6) provides technical consultation and assistance in the design and analysis of studies of smoking behavior.

Sec. 9-C Order of Succession. During the absence or disability of the Center Director, or in the event of a vacancy in that office, the first official listed below who is available shall act as Director, except that during a planned period of absence, the Director may specify a different order of succession:

(1) Assistant Director for Operations; (2) Assistant Director for Program; (3) Executive Officer.

Sec. 9-D Delegations of Authority. (1) The Center Director shall continue to exercise all the authorities given to him under the Delegations of Authority made by the Assistant Secretary for Health (38 FR 18260, July 9, 1973). All delegations or redelegations to any officers or employees of the Center for Disease Control which were in effect immediately prior to the effective date hereof continue in effect in them or their successors, pending further redelegation.

Dated: January 2, 1974.

ROBERT H. MARIK,
Assistant Secretary for
Administration and Management.

[FR Doc. 74-687 Filed 1-3-74; 8:45 am]

PUBLIC HEALTH SERVICE

Organization, Functions, and Delegations of Authority

Part 1 in the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Chapter 1N, entitled Office of the Assistant Secretary for Health, (38 FR 18571, July 12, 1973) is hereby amended as follows:

I. Section 1N.10 2 Special Functions, is amended to delete "Regional Health Administrators." Section 1N.20B2a., "Regional Health Administrators," is deleted in total.

II. Section 1N.10 is amended to add a new subsection 3 titled Public Health Service Regional Offices. Section 1N.20B is amended to add a new subsection 3 as follows:

3. **Public Health Service (PHS) Regional Offices.** (1N81-1N8A) Each PHS Regional Office is responsible for directing PHS Regional Office programs and activities in order to assure a coordinated regional effort in tune with national poli-

cies and state and local needs within each region.

Interprets national policies and guidelines, establishes regional goals and objectives, monitors progress and accomplishments and reviews and redirects the regional effort accordingly.

Develops the overall regional budget proposal (funds and positions) based on national priorities and regional work plans.

Determines types of personnel needed, recruits and selects, and evaluates performance of regional staff.

Cooperates with the Regional Director, who is the regional program coordinator, in coordinating health programs with other Department of Health, Education, and Welfare programs and with programs of other agencies impacting upon the needs of people.

Awards decentralized health grants and contracts in accord with national policies and guidelines and State and local needs.

Provides regional input into the formulation and analysis of national policies, priority determination, and program plans and serves as the principal health advisor to the Regional Director.

Assures program implementation and continuity and establishes program focal points to provide for categorical program identification.

Each PHS Regional Office shall be headed by a Regional Health Administrator who reports to the Assistant Secretary for Health.

Programs and authorities administered by the Food and Drug Administration are delegated from the Assistant Secretary for Health to the Commissioner of Food and Drugs and will be coordinated with the Regional Health Administrator as required.

a. Office of Planning and Evaluation. (1N8115) Conducts and guides for the Regional Health Administrator a process of PHS Regional Office planning in support of national health strategies and Regional Director's planning policies.

Coordinates the development of specific PHS regional goals; operational plans, including work plans and Operational Planning System (OPS) objectives; proposals for the allocation of resources to carry out those plans and objectives; input into the Forward Plan for Health; and input into the Regional Director's Operational Planning System.

Provides evaluation of regional health program goals in relation to national priorities and local needs, recommends corrective action and assists in implementation.

Serves as the Regional Health Administrator's coordinator for input into health planning policy matters with the Office of the Assistant Secretary for Health, PHS agencies, and the Regional Director's Office.

b. Office of Management Support. (1N8119) Advises and assists the Regional Health Administrator in the internal management of the PHS Regional Office. Provides administrative services support for the PHS Regional Office in conjunction with the Regional Director's management staff.

Serves as the Regional Health Administrator's coordinator for input into the Central Office budget and staffing allocation process, and in conjunction with the Office of Regional Operations and Regional Director's Office, maintains a system for monitoring the use of personnel and funds allocated to the health programs in the PHS Regional Office.

Maintains the regional health management information system in cooperation with the Office of Regional Operations and Regional Director's Office, involving data collection, monitoring, and reporting. Responds to health data needs of the Regional Office, including requests from the public.

Serves as the Regional Health Administrator's coordinator on management matters with the Office of the Assistant Secretary for Health and the Regional Director's Office.

c. Office of State Coordination. (1N8122) Serves as key advisor to the Regional Health Administrator on the health needs and resources of each State and local area within the region's jurisdiction.

In concert with the Office of the Regional Director, serves as a contact point for the States, provides assistance to them, and facilitates their access to and receipt of services from cross-organizational components of the PHS Regional Office.

Cooperates with PHS Regional Office components, the Regional Director's staff, and other agencies in efforts directed toward matching health resources with State and local needs.

d. Division of Financing and Health Economics. (1N8141) Provides advice and assistance to State and local agencies as well as private institutions in establishing relationships with health financing programs on reimbursement funding of health service activities.

Serves as focal point in the region for increasing capabilities to utilize available funding programs such as health insurance, revenue sharing, and third party payment systems.

Provides technical assistance on organization and administration of financial and related business management aspects of health service delivery systems.

Directs activities to assist projects, agencies, and institutions within the region to improve relationships with health financing and reimbursement programs.

Participates in the development of measures and monitors progress in implementing strategies to achieve cost control and maximized third party reimbursement.

Serves as PHS regional counsel on developing flexibility for programs such as national health insurance, special health revenue sharing, and third party payment systems.

Develops for the Regional Health Administrator information and recommendations to the Assistant Secretary for Health on problems suggesting changes in national health financial policy or authority.

e. Division of Quality and Standards. (1N8143) Serves as the principal PHS adviser on quality assurance activities in-

cluding interpretation and compliance with established standards for medical care.

Provides technical consultation to State and local health officials in the interpretation and application of health standards and policy, and in correcting deficiencies.

Serves as the PHS regional focal point for implementation of quality assurance and utilization review requirements of the Medicaid and Medicare Program, in coordination with the Regional Director and with Social and Rehabilitation Service and Social Security Administration regional staffs.

Participates in the development and monitoring of institutions and compliance with standards for health care provided under Medicaid and Medicare.

Coordinates the review and application of medical standards and quality and cost control methods used in Federally sponsored direct and grant supported health service delivery programs.

Participates in the development and implementation of standards for health care related activities.

f. Division of Health Services. (1N8145) Directs and coordinates programs and activities designed to promote and provide quality health services within the region.

Administers Federally supported health service delivery programs including interpretation of policies and guidelines, site assessments, project development and project monitoring.

Provides professional consultation and guidance in medical and health related services and technical assistance in programs and project development.

Serves as regional focal point for promoting and directing efforts to integrate service delivery projects in a more comprehensive manner and maximize services available in health scarcity areas.

Monitors grants for compliance with applicable laws, regulations, policies, and guidelines.

g. Division of Resource Development. (1N8147) Directs and coordinates programs and activities designed to increase the capacity and capability of the health care system in the region.

Provides assistance and support for State and local health planning activities including the assessment of health care needs and resources.

Cooperates with the health agencies in the dissemination of research findings and the development and testing of new approaches to improved health care delivery. Monitors and assesses results of regional health delivery innovations in relationship to both local and national objectives.

Supports activities designed to improve the recruitment, production and utilization of health manpower.

Provides professional and technical assistance to the health community in the design and development of all health care resources.

Monitors grants for compliance with applicable laws, regulations, policies, and guidelines.

h. Division of Prevention. (1N8149) Directs and coordinates programs and activities designed to improve health by preventing or controlling diseases, including environmentally induced human health problems.

Provides a regional locus of responsibility for input to national program development in areas of preventive health services and for the regional implementation of national preventive health policies, plans, and programs.

Provides liaison with special national impact programs, such as venereal disease control, and assures access to headquarters epidemiologic and laboratory specialists and other specialized assistance.

Provides technical program consultation, information and guidance to State and local health departments and agencies, communities and industries on disease prevention, preventive health services, environmental and occupational health services.

Serves as regional focal point for providing continuity and leadership to other regional office functional Divisions in the interpretation of the Departmental priorities in preventive health and coordinates activities with the other Divisions.

Monitors grants for compliance with applicable laws, regulations, policies and guidelines.

Provides a locus of responsibility for supervision of personnel assigned from the Center for Disease Control to State and local health departments.

III. A new Section 1N.30 Delegations of Authority is created:

SECTION 1N30 Delegations of Authority. (1) Pending further redelegations the Regional Health Administrator shall exercise all the authorities previously given to the Regional Health Director by the Administrator of the former Health Services and Mental Health Administration and all authorities given to the Regional Health Director by any other official of the Department of Health, Education, and Welfare that is not inconsistent with any action subsequently taken by the Secretary of the Department or his designee.

Dated: December 26, 1973.

ROBERT H. MARIK,
Assistant Secretary for
Administration and Management.

[FR Doc.74-666 Filed 1-8-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-74-260]

ASSOCIATE GENERAL COUNSEL FOR EQUAL OPPORTUNITY, LITIGATION AND ADMINISTRATION

Delegation of Authority

Pursuant to section B of the Delegation of Authority to the General Counsel at 36 FR 11052 and 24 CFR 17.47(b), there is hereby delegated to the Associate

General Counsel for Equal Opportunity, Litigation and Administration the power and authority to:

1. Consider, ascertain, adjust, determine, compromise, allow, deny, and otherwise dispose of—in amounts not exceeding \$10,000 each—claims filed pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671-2680.

2. Consider, ascertain, adjust, determine, compromise, allow, deny, and otherwise dispose of all claims filed pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964, 31 U.S.C. 241-243.

This Delegation supersedes the Delegation of Authority to the Associate General Counsel for Equal Opportunity, Litigation and Administration dated August 18, 1971 (unpublished).

Effective date. This delegation is effective Dec. 26, 1973.

JAMES L. MITCHELL,
General Counsel.

[FR Doc.74-693 Filed 1-8-74;8:45 am]

ATOMIC ENERGY COMMISSION

[License No. 22-00057-55E]

MINNESOTA MINING AND MANUFACTURING CO.

Notice of Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 22-00057-55E to the Minnesota Mining and Manufacturing Company, 3M Center, Saint Paul, Minnesota 55101, which authorizes the distribution of Model 800 Series fire detectors to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR Part 30.

1. The devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of the detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium 241.

2. The byproduct material incorporated in the detector is americium in the oxide form contained in foils manufactured by Nuclear Radiation Developments (Model A-001) or by Amersham/Searle (Model AMM). The nominal activity contained in the unit is 1.5 microcuries but the maximum activity is 2.0 microcuries.

3. Each exempt unit will have a label identifying the manufacturer (3M Security Systems) and the byproduct material (americium 241) contained in the unit and recommending that the unit be returned to 3M Security Systems for repair or disposal.

A copy of the license and a safety evaluation containing additional information, prepared by the Directorate of Licensing, are available for public in-

spection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

For the Atomic Energy Commission.

Dated at Bethesda, Maryland: January 2, 1974.

JAMES C. MALARO,
Chief, Materials Branch,
Directorate of Licensing.

[FR Doc.74-652 Filed 1-8-74;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

INSURED BANKS

Joint Call for Report

CROSS REFERENCE: For a document issued jointly by Comptroller of the Currency, the Federal Reserve System, and the Federal Deposit Insurance Corporation, see FR Doc. 74-650, *infra*.

Customs Service

[T.D. 74-15]

FOREIGN CURRENCIES

Certification of Rates

DECEMBER 27, 1973.

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

Austria schilling:	
December 17, 1973	\$.0512
December 18, 1973	.0510
December 19, 1973	.0511
December 20, 1973	.0509
December 21, 1973	.0509
Belgium franc:	
December 17, 1973	\$.024850
December 18, 1973	.024815
December 19, 1973	.024765
December 20, 1973	.024700
December 21, 1973	.024590
Denmark krone:	
December 17, 1973	\$.1612
December 18, 1973	.1612
December 19, 1973	.1615
December 20, 1973	.1614
December 21, 1973	.1610
France franc:	
December 17, 1973	\$.2184
December 18, 1973	.2162
December 19, 1973	.2169
December 20, 1973	.2162
December 21, 1973	.2158
Germany deutsche mark:	
December 17, 1973	\$.3768
December 18, 1973	.3760
December 19, 1973	.3759
December 20, 1973	.3751
December 21, 1973	.3744
India rupee:	
December 17, 1973	\$.1220
December 18, 1973	.1220

Italy lira:	
December 17, 1973	\$.001649
December 18, 1973	.001647
December 19, 1973	.001652
December 20, 1973	.001650
December 21, 1973	.001653
Japan yen:	
December 17, 1973	\$.003570
December 18, 1973	.003570
December 19, 1973	.003570
December 20, 1973	.003570
December 21, 1973	.003570
Netherlands guilder:	
December 17, 1973	\$.3566
December 18, 1973	.3563
December 19, 1973	.3577
December 20, 1973	.3574
December 21, 1973	.3561
Portugal escudo:	
December 17, 1973	\$.0395
December 18, 1973	.0393
December 19, 1973	.0394
December 20, 1973	.0393
December 21, 1973	.0393
Sweden krona:	
December 17, 1973	\$.2188
December 18, 1973	.2187
December 19, 1973	.2181
December 20, 1973	.2187
December 21, 1973	.2198
Switzerland franc:	
December 17, 1973	\$.3126
December 18, 1973	.3127
December 19, 1973	.3126
December 20, 1973	.3133

[SEAL] R. N. MARRA,
Director, Appraisal and
Collections Division.

[FR Doc.74-721 Filed 1-8-74;8:45 am]

Office of Revenue Sharing
[Administrative Ruling 74-1]
REVENUE SHARING FUNDS
Entitlement Adjustments

This ruling sets forth the procedure by which the Office of Revenue Sharing will adjust the entitlements of certain recipient governments during the entitlement period for which the entitlements are calculated. This procedure is necessitated by revised entitlement estimates based on data corrections which become available during the entitlement period and which indicate that continuation of the quarterly payments based on the original entitlement calculation will result in severe overpayment to the extent that substantial downward adjustments to future entitlements will be required.

Section 51.25(b) of the revenue sharing regulations (31 CFR Part 51) sets forth the general requirement that entitlement adjustments will ordinarily be effected through the alteration of entitlement payments for future entitlement periods. However, that section also provides that where there will be a downward adjustment that is so substantial as to make future payment alterations impossible or impracticable then the adjustment of entitlement payments for future entitlement periods is not required. It is the determination of the Director of the Office of Revenue Sharing that it is impracticable to rely on adjustment to future entitlements where during the current entitlement period it

is clearly demonstrated that continuation of entitlement payments based on the original entitlement calculation will result in overpayment to recipient governments and thereby cause them to receive substantially reduced entitlements in the future. Accordingly, the quarterly entitlement payments of certain recipient governments will be adjusted during the current entitlement period rather than relying on alterations to future entitlement period payments as the sole method of adjustment.

Dated January 4, 1974.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

[FR Doc.74-720 Filed 1-4-74;4:43 pm]

Office of the Secretary
POTASSIUM CHLORIDE FROM CANADA
Notice of Tentative Determination To
Modify or Revoke Dumping Finding

A "Finding of Dumping" with respect to potassium chloride, otherwise known as muriate of potash, from Canada was published as Treasury Decision 69-265 in the FEDERAL REGISTER of December 19, 1969 (34 FR 19904).

After due investigation, I find that three exporters, Kalium Chemicals, Limited; Potash Company of Canada Limited; and Potash Company of America, and two importers, International Minerals and Chemical Corporation and CF Industries, Inc., who are related to their Canadian suppliers within the meaning of section 207 of the Antidumping Act, 1921, as amended. From January 1970 to date, sales of each of these firms have been at not less than fair value and each has given assurances that future sales of potassium chloride to the United States will not be made at less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping to exclude potassium chloride, otherwise known as muriate of potash, from Canada produced and sold by Kalium Chemicals, Limited; Potash Company of Canada Limited; Potash Company of America; International Minerals and Chemical Corporation; and CF Industries, Inc., from this finding.

In accordance with § 153.37, Customs Regulations (19 CFR 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, in time to be received by his office not later than

January 21, 1974. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than February 8, 1974.

This Notice of Tentative Determination to Modify or Revoke Dumping Finding is published pursuant to section 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

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

JANUARY 7, 1974.

[FR Doc.74-733 Filed 1-8-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army
ARMY MATERIEL ACQUISITION REVIEW
COMMITTEE (AMARC)

Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following Committee meeting:

Name of Committee: Army Materiel Acquisition Review Committee (AMARC).

Dates of Meeting: 14-16 January 1974.

Proposed Agenda: Committee members will be briefed by Department of Defense officials on all aspects of materiel acquisition, and will review and discuss current and past development programs.

This meeting is closed to the public because information will be furnished to the Committee in various forms, including classified case studies of certain Army projects and programs, classified briefings by senior Army officials, and access to the records of various commands and agencies containing classified information, trade secrets, and confidential commercial and financial data.

FRANK A. CAMM,
Major General, GS,
Deputy Director, AMARC.

[FR Doc.74-777 Filed 1-8-74;8:45 am]

Office of the Secretary
DDR&E HIGH ENERGY LASER REVIEW
GROUP

Notice of Closed Meeting

Pursuant to the provisions of section 10 of Public Law 92-463, dated October 6, 1972, notice is hereby given that the closed meeting of the DDR&E High Energy Laser Review Group originally scheduled for Thursday and Friday, January 24 and 25, 1974 has been rescheduled and will now be held on Wednesday and Thursday, January 23 and 24, 1974.

This meeting will be to discuss classified matters.

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

JANUARY 4, 1974.

[FR Doc. 74-706 Filed 1-8-74;8:45 am]

**DEPARTMENT OF THE INTERIOR
BONNEVILLE POWER ADMINISTRATION**

Notice of Change in Date of Public Meeting

Notice is hereby given of a postponement of a public information meeting on Bonneville Power Administration's Fiscal Year 1975 Draft Environmental Statement.

Notification of the public meeting originally scheduled for Thursday, January 24, 1974, at 7:30 p.m. appeared in the FEDERAL REGISTER on Wednesday, January 2, 1974 (39 FR 27316). This meeting has been rescheduled for Monday, February 11, 1974, at 7:30 p.m. As previously arranged, the meeting is still to be conducted in the Cedar Valley Grange, Maple Valley, Washington.

Dated: January 7, 1974.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.74-797 Filed 1-8-74;9:03 am]

Bureau of Indian Affairs

ELIGIBILITY OF ATKASOOK AS A NATIVE VILLAGE

Administrative Determination

Correction

In FR Doc. 73-25331, appearing on page 32958 in the issue of Thursday, November 29, 1973, the last line of the second complete paragraph in column 2, now read "December 21, 1973", should read "December 31, 1973".

National Park Service

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held between 1 p.m. and 5 p.m. on Friday, January 11, 1974 at the Pac Inn, 231 Main Street, Frankfort, Michigan.

The Commission was established by Public Law 91-479 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members are as follows:

Mr. John B. Daugherty (Chairman)
Frankfort, Michigan
Mr. William B. Bolton
Empire, Michigan
Mr. Verrol Conklin
Honor, Michigan
Mr. Carl T. Johnson
Cadillac, Michigan
Mr. Frank C. MacFarlane
Cedar, Michigan
Mr. John Stanz
Glen Arbor, Michigan
Mr. Noble Travis
Leland, Michigan
Mr. Louis Twardzik
East Lansing, Michigan

Ms. Charles R. Williams
Traverse City, Michigan
Mr. Charles Yeates
Allegan, Michigan

The purpose of the meeting is to report on the status of land acquisition and related activities and to bring the commission members up to date on management programs and plans. These items will be presented by the staff of Sleeping Bear Dunes National Lakeshore. Routine matters will include a report on the proposed acquisition of South Fox Island with State or Federal funds.

The meeting is open to the public. It is expected that 30 persons will be able to attend the session in addition to the national lakeshore staff and advisory commission members.

Any member of the public may file with the Commission a written statement concerning matters to be discussed. Further information concerning this meeting may be obtained from J. A. Martinek, Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Michigan at 616-352-9611. Minutes of the meeting will be available for public inspection two weeks after the meeting at the office of the Superintendent, 400 1/2 Main Street, Frankfort, Michigan.

Dated: December 27, 1973.

ROBERT M. LANDAU,
Liaison Officer, Advisory Com-
missions, National Park
Service.

[FR Doc.74-768 Filed 1-8-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

COOPERATIVE GYPSY MOTH SUPPRESSION AND REGULATORY PROGRAM—1974 ACTIVITIES

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service and Animal and Plant Health Inspection Service, Department of Agriculture, have prepared a draft environmental statement for the Cooperative Gypsy Moth Suppression and Regulatory Program—1974 Activities, USDA-FS-APHIS-DES (Adm) 74-58.

The environmental statement concerns a cooperative suppression program with the States of Pennsylvania, New York, New Jersey, and Rhode Island to aerially spray approximately 375,000 acres. Three different insecticides will be used. Some areas will be treated with carbaryl, others with trichlorfon or *Bacillus thuringiensis* to protect forest resources from imminent damage by the gypsy moth. The cooperative regulatory program is to prevent artificial, long-distance spread and to eradicate incipient, remote infestations in the United States.

The statement is intended as the base document for the USDA cooperative gypsy moth suppression and regulatory program. In subsequent years an annual addendum will be prepared that presents

only new knowledge, additional alternatives or environmental impacts not considered, and details for implementing the Agencies' annual activities of the program.

This draft environmental statement was filed with CEQ on December 27, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Animal and Plant Health Inspection Service

Administration Bldg., Room 302-E
12 St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
6816 Market Street, Room 409
Upper Darby, Pennsylvania 19082

A limited number of single copies are available upon request to John R. McGuire, Chief, U.S. Forest Service, South Agriculture Bldg., 12th Street and Independence Avenue, SW., Washington, D.C. 20250.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to John R. McGuire, Chief, U.S. Forest Service, South Agriculture Bldg., 12th Street and Independence Avenue, SW., Washington, D.C. 20250. Comments must be received by February 27, 1974 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

January 2, 1974.

[FR Doc.74-667 Filed 1-8-74;8:45 am]

Soil Conservation Service

INDIAN CREEK WATERSHED PROJECT, VIRGINIA

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 Indian Creek Watershed Project, City of Chesapeake, Virginia, USDA-SCS-ES-WS-(ADM)-73-35(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment measures over the

entire watershed, and 2.25 miles of channel work.

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, Federal Building, 400 North 8th Street, Richmond, Virginia 23240.

Copies are available for purchase 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 \$5.25.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 28, 1973.

WILLIAM B. DAVEY,
Deputy Administrator for
Water Resources, Soil Conservation
Service.

[FR Doc.74-678 Filed 1-8-74;8:45 am]

LOST RIVER WATERSHED PROJECT, WEST VIRGINIA

Availability of Draft 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 draft environmental statement for the Lost River Watershed Project, Hardy County, West Virginia, USDA-SCS-ES-W- (ADM)-74-20(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment measures on 94,750 acres, four single-purpose floodwater retarding structures, and one multiple-purpose structure providing storage capacity for floodwater and recreation.

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, Federal Building, P.O. Box 865, Morgantown, West Virginia 26505

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 \$4.75.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional infor-

mation should be addressed to James S. Bennett, State Conservationist, Soil Conservation Service, Federal Building, P.O. Box 865, Morgantown, West Virginia 26505.

Comments must be received on or before February 28, 1974, in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 28, 1973.

WILLIAM B. DAVEY,
Deputy Administrator for Water
Resources, Soil Conservation
Service.

[FR Doc.74-679 Filed 1-8-74;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

STATEMENT ON PROPOSED FEDERAL ACTIONS AFFECTING THE ENVIRONMENT

Time for Filing Comments

On December 6, 1973, there was published in the FEDERAL REGISTER (38 FR 33625) a Departmental Administrative Order, Number 216-6, which set forth proposed policies and procedures concerning statements on proposed federal actions affecting the environment. These procedures were developed in consultation with the Council on Environmental Quality (CEQ). As published, DAO 216-6 reflected November 27, 1973, as the effective date. That portion of the DAO which sets forth such effective date is hereby rescinded in order to allow for a period of public comment. Notice is hereby given that interested persons have forty-five days from the date of this notice to submit such comments.

Interested parties may submit comments, in four copies, to Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Washington, D.C. 20230. Comments thus received will be considered and acted upon when the regulation is thereafter published in final form.

A public docket will be available for examination by interested persons at the Central Reference and Records Inspection Facility of the Department of Commerce, room 7043, Main Commerce Building, 14th Street between E Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Issued: January 3, 1974.

BETSY ANCKER-JOHNSON,
Assistant Secretary for
Science and Technology.

[FR Doc.74-714 Filed 1-8-74;8:45 am]

POLICY ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

Notice of Establishment

Having reached agreement with the President's Special Representation for Trade Negotiations (STR) on the need

for a joint STR/Commerce industry consultations program, and having consulted with the Office of Management and Budget (OMB), the Secretary of Commerce has determined that the establishment of the Policy Advisory Committee for Trade Negotiations (the "Committee") is in the public interest in connection with the performance of duties imposed on the Department by law. This action is in accordance with the provisions of both the Federal Advisory Committee Act (P.L. 92-463) and joint OMB/Justice Department guidelines on the Act.

The Committee will advise, consult with, and make recommendations to the Secretary and the STR on matters concerning the multilateral trade negotiations to be undertaken by the U.S. commencing in 1974. The Committee shall consist of approximately 20 persons from the U.S. business community who shall be appointed by, and serve at the discretion of, the Secretary and the STR.

The Committee will meet at irregular intervals at the call of the Secretary and the STR, depending on such factors as the level of activity of the trade negotiations and the needs of the Secretary and the STR. It will function solely as an advisory body, and in compliance with the provisions of Pub. L. 92-463, with clerical and staff support to be provided by the Domestic and International Business Administration of the Department.

The Committee's charter will be filed under Pub. L. 92-463, thirty days from the date of this notice.

Dated: Jan. 4, 1974.

HENRY B. TURNER,
Assistant Secretary
for Administration.

[FR Doc.74-755 Filed 1-8-74;8:45 am]

COST OF LIVING COUNCIL FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on January 10, 1974. The meeting will be open to the public on a first-come, first-served basis at 10 a.m., in Conference Room 8202, 2025 M Street NW., Washington, D.C.

The agenda will consist of a discussion of policy questions involving food industry wage matters and, if circumstances permit, of food industry wage cases pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C., on January 7, 1974.

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.74-781 Filed 1-7-74; 3:29 pm]

ENVIRONMENTAL PROTECTION AGENCY

PESTICIDE REGISTRATION

Receipt of Applications; Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

By March 11, 1973, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

If following this notice, no claims are received by the Agency in regard to usage of existing supportive data for registration, the registration will be completed in accordance with existing procedures. No claims will be accepted which are received after March 11, 1973. However, if claims are received by March 11, 1973, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act.

APPLICATIONS RECEIVED

EPA File Symbol 464-UOT. Dow Chemical Company, 2030 Dow Center, Midland, Michigan 48640. *New Formula Dow Bathroom Cleaner*. Active Ingredients: Sodium salt of o-phenylphenol—0.21%; Tetrasodium salt of ethylenediamine tetraacetic acid—2.78%; Sodium n-dodecylbenzene sulfonate—0.38%. Method of Support: Application proceeds under 2(a) of Interim policy.

EPA Reg. No. 352-342. E. I. du Pont de Nemours and Company, Wilmington, Delaware 19898. *Du Pont Lannate Methomyl Insecticide*. Active Ingredients: Methomyl S-methyl - N - [(methylcarbamoyl)oxy]thioacetimidate—90%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 352-370. E. I. du Pont de Nemours and Company, Wilmington, Delaware 19898. *Du Pont Lannate L Methomyl Insecticide*. Active Ingredients: Methomyl S - methyl - N - [(methylcarbamoyl)oxy]thio-

acetimidate—24%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 270-00. Farnam Companies, Inc., P.O. Box 2151, Phoenix, Arizona 85001. *Wipe Plus Wipe-On Fly Repellent*. Active Ingredients: S-Bioallethrin 90% technical 0.178% (0.160% d-trans-chrysanthenum monocarboxylic acid ester of d-2 - allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one and 0.018% related compounds); Piperonyl Butoxide Technical 0.798% [Equivalent to 0.638% (butylcarbityl) (6-propylpiperonyl) ether and 0.160% of related compounds]; Di-N-Propyl Isocinchomerate 0.998%; Oil of Citronella 2.00%; Butoxypropylene Glycol 20.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 270-RNN. Farnam Companies, Inc., P.O. Box 2151, Phoenix, Arizona 85001. *Repel-X Plus Emulsifiable Fly Spray*. Active Ingredients: S-Bioallethrin 90% Technical 0.345% (0.319% d-trans-chrysanthenum monocarboxylic acid ester of d-2-allyl-4-hydroxy - 3 - methyl-2-cyclopenten-1-one and 0.035% related compounds); Piperonyl Butoxide Technical 1.593% [Equivalent to 1.274% (butyl-carbityl) (6-propylpiperonyl) ether and 0.319% of related compounds]; Butoxypropylene Glycol 50.00%; Pine Oil 42.950%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 270-OI. Farnam Companies, Inc., P.O. Box 2151, Phoenix, Arizona 85001. *Farnam SX-80 Pheromone Bait Fly Killer*. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 0.47%; Related Compounds 0.03%; (Z)-9-tricosene 0.045%; related compounds 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2724-ELE. Thuron Industries, Inc., 12200 Denton Drive, Dallas, Texas 75234. *Starbar Tick Killing Collar for Dogs*. Active Ingredients: o-Isopropoxyphenyl methylcarbamate—94%; Method of Support: Application proceeds under 2(b) of interim policy.

Dated: December 28, 1973.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-660 Filed 1-8-74; 8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

Call for Annual Report of Income

Pursuant to the provisions of section 7 (a) of the Federal Deposit Insurance Act each insured mutual savings bank not a member of the Federal Reserve System is required to make a Report of Income for the calendar year 1973 on Form 73 (Savings), revised December 1971,¹ to the Federal Deposit Insurance Corporation within 30 days after December 31, 1973. Said Report of Income shall be prepared in accordance with "Instructions for the preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings)," dated December 1971 and any amendments thereto.¹

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.74-648 Filed 1-8-74; 8:45 am]

¹ Filed as part of original document.

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM EXCEPT DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

Call for Annual Report of Income

Pursuant to the provisions of section 7 (a) of the Federal Deposit Insurance Act each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is required to make a Report of Income for the calendar year 1973 on Form 73 (revised December 1969)¹ to the Federal Deposit Insurance Corporation within 30 days after December 31, 1973. Said Report of Income shall be prepared in accordance with "Instructions for the preparation of Report of Income on Form 73," dated December 1970 and any amendments thereto.¹

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.74-649 Filed 1-8-74; 8:45 am]

INSURED BANKS

Joint Call for Report

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), each insured bank is required to make a Report of Condition as of the close of business December 31, 1973, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 488,¹ and shall send the same to the Comptroller of the Currency and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District of Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call No. 210¹ and shall send the same to the Federal Reserve Bank of the District wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition and one copy thereof on FDIC Form 64—Call No. 106¹ and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to

¹ Filed as part of original document.

the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for Preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1972.¹ The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated January 1973, and any amendments thereto.¹ The original Report of Condition and the copy thereof required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970, and any amendments thereto.¹

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition and one copy thereof on FDIC Form 64 (Savings),¹ prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Banks," dated December 1971, and any

amendments thereto,¹ and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman, Federal Deposit
Insurance Corporation.

JAMES E. SMITH,
Comptroller of the Currency.

GEORGE W. MITCHELL,
Vice Chairman, Board of Gov-
ernors of the Federal Reserve
System.

[FR Doc. 74-650 Filed 1-8-74; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI74-105, et. al.]

AMOCO PRODUCTION CO.

Proposed Change in Rate, and Allowing
Rate Change To Become Effective Sub-
ject to Refund

DECEMBER 28, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Nat-

ural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its 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 II), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement 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. 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 supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

¹ Filed as part of original document.

APPENDIX A

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 docket Nos.
									Rate in effect	Proposed increased rate	
RI74-105	Amoco Production Co.	* 109	* 18	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	\$17,585	11-29-73		1-30-74	\$ 25.5	\$ 26.0	
.....do.....	.....do.....	* 117	* 39	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.) (San Juan Basin).	73,250	11-29-73		1-30-74	\$ 24.0	\$ 24.5	
.....do.....	.....do.....	* 124	* 19	El Paso Natural Gas Co. (Kutz Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin).	1,875	12- 3-73		2- 3-74	\$ 24.0	\$ 24.5	
.....do.....	.....do.....	103	* 19	El Paso Natural Gas Co. (South Blanco and Tapacito Pictured Cliffs Fields, Rio Arriba County, N. Mex.) (San Juan Basin).	10,340	11-29-73		6- 1-74	\$ 25.5	\$ 26.0	
.....do.....	.....do.....	* 163	* 28	El Paso Natural Gas Co. (West Kutz Pictured Cliffs Field, San Juan County, N. Mex.) (San Juan Basin).	785	12- 3-73		2- 3-74	\$ 24.0	\$ 24.5	
.....do.....	.....do.....	195	* 36	El Paso Natural Gas Co. (Pictured Cliffs and other fields, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	5,000	11-29-73		6- 1-74	\$ 25.5	\$ 26.0	
.....do.....	.....do.....		* 37	do	1,000	11-29-73		1-30-74	\$ 24.0	\$ 24.5	
.....do.....	.....do.....	199	* 27	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	5,790	11-29-73		6- 1-74	\$ 25.5	\$ 26.0	
.....do.....	.....do.....		* 28	do	500	11-29-73		1-30-74	\$ 24.0	\$ 24.5	

See footnotes at end of table.

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.s
									Rate in effect	Proposed increased rate	
.....do.....		233	16	El Paso Natural Gas Co. (Otero Graneros Field, Rio Arriba County, N. Mex.) (San Juan Basin).	4,625	11-29-73	.....	6-1-74	125.5	126.0	
.....do.....		302	15	El Paso Natural Gas Co. (Huerfano Gallup Field, San Juan County, N. Mex.) (San Juan Basin).	2,500	12-3-73	.....	6-3-74	125.5	126.0	
.....do.....		16	do	190	12-3-73	.....	2-3-74	24.0	24.5	
.....do.....		320	10	El Paso Natural Gas Co. (Gavilan Pictured Cliffs Field, Rio Arriba County, N. Mex.) (San Juan Basin).	75	12-3-73	.....	6-3-74	125.5	126.0	
.....do.....		363	37	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	30,000	11-29-73	.....	(15)	128.0	128.5	RI73-64.
.....do.....		28	do	106,700	11-29-73	.....	6-1-74	125.5	126.0	
.....do.....		39	do	2,500	11-29-73	.....	1-30-74	24.0	24.5	
.....do.....		29	do	150	12-3-73	.....	2-3-74	125.5	126.0	
.....do.....		371	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	2,570	12-3-73	.....	2-3-74	24.0	24.5	
.....do.....		397	12	El Paso Natural Gas Co. (Gallup Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin).	250	11-29-73	.....	6-1-74	128.0	128.5	RI73-64.
.....do.....		13	do	3,140	12-3-73	.....	6-3-74	25.5	26.0	
.....do.....		14	do	125	12-3-73	.....	2-3-74	124.0	124.5	
.....do.....		405	7	El Paso Natural Gas Co. (Toecito Dome Field, San Juan County, N. Mex.) (San Juan Basin).	5,000	11-29-73	.....	6-1-74	125.5	126.0	
.....do.....		411	11	El Paso Natural Gas Co. (Ute Dome Paradox Field, San Juan County, N. Mex.) (San Juan Basin).	12,310	11-29-73	.....	6-1-74	125.5	126.0	
.....do.....		469	11	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin).	50	11-29-73	.....	6-1-74	128.0	128.5	RI73-61.
.....do.....		12	do	710	12-3-73	.....	6-3-74	25.5	26.0	
.....do.....		484	10	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (San Juan Basin).	10	11-29-73	.....	6-1-74	128.0	128.5	RI73-61.
.....do.....		11	do	60	12-3-73	.....	6-3-74	125.5	126.0	
.....do.....		22	do	10	11-29-73	.....	6-1-74	128.0	128.5	RI73-65.
.....do.....		23	do	80	12-3-73	.....	6-3-74	125.5	126.0	
.....do.....		498	27	do	25	11-29-73	.....	6-1-74	128.0	128.5	RI73-65.
.....do.....		28	do	135	12-3-73	.....	6-3-74	125.5	126.0	
.....do.....		499	19	do	100	11-29-73	.....	6-1-74	128.0	128.5	RI73-65.
.....do.....		20	do	750	12-3-73	.....	6-3-74	125.5	126.0	
.....do.....		500	18	do	100	11-29-73	.....	6-1-74	128.0	128.5	RI73-65.
.....do.....		17	do	490	12-3-73	.....	6-3-74	125.5	126.0	
.....do.....		12	do	10	11-29-73	.....	6-1-74	128.0	128.5	RI73-61.
.....do.....		13	do	60	12-3-73	.....	6-3-74	125.5	126.0	
.....do.....		517	12	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (Rocky Mountain Area).	10	11-29-73	.....	1-30-74	128.0	128.5	RI73-65.
.....do.....		13	do	325	12-3-73	.....	2-3-74	124.0	124.5	
.....do.....		529	5	El Paso Natural Gas Co. (Ignacio Area, La Plata County, Colo.) (Rocky Mountain Area).	40	11-29-73	.....	1-30-74	128.0	128.5	RI73-61.
.....do.....		530	5	El Paso Natural Gas Co. (Bondad Area, La Plata County, Colo.) (Rocky Mountain Area).	100	11-29-73	.....	1-30-74	124.0	128.5	RI73-65.
.....do.....		535	9	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (Rocky Mountain Area).	10	11-29-73	.....	6-1-74	128.0	128.5	RI73-65.
.....do.....		10	do	40	12-3-73	.....	6-3-74	124.0	124.5	
.....do.....		532	1	Colorado Interstate Gas Co. (Little Polecat Field, Park County, Wyo.) (Rocky Mountain Area).	11,712	12-3-73	.....	2-3-74	22.1822	23.0	
.....do.....		533	3	El Paso Natural Gas Co. (Various Fields, San Juan County, N. Mex.) (Rocky Mountain Area).	2,000	11-29-73	.....	1-30-74	128.0	128.5	RI74-2.
RI74-35.....do.....		594	17	El Paso Natural Gas Co. (Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain Area).	1,500	11-29-73	.....	1-30-74	128.0	128.5	
RI74-105.....do.....		606	2	El Paso Natural Gas Co. (Ignacio Blanco-Dakota Field, La Plata County, Colo.) (Rocky Mountain Area).	1,325	11-29-73	.....	1-30-74	128.0	128.5	RI74-4.

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.

¹ Subject to Btu adjustment above or below 1,000 Btu per cubic foot.

² For gas from wells completed prior to June 1, 1970.

³ Subject to Btu adjustment up from 1,050 and down from 1,000 Btu per cubic foot.

⁴ Applies to acreage added by Supplement Nos. 21, 25, and 26 dated after Oct. 1, 1968.

⁵ Applies to acreage added by Supplement No. 18 dated after Oct. 1, 1968.

⁶ Considered "new gas" pursuant to Opinion No. 639.

⁷ Applies to acreage added by Supplement No. 8 dated after Oct. 1, 1968.

⁸ For gas from wells completed on or after June 1, 1970.

⁹ For gas from wells commenced after Dec. 31, 1972.

¹⁰ For gas from wells commenced prior to Jan. 1, 1973, but after June 1, 1970.

¹¹ Applies to acreage added by Supplement Nos. 25, 27, and 30 dated after Oct. 1, 1968.

¹² Applies to acreage added by Supplement No. 5 dated Oct. 1, 1968.

¹³ Not used.

¹⁴ Subject to Btu adjustment upward or downward proportionally from 1,000 Btu's per cubic foot.

¹⁵ Subject to adjustment for B.T.U. content downward from 1,000 B.T.U. and upward from 1,050 Btu, plus tax.

¹⁶ Contract dated after Oct. 1, 1968.

¹⁷ Supercedes filing of Aug. 17, 1973 which was suspended in Docket No. RI74-55.

¹⁸ The proposed rate is suspended until Jan. 30, 1974 insofar as it relates to sales from wells commenced after Dec. 31, 1972, and is suspended until June 1, 1974, insofar as it relates to sales commenced on or before Dec. 31, 1972.

¹⁹ The pressure base is 14.73 p.s.i.a.

²⁰ The pressure base is 14.65 p.s.i.a.

The proposed rate increases of Amoco Production Company which exceed the applicable ceiling rate established by Opinion No. 658 are suspended for five months and the proposed rate increases which exceed the applicable area ceiling rate in Order No. 435 are suspended for one day.

[FR Doc.74-619 Filed 1-8-74; 8:45 am]

[Docket Nos. RI74-102, et al.]

ATLANTIC RICHFIELD CO., ET AL.

Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund¹

DECEMBER 27, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

¹ Does not consolidate for hearing or dispose of the several matters herein.

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.

APPENDIX A

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 docket Nos.
									Rate in effect	Proposed increased rate	
RI-74-102.	Atlantic Richfield Co.-----	508	11	El Paso Natural Gas Co. (Vinegarone Field, Val Verde County, Tex.) (Permian Basin).	\$5,956	11-29-73	-----	6-1-74	24.09	25.0038	RI73-241.
	do-----	492	12	El Paso Natural Gas Co. (Jalmat et al Fields, Lea County, N. Mex.) (Permian Basin).	1,825	11-30-73	-----	6-1-74	35.0	36.0	
	do-----		30	do-----	2,555	11-30-73	-----	6-1-74	35.0	36.0	
	do-----	265	12	Northern Natural Gas Co. (Hunt-Baggett Area, Crockett County, Tex.) (Permian Basin).		12-3-73	1-3-74	Accepted			
	do-----		3	do-----	(*)	12-3-73		(*)	16.06	37.1358	
RI74-103.	Union Oil Co. of California..	118	1 to 9	West Texas Gathering Co. (Emperor and South Kermit Fields, Winkler County, Tex.) (Permian Basin).		11-30-73	12-31-73	Accepted			
	do-----		10	do-----	55,330	12-3-73	-----	6-3-74	29.5103	30.5642	RI73-162.
RI74-104.	Gulf Oil Corp-----	138	10 14	West Texas Gathering Co. (Emperor Devonian, Emperor Wolfcamp, and Kermit South Devonian Fields, Winkler County, Tex.) (Permian Basin).	19,060	12-3-73	-----	6-3-74	29.6508	30.7097	RI73-180.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.

¹ Contract amendment.

² Applicable to production pursuant to agreement dated Nov. 1, 1973 (Supplement No. 2), exclusive of new acreage dedicated by the agreement.

³ No current deliveries.

⁴ The proposed rate increase is accepted as of Jan. 3, 1974, insofar as it does not exceed the Opinion No. 662 ceiling and is suspended until June 3, 1974, insofar as it exceeds the Opinion No. 662 ceiling rate.

⁵ Not used.

⁶ Rate Schedule quality statement filed in compliance to Opinion No. 662.

⁷ Accepted to become effective as of the date set forth in the "Effective Date Unless Suspended" column.

⁸ Includes Btu adjustment.

⁹ Previously reported as 30.0724 cents per Mcf.

¹⁰ Not applicable to acreage covered by Supplement No. 6.

¹¹ Applicable to gas well gas produced from SE $\frac{1}{4}$ Sec. 34, T. 23 S., R. 36 E., only as provided by Supplement No. 19.

¹² Suspended in Docket No. RI74-5 until Dec. 14, 1975.

¹³ Applicable to gas well gas produced from W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 12, T. 24 S., R. 36 E., only as provided by Supplement No. 21.

¹⁴ Suspended in Docket No. RI74-8 until Dec. 15, 1973.

The proposed rate increase of Atlantic Richfield Company under its FPC Gas Rate Schedule No. 265 is accepted thirty days after filing to the extent it does not exceed the ceiling under Opinion No. 662, but that portion of the proposed rate exceeding the ceiling rate under that opinion is suspended for five months.

The other proposed rate increases exceed the applicable area ceiling rate as set forth in Opinion No. 662, and are, therefore, suspended for five months.

Union Oil Company of California requests waiver of notice but good cause has not been shown therefor and it is denied.

[FR Doc.74-613 Filed 1-8-74; 8:45 am]

[Docket Nos. RI74-95, et al.]

ATLANTIC RICHFIELD CO. ET AL.

Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

DECEMBER 28, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

¹ Does not consolidate for hearing or dispose of the several matters herein.

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 supple-

ments 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 sup-

plements, 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.

APPENDIX A

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 docket Nos.
									Rate in effect	Proposed increased rate	
RI74-95...	Atlantic Richfield Co...	178	212	El Paso Natural Gas Co. (San Juan Basin, San Juan County, N. Mex.) (Rocky Mountain).	(2)	11-29-73		6-1-74	128.0	128.5	
.....do.....	.....do.....	179	212	.....do.....	(2)	11-29-73		6-1-74	128.0	128.5	
.....do.....	.....do.....	249	241	.....do.....	(2)	11-29-73		1-30-74	128.0	128.5	
.....do.....	.....do.....	251	2413	.....do.....	(2)	11-29-73		1-30-74	128.0	128.5	
.....do.....	.....do.....	281	212	.....do.....	(2)	11-29-73		6-1-74	128.0	128.5	
.....do.....	.....do.....	293	27	.....do.....	(2)	11-29-73		6-1-74	128.0	128.5	
.....do.....	.....do.....	333	2412	.....do.....	(2)	11-29-73		1-30-74	128.0	128.5	
.....do.....	.....do.....	334	2411	.....do.....	(2)	11-29-73		1-30-74	128.0	128.5	
.....do.....	.....do.....	335	2411	.....do.....	(2)	11-29-73		1-30-74	128.0	128.5	
.....do.....	.....do.....	512	28	.....do.....	(2)	11-30-73		6-1-74	128.0	128.5	
.....do.....	.....do.....	513	29	.....do.....	(2)	11-29-73		6-1-74	128.0	128.5	
.....do.....	.....do.....	552	213	.....do.....	(2)	11-30-73		(24)	128.0	128.5	
.....do.....	.....do.....	580	26	.....do.....	(2)	11-29-73		6-1-74	128.0	128.5	
.....do.....	.....do.....	638	23	.....do.....	(2)	11-30-73		1-31-74	128.0	128.5	
.....do.....	.....do.....	180	218	El Paso Natural Gas Co. (San Juan Basin, La Plata County, Colo.) (Rocky Mountain).	(2)	11-29-73		6-1-74	128.0	128.5	
.....do.....	.....do.....	499	27	.....do.....	(2)	11-29-73		6-1-74	128.0	128.5	
.....do.....	.....do.....	498	2420	El Paso Natural Gas Co. (San Juan Basin, Rio Arriba and San Juan Counties, N. Mex.) (Rocky Mountain).	(2)	11-29-73		1-30-74	128.0	128.5	
.....do.....	.....do.....	301	28	El Paso Natural Gas Co. (San Juan Basin, Rio Arriba County, N. Mex.) (Rocky Mountain).	\$1,380	11-29-73		(24)	128.0	128.5	
RI74-96...	American Petrofina Co. of Texas.	16	23	El Paso Natural Gas Co. (Blanco Field, Rio Arriba County, N. Mex.) (Rocky Mountain Area).	17,261	11-30-73		6-1-74	228.0	228.5	
RI74-58.....	.....do.....	20	21 to 13	El Paso Natural Gas Co. (Basin Dakota Field, San Juan County, N. Mex.) (Rocky Mountain Area).	4,977	11-30-73		1-2-74	228.0	228.5	
RI74-97.....	.....do.....	21	10	El Paso Natural Gas Co. (San Juan Basin Field, Rio Arriba County, N. Mex.) (Rocky Mountain Area).	1,063	11-30-73		1-31-74	228.0	228.5	
.....do.....	.....do.....	80	2	El Paso Natural Gas Co. (San Juan 28-5 Dakota Unit, Rio Arriba County, N. Mex.) (Rocky Mountain Area).	3,445	11-30-73		1-31-74	24.0	228.5	
.....do.....	.....do.....	81	2	El Paso Natural Gas Co. (San Juan Field, San Juan County, N. Mex.) (Rocky Mountain Area).	1,128	11-30-73		1-31-74	24.0	228.5	
RI74-98...	Skelly Oil Co.....	90	23	El Paso Natural Gas Co. (South Blanco Field, Rio Arriba County, N. Mex.) (Rocky Mountain Area).	17,930	12-3-73		(24)	226.14	228.5	
RI74-99...	PWG partnership.....	1	15	El Paso Natural Gas Co. (Various Field, Rio Arriba County, N. Mex.) (Rocky Mountain Area).	1,900	12-3-73		6-3-74	224.0	224.5	
.....do.....	.....do.....	2	7	.....do.....	33	12-3-73		6-3-74	224.0	224.5	
.....do.....	.....do.....	3	18	.....do.....	12	3-73		2-3-74	224.0	224.5	
.....do.....	.....do.....	4	4	.....do.....	35	12-3-73		6-3-74	224.0	224.5	
.....do.....	.....do.....	5	7	.....do.....	1,250	12-3-73		(24)	224.0	224.5	
RI74-100...	Northwest Production Corp.	1	85	El Paso Natural Gas Co. (Various Fields, San Juan and Rio Arriba Counties, N. Mex. and La Plata County, Colo.) (Rocky Mountain Area).	12,239	11-29-73		6-1-74	224.48	224.98	
.....do.....	.....do.....	3	6	El Paso Natural Gas Co. (acreage in Rio Arriba County, N. Mex.) (Rocky Mountain Area).	98	11-29-73		6-1-74	224.48	224.98	
.....do.....	.....do.....	4	14	El Paso Natural Gas Co. (Dakota Field, San Juan County, N. Mex.) (Rocky Mountain Area).	7	11-29-73		6-1-74	224.48	224.98	
.....do.....	.....do.....	5	14	.....do.....	7	11-29-73		6-1-74	228.0	228.5	
.....do.....	.....do.....			.....do.....	134	11-29-73		6-1-74	224.48	224.98	
.....do.....	.....do.....			.....do.....	134	11-29-73		6-1-74	228.0	228.5	

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 subject to refund in-docket Nos.
									Rate in effect	Proposed increased rate	
-----do-----		6	14	-----do-----	127	11-29-73		6-1-74	18 1/2 24.48	18 1/2 24.98	
RI74-101	Hendo Oil & Gas Co.	2	46	El Paso Natural Gas Co. (San Juan Basin, La Plata County, Colo.) (Rocky Mountain).	(F)	11-29-73		6-1-74	2 1/2 28.0	2 1/2 28.5	
-----do-----		4	46	El Paso Natural Gas Co. (San Juan Basin, San Juan County, N. Mex.) (Rocky Mountain).	(F)	11-29-73		6-1-74	1 28.0	1 28.5	

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
¹ Subject to B.t.u. adjustment.
² Applicable only to gas from wells completed on or after June 1, 1970.
³ No production at present.
⁴ Opinion No. 639 filing.
⁵ Not used.
⁶ Contract dated after Oct. 1, 1968.
⁷ Not used.
⁸ Subject to B.t.u. adjustment above and below 1,000 B.t.u.
⁹ Supersedes filing of Oct. 1, 1973 to reflect change in B.t.u. content (prior filing suspended in Docket No. RI74-58).
¹⁰ Considered "new gas" pursuant to Opinion No. 639.
¹¹ Not used.
¹² Subject to proportional B.t.u. adjustment upward and downward from 1,000 B.t.u. per cubic foot.
¹³ Applicable to wells commenced after Dec. 31, 1972.
¹⁴ Exclusive of B.t.u. adjustment.
¹⁵ Exclusive of tax and B.t.u. adjustment.
¹⁶ Subject to applicable taxes and upward or downward B.t.u. adjustment from a base of 1,000 B.t.u.

¹⁷ Not used.
¹⁸ Applicable to gas produced from wells completed prior to June 1, 1970.
¹⁹ Subject to applicable state taxes.
²⁰ Subject to B.t.u. adjustment proportional up from 1,050 B.t.u. and down from 1,000 B.t.u.
²¹ Not used.
²² The pressure base is 14.73 p.s.i.a.
²³ The proposed rate is suspended until Jan. 31, 1974, insofar as it relates to sales from acreage covered by Supplement No. 7, and is suspended until June 1, 1974, insofar as it relates to other sales under the subject rate schedule.
²⁴ The proposed rate is suspended until June 30, 1974, insofar as it relates to sales from acreage covered by Supplement Nos. 2, 5, and 7 and is suspended until June 1, 1974, insofar as it relates to other sales under the subject rate schedule.
²⁵ The proposed rate is suspended until Feb. 3, 1974, insofar as it relates to sales from wells commenced after Dec. 31, 1972, and is suspended until June 3, 1974, insofar as it relates to sales from wells commenced on or before Dec. 31, 1972.
²⁶ The proposed rate is suspended until Feb. 3, 1974, insofar as it relates to sales from acreage covered by Supplement Nos. 3 and 4, and is suspended until June 3, 1974, insofar as it relates to other sales under the subject rate schedule.

The proposed rate increases which exceed the applicable area ceiling rate established by Opinion No. 658 are suspended for five months and the proposed rate increases which exceed the applicable area ceiling rate in Order No. 435 are suspended for one day.

[FR Doc.74-622 Filed 1-8-74;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2727]

BANGOR HYDRO-ELECTRIC CO.

Application for Major License

JANUARY 3, 1974.

Public notice is hereby given that application for major license was filed February 5, 1973, and supplemented June 18, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Bangor Hydro-Electric Company (Correspondence to: Mr. Earle R. Webster, Executive Vice-President, Bangor Hydro-Electric Company, 33 State Street, Bangor, Maine 04401) for its constructed Ellsworth Project No. 2727, located on the Union River, near the City of Ellsworth, in Hancock County, Maine. The project affects navigable waters of the United States.

According to the application, the project consists of: (1) Graham Dam, an earthfill dam with concrete core wall about 750 feet long and 30 feet high having a gated concrete spillway; (2) Graham Lake, a reservoir extending about 15 miles above Graham Dam and having a surface area of 12,200 acres at normal water surface elevation 105.5 feet U.S.G.S.; (3) Ellsworth Dam, a dam of concrete buttress construction about 377 feet long and 60 feet high with 26 inch high flashboards on the spillway, located about four miles below Graham Dam; (4) Lake Leonard, a reservoir extending about one mile above Ellsworth Dam and having a surface area of 125 acres at normal water surface elevation 66.67 feet U.S.G.S.; (5) a reinforced

concrete and concrete block masonry powerhouse containing one 2500 kW generating unit, two 2000 kW generating units, and one 2400 kW generating unit; (6) three 3333 kVA, single phase 2.3 kV to 34.5 kV transformers; and (7) appurtenant facilities. Ellsworth Dam and its powerhouse are operated as a run-of-the-river development, while Graham Dam and its reservoir, Lake Leonard, serve as a water storage development.

Applicant states that limited boating, fishing, swimming, and camping opportunities exist within the project boundaries. Applicant has offered no plans for additional recreational development.

Any person desiring to be heard or to make protest with reference to said application should on or before March 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-704 Filed 1-8-74;8:45 am]

[Docket No. CI74-101]

C & K PETROLEUM, INC.

Extension of Time and Postponement of Hearing

JANUARY 2, 1974.

On December 26, 1973, C & K Petroleum, Inc. requested an extension of the

procedural dates as fixed by order issued December 11, 1973 because of the uncertainty of the wells ability to produce that was the subject of this application. Staff does not object to this request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are postponed as follows:

Testimony and exhibits by applicants ----- Jan. 28, 1974.
Hearing ----- Feb. 6, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-703 Filed 1-8-74;8:45 am]

[Docket No. RI74-45]

EDWIN L. COX

Order Establishing Date for Hearing

DECEMBER 28, 1973.

On August 27, 1973, Edwin L. Cox (Cox) filed an application pursuant to § 2.76 of the Commission's General Policy Statements And Interpretations¹ for authorization to sell natural gas in interstate commerce to Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) from a proposed new gas well to be drilled in the Lenora Field, Dewey County, Oklahoma (Hugoton-Anadarko Area).

An amendatory agreement, dated July 25, 1973, which was filed with the application, provides that Michigan Wisconsin will pay 40.0 cents per Mcf (plus 0.615 cents per Mcf for tax reimburse-

¹ 18 CFR § 2.76; Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Docket No. R-458, Order No. 481, 49 F.P.C. ---- (issued April 12, 1973).

ment)² for natural gas produced from the new well.³ Cox estimates that an additional 1.0 Bcf of recoverable reserves can be obtained from the new well.

Notice of Cox's application was issued on November 2, 1973, and published in the FEDERAL REGISTER on November 9, 1973 (38 FR 31044). Petitions to intervene or protests were due on or before November 20, 1973. No petitions to intervene or protests were filed.

The Commission finds: (1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter I) a public hearing on the issues presented by the application herein shall be held commencing January 14, 1974, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D. C. 20426.

(B) 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 pursuant to the Commission's rules of practice and procedure.

(C) Applicant shall file his direct testimony and evidence on or before January 8, 1974. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and the Commission Staff.

(D) The Commission Staff shall file its direct testimony and evidence on or before January 11, 1974. All testimony and evidence shall be served upon the Presiding Administrative Law Judge and Cox.

By the Commission.⁴

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-699 Filed 1-8-74; 8:45 am]

[Docket Nos. CP73-78, CP73-132, CP73-135, CP73-330, CP73-205, CP73-230, CP74-122, CP74-137, CP73-148]

DISTRIGAS CORPORATION, ET AL.

Order Consolidating Proceedings, Granting Interventions, Granting Motion in Part, Denying Petition, Scheduling Formal Hearing, and Establishing Procedures

DECEMBER 28, 1973.

Applications have been filed in nine separate dockets pursuant to sections 3

² The present base rate is 18.5 cents per Mcf (plus 0.2796 cents per Mcf tax reimbursement) for sales from existing wells covered by Cox's FPC Gas Rate Schedule No. 66.

³ The amendatory agreement was filed as a proposed supplement to Cox's FPC Gas Rate Schedule No. 66.

⁴ Commissioner Moody's dissenting opinion filed as part of the original document.

and 7 of the Natural Gas Act (Act) requesting authorization to import liquefied natural gas (LNG) and for certificates of public convenience and necessity for construction and operation of LNG terminal facilities and pipeline facilities and for the sale for resale of LNG in interstate commerce.

On November 17, 1972, Distrigas Corporation (Distrigas) filed in Docket No. CP73-132 an application pursuant to Section 3 of the Act requesting authorization to import LNG on a long-term basis. By its application, Distrigas proposes to import annually 17 entire cargoes of a methane tanker with a geometric capacity of 750,000 barrels (approximately 45 million MMBtu per year equivalent) from April 1975, and continuing for 20 years from the Hassi R'Mel field in Algeria to terminal facilities owned by its affiliates in Staten Island, New York and Everett, Massachusetts.

On November 2, 1973, Distrigas of New York Corporation (Dony) filed in Docket No. CP74-122 an application pursuant to Section 7 of the Act seeking authorization to construct and operate LNG terminal facilities at Rossville, Staten Island, New York.¹ The proposed terminal at Staten Island, which is 90 percent complete, consists of docking, two storage tanks of 900,000 barrels capacity each and revaporization facilities. The terminal is proposed to be used for the receipt, terminalling and redelivery of LNG proposed to be imported from Algeria.

On March 7, 1973, Dony filed in Docket No. CP73-230 an application pursuant to Section 7 of the Act seeking authoriza-

¹ Dony's filing in this docket and Domac's filing in Docket No. CP74-137 are in compliance with the Commission's Orders of May 25, 1973, and June 20, 1973, *Distrigas Corporation, et al.*, Docket Nos. CP73-78, *et al.*

In Commission Opinion No. 613, issued March 9, 1972, *Distrigas Corporation*, Docket No. CP70-196, *et al.* (47 FPC 752), rehearing denied June 7, 1972 (47 FPC ----), the Commission authorized Distrigas Corporation (Distrigas) an affiliate of Applicants, to import up to 14 shiploads of LNG from Algeria to deepwater terminals located at Staten Island New York and Everett, Massachusetts. At that time the Commission held, *inter alia*, that the terminal facilities at Staten Island and Everett did not require certification; however, on May 25, 1973, in Docket No. CP73-78, *et al.*, *Distrigas Corporation, et al.* (49 FPC ----), rehearing denied June 20, 1973 (49 FPC ----), the Commission determined that it did have jurisdiction over the subject Staten Island and Everett facilities and has required Distrigas or its appropriate affiliate to apply for authorization to construct and operate the proposed terminals. Applicants state that they are filing the subject applications in compliance with the Commission's orders issued in Docket No. CP73-78, *et al.* On May 25 and June 20, 1973, but that it is doing so under protest and with reservation of its rights to contest the Commission's aforesaid orders. These orders are being contested by Applicants in the United States Court of Appeals for the District of Columbia Circuit in Case No. 73-1747.

tion to purchase LNG from Distrigas and to resell 8.8 million MMBtu equivalent annually in interstate commerce to three New Jersey customers from its Staten Island terminal through the proposed pipeline facilities of its affiliate Distrigas Pipeline Corporation (DPC).

On November 29, 1972, DPC filed in Docket No. CP73-148 an application pursuant to Section 7 of the Act seeking authorization to construct a pipeline under the Arthur Kill River between Staten Island and Woodbridge, New Jersey, to allow deliveries of imported gas volumes to New Jersey customers.

On November 15, 1973, Distrigas of Massachusetts Corporation (Domac)² filed in Docket No. CP74-137 an application pursuant to section 7 of the Act seeking authorization to construct and operate LNG terminal facilities at Everett, Massachusetts. The facilities at Everett, which are complete and operational, consists of docking, two storage tanks (one of 600,000 barrels capacity and one of 374,000 barrels capacity), revaporization and liquefied delivery facilities.

On November 20, 1972, Distrigas filed in Docket No. CP73-135 an application pursuant to section 7 of the Act seeking authorization to sell imported gas volumes authorized by the Commission in Opinion No. 613 issued March 9, 1972, in *Distrigas Corporation*, Docket Nos. CP70-196, *et al.* Distrigas proposes to make the sales from the terminal facilities at Everett, Massachusetts to customers in New York, Connecticut, Rhode Island, and New Jersey.

On September 21, 1972, Distrigas filed in Docket No. CP73-78³ an application pursuant to section 3 of the Act seeking authorization to import on a short-term basis 59 million MMBtu of LNG to the proposed terminal facilities at Staten Island and Everett from Algeria during the period of July 1, 1973, to July 1, 1975. The short-term interstate sales of that application are the subject of section 7 filings by Distrigas in Docket No. CP73-330 and by Dony in Docket No. CP73-205. Distrigas' application at Docket No. CP73-330 also provided for the short term sale to a New York customer of LNG imports authorized by the Commission in Opinion No. 613.

All of the above proceedings have common questions of law and fact and consequently, should be consolidated for purposes of hearing and decision. We recognize, however, that expedition and convenience may require the severance of some of the issues involved in the

² *Supra*.

³ By letters dated October 17, 1973 and December 7, 1973, Distrigas advised the Commission that the LNG contract which is the basis of the application in Docket No. CP73-78 had expired, and that an amended application will be filed. To be included in the hearings herein expeditiously scheduled at Distrigas' request, such amendment shall be filed by the date herein specified for the filing of Applicant's direct testimony.

above proceedings for separate trial and decision. The determination of what issues, if any, can be severed should be resolved by the Presiding Administrative Law Judge at the prehearing conference to be scheduled hereinafter.

By order issued February 26, 1973, in Docket No. CP73-78, *et al.*, we granted numerous petitions to intervene in that proceeding. Additional petitions to intervene in one or all of the above proceedings have been filed by the following:

Public Service Commission of the State of New York
 South Jersey Gas Company
 Center for United Labor Action
 The Township of Woodbridge, New Jersey
 Long Island Lighting Company
 Philadelphia Gas Works
 Boston Gas Company, *et al.*
 The Borough of Carteret
 The Housing Authority of the Borough of Carteret
 Ronald W. Spivock, Attorney for the City of Perth Amboy, New Jersey
 John M. Murphy
 The Brooklyn Union Gas Company
 The Township of Woodbridge, New Jersey
 Staten Island Citizens Planning Committee
 Sonatrach
 Public Service Electric and Gas Company
 New Jersey Natural Gas Company
 Natural Gas Pipeline of America
 Gene Cosgriff for B.L.A.S.T.
 Carol Lazarus for Village Green Homeowners and Residents Organization
 Algonquin Gas Transmission Company
 The City of New York
 El Paso Algeria Corporation
 Escogas LNG, Inc.

Having reviewed the petitions to intervene, we are convinced that the petitioners have all shown sufficient interest in their respective dockets to warrant granting intervention. We believe that significant questions presented by these applications, as well as those raised by some petitioners, require a formal public hearing at which time all issues bearing upon the public interest can be fully developed on the evidentiary record under both sections 3 and 7 of the Natural Gas Act. Among the issues which we deem relevant for consideration are reliability of service of the foreign supply, the dependence of certain distributors on foreign LNG to meet residential and commercial markets, environmental impact of any proposed facilities, the proper method of pricing of the LNG supply, shipping costs, overall economic feasibility of the project, end-use allocation of the proposed LNG supply, availability of alternative fuels for the markets to be served by the project, engineering feasibility of the project, overall project safety, and any such other issues as may be pertinent and appropriate.

Additionally, the environmental procedure to be followed appears to be somewhat unsettled. The Greene County decision⁴ and Commission Order No. 415-C require that the Staff Environmental Statement, together with any comments received thereon, be presented

⁴ Greene County Planning Board, *et al.* v. FPC, 455 F. 2d 412 (2d Cir., 1972), cert. denied 409 U.S. 849 (1972).

at any hearing(s) in a proposal. Although the Staff statement for the Everett terminal has not yet been circulated for comment, we deem it appropriate for us now to schedule a hearing in these proceedings, with a view to the 45-day circulation period and time required thereafter for finalization of Staff's statement. We still unqualifiedly reject any suggestions for a "phased" hearing which would separate the environmental testimony from the other issues. We shall, therefore, direct that, should testimony on all other issues be completed prior to the finalization of Staff's statement or the receipt of all environmental comments, the record shall remain open for purposes of receiving such environmental testimony in evidence and further trial of the issues involved therein. No decision by the Presiding Administrative Law Judge shall be issued prior to the completion of such testimony and subsequent closing of the record.

On December 27, 1973, Distrigas filed in Docket No. CP73-132 a petition requesting grant of its application for authority under section 3 of the Act to import LNG from Algeria without an evidentiary hearing. The Distrigas petition also refers to a motion to expedite hearings filed by Distrigas on August 8, 1973. Distrigas in support of its petition, asserts, *inter alia*, that its application for importation was filed in November 1972 and further refers to the December 31, 1973 date, whereby the contract for the purchase of LNG may be cancelled at the option of buyer or seller as specified in the Sonatrach contract. However, by our order of May 25, 1973 (rehearing denied on June 20, 1973), we advised Distrigas that it was required to file section 7 applications for the U.S. facilities for its proposed import. Distrigas did not comply with that requirement until November 2 and 15, 1973.

During the interim period between the issuance of our May 25, 1973, order and the Section 7 submittals by Distrigas the Commission temporarily stayed its May 25th order so as to afford Distrigas an opportunity to seek court review. Such review was in fact sought by Distrigas on July 6, 1973. Additionally, Distrigas sought and received a stay of our Order of May 25, 1973, from the Court of Appeals pending disposition of the case by said court. (*Distrigas Corp. v. F.P.C.*, Case No. 73-1747, CAD, order issued July 6, 1973, and August 16, 1973).

With the filing of Distrigas' Section 7 applications in Docket Nos. CP74-122 and CP74-137 on November 1973 we are now able to act on Distrigas' request for expedited hearings and we do so here. We shall, however, deny the request for omission of the intermediate decision procedure without prejudice to its renewal at such time as the evidentiary record is completed.

The Commission finds: (1) Good cause exists to consolidate the proceedings in Docket Nos. CP73-78, CP73-132, CP73-135, CP73-330, CP73-205, CP73-230, CP74-122, CP74-137, CP73-148, are consolidated for purposes of hearing and disposition.

(2) The participation of the petitioners named above may be in the public interest.

(3) It is necessary in the public interest that the consolidated proceedings involving the above-named Applicants be set for hearing, that the hearing commence with a prehearing conference to determine what issues, if any, can be severed to allow an expedited hearing, and that the procedures for the hearing be established all as hereinafter ordered.

The Commission orders: (A) Docket Nos. CP73-78, CP73-132, CP73-135, CP73-330, CP73-205, CP73-230, CP74-122, CP74-137, CP73-148, are consolidated for purposes of hearing and disposition.

(B) The above-named petitioners, who have petitioned to intervene in the proceedings consolidated by Ordering Paragraph (A) herein, are permitted to intervene in such consolidated proceeding subject to the Rules and Regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(C) The direct case of the Applicants and all intervenors in support thereof shall be filed and served on all parties on or before January 21, 1974. At or before the time of filing of their direct case Distrigas shall file appropriate amendment to Docket No. CP73-78 as indicated in their letters to the Secretary of October 17, 1973 and December 7, 1973. The Presiding Administrative Law Judge shall fix dates for the filing of answering testimony after completion of cross-examination of the direct presentation.

(D) Pursuant to sections 3, 7, and 15 of the Natural Gas Act, the regulations under the Natural Gas Act, and the Commission's rules of practice and procedure, a formal hearing shall be convened in these proceedings to commence with a prehearing conference in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., on February 11, 1974, at 10 a.m. (e.s.t.) concerning the issues involved in the applications filed in the proceedings consolidated herein. Such hearing shall consider testimony on the issues listed above and any other issues which may be relevant to the proceedings, and shall remain open until the submission of the Commission Staff's final environmental statement and any comments received on the draft statement. The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's Rules of Practice and Procedure.

(E) Distrigas' petition for special import authorization under section 3 in Docket No. CP73-132 is hereby denied.

(F) Distrigas' motion for expedited proceeding is hereby granted in part. Its request for omission of the intermediate decision procedure, however, is denied without prejudice.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-702 Filed 1-8-74; 8:45 am]

NATIONAL GAS SURVEY ADVISORY COMMITTEES AND COORDINATING COMMITTEE

Renewal Order

DECEMBER 28, 1973.

This order renews the National Gas Survey Advisory Committees and Coordinating Committee, functioning separately as 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, for the term from and after December 31, 1973, to a date not later than December 31, 1974. As presently constituted, these committees terminate December 31, 1973. 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 order issued February 23, 1973, 38 FR 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 Advisory Committees were established pursuant to Commission's orders issued April 6, 1971, 36 FR 6922, and the Coordinating Committee pursuant to Commission order issued May 10, 1971, 36 FR 8910. These orders reflect terms and conditions set forth in an earlier Commission order issued February 23, 1971, 36 FR 3851, which authorized formation of such committees and prescribed procedures therefor. The committees are affected by subsequent Commission orders amending prior orders issued April 25, 1972, 37 FR 8578, June 27, 1972, 37 FR 13306 and December 19, 1972, 37 FR 28658. As so constituted, these committees are in accord with the provisions of applicable statutory and Executive order requirements.

By notice published December 28, 1973, 38 FR 35552, the Chairman of the Commission has determined and certified that the renewal of these committees for the period set forth herein is necessary in the public interest in connection with the performance of duties imposed on the Commission by law. The Office of Management and Budget, Committee Management Secretariat, has ascertained that the renewal of the committees is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770, 773-4.

The Federal Power Commission hereby determines that the continued estab-

lishment of the National Gas Survey Advisory Committees and Coordinating Committee is in the public interest in connection with the performance of duties imposed on the Commission by law. 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 1974.¹ 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 Commission establishes and continues these committees in accordance with the provisions of this order, and provisions of an order of the Commission issued February 23, 1973, which restates, for convenience purposes, the content of the Commission's February 23, 1971, order so as to reflect, in one order format, provisions of succeeding orders of this Commission which have changed portions of the February 23, 1971, order as necessary from time-to-time by reason of Commission determinations and subsequently enacted Executive orders and the Federal Advisory Committee Act. The purpose, function, and membership of these committees are as follows:

A. EXECUTIVE ADVISORY COMMITTEE

I. Purpose. The Executive Advisory Committee shall constitute the principal policy advisory committee to the Commission and its staff in the Commission's planning, conduct and execution of the National Gas Survey. In this policy advisory role, the Executive Advisory Committee will be called upon to offer suggestions (a) to assist the Commission and its Director of the National Gas Survey (Director) in their activities in formulating planning assumptions and directing the work of the Survey including the work of other advisory committees; (b) to assist in establishing priorities for work to be performed and in the coordination of all aspects of the Survey; (c) to assist in assembling and assimilating the vast amount of comprehensive, accurate and reliable data required for the Survey; and (d) to assist in such other ways as it may from time to time be called upon by the Commission or the Director.

II. Membership. The Chairman, Secretary and other members of the Executive Advisory Committee, as currently constituted, as selected by the Chairman of the Commission with the approval of the Commission, are designated in the Appendix hereto.

B. TECHNICAL ADVISORY COMMITTEES

I. Purpose. The Technical Advisory Committees shall be subordinate to the Executive Advisory Committee and shall report to such Committee and to the Director of the National Gas Survey (Director) on all matters delegated to them pertaining to the planning, conduct and execution of the National Gas Survey.

¹ By Commission order issued concurrently herewith, the National Gas Survey Technical Advisory and Coordinating Committee Task Forces are renewed.

The principal functions of the Technical Advisory Committee shall be as follows: (1) to carry out all directions of the Executive Advisory Committee or the Director pertaining to the planning, conduct and execution of the Survey; (2) to recommend guidelines, as requested by the Executive Advisory Committee or the Director, for the detailed work encompassed in the conduct of the Survey and to allocate work assignments to the task forces organizationally subordinate to them; (3) to recommend a proposed time schedule for the development and completion of all assignment phases of the Survey; (4) to coordinate all facets of work allocated to organizationally subordinate task forces; (5) to submit periodic reports to the Executive Advisory Committee and the Director as to the progress and status of the Survey together with such recommendations pertaining thereto as may be appropriate; and (6) to furnish such other assistance and advice to the Executive Advisory Committee and the Director as they may from time to time be called upon to contribute for the successful planning and conduct of the Survey.

II. Membership. Each of the Technical Advisory Committees shall be chaired by a member of the Executive Advisory Committee or such other person as selected, and he shall be designated as Vice Chairman of the respective Technical Advisory Committee. Representatives, Secretaries, the other committee members and alternates shall be selected and designated by the Chairman of the Commission with the approval of the Commission. The person or persons who are designated as the FPC Survey Coordinating Representatives and/or Secretary shall be full-time salaried officers of employees of the Commission. The FPC Survey Coordinating Representative may be designated to serve as Secretary of the Committee for which he is selected.

III. The Vice Chairman, FPC Survey Coordinating Representatives and Secretaries, as currently constituted, as selected and approved in accordance with this order, are designated in the Appendix hereto.

C. COORDINATING COMMITTEE

I. Purpose. The Coordinating Committee shall perform a liaison function between the National Gas Survey, as constituted by Commission staff members, and advisory committees which are now established or may hereafter be established. In this capacity, the Coordinating Committee shall (a) assist in the implementation of requests for information or studies recommended by the National Gas Survey, the Executive Advisory Committee, the various Technical Advisory Committees and such other committees as may be established, (b) establish such work schedule priorities as it considers necessary for the implementation of such requests, (c) initiate assignments to the various committee or committees for the collection of information and (d) assist in such other ways as it may from time to time be called upon to act in a liaison capacity.

Neither the Executive Advisory Committee, the respective Technical Advisory Committees, the Coordinating Committee, nor such other committee or committees as may be established shall be permitted to receive, compile or discuss data or reports showing the current or projected nonpublic commercial operations of identified business enterprises. Data or reports of a nonpublic nature that are requested from identified business enterprises shall be submitted directly to the Director of the National Gas Survey, or to such person on his staff as designated by the Director, and such data or reports will be composited with that submitted by other

identified business enterprises and reported on a composite basis and the provisions of Section 8(b) of the Natural Gas Act (15 U.S.C. 717(g)) and the Freedom of Information Act (5 U.S.C. 552(b)(4)) shall apply.

II. Membership. The Chairman, Secretary and other members of the Coordinating Committee, as currently constituted, as selected by the Chairman of the Commission with the approval of the Commission, are designated in the Appendix hereto.

The following paragraphs of the aforementioned order of February 23, 1973—Restatement of National Gas Survey Advisory Committees and Prescribing Procedures—are hereby incorporated by reference:

- (2) Selection of Committee Members.
- (3) Conduct of Meetings.
- (4) Minutes and Records.
- (5) Secretary of the Committee.
- (6) Location and Time of Meetings.
- (7) Advice and Recommendations Offered by the Committee.

The National Gas survey Executive Advisory Committee, Technical Advisory Committees and Coordinating Committee, as established, continued, and described by this order, shall terminate not later than December 31, 1974.

The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Office of Management and Budget, Department of Justice, Office of Legal Counsel, and the Library of Congress, copies of this order, as constituting the charter of the National Gas Survey Committees hereinabove described.

This order is effective January 1, 1974.

The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX

NATIONAL GAS SURVEY

Executive Advisory Committee

Chairman, William M. Elmer, Chairman of the Board, Texas Gas Transmission Corporation.

Secretary, Thomas H. Jenkins, Director, National Gas Survey, Bureau of Natural Gas, Federal Power Commission.

MEMBERS

Robert O. Anderson, Chairman of the Board, Atlantic Richfield Company.

Donald F. Bittinger, Chairman of the Board, Washington Gas Light Company.

William J. Bowen, President, Florida Gas Company.

Howard Boyd, Chairman of the Board, El Paso Natural Gas Company.

Harry Bridges, President, Shell Oil Company.

Richard C. Byrd, General Counsel, Interstate Oil Compact Commission.

Marvin Chandler, Chairman of the Board, Northern Illinois Gas Company.

B. R. Dorsey, Chairman of the Board, Gulf Oil Corporation.

Buell G. Duncan, Chairman of the Board, Piedmont Natural Gas Co., Inc.

Frank E. Fitzsimmons, General President, International Brotherhood of Teamsters,

Chauffeurs, Warehousemen, and Helpers of America.

Dean Lawrence E. Fouraker, Harvard University Graduate School of Business Administration.

Nelson W. Freeman, Chairman of the Board, Tenneco, Inc.

Baxter D. Goodrich, Chairman of the Board, Texas Eastern Transmission Corporation.

Maurice F. Granville, Chairman of the Board, Texaco, Inc.

A. F. Grospron, President, Oil, Chemical, and Atomic Workers International Union.

John W. Heiney, President, Indiana Gas Co., Inc.

Dale Helmerich, President, American Public Gas Association.

Robert R. Herring, President, Houston Natural Gas Corporation.

William W. Keeler, Director, Phillips Petroleum Company.

Hon. Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, Executive Office of the President.

Stanley Learned, Independent Consultant.

Claude F. Machen, Chairman of the Board, Boston Gas Co.

Ralph T. McElvenny, Consultant, American Natural Gas Company.

Dean A. McGee, Chairman of the Board, Kerr-McGee Corporation.

John G. McLean, President, Continental Oil Company.

Otto N. Miller, Chairman of the Board, Standard Oil Company of California.

George P. Mitchell, President, George Mitchell & Associates, Inc.

G. Montgomery Mitchell, President, Transcontinental Gas Pipe Line Corporation.

Robert Mosbacher, Independent Consultant.

Richard L. O'Shields, President, Panhandle Eastern Pipe Line Company.

John W. Partridge, Chairman of the Board, Columbia Gas System, Inc.

Hon. Dixy Lee Ray, Chairman, Atomic Energy Commission.

Joseph R. Rensch, President, Pacific Lighting Corporation.

John S. Shaw, Jr., President, Southern Natural Gas Company.

Hon. Raymond J. Sherwin, Judge—Superior Court (California), Director—Sierra Club.

Shermer L. Sibley, Chairman of the Board, Pacific Gas & Electric Company.

Willis A. Strauss, Chairman of the Board, Northern Natural Gas Company.

John E. Swearingen, Chairman of the Board, Standard Oil Company (Indiana).

G. J. Tankersley, President, The East Ohio Gas Company.

Hon. Russell E. Train, Chairman, Council on Environmental Quality.

Henry A. True, Jr., Partner, True Oil Company.

Dean William R. Upthegrove, College of Engineering, University of Oklahoma.

Hon. Stephen A. Wakefield, Assistant Secretary for Energy and Minerals, Department of the Interior.

Rawleigh A. Warner, Jr., Chairman of the Board, Mobil Oil Corporation.

Ben G. Wiggins, President, National Association of Regulatory Utility Commissioners, Georgia Public Service Commission.

Myron A. Wright, Chairman of the Board, Exxon Company, U.S.A.

Supply-Technical Advisory Committee

Vice Chairman, Myron A. Wright, Chairman of the Board, Exxon Company, U.S.A.

Deputy Vice Chairman, William T. Slick, Jr., Senior Vice President, Exxon Company, U.S.A.

FPC Survey Coordinating Representative & Secretary, Dr. Paul J. Root, Technical Director, National Gas Survey, Bureau of Natural Gas, Federal Power Commission.

FPC Representatives: Robert M. Jameson, Assistant Advisor on Environmental Quality, Office of the Advisor on Environmental Quality, Federal Power Commission, and Dr. Haskell P. Wald, Chief, Office of Economics, Federal Power Commission.

COMMITTEE MEMBERS

Dr. Morris A. Adelman, Professor of Economics, Massachusetts Institute of Technology.

J. Dennis Bonney, Vice President, Standard Oil Company of California.

LeRoy Culbertson, Vice President, Phillips Petroleum Company.

W. Timothy Dowd, Executive Secretary, Interstate Oil Compact Commission.

Arthur T. Guernsey, Planning Manager, Shell Oil Company.

Dr. John W. Harbaugh, Chairman, Geology Department, Stanford University.

Thomas L. Kimball, Executive Director, National Wildlife Federation.

Frederick W. Lawrence, Washington Liaison—Stationary Sources—Air Programs, Environmental Protection Agency.

Stanley Learned, Consultant—Independent.

Dr. Stewart Lee, Chairman, Department of Economics and Business Administration, Geneva College.

Hon. Duke R. Ligon, Director, Office of Oil and Gas, Department of the Interior.

Hon. Vincent E. McKelvey, Director of Geological Survey, Department of the Interior.

Howard A. McKinley, Vice President—New Business Development, Western Hemisphere Petroleum Division, Continental Oil Company.

Dr. Edward J. Mitchell, Professor, Graduate School of Business Administration, University of Michigan.

Jeff Montgomery, President, Kirby Industries, Inc.

Gene P. Morrell, Vice President, Lone Star Gas Company.

Richard J. Murdy, Vice President and General Manager, CNG Producing Company.

Dr. Bruce C. Netschert, Vice President, National Economic Research Associates, Inc.

Ernest L. Petree, Vice President, Exploration and Production, Gulf Oil Corporation.

John W. Phenicle, Vice President, Amoco Production Company.

Dr. Howard W. Pifer III, Professor of Business Administration, Harvard University Graduate School of Business Administration.

Sam H. Schurr, Director, Energy and Mineral Resources, Resources for the Future, Inc.

Comdr. Joseph P. Trunz, Jr., Director, Naval Petroleum and Oil Shale Reserves, Department of the Navy.

Dr. Sherman A. Wengert, Professor of Geology, University of New Mexico.

R. Earle Wright, Vice President—Gas Department, Texaco Inc.

TRANSMISSION-TECHNICAL ADVISORY

COMMITTEE

Vice Chairman, Willis A. Strauss, Chairman of the Board, Northern Natural Gas Company.

Deputy Vice Chairman, Ferdinand L. Gagne, Manager, Industry Relations, Northern Natural Gas Company.

FPC Survey Coordinating Representative and Secretary, Thomas H. Jenkins (Acting), Director National Gas Survey, Federal Power Commission.

FPC Representative, Dr. Richard F. Hill, Advisor on Environmental Quality, Office of the Advisor on Environmental Quality, Federal Power Commission.

COMMITTEE MEMBERS

Orval C. Davis, President, Peoples Gas Company.
 Dr. Robert O. Herrmann, Associate Professor of Agricultural Economics, Pennsylvania State University.
 George F. Kirby, President, Texas Eastern Transmission Corporation.
 Wilber H. Mack, Chairman of the Board, American Natural Gas Company.
 John W. Morton, President, Cities Service Gas Company.
 William E. Towell, Executive Vice President, American Forestry Association.

DISTRIBUTION-TECHNICAL ADVISORY COMMITTEE

Vice Chairman, G. J. Tankersley, President, The East Ohio Gas Company.
 Deputy Vice Chairman, Ralbern H. Murray, Senior Vice President & General Manager, CNG Energy Company.
 FPC Survey Coordinating Representative & Secretary, Charles A. Gallagher, Engineer, National Gas Survey, Federal Power Commission.
 Alternate FPC Survey Coordinating Representative and Secretary, James R. Spor, Industry Economist, National Gas Survey, Federal Power Commission.
 FPC Representatives, Dr. Richard F. Hill, Advisor on Environmental Quality, Office of the Advisor on Environmental Quality, and Gordon K. Zareski, Chief, Planning and Development Division, Bureau of Natural Gas, Federal Power Commission.

COMMITTEE MEMBERS:

Buell G. Duncan, Chairman of the Board, Piedmont Natural Gas Co., Inc.
 James F. Gary, President, Honolulu Gas Company, Limited.
 Calvin R. Henze, President, Memphis Light, Gas & Water Division.
 Robert R. Herring, President, Houston Natural Gas Corporation.
 C. C. Ingram, Chairman of the Board, Oklahoma Natural Gas Company.
 Hon. Virginia H. Knauer, Special Assistant to the President for Consumer Affairs, Executive Office of the President.
 Paul W. Kraemer, President, Minneapolis Gas Company.
 George L. Morrow, President, The Peoples Gas Light & Coke Company.
 John W. Partridge, Chairman of the Board, Columbia Gas System, Inc.
 Robert T. Person, President, Public Service Company of Colorado.
 Joseph R. Rensch, President, Pacific Lighting Corporation.
 M. Frederik Smith, Member—The National Parks Advisory Board & National Planning Association.
 Robert H. Willis, President, Connecticut Natural Gas Corporation.
 William P. Woods, Chairman of the Board, Washington Natural Gas Company.

Coordinating Committee

Chairman, Thomas H. Jenkins, Director, National Gas Survey, Federal Power Commission.
 Secretary, D. Jane Nix, Special Assistant to the General Counsel, Federal Power Commission.
 FPC Representative, Gordon K. Zareski, Chief, Planning and Development Division, Bureau of Natural Gas, Federal Power Commission.

MEMBERS

William M. Elmer, Chairman, EAC.
 Ferdinand L. Gagne, Deputy to Mr. Strauss.
 Thomas H. Jenkins, (Acting) FPC Survey Coordinating Representative and Secretary, Transmission-TAC.

Charles A. Gallagher, FPC Survey Coordinating Representative and Secretary, Distribution-TAC.

Ralbern H. Murray, Deputy to Mr. Tankersley.
 Dr. Paul J. Root, FPC Survey Coordinating Representative and Secretary, Supply-TAC.
 William T. Slick, Jr., Deputy to Mr. Wright.
 Willis A. Strauss, Member, EAC, Vice Chairman, Transmission-TAC.

G. J. Tankersley, Member, EAC, Vice Chairman, Distribution-TAC.

Myron A. Wright, Member, EAC, Vice Chairman, Supply-TAC.

Richard C. Young, Deputy to Mr. Elmer.

[FR Doc.74-700 Filed 1-8-74;8:45 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

JANUARY 2, 1974.

The Federal Power Commission, by order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

2. *Membership.* An additional member of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

William M. Elmer, Chairman of the Board, Texas Gas Transmission Corporation.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-705 Filed 1-8-74;8:45 am]

[Docket No. RP74-41]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff; Correction

DECEMBER 19, 1973.

In the notice of proposed change in FPC Gas Tariff, issued December 10, 1973 and published in the FEDERAL REGISTER December 14, 1973, 38 FR 34507.

In the seventeenth sentence of the second paragraph, Docket No. RP72-9 should read RP72-98. Also, the date of November 20, 1973, in the twentieth sentence of the second paragraph should be changed to November 30, 1973. Finally, in the twenty-second sentence of the second paragraph, Docket No. RP72-98 should read Docket No. RP74-5.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-698 Filed 1-8-74;8:45 am]

FEDERAL RESERVE SYSTEM

CAPITAL NATIONAL CORP.

Order Approving Merger of Bank Holding Companies

Capital National Corporation ("Applicant"), Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (5) of the Act (12 U.S.C. 1842(a) (5)) to merge with Federated Texas Bancorporation ("Federated"), San Antonio, Texas, under the certificate of incorpora-

tion of Applicant. The name of the corporation will be changed to Federated Capital Corporation on the effective date of the merger.

Notice of the receipt of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the twenty-third largest banking organization in Texas, controls one bank with deposits of about \$219 million, representing .6 per cent of total commercial bank deposits in the State.¹ Federated controls three banks with total deposits of approximately \$580 million and ranks as the ninth largest banking organization in Texas, controlling 1.7 per cent of the total commercial deposits in the State. Upon consummation of the proposal, the resulting holding company would control about 2.3 per cent of total commercial bank deposits in the State, making it the seventh largest holding company in Texas.

Applicant's one subsidiary bank, Capital National Bank, is located in Houston where it is the sixth largest bank in the market, controlling 2.3 per cent of the market deposits.² Federated's subsidiary banks operate in three distinct markets. Corpus Christi State National Bank is the largest of the 26 banks competing in the Corpus Christi market and holds about 31.2 per cent of the total deposits in the market. The Alamo National Bank of San Antonio, which controls about 10 per cent of the deposits in the San Antonio SMSA, is the third largest bank in that market. American National Bank of Austin is the fourth largest bank in its market and holds about 15.2 per cent of total deposits.

Consummation of the proposed merger would not appear to have an adverse effect on existing competition since the distance separating Applicant's subsidiary bank from Federated's closest subsidiary is about 160 miles. In addition, it does not appear that the proposal will have significantly adverse effects on potential competition. Applicant does not appear to possess the resources for meaningful entry into any of the markets now served by any of the banking subsidiaries

¹ Deposit data are as of June 30, 1973, and reflect acquisitions approved through October 31, 1973.

² Applicant also owns approximately 24 per cent of Northwest National Bank, Houston, Texas (deposits approximately \$25 million). The Board's action herein does not constitute a determination that this bank is or may become a subsidiary of Applicant; nor does the action herein indicate that the Board would in the future permit Applicant to acquire directly or indirectly any additional shares of this bank. However, the determination herein does not preclude the Board from determining that Applicant exercises a controlling influence over the management or policies of the bank within the meaning of section 2(a) (2) (C) of the Act.

of Federated. While Federated probably could gain access to the Houston market through means other than its combination with Applicant, this factor alone does not provide sufficient grounds for denial in view of the large number (over 130) of banks in the Houston market, as well as the fact that Applicant does not occupy a dominant position in that market. On the other hand, the proposed merger should result in the development of a new state-wide holding company with the financial resources to compete effectively with the State's largest bank holding companies. The Board concludes, therefore, that the competitive factors are consistent with, and lend some weight toward, approval of the application.

The financial condition, managerial resources, and prospects of Applicant, Federated and their subsidiary banks are considered to be generally satisfactory. Applicant has committed itself to injecting an additional \$2 million in the capital account of Capital National Bank, which should have the effect of strengthening the overall financial condition of the resulting bank holding company. These factors, therefore, are regarded by the Board as being consistent with approval of the proposal.

There is no evidence in the record that the banking needs of the markets involved are not being adequately served. However, the international financial capabilities of Applicant will be expanded through the combination of Almas National Bank's Latin American expertise and Capital National's European experience. Considerations relating to the convenience and needs of the communities to be served are, therefore, consistent with approval. It is the Board's judgment that execution of the proposed merger is in the public interest and that the application should be approved.

On the basis of the record,^{2a} the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,³ effective December 28, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc. 74-661 Filed 1-8-74; 8:45 am]

^{2a} Concurring Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

³ Voting for this action: Vice-Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

FIRST BANCORP OF N.H., INC.

Order Approving Acquisition of Bank

First Bancorp of N.H., Inc., Exeter, New Hampshire, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 80 percent of the voting shares of the successor by merger to Concord National Bank, Concord, New Hampshire ("Concord Bank"). The bank into which Concord Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Concord Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Concord Bank.

Notice of the application affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls three banks with total deposits of \$92 million, representing 6.8 percent of total commercial bank deposits held by New Hampshire commercial banks, and is the third largest banking organization in the State. (All banking data are as of June 30, 1973, unless otherwise noted, and reflect holding company formations and acquisitions approved through December 15, 1973.)¹ The acquisition of Concord Bank (\$38 million deposits) would increase Applicant's share of State deposits by less than 3 percent, and it would remain the third largest banking organization in the State.

Concord Bank operates three offices in the City of Concord and is the largest commercial bank in the Concord banking market, which encompasses all of Merrimack County. Concord Bank, the largest of the seven commercial banks operating in the market, controls 42 percent of total market deposits. The second largest commercial bank in the market (which is also the second largest commercial bank in New Hampshire) has three branches in the market, controlling as of December 31, 1972, approximately \$19 million in deposits, representing 23 percent of total market deposits. In addition, the State's largest commercial banking organization has recently opened a de novo banking subsidiary in Concord.

¹ Applicant received Board approval on December 3, 1973, to acquire Laconia Peoples National Bank and Trust Company, Laconia, New Hampshire (\$22 million in deposits), and on December 12, 1973, received Board approval to acquire The Merchants National Bank of Manchester, Manchester, New Hampshire (\$38 million deposits).

The largest depository financial institutions in the market are savings banks, the three largest of which operate branches in Concord, and as of December 31, 1972, held deposits of \$132 million, \$56 million, and \$40 million, respectively.

The nearest office of any of Applicant's subsidiaries to an office of Concord Bank is about 16 miles. There is no significant present competition between any of these offices. The development of any significant potential competition between The Exeter Banking Company and Laconia Peoples National Bank and Trust Company (two of Applicant's subsidiary banks) and Concord Bank appears unlikely in view of New Hampshire branching laws and the distances separating their respective banking offices. While Concord Bank could establish a branch close to The Merchants National Bank of Manchester, one of Applicant's approved subsidiaries, and thus some potential competition would be foreclosed as a result of consummation of the proposal herein, such factor alone does not require a denial of the application. Moreover, Applicant's de novo entry into the area served by the Concord Bank is considered an unlikely alternative in view of the recent opening of a new bank in the City of Concord by a bank holding company. On the basis of the foregoing and the facts of record, it appears that competitive considerations are consistent with approval of the application.

Considerations relating to banking factors are consistent with approval of the application since the financial conditions and managerial resources of Applicant, its present subsidiaries, and Concord Bank are considered to be satisfactory and the prospects of each appear favorable. Applicant proposes to assist Concord Bank in improving its banking services, particularly in the areas of loan supervision and administration, credit analysis, and trust management, and to assist Concord Bank in fulfilling the needs of potential customers for larger loans and lines of credit. Considerations relating to the convenience and needs of the community to be served, therefore, are regarded as consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Boston pursuant to delegated authority.

By order of the Board of Governors,²
effective January 2, 1974.

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

[FR Doc. 74-662 Filed 1-8-74; 8:45 am]

**FIRST INTERNATIONAL BANCSHARES,
INC.**

Order Denying Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Citizens First National Bank of Tyler, Tyler, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization and bank holding company in Texas, and has been following an aggressive program of expansion through the acquisition of subsidiary banks. The current phase of Applicant's expansion program involves entry into a number of the secondary SMSA markets¹ in Texas through acquisition of a major bank in each market it plans to enter. This pattern is evidenced by the recent acquisitions of Applicant as shown on the attached Table I.²

Section 3(c) of the Act provides, in part, that the Board not approve any proposed acquisition, the effect of which, in any section of the country, may be substantially to lessen competition or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served. [Emphasis added.]

² Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer and Holland. Absent and not voting: Governors Sheehan and Bucher.

¹ A secondary SMSA market in Texas is defined as an SMSA market other than Texas' four largest SMSA markets, i.e., other than the Dallas, Fort Worth, Houston, and San Antonio SMSA markets.

² Filed as part of the original document.

In 1970, the five largest banking organizations in Texas,³ held aggregate deposits of approximately \$5.8 billion, or 22 per cent of the total commercial bank deposits in the State. Today, the five largest banking organizations in the State (each a multi-bank holding company)⁴ hold aggregate deposits approximating \$10.6 billion, or almost 31 per cent of the total commercial bank deposits in the State.⁵ This increase in the concentration of the State's commercial bank deposits held by the largest banking organizations in Texas represents a trend which, in the Board's view, has proceeded to an extent that is a cause for concern.

There are presently some 24 multi-bank holding companies in Texas, which together control \$17 billion in deposits, or 49 per cent of all commercial bank deposits in the State. The five largest of these banking organizations control almost two-thirds of all deposits controlled by the State's bank holding companies. The Board is concerned over the present size disparity among the State's bank holding companies and the likelihood that this disparity may become greater in the future by virtue of the present acquisition policy. The Board is not required to await the development of undue concentration among bank holding companies in Texas before it intervenes. Indeed, the underlying purpose of the Clayton Act, as incorporated in the Bank Holding Company Act, is to break the force of a trend toward undue concentration before it gathers momentum. (See *Brown Shoe Co. v. United States*, 370 U.S. 294, 317-18). It is, therefore, the tendency toward undue concentration the Board must guard against when viewing the probable effect of an acquisition upon future competition in a banking market.

Applicant's proposal would affiliate the largest commercial bank in the Tyler SMSA banking market with Applicant's 15 present subsidiary banks (with aggregate deposits of \$2.8 billion) and Applicant's four nonsubsidiary banks (with aggregate deposits of \$41.9 million). There is no significant existing competition between Bank and Applicant's present and prospective banking subsidiaries. Applicant's banking subsidiary closest to Bank is located in Dallas, about 104 miles from Tyler. Accordingly, the Board concludes that no significant existing competition would be eliminated between Bank and Applicant's banking subsidiaries upon consummation of this proposal.

The three largest of the nine banks in the Tyler market hold 82 per cent of the area's total commercial bank deposits, and 75 per cent of the area's total IPC

³ Republic National Bank of Dallas; First National Bank of Dallas; First City National Bank of Houston Texas Commerce Bank, N.A.; Bank of the Southwest.

⁴ First International Bancshares, Inc.; First City Bancorporation of Texas, Inc.; Republic of Texas Corporation; Texas Commerce Bancshares, Inc.; Southwest Bancshares, Inc.

⁵ Deposit figures are as of December 31, 1972, and reflect approved and pending acquisitions as of November 15, 1973.

deposits in accounts of \$100,000 or less. Bank presently controls 30 per cent of the total commercial bank deposits in the Tyler market, while the second and third largest banks control, respectively, 29 and 23 per cent of such deposits. In addition, these three banks together control a sizeable block of the voting shares of the fourth largest bank in the Tyler market.⁶ The future prospects of the Tyler market appear favorable in view of the facts of record, including the population growth in the market; Tyler's geographical position as the hub for an extensive oil and lumbering area; and healthy deposit gains in all five Tyler banks, with local economic conditions favoring a continuation of this trend. It is in this context of a favorable economic market that the potential competitive effects of Applicant's proposal must be considered.

The available evidence indicates clearly that entry into the smaller metropolitan areas by the State's largest banking organizations through acquisition of the larger independent commercial banks in these areas will increase present levels of deposit concentration. It is also apparent that these markets will only become less concentrated if the major holding companies enter de novo or via foothold acquisitions, thereby creating additional competition in the markets.

The Board concludes that this proposal, for this organization, in light of previous acquisitions, would have significant adverse effects on potential competition with respect to the Tyler SMSA banking market and throughout the State. Accordingly, it is the Board's view that the competitive factors weigh against approval of this application.

The financial and managerial resources and future prospects of Bank, and of Applicant and its present subsidiary banks, are regarded as satisfactory and consistent with approval of the application. However, these factors do not outweigh the anticompetitive effects connected with this proposal. There is no indication in the record that the banking needs of the relevant market are not being met. Accordingly, although considerations relating to the convenience and needs of the communities to be served are consistent with approval, they do not outweigh the adverse competitive effects of the proposal. It is the Board's judgment that consummation of the proposed acquisition would not be in the public interest and that the application should be denied.

On the basis of the record,^{6a} the application is denied for the reasons summarized above.

⁶ Bank controlled 17.8 per cent of the voting shares of Southside State Bank, Tyler, Texas, through Bank's Employees Pension Trust Fund; however, Applicant and Bank were committed to the disposition of these shares by December 3, 1973.

^{6a} Dissenting Statement of Governors Daane and Sheehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System. Copies available upon request to the Reserve Bank of Dallas.

By order of the Board of Governors,*
effective December 28, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.
[FR Doc.74-663 Filed 1-8-74;8:45 am]

FIRST VIRGINIA BANKSHARES CORP.

Proposed Retention of Arlington Mortgage Co.

First Virginia Bankshares Corporation, Falls Church, Virginia, has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to retain voting shares of Arlington Mortgage Company, Falls Church, Virginia. Notice of the application was published between November 27 and November 30, 1973, inclusive, in newspapers of general circulation in the following locations: Falls Church and Virginia Beach, Virginia; Orlando, Florida; and Birmingham, Alabama.

Applicant states that the proposed subsidiary would continue to engage in the following activities (1) engaging in the business of mortgage banking, consisting of originating, acquiring and selling, for its own account or for the account of others, loans and other extensions of credit secured by interests in real property, and (2) servicing mortgage loans and other extensions of credit for any person. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 26, 1974.

* Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Voting against this action: Governors Daane and Sheehan.

Board of Governors of the Federal Reserve System, December 28, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.
[FR Doc.74-664 Filed 1-8-74;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 80 percent or more of the voting shares of City National Bank of Cocoa, Cocoa, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 26, 1974.

Board of Governors of the Federal Reserve System, December 28, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.
[FR Doc.74-665 Filed 1-8-74;8:45 am]

INSURED BANKS

Joint Call for Report

CROSS REFERENCE: For a document issued jointly by the Comptroller of the Currency, the Federal Reserve System, and the Federal Deposit Insurance Corporation, see FR Doc. 74-650, *supra*.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-1]

NASA LUNAR PLANNING COMMITTEE

Notice of Date and Place of Meeting

The NASA Lunar Planning Committee will meet at the Goddard Space Flight Center on January 17 and 18, 1974. The meeting will be held in Room 200, Building 26 from 9 a.m. to 5 p.m. on January 17 and from 8 a.m. to 3:30 p.m. on January 18. The meeting is open to members of the public to within the 40-seat capacity of the room.

The NASA Lunar Planning Committee serves in a consultative capacity to the National Aeronautics and Space Administration to review the NASA lunar programs and objectives. The Committee has 16 members including the Chairman, Dr. Noel W. Hinners. At the meeting the Lunar Planning Committee will review the status of previous recommendations, the Lunar Science Institute, the Fifth Lunar Science Conference, and the Lunar Polar Orbit mission. The Lunar Carto-

graphy and Supporting Research and Technology Programs will be discussed. The Committee will be asked to critique their content and to recommend on Program balance. Orbital infra-red, ultra-violet, and alpha spectrometry and metric photography will be reviewed with emphasis upon recent results and establishing scientific requirements for future data acquisition. The potential use of microwave radiometry as a heat flow experiment will be reviewed and discussed.

For further information regarding the meeting, please contact Dr. Richard J. Allenby, area code 202-755-1948.

HOMER E. NEWELL,
Associate Administrator, Na-
tional Aeronautics and Space
Administration.

JANUARY 3, 1974.

[FR Doc.74-695 Filed 1-8-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Notice of Suspension of Trading

DECEMBER 28, 1973.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 30, 1973 through January 8, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-688 Filed 1-8-74;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

DECEMBER 28, 1973.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 29, 1973 through January 7, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-689 Filed 1-8-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA

Notice of Suspension of Trading

DECEMBER 28, 1973.

The common stock of Equity Funding Corporation of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from January 2, 1974 through January 11, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-692 Filed 1-8-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

DECEMBER 28, 1973.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 2, 1974 through January 11, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-685 Filed 1-8-74;8:45 am]

[File No. 500-1]

OMEGA ALPHA, INC.

Notice of Suspension of Trading

DECEMBER 26, 1973.

The convertible subordinated debentures 4¾'s due 1992, subordinated debentures 6½'s due 1988, and warrants of Omega Alpha, Incorporated being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the common stock and all other securities of Omega Alpha, Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 27, 1973 through January 5, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-691 Filed 1-8-74;8:45 am]

[File No. 500-1]

PATTERSON CORP.

Notice of Suspension of Trading

DECEMBER 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Patterson Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from

December 31, 1973 through January 9, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-682 Filed 1-8-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

DECEMBER 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 29, 1973 through January 7, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-684 Filed 1-8-74;8:45 am]

[File No. 500-1]

SEABOARD AMERICAN CORP.

Notice of Suspension of Trading

DECEMBER 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Seaboard American Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 28, 1973 through January 6, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-686 Filed 1-8-74;8:45 am]

[File No. 500-1]

SEABOARD CORP.

Notice of Suspension of Trading

DECEMBER 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, units and warrants of Seaboard Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 27, 1973 through January 5, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-690 Filed 1-8-74;8:45 am]

[File No. 500-1]

TECHNICAL RESOURCES, INC.

Notice of Suspension of Trading

DECEMBER 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 28, 1973, through January 6, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 74-687 Filed 1-8-74;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Notice of Suspension of Trading

DECEMBER 28, 1973.

The common stock of U.S. Financial Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from December 30, 1973 through January 8, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-683 Filed 1-8-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Notice of Suspension of Trading

DECEMBER 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6% subordinated debentures due 1979 and the 6½% convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to Section 15 (c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 31, 1973 through January 9, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-681 Filed 1-8-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 419]

ASSIGNMENT OF HEARINGS

JANUARY 4, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after January 9, 1974.

MC-120981 Sub 16, Bestway Express, Inc., now assigned February 19, 1974, at Baton Rouge, La., is cancelled and reassigned February 19, 1974 (2 Weeks), in the Ramada Inn-Airport, 709 Spence Lane (near I-24 & Murfreesboro Road Interchange), Nashville, Tenn.

MC 103051 Sub 276, Fleet Transport Co., Inc., now assigned January 23, 1974, at Atlanta, Ga., is cancelled and the application is dismissed.

MC 120981 Sub 15, Bestway Express, Inc., continued to January 29, 1974, at the Holiday Inn, Interstate 64 & State 32, Morehead, Kentucky.

No. 35871, Fort Worth and Denver Railway Company v. The Atchison, Topeka and Santa Fe Railway Company, now assigned January 23, 1974, at Dallas, Tex., is cancelled.

MC 56679 Sub 66, Brown Transport Corp., MC 136155 Sub 2, Gay Trucking Co., Inc., MC 136230, Interstate Warehousing Corp., MC 136285 Sub 3, Southern Intermodal

Logistics, Inc., continued to March 12, 1974 (9 days), at Atlanta, Ga., in a hearing room to be later designated.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-723 Filed 1-8-74;8:45 am]

[Notice No. 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 4, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c) (9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c) (9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c) (9)) at any time, but will not operate to stay commencement of the proposed operations unless filed by February 8, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 667), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, California 94106, filed December 14, 1973. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 91 and Interstate Highway 15 at Littlefield, Ariz., over Interstate Highway 15 to junction Bluff Street, thence over Bluff Street to St. George, Utah, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Littlefield, Ariz., over U.S. Highway 91 to St. George, Utah, and return over the same route.

No. MC-1515 (Deviation No. 668) (Cancels Deviation No. 629), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed December 26, 1973. Carrier proposes to operate as a common carrier,

by motor vehicle, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, over a deviation route as follows: From Jacksonville, Fla., over Interstate Highway 95 to junction unnumbered access highway, thence over unnumbered access highway to junction U.S. Highway 17 at Woodbine, Ga., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Jacksonville, Fla., over U.S. Highway 17 to Woodbine, Ga., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-727 Filed 1-8-74; 8:45 am]

[Notice No. 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 4, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4 (c) (11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c) (11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c) (12)) at any time, but will not operate to stay commencement of the proposed operations unless filed by February 8, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

No. MC-69833 (Deviation No. 28), ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Michigan 49502, filed December 26, 1973. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Waterloo, Indiana, over U.S. Highway 6 to junction U.S. Highway 20 at Fremont, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Waterloo, Ind., over Indiana Highway 127 (formerly U.S. Highway 27) to junction

U.S. Highway 20 at Angola, Ind., thence over U.S. Highway 20 to junction U.S. Highway 6 at Fremont, Ohio, and return over the same route.

No. MC-75320 (Deviation No. 44), CAMPBELL "66" EXPRESS, INC., P.O. Box 807, Springfield, Missouri 65801, filed December 14, 1973. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over U.S. Highway 75 to junction Indian Nation Turnpike, thence over Indian Nation Turnpike to junction U.S. Highway 271, thence over U.S. Highway 271 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction Interstate Highway 35, thence over Interstate Highway 35 and Interstate Highway 35W to Fort Worth, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Tulsa, Okla., over Turner Turnpike or Interstate Highway 44 to junction Oklahoma Highway 18, thence over Oklahoma Highway 18 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction Oklahoma Highway 79, thence over Oklahoma Highway 79 to the Oklahoma-Texas State line, thence over Texas Highway 79 to Wichita Falls, Tex., thence over U.S. Highway 281 to junction U.S. Highway 180 at or near Mineral Wells, Tex., thence over U.S. Highway 180 and 80 (and Interstate Highway 20) to Fort Worth, Tex., and return over the same route.

No. MC-75320 (Deviation No. 45), CAMPBELL "66" EXPRESS, INC., P.O. Box 807, Springfield, Missouri, 65801, filed December 18, 1973. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Tulsa, Okla., over Oklahoma Highway 33 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction Oklahoma Highway 2 at or near Warner, Okla., thence over Oklahoma Highway 2 to junction U.S. Highway 266, thence over U.S. Highway 266 to junction U.S. Highway 69 at or near Checotah, Okla., thence U.S. Highway 69 to junction Indian Nation Turnpike, thence over Indian Nation Turnpike to junction U.S. Highway 271, thence over U.S. Highway 271 to junction U.S. Highway 82, thence over U.S. Highway 82 to junction U.S. Highway 75, thence over U.S. Highway 75 to Dallas, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Tulsa, Okla., over Turner Turnpike or Interstate Highway 44 to junction Oklahoma Highway 18, thence over Oklahoma Highway 18 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction U.S. Highway

70, thence over U.S. Highway 70 to junction Oklahoma Highway 79, thence over Oklahoma Highway 79 to the Oklahoma-Texas State line, thence over Texas Highway 79 to Wichita Falls, Tex., thence over U.S. Highway 281 to junction U.S. Highway 180 at or near Mineral Wells, Tex., thence over U.S. Highway 180 and 80 (and Interstate Highway 20) to Dallas, Tex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-728 Filed 1-8-74; 8:45 am]

[Notice No. 1]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 4, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100 247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 136432 (Sub-No. 1) (RE-PUBLICATION), filed May 24, 1973, published in the FEDERAL REGISTER issue of July 6, 1973, and republished this issue. Applicant: DONNA HALLSTROM, doing business as D & M EXPRESS, P.O. Box 231, Route 19, Evans City, Pa. 16033. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. An Order of the Commission, Operating Rights Board, dated December 7, 1973, and served December 21, 1973, finds that operation by applicant, in interstate or foreign commerce as a contract carrier by motor vehicle, over irregular routes, of abrasive grinding wheels, (1) from Carlisle, Pa., to points in Illinois, Indiana, Ohio, Michigan, and Wisconsin, and (2) from the storage facilities of D & M Express located in Cranberry Township (Butler County), Pa., to points in Illinois, Indiana, Ohio, Michigan, and Wisconsin, under a continuing contract or contracts with SGL Abrasives, a Division of SGL Industries, Inc., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to

conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128988 (Sub-Nos. 4 and 14) (NOTICE OF FILING OF PETITION FOR A CHANGE OF NAME OF ONE OF ITS CONTRACT SHIPPERS), filed December 3, 1973. Petitioner: JO/KEL, INC., P.O. Box 1249, City of Industry, Calif. 91749. Petitioner's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner presently holds motor contract carrier permits in No. MC 128988 (Sub-Nos. 4 and 14), issued February 12, 1971 and June 27, 1972, respectively, authorizing as pertinent, transportation over irregular routes of: (1) in Sub-No. 4, *Heating and air conditioning units*, from the plant sites and warehouse facilities of Fraser & Johnston Co., at San Lorenzo, Calif., to points in Alabama, Georgia, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas; and (2) *Materials, equipment, and supplies* used in the manufacture and distribution of the above-named commodities, from points in Alabama, Georgia, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas, to the plant sites and warehouse facilities of Fraser & Johnston Co., at San Lorenzo, Calif. RESTRICTION: The operations authorized herein are subject to the following conditions: Said operations are restricted against the transportation of those commodities which because of their size or weight require the use of special equipment. Said operations are limited to a transportation service to be performed under a continuing contract, or contracts with Fraser & Johnston Co., of San Lorenzo, Calif.: and in Sub 14; *Heating and air conditioning units*, from the plant site and warehouse facilities of Fraser & Johnston Co., at San Lorenzo, Calif., to points in Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *Materials, equipment, and supplies* used in the manufacture and distribution of the above-named commodities, from the above-named destination points, to the plant site and warehouse facilities of Fraser & Johnston Co., at San Lorenzo, Calif.

RESTRICTION: The service authorized herein is subject to the following conditions: The authority granted herein is restricted against the transportation of commodities in bulk and those commodities which because of their size or weight require the use of special equipment. The operations authorized herein are limited to a transportation service to be performed under a continuing contract, or contracts with Fraser & Johnston Co., of San Lorenzo, Calif. By the instant petition, petitioner seeks to modify permits so as to substitute for the existing restrictions, a change of name of one of its contract shippers to read as following: RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., its divisions and subsidiaries. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 138054 (NOTICE OF FILING OF PETITION FOR MODIFICATION OF PERMIT), filed November 23, 1973. Petitioner: CONDOR CONTRACT CARRIERS, INC., P.O. Box 1354, Garden Grove, Calif. 92642. Petitioner's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner presently holds a motor contract carrier permit in No. MC 138054 issued March 27, 1973, authorizing as pertinent, transportation over irregular routes, of *Electrical motors and component parts thereof* (except commodities, which by reason of size or weight, or length, require the use of special equipment or special handling), between Milford, Conn.; Mena, Ark.; St. Louis, Mo.; Prescott, Ariz.; Philadelphia, Miss.; Chicago, Ill.; and Los Angeles and Stanton, Calif. RESTRICTION: The service authorized herein is subject to the following conditions: The operations authorized herein are restricted to the transportation of shipments originating at or destined to the plantsites, warehouse facilities or both of Emerson Electric Co. located at the above-named points. The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts, with Emerson Electric Co., of St. Louis, Mo. By the instant petition, petitioner seeks to modify its territorial description to include Memphis, Tenn., and Hastings, Nebr. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS ASSIGNED FOR HEARING

No. MC 114211 (Sub-No. 211) (CLARIFICATION), filed November 9, 1973, published in the FEDERAL REGISTER ISSUE

of December 20, 1973, and republished with hearing information this issue. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Excavating, construction, roadmaking, road maintenance, material handling, industrial and agricultural machinery and equipment, trailers, snow blowers, and self-propelled vehicles* (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act and commodities moving in drive-away service); (b) *attachments, accessories, and equipment* designed for use in conjunction with the commodities described in (a) above; and (c) *cabs, canopies, and parts* for the commodities described in (a) and (b) above, between the Ports of Entry on the International Boundary line between the United States and Canada located in Michigan and New York, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) *steel balls*, from Washington, Ind., to the Ports of Entry on the International Boundary line between the United States and Canada located in Michigan; and (3) *mineral wool, insulation, cement, metal fastening bands, canvas lap, binding strips, asphalt, asphaltum, coal tar paint, bearings, iron hooks, adhesives, staples, and wire* (except commodities in bulk), from Alliance, Ohio; Aurora, Ill.; and Huntington Woods, Mich., to the Ports of Entry on the International Boundary line between the United States and Canada located in Michigan, (1), (2), and (3) above, restricted to traffic moving in foreign commerce.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING: January 16, 1974 (3 days), 9:30 a.m. local time in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St., Chicago, Ill. The purpose of this republication is to disclose the hearing information.

No. MC 119641 (Sub-No. 115), filed December 6, 1973. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278, Colee Station, Ft. Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Excavating, construction, roadmaking, road maintenance, material handling, industrial and agricultural machinery and equipment, trailers, snow blowers, and self-propelled vehicles* (except motor vehicles as defined in Section 203(a)(13) of the Interstate Commerce Act and commodities moving in drive-away service), (b) *attachments, accessories, and equipment* designed for use in conjunction with the commodities described in (a) above, and (c) *cabs, canopies, and parts* for the

commodities described in (a) and (b) above, between the Ports of Entry on the International Boundary line between the United States and Canada located in Michigan and New York, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) *Steel balls*, from Washington, Ind., to the Ports of Entry on the International Boundary line between the United States and Canada located in Michigan, and (3) *mineral wool, insulation, cement, metal fastening bands, canvas lap, binding strips, asphalt, asphaltum, coal tar paint, bearings, iron hooks, adhesives, staples, and wire* (except commodities in bulk), from Alliance, Ohio; Aurora, Ill. and Huntingdon, Mich., to the Ports of Entry on the International Boundary line between the United States and Canada located in Michigan; (1), (2) and (3) restricted to traffic moving in foreign commerce.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority.

HEARING: January 16, 1974 (3 days), 9:30 a.m. local time in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St., Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 123993 (Sub-No. 30) (CORRECTION), filed November 14, 1973, published in the FEDERAL REGISTER issue of December 19, 1973, and republished as corrected this issue. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, La. 70526. Applicant's representative: Thomas F. Sedberry, 1102 Perry Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feeds, animal and poultry mineral mixtures, animal and poultry tonics and medicines, dry earth paint, insecticides, and premiums and advertising matter* relating to such products, from the plant site of Moorman Manufacturing Company at or near Quincy, Ill., to points in Arkansas and Mississippi; (2) *insecticides, dry animal and poultry feeds, dry animal and poultry mineral mixtures, dry animal and poultry feed ingredients, dry animal and poultry tonics and medicines, dry earth paint, and premiums and advertising matter* relating to such products, from the plant site of Moorman Manufacturing Company at or near Quincy, Ill., to

points in Louisiana, and *insecticide ingredients, dry ingredients for animal and poultry feeds, animal and poultry mineral mixtures, animal and poultry tonics and medicines, and dry earth paint, and bags and containers*, from points in Louisiana, to the plant site of Moorman Manufacturing Company at or near Quincy, Ill.; (3) *animal and poultry feed and animal and poultry feed ingredients* (except chemicals and petroleum products), dry, in bulk, from points in Mississippi to the plant site of the Moorman Manufacturing Company at or near Quincy, Ill.; and (4) *livestock and poultry feeders and equipment*, from the plant site of the Moorman Manufacturing Company at or near Quincy, Ill., to points in Arkansas, Louisiana, and Mississippi.

NOTE.—Applicant presently holds contract carrier authority in MC 41116 and subs thereunder, therefore, dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this application is to convert portions of the contract carrier authority issued to Stauffer Truck Service, Inc. under MC 113865 Sub-Nos. 8, 9, and 13 to common carrier status. This is a matter directly related to a Section 5 purchase proceeding in MC-F-12046, published in the FEDERAL REGISTER issue of November 28, 1973. The purposes of this republication are (1) to indicate that applicant seeks to convert portions of the contract carrier authority issued to Stauffer Truck Service, Inc. under MC 113865, Sub-Nos. 8, 9, and 13 to common carrier status and (2) to indicate the publication date of the corresponding Section 5 purchase proceeding to be November 28, 1973. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or New Orleans, La.

No. MC-F-12068. Authority sought for control by NELSON RESOURCE CORP., 20 Enterprise Ave., Secaucus, NJ 07094, of GREAT WESTERN UNIFREIGHT SYSTEM, 17600 So. Santa Fe, Compton, CA 90221; GREAT WESTERN UNIFREIGHT SYSTEM, merge the operating rights and property of: (1) A & B GARMENT DELIVERY, 2645 Nevin Ave., Los Angeles, CA 90011, (2) A & B GARMENT DELIVERY OF SAN FRANCISCO, 1309 Custer Ave., San Francisco, CA 94124, and (3) GARMENT CARRIERS, INC., 2645 Nevin Ave., Los Angeles, CA 90011. Applicants' attorney: A. David Millner, 744 Broad St., Newark, NJ 07102. Operating rights sought to be controlled: Under a certificate of registration in No. MC-120700 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Operating rights sought to be transferred: (1) *Garments, clothing, and wearing apparel* when transported on garment hangers, *matching accessories and other commodities incidental thereto, including costume or novelty jewelry*, when shipped in van-type trucks in company with garments, clothing, and wearing apparel on hangers, as a common carrier over irregular routes, between points in a defined area of California, within the Los Angeles Basin Area; (2) (1) *wearing apparel, materi-*

als and supplies, accessories, containers, dry goods, clothes, luggage, textiles, and umbrellas; and (2) *general commodities* not named in (1) above when transported: (a) to or from retailers of garments, not including retailers which sell garments incidentally such as (but not limited to) hardware stores, drug stores, and grocery stores, (b) between retailers, wholesalers, and manufacturers of the commodities specifically named in (1) above, and (c) to or from fashion shows, over regular routes, between San Francisco, and Santa Rosa, Calif., between Ignacio, and Napa, Calif., between San Francisco and North Sacramento, Calif., between Napa, Calif., and junction California Highway 29 and U.S. Highway 40, between San Francisco and Sacramento, Calif., between Stockton, Calif., and junction California Highway 4 and U.S. Highway 40, between Oakland and Pittsburg, Calif., between Warm Springs, and Martinez, Calif., between Stockton and Modesto, Calif., between junction California Highway 33 and U.S. Highway 50 near Tracy and junction U.S. Highway 50 and California Highway 132 at Vernalis, between Vernalis and Modesto, Calif., with restriction, between San Francisco, and San Jose, Calif., between San Jose and Emeryville, Calif., serving all intermediate points; (1) *wearing apparel, materials and supplies, accessories, containers, dry goods, clothes, luggage, textiles, and umbrellas*, and (2) *general commodities* not named in (1) above when transported: (a) to or from retailers of garments, not including retailers which sell garments incidentally such as (but not limited to) hardware stores, drug stores, and grocery stores (b) between retailers, wholesalers, and manufacturers of the commodities specifically named in (1) above, and (c) to or from fashion shows, over irregular routes, from, to and between points and places within certain designated areas of California including Stockton, Sacramento, Santa Rosa, and the San Francisco Territory; and (3) *hanging or cartoned garments, clothing and wearing apparel, and component parts* used in the manufacture, thereof, as defined in 61 M.C.C. 288 and 289 (except natural furs and natural fur or fur-trimmed garments), *handbags and costume jewelry*, over regular routes, between points in a defined area of California, serving various intermediate and off-route points, with restriction, over one alternate route for operating convenience only. NELSON RESOURCE CORP., presently controls BRADLEY'S EXPRESS, INCORPORATED, CARGO DISTRIBUTION CORP., and A & B GARMENT DELIVERY; A & B GARMENT DELIVERY, in turn controls GARMENT CARRIERS, INC., and TRI-STATE TRANSPORTATION CO., INC.; GARMENT CARRIERS, INC., in turn controls A & B GARMENT DELIVERY OF SAN FRANCISCO. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-120700 (Sub-No. 2), is a matter directly related.

No. MC-F-12069. Authority sought for purchase by SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108, of the operating rights and property of GEORGE W. NEWTON, doing business as GEORGE W. NEWTON WASTE WOOD PRODUCTS, Route 4, Pickens, S.C. 29671, and for acquisition by A. D. SENN and W. P. SENN, also of Newberry, S.C. 29108, of control of such rights and property through the purchase. Applicants' attorney: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, S.C. 29201. Operating rights sought to be transferred: *Wood chips*, as a *common carrier* over irregular routes, between points in South Carolina, North Carolina, and Georgia. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12070. Authority sought for purchase by F-B TRUCK LINE COMPANY, 1891 West 2100 South, Salt Lake City, UT 84119, of a portion of the operating rights of ELMER L. SIMS, G. GRANT SIMS, AND ELMER L. SIMS (TRUSTEE FOR SIMS FAMILY TRUST), doing business as SALT LAKE TRANSFER COMPANY, 35 So. 600 West, Salt Lake City, UT 84101, and for acquisition by MERLIN J. NORTON, also of Salt Lake City, UT 84119, of control of such rights through the purchase. Applicants' attorneys and representative: David J. Lister, 1891 West 2100 South, Salt Lake City, UT 84119, Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, NE 68501, and Mark K. Boyle, 345 S. State St., Salt Lake City, UT. Operating rights sought to be transferred: *Machinery, boilers, pipe, building materials, and commodities of unusual size or weight*, as a *common carrier*, over irregular routes, between points in Utah, on the one hand, and, on the other, points in Utah and Idaho, those in that part of Nevada east of a line extending north and south through McDermitt, Nev., including Winemucca, Nev., and those in Wyoming west of the Continental Divide, between points in Utah, on the one hand, and, on the other, points in Arizona; *commodities of unusual size and weight, machinery, boilers, storage tanks, and parts therefor, pipe, structural steel, and contractors' outfits and supplies requiring special equipment or rigging*, between points in Utah, Wyoming, Idaho, Montana, Arizona, and those in Nevada other than Mineral County; *special-purpose trailers* designed for use in connection with the maintenance and repair of electric power transmission lines, and those designed for use incidental to construction and mining projects, not including in either case trailers designed to be drawn by passenger automobiles in truckaway service, between points in Utah, on the one hand, and, on the other, points in New Mexico, between points in Utah, Arizona, Idaho, Montana, Wyoming, and Nevada,

except points in Mineral County; *farm machinery and construction equipment* (except self-propelled articles weighing 15,000 pounds or more and commodities the transportation of which because of size or weight requires the use of special equipment), from Salt Lake City, Utah, to points in that part of Colorado west of the Continental Divide, and points in Rio Arriba and San Juan Counties, N. Mex.; *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Arizona, Idaho, Montana, Utah, and Wyoming, and those in Nevada, except points in Nye, Esmeralda, and Mineral Counties, between points in New Mexico, on the one hand, and, on the other, points in Utah, with restriction; *commodities* the transportation of which because of their size or weight require the use of special equipment and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special equipment, between points in Utah, on the one hand, and, on the other, points in New Mexico. Vendee is authorized to operate as a *common carrier* in Idaho, Utah, Montana, California, Oregon, Washington, Colorado, Nevada, Arizona, Wyoming, and New Mexico.

No. MC-F-12071. Authority sought for purchase by SAMMONS TRUCKING, P.O. Box 1447, Missoula, MT 59801, of the operating rights and property of ELMER L. SIMS, G. GRANT SIMS, AND ELMER L. SIMS, TRUSTEE FOR THE SIMS FAMILY TRUST, doing business as SALT LAKE TRANSFER COMPANY, 35 So. 600 West, Salt Lake City, UT 84101, and for acquisition by MYRON G. SAMMONS, also of Missoula, MT 59801, of control of such rights and property through the purchase. Applicants' attorney: Gene P. Johnson, 425 Gate City Bldg., Fargo, ND 58102. Operating rights sought to be transferred: (1) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, (2) *General commodities* (except motor vehicles and motor vehicle cabs and bodies, and except classes A and B explosives), moving in the same vehicle and at the same time in mixed loads with commodities the transportation of which, because of size or weight requires the use of special equipment (otherwise authorized), when the mixed load moves on a single bill of lading from a single consignor, (3) *self-propelled vehicles*, each weighing 15,000 pounds or more (except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act, and vehicles moving in driveway service) and *related machinery, tools, parts, and supplies* moving in connection therewith, as a *common car-*

rier over irregular routes, between points in Oregon and Washington, on the one hand, and, on the other, points in Montana and Utah, with restriction. Vendee is authorized to operate as a *common carrier* in Washington, Idaho, Montana, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Illinois, Wyoming, Oregon, Utah, Wisconsin, Michigan, Colorado, Nevada, California, Kansas, Missouri, Indiana, Arizona, Ohio, Pennsylvania, Kentucky, and West Virginia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12072. Authority sought for purchase by NORTHWEST TRANSPORT SERVICE, INC., 5231 Monroe St., Denver, CO 80216, of a portion of the operating rights and property of ELMER L. SIMS, G. GRANT SIMS AND ELMER L. SIMS (TRUSTEE FOR SIMS FAMILY TRUST), doing business as SALT LAKE TRANSFER COMPANY, 35 So. 600 West, Salt Lake City, UT 84101, and for acquisition by DONN D. McMORRIS and JERRY D. McMORRIS, also of Denver, CO 80216, of control of such rights and property through the purchase. Applicants' attorneys: Marion F. Jones, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80203, and Mark K. Boyle, 345 So. State St., Salt Lake City, UT 84111. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between Salt Lake City, Utah, on the one hand, and, on the other, Pocatello, Blackfoot, Idaho Falls, and Boise, Idaho, between Salt Lake City, Utah, on the one hand, and, on the other, points within 50 miles of Salt Lake City, between St. John, Tooele and Salt Lake City, Utah, on the one hand, and, on the other, Dugway Proving Grounds, Utah; *explosives*, between points in Utah, Wyoming, Idaho, Montana, Arizona, and those in Nevada other than Nye, Esmeralda, and Mineral Counties, between points in Utah, on the one hand, and, on the other, points in New Mexico; *special-purpose trailers* designed for the transportation of missiles, rockets, and components thereof, and for the instrumentation and testing thereof, not including trailers designed to be drawn by passenger vehicles, between Thiokol and Bacchus, Utah, on the one hand, and, on the other, points in Arizona, Idaho, Montana, Wyoming, New Mexico, and Nevada, except points in Mineral County, Nev. Vendee is authorized to operate as a *common carrier* in Colorado and Utah. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12073. Authority sought for purchase by WHEELER-DART EXPRESS CO., 32 Chesterton St., Boston, MA 02119, of the operating rights of RAPID TRANSPORTATION COMPANY, 44 Western Ave., Boston, MA 02135, and for acquisition by ANTHONY T. GRASSO, also of Boston, MA 02119, of control of such rights through the purchase. Applicants' attorneys: Kenneth B. Williams, 111 State St., Boston, MA 02109, and George C. O'Brien, 15 Court Square, Boston, MA 02108. Operating

rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Boston, Mass., and Providence, R.I., between Boston and Lowell, Mass., between Boston and Beverly, Mass., between Boston and Worcester, Mass., between Boston and New Bedford, Mass., serving all intermediate and certain off-route points; *groceries, canned goods, cotton wrap, lubricating oils and greases, and cotton yarn*, between Boston and New Bedford, Mass., serving no intermediate points; *textile products, machinery, wool, burlap bags, yarn, groceries, soaps, dyes, chemicals, and machine and lubricating oils and greases*, between Boston, Mass., and Harrisville, R.I., serving various intermediate and off-route points, between Boston, Mass., and Harrisville, R.I., serving the intermediate point of Providence, R.I., and certain off-route points; *canned goods and groceries*, between Smithtown, N.H., and Lowell, Mass., between Boston and Fitchburg, Mass., serving all intermediate points; *wool grease*, in drums and barrels, over irregular routes, from Providence, Woonsocket, and Harrisville, R.I., to Lawrence, Mass.; *textile machinery*, from Hopedale, Mass., to Harrisville and Washington, R.I., from Harrisville and Mapleville, R.I., to Graniteville and Andover, Mass.; *corrugated paper boxes*, from Boston, Mass., to Nashua and Lincoln, N.H., and points in Rhode Island; *groceries*, from Boston, Mass., to points in Rhode Island; *turbines*, between Lynn, Mass., and Harrisville, R.I.; *corrugated paper boxes and corrugated strawboard*, from Watertown, Mass., to points and places in Rhode Island. Vendee is authorized to operate as a common carrier in Massachusetts. Application has been filed for temporary authority under section 210a (b).

NOTE.—MC-122 (Sub-No. 6) is a matter directly related.

No. MC-F-12074. Authority sought for purchase by NORTHEASTERN TRUCKING COMPANY, P.O. Box 26276, Charlotte, NC 28213, of the operating rights of SAVANNAH BONDED WAREHOUSE & TRANSFER COMPANY, Route 1, Banner Elk, NC 28604, and for acquisition by JOHN F. GUIGNARD, also of Charlotte, NC 28213, of control of such rights through the purchase. Applicant's attorney: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between points and places in Georgia within 15 miles of Savannah, Ga., including Savannah. Vendee is authorized to operate as a *common carrier* in Illinois, New York, New Jersey, Pennsylvania, South Carolina, North Carolina, Maryland, Virginia, Florida, Tennessee, Connecticut, New Hampshire, Massachusetts, Rhode Island, Kentucky, Louisiana, Ala-

bama, Georgia, Ohio, Indiana, West Virginia, Maine, Michigan, Mississippi, Missouri, Texas, Vermont, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F-12075. Authority sought for purchase by THOMPSON, INC., 5014 Broadway, Quincy, IL 62301, of a portion of the operating rights of STAUFFER TRUCK SERVICE, INC., R. R. #1, Taylor, MO 63471, and for acquisition by JAMES R. THOMPSON, 7 Cardinal Terrace, Quincy, IL, of control of such rights through the purchase. Applicants' attorney: Marshall D. Becker, 530 Univac Bldg., 7100 West Center Rd., Omaha, NE 68106. Operating rights sought to be transferred: *Platform, grain, and livestock truck bodies*, as a *contract carrier* over irregular routes, from Quincy, Ill., to points in the United States (except Alaska and Hawaii), and return; *lumber* used in the manufacture of truck bodies, from points in Louisiana and Texas to Quincy, Ill., from points in Arkansas and Mississippi to Quincy, Ill., with restrictions; *such commodities* as are dealt in by manufacturers and wholesalers of beekeepers supplies and equipment; and *candles and wax*, between Hamilton, Ill., on the one hand, and, on the other, points in California and Montana, and Hornell, N.Y., Racine, Watertown, and Boyd, Wis., Lynchburg, Va., Hahira, Ga., Paris, Tex., Sioux City, Iowa, Clarkson, Ky., Grand Rapids, Mich., and Medina and Latty, Ohio; *paraffin*, from points in West Virginia to Hamilton, Ill.; *sugar*, from points in Louisiana to Hamilton, Ill.; *glass*, from Washington, Pa., and Ada, Okla., to Hamilton, Ill.; *utility truck bodies and pickup truck tool boxes and packs*, from West Quincy, Mo., to points in the United States (except Alaska and Hawaii), with restrictions. Vendee is authorized to operate as a *common carrier* in Illinois, Missouri, Wisconsin, Iowa, Indiana, Tennessee, Nebraska, Michigan, Ohio, Kansas, Minnesota, and South Dakota. Application has been filed for temporary authority under section 210a (b).

No. MC-F-12076. Authority sought for purchase by NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707, of a portion of the operating rights and property of JACKSON TRUCKING, INC., 1210 106th Ave., Plainwell, MI 49080, and for acquisition by THOMAS NAVIN, EDWARD DEETS, AND BETTY L. DEETS, all of P.O. Box 61, Mountaintop, PA 18707, of control of such rights and property through the purchase. Applicant's attorneys: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, and Kenneth R. Davis, 999 Union St., Taylor, PA 18517. Operating rights sought to be transferred: *Bakery goods*, not frozen, as a *contract carrier* over irregular routes, from Cutlerville, Mich., to points in California, Connecticut, Florida, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Massachusetts, Missouri, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vir-

ginia, Washington, West Virginia, Wisconsin, and the District of Columbia; *bakery goods*, unfrozen, in vehicles equipped with mechanical refrigeration, from Grand Rapids, Mich., to points in Georgia, with restrictions. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York, New Jersey, Maryland, Delaware, Ohio, Michigan, Wisconsin, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-722 Filed 1-8-74; 8:45 am]

[Notice No. 1]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 29, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74690. By order of January 3, 1974, the Motor Carrier Board approved the transfer to LaBuda Trucking, Inc., Hazleton, Pa., of the operating rights in Certificate No. MC-72410 issued October 21, 1949 to Philip Berlitz, Harry Berlitz, Frederick Berlitz, and Henry Berlitz, a partnership, doing business as Berlitz Brothers, West Hazleton, Pa., authorizing the transportation of household goods between Hazleton, Pa., and points within ten miles thereof, on the one hand, and, on the other, points in Connecticut, Maryland, New York, and New Jersey. Bartel E. Ecker, 605 Citizens Bank Bldg., Hazleton, Pa., Attorney for applicants.

No. MC-FC-74807. By order of January 3, 1974, the Motor Carrier Board approved the transfer to David H. Ladd Trucking, Inc., Durham, N.C., of Permit No. MC-129602 issued September 12,

1968, to David H. Ladd, Doing Business As David H. Ladd Trucking, Durham, N.C., authorizing the transportation of crushed stone from the quarry of Nello L. Teer Company at Durham, N.C., to points in South Carolina, Georgia, and Virginia. Mr. E. J. Walker, Jr., Hofler, Mount, White & Long, Attorneys at Law, 102 East Main Street, Durham, N.C. 27702.

No. MCC-FC-74856. By order entered January 3, 1974, the Motor Carrier Board approved the transfer to Gray's Towing Enterprises Inc., Cumberland, R.I., of the operating rights set forth in Certificate No. MC-114491, issued August 15, 1963, to Gray's Towing Service, Inc., Providence, R.I., authorizing the transportation of wrecked or disabled motor vehicles, in truckaway service, and repossessed motor vehicles, in truckaway and driveaway service, between points in Kent and Providence Counties, R.I., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Vermont, Maryland, Pennsylvania, Delaware, and the District of Columbia. James Cardono, 36 Park Place, Pawtucket, R.I. 02860, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.
[FR Doc.74-724 Filed 1-8-74;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

JANUARY 4, 1974.

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.

Kansas Docket No. 99, 068 M; Route No. 10001, filed November 12, 1973. Applicant: OWENS TRUCKING SERVICE, INC., Grainfield, Kans. 67737. Applicant's representative: Jack Glaves, 900 O. W. Garvey Building, Wichita, Kans. 67202. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of property as hereinafter described: Unprocessed hay, grain, soybeans, feeds, feed ingredients and seeds, processed mill feeds, grain products and fertilizer,

building materials, fencing materials, building hardware, cement, concrete blocks, fiberglass materials, brick, sand, gravel, and crushed rock, salt, sugar beets, and sugar, and foodstuffs; to and from and between all points and places within the State of Kansas. Intrastate, interstate and foreign commerce authority sought:

HEARING: January 29 and 30, 1974, at the Holiday Inn Midtown, Trophy Room, Wichita, Kans., at 10:00 A.M. Requests for procedural information should be addressed to the Kansas State Corporation Commission, Fourth Floor, State Office Building, Topeka, Kans. 66612, and should not be addressed to the Interstate Commerce Commission.

Montana Docket Nos. 2138, 2139, and 2140 filed July 26, 1973. Applicant: BIG SKY TRUCK LINES, a Corporation, 710 S. Pacific Street, Dillon, Mont. Applicant's representative: G. H. Bostwick (same address as applicant). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, excluding livestock, bulk petroleum products, lumber and building materials in truck load lots, any cargo requiring the use of special equipment; and securities, and negotiable instruments and articles of small compass and high value; Docket No. 2138: (1) From Dillon, Mont., over Montana Highway 41 to its junction with U.S. 287 at Twin Bridges, Mont., thence over U.S. 287 to Whitehall, Mont., and return; (2) From Billings, Mont., over U.S. 10-191 and Interstate 90 to Missoula, Mont., serving all intermediate points including but not limited to: Laurel, Columbus, Big Timber, Livingston, Bozeman, Three Forks, Whitehall, Butte, Deer Lodge, Garrison, and Missoula and return over the same route with an alternate route from Three Forks over U.S. 287 to Townsend, thence to East Helena and Helena, thence over U.S. 12 from Helena to Garrison and U.S. 10, Interstate 90; (3) From Butte, Mont., over U.S. 91, Interstate 15, to Helena, Mont., thence over U.S. 91, Interstate 15 to Great Falls, Mont., and return. Both intrastate and interstate authority sought. HEARING: February 5, 1974, through February 8, 1974, at the Public Service Commission Conference Room, 1227 11th Ave., Helena, Mont. Requests for procedural information should be addressed to the Montana Public Service Commission, 1227 11th Avenue, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 2600, filed October 4, 1973. Applicant: RED ARROW FREIGHT LINES, INC., 3901 Sequin Road, San Antonio, Tex. 78206. Applicant's representative: James M. Doherty, 401 First National Life Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*: Between Palestine, Tex., and the plant site of

Aluminum Company of America located northeast of Palestine, Tex., near U.S. Highway 79 as follows: From Palestine, Tex., over U.S. Highway 79 to its intersection with access roads located northeast of Palestine, thence over the said access roads to the plant site of Aluminum Company of America and return over the same route, serving no intermediate points. Applicant proposes to tack and to coordinate the proposed additional services with all services now authorized in intrastate commerce under Texas Certificate No. 2600 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket No. 2226 and all Subs thereunder. Applicant seeks no duplicating authority. Intrastate, interstate and foreign commerce authority sought.

HEARING: Approximately 30 days after publication in the FEDERAL REGISTER. Request for procedural information should be addressed to the Railroad Commission of Texas, Drawer 12967, Capitol Station, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

West Virginia Docket No. MC Case 298, filed October 16, 1973. Applicant: PERROW MOTOR FREIGHT LINES, INC., 800 Smith Street, Charleston, W. Va. 25301. Applicant's representative: Charles E. Anderson, 1421 Kanawha Valley Building, Charleston, W. Va. 25332. Certificate of public convenience and necessity sought to operate as a freight service as follows: Transportation of *General commodities*, (1) To and from Charleston and Williamson by U.S. Route 119; (2) To and from Charleston and Beckley, Princeton, Bluefield, and Welch via U.S. Routes 60 and 119, State Route 3 to Beckley and U.S. Route 19 and 21 to Princeton and Bluefield and Route 52 to Welch, or in the alternative the West Virginia Turnpike where available; (3) To and from Charleston and Parkersburg via U.S. Route 119, State Route 16, 14, and 5 or in the alternative Interstate Route 77; (4) To and from Charleston and Huntington via U.S. Route 60 or in the alternative Interstate Route 64; and (5) To and from Charleston and White Sulphur Springs via U.S. Route 60 or in the alternative Interstate Route 64; Serving all intermediate points on the above stated routes and all off route points within twenty-five (25) miles of said routes. Intrastate, interstate and foreign commerce authority sought.

HEARING: January 4, 1974, at the Hearing Room of the Public Service Commission, State Capitol Building, Charleston, W. Va., at 10:00 A.M. Requests for procedural information should be addressed to the West Virginia Public Service Commission, Room E-217, Capitol Building, Charleston, W. Va., 25305, and should not be directed to the Interstate Commerce Commission.

By the Commission

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-726 Filed 1-8-74;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

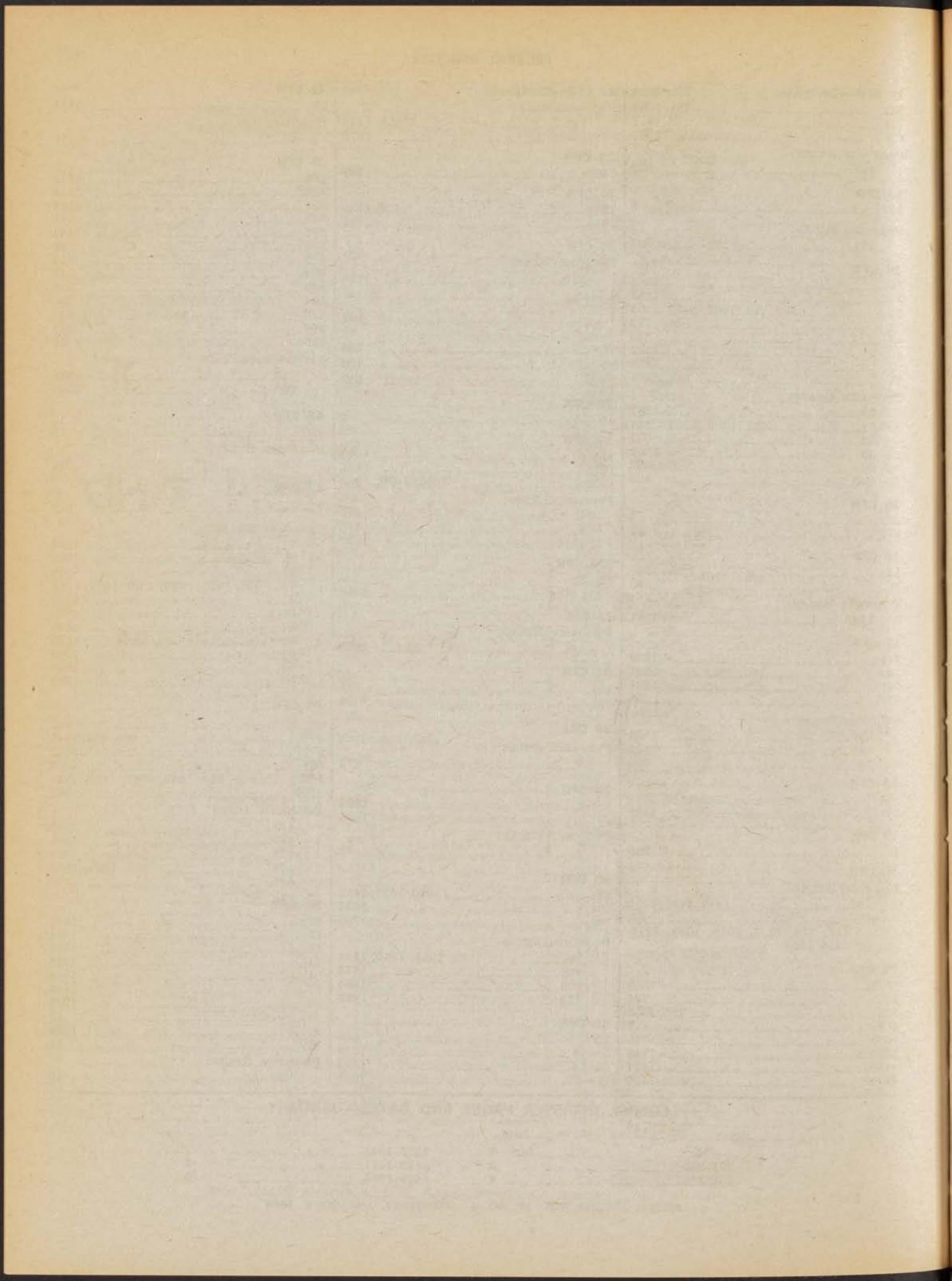
The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR	Page	7 CFR—Continued	Page	7 CFR—Continued	Page
PROCLAMATIONS:		1068	1351	PROPOSED RULES—Continued	
4258	959	1069	1351	1068	811
EXECUTIVE ORDERS:		1070	1351	1069	811
325A (superseded by EO 11755)	779	1071	1351	1070	811
11755	779	1073	1351	1071	811
11756	781	1075	1351	1073	811
11757	783	1076	1351	1075	811
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:		1078	1351	1076	13, 811
Memorandum of November 2, 1973	1423	1079	1351	1078	811
		1090	1351	1079	811
		1094	1351	1090	811
		1096	1351	1094	811
		1097	1351	1096	811
		1098	1351	1097	811
		1099	1351	1098	811
		1101	1351	1099	811
		1102	1351	1101	811
		1104	1351	1102	811
		1106	1351	1104	811
		1108	1351	1106	811
		1120	1351	1108	811
		1121	1351	1120	811
		1124	1351	1121	811
		1125	1351	1124	811
		1126	1351	1125	811
		1127	1351	1126	811
		1128	1351	1127	811
		1129	1351	1128	811
		1130	1351	1129	811
		1131	1351	1130	811
		1132	1351	1131	811
		1133	1351	1132	811
		1134	1351	1133	811
		1136	1351	1134	811
		1137	1351	1135	811
		1138	1351	1136	811
		1139	1351	1137	811
		1207	786	1138	811
		1421	5	1139	811
		1700	1351	1421	814
		1832	787	1701	814, 1053
		PROPOSED RULES:			
		26	1364	9 CFR	
		52	1053	73	787, 1270
		928	810	78	998
		947	810	92	999
		1001	811	97	999
		1002	811	113	999
		1004	811		
		1006	811	10 CFR	
		1007	811	0	787
		1011	811	20	1000
		1012	811	50	1001
		1013	811	200	746
		1015	811	201	761
		1030	811	202	761
		1032	811		
		1033	811	PROPOSED RULES:	
		1036	811	Ch. II	1363
		1040	811	200	700
		1044	811		
		1046	811	12 CFR	
		1049	811, 1276	207	1006
		1050	811	208	788
		1060	811	220	1006
		1061	811	221	1006
		1062	811	526	789
		1063	811	545	789
		1064	811	561	6
		1065	811	563	790
				581	791

12 CFR—Continued	Page	21 CFR—Continued	Page	42 CFR	Page
582.....	791, 1006	PROPOSED RULES:		50.....	1441
701.....	1271	130.....	1359, 1446	PROPOSED RULES:	
709.....	1271	1000.....	1276	53.....	1446
PROPOSED RULES:		23 CFR		45 CFR	
545.....	829	740.....	1427	206.....	1443
13 CFR		24 CFR		220.....	1443
121.....	6	1914.....	1429, 1430	221.....	1443
PROPOSED RULES:		1915.....	1431	222.....	1443
121.....	831	25 CFR		226.....	1443
14 CFR	Page	PROPOSED RULES:		401.....	898
39.....	1352	221.....	1276	403.....	914
47.....	1352	26 CFR		404.....	918
71.....	300, 792, 1007, 1272, 1353	1.....	962	405.....	926
73.....	300, 793	3.....	11	406.....	929
75.....	300	20.....	796	407.....	932
91.....	1352	25.....	796	408.....	933
95.....	1273	301.....	962	1205.....	1037
97.....	793, 1274	28 CFR		PROPOSED RULES:	
PROPOSED RULES:		48.....	7	103.....	815
39.....	1362	29 CFR		250.....	1500
71.....	821, 1059, 1362, 1363	511.....	1266	46 CFR	
73.....	821	1910.....	1437	390.....	12
75.....	1059	1952.....	1008, 1010, 1012	PROPOSED RULES:	
241.....	822	PROPOSED RULES:		160.....	1361
250.....	823	1.....	1446	47 CFR	
15 CFR		5.....	1446	73.....	802
30.....	7	1910.....	1277	PROPOSED RULES:	
377.....	1008	32A CFR		1.....	1064
16 CFR		Ch. X:		2.....	1280
13.....	1259, 1260	OI Reg. 1.....	1266	21.....	1064
15.....	1260	33 CFR		73.....	827, 1070, 1073, 1075, 1077, 1283
PROPOSED RULES:		PROPOSED RULES:		81.....	1280
1105.....	1151	144.....	1360	83.....	1280
17 CFR		34 CFR		87.....	1280
211.....	1260	253.....	797	89.....	1280
240.....	1261	254.....	1014	91.....	1280
241.....	1261	36 CFR		93.....	1280
275.....	794	PROPOSED RULES:		97.....	1280
PROPOSED RULES:		7.....	13	49 CFR	
230.....	1283	38 CFR		Ch. III.....	804
231.....	829	1.....	1024	571.....	804, 808, 1443
241.....	829	17.....	1024	575.....	1037
18 CFR		PROPOSED RULES:		601.....	1267
154.....	1262, 1354	1.....	15	1033.....	808, 1046, 1047, 1269, 1444
201.....	1262	40 CFR		1124.....	1047
19 CFR		52.....	1025, 1437, 1439	PROPOSED RULES:	
1.....	1355	104.....	1027	173.....	1059
20 CFR		180.....	799	177.....	1059
PROPOSED RULES:		PROPOSED RULES:		178.....	1059
405.....	1447, 1450, 1453	52.....	1062, 1063, 1454, 1455	571.....	822, 1061, 1279
416.....	13	405.....	1454	575.....	1061
816, 819, 1053, 1055, 1057, 1276, 1359, 1452		408.....	1454	50 CFR	
21 CFR		429.....	938	10.....	1444
15.....	1355	41 CFR		11.....	1444
27.....	794	5A-1.....	800	12.....	1444
121.....	795, 1355	5A-12.....	1029	13.....	1444
135.....	7	5A-16.....	1029	14.....	1444
135a.....	795	114-26.....	1036	17.....	1444
135b.....	795			20.....	1269
135c.....	1427			28.....	10
135e.....	962, 1427			33.....	10, 11, 1269

FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	Date		
1-770.....	Jan. 2	1253-1342.....	7
771-950.....	3	1343-1411.....	8
951-1252.....	4	1413-1503.....	9



federal register

WEDNESDAY, JANUARY 9, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 6

PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

**Social and Rehabilitation
Service**

■

MEDICAL ASSISTANCE PROGRAMS

**Review of Utilization of Care
and Services**

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 250]

MEDICAL ASSISTANCE PROGRAMS,
UTILIZATION REVIEW

Review of Utilization of Care and Services

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations revise the existing utilization review regulations for the medical assistance program under title XIX of the Social Security Act to eliminate the requirement that committees review utilization of non-institutional care and services. The following specific requirements are established for review of inpatient hospital services and other institutional services: (1) regarding hospital services, experience indicates that application prospectively of norms based on average length of stay by disease entity has resulted in a decline in the average length of stay for title XIX recipients. Therefore, the proposed regulations include requirements to establish a system of norms based on length of stay; (2) regarding all institutional services, States must employ procedures for prior authorization of the service and for review on a timely basis thereafter of the continuing need for the service.

These standards have been so developed that they are aligned and supportive of the implementation of Professional Standards Review Organizations (PSROs), in order to assure effective administration of health care services.

After a suitable period of time, these requirements and procedures will be reexamined and any necessary changes made to improve their effectiveness.

This Notice supersedes the one published March 30, 1971 (36 FR 5852) which would have required review of need for inpatient hospital care at the same time intervals for all patients. As indicated above, review now will be related to diagnosis.

The proposed regulations implement provisions in the Social Security Amendments of 1972 (sections 207 (in part), 237(a), and 239(b) (in part)), Pub. L. 92-603, which require the use under title XIX of the utilization review committees and procedures for review of inpatient hospital services and skilled nursing facility services established by title XVIII of the Social Security Act, certification and recertification of patient need for institutional services and a decrease in the Federal medical assistance percentage for institutional care payments unless the State has in operation an effective program of control over utilization of such services and an effective program of medical review and independent professional review.

Concurrently, 45 CFR 250.23(b) (2) is deleted in conformity with the proposed regulation's requirement for the use of the methods of utilization review for

skilled nursing facility services established by title XVIII.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013, on or before February 8, 1974. Comments received will be available for public inspection in Room 5224 of the Department's offices at 330 C Street, SW., Washington, D.C. 20201.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13,714, Medical Assistance Program)

Dated: December 19, 1973.

JAMES S. DWIGHT, Jr.,
Administrator, Social and
Rehabilitation Service.

Approved: January 3, 1974.

CASPAR W. WEINBERGER,
Secretary.

1. Section 250.20, of Part 250, Chapter II, Title 45 of the Code of Federal Regulations is revised to read as follows:

§ 250.20 Review of utilization of care and services.

(a) State plan requirements. A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Provide that the single State agency will establish such methods and procedures relating to the utilization of care and services under the plan as may be necessary to safeguard against unnecessary utilization and excess payments. (i) These procedures shall require that each participating hospital and skilled nursing facility shall have a utilization review plan under which a group or committee of qualified professional health personnel shall review, in accordance with the requirements of this section, the appropriateness and quality of care and services furnished to recipients. The group or committee of qualified health professionals referred to in the preceding sentence shall be a staff committee of the facility composed of two or more physicians, with or without participation of other professional personnel, or a group outside the facility which is similarly composed and established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality unless the State agency has determined, under conditions to be promulgated by the Secretary, that in the particular geographic area served by the facility the review of utilization can be more effectively performed by a group outside the institution which is similarly composed. (ii) Such reviews may not be conducted by medical or other professional personnel who are directly responsible for the care of patients whose care is being reviewed or who are employed by or financially interested in any such institution.

(2) Provide that the single State agency is responsible for monitoring the

review of utilization of care and services under the plan.

(3) Provide that the medical necessity for quality of services (except for services provided by Christian Science sanatoriums) shall be evaluated by the use of reasonable norms, applied on at least a sample basis unless otherwise stated. Review of utilization for all services provided under the plan will employ methods appropriate to the particular item of service. Mechanisms will be designed to identify both provider and recipient responsibility for excessive utilization. While some services may lend themselves to review in advance of, concurrently with, and subsequent to the rendering of care, other services may be best reviewed only subsequently. For services where the measurements apply to patterns of care rather than to individual episodes of care and there are difficulties inherent in evaluating medical necessity in advance, a retrospective exception-identifying system based on claims payment data will be most appropriate and efficient. Examples of data useful for appraising utilization are number of physician visits, dollar amount paid to providers, number and kind of prescriptions related to diagnosis, number of injections, and number of outpatient visits. The provisions for review of utilization required by this paragraph shall not be considered adequate, with respect to inpatient hospital services and skilled nursing facilities services, unless they include the specific requirements set forth in paragraphs (a), (4), (5), and (7) of this section, and with respect to intermediate care facilities services the requirements in paragraphs (a) (6) and (7) of this section.

(4) Provide, with respect to utilization review of inpatient hospital services (including such services in institutions for tuberculosis or mental disease), that no later than four months from the effective date of this regulation each hospital providing such services under the medical assistance plan of the State shall have in effect a utilization review plan for the purposes of paragraph (a) (3) of this section containing each of the following provisions:

(i) Prior to an elective admission of an eligible individual or within one working day following the day of the emergency admission of such an individual, such individual's attending or admitting physician shall provide for review by the group or committee responsible for conducting the utilization review function of the hospital the following documentation:

(A) Identification of the individual and physician;

(B) The diagnosis and/or complaint(s) indicating the need for the admission;

(C) The physician's plan of treatment;

(D) Date of admission requested (or actual date of admission in the case of emergency) and, where appropriate, date of operating room reservation;

(E) Such supporting material (e.g., recent test findings, recent case history,

etc.) as such group or committee may deem appropriate; and

(F) Documentation shall be submitted to justify every emergency admission.

(ii) Such group or committee shall review such documentation prior to admission if an elective admission is involved, or within two working days following admission if an emergency admission is involved, and if it approves, it shall certify such admission for a length of stay in the hospital based on appropriate length of stay data selected or developed by the hospital (usually the 50th percentile) on length of stay for individuals with characteristics (e.g., age, diagnosis) similar to those of the eligible individual (see paragraph (a) (4) (iv) of this section).

If however, such group or committee has reason to believe that the admission is or was not medically necessary, it shall so notify the individual's attending physician prior to admission in the case of an elective admission or within two working days following admission in the case of an emergency admission, and afford him a reasonable opportunity to present his views before it makes a final determination. If the final determination is that medical necessity for the admission has not been shown, the group or committee shall notify the State agency, the hospital, the individual and his attending physician prior to admission in the case of an elective admission or within three working days following admission in the case of an emergency admission.

(iii) In addition to the review specified in paragraph (a) (4) (ii), such group or committee, through the use of an appropriate selection technique, shall review on a timely basis an adequate number of admissions of eligible individuals for the purpose of giving such admissions a closer professional scrutiny. In utilizing a selection technique, the group or committee must assure that the process will yield a sufficient number of cases to assure statistical validity including cases involving questionable diagnosis, treatments, or specific diagnoses that are associated with high costs or the frequent furnishing of excessive services, and admissions by physicians for whom close professional scrutiny is appropriate because of their questionable patterns of care.

(iv) Current and reliable data as to the duration of stay in the hospital by individuals of similar characteristics (e.g., age, diagnosis) will be used to assign, to each case involving an admission of an eligible individual, the date such case will be reviewed to determine whether medical necessity for further stay in the hospital exists.

The hospital must clearly demonstrate that such data will be used in the manner described in the succeeding subdivisions of this paragraph.

(A) Prior to the expiration of the period for which an admission is certified (see paragraph (a) (4) (ii) of this section), the physician members of the group or committee responsible for conducting the utilization review function of the hospital shall make a finding based

upon documentation submitted by the individual's attending physician as to whether a further stay in the hospital by the individual is medically necessary. If the individual's further stay is approved as being medically necessary, the duration of such further stay shall be certified, on the basis of the data specified in paragraph (a) (4) (ii) of this section, for such period of time as such group or committee deems it appropriate; at the expiration of such further stay, such case shall be reviewed in like manner with such review being repeated so long as medical necessity for the stay exists.

(B) If, after opportunity for consultation is given an individual's attending physician, the physician members of the group or committee find that a further stay in the hospital is not medically necessary, written notice of such finding shall be given to the hospital, the attending physician, and the individual immediately after such finding is made. Except for an exceptional case, such notice must be given no later than one day after the expiration of the certified period.

(C) In addition to review in each case as specified in paragraph (a) (4) (iv) (A) and (B) of this section, the group or committee will analyze its findings in such cases and take appropriate action to correct any deficiencies in the process of review of cases of extended duration, such as performing special medical care evaluation studies, review and revision of the hospital's discharge planning program, and coordination of utilization review with other hospital staff activities.

(v) The procedures established under the approved State plan provisions required under paragraphs (a) (1) (i) and (a) (4) (i) through (iv) of this section may be waived by the Secretary if the State agency demonstrates to his satisfaction that it will substitute alternative procedures which are superior in their effectiveness. Among the criteria which the Secretary will consider in granting such a waiver are:

(A) the susceptibility of the substituted procedures for application to Medicare as well as Medicaid, and (B) their consistency with the development of Professional Standards Review Organizations.

(5) Provide, with respect to utilization review of skilled nursing facility services (excluding Christian Science sanatoriums), that no later than four months from the effective date of this regulation each skilled nursing facility providing such services under the medical assistance plan of the State shall have in effect a utilization review plan for the purposes of paragraph (a) (3) of this section containing each of the following provisions:

(1) The group or committee responsible for conducting the utilization review function of the facility shall review prior to the admission of an eligible individual, or no later than the day of admission in the case of an eligible individual admitted within 14 days of discharge from a hospital, the certification submitted by the physician as required under paragraph

(a) (7) (1) of this section and determine whether such individual needs on a daily basis skilled nursing care (provided directly by or requiring the supervision of skilled nursing personnel) or other skilled rehabilitation services, which as a practical matter can only be provided in a skilled nursing facility on an inpatient basis. In the case of an individual who applies for medical assistance while in a skilled nursing facility, such review shall occur prior to the authorization of payment.

(ii) Where the group or committee determines that the individual's care constitutes skilled nursing facility services, it shall schedule the case for a follow-up review in accordance with the provisions of 20 CFR 405.1137(d) (2).

(iii) Where the group or committee determines that the care needed by the individual does not constitute skilled nursing facility services, it shall promptly notify the State agency, and the individual's attending physician in writing prior to the date of admission, or in the case of an individual applying for medical assistance while in such facility, prior to authorization of payment, and afford him a reasonable opportunity to present his views before a final determination is made. If the final determination is that medical necessity has not been shown, the group or committee shall notify the State agency, the facility, the individual and his attending physician prior to the date of admission, except that in case of an individual transferred from a hospital or admitted within 14 days of discharge from a hospital, such notification shall be made not later than 2 days after admission, or, in the case of an individual who applies for assistance while in the facility, prior to the authorization of payment.

(iv) If the group or committee has a reasonable doubt as to whether the individual needs such care (whether such doubt arises at admission or during the individual's stay in the facility), it shall promptly submit medical information to the State agency prior to admission, or, in the case of a patient admitted within 14 days of discharge from a hospital, no later than 2 days after admission, or, if later, the date such group or committee has such reasonable doubt and requests the determination of the State agency as to whether the individual needs such services and, if so, an appropriate review date.

(v) On or before the end of a period approved in accordance with paragraphs (a) (5) (ii) or (iv) of this section, the physician members of the group or committee shall make a finding as to whether the individual continues to need skilled nursing facility services based upon documentation submitted by the individual's attending physician. Where a finding is made that the individual continues to need such services, an additional stay will be approved for such duration as the group or committee deems appropriate, provided that reviews are made at least every 30 days for the first 90 days and at least every 90 days thereafter. Reviews will be performed

and, where appropriate, additional stays of specific duration will be approved at or before the end of this period, and any subsequent approved periods.

(vi) If, after opportunity for consultation is given the individual's attending physician, the physician members of the group or committee determine that the individual no longer needs skilled nursing facility services, final written notification of such findings shall be made to the facility, the attending physician and the individual no later than one day after approved period.

(vii) The procedures established under the approved State plan provisions required under paragraphs (a) (1) (i) and (a) (5) (i) through (v) of this section, may be waived by the Secretary if the State agency demonstrates to his satisfaction that it will substitute alternative procedures which are superior in their effectiveness. Among the criteria which the Secretary will consider in granting such a waiver are

(A) the susceptibility of the substitute procedures for application to Medicare as well as Medicaid, and

(B) their consistency with the development of Professional Standards Review Organizations.

(6) Provide with respect to utilization review of intermediate care facility services that, no later than four months from the effective date of this regulation, each intermediate care facility providing such services under the medical assistance plan of the State shall have in effect a utilization review plan for the purposes of paragraph (a) (3) of this section which provides for timely review of the necessity for admission and continued stay of each patient or resident by medical and other professional personnel who are not themselves directly responsible for the care of the patient or resident and who are not employed by, or financially interested, in any such institution. Such reviews of the necessity for admission must occur prior to admission or authorization of payment, and reviews of the need for continued stay must occur at least every 90 days. Reviews which meet the requirements for independent professional review (see § 250.24 (proposed) of this chapter) may be accepted as meeting this requirement for the calendar quarter in which conducted.

(7) Provide with respect to utilization review of inpatient hospital services, skilled nursing facility services (excluding Christian Science sanatoriums) and intermediate care facility services, that each hospital, skilled nursing and intermediate care facility providing such services under the medical assistance plan of the State shall have in effect a utilization review plan for the purposes of paragraph (a) (3) of this section containing each of the following provisions:

(i) Certification by a physician for each patient or resident at or before the time of admission, or, if later, the time the individual applies for medical assistance under the State plan (and recertification at least every 60 days where such

services are furnished over a period of time), that such services are or were required to be given on an inpatient basis because the individual needs or needed such services. Compliance with the provisions for medical review pursuant to § 250.23(a) (1), and with the provisions for comprehensive medical, social, and psychological evaluation pursuant to § 250.24(a) (1) (i) (proposed), of this chapter is deemed to meet the requirement for certification for skilled nursing facility and mental hospital services, and intermediate care facility services, respectively.

(ii) For each patient or resident a written plan of care established and reviewed at least every 60 days by a physician covering such factors as orders for medications, treatments, restorative services, diet, and plans for continuing care and discharge entered in the patient's or resident's record. The written plan of care required for patients under § 250.23(a) (1), and residents under § 250.24(a) (1) (i) (proposed), of this chapter is deemed to meet this requirement for skilled nursing facility and mental hospital services, and intermediate care facility services, respectively.

(8) Provide that, as a condition of participation for inpatient hospitals (including tuberculosis and mental hospitals) and skilled nursing facilities (excluding Christian Science sanatoriums), there shall be in operation a utilization review plan which meets the requirements of section 1861(k) of the Social Security Act (with the same standards and procedures and the same review committee or group if the institution participates under title XVIII). The conditions of this requirement may be waived by the Secretary if the State agency demonstrates to his satisfaction that it has in operation utilization review procedures which are superior in their effectiveness to the procedures required under section 1861(k) of the Act. Such utilization review procedures need not be in operation with respect to all skilled nursing facilities or hospitals under the State's title XIX plan at the time that a waiver is requested from the Secretary. A State may apply for a waiver at any time when it has such procedures in operation, whether on a demonstration basis or otherwise. Any hospitals and skilled nursing facilities participating under the State's title XIX plan which are not covered by any such waiver granted by the Secretary must continue to meet the requirements of section 1861(k) of the Act. Waiver criteria include those specified in paragraph (a) (4) (v) and (5) (vi) of this section.

(9) Provide that in all cases where providers are found to furnish unnecessary or inferior services or where recipients are found consistently to utilize provider services unnecessarily, the single State agency will take appropriate corrective action.

(10) Provide that the single State agency will maintain a written description of the evaluation procedures and activities for each item of service, including norms, required by paragraphs (a)

(3), (4), (5), (6) and (7) of this section. This provision is waived with respect to utilization review conducted by committees organized pursuant to section 1861(k).

(11) Provide for an agreement between the single State agency and the State health agency, or other appropriate State medical agency, whereby such health agency or medical agency is responsible for establishing a plan for the review by appropriate professional health personnel of the appropriateness and quality of care and services furnished to recipients under the plan, in order to provide guidance with respect thereto in the administration of the plan to the single State agency described in § 205.100(a) or, where applicable, § 205.100(b) (2), of this chapter.

(b) *Federal financial participation.*
(1) Federal financial participation is available for the costs of utilization review, in accordance with the conditions, and at the rates, applicable under title XIX.

(2) Effective July 1, 1973, after an individual has received care as an inpatient in a hospital (including an institution for tuberculosis), skilled nursing facility or intermediate care facility (excluding Christian Science sanatoriums) on 60 days or in a hospital for mental diseases on 90 days (whether or not such days in any such institution are consecutive), during any fiscal year, which for purposes of this section means the four calendar quarters ending with June 30, the Federal medical assistance percentage with respect to amounts paid for any such care furnished thereafter to such individual in the same fiscal year shall be decreased by 33 1/3 percentum unless the State agency responsible for the administration of the plan makes a showing satisfactory to the Administrator that, with respect to each calendar quarter for which the State submits a request for payment at the full Federal medical assistance percentage for amounts paid for inpatient hospital services (including tuberculosis hospitals), skilled nursing facility services, or intermediate care facility services furnished beyond 60 days, or for inpatient mental hospital services furnished beyond 90 days, there is in operation in the State an effective program of control over utilization of such services.

(i) A satisfactory showing must be evidenced by the State official responsible for administering or supervising the administration of the State plan certifying each calendar quarter for which the State requests Federal financial participation at the full Federal medical assistance percentage in payments for institutional services described in paragraph (a) (4), (5), (6) and (7) of this section, that there is in operation an effective program of control over utilization of such institutional services which complies with the requirements of paragraph (a) of this section and §§ 250.23 and 250.24 (proposed) of this chapter.

(ii) The certification must include a description of the method used for assur-

ing that records are available which show the number of days each individual has received institutional services described in paragraph (a) (4), (5), (6) and (7) of this section, and which are available for review by Federal officials. In determining the number of such days, there shall not be counted any days with respect to which such individual is entitled to have payments made (in whole or in part) on his behalf under section 1812 of the Social Security Act.

(iii) The Administrator will conduct sample onsite surveys of compliance in private and public institutions in which recipients of medical assistance have received care and services under the State's plan. He will make the findings with respect to such surveys (as well as the showings of the State agency required under this paragraph) available for public inspection.

(iv) The Administrator on finding that there is not in operation an effective program of control over utilization of institutional services as required by paragraph (a) of this section and §§ 250.23 and 250.24 (proposed) of this chapter will reduce by 33 $\frac{1}{3}$ percentum the amounts claimed by the State agency for services received by individuals in institutions in excess of the number of days specified in this paragraph (b) (2). The

Administrator will estimate the amount which the State agency has inappropriately claimed during the period it failed to have in operation an effective program of control over utilization of institutional services and direct the State agency to make proper adjustments for that amount on its next statement of expenditures. This estimated amount may later be adjusted if the State agency determines to the satisfaction of the Administrator the exact amount which was inappropriately claimed. All subsequent claims by the State shall be similarly reduced until such time as the Administrator finds that the State has in operation an effective program of control over utilization of such services.

(v) Services furnished pursuant to a contract with a health maintenance organization as defined in section 1876 of the Act are exempt from the provisions of this paragraph (b) (2).

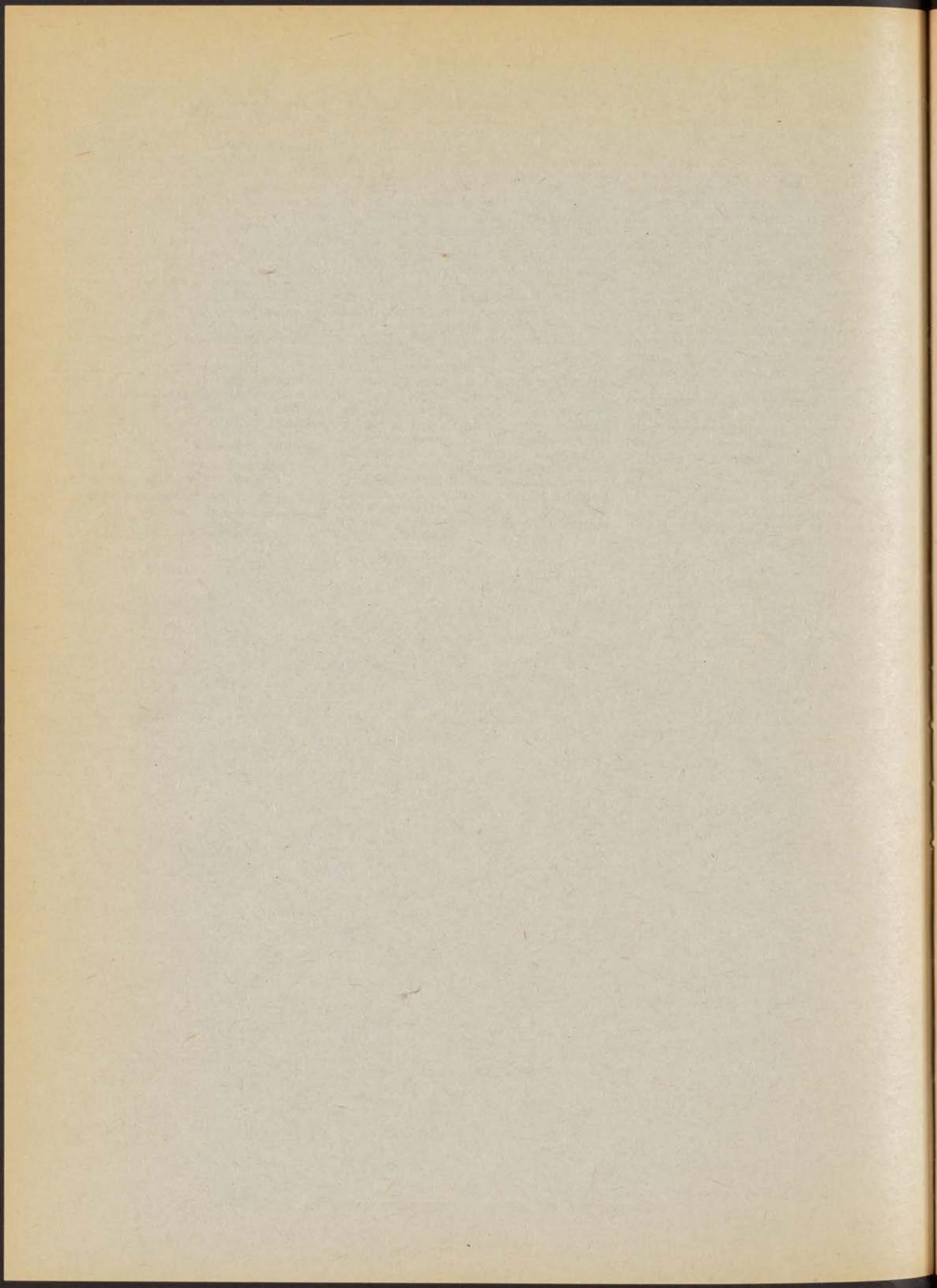
(3) Effective July 1, 1973, Federal financial participation is not available with respect to any amount expended for care or services furnished under the plan by a hospital or skilled nursing facility (excluding Christian Science sanatoriums) unless such facility has in effect a utilization review plan which meets the requirements of section 1861(k) of the Act (with the same standards and pro-

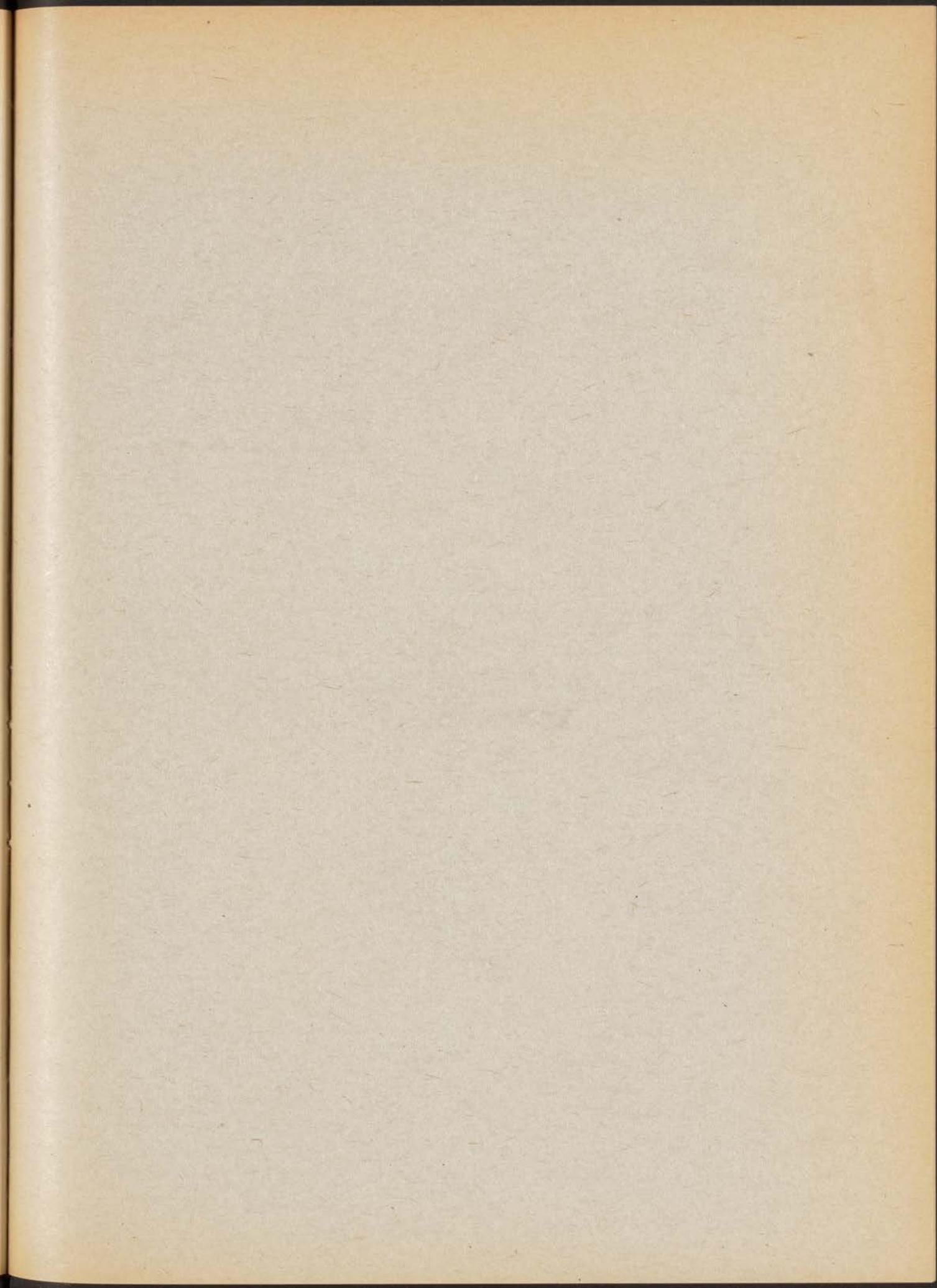
cedures and the same review committee or group if the hospital or skilled nursing facility participates under title XVIII). The conditions of this paragraph (b) (3) may be waived by the Secretary if the State agency demonstrates to his satisfaction that it has in operation utilization review procedures which are superior in their effectiveness to the procedures required under section 1861 (k) of the Act. Such utilization review procedures need not be in operation with respect to all skilled nursing facilities or hospitals under the State's title XIX plan at the time that a waiver is requested from the Secretary. A State may apply for a waiver at any time when it has such procedures in operation, whether on a demonstration basis or otherwise. Any hospitals and skilled nursing facilities participating under the State's title XIX plan which are not covered by any such waiver granted by the Secretary must continue to meet the requirements of section 1861(k) of the Act.

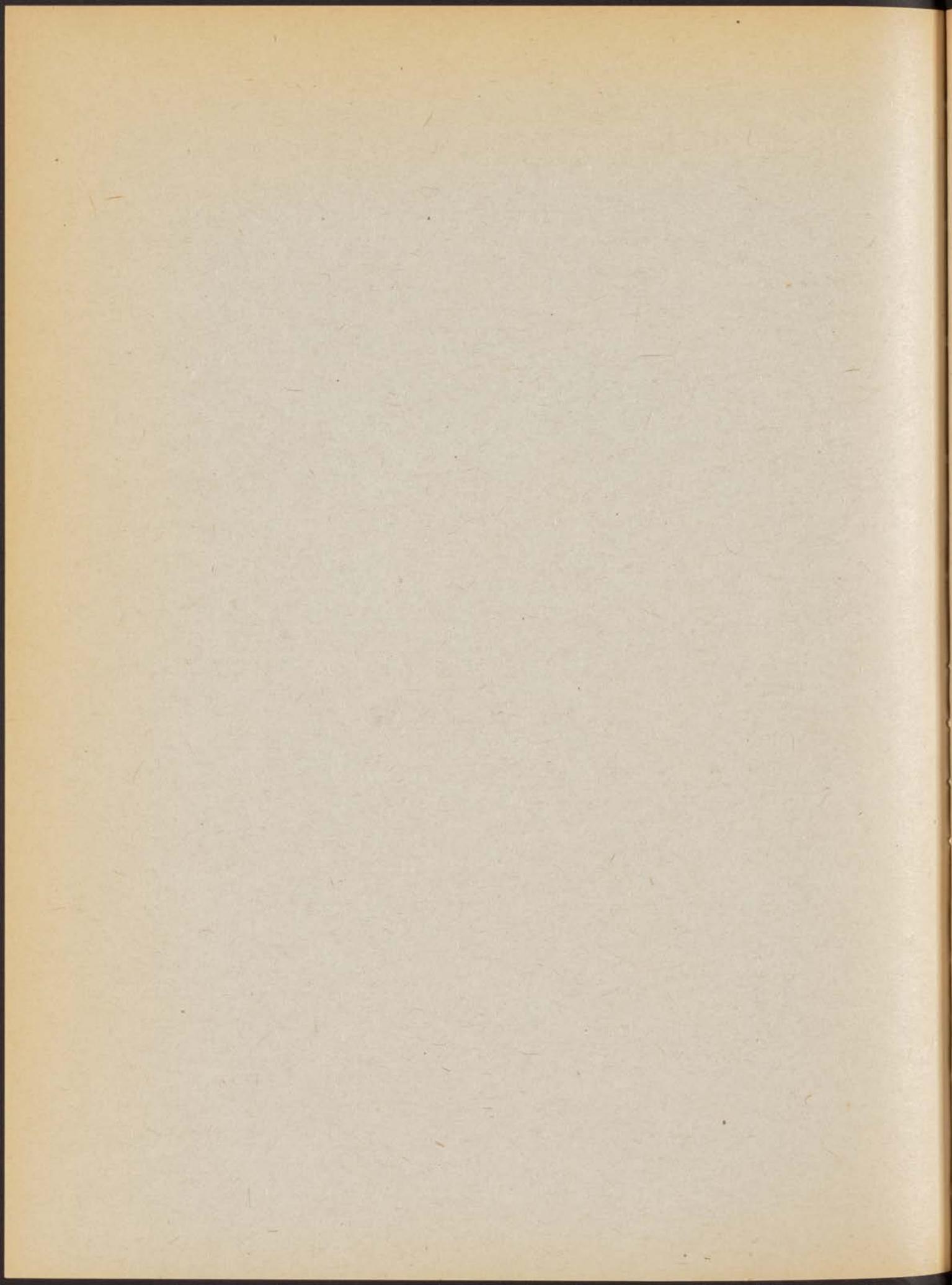
§ 250.23 [Amended]

2. Paragraph (b) (2) of § 250.23, Chapter II, title 45 of the Code of Federal Regulations is revoked and paragraph (b) (1) is redesignated as paragraph (b).

[FR Doc. 74-672 Filed 1-8-74; 8:45 am]







MICROFILM EDITION FEDERAL REGISTER 35mm MICROFILM

Complete Set 1936-71, 202 Rolls \$1,439

Vol.	Year	Price	Vol.	Year	Price	Vol.	Year	Price
1	1936	\$7	13	1948	\$28	25	1960	\$49
2	1937	12	14	1949	22	26	1961	44
3	1938	8	15	1950	28	27	1962	46
4	1939	14	16	1951	44	28	1963	50
5	1940	14	17	1952	41	29	1964	54
6	1941	21	18	1953	30	30	1965	58
7	1942	37	19	1954	37	31	1966	60
8	1943	53	20	1955	41	32	1967	69
9	1944	42	21	1956	42	33	1968	55
10	1945	47	22	1957	41	34	1969	62
11	1946	47	23	1958	41	35	1970	59
12	1947	24	24	1959	42	36	1971	97

**Order Microfilm Edition from Publications Sales Branch
National Archives and Records Service
Washington, D.C. 20408**



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 15), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for filing, publishing, and making available to the public, regulations and legal notices issued by the Executive Branch of the Government. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$2.50 per month or \$25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.