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PART I

HIGHLIGHTS OF THIS ISSUE

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

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REMINDERS

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

Rules Going Into Effect Today

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

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List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

Presidential Documents

Title 3—The President

MEMORANDUM OF MARCH 7, 1974

[Presidential Determination No. 74–15]

Presidential Determination Under Section 614(a) of the Foreign Assistance Act of 1961, as Amended—Egypt

Memorandum for the Secretary of State

THE WHITE HOUSE, *Washington, March 7, 1974.*

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

A. Determine that a grant in fiscal year 1974 of not to exceed $10 million in United States-owned excess Egyptian pounds to the Wafaa wa'l Amal (Loyalty and Hope Society), without regard to the prohibitions contained in section 620 of the Act, and without regard to any law relating to the receipts or credits accruing to the United States, is important to the security of the United States; and

B. Authorize the use of up to $10 million equivalent of such Egyptian pounds for a grant to the above-named Egyptian charitable organization.

This determination shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.74–6300 Filed 3–14–74;3:51 pm]

Rules and Regulations

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 406—COST ACCOUNTING STANDARD—COST ACCOUNTING PERIOD

Effective Date

On November 7, 1973 a Cost Accounting Standard entitled Cost Accounting Standard—Cost Accounting Period was published in the FEDERAL REGISTER (38 FR 30730 et seq.).

As shown in the following § 406.80(a) the effective date of the Standard which was reserved in the November 7 publication is July 1, 1974.

* * * * *

§ 406.80 Effective date.

(a) The effective date of this Standard is July 1, 1974.

(84 Stat. 796, sec. 103; (50 U.S.C. App. 2168))

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.74-6113 Filed 3-15-74;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended January 4, 1974 (39 FR 999) and January 18, 1974 (39 FR 2265), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the lists therein as follows:

§ 97.2 [Amended]

Under the heading WITHIN METROPOLITAN AREA, ONE HOUR; delete "Eastport, Idaho"; under OUTSIDE METROPOLITAN AREA, ONE HOUR; delete "Porthill, Idaho (served from Eastport, Idaho)"; under TWO HOURS; delete "Porthill, Idaho (served from Eastport, Idaho)"; under THREE HOURS; add "Eastport and Porthill, Idaho (served from Sandpoint, Idaho)."

(64 Stat. 561 (7 U.S.C. 2260))

Effective date. The foregoing amendment shall become effective March 18, 1974.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of March 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-6201 Filed 3-15-74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Air Force

Section 213.3309 is amended to show that one position of Private Secretary to the Secretary is excepted under Schedule C.

Effective March 18, 1974, § 213.3309(a)(1) is amended as set out below.

* * * * *

§ 213.3309 Department of the Air Force.

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

(1) Two Private Secretaries to the Secretary, one Private Secretary to the Undersecretary, and one Private Secretary each to each of the four Assistant Secretaries of the Air Force.

* * * * *

((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.74-6129 Filed 3-15-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-AL-1]

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

Alteration of Colored Airways, Controlled Airspace and Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make editorial changes in the descriptions of certain airways, controlled airspace, and reporting points as a result of the conversion and renaming of the following navigational aids:

1. Cold Bay, Alaska, RR to Fort Randall, Alaska, RBN.
2. From Kodiak, Alaska, RR to Woody Island, Alaska, RBN.
3. From King Salmon, Alaska, RR to Naknek River, Alaska, RBN.
4. From Sandspit, British Columbia, Canada, RR to Sandspit, British Columbia, Canada, RBN.
5. From Vancouver, British Columbia, Canada, RR to Vancouver, British Columbia, Canada, RBN.
6. From Abbotsford, British Columbia, Canada, RR to Abbotsford, British Columbia, Canada, RBN.
7. From Princeton, British Columbia, Canada, RR to Princeton, British Columbia, Canada, RBN.

A plan for the conversion of all low frequency four course radio ranges to nondirectional radio beacons in the State of Alaska was circulated January 14, 1972, with a request for comment. No objections were received.

The four specified Canadian navaids have been converted and renamed by the Canadian Government. Editorial changes are required when an airway is based on a facility which has been converted and renamed, whether that facility is in Canada or the United States.

Since this action simply redescribes airways, controlled airspace and reporting points with no substantive alteration to any route structure or airspace dimension, it is minor in nature and notice and public procedure thereon are

unnecessary. This amendment could be made effective on March 18, 1974, however, in order to provide sufficient time for changes to be depicted on appropriate aeronautical charts, this amendment will be made effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 20, 1974, as hereinafter set forth.

1. Section 71.103 (39 FR 305, 3670) is amended as follows:

a. In G–8 "20 AGL INT Cold Bay, Alaska, RR, 255° and Cape Sarichef, Alaska, RBN, 344° bearings; 20 AGL Cold Bay, RR; 20 AGL King Salmon, AK., RR;" is deleted and "20 AGL INT Fort Randall, Alaska, RBN 255° and Cape Sarichef, Alaska, RBN, 344° bearings; 20 AGL Fort Randall RBN; 20 AGL Naknek River, Alaska, RBN;" is substituted therefor.

b. G–11 is revised to read as follows:

From INT Fort Randall, Alaska, RBN 041° and Port Moller, Alaska, RBN 313° bearings, 20 AGL via Port Heiden, Alaska, RBN; 174 miles 85 MSL, 37 miles 20 AGL, to Woody Island, Alaska, RBN.

2. Section 71.105 (39 FR 305, 3670) is amended as follows:

a. In A–1 "From Sandspit, British Columbia, Canada, RR;" is deleted and "From Sandspit, British Columbia, Canada, RBN;" is substituted therefor.

3. Section 71.107 (39 FR 306) is amended as follows:

a. In R–40 "From Kodiak, Alaska, RR;" is deleted and "From Woody Island, Alaska, RBN;" is substituted therefor.

b. In R–75 "From Vancouver, British Columbia, Canada, RR" is deleted and "From Vancouver, British Columbia, Canada, RBN" is substituted therefor; "Abbotsford, British Columbia, Canada, RR;" is deleted and "Abbotsford, British Columbia, Canada, RBN;" is substituted therefor; "to Princeton, British Columbia, Canada, RR," is deleted and "to Princeton, British Columbia, Canada, RBN," is substituted therefor.

4. Section 71.109 (39 FR 306, 1272) is amended as follows:

a. In B–27 "From Kodiak, Alaska, RR, 45 miles, 68 miles, 95 MSL, King Salmon, Alaska; RR;" is deleted and "From Woody Island, Alaska, RBN, 45 miles 12 AGL, 68 miles 95 MSL, Naknek River, Alaska, RBN;" is substituted therefor.

b. In B–79 "From Sandspit, British Columbia, Canada, RR;" is deleted and "From Sandspit, British Columbia, Canada, RBN;" is substituted therefor.

5. Section 71.163 (39 FR 346) is amended as follows:

a. In Control 1217 "centered on the Kodiak, Alaska, RR" is deleted and "centered on the Woody Island, Alaska, RBN" is substituted therefor. Also "from the Kodiak RR" is deleted and "from the Woody Island, RBN" is substituted therefor.

b. In Control 1400 "from the King Salmon, Alaska, RR extending from the RR" is deleted and "from the Naknek River, Alaska, RBN extending from the RBN" is substituted therefor. Also "5° from the King Salmon RR" is deleted and "5° from the Naknek River RBN" is substituted therefor.

c. In Control 1401 "248° bearing from the King Salmon, Alaska, RR extending from the RR" is deleted and "248° bearing from the Naknek River, Alaska, RBN extending from the RBN" is substituted therefor. Also "an angle of 5° from the King Salmon 248° bearing extending from the RR" is deleted and "an angle of 5° from the Naknek River 248° bearing, extending from the RBN" is substituted therefor.

6. Section 71.171 (39 FR 354) is amended as follows:

a. In Cold Bay, Alaska "Cold Bay RR, extending from the 5-mile radius zone to 13.5 miles north of the RR," is deleted and "Fort Randall, Alaska, RBN, extending from the 5-mile radius zone to 13.5 miles north of the RBN," is substituted therefor.

7. Section 71.211 (39 FR 632) is amended as follows:

a. In Carp INT: "Sandspit, British Columbia, Canada, RR," is deleted and "Sandspit, British Columbia, Canada, RBN," is substituted therefor.

b. In Crab INT: "King Salmon, Alaska, RR," is deleted and "Naknek River, Alaska, RBN," is substituted therefor.

c. In Gar INT: "King Salmon, Alaska, RR," is deleted and "Naknek River, Alaska, RBN," is substituted therefor.

d. In Halibut INT: "Sandspit, British Columbia, Canada, RR," is deleted and "Sandspit, British Columbia, Canada, RBN," is substituted therefor.

e. In Herring INT: "King Salmon, Alaska, RR," is deleted and "Naknek River, Alaska, RBN," is substituted therefor.

f. "King Salmon, Alaska, RR" is deleted and "Naknek River, RBN" is added.

g. "Kodiak, Alaska, RR" is deleted and "Woody Island, Alaska, RBN" is added.

h. In Marlin INT: "Cold Bay, Alaska, RR," is deleted and "Fort Randall, Alaska, RBN," is substituted therefor.

i. In Mordvinoff INT: "Cold Bay, Alaska, RR," is deleted and "Fort Randall, Alaska, RBN," is substituted therefor.

j. In Muzon LF INT: "Sandspit, British Columbia, Canada, RR," is deleted and "Sandspit, British Columbia, Canada, RBN," is substituted therefor.

k. In Wide Bay INT: "King Salmon, Alaska, RR," is deleted and "Naknek River, Alaska, RBN," is substituted therefor.

8. Section 71.213 (39 FR 634) is amended as follows:

a. In Carp INT: "Sandspit, British Columbia, Canada, RR," is deleted and "Sandspit, British Columbia, Canada, RBN," is substituted therefor.

b. In Gar INT: "King Salmon, Alaska, RR," is deleted and "Naknek River, Alaska, RBN," is substituted therefor.

c. In Herring INT: "King Salmon, Alaska, RR," is deleted and "Naknek River, Alaska, RBN," is substituted therefor.

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

Issued in Washington, D.C., on March 12, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-6103 Filed 3-15-74;8:45 am]

[Airspace Docket No. 74-AL-2]

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

Alteration of Colored Airways, Controlled Airspace and Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make editorial changes in the descriptions of certain airways, controlled airspace, and reporting points as a result of the conversion and renaming of the Homer, Alaska, LFR to the Kachemak, Alaska, RBN and the Kenai, Alaska, LFR to the Wildwood, Alaska, RBN.

A plan for the conversion of all low frequency four course radio ranges to nondirectional radio beacons, in the State of Alaska, was circulated January 14, 1972, with a request for comment. No objections were received.

Since this action simply redescribes airways, controlled airspace and reporting points with no substantive alteration to any route structure or airspace dimension, it is minor in nature and notice and public procedure thereon are unnecessary.

This amendment could be made effective upon publication in the FEDERAL REGISTER, however, in order to provide sufficient time for changes to be depicted on appropriate aeronautical charts, this amendment will be made effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 20, 1974, as hereinafter set forth.

a. Section 71.103 (39 FR 305 and 3670) is amended as follows:

In G–8 "Homer, AK, RR; Kenai, AK, RR; INT northeast course Kenai" is deleted and "Kachemak, Alaska, RBN; Wildwood, Alaska, RBN; INT of a bearing of 034° from Wildwood RBN" is substituted therefor.

b. Section 71.107 (39 FR 306) is amended as follows:

In R–40 "Homer, Alaska, RR;" is deleted and "Kachemak, Alaska, RBN;" is substituted therefor.

In R–103 "From Kenai, Alaska, RR; INT southeast course Kenai RR and" is deleted and "From Wildwood, Alaska, RBN; INT of a bearing of 112° from Wildwood RBN and the" is substituted therefor.

c. Section 71.163 (39 FR 346) is amended as follows:

In Control 1218 "centered on the Homer, Alaska, RR" is deleted and "centered on the Kachemak, Alaska, RBN"

is substituted therefor. Also, "118° bearing from the Homer RR" is deleted and "118° bearing from the Kachemak RBN" is substituted therefor.

d. Section 71.181 (39 FR 440) is amended as follows:

In Homer, Alaska, "from the Homer RR, extending from 17.5 miles west to 7 miles east of the RR;" is deleted and "from the Kachemak, Alaska, RBN, extending from 17.5 miles west to 7 miles east of the RBN;" is substituted therefor.

e. Section 71.211 (39 FR 632) is amended as follows:

"Homer, Alaska, RR" and "Kenai, Alaska, RR" are deleted and "Kachemak, Alaska, RBN" and "Wildwood, Alaska, RBN" are added.

In Granite INT: "Homer, Alaska, RR," is deleted and "Kachemak, Alaska, RBN," is substituted therefor.

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

Issued in Washington, D.C., on March 12, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-6102 Filed 3-15-74;8:45 am]

[Airspace Docket No. 74-SW-8]

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

Revocation and Designation of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Waco, Tex. (Municipal Airport) and (James Connally Airport) control zones and designate the Waco, Tex., control zone.

On March 9, 1973, a notice of proposed rulemaking in Airspace Docket No. 73-SW-13 was published in the FEDERAL REGISTER (38 FR 6397) stating that the Federal Aviation Administration proposed to designate the Waco, Tex. (James Connally Airport), control zone; rename the Waco, Tex., control zone; and alter the Waco, Tex., transition area. On July 9, 1973, the rule was published in the FEDERAL REGISTER (38 FR 18245) making the alterations to FAR Part 71 effective September 13, 1973.

Subsequent to the effective date of the rule, it was determined that it will be necessary to include the James Connally Airport and the Waco, Tex., Municipal Airport within a single control zone. The necessary weather observations required for a separate control zone at James Connally Airport are not being taken at the present time.

Since these amendments will impose no undue burden on any person, notice and public procedure hereon are unnecessary and they may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective on March 18, 1974, as hereinafter set forth.

(1) In § 71.171 (39 FR 354), the following control zones are revoked:

WACO, TEX. (JAMES CONNALLY AIRPORT)
WACO, TEX. (MUNICIPAL AIRPORT)

(2) In § 71.171 (39 FR 354), the following control zone is added:

WACO, TEX.

That airspace within a 5-mile radius of Waco Municipal Airport (latitude 31°36'40" N., longitude 97°13'40" W.), within 2 miles each side of the Waco VORTAC 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VORTAC, within 2 miles each side of the Waco ILS localizer north course extending from the 5-mile radius zone to the OM, and within a 5-mile radius of James Connally Airport (latitude 31°38'00" N., longitude 97°04'00" W.).

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

Issued in Fort Worth, Tex., on March 6, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-6104 Filed 3-15-74;8:45 am]

[Airspace Docket No. 73-GL-58]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

On January 11, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 1640) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route No. 554, between South Bend, Ind., and Carleton, Mich.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

In § 75.100 (39 FR 699), J-554 is revised to read as follows:

"Jet Route No. 554. From South Bend, Ind., via Carleton, Mich.; to Jamestown, N.Y., excluding the portion within Canada."

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

Issued in Washington, D.C., on March 12, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-6103 Filed 3-15-74;8:45 am]

[Docket No. 10270, Amdt. 103-20]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Medicinal and Toilet Articles

The purpose of this amendment to Part 103 of the Federal Aviation Regulations is to clarify and expand the amounts of medicinal and toilet articles in small quantities that can be carried in passenger baggage pursuant to the express exclusion in § 103.1(c)(5).

This amendment is based on a notice of proposed rulemaking (Notice No. 73-13) published by the FEDERAL REGISTER on April 25, 1973 (38 FR 10157). Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to the comments received in response to that notice. This amendment and the reasons therefor are the same as those contained in Notice 73-17.

The five public comments that were received in response to the Notice generally concurred in it. One commentator requested that the term "medicinal and toilet articles" be clarified to include only articles that are included in the definition in § 103.1(b) and, thereby, classified as dangerous articles. The FAA believes, however, that the exceptions set forth in § 103.1(c)(1) through (5) are clearly exceptions to the applicability of the part as set out in § 103.1(a). Accordingly, the medicinal and toilet articles for which § 103.1(c)(5) provides an exception are only those articles that are classed as dangerous articles by reason of the fact that they are defined as such in the applicable regulations of the Department of Transportation as explained in § 103.1(b).

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

In consideration of the foregoing, Part 103 of the Federal Aviation Regulations is amended, effective April 17, 1974, by amending paragraph (c)(5) in § 103.1 to read as follows:

§ 103.1 Applicability.

* * * * *

(c) * * *

(5) Medicinal and toilet articles carried by a crewmember or passenger in his baggage (including carry-on baggage) when—

(i) The total capacity of all the containers used by a crewmember or passenger for the carriage of those articles does not exceed 75 ounces (net weight ounces and fluid ounces); and

(ii) The capacity of each container other than an aerosol container does not exceed 16 fluid ounces or 1 pound of material.

Issued in Washington, D.C., on March 7, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-6101 Filed 3-15-74;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5453, 34-10642, 35-18284, IC-8232, AS-152]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Revision of Forms, Content and Certification Requirements

The Commission today adopted a general revision of its requirements as to form and content of financial statements of life insurance companies and also eliminated the exemption from the certification requirements applicable to these companies. These changes were proposed on September 12, 1973 and involve Article 7A [17 CFR 210.7A-01—7A-06] and related schedules in Article 12 [17 CFR 210.12-01—12.43] of Regulation S-X [17 CFR 210] and Instructions 13 and 7 of Instructions as to Financial Statement of Forms 10 [17 CFR 249.210] and 10-K [17 CFR 249.310], respectively.[1] Letters commenting on the proposal have been given consideration in determining the form of the revision of Article 7A and the timing of its adoption and of the elimination of the certification exemption.

The revision reflects developments in accounting practice during the past ten years including the publication in 1972 of an Audit Guide for life insurance companies by the American Institute of Certified Public Accountants. This publication contains guidelines for the preparation of life insurance company financial statements in accordance with generally accepted accounting principles (GAAP) in place of the prescribed statutory accounting requirements followed by these companies up to this time.

As issued for comment the proposal would have applied GAAP accounting to both stock and mutual life insurance companies. A number of comments were received from mutual companies concerning the need for and applicability of GAAP to their financial statements. The mutual companies stated that because they have no stock ownership interest their operations were basically different from those of stock companies. They pointed out that the American Institute of Certified Public Accountants did not make the GAAP requirements in its life insurance company Audit Guide applicable to mutual companies. Filings by mutual companies with the Commission are generally in the capacity of co-issuers of variable annuity contracts and are included in prospectuses because of the guarantee of certain liabilities of the related variable annuity account. In consideration of the nature of the filings by mutual companies and the absence of a body of established generally accepted accounting principles for them, an exemption from the requirement for GAAP financial statements has been provided in Article 7A. In addition, a similar exemption has been provided for wholly owned stock life insurance subsidiaries of mutual life insurance companies.

In response to a number of comments concerning the problems of meeting the new requirements, the revised Article 7A and related schedules have been made effective for financial statements filed after June 30, 1974, since it may not be possible for some companies to prepare financial statements using GAAP by March 30, 1974, the due date for filing annual reports for calendar year 1973. However, it should be recognized that the establishment of standards for reporting on a GAAP basis makes the disclosure of results of operations on that basis very important and it is urged that companies should make every effort to follow the new requirements in reporting for the year 1973. Those that cannot do this because of time pressures should consider filing amended 10-K [17 CFR 249.310] or 8-K [17 CFR 249.308] reports to disclose the effect of using GAAP as soon as they are in a position to do so. Financial statements prepared on a statutory basis should include a note indicating the reasons why the GAAP basis was not adopted for 1973 and advising users that the 1974 financial statements will be prepared differently. The requirements for certification by independent accountants of financial statements filed under the Securities Exchange Act of 1934 will be applicable to statements for periods ending after November 30, 1974.

In addition to the new general requirement that the financial statements be prepared in accordance with generally accepted accounting principles, the following are the more significant specific changes from the requirements of the existing Article 7A:

1. Where appropriate, captions and instructions have been conformed with corresponding captions of Article 5 of Regulation S-X [17 CFR 210.5-01—5-04] which applies to commercial and industrial companies. It is also made clear that the general rules in Articles 1, 2, 3 and 4 of Regulation S-X [17 CFR 210.1-01—1-02; 210.2-01—2-05; 210.3-01—3-16; 210.4-01—4-09] are applicable to life insurance financial statements to the extent they are pertinent (7A-02-1).

2. It is intended that, in preparing consolidated financial statements for an insurance holding company whose consolidated subsidiaries are primarily life insurance companies, consideration shall be given to utilization of the format of the financial statements, notes and schedules in Article 7A (7A-01).

3. A requirement for a statement as to accounting principles (7A-05-1).

4. Provision is made that a company may follow statutory accounting requirements only if the statutes of its state of domicile prohibit publication of its primary financial statements on a basis other than in accordance with such requirements; however, in such event the statutory financial statements shall be accompanied by supplemental GAAP statements (7A-02-2, 3 and 5).

5. The name of any person in which the investment exceeds two percent of total investment. As originally proposed this provision would have required reporting of an investment exceeding one percent (7A-03-1).

6. In recognition of comments concerning the difficulty of ascertaining market quotations for certain types of security investments, particularly bonds and notes, the requirement has been changed so as to call for disclosure of "value." Problems related to the determination of value are discussed in Accounting Series Release No. 118 [35 FR 19986], issued in December 1970 (7A-03-1, 7A-05-4 and 12-27).

7. Information as to policy, nature and changes in deferred policy acquisition costs (7A-03-6, 7A-04-7, 7A-05-1 and 12-31A).

8. Reporting of aggregate amounts in separate accounts as single items of assets and liabilities (7A-03-9 and 19).

9. A requirement that considerations for supplementary contracts shall be reduced by the related amounts of death and other benefits and increase in future policy benefits (7A-04-1).

10. Elimination from the income statement of details of sources of investment income. Such information may now be stated separately in a note (7A-04-2).

11. Details of restrictions on stockholders' equity (7A-05-2).

12. Revision of requirement relating to income tax disclosure. In addition to specific requirements related to life insurance companies, the general requirements of recently amended Rule 3-16(o) [17 CFR 210.3-16(o)] are referred to (7A-05-3).

13. An analysis of investment gains for the period consisting of a statement comparing realized and unrealized gains or losses on investments in bonds and notes and stocks (7A-05-4).

14. Information concerning the significance of reinsurance ceded and assumed (7A-05-6).

15. Detailed schedules of bonds, stocks, mortgage loans and real estate, and a summary of realized gains or losses on sale of investments will no longer be required. The schedules requiring a summary of investments (12-27) and details of future policy benefits and insurance in force (12-31) have been completely revised. A schedule has been added to provide details of deferred policy acquisition costs (12-31A)

Registrants with life insurance subsidiaries whose financial statements for 1973 will follow statutory accounting requirements may have special problems if they have any significant nonlife insurance activities. Under those conditions

[1] Notice of these proposed amendments was made in Securities Act Release No. 5420, Securities Exchange Act Release No. 10381, Public Utility Holding Company Act Release No. 18089 and Investment Company Act Release No. 7988 (September 12, 1973) [38 FR 27090].

the life subsidiaries should not be consolidated and the registrant's equity in their stockholders' equity and net income or loss should be based on GAAP. Separate statements (or group statements) of the life subsidiaries should accompany the parent's statements.

These amendments are adopted pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19(a) thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d) and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14 and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 8, 30, 31(c) and 38(a) thereof.

Commission action. The Commission hereby adopts a revision to an instruction in §§ 249.210 and 249.310; revised §§ 210.7A–01—7A–06, 210.12–27 and 12–31; and a new § 210.12–31A of Title 17 of the Code of Federal Regulations, and as so amended they read as shown in the attached text of the amendments.

These amendments shall be effective with respect to financial statements filed after June 30, 1974, although they may be used in statements filed prior to that time.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 14, 1974.

I. In Part 210 of this chapter (Regulation S–X), §§ 210.7A–01—7A–06, 210.12–27 and 12–31 are revised, and § 210.12–31A is added to read as follows:

§ 210.7a–01 Application of §§ 210.7a–01—7a–06.

This article shall be applicable to financial statements filed for life insurance companies.

(a) If consolidated financial statements are prepared for an insurance holding company whose consolidated subsidiaries are primarily life insurance companies, consideration shall be given to utilization of the format of the financial statements, notes and schedules prescribed in this article.

§ 210.7a–02 General requirement.

(a) Financial statement filed for a person to which this article is applicable shall be prepared in accordance with generally accepted accounting principles except as otherwise provided in this article. The general rules in §§ 210.1–01—1–02, 210.2–01—2–05, 210.3–01—3–16, and 210.4–01—4–09 shall be applicable except where they differ from those prescribed in the special rules comprising this article.

(b) A person subject to this article may follow the rules and instructions governing the definition and computation of items in Annual Statements to the regulatory authority of its state of domicile (statutory accounting requirements) only if the statutes of that state prohibit the presentation of financial statements other than in accordance with such requirements. Financial statements which follow statutory accounting requirements shall be accompanied by corresponding financial statements prepared in accordance with generally accepted accounting principles.

(c) All financial statements prepared for persons to which this article is applicable shall include reconciliations of material differences between (1) total capital and surplus as reported on the corresponding Annual Statement and total stockholders' equity as determined in accordance with generally accepted accounting principles and (2) net gain from operations as reported on the corresponding Annual Statement and net income or loss as determined in accordance with generally accepted accounting principles. The reconciliations shall be in tabular form in a note or in supplemental statements and accompanied by appropriate explanations.

(d) Notwithstanding the foregoing requirements, financial statements filed for mutual life insurance companies and wholly owned stock life insurance company subsidiaries of mutual life insurance companies may be prepared in accordance with statutory accounting requirements without furnishing corresponding financial statements prepared in accordance with generally accepted accounting principles or supplemental reconciling statements.

(e) Financial statements prepared in accordance with statutory accounting requirements may be reasonably condensed as appropriate, but the amounts to be reported for net gain from operations and total capital and surplus shall be the same as those reported on the corresponding Annual Statement.

§ 210.7a–03. Balance sheets.

(a) Balance sheets filed for life insurance companies shall comply with the following provisions:

ASSETS AND OTHER DEBITS

(1) *Investments—other than investment in affiliates.*
(a) *Bonds and notes.*
(b) *Preferred stocks.*
(c) *Common stocks.*
(d) *Mortgage loans on real estate.*
(e) *Real estate.*
(f) *Policy loans.*
(g) *Other loans and investments.*
(h) *Invested cash.*
(i) *Total investments.*

NOTES. (1) State the basis of determining the amounts shown in the balance sheet.

(2) State parenthetically for bonds and notes and preferred and common stocks either aggregate cost or aggregate value at the balance sheet date, whichever is the alternate to the amounts at which shown in the balance sheet. Consideration shall be given to the discussion of "Valuation of Securities" in Accounting Series Release No. 118 [35 FR 19986].

(3) State parenthetically accumulated depreciation and amortization deducted from investment real estate.

(4) Include under subcaption (h) share accounts in savings and loan associations, savings accounts, time deposits, certificates of deposit and other cash accounts and cash equivalents earning interest. State in a note any amounts subject to withdrawal or usage restrictions (see §§ 210.7A–03–2 and 210.5–02–1).

(5) State separately any class of investments included in subcaption (g) exceeding five percent of total assets; however, if an amount to be reported under subcaption (f), (g) or (h) is less than five percent of total assets it may be included under subcaption (g).

(6) State in a note the name of any person in which the total amount invested in the person and its affiliates, included in the above subcaptions, exceeded two percent of total investments. For the purpose of this disclosure consider as an investment, indebtedness and stock included in the several subcaptions above and the amount of any real estate included in subcaption (e) which was purchased or acquired during the five years preceding the date of the balance sheet. Indicate the amount included in each subcaption. An investment in bonds and notes of the United States Government, or of a government agency or authority, or of a state, municipality or political subdivision which exceeds two percent of total investments need not be reported.

(7) Investments in unconsolidated subsidiaries and 50 percent or less owned persons (including partnerships) which are held for investment purposes may be included under an appropriate subcaption above. The related equity in earnings shall be included under § 210.7A–04–2 and the amount of dividends or other distributions stated separately. Investments in unconsolidated entities held for operating purposes may not be so reported.

(8) State in a note any amounts included under subcaptions (a), (b), (d), (e), (g) and (h) which have been nonincome producing for the six months preceding the balance sheet date.

2. Cash and cash items. State separately (a) cash on hand and unrestricted demand deposits; (b) restricted deposits held as compensating balances against short-term borrowing arrangements; (c) funds subject to repayment on call or immediately after the date of the balance sheet required to be filed; and (d) other funds, the amounts of which are known to be subject to withdrawal or usage restrictions, e.g., special purpose funds. The general terms and nature of such repayment provisions in (c) and withdrawal or usage restrictions in (d) shall be described in a note referred to herein (see § 210.5–02–1).

3. Investments and indebtedness of affiliates and other persons. (a) *Investments.* State separately amounts representing investments in affiliates and investments in other persons which are accounted for by the equity method, and state the basis of determining these amounts. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (1) eliminated and (2) not eliminated.

(b) *Indebtedness.* Include under this caption amounts representing indebtedness of affiliates and indebtedness of other persons the investments in which are accounted for by the equity method. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (1) eliminated and (2) not eliminated.

4. Accounts receivable. Include under this caption (a) amounts receivable from agents, (b) uncollected premiums, and (c) other receivables stating separately any category which is in excess of five percent of total assets. State separately the balance of the allowance for doubtful accounts which was deducted. That portion of deferred and uncollected premiums which represents adjustment of future policy benefits should be deducted from the liability for future policy benefits, and that portion which represents adjustment of acquisition cost should be added to deferred acquisition costs.

5. Accrued investment income.

6. Deferred policy acquisition costs. This amount shall not be deducted from future policy benefits. See §§ 210.7A–04–7 and 210.7A–05–1.

7. Property and equipment. Include under this caption the cost of real estate, furniture, fixtures and equipment used in the conduct of the insurance business and not considered as an investment. State parenthetically the accumulated depreciation and amortization deducted. The amount of any encumbrances shall be shown separately as a liability.

8. Other assets. State separately any other item not properly classed in one of the preceding asset captions which is in excess of five percent of total assets. Include deposits held as compensating balances against long-term borrowing arrangements.

9. Assets held in separate accounts. Include under this caption the aggregate amount of assets funding the liabilities related to variable annuities, pension funds and similar activities. The corresponding aggregate liability shall be included under caption 19.

10. Total assets and, when appropriate, other debits.

FUTURE POLICY BENEFITS, LIABILITIES AND OTHER CREDITS

11. Future policy benefits. State separately liabilities for (a) life insurance and (b) accident and health insurance.

12. Policy and contract claims.

13. Other policyholders' funds. Include supplementary contracts without life contingencies, policyholders' dividend accumulations, premiums paid in advance, premium deposit funds and dividends to policyholders declared and unpaid and amounts estimated for payment in the following year. State separately any material amounts.

14. Notes payable. State here or in a note the information required under § 210.5–02–29. Show separately any amount owed to affiliates.

15. Indebtedness to affiliates and other persons. Include under this caption amounts representing indebtedness to affiliates and indebtedness to other persons the investments in which are accounted for by the equity method. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (a) eliminated and (b) not eliminated.

16. Accrued income taxes. State separately the amount of (a) income taxes payable and (b) deferred income taxes. State separately the amount of deferred income taxes applicable to unrealized appreciation of investments.

17. Other liabilities. State separately any other item not properly classed in one of the preceding liability captions which is in excess of five percent of total liabilities.

18. Undistributed earnings on participating business. State the amount of earnings allocated to policyholders. Exclude dividends included above under caption 13.

19. Liabilities related to separate accounts.

20. Commitments and contingent liabilities. See §§ 210.3–16(i) and 210.7A–05–6.

STOCKHOLDERS' EQUITY

21. Capital shares. State for each class of shares the title of issue, the number of shares authorized, the number of shares issued or outstanding, as appropriate (see §§ 210.3–14 and 210.3–15), and the dollar amount thereof, and, if convertible, the basis of conversion [see also § 210.3–16(f)(3)]. Show also the dollar amount, if any, of capital shares subscribed but unissued, and show the deduction of subscriptions receivable therefrom. Show here, or in a note or statement referred to herein, the changes in each class of capital shares for each period for which an income statement is required to be filed.

22. Other stockholders' equity. (a) Separate captions shall be shown for:

(1) Paid-in additional capital.

(2) Other additional capital.

(3) Unrealized appreciation or depreciation of investments.

(4) Retained earnings.

(i) Appropriated.

(ii) Unappropriated.

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

(c) Include in subcaption (a)(4)(i) above or in a note, the purpose for which retained earnings have been appropriated.

(d) Exclude deferred income taxes from subcaption (a)(3) (see caption 16).

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

(f) See § 210.7A–05–2.

(g) A summary of each account under this caption setting forth the information prescribed in § 210.11–02 shall be given for each period for which an income statement is required to be filed.

23. Total future policy benefits, liabilities, other credits and stockholders' equity.

§ 210.7a–04. Income statements.

(a) Income statements filed for life insurance companies shall comply with the following provisions:

PREMIUMS AND OTHER REVENUE

1. *Premiums.* State separately the amount arising from (i) life insurance; (ii) accident and health insurance; (iii) considerations for supplementary contracts; and (iv) other. Considerations for supplementary contracts shall be reduced by the related amounts of death and other benefits and increase in future policy benefits and such amounts shall be excluded from subcaptions 4 and 5 below.

2. *Net investment income.* (i) State parenthetically expenses deducted from investment income.

(ii) State separately in a note in tabular form (*a*) investment income from each category of investments listed in the subcaptions of § 210.7A–03–1 which exceeds five percent of total investment income; (*b*) total investment income; (*c*) applicable expenses; and (*d*) net investment income.

3. *Other income.* State separately any material amounts indicating clearly the nature of the transactions out of which the items arose.

BENEFITS AND EXPENSES

4. *Death and other benefits.* State separately benefits for (i) life insurance; (ii) accident and health insurance; and (iii) other contracts.

5. *Increase in future policy benefits.* State separately provision for liabilities for (i) life insurance; (ii) accident and health insurance; and (iii) other contracts.

6. Provision for policyholders' share of earnings on participating policies. This caption is applicable only when the provision for policyholders' share of earnings on participating policies is not included as a benefit under death and other benefits.

7. *Amortization of deferred policy acquisition costs.* (i) Include under this caption only the amount of deferred policy acquisition costs amortized to income during the period.

(ii) State in tabular form in a note for (*a*) life insurance and (*b*) accident and health insurance, the nature of the costs deferred, the method and term of amortization and the amounts of (*1*) acquisition costs deferred, (*2*) amortization charged to income, (*3*) first year premiums written, and (*4*) renewal premiums. State separately any amount which is in excess of 15 percent of the total amount deferred during each period covered by an income statement indicating the nature of the amount, e.g., commissions, salesmen's salaries, direct mail selling expenses and issue expenses (see § 210.7A–05–1).

8. *Other operating costs and expenses.* Include all selling, general and administrative expenses not deferred as policy acquisition costs. State separately any material amounts. Do not include income taxes under this caption.

9. *Income or loss before income tax expense and appropriate items below.*

10. *Income tax expense.* Include under this caption only taxes based on income. Taxes applicable to profits or losses on securities and extraordinary items shall not be included under this caption [see § 210.3–16(o)].

11. *Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned persons.* The amount reported under this caption shall be stated net of any applicable tax provisions and shall exclude profits or losses on investments. State parenthetically or in a note referred to herein the amount of dividends received from such persons.

12. *Minority interest in income of consolidated subsidiaries.*

13. *Income or loss before realized profits or losses on investments and extraordinary items.*

14. *Realized profits or losses on investments, less applicable tax.* State separately (i) net realized investment profits or losses of the insurance company and (ii) equity in net realized investment profits or losses of (*a*) unconsolidated subsidiaries and (*b*) 50 percent or less owned persons for which the equity in earnings was reported under caption 11 disclosing parenthetically or otherwise the tax applicable to such amounts. No profits or losses on the insurance company's own equity securities, or equity in profits or losses of its affiliates on their own equity securities, shall be included under this caption. State, here or in a note referred to herein, the method followed in determining the cost of investments sold by the insurance company, e.g., "average cost," "first-in, first-out," or "identified certificate." Consideration should be given to reporting transactions of the insurance company under caption 16, when appropriate. (See § 210.7A–05–4.)

15. *Income or loss before extraordinary items.*

16. *Extraordinary items, less applicable tax.* State separately (i) extraordinary items of the person and (ii) equity in extraordinary items of (*a*) unconsolidated subsidiaries and (*b*) 50 percent or less owned persons for which the equity in earnings was reported under caption 11, disclosing parenthetically or otherwise the tax applicable to such amounts.

17. *Net income or loss.* See § 210.7A–03–22 (g).

18. *Earnings per share data.* Refer to the pertinent requirements in the appropriate filing form. No per share figures shall be based on net income or loss determined in accordance with statutory accounting requirements. (See § 210.7A–02–2.)

§ 210.7A–05. Special notes to financial statements.

1. *Accounting principles and practices.* Information shall be given in a note as to accounting principles and practices reflected in the financial statements concerning the following matters. (See also § 210.3–08.)

(a) Consolidation of subsidiaries.

(b) Valuation of investments and recognition and reporting of unrealized appreciation or depreciation and profits or losses on investments.

(c) Recognition of premium revenue and related expenses.

(d) The nature of deferred policy acquisition costs and the method and period of amortization.

(e) The range of interest rates, mortality and withdrawal assumptions and the methods employed in calculating policy reserves.

2. *Restrictions on stockholders' equity.* (a) The nature of any restriction on stockholders' equity created by statutory accounting requirements shall be explained in a note. See also § 210.3–16(h).

(b) Explain in a note any deficiency or imminent deficiency in the statutory requirements for capital surplus and the possible effect of such deficiency on the financial statements.

3. *Income taxes.* Information and appropriate explanations shall be given on the general nature of the provisions of the Internal Revenue Code applicable to life insuarnce companies. In addition to the general requirements of § 210.3–16(o), the following specific information shall be furnished.

(a) The bases and assumptions upon which current and deferred income taxes have been or have not been provided. Disclose in a note the amount of income upon which neither current nor deferred taxes have been provided for each period for which an income statement is filed and the accumulated amount as of the date of the related balance sheet.

(b) The nature of "policyholders' surplus" as defined in the Internal Revenue Code, the additions to "policyholders' surplus" for each period for which an income statement is filed, and the accumulated amount as of the date of the related balance sheet.

(c) The amount of accumulated net operating loss carryforwards, if any, at the date of the latest balance sheet and the years in which such carryforwards will expire.

4. *Analysis of investment gain.* For each period for which an income statement is filed state separately for (a) bonds and notes [see § 210.7A–03–1(a)] and (b) stocks [see §§ 210.7A–03–1 (b) and (c)] the following information: (1) the portion of the realized profits or losses on investments, less applicable tax, included in § 210.7A–04–14 which relates to each of the above categories; (2) the change during the reporting period in the difference between value and cost for each of the above categories; and (3) the total or net balance, as appropriate, for each category.

5. *Participating insurance.* State in a note the relative significance of participating insurance expressed as percentages of insurance in force, number of policies in force and premium income; and the method by which earnings and dividends allocable to such insurance is determined.

6. *Reinsurance.* Information and appropriate explanations shall be given on the general nature of reinsurance contracts. The following specific information shall be furnished:

(a) The amount of life insurance in force ceded to other companies and the amount of accident and health insurance premiums ceded to other companies and the method of accounting for such reinsurance.

(b) The relative significance of reinsurance assumed expressed for life insurance as percentages of life insurance in force and premium income, and for accident and health insurance as a percentage of accident and health premium income.

(c) The nature of the contingent liability in connection with insurance ceded, and the maximum amount of life insurance retained on any one life.

(d) The nature and effect of any material nonrecurring reinsurance transactions.

§ 210.7A–06. What schedules are to be filed.

(a) Except as expressly provided otherwise in the applicable form—

(1) The schedules specified below in this rule as Schedules I, VII, IX, X, XI and XII shall be filed as of the dates of the most recent audited balance sheet and any subsequent unaudited balance sheet being filed for each person or group: *Provided,* That any such schedule (other than Schedules I and IX) may be omitted if both of the following conditions exist:

(i) The financial statements are being filed as part of an annual or other periodic report; and

(ii) The information that would be shown in the respective columns of such schedule would reflect no changes in any issue of securities of the registrant or any significant subsidiary in excess of five percent of the outstanding securities of such issue as shown in the most recently filed annual report containing the schedule.

(2) Schedule IX, Capital Shares, may also be omitted if the above two conditions exist and any information required by column G of the schedule is shown in the related balance sheet or in a note thereto.

(3) All other schedules specified below in this rule as Schedules II, III, IV, V, VI and VIII shall be filed for each period for which an income statement is required to be filed for each person or group.

(b) When information is required in schedules for both the registrant and the registrant and its consolidated subsidiaries it may be presented in the form of a single schedule: *Provided,* That items pertaining to the registrant are separately shown and that such single schedule affords a properly summarized presentation of the facts. If the information required by any schedule (including the notes thereto) may be shown in the related financial statement or in a note thereto without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

(c) The schedules shall support the financial statements prepared in accordance with generally accepted accounting principles except for statements prepared in accordance with § 210.7A–02–4. Reference to the schedules shall be made in the appropriate captions of the financial statements. Where, pursuant to the applicable instructions, the supporting schedules do not accompany the financial statements, references to such schedules shall not be made.

(d) The schedules shall be examined by the independent accountant if the related financial statements are so examined.

Schedule I.—Summary of Investments—Other than Investments in Affiliates. The schedule prescribed by § 210.12–27 shall be filed in support of caption 1 of each balance sheet.

Schedule II.—Investments in, Equity in Earnings of, and Dividends Received from Affiliates and Other Persons. The schedule prescribed by § 210.12–04 shall be filed in support of caption 3(a) of each balance sheet. This schedule may be omitted if neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 15 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule III.—Indebtedness of Affiliates and Other Persons. The schedule prescribed by § 210.12–05 shall be filed in support of caption 3(b) of each balance sheet; however, the required information may be presented separately on Schedule II or Schedule IX. This schedule may be omitted if neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 15 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule IV.—Deferred Policy Acquisition Costs. The schedule prescribed by § 210.12–31A shall be filed in support of caption 6 of each balance sheet provided that this schedule may be omitted if the total shown by caption 6 does not exceed five percent of total assets as shown by the related balance sheet at both the beginning and end of the period and if neither the additions nor the deductions during the period exceeded five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule V.—Amounts Receivable from Underwriters, Promoters, Directors, Officers, Employees, and Principal Holders (other than Affiliates) of Equity Securities of the Person and its Affiliates. The schedule prescribed by § 210.12–03 shall be filed with respect to each person among the underwriters, promoters, directors, officers, employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates from whom an aggregate indebtedness of more than $20,000 or one percent of total assets, whichever is less, is owed or, at any time during the period for which related income statements are required to be filed, was owed. For the purposes of this schedule exclude in the determination of the amount of indebtedness all amounts receivable from such persons for purchases subject to usual trade

terms, for ordinary travel and expense advances, and for other such items arising in the ordinary course of business.

Schedule VI.—Valuation and Qualifying Accounts and Reserves. The schedule prescribed by § 210.12–13 shall be filed in support of asset valuation and qualifying accounts and reserves included in each balance sheet (see § 210.3–02).

Schedule VII.—Future Policy Benefits and Insurance in Force. The schedule prescribed by § 210.12–31 shall be filed in support of caption 11 of each balance sheet. The schedule prescribed by § 210.12–29 shall be used insofar as it may more appropriately support the liability for future policy benefits of accident and health insurance at caption 11(b) which are based on unearned premiums.

Schedule VIII.—Indebtedness to Affiliates and Other Persons. The schedule prescribed by § 210.12–11 shall be filed in support of caption 15 of each balance sheet; however, the required information may be presented separately on Schedule II or Schedule III. This schedule may be omitted if neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 15 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule IX.—Capital Shares. The schedule prescribed by § 210.12–14 shall be filed in support of caption 21 of a balance sheet.

Schedule X.—Warrants of Rights. The schedule prescribed by § 210.12–15 shall be filed with respect to warrants or rights granted by the person for which the statement is being filed to subscribe to or purchase securities to be issued by such person.

Schedule XI.—Guarantees of Securities of Other Issuers. The schedule prescribed by § 210.12–12 shall be filed with respect to any guarantees of securities of other issuers by the person for which the statement is being filed.

Schedule XII.—Other Securities. If there are any classes of securities not included in Schedules IX, X, and XI, set forth in this schedule information concerning such securities corresponding to that required for the securities included in such schedules. Information need not be set forth, however, as to notes, drafts, bills of exchange, or bankers' acceptances, having a maturity at the time of issuance of not exceeding one year.

§ 210.12–27. Summary of investments—other than investments in affiliates.

[For insurance companies]

Column A Type of investment [1]	Column B Cost [2]	Column C Value	Column D Amount at which shown in the balance sheet [3]
Bonds and notes:			
Unites States Government and government agencies and authorities			
States, municipalities and political subdivisions			
Foreign government			
Public utilities			
Convertibles and bonds with warrants attached			
All other corporate			
Total bonds and notes			
Preferred stocks			
Common stocks:			
Public utilities			
Banks, trust and insurance companies			
Industrial, miscellaneous and all other			
Total common stocks			
Total bonds and notes and stocks			
Mortgage loans on real estate		XXXXX	
Real estate:			
Investment properties		XXXXX	
Acquired in satisfaction of debt		XXXXX	
Total real estate		XXXXX	
Policy loans		XXXXX	
Other loans and investments		XXXXX	
Invested cash		XXXXX	
Total investments		XXXXX	

[1] Do not include investments in affiliates and investments in other persons which are accounted for by the equity method.

[2] Original cost of stocks, and, as to debt obligations, original cost reduced by repayments and adjusted for amortization of premiums or accrual of discounts.

[3] If the amount at which shown in the balance sheet is different from the amount shown in either column B or C, state the reason for such difference.

§ 210.12–31. Future policy benefits and insurance in force.

(For insurance companies)

Column A	Column B	Column C	Column D	Column E Bases of assumptions		
Line of business [1]	Life insurance in force	Amount of future policy benefits	Years of issue	(1) Interest rates	(2) Mortality	(3) Withdrawals

[1] The required information shall be given for each of the following lines of business: industrial life insurance, ordinary life insurance, group life insurance, individual annuities, group annuities, group accident and health insurance, individual accident and health insurance and all other.

§ 210.12–31a. Deferred policy acquisition costs.

(For insurance companies)

Column A	Column B	Column C	Column D Deductions		Column E	Column F	Column G
Line of business [1]	Balance at beginning of period	Additions	(1) Charged to costs and expenses	(2) Charged to other accounts—describe	Balance at close of period	First year premiums written	Renewal premiums written

[1] The required information shall be given for each of the following lines of business: industrial life insurance, ordinary life insurance, group life insurance, individual annuities, group annuities, group accident and health insurance, individual accident and health insurance and all other.

II. Section 249.210 [Form 10]. Instruction 13 of the Instructions as to Financial Statements is amended to read as follows:

13. Statements of Banks and Insurance Companies.

Notwithstanding the requirements of the foregoing instructions, financial statements filed for banks for periods ending on or before November 30, 1971 and for life insurance companies for periods ending on or before November 30, 1974 need not be certified.

III. Section 249.310 [Form 10-K]. Instruction 7 of the Instructions as to Financial Statements is amended to read as follows:

7. Statements of Banks and Insurance Companies.

Notwithstanding the requirements of the foregoing instructions, financial statements filed for banks for periods ending on or before November 30, 1971 and for life insurance companies for periods ending on or before November 30, 1974 need not be certified.

[FR Doc.74-5993 Filed 3-15-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 90—EMERGENCY PERMIT CONTROL

PART 128b—THERMALLY PROCESSED LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS

Manufacture and Processing of Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Confirmation of Effective Date

Correction

In FR Doc. 74-2137 appearing at page 3750 in the issue for Tuesday, January 29, 1974, the last two lines of the first column and the first line of the second column on page 3751 are misplaced and should be inserted after line one in the first column on page 3752.

Title 25—Indians

CHAPTER III—INDIAN CLAIMS COMMISSION

PART 503—GENERAL RULES OF PROCEDURE

Attorney's Fees and Expenses

Amendment of § 503.34b adding a time limitation for the filing of applications for allowance of attorney's fees and reimbursement of attorney's expenses.

1. In § 503.34b the first sentence of paragraph (a) is revised to read as follows:

§ 503.34b Attorney's fees and expenses.

(a) All applications of attorneys for Indian claimants for allowance of fees and reimbursement of expenses shall be by petition prepared in clear typewritten or reproduced form and shall be filed with the Clerk of the Commission within 60 days from the date of the certification by the Commission of the final award from which allowance of fees and reimbursement of expenses are sought. * * *

Effective date. This amendment shall be effective on March 18, 1974.

(Sec. 9, 60 Stat. 1051; (25 U.S.C. 70h))

Dated at Washington, D.C., this 13th day of March 1974.

JEROME K. KUYKENDALL,
Chairman.

JOHN T. VANCE,
Commissioner.

RICHARD W. YARBOROUGH,
Commissioner.

MARGARET H. PIERCE,
Commissioner.

BRANTLEY BLUE,
Commissioner.

[FR Doc.74-6189 Filed 3-15-74;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Notice of Right-to-Sue

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, § 1601.25 of the Code of Federal Regulations.

Because of an apparent misunderstanding, on the part of a number of respondents, with respect to the authority of the District Directors to issue Notices of Right-To-Sue, § 1601.25 is revised to read as follows:

§ 1601.25 Notice to respondent, person filing a charge on behalf of the aggrieved person and aggrieved person.

(a) In any instance in which the Commission is unable to obtain voluntary compliance as provided by Title VII, as amended, it shall so notify the respondent, the person filing a charge on behalf of the aggrieved person, the aggrieved person or persons, and any State or local agency to which the charge has been previously deferred pursuant to § 1601.12 or § 1601.10. Notification to the aggrieved person shall include:

(1) A copy of the charge.

(2) A copy of the Commission's reasonable cause or no reasonable cause determination as appropriate.

(3) Advice concerning his or her rights to proceed in court under Section 709(f)(1) of Title VII.

(b) The Commission hereby delegates to its District Directors, Deputy District Directors, and the Dierctor of Compliance, the authority to issue Notices of Right-To-Sue on behalf of the Commission in all cases except those in which a government, governmental agency or political subdivision is named in the charge, pursuant to the procedures set forth in paragraph (a)(2) and (3) of this section.

These amendments shall become effective March 18, 1974.

Signed at Washington, D.C., the 13th day of March 1974.

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.74-6160 Filed 3-15-74;8:45 am]

PART 1606—GUIDELINES ON DISCRIMINATION BECAUSE OF NATIONAL ORIGIN

Relationship of Citizenship Discrimination to National Origin Discrimination

By virtue of the authority vested in it by section 713(b) of Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-12, 78 Stat. 265), the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends Part 1606 of Chapter XIV, Title 29 of the Code of Federal Regulations.

The purpose of this amendment is to conform Part 1606 to the Supreme Court decision in *Espinoza* v. *Farah Manufacturing Co., Inc.*, No. 72-671, issued November 19, 1973, which held that discrimination on the basis of citizenship is not per se national origin discrimination. Changes in section 1601(d) reflecting the now conditional nature of Title VII citizenship discrimination are as follows: the word "because" is replaced by the word "where"; the phrase "purpose or" is inserted prior to the word "effect." Comparable changes are made in section 1601(e) as follows. The provision that state laws "prohibiting the employment of noncitizens" are in "conflict with and are, therefore, superseded by Title VII" is qualified by the clause "where such laws have the purpose or effect of discriminating on the basis of national origin."

The Commission published Part 1606, Chapter XIV in the FEDERAL REGISTER (35 FR 421) on January 13, 1970. Because the material herein is interpretive in nature, the exemption of the Administrative Procedure Act (5 U.S.C. 553) authorizing publication in final form without notice for public comments is applicable.

In view of the foregoing, Part 1606 is amended by revising § 1606.1 (d) and (e) to read as follows below.

§ 1606.1 Guidelines on discrimination because of national origin.

* * * * *

(d) Where discrimination on the basis of citizenship against a lawfully immigrated alien residing in the United States has the purpose or effect of discriminating against persons of a particular national origin, such person may not be discriminated against on the basis of citizenship, except that it is not an unlawful employment practice for an employer pursuant to section 703(g), to

refuse to employ any person who does not fulfill the requirements imposed in the interests of national security pursuant to any statute of the United States or any Executive Order of the President respecting the particular position or the particular premises in question.

(e) In addition, some states have enacted laws prohibiting the employment of noncitizens. Where such laws have the purpose or effect of discriminating on the basis of national origin, they are in conflict with and are, therefore, superseded by Title VII of the Civil Rights Act of 1964, as amended.

(Sec. 713(b), 78 Stat. 265 (42 U.S.C. sec. 2000(e)-12(b))

Effective date. This revision shall become effective March 18, 1974.

Signed at Washington, D.C., this the 13th day of March 1974.

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.74-6161 Filed 3-15-74;8:45 am]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

SUBCHAPTER J—REAL PROPERTY

[Engineer Reg. No. 405-1-663]

PART 641—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Basic Policy and Procedural Requirements

On 23 May 1973, final regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 for the Department of the Army were adopted and published in the FEDERAL REGISTER (38 FR 14239). The foregoing regulations are hereby amended to clarify § 641.4(h).

The nature of this revision is such as not to require advance public notice.

This amendment becomes effective upon issuance.

For the Chief of Engineers.

WOODROW BERGE,
Director of Real Estate.

MARCH 12, 1974.

Subpart A of Part 641 of Chapter V of Title 32 of the Code of Federal Regulations is amended as follows:

Section 641.4(h) is revised to read as follows:

§ 641.4 Basic policy and procedural requirements.

* * * * *

(h) The availability of relocation benefits in leasehold cases under Title II of the Act depends upon the circumstances under which the leasing action takes place. Persons vacating as the result of a Government order to vacate, a lease construction project, or the condemnation of a leasehold interest are entitled to benefits under Title II. The provisions of Title II do not apply to leasehold cases under any other circumstances.

[FR Doc.74-6157 Filed 3-15-74;8:45 am]

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER F—AIRCRAFT

PART 855—USE OF UNITED STATES AIR FORCE INSTALLATIONS BY OTHER THAN UNITED STATES DEPARTMENT OF DEFENSE AIRCRAFT

In this revision, airfield certification under Federal Aviation Regulation (FAR) Part 139 is cited and required when applicable; an exemption from Part 855 requirements is made to Civil Air Patrol aircraft operating on an authorized Air Force mission when directed by competent Air Force orders; relief is provided from the administrative requirements of this part where a contractual agreement to any United States, State or local Government agency exists in support of operations involving safety of life or property or a result of a natural disaster; unauthorized landings are defined as inadvertent or intentional; procedures are updated for handling aircraft of major political party candidates; the Commander, Alaskan Air Command is given authority to act as the agent for the Commander, Air Defense Command for approving use of Alaskan air strips; commands are required to make machine printouts of approved landing permits for base use.

Part 855, Subchapter F of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.

AUTHORITY: 10 U.S.C. 8012, 49 U.S.C. 1507 (a) and 1508.

§ 855.1 Purpose.

This part establishes the responsibilities and describes the procedures for the use of United States Air Force (USAF) installations by aircraft other than United States Department of Defense aircraft pursuant to sections 1107 and 1108 of the Federal Aviation Act of 1958 (sections 1507(a) and 1508, Title 49, United States Code; Pub. L. 85-726).

Subpart A—General Provisions

§ 855.10 Policy.

USAF installations are established to support the USAF mission for national defense. This part carries the force of law, and exceptions are not authorized without prior approval of HQ USAF/PRPO.

(a) *The Air Force.* (1) Determines whether use of its installations is compatible with current and programmed military activities.

(2) Normally authorizes use of its installations for aircraft operated for official Government business only. However, if exceptional substantiated reasons exist, other types of use may be authorized. When applicable, the requested airfield must be certified under Part 139 of the Federal Aviation Regulation (FAR). Certification is required for USAF airfields before use by the Civil Aeronautics Board (CAB) certified air carriers with commercially ticketed passengers aboard. Exceptions to the certification requirement are (i) emergencies, (ii) weather alternate, (iii) air taxi operations, and (iv) air carrier operations using USAF airfields in performance of contract work exclusively for the military.

(3) Subject to the laws and regulations of the United States or the country in which the USAF installation is located, acts as clearing authority for its installations where international civil aviation operations are authorized under International Civil Aviation Organization (ICAO) agreements.

(4) Reserves the right to suspend any operation inconsistent with national defense interests or any other requirement when deemed in the best interest of the Air Force.

(5) Terminates any authorization to use a USAF installation where the liability insurance is canceled or the user is reported as operating for other than the approved purposes.

(6) Will not authorize civil use of USAF installations in competition with civil airports for transportation purposes, for the convenience of passengers or aircraft operator, transient aircraft servicing, for commercial enterprises, for procuring government business or contracts, or for customs handling purposes.

(b) *All operators must.* (1) Obtain prior authorization to land at USAF installations except bases specifically exempted by joint-use or international agreements or in an emergency.

(2) Have aircraft equipped with operating two-way radio equipment.

(3) Not assume that landing clearance granted by a control tower constitutes prior approval.

(4) Obtain their own diplomatic or overflight clearance.

(5) Pay applicable costs.

(c) The installation commander:

(1) Exercises administrative and security control over both the aircraft

and passengers while on his installation.

(2) Suspends or changes flight plans of civil aircraft including landing or take-off times when necessary to preclude interference with military activities.

(3) Cooperates with customs, immigration, health, and other public authorities, as necessary, in connection with aircraft arrival and departure.

§ 855.11 Definitions.

(a) *Installation.* A defined area of real property for which the U.S. Air Force has operational jurisdiction of the airfield facility either by ownership, lease, or diplomatic agreement.

(b) *Installation Commander.* The Commander of the USAF installation or his designated representative.

(c) *Joint-use installation.* A USAF installation where a specific written agreement exists between the Air Force and a local community or foreign government for civil aviation use of the runways and taxiways.

(d) *Official government business.* Activity associated with operations or functions of United States or foreign governmental agencies at or in the immediate vicinity of a USAF installation.

(e) *Civil aircraft.* Any United States or foreign-registered aircraft owned by private individuals or corporations and foreign government-owned aircraft which are operated for commercial aviation purposes.

(f) *Civil aviation.* All flying activity by civil aircraft of any national registry, including:

(1) *Commercial aviation.* All civil aviation involving the transportation of passengers or cargo for hire.

(2) *General aviation.* All civil aviation not involving transportation of passengers or cargo for hire.

(g) *User.* An individual or corporation operating civil aircraft.

(h) *Government aircraft.* Aircraft owned, operated by or on behalf of, or controlled by any department or agency of either the United States or a foreign government. Also, aircraft owned by any State of the United States operating solely on official Government business.

(i) *Bailed aircraft.* United States Government-owned aircraft delivered to a Government contractor for a specific purpose directly related to a contract.

(2) *Loaned aircraft.* United States Government-owned aircraft delivered gratuitously to another United States Government agency or to a USAF Aero Club.

(3) *Military aircraft.* Aircraft used in the military services of any government.

(j) *Regular airport.* A USAF installation used by commercial aviation on a scheduled basis when the CAB or its foreign government equivalent certifies passenger and cargo service to a community.

(j) *Weather alternate airport.* A USAF installation used as a weather alternate airport as prescribed by Federal Aviation Administration (FAA) or other regulations.

(k) *AF Form 180, Hold Harmless Agreement.* An agreement, executed by the user, which releases the U.S. Government from all liabilities incurred in connection with civil aircraft use of USAF installations.

(l) *AF Form 181, Civil Aircraft Landing Permit.* An application which, when validated by an Air Force approving authority, authorizes the civil operator to use the installation(s) under the terms of this part.

(m) *AF Form 203, Certificate of Insurance.* A certificate which evidences the amount of third-party minimum liability insurance carried by the user is as required by this part.

(n) *Authorized buyer letter.* A letter of agreement which qualified operators must file with the Air Force in order to purchase Air Force aviation fuel and oil on a credit basis under the provisions of AFR 144-9, Aviation Fuel and Oil Sales to Contract, Charter, and Civil Aircraft. (See Part 819a of this chapter.)

§ 855.12 Aircraft exempt from this part.

(a) Any aircraft owned and operated by:

(1) A U.S. Government agency outside the Department of Defense.

(2) U.S. Air Force Aero Clubs established in accordance with Air Force Regulation 215-8, Air Force Aero Clubs. (See Part 861 of this chapter.)

(3) Aero Clubs of other U.S. military services.

(4) Any U.S. State owned or operated aircraft when operated in connection with official business.

(b) Any civil aircraft under:

(1) Lease or contractual agreement to the U.S. Government and operated on official business by a U.S. Government agency such as the FAA, Department of the Interior, etc.

(2) Lease or contractual agreement to the Civil Air Patrol (CAP) and operated by a USAF-CAP liaison officer on official Air Force business.

(3) CAP control for an authorized Air Force mission when directed by competent Air Force orders.

(4) Bailment contract: *Provided,* The U.S. Government is the insurer for liability.

(5) Humanitarian flights transporting critically ill or injured personnel to or from a USAF installation.

(6) Contractual agreement to any U.S., State, or local Government agency in support of operations involving safety of life or property as a result of a natural disaster.

Subpart B—Unapproved Landings

§ 855.20 Unapproved landings.

A civil aircraft operator who lands at a USAF installation without prior approval and without experiencing an inflight emergency violates this part. There are three types of unapproved landings—an emergency landing, an inadvertent landing, and an intentional landing. On all unapproved landings, the installation commander:

(a) Briefs the operator on this part and the FAA requirement for reporting the incident.

(b) Have the operator prepare a circumstantial report, sign an AF Form 180, and pay applicable charges.

(c) On compliance with the above and a minimum of ground time, allows the operator to depart the installation.

(d) Notifies the local General Aviation District Officer of the FAA region in the U.S. or its possessions.

(e) Notifies appropriate U.S. Defense Attache Office (USDAO) authority in the country of aircraft registration when landing is at a USAF installation within a foreign country. Provides an information copy of the report to the civil aviation authority of the country concerned.

(f) Prepares a report on the landing and submits the report with supporting documentation through channels to HQ USAF/PRPO, Washington, D.C. 20330.

§ 855.21 Emergency landings.

Any aircraft operator who experiences an inflight emergency may land at any USAF installation without prior approval. An inflight emergency is a developed situation which makes continuous flight hazardous.

(a) The Air Force will use any method or means to clear an aircraft or wreckage from the runway. Removal efforts should minimize damage to the aircraft or wreckage; however, military and other operational factors may be overriding.

(b) The user:

(1) Is not charged a landing fee.

(2) Pays all costs for labor, material, parts, use of equipment, tools, etc., to include, but not limited to:

(i) Spreading foam on the runway.

(ii) Damage to runway, lighting, navigation aids.

(iii) Rescue, crash, and fire control.

(iv) Movement and storage of aircraft.

(v) Performance of minor maintenance.

(vi) Fuel.

(3) Files a circumstantial landing report with the installation commander and completes an AF Form 180.

(c) The installation commander:

(1) Documents total cost incurred by U.S. Government. (AFR 177-8, User Charges and User Charges Report (Part 812 of this chapter), will be used for cost determination.)

(2) Collects payment of all charges incurred.

(3) Where there are no survivors, prepares an emergency landing report.

(4) Forwards the report with all related documentation to HQ USAF/PRPO.

(5) Handles an emergency landing by a foreign military or foreign government aircraft in the same manner as for a U.S. Government aircraft.

§ 855.22 Unauthorized landings.

(a) Inadvertent landing. If the installation commander determines that an aircraft operator may have landed due to flight disorientation, mistaken the USAF installation for a civil airport, or had no official interest in being on the

installation, the landing may be assessd an inadvertent one. Charges will be the normal landing fees.

(b) International landing. An intentional landing is one where the aircraft operator, either with or without knowledge of the provisions of this part, files a flight plan to and lands at a USAF installation without obtaining prior approval.

(1) The installation commander may categorize a landing as unauthorized wher the civil aircraft operator has:

(i) Landed without an approved AF Form 181 on board the aircraft.

(ii) Landed for a purpose not approved on the AF Form 181.

(iii) Operated an aircraft not of a model or registration number on the approved AF Form 181.

(iv) Not requested or obtained the required 24-hour final clearance from the installation commander.

(v) No official Government business purpose for his landing.

(vi) Landed with expired documents.

(2) The installation commander, based on the above information, makes the determination that the landing was intentional and unaproved and assesses both the normal and unauthorized landing fees.

(c) Any repeated inadvertent landing is assessed and processed as an intentional landing. Any operator who makes a repeated intentional landing may be detained at the installation until the unapproved landing report has been reviewed and/or determination made that other requirements have been met before departure. Repeated intentional landings prejudice an operator's existing authority and jeopardize future use of any USAF installation.

Subpart C—Civil Aircraft Use

§ 855.30 Conditions for use of USAF installations.

All users are expected to submit their application at least 30 days in advance of intended use. When authorizing use of its installation, the Air Force does so for a specific type of use by a named individual or company (not transferable to a second or third party) and does not extend to other types of civil aviation use. The operator is limited to use of the landing, taxiing, and normal parking facilities, and is not necessarily entitled to receive aviation fuel, oil, or other services from the U.S. Government. Personnel on board are only authorized activities at the installation directly related to the type of use granted.

§ 855.31 Types of civil use.

Listed in this section are specific types of civil use the Air Force may consider. Others may be considered if sufficient justification is provided. Application must be made for each type of use, except that commercial air carriers may apply for both regular and weather alternate use on the same request.

(a) *Non-government personnel (M).* A U.S. or foreign Government contractor, operating his own aircraft, who uses a USAF installation to fulfill the terms of the contract or to display aircraft equipment to official representatives of the U.S. or a foreign government. Verification: The contractor must provide the current contract numbers, the USAF installation required for each contract, a brief description of the work to be performed, and the name, telephone number, and address of the Government contracting officer. Representatives of the U.S. or a foreign Government must have requested or invited the demonstration of aircraft or equipment at a USAF installation.

(b) *Nonscheduled air carrier (P).*—(1) *Air taxi operator.* An operator who uses a USAF installation for the official transportation of military and civilian Government employees. Verification: Written agreement between the air taxi operator and the major command or an installation commander (AFM 75–2, Military Traffic Management Regulation, paragraph 304010).

(2) *Charter operator.* An operator who uses a USAF installation for the transport of a U.S. or foreign Government contractor's personnel or cargo in support of a current U.S. or foreign Government contract. Verification: The U.S. or foreign Government contractor must provide written validation that the charter operator is operating on his behalf, to include current contract numbers, and the USAF installations which are required for each contact; a brief description of the contracted work; the name, telephone number, and address of the Government contracting officer; and the contract period.

(c) *Government personnel (J).*—(1) *Active duty U.S. military.* Authorizes active duty U.S. military personnel, operating their own or leased aircraft, to use any USAF installation for official duty transportation (temporary duty, permanent change of station, etc.) or for private nonrevenue flights. (This authorization is extended to all installations where there is an approved USAF Aero Club operating.) Verification: Active duty Air Force serial number, and for personnel of the other Services, provide proof of active duty status.

(2) *Air National Guard, Reserve and Air Force Reserve Officer Training Corps.* Permits ANG, Reserve, and AFROTC personnel, operating their own or leased aircraft, to use a specific USAF installation at which their assigned unit is located or when on official orders for temporary duty at other installations. Verification: Request routed through component command for indorsement.

(3) *Civilian employees of the U.S. Government.* Permits civilian employees of the U.S. Government, operating their own or leased aircraft, to use a USAF installation only for official Government business travel purposes. Verification: Copy of current travel orders or additional documentation certifying requirement.

(4) *Retired U.S. military (includes retired regular and reserves that are entitled to retired pay).* Permits retired U.S. military personnel, operating their own or leased aircraft, to use a USAF installation to participate in the activities authorized U.S. retired military by statute. Use of USAF installations for other purposes is not authorized and may result in revocation of the landing permit. Verification: Copy of retirement orders.

(d) *Commercial aviation (N).*—(1) *Regular airport (R).* Permits scheduled air carrier service to a community or area for on-or-off loading passengers and cargo when no suitable civil airfield exists. Verification: CAB certified service to the community.

(2) *Weather alternate airport (A).* Permits a scheduled air carrier to divert to a specified USAF installation when unforecast weather conditions require a change from the original destination to the alternate destination while in flight. Aircraft may not be dispatched from a point of departure to an approved weather alternate. Verification: Actual use is predicated on weather conditions at a destination.

(e) *U.S. Government contract charter (H).*—(1) *Military Airlift Command contract operator.* Permits an air carrier to use a USAF installation under the terms of a Military Airlift Command (MAC) contract. Verification: The air carrier must have a MAC Form 8 or other issued Government document on the aircraft to substantiate that he is operating on an official MAC contract flight.

(2) *U.S. Government contract/charter operator.* Permits an air carrier to use a USAF installation under the terms of U.S. Government contract/charter awarded by U.S. Government department or agency. Verification: The air carrier must have an official Government document on the aircraft to substantiate that he is operating on a bona fide flight for a U.S. Government department or agency.

(3) *On-call air taxi operator.* Permits an on-call air taxi operator to use a USAF installation at the specific request of any echelon of a U.S. Government department or agency. Verification: The on-call air taxi operator must have an official Government document on the aircraft to substantiate that he is operating on a bona fide flight for a U.S. Government department or agency.

(f) *Civil Air Patrol (K).* Permits aircraft owned and operated by the CAP or a CAP member to use designated USAF installation for official CAP activities. Verification: Indorsement of the application by HQ CAP–USAF, Maxwell Air Force Base, Alabama 36112.

(g) *Other.* Under certain circumstances and based on the justification provided or as may be requested, use of USAF installations may be authorized for:

(1) FAA certification testing (W).

(2) Commercial developmental testing (subject to compliance with Air Force Regulation 80–19, Support of Nongovernment Test and Evaluation) (W).

(3) Commercial charter operation (S).

(4) Commercial aircrew training flights (W).

(5) Private nonrevenue-type flights (R).

(6) Major political party candidates (for security reasons only). Aircraft either owned or chartered explicitly for a Presidential or Vice Presidential candidate, including not more than one accompanying overflow aircraft. Candidate must be the post-convention major political party's nominee. Aircraft clearance is predicated on the Presidential or Vice Presidential candidate being aboard one of the aircraft. The major political party headquarters must notify HQ USAF/PRPO of all requests for flight schedules involving USAF installations. After normal duty hours, flight schedule changes must be reported to the USAF Operations Center, Washington, D.C. Immediately refer any contacts made outside these channels to HQ USAF/PRPO. Normal landing fees will be charged. Fuel may be sold on a credit basis in accordance with Air Force Regulation 144–9. (See Part 819a of this chapter).

NOTE: To reduce conflict with U.S. statutes and Air Force operational requirements, and to provide expeditious handling of aircraft and passengers, the following guidance applies for the installation commander: Minimum official (base officials) welcoming party, no special facilities need be provided, no plans should be approved for on-base political rallies or speeches, and no official transportation should be provided for unauthorized personnel (press, local populace, etc.).

§ 855.32 Approving authority.

The authority to approve or disapprove civil aircraft use of USAF installations is vested in:

(a) *Directorate of Programs, HQ USAF.* HQ USAF/PRPO may act on any request for any type of civil aviation use predicated on justification for such use and for the types outlined in § 855.31; however, it reserves the exclusive approval authority on the following:

(1) Commercial air carriers.

(2) Use of multiple USAF installations.

(3) U.S. Government contract/charter operators.

(4) On-call air taxi operators.

(5) Flights operating over international boundaries where landing is to be made at a USAF installation.

(6) Other types, including those not specifically delegated to other competent authority.

(7) Joint civil aviation type use as prescribed under § 855.50.

(8) Any unusual or unique use not specifically authorized by this part.

(b) *Major command or an installation commander.* A major command or an installation commander may approve or disapprove use of an installation(s) under his jurisdiction for the following types of civil aviation:

(1) Civil Air Patrol.

(2) Government personnel.

(3) Nonscheduled air carrier.

(4) Non-Government personnel.

(5) Humanitarian flights in conjunction with evacuation of critically ill or injured personnel.

(6) For flights by aircraft either owned or personally chartered for transportation of the President, Vice President, or a past President of the United States; the head of any U.S. Federal department or agency; or a member of Congress.

NOTE: If time does not permit processing of the request before landing, AF Form 180 and 181 will be completed immediately after aircraft arrival. Collection will be made for landing, parking, and storage fees when use is not for official business purposes. Any request by or for members of Congress will be reported to the Director of Legislative Liaison (SAF/LL) in accordance with Air Force Regulation 11–7, Air Force Relations with Congress.

(c) *Commander, Alaskan Air Command.* In addition to paragraph (b) of this section, the Commander AAC may approve and disapprove landing permits for Alaskan air strips under the control of the Commander, Air Defense Command, without restriction as to type of use. Air Defense Command will be furnished a copy of each AF Form 181 approved under this section. The Air Force mission takes precedence over this type of use, and an approved permit does not obligate use of Air Force supplies, equipment, or facilities other than the landing strip.

(d) *Commander, Military Airlift Command.* In addition to paragraph (b) of this section, the Commander, Military Airlift Command, may approve use of USAF installations worldwide, as required, for flights in support of MAC contracts.

(e) *U.S. Defense Attache.* The U.S. Defense Attache (USDAO), acting on behalf of HQ USAF/PRPO, may approve a request for a one-time landing at a USAF installation as follows:

(1) For official Government business purposes of either the U.S. or the country to which he is accredited.

(2) If the USAF installation is located within the country to which he is accredited.

(3) If the installation commander concurs.

§ 855.33 Civil aircraft user requests.

The prospective user should obtain a copy of this part and the required forms from any USAF installation or approving authority, and review them before submitting the required documents to the approving authority. The appropriate approving authorities are reflected in § 855.32. The type use can be found in § 855.31. To allow time for processing, all documents should be submitted at least 30 days before the date of the first intended landing. The name of the "user" must be the same on all forms. Actual signatures, not facsimile elements, are required on all forms. Prospective civil users of a USAF installation must apply for authorization as follows:

(a) Actions required by civil aircraft users:

(1) Complete, sign, and forward original AF Form 180 to the approving authority. When the user is a corporation, the "Certificate" of acknowledgement on AF Form 180 must be completed and signed by a second corporate officer (other than the officer executing the AF Form 180) to certify the signature of the first officer. As necessary, the Air Force also may require that the "Certificate" of acknowledgement be authenticated by an appropriately designated third official. Once the completed and signed AF Form 180 has been accepted by an approving authority, and unless rescinded for cause, it is valid until obsolete, and need not be resubmitted with future requests to the same approving authority.

(2) Prepare and sign a separate set of AF Forms 181 for each type of use requested. Except for scheduled and weather alternate use, which may be requested on the same form, a separate set of AF Forms 181 is required for each type of use. Complete AF Form 181 in an original and one copy for HQ USAF/PRPO and an original and four copies for other approving authorities. The user should ensure that all entries conform to the requirements of this part.

(i) Type of use stated must correspond with § 855.31. Other types may be considered if sufficient justification is provided.

(ii) Provide, in alphabetical order, the name and location of each USAF installation requested for use. Scheduled airline will designate each listed installation as a regular or weather alternate by placing a (R) or an (A) after the installation name. (The statement "All Major USAF Installations Worldwide," or "All Major USAF Installations Within the Continental United States," generally is acceptable only from those users on official Government business.)

(iii) Provide a brief explanation of the activities, to include the purpose, contract numbers, period of use, and detailed justification for use of each installation requested. Period of use requested must be stated, but will not exceed 18 months. If insurance is the limiting factor, the landing permit expiration date is one day before the insurance coverage expiration date indicated on AF Form 203. If the frequency of use is not precisely known, provide an estimated frequency of use.

(iv) Registration numbers are required, however, they need not be provided if the insurance coverage states "any aircraft of the listed model(s) owned and/or operated" (see § 855.35). Provide all other aircraft information.

(3) Have the insurer or his authorized agent complete, sign, and forward the original AF Form 203 to HQ USAF/PRPO. All coverages must be stated in U.S. dollars (see § 855.35 for required minimum coverages) and must be adequate for the type of use requested and for the passenger capacity and Maximum Gross Take Off Weight (MGTOW) of the aircraft being operated. When the approving authority is other than HQ

USAF, submit a signed carbon copy of the original AF Form 203 with the AF Forms 181 to the approving authority. The AF Form 203 is valid until insurance expiration date, and may be used as a basis for actions on any later AF Forms 181 submitted for approval.

(b) Once the AF Form 181 has been approved and distributed, users may make no further entries or amendments. New requirements must be submitted on a new set of AF Forms 181, but may include the old listing.

§ 855.34 Processing procedure of the approving authority.

On receiving a request for the use of a USAF installation, the approving authority:

(a) Determines the availability of the installation and its capacity to accommodate the type of use requested.

(b) Ensures the prospective civil aircraft user has a valid AF Form 180 and AF Form 203 on file at his approving level.

(c) Determines the validity of the request and ensures all entries on the AF Form 181 are in conformance with this part.

(d) Approve the AF Form 181 (with conditions or limitations listed as appropriate) by completing all items in the approving authority section. Assign a permit number comprised of the letter identifiers of the approving authority, the last two digits of the calendar year, a serial number, and a letter suffix indicating the type of use (see § 855.31). Major Commands and USDAO's use a three position abbreviation and bases use the ICAO Code as the letter identifier of the approving authority.

(e) Disapproves the request if it does not comply with the requirements of this part; for example, if:

(1) Use interferes with current operations, security, or ground safety.

(2) Adequate civil facilities are available in the proximity of the requested USAF installation.

(3) Civil user has not fully complied with this part.

(f) Distributes the approved AF Form 181 before the first intended landing, when possible, and as follows:

(1) Original to HQ USAF/PRPO.

(2) Return two copies to the user.

(3) Retain one copy for file.

(4) HQ USAF/PRPO provides one data punch card for each AF Form 181 to the appropriate major commands. Landing permit information in data punch card format is distributed weekly to major commands, who make further distribution via machine printout to their appropriate installations every two weeks.

§ 855.35 Insurance requirements.

Each user who applies for permission to land at a USAF installation presents proof of third-party liability insurance on an AF Form 203, with the amounts stated in U.S. dollars. The policy number, effective date, and expiration date are required. The geographical area of coverage must include the area where USAF installation(s) of proposed use is (are) located. Where several aircraft or aircraft types are included under the same policy, a statement such as "all aircraft owned," "all aircraft owned and operated," "all aircraft owned or operated, "all aircraft operated," etc., may be listed under aircraft registration number(s) in lieu of aircraft registration numbers. To meet the insurance requirements, either individual coverages for "Bodily Injury," "Property Damage," and "Passengers" or a "Single Limit" coverage is required. The coverage carried will be at the expense of the user with an insurance company acceptable to the Air Force, and must be current during the period the USAF installation is to be used. The liability required is determined by the MGTOW of the aircraft, whether passengers are carried, and will not be less than the minimum in the following table:

TABLE.—*Aircraft liability coverage requirements* [Stated in U.S. dollars]

	Bodily injury	Property damage	Passenger
	(a) Commercially operated without passengers		
12,500 pounds and under:			
Each person	$100,000		
Each accident	300,000	$100,000	
Over 12,500 pounds:			
Each person	100,000		
Each accident	1,000,000	1,000,000	
	(b) Commercially operated and privately owned noncommercial with passengers		
12,500 pounds and under:			
Each person	$100,000		$100,000
Each accident	300,000	$100,000	$100,000 × number of passenger seats.
Over 12,500 pounds:			
Each person	100,000		$100,000
Each accident	1,000,000	1,000,000	$100,000 × 75% × number of passenger seats.

(a) Any insurance presented as a single limit of liability or a combination of primary and excess coverage will be an amount equal to or greater than the minimums required for Bodily Injury, Property Damage, or Passengers as indicated in the table in this section.

(b) Each user's policy will specifically provide that:

(1) The insurer waives any right of subrogation the insurer may have against the United States by reason of any payment made under the policy for injury, death, or property damage that might arise out of or in connection with the insured's use of any USAF installation.

(2) The insurance afforded by the policy applies to the liability assumed by the insured under the AF Form 180.

(3) If the insurer or the insured cancels or reduces the amount of insurance afforded under the listed policy, the insurer sends written notice of the cancellation or reduction to HQ USAF/PRPO by registered mail at least 30 days in advance of the effective date of the cancellation or reduction. (The policy must state that any cancellation or reduction will not be effective until at least 30 days after such notice is sent.)

§ 855.36 Landing, parking, and storage fees.

All fees are due and collectable at time of use of any active or inactive USAF installation and are deposited with the Accounting and Finance Officer using DD Form 1131, Cash Collection Voucher. As necessary, guidance and assistance may be obtained from the Installation Accounting and Finance Officer. The landing, parking, and storage fees are based on the aircraft Maximum Gross Take Off Weight (MGTOW). The time that an aircraft spends on an installation is at the discretion of the installation commander. He may permit parking and storage on a nonexclusive, temporary, or intermittent basis consistent with military requirements.

(a) *Normal landing fee.* (1) U.S., U.S. Territories and Possessions. .20/1,000 pounds MGTOW or any portion thereof, minimum $5.00.

(2) Other overseas. .30/1,000 pounds MGTOW or any portion thereof, minimum $7.50.

(b) *Unauthorized landing fee.* (1) Aircraft 12,500 pounds MGTOW and under, $100.00.

(2) Aircraft over 12,500 pounds up to and including 40,000 MGTOW, $300.00.

(3) Aircraft above 40,000 pounds MGTOW, $600.00.

(c) *Parking and storage fee.* (1) Outside a hangar. Charge begins 6 hours after aircraft landing. The rate is .$10/1,000 pounds MGTOW for each 24-hour period or fraction thereof, with a minimum of $1.50 per aircraft.

(2) Inside a hangar. Charge begins at time aircraft is placed in the hangar. The rate is .20/1,000 pounds MGTOW for each 24-hour period or fraction thereof with a minimum of $5.00 per aircraft.

(d) *Exceptions.* The landing, parking, and storage fees are not applicable for civil aircraft which are:

(1) Privately owned, or leased, and operated by active duty and retired U.S. military and auxiliary personnel of the CAP, U.S. Air Force Reserve, ANG, and AFROTC.

(2) Operated in support of official Government business, including those

operated under a U.S. or foreign Government contract or charter.

(3) Produced under a contract of the U.S. Government.

(4) Exempted from this part.

§ 855.37 Purchase of aviation fuel and oil.

Conditions for sale of aviation fuel and oil are specified in AFR 144–9 (Part 819a of this chapter). A user may purchase Air Force fuel and oil on a credit basis after establishment of the "Authorized Buyer Letter". The Authorized Buyer Letter must be submitted to and accepted by HQ USAF/PRPO before products can be purchased on a credit basis.

§ 855.38 Supply and service charges.

Supplies and services furnished to a user are charged for as prescribed in Air Force Manual 67–1, USAF Supply Manual, volume I, part one, chapter 10, section N, subsection 2. Cash, personal check with appropriate identification, cashier check or money orders are acceptable means of payment.

Subpart D—Foreign Government Aircraft

§ 855.40 General information.

All foreign military or foreign government-owned noncommercially operated aircraft must have authorization before using USAF installations. Where agreements do not exist—between the United States and a foreign government or between the U.S. Air Force and a foreign air force for reciprocal use by military aircraft—foreign government must specifically request permission for its aircraft to land at USAF installations.

NOTE: Permission to land at USAF installations in the United States or foreign countries does not constitute nor take the place of diplomatic overflight clearance.

§ 855.41 Actions required by foreign government aircraft users.

Foreign government aircraft are not required to submit AF Forms 180, 181 and 203 for permission to land at a USAF installation. Instead, the foreign government must:

(a) Complete and forward a written request in an original and two copies through its air attache to HQ USAF/CVAFI, Washington, D.C. 20330, at least a minimum of 72 hours, excluding Saturday, Sunday and U.S. holidays, before first intended landing. (All Latin American countries are authorized to submit their requests, a minimum of 48 hours or 2 workdays in advance of use of a USAF installation in the Canal Zone or the Continental United States, direct to USAFSO, APO New York 09825.)

(b) Submit a request for diplomatic clearance to the Department of State, where flight to United States territory is desired, unless flight in U.S. airspace is already authorized by an appropriate agreement.

(c) Submit a request for diplomatic clearance to each appropriate foreign country which is to be overflown or in which a landing is to be made (where use of a USAF installation in a foreign country is desired).

§ 855.42 Processing procedures of the approving authority.

On receiving a request, the approving authority:

(a) Determines the availability of the installation and its capability to accommodate the use.

(b) Ensures that the prospectve foreign government user has a valid requirement.

(1) Assistant Vice Chief of Staff, Foreign Liaison Division (HQ USAF/CVAFI). HQ USAF/CVAFI acts on all requests for use of a USAF installation by a foreign government aircraft except the Commander, USAF Southern Command, has authority to approve certain requests from Latin American countries. An aircraft landing number (ALAN) is assigned each request approved for foreign government aircraft and notifies USAF installations, major commands, Air Staff offices, and HQ USAF/PRPO by message.

(2) Commander, USAF Southern Command (USAFSO) may act on requests from any Latin American country for its military aircraft or other Government-owned aircraft not engaged in commercial operations, to use USAF installations under his control, and in the Continental United States. Prior clearance for use of Continental United States installations must be obtained, either formally or informally, from the installation commander concerned before issuing the landing authorization. Concurrent with obtaining clearance from the installation commander, informal notification of period of use and petroleum, oil and lubricants billing instructions may be furnished; this information is repeated in the landing authorization message. USAFSO ensures that all authorizations are consistent with current directives.

§ 855.43 Aviation fuel and oil purchases.

Air Force aviation fuel and oil may be purchased by the foreign government aircraft users of USAF installations as authorized by separate agreement or as stated in the approved landing request.

§ 855.44 Supply and service charges.

Charges for supplies and services furnished are prescribed in AFM 67–1, volume I, part one, chapter 10, section N, subsection 2. For official business, communications service may be provided at no cost to the U.S. Government or on a reimbursable basis where additional charges accrue to the U.S. Government for such service. Communications service normally is not provided for other than official business.

Subpart E—Joint Use of a USAF Installation

§ 855.50 Requests for joint use.

Joint civil aviation use of a USAF installation is considered only when requested by authorized governmental representatives of a community. Such requests are considered and evaluated on an individual basis by all reviewing levels.

(a) To initiate consideration for joint use of a USAF installation, submit a request to the installation commander, and include the following:

(1) Type and number of aircraft to be located on the installation.

(2) If applicable, an estimate of the number of commercial operations annually over a 5-year period.

(b) The installation commander, on receipt of the request, without precommitment or comment, forwards the documents to the Air Force representative at the FAA regional office within the geographical area of installation location.

(c) The USAF is responsible for the preparation of the environmental statement. Any costs associated with the preparation of the statement are borne by the requester.

(d) The Air Force representative at the FAA regional office comments on the request regarding airspace, air traffic control, and any other related areas, and returns the request with his comments to the installation commander.

(e) The installation commander comments on the request and forwards his comments and all related documents through channels to HQ USAF/PRPO.

(f) HQ USAF/PRPO, when evaluating the request, considers all of the following factors:

(1) The current and programmed military activities at the installation, dual runway and taxiway facilities, security, availability of supplies and maintenance service, volume and type of military traffic, crash protection, etc., and the extent to which the proposed use might detract from the installation capability to meet national defense needs.

(2) Availability of public airports to accommodate the current and future civil aviation requirements of the community and the practicality of constructing or expanding a public airport.

(3) Availability of sufficient land for civil facilities in an area separate from the Air Force facilities. If the community does not already own the land needed, the necessary land must be acquired either by purchase at no expense to the U.S. Government or from land that is excess to Air Force needs. The availability of excess USAF installation land may be requested through the FAA and the General Services Administration (see 50 App. U.S.C. 1622(g)). The Air Force considers temporary use of real property under Air Force Regulation 87–3, Granting Temporary Use of Real Property (see Part 838 of this chapter).

(4) Whether the community would acquire, construct, and maintain all necessary facilities for civil aviation operations; for example, a terminal building, parking ramp, taxiways, and, if appropriate, a civil runway.

(5) Whether the community would reimburse the U.S. Government a proportionate share of the costs for maintenance and operation of the runway and other utilized facilities.

(g) If HQ USAF/PRPO approves the request for joint use, an agreement will be negotiated and concluded on behalf of the Air Force. The joint-use agreement will state the extent to which the provisions of this part will apply to all civil aviation use authorized.

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-6114 Filed 3-15-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL

[CGD 73-40R]

PART 1—GENERAL PROVISIONS

SUBCHAPTER S—BOATING SAFETY

PART 177—ESPECIALLY HAZARDOUS CONDITIONS

Manifestly Unsafe Voyages

The purpose of this amendment is to provide each Coast Guard District Commander with the authority to designate a specific boat as being manifestly unsafe for a specific voyage on a specific body of water.

A notice of proposed rulemaking was published in the March 14, 1973 issue of the FEDERAL REGISTER (38 FR 6900) proposing to establish, in Part 177 of Title 33, Code of Federal Regulations, certain additional unsafe conditions under which a specific boat would be considered manifestly unsafe for a specific voyage. In the notice, these additional unsafe conditions were contained in § 177.07(f). In this amendment, § 177.07 (f) has been redesignated § 177.07(g).

The notice of proposed rulemaking also proposed to amend Part 1 of Title 33, Code of Federal Regulations, by adding a new paragraph, § 1.05-1(d), to the general rulemaking procedures prescribed in that part. The new paragraph would redelegate, from the Commandant to each Coast Guard District Commander, the authority to issue the regulations provided for by § 177.07(g).

On May 8, 1973, a public hearing was held at U.S. Coast Guard Headquarters in Washington, D.C. to receive the views of interested persons on the proposed regulations. In addition, written comments were received on the proposed regulations during the period March 14, 1973, to May 14, 1973. The Coast Guard has considered these oral and written comments in preparing the final rule.

Several comments stated that the Coast Guard has failed to demonstrate or show the need for the proposed rule; one comment pointing out that when proposing a rule, sec. 6(1) of the Federal Boat Safety Act of 1971 requires the Coast Guard to consider the extent to which the rule will contribute to boating safety. Based on search and rescue (SAR) case studies, the Coast Guard anticipates that approximately four manifestly unsafe voyages will be attempted each year. This number may seem relatively insignificant when compared to the much larger number of boating accidents that occur in other phases of recreational boating. However, the need for preventing manifestly unsafe voyages becomes evident when one considers the disproportionately large commitment of Coast Guard boating safety and SAR resources that inevitably takes place when the voyages occur. This enormous and protracted expenditure of resources can perhaps be best appreciated by examining a recent case in point: A 22 foot Grand Banks dory which was to be rowed and carried by current from Washington to Mexico and thence to Hawaii. The boat carried approximately 100 days provisions for the two man crew. The crew also carried an emergency position indicating radio beacon (EPIRB). After a series of difficulties involving swamping of the boat as sea and sickness of the crew, the dory departed the west coast for Hawaii. Five days out, one of the crew developed a kidney ailment and the EPIRB was activated. In response to the EPIRB, a Coast Guard cutter was dispatched to evacuate the stricken crewman. The remaining crewman continued on alone. Approximately two months later, the dory was sighted and hailed by a merchant vessel. Based on a report from this vessel, a Coast Guard cutter on ocean patrol began a search for the dory with negative results. Approximately one week later, another merchant vessel encountered the dory. The Coast Guard cutter (long since diverted from its primary mission of plane guard and navigation aid on commercial air lanes) continued its search in that area for another three days with negative results. Due to a low fuel state, the cutter was forced to terminate the search and head for home port. That same day an EPIRB signal was detected by the cutter which put about and began the search again. A SAR aircraft was launched and located the dory. The cutter was vectored to the dory which was taken aboard the cutter along with the crewman. The cutter then returned to Seattle.

This chain of events occurred over a period of more than seven months. During this time, almost constant attention and concern was shown by the Coast Guard in an attempt to discourage the voyage, and then when those efforts proved fruitless, to monitor the progress of the voyage and stand ready to provide SAR service. The level of attention and concern ranged from assistance and advice provided at the Coast Guard Station, LaPush, Washington, where the voyage originated, to continuous monitoring of the voyage at the Coast Guard Rescue Coordination Center in San Francisco, to a personal visit by the Commander of the Twelfth Coast Guard District in San Francisco.

Other manifestly unsafe voyages have involved small canoes and small inflatable boats in which the boat operator intended to cross huge expanses of open ocean, making voyages as far as to Japan. These manifestly unsafe voyages inevitably claim a disproportionately large share of the Coast Guard's boating safety and SAR resources. The Commander of the Twelfth Coast Guard District estimates that in the last year, his district has expended nearly 75,000 man hours in handling only four such manifestly unsafe voyages. The commitment of SAR resources is even more remarkable. In one case, SAR aircraft flew a total of 125 hours and searched more than 270,000 square miles of ocean in a period of only three days. The Coast Guard is concerned that these boating safety and SAR resources should be applied to other more pressing and universal needs of the boating community. In view of this, the Coast Guard asserts that there is a definite and reasonable need for a regulation that can prevent manifestly unsafe voyages which, by any reasonable standard of judgment, lack any chance of successful completion.

A number of comments stated that the proposed rule is an encroachment on the constitutional right of Americans to have free access to the high seas. Other comments stated that the rule will result in the Coast Guard issuing trip permits to all seaward bound boats. The Coast Guard feels that these comments indicate a misunderstanding of the purpose and intent of the proposed rule. First, it is patently impossible for the Coast Guard to use the proposed rule to scrutinize or inspect all seaward bound boats since the District Commander must personally implement the rule. Briefly stated, the proposed rule is intended to prevent the use of boats on voyages (for the most part, extended ocean crossings) for which they are manifestly unsafe because of clearly unsuitable design or configuration, or because of inadequate or improper construction, or because of inadequate or improper operational or safety equipment. The Coast Guard's concept of a manifestly unsafe voyage is perhaps best typified by a recent case in which an operator proposed to sail and paddle a 16 foot canoe across the Atlantic to Portugal. The purpose of the voyage was to focus attention on the financial needs of a senior citizens' home in the Midwest. The operator had admittedly very limited boating experience in open ocean waters. In fact, the operator had determined the suitability of the canoe for the intended voyage by sailing and testing it on an inland lake. This is the type of voyage which the Coast Guard intends to regulate through careful and selective application of the proposed rule. Except in these extreme and unusual circumstances, the Coast Guard would not use the rule to limit an individual's free access to the high seas.

In administering the rule, the Coast Guard expects from past experience that it will learn of most manifestly unsafe voyages through publicity in the news media. Such endeavors are generally given wide publicity precisely because of the bizarre and sensational aspects of the manifestly unsafe voyage. The Coast

Guard would also expect to learn of these voyages through correspondence from concerned friends, relatives, and other interested parties. When and if the Coast Guard learns of such a doubtful voyage, the District Commander will conduct an investigation to determine if the unsafe conditions in § 177.07(g) do exist.

A large percentage of comments objected that the unsafe conditions in proposed § 177.07(g) are too vague and general in their wording. This will result, the comments stated, in arbitrary and purely subjective interpretations of the rule, which in turn, will result in arbitrary and inequitable enforcement. In this connection, several comments specifically objected that competence of the operator, as listed in the proposed rule, is a condition particularly difficult to judge and it should therefore be deleted. The Coast Guard recognizes that the language in the rule is general. However, the Coast Guard feels that this is necessary. No narrow class definition or description of the type of boats involved, or of the type of voyages, or of the multiplicity of other variables in design and equipment, is possible. It is precisely for this reason that interpretation and enforcement of the rule is limited to the Coast Guard District Commander (generally, a Rear Admiral or Vice Admiral) with the explicit restriction that this responsibility and authority cannot be delegated further. This means that the District Commander will be required to give the matter of manifestly unsafe voyages his personal attention and supervision. The Coast Guard believes that the District Commander's breadth of experience and mature judgment will prevent unreasonable and over-zealous enforcement of the rule. After careful consideration of the comments, however, the Coast Guard recognizes that while boat design, material condition, and equipment are sufficiently tangible conditions to be judged with some objectivity, the operators' competence is not. Because the quality and extent of the operator's training and experience are difficult to document or otherwise establish, and very difficult, therefore, for the District Commander to accurately judge, the condition of operator competency has been deleted from the final rule. With regard to the remaining conditions in § 177.07(g), it should be kept in mind that the District Commander will not be making fine hairline judgments, seeking to define some subtle nuance between what constitutes suitability of design or appropriate naval architecture. Rather, the District Commander will be looking for blatant, extreme, and manifest deficiences.

The written and oral comments, nevertheless, do reveal that the language of the notice preamble was not clear in some respects and that the wording of the unsafe conditions in § 177.07(g) might be clearer. First, the use of the word "unique" in the notice preamble (to describe the type of boat for which the rule is intended) caused some confusion and adverse reaction. One comment made at the public hearing quite correctly stated that a boat could be unique in that the innovation of its design or construction makes it safer and more seaworthy than any other boat of its type. This uniqueness is certainly not cause for termination of a voyage. The sense that should have been conveyed by the notice preamble is that one factor the Coast Guard would consider as unsafe would be the gross unsuitability of a boat for the type of voyage intended. In this regard, the Coast Guard believes that the intent of the rule could be better reflected in the language of § 177.07 (g) by adding qualifiers such as "manifest", "inadequate", "unsuitable", and "improper". The wording of § 177.07(g) is, therefore, revised accordingly.

Several comments objected that the proposed rule had no provision for the operator to appeal a District Commander's regulation issued under proposed § 1.05–1(d). The right to petition for the issuance, amendment, or repeal of a rule (including a particular and specific rule or regulation issued to and served on a named individual, as envisioned by § 1.05–1(d)) is guaranteed by the Administrative Procedure Act (Pub. L. 89–554). The Coast Guard recognizes, however, that the methods for filing and processing such petitions should be established in a procedural regulation. Two additional paragraphs have, therefore, been added to the proposed amendment to the procedural rules in Part 1 of Title 33, Code of Federal Regulations. The revised amendment to 33 CFR 1.05 will ensure that: (1) Each rule issued by a Coast Guard District Commander will contain clear notice that the person upon whom it is served has the right to petition for repeal of the rule; (2) The person on whom the rule is served knows how to submit the petition; and (3) The District Commander will either repeal the rule or provide prompt written notice of denial to the petitioner.

Several comments suggested that, rather than issue the proposed rule, the Coast Guard avoid the expenditure of boating safety and SAR resources by having the operator who is about to embark on a manifestly unsafe voyage sign a release or waiver. Under this scheme, the Coast Guard District Commander would first warn the operator of the potential hazards involved in the planned voyage and advise him of the unsafe conditions. If the operator still insists on making the voyage, the Coast Guard would then require the operator to sign a release which would exonerate the Coast Guard of all responsibility for his safety and for conduct of search and rescue. The Coast Guard considers that the waiver of release suggested in these comments has no legal validity. The responsibility for search and rescue and for safety of life on the high seas is charged to the Coast Guard by section 2 (Primary Duties) of Title 14 (Coast Guard), United States Code. The operator has no authority or power to release the Coast Guard from this responsibility.

Several written comments stated that the proposed amendment is necessary and should be adopted.

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

1. Part 1 is amended by adding new § 1.05 (d), (e), and (f) to read as follows:

§ 1.05–1 General.

* * * * *

(d) Subject to the provisions of paragraphs (e) and (f) of this section, the Commandant redelegates to each Coast Guard District Commander, with the reservation that this authority shall not be further redelegated, the authority, under section 13 of the Federal Board Safety Act of 1971, to issue regulations applicable to a specific boat within his jurisdiction designating that boat unsafe for a specific voyage on a specific body of water when it is determined, under the provisions of § 177.07(g) of this chapter, that an unsafe condition exists.

(e) Each regulation issued by a Coast Guard District Commander under the provisions of paragraph (d) of this section shall contain—

(1) Notice that the person upon whom the rule is served has the right, under the Administrative Procedure Act (5 U.S.C. 553(e)), to petition for reconsideration and repeal of the rule;

(2) Full title and address of the Coast Guard District Commander to whom the petition is to be submitted; and

(3) Notice that the petition should contain—

(i) The text or substance of the rule which the petitioner seeks to have reconsidered and repealed;

(ii) A statement of the action sought by the petitioner;

(iii) Whatever arguments or data that are available to the petitioner to support the action sought; and

(iv) If the petitioner desires reconsideration and repeal of the rule before a specific date, the petition should so state and give reasons why action by that date is necessary.

(f) If a Coast Guard District Commander determines that a petition submitted under the provisions of paragraph (e) of this section contains adequate justification, he shall initiate prompt rulemaking action to repeal the rule. If the Coast Guard District Commander determines that repeal of the rule is not justified, he shall issue prompt written notice of denial to the petitioner.

((46 U.S.C. 1488), 49 CFR 1.46(o)(1), 49 CFR 1.45(b))

2. Part 177 is amended by adding a new § 177.07(g) to read as follows:

§ 177.07 Other unsafe conditions.

* * * * *

(g) Designated manifestly unsafe for a specific voyage on a specific body of water due to:

(1) Unsuitable design or configuration, or

(2) Improper construction or inadequate material condition, or

(3) Improper or inadequate operational or safety equipment, and set forth

in a regulation issued by a District Commander under the authority of 33 CFR 1.05–1(d).

(Sec. 39, 85 Stat. 228; (46 U.S.C. 1488), 49 CFR 1.46(o)(1))

Effective date. This amendment shall be effective April 17, 1974.

Dated: March 8, 1974.

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

[FR Doc.74–6151 Filed 3–15–74;8:45 am]

Title 34—Government Management

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

SUBCHAPTER C—PROPERTY MANAGEMENT

PART 232—FEDERAL ENERGY CONSERVATION (FMC 74–1, SUPP. 1)

Federal Energy Conservation Policies

This document revises the Federal energy conservation policies and procedures to give agencies greater flexibility in assigning parking spaces to handicapped employees and in achieving the prescribed lighting standards. These revisions are being made as a result of comments from various Federal agencies and private groups.

APPENDIX B—FEDERAL EMPLOYEE PARKING

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4. *Agency plans and procedures.*

* * * * *

b. The agency parking arrangements will provide that on or before March 9, 1974, not more than 10 percent of the parking spaces aavilable for employee parking at Federal agencies may be assigned to executive personnel and persons who are assigned unusual hours. Assignment of the remaining parking spaces for employee parking will be based on the number of persons in a carpool. Where practical, the 10/90 ratio will be accomplished at each Federal facility. Parking spaces assigned on the basis of a severe physical handicap shall not be considered part of employee parking for purposes of achieving the 10/90 ratio. Each agency will give full credit, for the purpose of allocation of parking spaces for carpools, to any full time carpool member regardless of the employer, except that at least one member must be a full time employee of the agency. In those instances where there are insufficient parking facilities to meet the needs of all carpools, ties will be resolved in accordance with criteria to be published by the Administrator of General Services. Areas within parking facilities will be reserved for the use of two-wheeled vehicles with special consideration being given to bicycles. The amount of space allocated for this purpose will be reevaluated every six months.

c. To facilitate the formation of carpools, the Administrator of General Services, with the cooperation of the agencies involved, will provide assistance through the use of such aids as computerized carpool matching, carpool boards, etc. He will also develop reciprocal agreements with private sector employers through State or local government agencies or other organizations operating computer-aided carpool matching programs for the public and/or private sectors.

5. *Responsibilities.* All agencies will reassign parking spaces to Federal employees in accordance with the policies contained in this appendix on or before March 7, 1974.

6. *Exceptions.* Exceptions to the policies set forth in this appendix must be submitted by the head of the agency to the Administrator of GSA who will recommend approval or disapproval to the Administrator, Federal Energy Office.

* * * * *

APPENDIX C—HEATING, COOLING, AND LIGHTING OF BUILDINGS

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4. *Policies and procedures.*

a. *Lighting.* Energy consumed for lighting shall be reduced by removing nonessential lamps and fixtures and by applying nonuniform lighting standards to existing lighting systems.

(1) *Working hours.* During working hours, overhead lighting will be reduced to 50 foot candles at work stations, 30 foot candles in work areas, and 10 (but not less than 1) foot candles in nonworking areas. Reductions in overhead lighting shall be accomplished with minimum practicable deviation from the specified levels. These standards will be maintained in all space except where "heat of light" technology is utilized. Where the "heat of light" technology is used, the savings to be achieved by decreasing the lighting shall be compared to the costs to be incurred for increased use of heating energy before a determination regarding delamping is made.

* * * * *

(Federal Energy Office memorandum dated January 17, 1974, and Executive Order 11717 (38 FR 12315, May 11, 1973))

Effective date. This regulation is effective when issued.

Dated: March 12, 1974

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–6244 Filed 3–15–74;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 164—INDEMNITY CLAIMS

Filing Insured (Including C.O.D.) Mail Claims

This doucment constitutes a complete revision of the regulations of the Postal Service on insured (including C.O.D.) mail claims, presently found in §§ 164.1–164.5 of Title 39, Code of Federal Regulations.

The principal changes are as follows: In § 164.1 paragraph (a) is amended to allow only the mailer to file a claim for complete loss; paragraph (c) is amended to allow a mailer to file a claim for loss 15 days after the date of mailing, instead of the existing 30 days, except for APO and FPO surface mailings; and a new paragraph (f) is added listing payable and nonpayable claims.

Minor and technical changes are also made to §§ 164.2–164.5. However, these sections constitute directions to postal employees concerning the filling out and disposition of claim forms, plus other postal responsibilities, and need not be described here. All changes are effective immediately.

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

Accordingly, §§ 164.1–164.5 of Part 164 of Title 39, Code of Federal Regulations, are revised to read as follows:

Sec.
164.1 General instructions on filing an insured (including C.O.D.) mail claim.
164.2 Preparation of insured and C.O.D. mail claims.
164.3 Disposition of the damaged article.
164.4 Disposition of the claim.
164.5 Additional post office responsibilities.

§ 164.1 General instructions on filing an insured (including C.O.D.) mail claim.

(a) *Who may file.* (1) A claim for complete loss (including c.o.d.) may be filed only by the mailer.

(2) A claim for partial loss (including c.o.d.) may be filed by the mailer or addressee.

(3) A claim for damage (including c.o.d.) may be filed either by the mailer or addressee.

(b) *How to file*—(1) *Domestic claims.* A customer may file a claim at any post office, classified branch, or station. Form 3812, Request for Payment of Domestic Postal Insurance, dated Nov. 1971 or later, is used to request payment for the loss or damage of insured mail. The form is a four-part snap-out set which includes two copies of Form 1510-A, Inquiry for the Loss or Rifling of Mail Matter, and one copy of Form 3841, Post Office Record of Claim. DO NOT COMPLETE A SEPARATE FORM 1510 or FORM 3841 FOR INSURED OR C.O.D. CLAIMS.

(2) *International claims.* Claims for international insured mail are to be handled in accordance with Chapter 7, Postal Service Publication 42—International Mail.

(c) *When to file*—(1) *Loss Claims.* Mailer may not file a claim for loss until 15 days after the date of mailing. EXCEPTION: UNTIL 75 DAYS FOR APO and FPO SURFACE MAILINGS.

(2) *Damage Claims.* Customers should file damage or partial loss claims immediately.

(3) *Insurance (including C.O.D.) Claims.* Indemnity claims must be filed within one year from the date the article was mailed.

(d) *Information required*—(1) *Evidence of Insurance.* The customer must submit evidence that the package was insured. Acceptable evidence includes either:

(i) The original insurance receipt issued at time of mailing. Post offices may annotate the appropriate line(s) in firm mailing books Claim filed on (date), and submit a photocopy with the claim form.

(ii) The wrapper, if it has the name and address of both the mailer and the addressee and the appropriate insurance endorsement.

(2) *Evidence of value.* The customer (including Government agencies which have insured official mail) must submit evidence of value. The Postal Service will not undertake to obtain estimates of value. Acceptable evidence may include any one of the following:

(i) Sales receipt.

(ii) Invoice.

(iii) Statement of value from a reputable dealer.

(iv) Catalog value of a similar article.

(v) Statement describing the articles lost or damaged, including where purchased, date, amount, and whether the articles were new or used. If handmade, price of material used and labor. Describe the items in sufficient detail for the postal data center to determine that the value claimed is not excessive.

(vi) Paid repair bills, estimate of repair cost, or appraisals may be used in lieu of estimate of value in the case of claims for partial damage. When a question exists whether cost of repair exceeds actual value, other evidence of value may be required.

(3) *Replacement shipments.* If a replacement shipment has been sent to a customer to replace original article(s) lost, indicate Replacement Shipment on claim (Form 3812) and obtain a copy of the invoice evidencing the replacement and attach to claim form.

(e) *Assignment of responsibilities.* (1) Post offices, classified stations and branches will:

(i) Accept claims when evidence of insurance, statement of value (including proper documentation), and required signatures are furnished.

(ii) Assist customers in preparation of Form 3812.

(iii) Complete post office portion of Forms 3812.

(iv) Route completed Forms 3812 in accordance with § 164.4.

(2) The St. Louis Postal Data Center will adjudicate and pay or disallow all domestic insured and c.o.d. mail claims.

(f) *Payable and nonpayable claims.* (1) Subject to paragraph (f)(2) of this section, insurance for loss or damage to registered, insured or c.o.d. mail within the amount covered by the fee paid is payable for:

(i) Actual value of lost articles, less depreciation for used items.

(ii) Cost of repairing a damaged article or replacing a totally damaged article, not exceeding actual value of the article.

(iii) A c.o.d. parcel for which no remittance has been received by the mailer.

(iv) Death of baby poultry due to physical damage to the package or delay for which the Postal Service is responsible. In the absence of definite evidence showing responsibility for death of baby poultry, the Postal Service will be presumed to be at fault if 10 percent or more are dead on delivery, and indemnity will be paid for all dead poultry; otherwise the Postal Service will not be presumed to be at fault (see paragraph (f)(2)(v) of this section and § 124.3(c)) of this chapter.

(v) Costs incurred in duplicating or obtaining documents, or their original cost if they cannot be duplicated. The fee paid to an attorney to obtain duplication of valuable papers and other actual, direct and necessary expenses may be included.

(vi) The extra cost of gift wrapping if the gift wrapped article was enclosed in another container for handling in the mail.

(vii) Cost of outer container if specially designed and constructed for goods sent as registered, insured, or c.o.d. mail.

(viii) The established market value, as determined by a recognized dealer selected by the claimant, of numismatic coins or stamps having philatelic value.

(ix) Federal, State or city sales tax paid on articles which are lost or totally damaged.

(x) Postage (not fee) paid for sending damaged articles for repair. The Postal Service must be used for this purpose. Other reasonable transportation charges may be included if postal service is not available.

(2) Nonpayable Claims. Payment will not be made in excess of the actual value of the article or in excess of the maximum amount covered by the fee paid. Further examples where indemnity may not be paid are as follows:

(i) The article was not rightfully in the mail. This includes c.o.d. articles sent to addressees without their consent for purposes of sale or on approval.

(ii) Claim is filed more than one year from the date the article was mailed.

(iii) Evidence of insurance coverage has not been presented.

(iv) The mailer failed to state at time of mailing the full value of a registered article (see § 161.2(d) of this chapter).

(v) Loss, rifling, or damage occurred after delivery by the Postal Service.

(vi) Claim is based on sentimental loss rather than actual value.

(vii) The loss resulted from delay of the mail, except as in paragraph (f)(1)(iv) of this section.

(viii) The claim is for consequential loss rather than for the article itself.

(ix) Contents froze, melted, spoiled or deteriorated.

(x) The parcel was packaged in such a way that it would not have reached the addressee in good condition in the ordinary course of the mail.

(xi) The damage consisted of abrasion, scarring, or scraping of suitcases, handbags, and similar articles which were not properly wrapped for protection.

(xii) The death of baby poultry was due to shipment to points where delivery could not be made within 72 hours from the time of hatch.

(xiii) Death of honeybees and harmless live animals which was not the fault of the Postal Service (see § 124.3(c)(2) of this chapter).

(xiv) Failure on the part of the second party (the addressee if claim is filed by the mailer, or the mailer if the claim is filed by the addressee) to cooperate in the completion of the claim.

(g) *Used article(s) lost or damaged.* The St. Louis Postal Data Center depreciates used articles lost or damaged based on the following:

(1) Used articles with a life expectancy of ten (10) years are depreciated at ten percent (10%) per year.

(2) Used articles with a life expectancy of twenty (20) years are depreciated at five percent (5%) per year.

§ 164.2 Preparation of insured and C.O.D. mail claims.

(a) The accepting postal employee will enter a nine-digit claim number (see § 164.4(b)(1)) and complete items 1 through 10 on Form 3812. Type or print legibly with a ballpoint pen.

Press hard.

Item 1. Check appropriate block indicating reason for claim. If claim is for Complete Loss of Contents add: *CONT* after the block for Complete Loss. *No. c.o.d.* remittance claims should be initiated as Complete Loss.

Item 2. Indicate use of airmail, if applicable.

Item 3. Check the appropriate block to indicate category of the claim.

Item 4. Indicate special delivery service, if applicable.

Item 5. Enter city, State and ZIP Code of mailing post office (not necessarily the post office where the claim is being filed). If the package was mailed at a station or branch, use the appropriate ZIP Code.

Item 6. Enter the date the package was mailed.

Item 7. Enter the date the claim is being filed.

Item 8. Enter city, State and ZIP Code of post office of address.

Item 9. Enter amount of postage paid, including special fees such as special delivery or special handling.

Item 10. Enter amount of insurance fee paid.

(b) Assist the claimant in completing items 11 through 14 and items 17, 18 or 19 of Form 3812 to the extent possible as follows:

Items 11 and 12. Names and addresses of mailer and addressee. The mailer should indicate the payee by checking the payee block in either item 11 or 12. The name of the payee indicated in items 11 or 12 must agree with the payee shown in the Mail Check To portion of the identification slip.

Item 13. Describe the articles lost or damaged; indicate the purchase price, the approximate year of purchase, whether the article was new or used, or the price of materials used and labor, if handmade. Describe the items in sufficient detail for the postal data center to determine that the value claimed is not excessive. Attach a supplementary sheet of paper to the claim form if necessary.

Item 14. Enter the total amount claimed excluding postage.

Item 15. MUST BE COMPLETED BY ADDRESSEE ONLY.

Item 16. Complete for COD mailings only.

Item 17. Complete if package was commercially insured. Include policy number, name and address of insurance company and amount of deductible, if appropriate.

Item 18. Have the mailer sign, date, and enter his telephone number in appropriate block. If the claim is being filed by a business firm, the firm name should be entered in the signature block and the firm's representative should sign the block labeled *BY*.

Item 19. Have the addressee sign, date, and enter his telephone number in appropriate block. If the claim is being filed by a business firm, the firm name should be entered in the signature block and the firm's representative should sign the block labeled *BY*.

(c) The accepting postal employee will complete items 20, 21 and 22 (if applicable) of Form 3812.

Item 20. Date stamp and initial.

Item 21. Check the appropriate block to indicate evidence of insurance. Endorse the insurance receipt and wrapper *Claim Filed,* date stamp and initial it. Return it to the customer and instruct him to keep it until the claim is settled.

Item 22. Location of the damaged article:

(1) If the customer has possession of the damaged article, he must display it to the accepting postal employee to verify actual damage.

(2) If the claim is for partial damage, check the appropriate block to indicate that the customer will retain possession of the article.

NOTE: Under no circumstances should the accepting postal employee arrange to have the article repaired.

(3) If the claim is for total damage, disposition of the article will be at the option of the Postal Service. If the totally damaged article will have little or no salvage value, the article may be returned to the customer if he so desires. If the totally damaged article will have salvage value, dispose of it in accordance with § 164.3.

(d) Enter the following information on lower portion of Form 3812, Postal Insurance Claim Identification.

Mailer's name and address.
Addressee's name and address.
Other identification (invoice numbers, etc.).
Name and address of payee as designated by claimant.

(e) Review the claim form before the claimant leaves the post office to assure that:

(1) The mailer has designated the payee; (Exception: See § 164.4(c)(3)(ii)) signed the claim form; and completed the postal insurance claim identification portion of the form; and

(2) All necessary available supporting documents (bill of sale, invoice, repair bill or estimate of repairs) are attached to the back of claim form.

(f) For loss of numbered insured and c.o.d. parcels, check the post office records for parcels returned to the matter and check parcels on hand, awaiting return.

§ 164.3 Disposition of the damaged article.

(a) For a totally damaged article that will have little or no salvage value, such as smashed glassware, allow the customer to retain the article if he so desires, otherwise destroy it. If the totally damaged article will have salvage value retain it for 60 days then forward it to your dead parcel post branch on the next weekly dispatch. Use Form 3831 Receipt for Article(s) Damaged in Mails. If customer's claim is denied, article is to be returned upon request.

(b) For partially damaged articles, return the article to the customer.

§ 164.4 Disposition of the claim.

(a) The accepting clerk should forward the partially completed claim form, with the available supporting documentation attached to:

(1) The claims and inquiry section, if one exists, or

(2) The employee within the post office who has been designated to handle insurance claims.

(b) Final preparation of the claim form at the accepting post office (except APO/FPO claims and Canal Zone claims—See § 164.4(d)) is completed as follows:

(1) The claim number is composed of the six digit post office finance number and a three digit sequential number beginning with 001 and continuing through 999. When the total of claims initiated reaches 999, begin again with 001.

(2) *Forward to block*: Check the appropriate box to indicate to whom the claim form will be forwarded.

(3) Detach and file copy 4 of the claim form set (Form 3841, Post Office Record of Claims) alphabetically by mailer's name.

(4) See § 164.5(c) for disposition of Form 1510–A's.

(5) Select the appropriate form letter of instructions and attach it to the front of the claim form set as follows:

(i) Loss Claim Filed by Mailer, Form Letter 3861.

(ii) Damage Claim Filed by Mailer, Form Letter 3862.

(iii) Damage Claim Filed by Addressee, Form Letter 3863.

(6) Prepare a pre-addressed, penalty reply envelope as follows:

Postal Data Center
P.O. Box 14677
St. Louis, MO 63181

Attach the envelope to the claim form set.

(c) Send the claim form set with the appropriate form letter indicating items to be completed and pre-addressed postal data center envelope as follows:

(1) Loss or c.o.d.—to the addressee.

(2) Damage claim—to the second customer (either mailer or addressee). See exceptions in paragraph (c)(3) of this section.

(3) Exceptional damage claims.

(i) If the claimant has possession of the damaged article and submits proof that it was received by the addressee in a damaged condition, or that it was returned from the office of address as undeliverable, do not send the claim form to the addressee. Forward it directly to the St. Louis Postal Data Center for payment.

(ii) If repairs to a partially damaged article have been paid for by the addressee, forward the claim directly to the St. Louis Postal Data Center without the statement or signature of the mailer, provided you can determine from the insurance endorsement on the wrapper that the insurance fee paid was sufficient to have purchased insurance to cover the cost of repairs. Otherwise forward to the mailer for his evidence of insurance in accordance with paragraphs (b)(5)(iii) and (c)(2) of this section.

(d) When preparing and forwarding APO/FPO and Canal Zone Claims:

(1) Determine whether or not the mailer is still in an overseas area. Frequently APO/FPO and Canal Zone claims can be settled locally without contacting the port post office and the claim form set can be forwarded directly to the St. Louis Postal Data Center.

(2) If the claim cannot be settled locally, prepare the claim form set as you would for ordinary domestic claims except do not enter a claim number and do not detach copy 4 (Form 3841). You may, however, make a copy of the 3841 for your records.

(3) Select and attach the appropriate form letter and forward as follows:

(i) Overseas Military Mail—to the postmaster at the port post office identified in the mailer's or addressee's address.

(A) Postmaster San Francisco, CA 94101.

(B) Postmaster New York, NY 10001.

(ii) Canal Zone Mail—to the Postmaster, New Orleans, LA 70113.

(e) Port post office responsibilities are:

(1) Upon receipt of an APO/FPO or Canal Zone claim initiated by another post office, take the following action:

(i) Enter your own claim number.

(ii) Detach and file copy 4 (Form 3841) of the claim form set.

(iii) Forward the claim form set on to the next contact point.

(2) When the claim form set is returned to your office:

(i) Annotate the Form 3841 appropriately.

(ii) Forward the claim form set to the St. Louis Postal Data Center for adjudication and payment.

§ 164.5 Additional Post Office responsibilities.

(a) *General assistance to customers.* (1) Completion of a claim form initiated at another post office.

If a customer comes into your office with any one of the form letters mentioned in § 164.4(b)(5) and a partially completed Form 3812, comply with the following procedures:

(i) Read carefully the form letter which transmitted directions to the customer.

(ii) Assist the customer in completing his portion of the Form 3812 in accordance with the directions in the form letter.

(iii) Place the completed Form 3812 and all other material which the customer has received into the pre-addressed postal data center envelope and mail.

(2) *Verification of Insurance Receipt.* When the addressee has filed a damage claim and the amount of indemnity claimed exceeds $50, the mailer must present his insurance receipt for verification at any post office, classified station, or branch. Accept the insurance receipt, the partially completed Form 3812, and the form letter of instructions from the mailer. Comply with the following procedures:

(i) Read carefully the form letter which transmitted directions to the customer.

(ii) Complete items 9 and 10 on Form 3812.

(iii) Assist the customer in completing his portion of the Form 3812 in accordance with the directions in the form letter.

(iv) Endorse the insurance receipt *Claim Filed*, date stamp and initial it. Return the receipt to the customer and instruct him to keep it until the claim is settled.

(v) Place the completed Form 3812 and all other material which the customer has received into the pre-addressed postal data center envelope and mail.

(b) *Inquiries and duplicate claims.* (1) Provided at least 30 days (75 days for surface APO/FPO and Canal Zone mail) has elapsed since the claim was initiated, the initiating post office will prepare and process a duplicate claim as follows:

(i) Use the information on the original Form 3841 to complete as much of the duplicate Form 3812 as possible. Enter the same claim number that appeared on the original Form 3812. Obtain the signature of the customer who initiated the claim and a statement that the parcel has not been returned nor payment received. For loss of numbered insured and c.o.d. parcels, check the post office record of parcels returned to the mailer and check parcels on-hand awaiting return.

(ii) Mark the top of the Form 3812 Duplicate.

(iii) Annotate the original Form 3841 to indicate that a duplicate claim has been initiated. Do not detach the Forms 1510–A or 3841 from the duplicate claim form set.

(iv) Complete Form Letter 3866, Duplicate Insurance Claim, and attach it to the front of the claim form set.

(v) Forward the entire package to the post office which serves the second customer.

(2) Upon receipt of a duplicate claim form set, the post office which serves the second customer will within 5 days:

(i) For loss of numbered insured and c.o.d. claims: Verify delivery records, make a positive effort to contact the addressee to verify delivery or nondelivery (phone call is acceptable). Check post office records of parcels returned to the mailer. Annotate the findings in item 23 of Form 3812, detach Form 3841 and file, and send claim to the St. Louis Postal Data Center, P.O. Box 14677, St. Louis, MO 63181 for adjudication.

(ii) For Damage and Unnumbered Loss Claims: Forward entire claim file to the second customer using the appropriate form letter (Form 3861—Loss Claim Field by Mailer, Form 3862—Damage Claim Filed by Mailer, or Form 3863—Damage Claim Filed by Addressee). Include a penalty envelope preaddressed to the postal data center at the address in paragraph (b)(2)(i) of this section.

(c) *Verification of delivery.* (1) Verification of delivery record will be made on numbered insured and c.o.d. claims (exception—APO/FPO, unnumbered loss, damage and duplicate claims) by the following method:

(i) Detach the first copy of Form 1510–A, Inquiry for the Loss or Rifling of Mail Matter, from the claim set Form 3812, Request for Payment of Domestic Postal Insurance; write at top of form. Please verify delivery, affix the office dating stamp and mail it to the postmaster at the office of address.

(ii) Mail the remainder of the claim set to the addressee as prescribed in § 164.4(c)(1).

(d) *Action by postmaster.* Upon receipt of a Form 1510–A from the accepting postmaster, postmasters at the office of address will within 5 days:

(1) Check delivery record, Form 3849, Notice of Mail Arrival or Attempted Delivery, or Form 3883, Firm Delivery Book, to ascertain whether or not the article was delivered. When c.o.d. claims are received, search the tag file; if no record is found, search the file of Forms 3814 at main office or station or branch involved.

(i) If there is no record of delivery, annotate the right hand blank portion of the Form 1510–A No Record, initial, affix the office dating stamp, and mail the Form 1510–A to the data center at the address in paragraph (d)(2) of this section.

(ii) If there is a record of delivery, affix the office dating stamp, write the date of delivery and indicate any unusual delivery conditions on the right hand blank portion of the Form 1510–A. For c.o.d.'s write the date of delivery, indicate any unusual delivery conditions, and furnish the money order number(s).

(iii) If the parcel (insured or c.o.d.) was returned to sender or refused, so indicate on the right side blank portion of the Form 1510–A, affix the office dating stamp and return it to the accepting postmaster for verification of return. The accepting postmaster is then to indicate whether or not he has a record of return also on the right side blank portion of Form 1510–A. Provide the date returned, initial, affix the office dating stamp, and mail it to the address in paragraph (d)(2) of this section.

(2) Batch and return Forms 1510–A daily to the address below:

Director, Postal Data Center
PO. Box 14677
St. Louis, MO 63181

The Postal Data Center, St. Louis, will retain the Form 3812 claim set or 1510–A, whichever arrives first, until the two can be matched and adjudication accomplished.

(e) *APO/FPO, unnumbered loss, damage and duplicate claims.* (1) APO/FPO Claims (Numbered Insured Loss) will be sent to the respective port post office with Forms 1510–A and 3841 attached.

(2) Unnumbered loss and damage claims will be sent directly to the addressee with both copies of 1510–A attached.

(3) Duplicate claims will be sent to the addressee post office with Forms 1510–A and 3841 attached.

[FR Doc.6109 Filed 3–15–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ATOMIC ENERGY COMMISSION

[AECPR Temporary Reg. 5]

PART 9–1—GENERAL

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Selection and Award of Architect-Engineer Contracts

MARCH 11, 1974.

1. *Purpose.* This regulation implements Pub. L. 92–582 and FPR 1–1.1003–3, 1–1003–7, and 1–4.10 concerning the procurement of Architect-Engineer Contracts.

2. *Effective date.* This regulation is effective on March 18, 1974.

3. *Expiration date.* This regulation will remain in effect until cancelled and replaced by a permanent AEC Procurement Regulation.

4. *Explanation of changes.* a. Add new Subpart 9–1.10, Publicizing Procurement Actions:

Subpart 9–1.10—Publicizing Procurement Actions

Sec.

AUTHORITY: Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. (42 U.S.C. 2201); Sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390 (40 U.S.C. 486).

Subpart 9–1.10—Publicizing Procurement Actions

§ 9–1.1000 General.

§ 9–1.1003–3 Special areas of negotiation.

(a) [Reserved]

(b) [Reserved]

(c) Architect-engineer and related services contracts over $10,000. For each contract expected to exceed $10,000, a notice of intention to contract for architect-engineer services shall be published in the Commerce Business Daily, Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards.

(d) Architect-engineer and related services contracts of $10,000 or under. For each contract expected to cost $10,000 or less, a notice of intention to contract for architect-engineer services may be published in the Commerce Business Daily. In the alternative, the notice shall be publicly displayed at the procuring office and shall be published in at least one daily newspaper circulated in the local area. Written notification to affected professional societies in the area of project consideration should also be made.

§ 9–1.1003–7 Preparation and transmittal.

(a) [Reserved]

(b) [Reserved]

(1)–(8) [Reserved]

(9) *Architect-engineer services project notice.* Each notice publicizing procurement of architectural and/or engineering

services shall be headed "R Architect-Engineer Services." The project shall be listed with a brief statement concerning its location, scope of service required, and, where applicable, the estimated related construction cost, type of contract proposed and the estimated start and completion dates. Appropriate statements shall be made concerning any specialized qualifications, security classifications, and limitations on eligibility for consideration. Qualifications or performance data required from architect-engineer firms shall be described. This data shall be followed by statements similar to the following:

Architect-engineer firms which meet requirements described in this announcement are invited to submit a complete Standard Form 251, U.S. Government Architect-Engineer Questionnaire, to the procurement office shown below. Firms having a current Standard Form 251 already on file with this procurement office and those responding to this announcement before _____ will be considered for selection, subject to any limitations indicated with respect to size and geographic location of firm, specialized technical expertise or other requirements. Following an initial evaluation of the qualifications and performance data described on the Standard Form 251 discussions will be held with the most highly qualified to provide the services required. The selection of the contractor for negotiation and award of this contract will be based on the evaluation criteria contained in AECPR 9-4.1004-2. This is not a request for a proposal. See also Numbered Note 63 on annual statements.

The name of the responsible procurement office shall then be shown complete with the full address and telephone number. The numbered note will appear in each issue of the Commerce Business Daily as follows:

63. Procurement of architectural and/or engineering services shall be made by negotiation. Selection of architect-engineer firms for negotiation shall be based on demonstrated competence, qualifications necessary for the satisfactory performance of the type of professional services required and any other requirements set forth by the individual procurement agency. Firms desiring automatic consideration for all future projects administered by the procurement office (subject to specific requirements for individual projects) are encouraged to submit annually a statement of qualifications and performance data, utilizing Standard Form 251, U.S. Government Architect-Engineer Questionnaire.

b. Add new Subpart 9-4.10, Architect-Engineer Services:

Subpart 9-4.10—Architect-Engineer Services

Sec.

AUTHORITY: Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948 (42 U.S.C. 2201); sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390 (40 U.S.C. 486).

Subpart 9-4.10—Architect-Engineer Services

§ 9-4.1000 Scope of subpart.

This subpart contains the policies and procedures of the AEC for the procurement of professional architect-engineer services, either individually or together, by contract. The requirements of this subpart do not apply to the procurement of professional architect-engineer services by AEC contractors.

§ 9-4.1001 General policy.

Pursuant to Pub. L. 92-582 dated October 27, 1972, which amended the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471, et seq.), it is the policy of the AEC to publicly announce all requirements for architect-engineer services, and to negotiate contracts for architect-engineer services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

§ 9-4.1002 Definitions.

(a) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

(b) "Architect-engineer services" are those professional services of an architectural or engineering nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.

(c) The term "discussions" includes telephone conversations, exchange of correspondence, or interviews.

§ 9-4.1003 Public announcements.

To ensure the broadest publicity concerning the AEC's interest in obtaining architect-engineer services, a notice of intention to contract for architect-engineer services shall be prepared and published for each procurement of architect-engineer services, in accordance with the requirements of AECPR 9-1.1003 (c) and (d) and 9-1.1003-7(b)(9).

§ 9-4.1004 Selection.

§ 9-4.1004-1 Establishment of architect-engineer evaluation boards.

Architect-engineer evaluation boards will be used for the selection of professional architect-engineer services when either the estimated cost of the contract is $50,000 or more, or the related construction cost for the project requiring the architect-engineer services is $500,000 or more. Except as provided by this subpart, the use of architect-engineer evaluation boards shall be governed by the general policies and procedures contained in AECPR 9-56, and the internal AEC management directives concerning the selection of contractors by board process.

§ 9-4.1004-2 Evaluation criteria.

Contracting officers or architect-engineer evaluation boards shall apply the following evaluation criteria contained in this subsection, and any special criteria developed for individual selections:

(a) General qualifications, including:

(1) Reputation and standing of the firm and its principal members;

(2) Experience and technical competence of the firm in comparable work;

(3) Past record in performing work for the AEC, other Government agencies, and private industry, including performance from the standpoint of cost and the nature, extent, and effectiveness of contractor's cost reduction program; quality of work; and ability to meet schedules (where applicable);

(4) The volume of past and present workloads;

(5) Interest of company management in the project and expected participation and contribution of top officials;

(6) Adequacy of central or branch office facilities for the proposed work, including facilities for any special services that may be required;

(7) Adequacy of the firm's accounting system;

(8) Geographic location of the home office and familiarity with the locality in which the project is located; and

(9) Willingness to grant the Government principal or exclusive rights in resulting inventions.

(b) Personnel and organization.

(1) Specific experience and qualifications of personnel proposed for assignment to the project, including, as required for various phases of the work, (i) technical skills and abilities in planning, organizing, executing, and controlling; (ii) abilities in overall project coordination and management; and (iii) experience in working together as a team;

(2) Proposed project organization, delegations of responsibility, and assignments of authority;

(3) Availability of additional competent, regular employees for support of the project and the depth and size of the organization so that any necessary expansion or acceleration could be handled adequately;

(4) Experience and qualifications of proposed consultants and subcontractors; and

(5) Ability to assign an adequate number of qualified key personnel from its own organization, including a competent supervising representative.

(c) The policies contained in AECPR 9-56.405 concerning distribution of work and the selection of firms which are compatible with the size and complexity of the job requirements.

§ 9–4.1004–3 Collection of data on architect-engineer firms.

AEC offices that regularly procure architect-engineer services shall collect and maintain current qualifications and performance data files on architect-engineer firms, including information on the qualifications of their members and key employees and past experience on various types of construction projects. Normally, Standard Form 251, U.S. Government Architect-Engineer Questionnaire, supported by required photographs shall be used for this purpose. Information from other sources, such as appraisals of performance on previous projects awarded to the firm, may also be included in the files.

§ 9–4.1004–4 Evaluation of qualifications and performance data.

After the notice of intention to contract for architect-engineer services has been published and the date for submission of new or current Standard Form 251 has passed, the contracting officer or the evaluation board shall review and evaluate the current Standard Form 251s and other current qualifications and performance data on file, including any Standard Form 251s that were submitted in response to the public announcement. Based on this initial evaluation, no less than three firms shall be selected for the purpose of holding discussions. It is not necessary to hold discussions with any firm that submits a Standard Form 251 in direct response to the public announcement. It is only necessary to review the Standard Form 251s already on file and any new forms that are submitted, and select three or more firms for discussions. The firms selected may or may not be the firms that responded to the public announcement.

§ 9–4.1004–5 Conducting discussions.

After three or more firms have been selected in accordance with § 9-4.1004–4, discussions shall be held with these firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services. These discussions should also be used to obtain additional qualification and performance data, and other information that may be needed to properly apply the selection criteria nd to adequately evaluate the firms under consideration. For example, the present workload and avilability of senior staff personnel are often decisive factors that affect the ranking of architect-engineer firms with respect to a specific project, but this information is not available from the Standard Form 251. Also in the case of the more complex and sophisticated construction projects, e.g., nuclear reactors, accelerators, and research, development and production facilities, it is necessary for the AEC to obtain and evaluate very detailed performance data and information on the specialized capabilities of a firm which are not adequately covered on the Stndard Form 251. However, firms normally should not be requested to submit preliminary designs, plans and drawings, except in unique situations involving prestige projects.

§ 9–4.1004–6 Use of requests for proposals.

(a) Requests for proposals may not be used as a means of obtaining an initial expression of interest in obtaining a particular contract. Firms indicate their initial interest by either submitting the Standard Form 251 on annual basis or in response to the public announcement for a particular project. Requests for proposals may be used as a means of initiating the discussion phase of the architect-engineer selection process required by §§ 9–4.1004–4 and 9–4.1004–5. This may be particularly appropriate for the larger or more complex projects where sufficient qualification and performance data are not available from the Standard Form 251, and additional information is needed to properly apply the selectoin criteria and evaluate and rank the firms.

(b) Requests for proposals should not request firms to submit price proposals. Requests for proposals can only be used to obtain information that will enable the AEC to select the best qualified contractor.

(c) When a request for proposals is used, some wording should be included to identify it with the discussion phase o fhte selection process, similar to the following:

As a result of our evaluation of the current SF 251s and related material on file with this offict, we have selected your firm for further consideration for selection and award of a contract to perform certain architect-engineer services which are described below. A principal purpcse of this request for a proposal is to otbain additional qualification and performance data concerning your firm.

§ 9–4.1004–7 Selection of most highly qualified firm for negotiation.

Upon completion of discussions and evaluation of the firms that were selected for discussions, the contracting officer or other selecting official shall select, in order of preference, based upon the criteria in § 9-4.1004–2 and any special criteria included in the public announcement, no less than three firms deemed to be the most highly qualified to provide the services required.

§ 9–4.1004–8 Late proposals.

The proposals requested and received as part of the architect-engineer selection process differ in substance from proposals received for other types of procurement. Consequently, the policies and procedures contained in FPR 1–3.802–1, FPR 1–3.802–2, and AECPR 9–3.802–1 concerning the consideration of late proposals are not applicable to proposals submitted under the provisions of this Subpart 9–4.10.

§ 9–4.1005 Negotiation procedures.

§ 9–4.1005–1 Conduct of negotiations.

The contracting officer shall attempt to negotiate a contract with the firm that is rated as the most highly qualified to provide the services required at a compensation which he determines is fair and reasonable to the Government. If the contracting officer is unable to negotiate a satisfactory contract with the firm considered to be the most highly qualified, at a price he considers fair and reasonable to the Government, negotiations with that firm should be formally terminated. Negotiations should then be undertaken with the second most qualified firm. Failing accord with the second firm, negotiations should be held with the subsequently listed firm in order of preference, and this procedure shall be continued until a satisfactory contract has been negotiated. If the contracting officer is unable to negotiate a contract with any of the selected firms, he shall select additional firms in accordance with § 9–4.1004 and negotiations shall continue in the manner described above.

§ 9–4.1005–2 Independent Government estimate.

Prior to the initiation of negotiations, the procurement agency shall develop an independent Government estimate of the cost of the required architect-engineer services based on a detailed analysis of the costs expected to be generated by the work. Consideration shall be given to the estimated value of the services to be rendered, the scope, complexity, and the nature of the project. The independent Government estimate shall be revised as required during negotiations to reflect changes in or clarification of the scope of the work to be performed by the architect-engineer. On construction projects, a fee estimate based on the application of percentage factors to project cost estimates of the various segments of the work involved may be developed for comparison purposes, but such a cost estimate shall not be used as a substitute for the independent Government estimate.

§ 9–4.1005–3 Architect-engineer's price proposal.

The contracting officer shall request the selected architect-engineer firm to submit its price proposal with supporting cost or pricing data in accordance with §§ 1–3.807–3 and 1–3.807–4 of this title. Revisions of the price and supporting cost or pricing data may be made as required during negotiations to reflect changes in or clarification of the scope of the work to be performed by the architect-engineer or findings derived from preaward audits conducted pursuant to § 1–3.809.

§ 9–4.1005–4 Contract price.

The contracting officer shall negotiate a price considered fair and reasonable based on a comparative study of the independent Government estimate and the architect-engineer's proposal. Significant

differences between elements of the two figures and between the overall figures shall be discussed and the contracting officer shall ascertain the reasons therefor.

§ 9–4.1005–5 Record of negotiation.

Promptly at the conclusion of each negotiation, a memorandum setting forth the principal elements of the negotiations shall be prepared in accordance with the requirements of § 1–3.811 of this title for use by the reviewing authorities and for inclusion in the contract file. The memorandum shall contain sufficient detail to reflect the significant considerations controlling the establishment of the price and other terms of the contract.

§ 9–4.1005–6 Exemption from limitations on fee for architect-engineer services.

The AEC has exempted itself from the 6 percent statutory limitation upon the fees (Price) of architect-engineers. See § 9–3.405(c) of this chapter.

§ 9–4.1006 Limitation on contracting with architect-engineer firms for construction work.

See FPR 1–4.1006 and AECPR 9–1.5407(g).

§ 9–4.1007 Small business.

See FPR 1–4.1007.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.74–6163 Filed 3–15–74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5417]

[Arizona 7528]

ARIZONA

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The departmental orders of January 31, 1903, April 9, 1904, and any other order or orders which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 11 S., R. 24 W.,
Sec. 2, lots 1 thru 4, and S½N½ excepting therefrom the following described lands:
The north 73 feet of lots 1 thru 4; west 73 feet of lot 4 and SW¼NW¼; east 73 feet of lot 1 and SE¼NE¼; south 20 feet of the S½N½; west 20 feet of lot 2 and SW¼NE¼; east 20 feet of lot 3 and SE¼NW¼.

The area described aggregates approximately 288.70 acres in Yuma County.

2. The lands will not be subject to use or disposition under the public land laws as consummation of this revocation will automatically vest title in the State of Arizona.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 12, 1974.

[FR Doc.74–6117 Filed 3–15–74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73–24R]

EMERGENCY POSITION INDICATING RADIOBEACON

Carriage, Operational Testing, and Approval

These amendments require certain inspected vessels in ocean and coastwise service to carry a Coast Guard approved emergency position indicating radiobeacon (EPIRB) on board as part of their lifesaving equipment. Also, minimum tests are prescribed to ensure that the equipment is operable. These requirements were proposed in the March 5, 1973, FEDERAL REGISTER at pages 5968–5970. The Federal Communications Commission has also proposed requirements for EPIRB's in the same FEDERAL REGISTER at pages 5970–5972.

Comments were received concerning the proposed requirement to test an EPIRB weekly. The commenters said that, because of the reliability of solid state devices, frequent testing would be unnecessary and would shorten battery life. The final rule requires only monthly testing of EPIRB's as recommended by these comments.

Several commenters opposed the proposed requirement that an EPIRB be stowed in a manner so that it would float free if the vessel sank. The commenters said that compliance with this float free requirement would expose the EPIRB to adverse effects of weather, to theft, and to the possibility of unauthorized activation. One Manufacturer has told the Coast Guard that when these regulations become effective he will have EPIRB's available that can withstand adverse effects of weather. Theft and unauthorized activation of an EPIRB are problems that each vessel should be able to solve. The importance of the float free requirement is readily demonstrated by the recent loss of two Norwegian vessels, the NORSE VARIANT and the ANITA. Each vessel had a floatable, automatically activated EPIRB. However, Norwegian regulations required stowage of the device inside the wheelhouse. Both vessels sank immediately with only one survivor, and the EPIRB's were not activated. Because of the importance of the float free requirement, it is retained in the final rule.

The EPIRB regulations being issued by the Federal Communications Commission (FCC) incorporate the equipment and marking requirements proposed in §§ 161.011–10 and 161.011–15 of the Coast Guard notice of proposed rule making. Accordingly, the final rule contained in this document deletes these requirements, and comments directed to the Coast Guard concerning §§ 161.011–10 and 161.011–15 have been forwarded to the FCC for consideration in their rulemaking proceeding for EPIRB's.

Several comments opposed the proposed requirement to carry EPIRB's on small passenger vessels operating in certain coastal waters. The final rule provides that a coastwise vessel which has a Certificate of Inspection endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge is not required to carry an EPIRB if it has a VHF radiotelephone on board that meets the FCC requirements for these radios.

Though EPIRB requirements for public nautical school ships were not proposed, requirements have been included in the final rule. Notice of proposed rulemaking is not required since the public nautical school ships to which the EPIRB requirements will apply are owned by the United States.

Three comments suggested the use of EPIRB's on survival craft. The Coast Guard currently has this suggestion under consideration.

The statement in the notice of proposed rulemaking concerning the authority to require EPIRB's was incomplete and should have read as follows:

Though these regulations will not apply to uninspected commercial vessels, or to vessels that are defined to be boats under the Federal Boat Safety Act of 1971, these vessels when operating beyond the range of marine VHF radio distress coverage are encouraged by the Coast Guard and permitted under FCC's proposed EPIRB regulations to carry EPIRB's as part of their lifesaving equipment.

The Coast Guard received several comments pertaining to the proposed FCC requirements. These comments have been referred to the FCC.

Several minor revisions involving no substantive changes have been made to the proposed amendments for the purpose of clarity.

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

PART 33—LIFESAVING EQUIPMENT

1. By adding Subpart 33.60 to Part 33 to read as follows:

Subpart 33.60—Emergency position indicating radiobeacon (EPIRB) T/OC

§ 33.60–1 Emergency position indicating radiobeacon (EPIRB) T/OC.

(a) Each vessel in ocean and coastwise service must have an approved Class A emergency position indicating radiobeacon (EPIRB) that is—

(1) Operative;

(2) Stowed where it is readily accessible for testing and use; and

(3) Stowed in a manner so that it will float free if the vessel sinks.

(b) Compliance with this section is not required for a coastwise vessel—

(1) That carries a VHF radiotelephone that complies with the FCC requirements; and

(2) Whose Certificate of Inspection is endorsed for a route which does not

extend more than 20 miles from a harbor of safe refuge.

PART 35—OPERATIONS

2. By adding § 35.10–25 to Part 35 to read as follows:

§ 35.10–25 Emergency position indicating radiobeacon (EPIRB)—T/OC.

The master shall ensure that—

(a) The EPIRB required in § 33.60–1 of this subchapter is tested monthly, using the integrated test circuit and output indicator, to determine that it is operative; and

(b) The EPIRB's battery is replaced after the EPIRB is used and before the date required by FCC regulations in 47 CFR Part 83 to be marked on the outside of the EPIRB.

§ 35.40–40 [Amended]

3. By amending § 35.40–40(a) of Part 35 by adding ", EPIRB," after the words "life preservers."

PART 75—LIFESAVING EQUIPMENT

4. By adding Subpart 75.60 to Part 75 to read as follows:

Subpart 75.60—Emergency Position Indicating Radiobeacon (EPIRB)

§ 75.60–1 Emergency position indicating radiobeacon (EPIRB).

(a) Each vessel in ocean and coastwise service must have an approved Class A emergency position indicating radiobeacon (EPIRB) that is—

(1) Operative;

(2) Stowed where it is readily accessible for testing and use; and

(3) Stowed in a manner so that it will float free if the vessel sinks.

(b) Compliance with this section is not required for a coastwise vessel—

(1) That carries a VHF radiotelephone that complies with the FCC requirements; and

(2) Whose Certificate of Inspection is endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge.

PART 78—OPERATIONS

5. By adding § 78.17–35 to Part 78 to read as follows:

§ 78.17–85 Emergency position indicating radiobeacon (EPIRB).

The master shall ensure that—

(a) The EPIRB required in § 75.60–1 of this subchapter is tested monthly, using the integrated test circuit and output indicator, to determine that it is operative; and

(b) The EPIRB's battery is replaced after the EPIRB is used and before the date required by FCC regulations in 47 CFR Part 83 to be marked on the outside of the EPIRB.

6. By adding § 78.47–72 to Part 78 to read as follows:

§ 78.47–72 Emergency position indicating radiobeacon (EPIRB).

The EPIRB required in § 75.60–1 of this subchapter must be marked with the vessel's name.

PART 94—LIFESAVING EQUIPMENT

7. By adding Subpart 94.60 to Part 94 to read as follows:

Subpart 94.60—Emergency Position Indicating Radiobeacon (EPIRB)

§ 94.60–1 Emergency position indicating radiobeacon (EPIRB).

(a) Each self propelled vessel in ocean and coastwise service must have an approved Class A emergency position indicating radiobeacon (EPIRB) that is—

(1) Operative;

(2) Stowed where it is readily accessible for testing and use; and

(3) Stowed in a manner so that it will float free if the vessel sinks.

(b) Compliance with this section is not required for a coastwise vessel—

(1) That carries a VHF radiotelephone that complies with the FCC requirements; and

(2) Whose Certificate of Inspection is endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge.

PART 97—OPERATIONS

8. By adding § 97.15–65 to Part 97 to read as follows:

§ 97.15–65 Emergency position indicating radiobeacon (EPIRB).

The master shall ensure that—

(a) The EPIRB required in § 94.60–1 of this subchapter is tested monthly, using the integrated test circuit and output indicator, to determine that it is operative; and

(b) The EPIRB's battery is replaced after the EPIRB is used and before the date required by FCC regulations in 47 CFR Part 83 to be marked on the outside of the EPIRB.

9. By adding § 97.37–55 to Part 97 to read as follows:

§ 97.37–55 Emergency position indicating radiobeacon (EPIRB).

The EPIRB required in § 94.60–1 of this subchapter must be marked with the vessel's name.

PART 161—ELECTRICAL EQUIPMENT

10. By adding Subpart 161.011 to Part 161 to read as follows:

Subpart 161.011—Emergency Position Indicating Radiobeacons

Sec.

AUTHORITY: R.S. 4488, as amended (46 U.S.C. 481); 49 CFR 1.4(b)(1)(ii) and 1.46(b).

Subpart 161.011—Emergency Position Indicating Radiobeacons

§ 161.011–1 Purpose.

This subpart prescribes approval requirements for emergency position indicating radiobeacons (EPIRB).

§ 161.011–5 Classes.

EPIRB's are classed as follows:

(a) Class A—an EPIRB that has been type approved or type accepted by the FCC as a Class A EPIRB. These EPIRB's are capable of floating free of a vessel and activating automatically if the vessel sinks.

§ 161.011–10 EPIRB approval.

(a) An EPIRB that has been type approved or type accepted by the FCC as a Class A EPIRB is hereby approved by the Coast Guard to meet the requirements of §§ 33.60–1, 75.60–1, 94.60–1, 167.35–72, 180.40–1 and 192.65–5 of this chapter.

(b) An application for type approval or type acceptance as a Class A EPIRB should be submitted to the Federal Communications Commission in accordance with 47 CFR Part 2.

(c) Manufacturers receiving type acceptance or type approval for a Class A EPIRB may request listing in USCG Publication CG–190, Equipment Lists, by addressing a request to COMDT (G–MMT–3/83), 400 Seventh Street, SW., Washington, D.C. 20590.

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

11. By adding § 167.35–72 to Part 167 to read as follows:

§ 167.35–72 Emergency position indicating radiobeacon (EPIRB).

(a) Each vessel in ocean and coastwise service must have an approved Class A emergency position indicating radiobeacon (EPIRB) that is—

(1) Operative;

(2) Stowed where it is readily accessible for testing and use; and

(3) Stowed in a manner so that it will float free if the vessel sinks.

(b) Compliance with this section is not required for a coastwise vessel—

(1) That carries a VHF radiotelephone that complies with the FCC requirements; and

(2) Whose Certificate of Inspection is endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge.

§ 167.55–5 [Amended]

12. By amending § 167.55–5(j)(1) of Part 167 by adding "EPIRB," after "life preservers,".

13. By adding § 167.65–1(c)(3) to Part 167 to read as follows:

§ 167.65–1 Station bills, drills, and log book entries.

* * * * *

(c) * * *

(3) The master shall ensure that—

(i) The EPIRB required in § 167.35–72 is tested monthly, using the integrated test circuit and output indicator, to determine that it is operative; and

(ii) The EPIRB's battery is replaced after the EPIRB is used and before the date required by FCC regulations in 47 CFR Part 83 to be marked on the outside of the EPIRB.

PART 180—LIFESAVING EQUIPMENT

14. By adding § 180.05–1(b)(10) to read as follows:

§ 180.05–1 Equipment of an approved type.

* * * * *

(b) * * *

(10) Type A EPIRB's 161.011

15. By adding Subpart 180.40 to Part 180 to read as follows:

Subpart 180.40—Emergency Position Indicating Radiobeacon (EPIRB)

§ 180.40–1 Emergency position indicating radiobeacon EPIRB.

(a) Each vessel in ocean and coastwise service must have an approved Class A emergency position indicating radiobeacon (EPIRB) that is—

(1) Operative;

(2) Stowed where it is readily accessible for testing and use; and

(3) Stowed in a manner so that it will float free if the vessel sinks.

(b) Compliance with this section is not required for a coastwise vessel—

(1) That carries a VHF radiotelephone that complies with the FCC requirements; and

(2) Whose Certificate of Inspection is endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge.

PART 185—OPERATIONS

16. By adding § 185.25–20 to Part 185 to read as follows:

§ 185.25–20 Tests of emergency position indicating radiobeacon (EPIRB).

The licensed operator of the vessel shall ensure that—

(a) The EPIRB required in 180.40–1 of this subchapter is tested monthly, using the integrated test circuit and output indicator, to determine that it is operative; and

(b) The EPIRB's battery is replaced after the EPIRB is used and before the date required by FCC regulations in 47 CFR Part 83 to be marked on the outside of the EPIRB.

17. By adding § 185.30–30 to Part 185 to read as follows:

§ 185.30–30 Emergency position indicating radiobeacon (EPIRB).

The EPIRB required in § 180.40–1 of this subchapter must be marked with the vessel's name.

PART 192—LIFESAVING EQUIPMENT

18. By adding Subpart 192.60 to Part 192 to read as follows:

Subpart 192.65—Emergency Position Indicating Radiobeacon (EPIRB)

§ 192.65–1 Emergency position indicating radiobeacon (EPIRB).

(a) Each vessel in ocean and coastwise service must have an approved Class A emergency position indicating radiobeacon (EPIRB) that is—

(1) Operative;

(2) Stowed where it is readily accessible for testing and use; and

(3) Stowed in a manner so that it will float free if the vessel sinks.

(b) Compliance with this section is not required for a coastwise vessel—

(1) That carries a VHF radiotelephone that complies with the FCC requirements; and

(2) Whose Certificate of Inspection is endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge.

PART 196—OPERATIONS

19. By adding § 196.15–65 to Part 196 to read as follows:

§ 196.15–65 Emergency position indicating radiobeacon (EPIRB).

The master shall ensure that—

(a) The EPIRB required in § 192.65–1 of this subchapter is tested monthly, using the integrated test circuit and output indicator, to determine that it is operative; and

(b) The EPIRB's battery is replaced after the EPIRB is used and before the date required by FCC regulations in 47 CFR Part 83 to be marked on the outside of the EPIRB.

20. By adding § 196.37–49 to Part 196 to read as follows:

§ 196.37–49 Emergency position indicating radiobeacon (EPIRB).

The EPIRB required in § 192.65–1 of this subchapter must be marked with the vessel's name.

(R.S. 4488, as amended (46 U.S.C. 481); 49 CFR 1.4(b)(1)(ii) and 1.46(b))

Effective date. These amendments become effective on March 1, 1975.

Dated: March 1, 1974.

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

[FR Doc.74–6153 Filed 3–15–74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19693; FCC 74–228]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Permission for Use of Frequencies

1. The Commission has been working toward the improvement of the methods of locating both downed aircraft and vessels of seafarers in distress for several years. In a previous Docket (19647), the use of emergency locator transmitters (ELTs) for aircraft was provided for. In this instant Docket (19693), the use by the marine community of a comparable item, the emergency position indicating radio beacon (EPIRB), is provided. A notice of proposed rule making in this matter was adopted February 21, 1973, released February 26, 1973 and published in the FEDERAL REGISTER March 5, 1973 (38 FR 5970). The time for filing of comments and reply comments has passed.

2. In the Aviation Radio Services both 121.5 and 243 MHz are available for communications related to emergencies and to search and rescue operations. Presently only the frequency 121.5 MHz is available in the maritime service, and then, only under certain limited conditions for radiobeacon purposes. Since both air and surface craft are generally involved in emergencies and search and rescue operations in offshore water areas, it appears that it would be in the best interests of safety of life at sea if there were fewer restrictions on the use of these frequencies in the maritime service.

3. The frequency 121.5 MHz is a universally used radiotelephone channel (class A3 emission) for aircraft in distress or condition of emergency. It also provides aviation a common frequency for survival communications and for emergency locator beacons (emission A9). Locator beacons of this type are commonly referred to as Emergency Locator Transmitters (ELTs) or Emergency Position Indicating Radiobeacons (EPIRBs). In the maritime community the most universally used term is the latter, so that designation will be used herein and in the rules. The use of 121.5 MHz by maritime interests in the United States is presently limited to vessels which have been registered or documented by the U.S. Coast Guard. For the most part these are commercial vessels of over 5 gross tons. Its use is further limited to class A2 emission, and to vessels which are authorized to carry and are equipped with a ship station.

4. The frequency 243 MHz, normally used by U.S. military aircraft for survival purposes, is available nationally for use by survival craft stations and equipment used for survival purposes (footnote US98). However, no provisions have been made in Part 83 to implement this footnote for the maritime service. Amendment of the rules, as set forth in the attached Appendix, provides for the use of both the frequencies 121.5 and 243 MHz by all U.S. vessels expected to operate in international waters beyond the range of marine VHF distress coverage for use in survival craft and emergency position indicating radiobeacon (EPIRB) stations. Marine use of these frequencies in EPIRBs will be permitted in the same manner as they are used by civil aircraft in ELTs, with substantially the same technical characteristics and packaging requirements as observed by aviation. This will increase the efficiency of search and rescue operations as well as provide greater safety for an increased number of vessels and will permit some degree of

standardization of survival radiobeacons. In addition, the amendment provides for the use of radiotelephony (class A3 emission) on the frequency 121.5 MHz by authorized ship stations for emergency communications between ships and aircraft. The frequency 123.1 MHz is the auxiliary scene of action frequency used in conjunction with 121.5 MHz by those involved in the rescue operation. This is also provided for.

5. It is recognized that the EPIRB, as well as the aviation ELT, will often serve as a distress alerting device when other methods of communication are not successful or available. However, the marine use of 121.5/243 MHz for EPIRBs is generally limited to the oceanic areas approximately 20 miles or more offshore, as described by the phrase "those whose vessels are expected to operate in international waters beyond the range of marine VHF distress coverage." It is felt that the safety of this rather limited number of vessels can be improved substantially and immediately by the use of EPIRBs, and that their use of the frequencies can be effectively controlled. The millions of recreational boats which operate near the shore and in inland waters have been purposely excluded, since these vessels may use marine VHF radio or other extremely reliable methods to alert the shore to their situation. Also the potential inadvertant or improper use by this very large population could render the existing aviation distress and safety system, as well ts the offshore marine use, completely ineffective.

6. The amendment to the rules conforms basically with the recommendations adopted by the Maritime World Administrative Radio Conference, Geneva, 1967, and with recommendation 48 of the 1960 Safety of Life at Sea Conference and subsequent recommendations of the Subcommittee on Radio-communications and the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization (IMCO). More specifically the amendment is in response to a recent request of the U.S. Coast Guard and to recent recommendations of the National Transportation Safety Board.

7. All commentators were agreed on the need for the provision, in the rules, for marine use of beacons using the frequencies 121.5 and 243 MHz for emergency locating purposes. There were differences of opinion in the means and frequency of required testing, the technical specifications and the type of vessels permitted to use the beacons.

8. Six comments were received and no reply comments were received. The received comments were diversified as they were presented by: Pacific Far East Line, Inc. (PFEL), a public carrier steamship line; American Radio Association, AFL-CIO and Radio Officers' Union, AFL-CIO (AFL-CIO) jointly; Aeronautical Radio, Inc. (ARINC), a non-profit organization which is owned and operated by airlines and which supplies aeronautical communications services; American Institute of Merchant Shipping (AIMS) representing many U.S. Flag deep sea shipping companies; and two equipment manufacturers, Dayton Aircraft Products, Inc. (DAP) and Burndept Electronics, Ltd. (Burndept).

9. Several specific comments were directed not at the Commission's notice of proposed rule making, but at the Coast Guard's proposal which was simultaneously printed in the FEDERAL REGISTER. Those portions of the comments addressed to the Coast Guard regulation are discussed here only as they apply to the Commission's authority.

10. PFEL expressed opposition to the FCC's proposal that EPIRBs for use in the maritime service be different in any respect from similar requirements governing the aircraft ELTs. We do not accept their position. Conditions at sea will often submit EPIRBs to weather and humidity environment requiring technical specifications not necessarily imposed on ELTs. PFEL is opposed to the USCG testing equipment rather than the FCC. Without regard to the requirements of the USCG, it is, of course, the routine inspection of radio equipment by FCC representatives which will be maintained in regard to EPIRBs as with other such equipment. If the Coast Guard also requires additional inspections and tests as a part of their requirement for mandatory carriage of this item, then that is beyond the scope of this docket as is also PFEL's opposition to the USCG's requirement for float off storage.

11. The AFL-CIO proposed weekly tests at sea and within 24 hours of departure by a qualified licensee and logging of the tests. It is not the intention of the Commission to require any testing of the EPIRBs other than that conducted as a normal part of the Field Operations Bureau's routine inspection of marine radio equipment. In any event, the equipment as specified in § 83.144 (d) will be capable of being tested by untrained personnel, either during the first five minutes of any hour, with the cooperation of the Coast Guard or, if equipped with manually operated test switch, at any time merely by observing an indicator or listening to the swept tone. We recognize the advantage of having the confidence factor of a visual or aural indication of the EPIRBs capability to function. We are opposed to frequent testing of the beacons for technical reasons as well as because of the potential problem of inadvertent activation of the beacon as a result of handling it for testing. We, therefore, discourage the testing of the beacon except during the controlled conditions of FCC inspection or during similar infrequent periods.

12. ARINC urged the inclusion of restrictions to the use of 121.5 MHz comparable to the restrictions applicable to aeronautical users. They feel that the amendment as proposed would not assure that 121.5 MHz would be limited to bona fide emergency purposes when utilizing class A3 emission. We find their argument persuasive and have revised the appropriate section accordingly. ARINC objected to testing of EPIRB without proper supervision. We consider the testing into a dummy load, during a specified period of the hour or under Coast Guard supervision as being realistic and practicable and therefore have made no change from the proposal.

13. AIMS asks that the EPIRBs be identical to the approved standard ELTs (DOT standard TSOC 61A). We feel that the conditions at sea impose environmental problems, particularly humidity, which warrant slight variations between the ELTs and EPIRBs. Such conditions have been considered in the amendments. AIMS also states their belief that there is no requirement for shipboard reception of emergency beacon signals. We do not impose such a requirement in our rules. They suggest that EPIRBs be specified as intrinsically safe. We believe that the technical requirements as specified will assure that the equipment will be intrinsically safe. AIMS believes there is a need for both a manual activation capability (on/off) and a manual test capability. Although we have provided for manual test capability, we are fearful of excessive testing, as previously stated, and do not feel that mandatory manual test capability is advisable; except in the case of Class A EPIRBs. (See para. 15 below). We have provided for a positive manual means of deactivation.

14. The equipment manufacturers' comments were either items covered in the text above, directed to the Coast Guard, or were basically presented as information. One specific item which both DAP and Burndept addressed, and which was not mentioned by others, was the specified radiation during test. We agree that the proposed radiation in the test position would introduce unnecessary expense in unit production costs. We have, therefore, revised the radiation level from the previously proposed 15 microvolts per meter at a distance of twenty feet free space to approximately that which Burndept states was found to be suitable after experience, 25 microvolts per meter at 150 feet.

15. The U.S. Coast Guard has notified the Commission of intention to make the carriage of a certain configuration of EPIRBs mandatory on a limited number of vessels. The specified configuration has physical and technical charactertistics beyond those previously detailed in the notice of proposed rule making. For purposes of inclusion of those EPIRBs in the rules, a new subsection has been added. In order to distinguish those specific EPIRBs from the other configurations, we have identified them as Class A items of equipment.

16. In view of the foregoing, *it is ordered*, That pursuant to the authority contained in sections 4(i), 303(r) and 318 to the Communications Act of 1934, as amended, Parts 2 and 83 of the Commission's rules, are amended, effective April 19, 1974, as set forth in the attached Appendix. *It is further ordered*, That this proceeding is hereby terminated.

(Secs. 4, 303, 318, 48 Stat., as amended, 1066, 1082, 1089; 47 U.S.C. 154, 303, 318.)

Adopted: March 7, 1974.

Released: March 14, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 2 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 2.106, column 11 is amended as follows:

§ 2.106 Table of Frequency Allocations.

Frequency MHz	*Nature of services of stations*
10	11
* * * * *	
121.5 ----	AERONAUTICAL MOBILE. Maritime search and rescue. Survival craft and equipment.
* * * * *	
123.100----	Aeronautical search and rescue mobile. Maritime search and rescue mobile. Survival craft and equipment.
* * * * *	

2. Section 83.3 is amended by adding a new paragraph (q) to read as follows:

§ 83.3 Maritime mobile services.

* * * * *

(q) *Emergency position indicating radiobeacon station.* A station in the maritime mobile service consisting of a transmitter only, the distinctive emissions of which are intended to facilitate search and rescue operations.

3. Section 83.7 is amended by adding a new paragraph (l) to read as follows:

§ 83.7 Technical.

* * * * *

(l) *Peak effective radiated power.* For emergency position indicating radiobeacon stations, the average power supplied to the antenna by the transmitter during one radio frequency cycle at the highest crest of the modulation envelope, multiplied by the relative gain of the antenna in a given direction. The relative gain is referenced to a quarter-wave loss free monopole mounted on a one wavelength diameter ground plane.

4. Section 83.68 and headnote are revised to read as follows:

§ 83.68 Authority for survival craft stations and emergency position indicating radiobeacon stations.

(a) Authority to operate survival craft stations, which may include an emergency position indicating radiobeacon (EPIRB) station, will be granted only when the parent vessel is equipped with and authorized to operate a ship station.

(b) Authority to operate an EPIRB station will be granted only for use aboard vessels authorized to carry survival craft stations or to those whose vessels are expected to operate in international waters beyond the range of marine VHF distress coverage.

5. In § 83.131, the introductory text of paragraph (c) is amended and subparagraph (3) is added to read as follows:

§ 83.131 Authorized frequency tolerance.

* * * * *

(c) Authorized frequency tolerance for ship, survival craft and emergency position indicating radiobeacon (EPIRB) stations operating on frequencies above 27.5 MHz.

* * * * *

(3) EPIRB stations on 121.5 and 243 MHz—50.

* * * * *

6. In § 83.132(a), subdivisions (iii) and (iv) are added to subparagraph (1) and subdivision (ii) of subparagraph (2) is amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) * * *

(1) * * *

(iii) For the frequency 121.5 MHz—A2, A9.

(iv) For the frequency 243 MHz—A9.

(2) * * *

(ii) For the frequencies 121.5 and 123.1 MHz—A3.

* * * * *

7. In § 83.133(a), the table is amended to add emission A9 and footnote 5 to read as follows:

§ 83.133 Authorized bandwidth.

* * * * *

Class of emission	Emission designator	Authorized bandwidth (kHz)
* * *	*	*
A3	6A3	8.0
A9	3, 2A9	[5] 25.0
F1	[1] 0.3F1	[1] 0.5
* * *	*	*

[5] Applicable only to emergency position indicating radiobeacon stations.

* * * * *

8. Section 83.134 is amended by adding a new paragraph (i) to read as follows:

§ 83.134 Transmitter power.

* * * * *

(i) For emergency position indicating radiobeacon stations operating on the frequencies 121.5 and 243 MHz the peak effective radiated power on each frequency, measured during and at the end of 48 hours of continuous operation, and without replacement or recharge of batteries, shall not be less than 75 milliwatts. This specification shall apply to all units whether dry, or immersed for any or all of the forty-eight hour period in fresh or salt-water, as long as the entire antenna extends above the water surface. The method of peak effective radiated power measurement specified in the Radio Technical Commission for Aeronautics (RTCA) Document Numbers DO–145 or DO–146 shall be employed. The required power shall obtain over an air temperature range from −20 to +55 degrees centigrade.

9. Section 83.137 is amended by adding a new paragraph (i) to read as follows:

§ 83.137 Modulation requirements.

* * * * *

(i) Emergency position indicating radiobeacon stations operating on the frequencies 121.5 and 243 MHz shall employ a distinctive emission consisting of amplitude modulation of the carrier with an audio frequency sweeping downward over a range of not less than 700 Hz, within the range 1600 to 300 Hz, with a sweep rate between 2 and 4 times per second. The modulation applied to the carrier shall be in accordance with that specified in the Radio Technical Commission for Aeronautics (RTCA) Document Numbers DO–145 or DO–146.

10. Section 83.139(b) is amended to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

* * * * *

(b) Each survival craft station transmitter or emergency position indicating radiobeacon station transmitter which has not been type approved pursuant to § 83.469 or § 83.472 shall be type accepted for licensing.

* * * * *

11. Section 83.141(a)(4) & (b) are amended and a new paragraph (d) is added to read as follows:

§ 83.141 Special requirements for survival craft stations.

(a) * * *

(4) The frequency 121.5 MHz, be able to use A2 or A3 emission and where A3 emission is used the equipment must also be capable of transmitting on 123.1 MHz using A3 emission.

(b) Receivers used in survival craft stations shall be capable of receiving the frequency and types of emission which the transmitter is capable of using: *provided,* That where the transmitter frequency is 8364 kHz the receiver shall be capable of receiving A1 and A2 emission throughout the band 8320–8745 kHz.

* * * * *

(d) When an EPIRB station is contained as a part of a survival craft station, the EPIRB portion shall be limited to the frequencies 121.5 and 243 MHz (transmission only) and to A9 emission only.

12. A new § 83.144 is added to read as follows:

§ 83.144 Special requirements for emergency position indicating radiobeacon stations.

(a) Emergency position indicating radiobeacon (EPIRB) stations are limited to transmission only, using A9 emission, on the frequencies 121.5 and 243 MHz.

(b) The EPIRB may be turned on by automatic means, such as water activated battery, or by an on-off switch. In any event, a positive means of turning the equipment off shall be provided. Where an on-off switch is employed, a guard or

other means shall be provided to prevent inadvertent activation.

(c) The EPIRB shall be provided with a visual and/or audible indicator which clearly shows that the device is transmitting.

(d) In regard to testing, the following criteria for EPIRBs applies:

(1) May be fitted with a manually-activated test switch, or comparable device, associated test circuit, and output indicator which shall, in the test position:

(i) Permit the operator to determine that the unit is operative;

(ii) Switch the transmitter output to a test circuit (dummy load), the impedance of which is equivalent to that of the antenna affixed to the EPIRB; and

(iii) Reduce radiation to a level not to exceed 25 microvolts per meter at a distance of one hundred fifty (150) feet, free space, irrespective of direction.

(2) If so equipped, the manually-activated test switch, or comparable device, shall be of a type which must be held in position to operate, and which will switch the transmitter off and reconnect the output from the test circuit (dummy load) to the antenna when released. A guard or other means shall be provided to prevent its inadvertent activation.

(3) Means shall be provided to protect the indicator from damage due to dropping or contact with other objects.

(4) An EPIRB without a test circuit as described above in (1) and (2) may be tested in coordination with, or under the control of the U.S. Coast Guard to insure that testing is conducted under electronic shielding, or other conditions sufficient to insure that no transmission or radiated energy occurs that could be received by a radio station and result in a false distress alarm. If testing with Coast Guard involvement is not practicable, brief operational tests are authorized provided the tests are conducted within the first five minutes of any hour, are not longer than three audio sweeps or one second, whichever is longer, and, if available, a dummy load is used during test.

(e) The power and modulation requirements specified in this Part for EPIRBs shall be met under the environmental test conditions, with the exception of the temperature limits, specified in the Radio Technical Commission for Aeronautics (RTCA) Document Numbers DO-145 or DO-146. The air temperature limits for testing these devices shall be from −20 to 55 degrees centigrade. Additionally those tests specified by RTCA with regard to altitude, decompression and overpressure are not applicable to EPIRB stations.

(f) The equipment shall not incorporate any vacuum tubes in its design. Components shall be so rated that the equipment will meet the requirements specified for EPIRBs in this Part after extended periods of inaction while carried in vessels and subjected to the environmental conditions prescribed. Operation into any load likely to occur in service, from open to short, shall not cause continuing degradation in performance.

(g) The operation of controls intended for use during normal operation in all possible combinations or sequences shall not result in a condition whose presence or continuation would be detrimental to the continued performance of the equipment. The number of controls shall be kept to a minimum to permit ease of operation of the equipment.

(h) The EPIRB shall have a battery for power supply which is independent of the vessel power supply. The battery, whether an original or replacement component, shall be designed as an integral part of the equipment or be securely attached thereto. The date (month and year) of the battery's manufacture shall be permanently and legibly marked on the battery and the expiration date (month and year) upon which 50 percent of its useful life has expired shall be permanently and legibly marked on both the battery and the outside of the transmitter. The useful life of the battery (established by the EPIRB manufacturer) is the length of time, after its date of manufacture, that the battery may be stored under normal marine environmental conditions without losing its ability to meet the transmitter power requirement prescribed in § 83.134(h). The electro-mechanical connectors on and to the battery must be corrosion resistant and positive in action, and may not rely for contact upon spring force alone.

(i) The EPIRB shall be waterproof and shall not be accidentally activated by rain, seaspray, hose wash-down spray or storage in high humidity conditions. The effects of standing water on the outer surface of the equipment shall have no significant adverse effect upon the performance of the EPIRB.

(j) Concise, unambiguous operating structions, understandable by untrained personnel, shall be conspicuously and permanently displayed on the equipment. The display shall be weather resistant, waterproof, and abrasion resistant.

(k) The exterior of the equipment shall have no sharp edges or projections which could easily damage inflatable survival equipment, injure personnel or damage their clothing. Means shall be provided to secure the EPIRB to a survival craft or person.

(l) If the antenna is not designed to be stowed in its normal operating position, the antenna shall be deployable to the designed length and operating position in a foolproof manner. The antenna shall be securely attached to the EPIRB and of such design that it is easy to de-ice. The antenna shall provide optimum performance at 121.5 and 243 MHz and its radiation pattern in the horizontal plane shall be essentially omnidirectional.

(m) The equipment shall be so designed that it may be deployed, its controls actuated, or the antenna erected, each by a single action task which can be performed by either hand.

13. New § 83.145 is added:

§ 83.145 Special requirements for Emergency Position Indicating Radio Beacon Stations, Class A.

(a) For purposes of regulations for mandatory carriage by certain vessels a Class A EPIRB is one that is capable of floating free of a sinking vessel and activating automatically.

(b) In addition to the other requirements for EPIRBS elsewhere in this Part a Class A EPIRB must:

(1) Operate on frequencies 121.5 and 243 MHz and must have a manually activated test switch or comparable device, associated test circuit, and output indicator;

(2) Activate automatically when it floats free of a sinking vessel;

(3) Have an antenna that deploys automatically when the EPIRB activates automatically;

(4) Float in calm water with at least the upper two inches of the EPIRB out of the water and the base of the antenna at least two inches above the water;

(5) Be ballasted to right itself from a position of 90° from its upright position in one second or less;

(6) Meet the requirements of paragraphs (1) through (5) above after free fall into water 3 times from a height of 60 feet; and

(7) Must be marked with the manufacturer's name, with the type number and with the indication Class A.

(c) For FCC type-acceptance as a Class A equipment the requirements of (b) above must be met as well as the other requirements for EPIRBs prescribed elsewhere in this Part.

14. Section 83.164(b) is amended to read as follows:

§ 83.164 Waivers of operator requirement.

* * * * *

(b) No radio operator authorization is required for the operation of a survival craft station or an emergency position indicating radiobeacon station while it is being used solely for survival purposes or to facilitate search and rescue operations.

* * * * *

15. Section 83.178 is amended by adding a new paragraph (e) to read as follows:

§ 83.178 Unauthorized transmissions.

* * * * *

(e) Use telephony on 243 MHz.

16. Section 83.233, table, is amended to add the frequency bands 118—136 MHz and 225—399.9 MHz to read as follows:

§ 83.233 Frequencies for use in distress.

* * * * *

Frequency band	Emission	Carrier frequency
405–535 kHz	A2	500 kHz.[1]
1605–4000 kHz	A3, A3H	2182 kHz.
118–136 MHz	A2, A3, A9	121.5 MHz.
	A3	123.1 MHz.
156–162 MHz	F3	156.8 MHz.
225–399.9 MHz	A9	243 MHz.

[1] The maximum transmitter power obtainable shall be used.

17. A new § 83.252 is added to read as follows:

§ 83.252 Equipment to facilitate search and rescue operations.

(a) Survival craft stations may transmit the signals, calls and messages described in this subpart.

(b) Emergency position indicating radiobeacons may transmit only the distinctive emission specified in § 83.137 and only on the frequencies 121.5 and 243 MHz.

18. Section 83.322(c) is amended and a new paragraph (d) is added to read as follows:

§ 83.322 Frequencies for use in distress.

* * * * *

(c) The frequency 121.5 MHz (using class A2 emission) is available for radiobeacon purposes to survival craft stations. The frequency 121.5 MHz (using A9 emission) is available to emergency position indicating radiobeacon (EPIRB) stations for facilitating search and rescue operations. The frequency 121.5 MHz (class A3 emission) is available to authorized ship stations for emergency communications between ships and aircraft only if operation on the auxiliary frequency 123.1 MHz is also provided for. The frequency 121.5 is available to authorized ship stations for A3 emission for emergency communications between ships and aircraft involved in coordinated search and rescue operations when other VHF channels are not available. As soon as practicable after establishing contact on 121.5 MHz ships and aircraft engaged in the search and rescue operation should shift to the auxiliary frequency 123.1 MHz. The universal auxiliary frequency 123.1 MHz is available to mobile stations engaged in scene of action search and rescue operations as the auxiliary to the emergency clear channel frequency 121.5 MHz.

(d) The frequency 243 MHz (class A9 emission only) is available to EPIRB stations for facilitating search and rescue operations.

19. Section 83.326 is amended by adding a new paragraph (c) to read as follows:

§ 83.326 Identification of stations.

* * * * *

(c) Emergency position indicating radiobeacon stations do not require identification.

20. Section 83.352(b) is amended and a new paragraph (c) is added to read as follows:

§ 83.352 Frequencies for use in distress.

* * * * *

(b) The frequency 121.5 MHz (using class A2 emission) is available for radiobeacon purposes to survival craft stations. The frequency 121.5 MHz (using A9 emission) is available to emergency position indicating radiobeacon (EPIRB) stations for facilitating search and rescue operations. The frequency 121.5 MHz (class A3 emission) is available to authorized ship stations for emergency communications between ships and aircraft only if operation on the auxiliary frequency 123.1 MHz is also provided for. The frequency 121.5 is available to authorized ship stations for A3 emission for emergency communications between ships and aircraft involved in coordinated search and rescue operations when other VHF channels are not available. As soon as practicable after establishing contact on 121.5 MHz ships and aircraft engaged in the search and rescue operation should shift to the auxiliary frequency 123.1 MHz. The universal auxiliary frequency 123.1 MHz is available to mobile stations engaged in scene of action search and rescue operations as the auxiliary to the emergency clear channel frequency 121.5 MHz.

(c) The frequency 243 MHz (class A9 emission only) is available to EPIRB stations for facilitating search and rescue operations.

21. Section 83.401(c) is amended to read as follows:

§ 83.401 Assignable frequencies for direction finding.

* * * * *

(c) In the event of distress, the following frequencies may be used for radio direction finding for purposes of search and rescue by any authorized ship or survival craft station or by emergency position indicating radiobeacon stations as described in this part.

410 kHz, 500 kHz, 218 kHz, 836 kHz, 121.5 MHz, 243 MHz.

[FR Doc.74-6147 Filed 3-15-74;8:45 am]

[RM-2253; FCC 74-227]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 91—INDUSTRIAL RADIO SERVICES

Permission for Use of Frequencies

1. The Commission is aware from discussion with industry and other Government agencies that increased resource exploration in the offshore areas of the United States has created a requirement for a more reliable long range radiolocation service to enable greater accuracy in the charting and relocating of potential mineral deposits. The United States Coast Guard has advised the Commission that within recent months several oil companies have discussed the desire to use enhanced LORAN type radiolocation techniques in support of offshore drilling activities. The techniques involve the use of signals in the 90–110 kHz band for improved accuracy and coverage. We have been told that small portable transmitters are available commercially which can be used for this purpose.

2. In a filing dated June 18, 1973, Offshore Navigation, Inc. (ONI), an existing licensee in the Industrial Radiolocation Service, submitted an application to the Commission for the authorization of LORAN type radiolocation land stations on a secondary basis in the 90–110 kHz band in the Industrial Radiolocation Service. ONI suggested that the authorization could be granted under the intent of existing rules, but that if the Commission decided otherwise, either the rules should be waived to permit ONI's specific operation or rulemaking initiated looking toward a regular provision for the radiolocation service in this band on a secondary basis.

3. Subsequent to ONI's filing, the Lorac Service Corporation (Lorac) also an existing licensee in the Industrial Radiolocation Service petitioned the Commission on September 6, 1973 to initiate rulemaking to provide for industrial radiolocation on a secondary basis in the 90–110 kHz band (RM–2253). The enhanced LORAN-C type radiolocation activity that Lorac wishes to introduce to the 90–110 kHz band would be on a secondary, non-interference basis to extant LORAN operations within the band, with assurance of protection effectuated through coordination and supervision of activities by the U.S. Coast Guard. Lorac contends that through appropriate regulation of certain station operational parameters (e.g. phase code and repetition rates, effective radiated power, and on air time, etc.) that the desired Loran protection could be realized.

4. Comments relevant to Lorac's proposal were filed by ONI and Decca Survey Systems, Inc. (DECCA). Both entities essentially agreed with Lorac's request that provision should be made for radiolocation on a secondary basis within the 90–110 kHz band. Decca specifically emphasized that proper authority should come from waivers of existing rules while ONI's contention was that the Commission should take any action it deems appropriate to achieve the sought after objective.

5. Nationally, the frequency band 90–110 kHz is allocated exclusively to the radionavigation service. Primary use of the band is for LORAN-C stations operated by the Coast Guard although certain non-Government radionavigation stations may be authorized on a secondary basis under the provisions of footnote US18 to the National Table of Frequency Allocations, § 2.106 of the Commission's Rules. Recent tests conducted by the Coast Guard in the Gulf of Mexico have shown that enhanced LORAN type radiolocation techniques of the kind proposed by ONI can provide the necessary accuracy and range and can be utilized concurrently with LORAN-C radionavigation operations in the 90–110 kHz band without harmful interference to the latter.

6. Consequently, the Coast Guard and the Interdepartment Radio Advisory Committee (IRAC) have indicated concurrence with the proposed secondary radiolocation use subject to adequate protection being provided to the LORAN radionavigation service. They have recommended in this regard that the radiolocation stations be limited to pulsed

(as distinct from continuous wave) emission, with specified pulse repetition rates; that all applications for radiolocation operations be subject to case-by-case coordination with the IRAC; and that any license for such operations reflect the present and future priority of the LORAN radionavigation system and require the immediate termination of transmissions of the radiolocation station if any interference is caused to the radionavigation service.

7. Therefore, based on the above information, it appears that the stated radiolocation requirements can be satisfactorily accommodation in the 90–110 kHz band without interference to the LORAN radionavigation system. We also believe that a rule amendment is preferable to the waiver approach, based on an anticipated broad application of the technique, and §§ 2.106 and 91.604 of the rules are being amended accordingly. Applications will be considered on a case-by-case basis through the regular IRAC/FCC coordination mechanism. As indicated in the appended rules, only pulsed systems of the LORAN type will be authorized, subject to such conditions as may be necessary to protect the LORAN radionavigation system.

8. Because there are no existing non-Government operations in the band which could be affected by the above-mentioned rule amendments and the action represents an additional provision for non-Government radio services, the prior notice, public comments, and effective date procedures of 5 U.S.C. 553 are unnecessary. Authority for these rule changes is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

9. In view of the foregoing, *it is ordered*, That effective March 19, 1974, Parts 2 and 91 of the rules are amended by revision of §§ 2.106 and 91.604 as shown in the attached appendix. *It is further ordered*, That this proceeding is terminated.

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

Adopted: March 7, 1974.

Released: March 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 2 and 91 of Chapter I of Title 47 of the Code of Federal Regulations are amended to read as follows:

§ 2.106 Table of frequency allocations.

1. In § 2.106, footnote US104 is amended to read as follows:

* * * * *

US104/The LORAN Radionavigation System has priority in the band 90–110 kHz in the United States and Possessions. Radiolocation land stations making use of LORAN type equipment may be authorized to both Government and non-Government on a SECONDARY SERVICE basis for offshore radiolocation activities of offshore industries only at specific locations and subject to such technical and operational conditions (e.g., power, emission, pulse rate and phase code, hours of operation), including on-the-air testing, as may be required on a case-by-case basis to insure protection of the LORAN Radionavigation System from harmful interference and to insure mutual compatibility among radiolocation operators. Such authorizations to stations in the radiolocation service are further subject to showing of need for service which is not currently provided and which the Government is not yet prepared to render by way of the radionavigation service.

* * * * *

2. In § 91.604(a), the table is amended to add the frequency band 90–110 kHz, and par (b)(19) is added to read as follows:

§ 91.604 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	Limitation(s)
kHz		
70–90	Radiolocation land or mobile	1
90–110	Radiolocation land	1, 19
110–130	Radiolocation land or mobile	1

* * * * *

(b) * * *

(19) This band is limited to radiolocation land stations in accordance with footnote US104 for offshore radiolocation activities.

[FR Doc.74–6148 Filed 3–15–74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1145, Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of March, 1974.

Upon further consideration of Service Order No. 1145 (38 FR 31309), and good cause appearing therefor:

It is ordered, That:

§ *1033.1145 Service Order No. 1145* be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

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

Effective date. This amendment shall become effective at 11:59 p.m., March 15, 1974.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–6184 Filed 3–15–74;8:45 am]

[S.O. 1177]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co. et al.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of March, 1974.

It appearing, that Union Terminal Company of Dallas, Texas, has been authorized to discontinue separate operations and will be dissolved; that certain tracks presently operated, owned or used by this company are required for normal freight operations of the railroads serving Dallas; that these railroads have formed a "Right-of-Way District" to acquire joint ownership and use of these tracks; and that continued operation of these railroads over these tracks formerly owned by the Union Terminal Company 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:

§ 1033.1177 Service Order No. 1177.

(a) The Atchison, Topeka and Santa Fe Railway Company, Chicago, Rock Island and Pacific Railroad Company, Fort Worth and Denver Railway Company, Missouri-Kansas-Texas Railroad Company, St. Louis-San Francisco Railway Company, St. Louis Southwestern Railway Company, Southern Pacific Transportation Company, and the Texas and Pacific Railway Company authorized to conduct joint operations over certain tracks located at Dallas, Texas. The Atchison, Topeka and Santa Fe Railway Company (ATSF), Chicago, Rock Island and Pacific Railroad Company (RI), Fort Worth and Denver Railway Company (FWD), Missouri-Kansas-Texas Railroad (MKT), St. Louis-San Francisco Railway Company (SLSF), St. Louis Southwestern Railway Company

(SSW), Southern Pacific Transportation Company (SP), and the Texas and Pacific Railway Company (TP) be, and they are hereby authorized to operate over tracks formerly owned or used by the Union Terminal Company (UT) of Dallas, Texas, and to be now identified as the "Right-of-Way District" extending between Caruth Street, on the north and the crossing of the ATSF at Terminal Junction on the south, all located at Dallas, Texas, pending disposition by the Commission of the application of these railroads in FD 27595 seeking permanent authority to acquire and operate over these tracks.

(b) *Rates applicable.* Inasmuch as this operation of the ATSF, RI, FWD, MKT, SLSF, SSW, SP, and TP over these tracks formerly operated by the UT is deemed to be due to carriers' disability, the rates applicable to traffic moved by the aforementioned lines over tracks formerly operated by the UT shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(c) In executing the directions of the Commission, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

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

(e) *Effective date.* This order shall become effective at 11:59 p.m., March 13, 1974.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 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 filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6183 Filed 3-15-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

AQUATIC MAMMALS OTHER THAN WHALES

Endangered Species

The Endangered Species Act of 1973 (hereinafter referred to as the Act of 1973) was signed into law on December 28, 1973 (Pub. L. 93-205). Under the Act of 1973 the Secretary of Commerce is given responsibilities in regard to the conservation of certain endangered and threatened species.

Section 4(f)(2)(B)(i) of the Act of 1973 provides that regulations which were promulgated under the Endangered Species Conservation Act of 1969 (hereinafter referred to as the Act of 1969), may be republished and readopted where appropriate to carry out the provisions of the Act of 1973. This procedure allows regulations to be in effect to protect certain endangered species until new regulations are promulgated in accordance with section 4(f)(2)(A) of the Act of 1973.

Section 4(c)(3) of the Act of 1973 provides that species which were on any 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 any former list (under the Act of 1969) is republished to conform with the classifications for "endangered" and "threatened" species under the Act of 1973.

The purpose of this rule making is to insure the continuity of protection of endangered species listed under the Act of 1969 by (1) republishing and adopting the rules promulgated under the Act of 1969 as they apply to permit issuance and enforcement for endangered species under the program responsibilities of the Secretary of Commerce, and (2) by identifying the lists of endangered species which continue in effect pursuant to the Act of 1973.

All of the regulations to be readopted and the lists of endangered species appear or are referred to in the rule making published by the Department of the Interior on January 4, 1974, at 39 FR 1157. These regulations as they pertain to the species under the jurisdiction of the Department of Commerce are set forth below, and do not contain substantive changes from the regulations published and referred to by the Department of the Interior on January 4, 1974, at 39 FR 1157. Technical changes have been made to provide for the correct placement of the regulations in the Code of Federal Regulations and to clearly designate the proper offices and officials to receive correspondence. For additional clarity, the definitions of "Director" and "Secretary" have been placed in the definitions section of the regulations. At a future date, in accordance with the procedures prescribed by the Act of 1973, regulations will be promulgated to control taking and other activities newly covered by the Act of 1973. In addition, as required, necessary additions or modifications will be made to the list of endangered species, and a list of threatened species will be established.

Accordingly, these regulations, as they apply to permit issuance and enforcement activities for endangered species under the program responsibilities of the Secretary of Commerce, are hereby adopted.

Effective Date: These regulations shall be effective on March 18, 1974.

Dated: March 12, 1974.

JACK W. GEHRINGER,
Acting Director.

PART 217—GENERAL PROVISIONS

Subpart A—Introduction

Sec.
217.1 Purpose of regulations.
217.2 Scope of regulations.
217.3 Other applicable laws.
217.4 When regulations apply.

Subpart B—Definitions

217.11 Scope of definitions.
217.12 Definitions.
217.13 List of migratory birds.

Subpart C—Addresses

217.21 Director.
217.22 Division of Law Enforcement and Marine Mammal Protection.

AUTHORITY: Endangered Species Act of 1973, sec. 11(f), 87 Stat. 884, Pub. L. 93-205; Fish and Wildlife Act of 1956, sec. 13(d), 88 Stat. 905 amending 85 Stat. 480.

Subpart A—Introduction

§ 217.1 Purpose of regulations.

The regulations of Parts 217–222 are promulgated to implement the following statutes enforced by the National Marine Fisheries Service which regulate the taking, possession, transportation, sale, purchase, barter, exportation, and importation of wildlife:

Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93-205; Fish and Wildlife Act of 1956, 16 U.S.C. 742a-1.

§ 217.2 Scope of regulations.

The various provisions of Parts 217–222 of this chapter are interrelated, and particular note should be taken that the parts must be construed with reference to each other.

§ 217.3 Other applicable laws.

No statute or regulation of any State shall be construed to relieve a person from the restrictions, conditions, and requirements contained in Parts 217–222 of this chapter. In addition, nothing in Parts 217–222 of this chapter, nor any permit issued under Parts 217–222 of this chapter, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any State or of the United States, including any applicable health, quarantine, agricultural, or customs laws or regulations, or other National Marine Fisheries Service enforced statutes or regulations.

§ 217.4 When regulations apply.

The regulations of Parts 217–222 of this chapter shall apply to all matters arising after the effective date of such regulations, with the following exceptions:

(a) *Civil penalty proceedings.* Except as otherwise provided in section 218.25, the civil penalty assessment procedures contained in Parts 217–222 of this chapter shall apply only to any proceeding instituted by notice of violation dated subsequent to the effective date of these regulations, regardless of when the act or omission which is the basis of a civil penalty proceeding occurred.

(b) *Permits.*—The regulations in Parts 217–222 of this chapter shall apply to any permit application received after the effective date of the appropriate regulations in Parts 217–222 of this chapter and, insofar as appropriate, to any permit which is renewed after such effective date.

Subpart B—Definitions

§ 217.11 Scope of definitions.

In addition and subject to definitions contained in applicable statutes and subsequent parts or sections of Parts 217–222 of this chapter, words or their variants shall have the meanings ascribed in this subpart. Throughout Parts 217–222 of this chapter, words in the singular form shall include the plural, words in the plural form shall include the singular, and words in the masculine form shall include the feminine.

§ 217.12 Definitions.

"Bureau" means the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior.

"Country of exportation" means the last country from which the animal was exported before importation into the United States.

"Country of origin" means the country where the animal was taken from the wild, or the country of natal origin of the animal.

"Director" means the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, or his authorized representative.

"Fish or wildlife" means any wild mammal, bird, fish, amphibian, reptile, mollusk, or crustacean, whether or not raised in captivity, and including any part, product, egg, or offspring thereof, or the dead body or parts thereof, whether or not included in a manufactured product or in a processed food product.

"Foreign commerce" includes, among other things, any transaction (1) between persons within one foreign country, or (2) between persons in two or more foreign countries, or (3) between a person within the United States and a person in one or more foreign countries, or (4) between persons within the United States, where the fish or wildlife in question are moving in any country or countries outside the United States.

"Import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the tariff laws of the United States.

"Permit" means any document so designated as a permit by the National Marine Fisheries Service and signed by an authorized official of the National Marine Fisheries Service.

"Person" means any individual, firm, corporation, association, partnership, club, or private body, any one or all, as the context requires.

"Possession" means the detention and control, or the manual or ideal custody of anything which may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one's place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at this pleasure to the exclusion of all other persons. Possession includes constructive possession which means not actual but assumed to exist, where one claims to hold by virtue of some title, without having actual custody.

"Secretary" means the Secretary of Commerce or his authorized representative.

"State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

"Take" means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect.

"Transportation" means to ship, convey, carry or transport by any means whatever, and deliver or receive for such shipment, conveyance, carriage, or transportation.

"United States" means the several States of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

"Whoever" means the same as person.

"Wildlife" means the same as fish or wildlife.

Subpart C—Addresses

§ 217.21 Director.

Mail forwarded to the Director of the National Marine Fisheries Service should be addressed:

Director,
National Marine Fisheries Service
Washington, D.C. 20235

§ 217.22 Division of Law Enforcement and Marine Mammal Protection.

Mail in regard to law enforcement and permits should be addressed to:

Division of Law Enforcement and Marine Mammal Protection
National Marine Fisheries Service
Washington, D.C. 20235

PART 218—CIVIL PROCEDURES

Subpart A—Introduction

Sec.
218.1 Purpose of regulations.
218.2 Scope of regulations.
218.3 Filing of documents.

Subpart B—Assessment Procedure

Sec.
218.11 Notice of violation.
218.12 Petitions for relief.
218.13 Decision by the Director.
218.14 Notice of assessment.
218.15 Request for a hearing.
218.16 Final administrative decision.
218.17 Payment of final assessment.

Subpart C—Hearing and Appeal Procedure

218.21 Commencement of hearing proceedings.
218.22 Appearance and practice.
218.23 Hearings.
218.24 Final administrative decision.
218.25 Appeals.
218.26 Reporting service.

AUTHORITY: Endangered Species Act of 1973, section 11(f), 7 Stat. 884, Pub. L. 93–205.

Subpart A—Introduction

§ 218.1 Purpose of regulations.

The regulations contained in this part provide uniform rules and procedures for the assessment of civil penalties in connection with violations of certain laws and regulations enforced by the National Marine Fisheries Service.

§ 218.2 Scope of regulations.

The regulations contained in this part apply only to actions arising under the following laws and regulations issued thereunder:

Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93–205.

§ 218.3 Filing of documents.

(a) Whenever a document or other paper is required to be filed under this Part within a certain time, such document or paper will be considered filed as of the date of the postmark if mailed, or the date actually delivered to the office where filing is required. The time periods set forth in this Part shall begin to run as of the day following the date of the document or other paper.

(b) If an oral or written application is made to the Director up to 10 calendar days after the expiration of a time period established in this Part for the required filing of documents or other papers, the Director may permit a late filing within a fixed period where reasonable grounds are found for an inability or failure to file within the time period required. All such extensions shall be in writing. Except as provided in this subsection, no other requests for an extension of time may be granted.

Subpart B—Assessment Procedure

§ 218.11 Notice of violation.

(a) A notice of violation (hereinafter "notice"), shall be issued by the Director and served personally or by registered or certified mail, return receipt requested, upon the person believed to be subject to a civil penalty (the respondent). The notice shall contain: (1) A concise statement of the facts believed to show a violation, (2) a specific reference to the provisions of the statute or regulation allegedly violated, and (3) the amount of penalty proposed to be assessed. The

notice may also contain an initial proposal for compromise or settlement of the case. The notice shall also advise the respondent of his right to file a petition for relief pursuant to § 218.12, or to await the Director's notice of assessment.

(b) The respondent shall have 45 days from the date of the notice of violation in which to respond. During this time he may:

(1) undertake informal discussions with the Director;

(2) accept the proposed penalty, or the compromise, if any, offered in the notice;

(3) file a petition for relief; or

(4) take no action, and await the Director's decision, pursuant to § 218.13.

(c) Acceptance of the proposed penalty or the compromise shall be deemed to be a waiver of the notice of assessment required by § 218.14, and of the opportunity for a hearing. Any counter offer of settlement shall be deemed a rejection of the proposed offer of compromise.

§ 218.12 Petition for relief.

If the respondent so chooses he may ask that no penalty be assessed or that the amount be reduced, and he may admit or contest the legal sufficiency of the charge and the Director's allegations of facts, by filing a petition for relief [hereinafter "petition"] with the Director at the address specified in the notice within 45 days of the date thereof. The petition shall be in writing and signed by the respondent. If the respondent is a corporation, the petition must be signed by an officer authorized to sign such documents. It must set forth in full the legal or other reasons for the relief.

§ 218.13 Decision by the Director.

Upon expiration of the period required or granted for filing of a petition for relief, the Director shall proceed to make an assessment of a civil penalty, taking into consideration information available to him and such showing as may have been made by the respondent, either pursuant to § 218.11 or § 218.12, or upon further request of the Director.

§ 218.14 Notice of assessment.

The Director shall notify the respondent by a written notice of assessment, by personal service or by registered or certified mail, return receipt requested, of his decision pursuant to § 218.13. He shall set forth therein the facts and conclusions upon which he decided that the violation did occur and appropriateness of the penalty assessed.

§ 218.15 Request for a hearing.

Except where a right to request a hearing is deemed to have been waived as provided in § 218.11, the respondent may, within 45 calendar days from the date of the notice of assessment referred to in § 218.14, file a dated, written request for a hearing with the Director, National Marine Fisheries Service, Washington, D.C. 20235. The request should state the respondent's preference as to the place and date for a hearing. The request must enclose a copy of the notice of violation and notice of assessment. A copy of the request shall be served upon the Director personally or by registered or certified mail, return receipt requested, at the address specified in the notice.

§ 218.16 Final administrative decision.

(a) Where no request for a hearing is filed as provided in § 218.15 the Director's assessment shall become effective and shall constitute the final administrative decision of the Secretary on the 45th calendar day from the date of the notice of assessment.

(b) If a request for a hearing is timely filed in accordance with § 218.15, the date of the final administrative decision in the matter shall be as provided in Subpart C of this part.

§ 218.17 Payment of final assessment.

When a final administrative decision becomes effective in accordance with this Part 218, the respondent shall have 20 calendar days from the date of the final administrative decision within which to make full payment of the penalty assessed. Payment will be timely only if received in Office of the Director during normal business hours, on or before the 20th day. Upon a failure to pay the penalty, the General Counsel of the Department may request the Attorney General to institute a civil action in the U.S. District Court to collect the penalty.

Subpart C—Hearing and Appeal Procedures

§ 218.21 Commencement of hearing procedures.

Proceedings under this subpart are commenced upon the timely filing with the Director of a request for a hearing, as provided in § 218.15 of Subpart B. Upon receipt of a request for a hearing, the Secretary will assign an administrative law judge to the case. Notice of assignment will be given promptly to the parties, and thereafter, all pleadings, papers, and other documents in the proceeding shall be filed directly with the administrative law judge, with copies served on the opposing party.

§ 218.22 Appearance and practice.

(a) Subject to the provisions of 43 CFR 1.3, the respondent may appear in person, by representative, or by counsel, and may participate fully in these proceedings.

(b) Department counsel designated by the General Counsel of the Department shall represent the Director in these proceedings. Upon notice to the Director of the assignment of an administrative law judge to the case, said counsel shall enter his appearance on behalf of the Director and shall file all petitions and correspondence exchanged by the Director and the respondent pursuant to Subpart B of this Part, which shall become part of the hearing record. Thereinafter, service upon the Director in these proceedings shall be made to his counsel.

§ 218.23 Hearings.

(a) The administrative law judge shall have all powers accorded by law and necessary to preside over the parties and the proceedings and to make decisions in accordance with 5 U.S.C. Sections 554–557. Failure to appear at the time set for hearing shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the record made at the hearing. Copies of the transcript may be inspected or copied.

(b) The transcript of testimony, the exhibits, and all papers, documents, and requests filed in the proceedings, shall constitute the record for decision. The judge will render a written decision upon the record, which shall set forth his findings of fact and conclusions of law, and the reasons and basis therefor, and an assessment of a penalty, if any.

§ 218.24 Final administrative action.

Unless a notice of request for an appeal is filed in accordance with § 218.25 of this Subpart C, the administrative law judge's decision shall constitute the final administrative determination of the Secretary in the matter and shall become effective 30 calendar days from the date of the decision.

§ 218.25 Appeal.

(a) Either the respondent or the Director may seek an appeal from the decision of an administrative law judge rendered subsequent to February 1, 1974, by the filing of a "Notice of Request for Appeal" with the Secretary within 30 calendar days of the date of the administrative law judge's decision. Such notice shall be accompanied by proof of service on the administrative law judge and the opposing party.

(b) Upon receipt of such a request, the Secretary shall appoint an ad hoc appeals board to determine whether an appeal should be granted, and to hear and decide an appeal. To the extent they are not inconsistent herewith, the provisions of Subpart G of 43 CFR Part 4 shall apply to appeal proceedings under this Subpart. The determination of the board to grant or deny an appeal, as well as its decision on the merits of an appeal, shall be in writing and become effective as the final administrative determination of the Secretary in the proceeding on the date it is rendered, unless otherwise specified therein.

§ 218.26 Reporting service.

Copies of decisions in civil penalty proceedings instituted under statutes referred to in Subpart A of this Part and rendered subsequent to February 1, 1974, may be obtained by letter of request addressed to the Secretary. Fees for this service shall be as established by the Secretary.

PART 219—SEIZURE AND FORFEITURE PROCEDURES

Subpart A—Introduction

Subpart B—Holding, Bonding, and Return of Certain Wildlife or Other Property

AUTHORITY: Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93-205.

Subpart A—Introduction

§ 219.1 Purpose of regulations.

The regulations in this part provide rules and procedures for the seizure, holding, bonding, abandonment, and forfeiture of wildlife and other property, which under certain laws enforced by the National Marine Fisheries Service are subject to seizure and forfeiture.

§ 219.2 Scope of regulations.

(a) The regulations contained in Subpart B of this Part apply only to actions arising under the following laws and regulations issued thereunder:

Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93-205.

Subpart B—Holding, Bonding, and Return of Certain Wildlife or Other Property

§ 219.11 Notification of seizure.

Except where the owner or consignee is personally notified or seizure is made pursuant to a search warrant, the Director shall, as soon as practicable following his seizure or other receipt of seized wildlife or other property, mail a notification of seizure by registered or certified mail, return receipt requested, to the owner or consignee, if known. Such notification shall describe the seized wildlife or other property, and shall state the time, place, and reason for the seizure.

§ 219.12 Seizure by Customs.

Any authorized employee or officer of the U.S. Customs Service who has seized any wildlife or other property shall deliver such seizure to the Division of Law Enforcement and Marine Mammal Protection (See § 217.22), or its designee, who shall either hold such seized wildlife or other property or arrange for its proper handling and care.

§ 219.13 Bonded release.

The Director may, in his sole discretion, accept an appearance bond or other security in place of wildlife or other property seized. Said bond or security may contain such additional conditions as may be appropriate. Such bond or security may be in an amount up to $10,000 per offense and shall only be allowed where the Director determines either that the health or safety of any wildlife so requires, or that the release of the seized wildlife or other property would not frustrate the purposes of the statute.

§ 219.14 Return of seized wildlife or other property.

If, at the conclusion of the appropriate proceedings, the seized wildlife or other property is to be returned to the owner or consignee, the Director shall issue a letter or other document authorizing its return. This letter or other document shall be delivered personally or sent by registered or certified mail, return receipt requested, and shall identify the owner or consignee, the seized property, and, if appropriate, the bailee of the seized wildlife or other property. It shall also provide that upon presentation of the letter or other document and proper identification, the seized wildlife or other property is authorized to be released, provided it is properly marked in accordance with applicable State or Federal requirements.

§ 219.15 Abandonment provisions.

When any wildlife or other property is subject to seizure and forfeiture, a blank assent to forfeiture form (Customs Form 4607, or a similar National Marine Fisheries Service form) may be given or sent, with the notification required by §218.11 or by § 219.11, to the owner thereof. The owner may voluntarily abandon the wildlife or other property to the Government by executing and returning the assent to forfeiture form. Such abandonment will be considered by the Director in the disposition of the case, and may be the basis for the compromise of any proposed assessment of a civil penalty under Part 218.

PART 220—GENERAL PERMIT PROCEDURES

Subpart A—Introduction

Subpart B—Application for Permits

Subpart C—Permit Administration

Subpart D—Conditions

Subpart E—Violations of the Permit

AUTHORITY.—Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93-205; act of August 31, 1951, Ch. 376, Title 5, section 501, 65 Stat. 290 (31 U.S.C. 483a).

Subpart A—Introduction

§ 220.1 General.

Each person intending to engage in an activity for which a permit is required by Parts 217-222 of this chapter shall, before commencing such activity, obtain a valid permit authorizing such activity. Each person who desires to obtain the permit privileges authorized by Parts 217-222 of this chapter must make application for such permit in accordance with the requirements of this Part 220 of this chapter and the other regulations in Parts 217-222 of this chapter which set forth the additional requirements for the specific permits desired. If the activity for which permission is sought is covered by the requirements of more than one Part of Parts 217-222 of this chapter, the requirements of each Part must be met. If the information required for each specific permitted activity is included, one application will be accepted for all permits required, and a single permit will be issued.

§ 220.2 Purpose of regulations.

The regulations contained in this part will provide uniform rules and procedures for application, issuance, renewal, conditions, revocation, and general administration of permits issuable pursuant to Parts 217-222 of this chapter.

§ 220.3 Scope of regulations.

The provisions in this part are in addition to, and are not in lieu of, other permit regulations of Parts 217-222 of this chapter and apply to all permits issued thereunder, including "Import and Marking" (Part 221), "Endangered Wildlife" (Part 222).

§ 220.4 Emergency variation from requirements.

The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations will not hinder effective administration of Parts 217-222 of this chapter, and will not be unlawful.

Subpart B—Application for Permits

§ 220.11 Procedure for obtaining a permit.

The following general procedures apply to applications for permits:

(a) *Forms.*—Applications must be submitted by letter containing all necessary information, attachments, certification, and signature. In no case will oral or telephone applications be accepted.

(b) *Forwarding instructions.*—Applications must be submitted to the Division of Law Enforcement and Marine Mammal Protection. The address is listed in § 217.22.

(c) *Time requirement.*—Applications must be received by the appropriate official of the National Marine Fisheries Service at least 30 calendar days prior to the date on which the applicant desires to have the permit made effective. The National Marine Fisheries Service will, in all cases, attempt to process applications in the shortest possible time, and most complete and properly addressed applications will be acted on within 30 days. The National Marine Fisheries Service does not, however, guarantee 30 day issuance and some permits cannot be issued within that time period.

§ 220.12 Information requirements on permit applications.

(a) *General information required for all permit applications.*—All applications for permits must contain the following information:

(1) Applicant's name, mailing address, and phone number;

(2) Where the applicant is an individual, his date of birth, height, weight, color of hair, color of eyes, and sex; and business or institutional affiliation, if any, having to do with the wildlife to be covered by the permit;

(3) Where the applicant is a corporation, firm, partnership, institution, or agency, either private or public, the name and address of the president or principal officer;

(4) Location where the permitted activity is to be conducted;

(5) Part and section of Parts 217–222 under which the permit is requested and such additional information and justification, including supporting documents from appropriate authorities, as required by that section (Paragraph (b) of this section contains a list of sections of Parts 217–222 where the additional information needed on applications for various permits may be found.)

(6) Where the permitted activity involves an importation from any foreign country which restricts the taking, possession, transportation, exportation or sale of wildlife, the appropriate documentation, as indicated in § 221.42 of this subchapter;

(7) Certification in the following language:

> I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 220, of the Code of Federal Regulations and the other applicable parts in Parts 217–222 of Chapter II of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) Desired effective date of permit except where issuance date is fixed by the part under which the permit is issued;

(9) Date;

(10) Signature of the applicant; and

(11) Such other information as the Director determines relevant to the processing of the application.

(b) *Additional information required on permit applications.*—As stated in paragraph (a) (5) of this section certain additional information is required on all applications. These additional requirements may be found by referring to the section of Parts 217–222 of this chapter cited after the type of permit for which application is being made:

Type or permit:	Section
Importation at nondesignated ports:	
Scientific	221.
Deterioration prevention	221.
Marking of package or container:	
Symbol marking	221.
Endangered wildlife permits:	
Zoological, educational, scientific or propagation	222.23

§ 220.13 Abandoned application.

Upon receipt of an incomplete or improperly executed application, the applicant shall be notified of the deficiency in the application. If the applicant fails to supply the deficient information or otherwise fails to correct the deficiency within 60 days following the date of notification, the application shall be considered abandoned.

Subpart C—Permit Administration

§ 220.21 Issuance of permits.

(a) No permit may be issued prior to the receipt of a written application therefor, unless a written variation from the requirements, as authorized by § 220.4 is inserted into the official file of the National Marine Fisheries Service. An oral or written representation of an employee or agent of the United States Government, or an action of such employee or agent, shall not be construed as a permit unless it meets the requirements of a permit as defined in 50 CFR 217.12.

(b) Upon receipt of a properly executed application for a permit, the Director shall issue the appropriate permit unless—

(1) The applicant has been assessed a civil penalty as convicted of any civil or criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction, evidences a lack of responsibility;

(2) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;

(3) The applicant has failed to demonstrate a valid justification for the permit and a showing of responsibility;

(4) The authorization requested potentially threatens a wildlife population, or

(5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

(c) Each permit shall bear a serial number. Such number may be reassigned to the permittee to whom issued so long as he maintains continuity of renewal.

(d) The applicant shall be notified in writing of the denial of any permit request, and the reasons therefor. If authorized in the notice of denial, the applicant may submit further information, or reasons why the permit should not be denied. Such further submissions shall not be considered a new application. The final action by the Director shall be considered the final administrative decision of the Department.

§ 220.22 Duration of permit.

Permits shall entitle the person to whom issued to engage in the activity specified in the permit, within the limitations of the applicable statute and regulations contained in Parts 217–222 of this chapter for the period stated on the permit, unless sooner terminated.

§ 220.23 Amendment of applications or permits.

Where circumstances have changed so that an applicant or permittee desires to have any term or condition of his application or permit modified, he must submit in writing full justification and supporting information in conformance with the provisions of this part and the part under which the permit has been issued or requested. Such applications for modification are subject to the same issuance criteria as are original applications, as provided in § 220.21.

§ 220.24 Renewal of permit.

Where the permit is renewable and a permittee intends to continue the activity described in the permit during any portion of the year ensuing its expiration, he shall, unless otherwise notified in writing by the Director, file a request for permit renewal, together with a certified statement that the information in his original application is still currently correct, or a statement of all changes in the original application, accompanied by any required fee at least 30 days prior to the expiration of his permit. Any person holding a valid renewable permit, who has complied with the foregoing provision of this section, may continue such activities as were authorized by his expired permit until his renewal application is acted upon.

§ 220.25 Permits not transferable; agents.

(a) Permits issued under this part are not transferable or assignable. Some permits authorize certain activities in connection with a business or commercial enterprise and in the event of any lease, sale, or transfer of such business entity, the successor must obtain a permit prior to continuing the permitted activity. However, certain limited rights of succession are provided in § 220.26.

(b) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under contract to the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit.

§ 220.26 Right of succession by certain persons.

(a) Certain persons, other than the permittee, are granted the right to carry on a permitted activity for the remainder of the term of a current permit provided they comply with the provisions of paragraph (b) of this section. Such persons are the following:

(1) The surviving spouse, child, executor, administrator, or other legal representative of a deceased permittee; and

(2) A receiver or trustee in bankruptcy or a court designated assignee for the benefit of creditors.

(b) In order to secure the right provided in this section, the person or persons desiring to continue the activity shall furnish the permit to the issuing officer for endorsement within 90 days from the date the successor begins to carry on the activity.

§ 220.27 Change of mailing address.

During the term of his permit, a permittee may change his mailing address without procuring a new permit. However, in every case notification of the new mailing address must be forwarded to the issuing official within 30 days after such change. This section does not authorize the change of location of the permitted activity for which an amendment must be obtained in accordance with § 220.23.

§ 220.28 Change in name.

A permittee continuing to conduct a permitted activity is not required to obtain a new permit by reason of a mere change in trade name under which a business is conducted or a change of name by reason of marriage or legal decree: *Provided*, That such permittee must furnish his permit to the issuing official for endorsement within 30 days from the date the permittee begins conducting the permitted activity under the new name.

§ 220.29 Official endorsement of changes required.

Any change in a permit must be made by endorsement of the Director or issuing officer. Any modification or change in an issued permit, other than those specifically provided for in this subpart, may be granted or denied in the discretion of the Director.

§ 220.30 Certain continuancy of activity.

A permittee who furnishes his permit to the issuing official for endorsement or correction in compliance with the provisions of this subpart may continue his operations pending its return.

§ 220.31 Discontinuance of activity.

When any permittee discontinues his activity, he shall, within 30 days thereof, mail his permit and a request for cancellation to the issuing officer, and said permit shall be deemed void upon receipt. No refund of any part of an amount paid as a permit fee shall be made where the operations of the permittee are, for any reason, discontinued during the tenure of an issued permit.

Subpart D—Conditions

§ 220.41 Recall and amendment of permit during its term.

All permits are issued subject to the condition that the National Marine Fisheries Service reserves the right to recall and amend the provisions of a permit for just cause at any time during its term. Such amendments take effect on the date of notification, unless otherwise specified.

§ 220.42 Permits are specific.

The authorizations on the face of a permit which set forth specific times, dates, places, methods of taking, numbers and kinds of wildlife, location of activity, authorize certain circumscribed transactions, or otherwise permit a specifically limited matter, are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

§ 220.43 Alteration of permits.

Permits shall not be altered, erased, or mutilated, and any permit which has been altered, erased, or mutilated shall immediately become invalid. Unless specifically permitted on the face thereof, no permit shall be copied, nor shall any copy of a permit issued pursuant to Parts 217–222 of this chapter be displayed, offered for inspection, or otherwise used for any official purpose for which the permit was issued.

§ 220.44 Display of permit.

Any permit issued under this part shall be displayed for inspection upon request to the Director or his agent, or to any other person relying upon its existence.

§ 220.45 Filing of reports.

Permittees may be required to file reports of the activities conducted under the permit. Any such reports shall be filed not later than March 31 for the preceding calendar year ending December 31, or any portion thereof, during which a permit was in force, unless the regulations of Parts 217–222 of this chapter or the provisions of the permit set forth other reporting requirements.

§ 220.46 Maintenance of records.

From the date of issuance of the permit, the permittee shall maintain complete and accurate records of any taking, possession, transportation, sale, purchase, barter, exportation, or importation of wildlife pursuant to such permit. Such records shall be kept current and shall include names and addresses of persons with whom any wildlife has been purchased, sold, bartered, or otherwise transferred, and the date of such transaction, and such other information as may be required or appropriate. Such records, unless otherwise specified, shall be entered in books, legibly written in the English language. Such records shall be retained for 5 years from the date of issuance of the permit.

§ 220.47 Inspection requirement.

Any person holding a permit under Parts 217–222 of this chapter shall allow the Director's agent to enter his premises at any reasonable hour to inspect any wildlife held or to inspect, audit, or copy any permits, books, or records required to be kept by regulations of Parts 217–222 of this chapter.

Subpart E—Violations of the Permit

§ 220.51 Penalties for violation of a permit, notice; demonstration of compliance.

(a) Any violation of the applicable provisions of this Subchapter, or of the statute under which the permit was issued, or a condition of the permit, may subject the permittee to the following penalties:

(1) The penalty provided in the statute under which the permit was issued;

(2) Temporary suspension of the permit for a specified period; and

(3) Revocation of the permit. When revoked, permits must be surrendered to the Director on demand.

(b) Except in cases of willfullness or those in which the public health safety or interest requires, and prior to any suspension or revocation of a permit, the permittee shall be given:

(1) Notice by the National Marine Fisheries Service in writing of the facts or conduct which may warrant the suspension or revocation; and

(2) Opportunity to demonstrate or achieve compliance with all permit requirements.

PART 221—DESIGNATED PORTS

§ 221.1 Importation at designated ports.

Any endangered or threatened species, or product of these, which is subject to the jurisdiction of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce and is intended for importation into the United States shall be subject to the provisions of 50 CFR Part 14. Importers are advised to see 50 CFR Part 14 for importation requirements and information.

PART 222—ENDANGERED WILDLIFE

Subpart A—Introduction

Sec.
222.1 Purpose of regulations.
222.2 Scope of regulations.

Subpart B [Reserved]

Subpart C—Endangered Wildlife Importation Permits

222.21 General permit requirement.
222.22 [Reserved]
222.23 Zoological, educational, scientific, or propagation permits.

AUTHORITY: Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93–205.

Subpart A—Introduction

§ 222.1 Purpose of regulations.

The regulations contained in this part identify the species or subspecies of native and foreign wildlife determined by the Secretary to be threatened with extinction, establish procedures and criteria for issuance of permits for importation of endangered foreign wildlife, and

provide for public participation in the amendment of the endangered wildlife lists. The regulations of this part implement, in part, the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93–205.

§ 222.2 Scope of regulations.

(a) The regulations of this part apply only to endangered wildlife.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of Parts 217–222 of this chapter which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife. (See also Part 220 of this subchapter.)

Subpart B [Reserved]

Subpart C—Endangered Wildlife Importation Permits

§ 222.21 General permit requirement.

No person shall import from any foreign country any species or subspecies of wildlife which the Secretary has determined to be threatened with worldwide extinction, as evidenced by its inclusion on the list of endangered foreign wildlife (50 CFR 17.11) without a valid permit issued pursuant to this subpart C.

§ 222.22 [Reserved]

§ 222.23 Zoological, educational, scientific, or propagation permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the importation of endangered foreign wildlife for zoological, scientific, or educational purposes, or for the propagation of such wildlife in captivity.

(a) *Application procedures.*—Application for permits to import endangered foreign wildlife for zoological, educational, scientific, or propagational purposes shall be submitted by letter of application to the Director. Each such application must contain the general information and certification required by § 220.12(a) of this subchapter plus the following additional information:

(1) Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit;

(2) Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, name and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife;

(3) A full statement of justification for the permit, including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, scientific, or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project;

(4) A description and the address of the institution or other facility where the wildlife will be used or maintained;

(5) A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity, or has been removed from the wild;

(6) A résumé of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild, if appropriate; and

(7) If live wildlife is to be imported, include:

(i) A complete description, including photographs or diagrams, of the area and facilities in which the wildlife will be housed;

(ii) A brief résumé of the technical expertise available, including any experience the applicant or his personnel have had in propagating the species or closely related species to be imported;

(iii) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a studbook; and

(iv) A detail description of the type, size, and construction of the container; arrangements for feeding, watering, and otherwise caring for the wildlife in transit; and the arrangements for caring for the wildlife on importation into the United States.

(b) *Additional permit condition.*—In addition to the general conditions set forth in Part 220, permits to import endangered foreign wildlife for scientific, educational, or zoological purposes or for the purpose of propagation of such wildlife in captivity shall be subject to the following conditions:

(1) In addition to any reporting requirements set forth in the permit, a report of the importation made under authority of any such permit shall be submitted in writing to the Director. Such report must be postmarked or actually delivered no later than 10 days following each such importation.

(2) The death or escape of any living wildlife imported under the authority of such permit shall be reported to the Division of Law Enforcement and Marine Mammal Protection immediately. The carcass of any such wildlife which die or are killed should be retained in such a manner as not to impair its use as a scientific specimen.

(c) *Issuance criteria.*—The Director shall consider, among other criteria, the following in determining whether to issue a permit to import endangered foreign wildlife for scientific, educational, or zoological purposes or for the purpose of propagation of such wildlife in captivity:

(1) The direct or indirect effect which issuing such a permit would be likely to have upon the wild populations of the wildlife;

(2) Whether the purpose for which the permit is being requested would likely reduce the severity of the threat of extinction facing the subject species or subspecies;

(3) Opinions or views of scientists or other persons or organizations knowledgeable of the wildlife to be imported or of other matters germane to the application;

(4) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application; and

(5) Whether the purpose for which the permit is being requested is adequate to justify the removal of the wildlife from the wild or otherwise change its status.

(d) *Tenure of permits.*—The tenure of permits to import endangered foreign wildlife for scientific, educational, or zoological purposes or for the purpose of propagation of such wildlife in captivity shall be designated on the face of the permit.

[FR Doc.74–6150 Filed 3–15–74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

[Phase IV Price Ruling 1974–3]

EXPORTS EXEMPTION: SALE TO U.S. GOVERNMENT

Phase IV Price Ruling

Facts. Firm M is a meat processor which intends to bid on two contracts for the sale of meat to an agency of the United States Government. Under the first contract, the meat is being purchased for sale in military commissaries and base exchanges outside the United States. Under the second contract, the meat is being purchased as part of the military assistance program to a foreign government. The assistance is in the form of a grant without any payment required of the foreign government.

6 CFR 150.54(d)(1) provides that the prices charged for export sales, including the sale of products to a domestic purchaser who certifies that the product is for export, are exempt from Phase IV price regulations.

Issue. May an agency of the United States Government certify that sales of meat to it for resale in military commissaries and base exchanges outside the United States and for use as a grant to a foreign government are "for export" and, therefore, exempt from the Phase IV price regulations by virtue of 6 CFR 150.54(d)(1)?

Ruling. No certification is allowable in either sale. A purpose of the export exemption is to allow sales of exports, which will produce revenues from foreign sources, to be made at the highest price. Transactions which do not produce such revenues are therefore not considered exports for the purpose of exemption from the regulations under the Economic Stabilization Program.

Neither the sale in United States overseas commissaries and base exchanges nor the grant to a foreign government will produce any revenue from foreign sources. The sales at the commissaries and base exchanges are primarily to United States citizens and are not normal commercial export transactions. If sales of these meat items were treated as sales of products for export, higher bidding and an artificial allocation of limited meat supplies would likely result without

any corresponding economic benefit. Therefore, sales of meat by Firm M to the military cannot be certified as sales of products for export and exempted under 6 CFR 150.54(d)(1).

This ruling readopts the substance of Phase III Ruling 1973-3.

ANDREW T. H. MUNROE,
General Counsel.

MARCH 14, 1974.

[FR Doc.74-6303 Filed 3-14-74;3:50 pm]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 202—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

This establishment of a new Part, Part 202, to the Federal Energy Office Regulations, under the Freedom of Information Act (5 U.S.C. 552) sets forth the guidelines for requesting and obtaining certain public information from the FEO. It also sets forth the procedures to be followed by FEO employees when they receive a subpoena, order, or other demand of a court or other authority for production or disclosure of material in Departmental files.

Under the provisions of § 202.3, initial requests by persons for FEO records must be addressed to the Director of Public Affairs, Attention: Information Access Officer; appeals from actions by the Information Access Officer may be lodged under § 202.6 with the Deputy Administrator of FEO. The timing for action by these officials is established at 48 hours for response to initial requests, with provision for up to 10 days for reply when further time is needed to collect and prepare records or to evaluate the status of the request under the Freedom of Information Act, or up to 20 days in special cases (§ 202.4), and 10 days for action upon an appeal (§ 202.6).

Under the provision of § 202.22 no FEO employee may produce or disclose any information or materials from FEO files in response to subpoenas or orders of a court or other authority without prior approval of the General Counsel. Section 202.25 sets out the procedure to be followed where the response to a demand is required before instructions are received by the employee from the General Counsel.

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended by adding Part 202 as set forth below, effective immediately.

Issued in Washington, D.C., March 14, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

Subpart A—Production or Disclosure Under 5 U.S.C. 552

Sec.

Subpart B—Production or Disclosure in Response to Subpoenas or Demands of Courts or Other Authorities

AUTHORITY: Freedom of Information Act, 5 U.S.C. 552; Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order Number 47, 39 FR 24.

Subpart A—Production or Disclosure Under 5 U.S.C. 552

§ 202.1 Purpose and scope.

This subpart contains the regulations of the Federal Energy Office (FEO) implementing 5 U.S.C. 552. The regulations of this subpart provide information concerning the procedures by which records may be obtained from all divisions within the FEO. Official records of the FEO made available pursuant to the requirements of 5 U.S.C. 552 shall be furnished to members of the public as prescribed by this subpart. Officers and employees of the FEO may furnish to the public, informally and without compliance with the procedures prescribed herein, information and records of types which prior to enactment of 5 U.S.C. 552 were furnished customarily in the regular performance of their duties to the public by other agencies. Persons seeking information or records of the FEO may find it useful to consult with FEO's Office of Public Affairs before invoking the formal procedures set out below. To the extent permitted by other laws, the FEO will make available records which it is authorized to withhold under 5 U.S.C. 552 unless it determines that such disclosure is not in the public interest.

§ 202.2 Public reference facilities.

(a) The National Office, FEO and Regional Offices, FEO will maintain in a public reading room or public reading area, the materials relating to that office which are required by 5 U.S.C. 552(a)(2) and 552(a)(4) to be made available for public inspection and copying. These materials will also be available at some additional locations within specific regions; their addresses and telephone numbers may be obtained from the Regional Offices, FEO, listed in § 205.12 of this chapter.

(b) Each of these public reference facilities will maintain and make available for public inspection and copying a current index of the materials available at that facility which are required to be indexed by 5 U.S.C. 552(a)(2), and the National Office, FEO will maintain and make available for public inspection and copying copies of all such indexes.

§ 202.3 Requests for identifiable records and copies.

(a) *Addressed to the Director of Public Affairs.* A request for a record of the FEO which is not customarily made available and which is not available in a public reference facility as described in § 202.2 shall be addressed to the Director of Public Affairs, Federal Energy Office, Washington, D.C., 20461, and should be clearly marked on the envelope "Attention: Information Access Officer".

(b) *Request should be in writing and for identifiable records.* A request for access to records should be submitted in writing and should sufficiently identify the records requested to enable FEO personnel to locate them with a reasonable amount of effort. Where possible, specific information regarding dates, titles, file designations, and other information which may help identify the records should be supplied by the requester. If the request relates to a matter in pending litigation, the court and its location should be identified.

(c) *Form may be requested.* Where the information supplied by the requester is not sufficient to permit location of the records by FEO personnel with a reasonable amount of effort, the requester may be sent and asked to fill out and return a form which is designed to elicit the necessary information, pursuant to § 202.4(a).

(d) *Categorical requests*—(1) *Must meet identifiable records requirement.* A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be identifiable if it can reasonably be determined which particular records are sought in the requests, and the records can be searched for, collected, and produced without unduly burdening or interfering with FEO operations because of the staff time consumed or the resulting disruption of files.

(2) *Assistance in reformulating nonconforming requests.* If it is determined that a categorical request would unduly burden or interfere with the operations of the FEO under subparagraph (1) of this paragraph, the response denying the request on those grounds shall specify the reasons why and the extent to which compliance would burden or interfere with FEO operations, and shall extend to the requester an opportunity to confer with knowledgeable FEO personnel in an attempt to restate the request or reduce the request to manageable proportions by reformulation and by agreeing on an orderly procedure for the production of the records.

(e) *Requests for records of other agencies.* Some of the records in the files of the FEO have been obtained from other

federal agencies. Where it is determined that the question of the availability of requested records is primarily the responsibility of another federal agency and and that such records may be exempt under 5 U.S.C. 552(b), the Information Access Officer will inquire of the originating agency as to whether it concurs in release of the records. If that agency does not concur, the Information Access Officer will refer the request to the originating agency, and inform the requester of the appropriate official with whom to pursue his request. The FEO will accompany such referral with a recommendation, based on the interest of FEO in such records, concerning the disclosure of the requested records.

§ 202.4 Time for response to request for records.

(a) *Response prepared by Information Access Officer.* An Information Access Officer, appointed by the Director of Public Affairs, shall be responsible for processing written requests for records submitted pursuant to this part. Upon receiving such a request, the Information Access Officer shall ascertain which division or divisions of the FEO have primary responsibility for, custody of, or concern with the records requested and forward the request to such division or divisions, who shall promptly identify and review the records encompassed by the request. After reviewing the material, the division or divisions concerned shall forward to the Information Access Officer either the requested material, a recommendation that the request be wholly or partially denied, or a recommendation that an interim response be made under the provisions of this subsection. A recommendation of an interim response shall specify the type of response suggested and the reasons for recommending an interim response. Any recommendation that a request be denied shall set forth the policy considerations supporting such denial and shall be forwarded, with the information sought or a representative sample thereof, by the Information Access Officer to the General Counsel for his review and recommendation. On the basis of the recommendations of the division or divisions, the Information Access Officer shall, within 43 hours (including Saturdays, Sundays, and Federal legal holidays) of receipt by the Director of Public Affairs of a request for FEO records, either (1) grant the request, (2) deny the request, (3) grant it in part and/or deny it in part, or (4) reply with an interim response stating (i) that the records requested cannot be collected and prepared within said 48 hour period; (ii) that further time is needed to evaluate whether the requested records are exempt under the Freedom of Information Act and should be withheld as a matter of sound public policy or disclosed only with appropriate deletions; (iii) that the request has been referred to another agency under § 202.3(e) of this part; or (iv) that additional information is needed from the requester to render the records identifiable. Such an interim response shall specify (A) the reason or reasons for delay in granting or denying the request; (B) any further information needed by the FEO from the requester; (C) the agency to whom the request has been referred, if any, and the name of the appropriate official of that agency with whom to pursue the matter; and (D) the expected time within which the request fo records will be either granted or denied. All requests for which an interim response is made stating that further time is needed to collect and prepare the records, or to evaluate the status of the request under the Freedom of Information Act, shall e either granted or denied, or granted in part and denied in part, within 10 days of receipt of the request by the Director of Public Affairs, except that if circumstances require additional time before a decision on a request can be reached, and the person requesting records is promptly informed in writing of these circumstances and the Information Access Officer certifies to such person that such delay is unavoidable, the decision may be made within 20 days of receipt of the request by the Director of Public Affairs. A response granting a request or stating that the information will be available within 10 days or less of receipt of the request may be issued by officers or employees of FEO other than the Information Access Officer: *Provided*, That a copy of such response is forwarded to the Information Access Officer.

(b) *Petition if response not forthcoming.* If the Information Access Officer does not respond to or acknowledge a request for records within 48 hours, or does not act on a request within an extended deadline, as provided for in paragraph (a) of this section, or if the requester believes an extended deadline adopted pursuant to paragraph (a) of this section is unreasonable, the requester may petition the Deputy Administrator to take appropriate measures to assure prompt action on the request.

(c) For purposes of this section, the term "division" includes all administrative or operating units of the FEO.

§ 202.5 Responses by Information Access Officer: Form and content.

(a) *Form of grant.* When a requested record has been identified and is to be made available, the Information Access Officer or other appropriate official of FEO shall notify the requester as to when the record is available. The notification shall also advise the requester of any applicable fees under § 202.8.

(b) *Form of denial.* A reply denying a written request for a record shall be in writing signed by the Information Access Officer and shall include:

(1) *Exemption category.* A reference to the specific exemption under the Freedom of Information Act authorizing the withholdings of the record, and to the extent consistent with the purposes of the exemption, a brief explanation of how the exemption applies to the record withheld, and, if the Information Access Officer considers it appropriate, a statement of why the exempt record is being withheld; and,

(2) *Administrative appeal and judicial review.* A statement that the denial may be appealed within 30 days to the Deputy Administrator, and that judicial review will be thereafter available either in the district in which the requester resides or has a principal place of business or in which the agency records are situated.

(c) *Denial because record cannot be located or does not exist.* If a requested record is known to have been destroyed or otherwise disposed of, or if no such record was ever known to exist, the requester shall be so notified.

§ 202.6 Appeals to the Deputy Administrator from initial denials.

(a) *Appeal to Deputy Administrator.* When the Information Access Officer has denied a request for records in whole or in part, the requester may, within 30 days of its receipt, appeal the denial to the Deputy Administrator, FEO, Washington, D.C. The appeal shall be in writing.

(b) *Action within 10 days.* The Deputy Administrator will act upon the appeal within 10 days of its receipt, and more rapidly if practicable, except that if novel or difficult questions are involved, the Deputy Administrator may extend the time for final action by him for an additional 20 days upon notifying the requester of the reasons for the extended deadline and the date on which a final response may be expected.

(c) *Form of action on appeal.* The Deputy Administrator's action on an appeal shall be in writing. A denial in whole or in part of a request on appeal shall set forth the exemption relied on, a brief explanation consistent with the purpose of the exemption of how the exemption applies to the records withheld, and the reasons for asserting it.

§ 202.7 Maintenance of files.

(a) *Maintenance of file open to public.* The Information Access Officer shall maintain a file, open to the public, which shall contain copies of all grants or denials of all requests for information or appeals made under this subpart. The material shall be indexed by the exemption asserted by the FEO, if any, and, to the extent feasible, according to the type of records requested.

(b) *Protection of privacy.* Where the identity of a requester, or other identifying details related to a request, would constitute an invasion of a personal privacy if made generally available, the Information Access Officer shall delete identifying details from the copies of documents maintained in the public file established under paragraph (a) of this section.

§ 202.8 Fees for provision of records.

(a) *When charged.* User fees pursuant to 31 U.S.C. 483a (1970), shall be charged according to the schedule contained in paragraph (b) of this section for services rendered in responding to requests for FEO records under this subpart unless

the Information Access Officer determines, in conformity with the provisions of 31 U.S.C. 483, that such charges or a portion thereof are not in the public interest. Such a determination shall ordinarily not be made unless the service to be performed will be of benefit primarily to the public as opposed to the requester, or unless the requester is an indigent individual. Fees shall not be charged where they would amount, in the aggregate, for a request or series of related requests, to less than $3. Ordinarily, fees shall not be charged if the records requested are not found, or if all of the records located are withheld as exempt. However, if the time expended in processing the request is substantial, and if the requester has been notified of the estimated cost pursuant to paragraph (c) of this section and has been specifically advised that it cannot be determined in advance whether any records will be made available, fees may be charged.

(b) *Services charged for, and amount charged.* For the services listed below expended in locating or making available records or copies thereof, the following charges shall be assessed:

(1) *Copies.* For copies of documents (maximum of 5 copies will be supplied) $.10 per copy of each page.

(2) *Clerical searches.* For each one quarter hour spent by clerical personnel in excess of the first quarter hour in searching for and producing a requested record, $1.25.

(3) *Monitoring inspection.* For each one quarter hour spent in monitoring the requester's inspection of records, $1.25.

(4) *Certification.* For certification of true copies, each, $1.

(5) *Nonroutine, nonclerical searches.* Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely for each one quarter hour spent in excess of the first quarter hour by such higher level personnel in searching for a requested record, $3.75.

(6) *Examination and related tasks in screening records.* No charge shall be made for time spent in resolving legal or policy issues affecting access to records of known contents. In addition, no charge shall ordinarily be made for the time involved in examining records to determine whether they are exempt from mandatory disclosure and should be withheld as a matter of sound policy. However, where a broad request requires FEO personnel to devote a substantial amount of time to examining records for the purpose of screening out certain records or portions thereof in accordance with determinations that material of such a nature is exempt and should be withheld as a matter of sound policy, a fee may be assessed for the time consumed in such examination. Where such examination can be performed by clerical personnel, a fee may be assessed at the rate of $1.25 per quarter hour, and where higher level personnel are required, a fee may be assessed at the rate of $3.75 per quarter hour.

(7) *Computerized Records.* Fees for services in processing requests maintained in whole or part in computerized form shall be in accordance with this section so far as practicable. Services of personnel in the nature of a search will be charged for at rates prescribed in paragraph (b)(5) of this section unless the level of personnel involved permits rates in accordance with paragraph (b)(2) of this section. A charge may be made for the computer time involved, based upon the prevailing level of costs to governmental organizations and upon the particular types of computer and associated equipment and the amounts of time on such equipment that are utilized. A charge may also be made for any substantial amounts of special supplies or materials used to contain, present, or make available the output of computers, based upon prevailing levels of costs to governmental organizations and upon the type and amount of such supplies or materials that is used. Nothing in this paragraph shall be construed to entitle any person, as of right, to any services in connection with computerized records, other than services to which such person may be entitled under 5 U.S.C. 552 and under the provisions, not including this paragraph (b).

(c) *Notice of anticipated fees in excess of $25.* Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified by the Information Access Officer of the amount of the anticipated fee or such portion thereof as can readily be estimated. An advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with knowledgeable FEO personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch by certified mail of such a notice or request shall toll the running of the period for response by the FEO until a reply is received from the requester.

(d) *Form of payment.* Payment should be made by check or money order payable to the Treasury of the United States.

§ 202.9 Exemptions.

(a) 5 U.S.C. 552 exempts from all of its publication and disclosure requirements nine categories of records which are described in paragraph (b) of that section. These categories include such matters as national defense and foreign policy information; investigatory files, internal procedures and communications; materials exempted from disclosure by other statutes, information given in confidence; and matters involving personal privacy. Specifically, the exemption in 5 U.S.C. 552(b) applies to matters that are—

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

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

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) Contained in or related to examination, operating, or condition reports repaired by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

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

(b) The scope of the exemption is discussed generally in the Attorney General's Memorandum on the Public Information section of the Administrative Procedure Act, which was published in June 1967. The document is available from the Superintendent of Documents and may be consulted in considering questions arising under 5 U.S.C. 552.

§ 202.10 Computation of time.

Computation of a period of time, described as "days", prescribed or allowed by this subpart shall be pursuant to § 205.5(a) of this chapter.

Subpart B—Production or Disclosure in Response to Subpoenas or Demands of Courts or Other Authorities

§ 202.21 Purpose and scope.

(a) This subpart sets forth the procedures to be followed when a subpoena, order, or other demand (hereinafter referred to as a "demand") of a court or other authority is issued for the production or disclosure of (1) any material contained in the files of the Federal Energy Office (FEO), (2) any information relating to material contained in the files of the FEO, or (3) any information or material acquired by any person while such person was an employee of the FEO as a part of the performance of his official duties or because of his official status.

(b) For purposes of this subpart, the term "employee of the FEO" includes all officers and employees of the United States appointed by, or subject to the supervision, jurisdiction, or control of, the Administrator of FEO.

§ 202.22 Production or disclosure prohibited unless approved by appropriate FEO official.

No employee or former employee of the FEO shall, in response to a demand of a court or other authority, produce any material contained in the file of the FEO or disclose any information relating to material contained in the files of the FEO, or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without prior approval of the General Counsel of FEO.

§ 202.23 Procedure in the event of a demand for production or disclosure.

(a) Whenever a demand is made upon an employee or former employee of the FEO for the production of material or the disclosure of information described in § 202.21(a), he shall immediately notify the Regional Counsel for the region where the issuing authority is located. The Regional Counsel shall immediately request instructions from the General Counsel of FEO.

(b) If oral testimony is sought by the demand, an affidavit, or, if that is not feasible, a statement by the party seeking the testimony or his attorney, setting forth a summary of the testimony desired, must be furnished for submission by the Regional Counsel to the General Counsel.

§ 202.24 Final action by the appropriate FEO official.

If the General Counsel approves a demand for the production of material or disclosure of information, he shall so notify the Regional Counsel and such other persons as circumstances may warrant.

§ 202.25 Procedure where a decision concerning a demand is not made prior to the time a response to the demand is required.

If response to the demand is required before the instructions from the General Counsel are received, a U.S. attorney or FEO attorney designated for the purpose shall appear with the employee or former employee of the FEO upon whom the demand has been made, and shall furnish the court or other authority with a copy of the regulations contained in this subpart and inform the court or other authority that the demand has been, or is being, as the case may be, referred for the prompt consideration of the appropriate FEO official and shall respectfully request the court or authority to stay the demand pending receipt of the requested instructions.

§ 202.26 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 202.25 pending receipt of instructions, of if the court or other authority rules that the demand must be complied with irrespective of instructions not to produce the material or disclose the information sought, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand. "United States ex rel Touhy v. Ragen," 340 U.S. 462.

[FR Doc.74-6311 Filed 3-15-74;8:45 am]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Unusual Growth Adjustment of Base Period Volumes

Subpart A of the Mandatory Allocation Regulations, concerning the adjustment of wholesale purchaser's base period volumes, is amended to provide for a supplier initiated adjustment of base period volumes for unusual growth based upon suppliers' records. Suppliers will be permitted to adjust base period volumes based upon the supplier's records without an application by a wholesale purchaser for the adjustment. If a supplier elects to make such adjustments, the supplier must adjust the base period volumes of all of the supplier's wholesale purchasers which are eligible for the adjustment according to the supplier's records. There is no longer a requirement that FEO validate such adjustments for growth in excess of twenty percent. Deliveries based upon such adjustments cannot commence until the supplier has made such adjustments for all of its wholesale purchasers. Suppliers may elect to adjust for either motor gasoline or other products subject to § 211.13 or for both. Suppliers must certify such adjustments to FEO within five (5) days of commencing deliveries pursuant to such adjustments.

Because the purpose of this revision is to provide immediate guidance and information with respect to the mandatory petroleum allocation rules and regulations in order to expedite relief for purchasers which have had unusual growth in 1973, the Federal Energy Office finds that normal rulemaking procedure is inapplicable and that good cause exists for making this revision effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 F.R. 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 F.R. 19345; Cost of Living Council Order No. 47, 39 FR 24)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., March 15, 1974.

WILLIAM N. WALKER,
General Counsel.

Section 211.13(b) is revised to read as follows:

§ 211.13 Adjustments to the allocation program.

* * * * *

(b) *Unusual growth since base period.* Wholesale purchasers who have had unusual growth between the base period and December 31, 1973, may apply to their supplier, to be assigned an adjustment to their base period volume. Suppliers may adjust a wholesale purchaser's base period volume without an application by the wholesale purchaser to the extent that the supplier's records indicate that the wholesale purchaser is eligible for an unusual growth adjustment.

(1) For the purpose of this paragraph, unusual growth is defined as more than ten (10) percent per year for gasoline, or more than five (5) percent per year for all other products.

(2) Applications for increased base period volumes made under this section shall be filed with a supplier by June 1, 1974.

(3) If the supplier does not agree that the application submitted under this section is valid, he may request that the FEO determine the validity of the application before increased deliveries are made. In this event, the wholesale purchaser shall certify to the FEO documented evidence of actual increases in sales volumes, on an annual average basis, since the base period. Only actual certified historical sales volumes in excess of the growth percentages specified shall be considered by the FEO in determining whether or not unusual growth has occurred.

(4) In those cases where the supplier does not agree with the validity of an application submitted under this section, the supplier may adjust the wholesale purchaser's base period volume for unusual growth to the extent that the supplier's records indicate that the wholesale purchaser is eligible for an unusual growth adjustment and may make increased deliveries based upon such adjustment during the period that FEO has the validity of the application under consideration. Suppliers will make adjustments under paragraph (b)(3) of this section if the supplier makes adjustments for unusual growth based upon the supplier's records for wholesale purchasers which have not submitted applications for an unusual growth and adjustment.

(5) If the supplier agrees that an application is valid, or if the FEO validates the application, the supplier shall then increase the base period volume such that if the growth since the base period exceeds ten (10) percent for gasoline or five (5) percent for other refined products per year considering seasonal factors, the supplier shall grant an increase in base period volume that is equal to the actual yearly growth percentage in excess of ten (10) percent for gasoline or five (5) percent for other refined products, multiplied by the wholesale purchaser's adjusted base period volume at that time.

(6) If the supplier makes adjustments for unusual growth for wholesale purchasers who have not applied for an adjustment, the supplier shall increase the wholesale purchaser's base period volume such that if the growth since the base period exceeds ten (10) percent for gasoline or five (5) percent for other refined products per year considering seasonal factors, the supplier shall grant an increase in base period volume that is equal to the actual yearly growth percentage in excess of ten (10) percent for gasoline or five (5) percent for other refined prod-

ucts, multiplied by the wholesale purchaser's adjusted base period volume at that time.

(7) Suppliers which make unusual growth adjustments based upon their records shall make adjustments for all wholesale purchasers which are eligible for an adjustment as indicated by the supplier's records. Suppliers may make such adjustments either for motor gasoline or for other products subject to this section or for both. Suppliers shall not commence deliveries for an unusual growth adjustment based upon the supplier's records for any wholesale purchaser until the supplier has made adjustments to base period volumes for all eligible wholesale purchasers.

(8) Unusual growth adjustments based upon a supplier's records shall be certified by the supplier and filed with FEO. The supplier shall also certify that the supplier has adjusted the base period volumes of all wholesale purchasers eligible for an unusual growth adjustment as indicated by the supplier's records and that deliveries based upon such adjustments were not commenced until all such adjustments were made. The supplier's certification shall be filed with FEO within five (5) days after deliveries have been commenced. FEO approval or validation of the supplier's certification is not required.

* * * * *

[FR Doc.74-6362 Filed 3-15-74;12:02 pm]

Proposed Rules

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

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRDS

Proposed Rulemaking

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755 (16 U.S.C. 703–711)), it is proposed to amend Part 20 of Title 50, Code of Federal Regulations. Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, these amendments will specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for the hunting of migratory game birds during the 1974–75 season.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico and for doves in the Virgin Islands, will be proposed for final adoption no later than July 15, 1974, to become effective on or after August 15, 1974.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, rails (except coots), gallinules, woodcock, Wilson's snipe, certain waterfowl; coots, cranes, and waterfowl in Alaska; and certain sea ducks in coastal waters of certain eastern States will be proposed for final adoption not later than August 1, 1974, to become effective on or before September 1, 1974. Amendments specifying open seasons, bag and possession limits, and shooting hours for waterfowl, coots, cranes, and any other migratory game birds not previously adopted will be proposed for final adoption not later than September 1, 1974, to become effective on or about October 1, 1974.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Comments received by May 15, 1974, will be considered.

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

MARCH 13, 1974.

[FR Doc.74–6111 Filed 3–15–74;8:45 am]

Geological Survey

[30 CFR Part 260]

OUTER CONTINENTAL SHELF

Proposed Hard Mineral Operating Regulations; Extension of Comment Period

In the FEDERAL REGISTER of February 1, 1974 (39 FR 4108), there were published, as a notice of proposed rulemaking, regulations governing operations conducted on the Outer Continental Shelf for minerals other than oil and gas, sulphur, and salt.

That notice afforded interested parties until March 15, 1974, the opportunity to submit to the Director, U.S. Geological Survey, written comments, suggestions, or objections with respect to the proposed regulations.

Notice is hereby given that the period for submitting written comments, suggestions, or objections with respect to the proposed regulations to the Director, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092, is extended to April 15, 1974.

Dated: March 12, 1974.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–6119 Filed 3–15–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 630]

BIOLOGICAL PRODUCTS

Proposed Additional Standards for the Bacillus of Calmette and Guerin (BCG) Vaccine

Section 351 of the Public Health Service Act requires that each manufacturer of the Bacillus of Calmette and Guerin (BCG) Vaccine, used for the prevention of tuberculosis, be licensed prior to marketing such vaccine in interstate commerce. Licenses for establishments manufacturing the vaccine may be issued only upon a showing that the particular establishment will produce BCG Vaccine that is safe, pure, and potent.

Since 1945 this licensing for the production and distribution of BCG Vaccine has been guided primarily by uncodified standards, originally developed in 1945, and published by the Department of Health, Education, and Welfare as "Minimum Requirements".

The Bureau of Biologics, Food and Drug Administration, has been reviewing many licensed products, including BCG Vaccine, for the purpose of revising older standards of production and testing. Proposed additional standards for the manufacture of BCG Vaccine have been prepared by the Bureau of Biologics. This proposal includes many of the provisions of the "Minimum Requirements" but also contains significant changes and additions that reflect more recent experience and the development of scientific knowledge in the field. The Commissioner of Food and Drugs has determined that expanded and revised criteria for BCG Vaccine should be required for the production of all licensed BCG Vaccine.

BCG Vaccine contains live bacteria of the Bacillus of Calmette and Guerin (thus the name BCG) and is an attenuated strain of Mycobacterium bovis. Since 1921, vaccination with BCG Vaccine has been recognized as an effective means of preventing tuberculosis in man. It has become an accepted standard practice in countries throughout the world to utilize the vaccine routinely as a means of prophylactic treatment of tuberculosis. BCG Vaccine has been used to vaccinate over 100 million people.

Although vaccination with BCG Vaccine is a long recognized medical treatment, it is always imperative that great care be taken in its production to insure that the nonvirulent bacillus does not become virulent or contaminated with virulent organisms, and therefore cause disease in those individuals who have been innoculated with the vaccine. Considering the potential hazards associated with the manufacture of BCG Vaccine, the Commissioner has concluded that additional standards for BCG Vaccine are necessary to assure a uniform high quality of licensed vaccine.

In recent years, BCG Vaccine has been used experimentally in immunotherapy for cancer and leukemia. However, these proposed additional standards are intended to regulate the manufacturing of BCG Vaccine only for its well-established use as an immunizing agent against tuberculosis, and not for its use in cancer research. Those persons wishing to investigate the utility of BCG Vaccine in cancer research must submit a "Notice of Claimed Investigational Exemption for a New Drug" to the Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 630 of Chapter I of Title 21 of the Code of Federal Regulations by adding thereto a new Subpart J to read as follows:

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

Subpart J—Bacillus of Calmette and Guerin (BCG) Vaccine

§ 630.90 BCG Vaccine.

(a) *Proper name and definition.* The proper name of this product shall be BCG Vaccine, which shall consist of a freeze-dried preparation containing live bacteria of the Bacillus of Calmette and Guerin, which is an attenuated strain of *Mycobacterium bovis*.

(b) *Criteria for an acceptable strain.* The source of the BCG strain used in the manufacture of any lot of the final product vaccine shall be identified by complete historical records.

(1) *Seed lot system.* The BCG strain shall be maintained in the form of a primary seed lot which shall be the basic material from which all secondary seed lots are prepared. Production of BCG Vaccine may be from either primary or secondary seed lots. Each seed lot shall be stored in either a freeze-dried state at −20° C. or colder, or in a frozen state at −70° C. or colder.

(2) *Freedom from virulence.* The BCG strain shall be demonstrated to be incapable of producing progressive tuberculosis in guinea pigs tested as prescribed in § 630.94 of this part, except that no less than 48 guinea pigs shall be used to test the primary seed lot and no less than 12 guinea pigs shall be used to test each secondary seed lot. In order to assure an adequate basis upon which to evaluate the absence of progressive tuberculosis in the test animals, at least two-thirds of the animals shall survive the observation period of no less than 6 months.

(3) *Induction of tuberculin sensitivity in guinea pigs.* Guinea pigs injected with one human dose of BCG Vaccine shall develop tuberculin sensitivity in 4 to 6 weeks when skin tested with tuberculin as prescribed in § 630.95(b)(3)(ii) of this part. Tuberculin sensitivity induction shall be demonstrated in at least eight of ten guinea pigs used.

(4) *Clinical information.* Clinical data shall establish that the BCG strain is safe and induces tuberculin sensitivity. After having passed all laboratory tests prescribed for BCG Vaccine, each primary and secondary seed lot of vaccine shall be tested for its ability to induce sensitivity in persons negative to five U.S. units of Tuberculin, PPD administered by the Mantoux technique 6 to 8 weeks after BCG vaccination. At least 200 persons shall be included in the test for the primary seed lot, and 20 persons in the test for each secondary seed lot. At least 90 percent of those persons tested from each group shall develop tuberculin reactivity as indicated by an induration reaction of at least 5 millimeters in diameter when injected with five or ten units of Tuberculin, PPD.

§ 630.91 Establishment and personnel requirements.

In addition to the applicable requirements of §§ 600.10 and 600.11 of this chapter, the following practices and procedures are required:

(a) *Isolation of BCG unit.* The BCG unit shall be completely isolated from other production and surrounding areas and shall include separate facilities such as water supply, ventilation, sewage and trash disposal. The equipment used in BCG Vaccine production shall be kept in the BCG unit continuously. The BCG unit shall be situated and ventilated so as to minimize the possibility of contamination of the product. Microbial controlled areas shall be available for handling the BCG cultures. No cultures of microorganisms other than the BCG production strain shall be permitted in the BCG unit. No animals shall be permitted in the BCG unit. All tests necessary for the control of the vaccine, in which contaminating microorganisms may be cultured, or in which animals are used, shall be conducted in an area separate from the BCG production unit.

(b) *Restrictions on personnel.* (1) A staff specially trained in maintaining the seed cultures, propagating the cultures, preparing the vaccine, and filling the vaccine into final containers shall produce the BCG Vaccine. Such personnel shall work with no other infectious agents in any laboratory at any time, nor shall they be exposed to a known risk of tuberculosis. Within 30 days prior to employment in the BCG unit, each person working in the unit shall have a medical examination, including a tuberculin skin test with five U.S. units of Tuberculin, PPD by the Mantoux procedure, and a chest roentgenogram. No person who has had a history of tuberculosis or mycobacterial disease shall be permitted in the production area. There shall be periodic medical examinations of BCG unit personnel, including X-ray examinations, of sufficient frequency to detect the appearance of early active tuberculosis. Repeated tuberculin skin testing of staff who are negative to tuberculin may be used as an additional diagnostic aid in isolating the source of tuberculin exposure. In the event a person working in the BCG unit develops active tuberculosis, (i) the entire staff shall be examined and treated for possible tuberculosis infection, (ii) all current vaccine preparations and all cultures which the person may have come into contact with since his or her last satisfactory medical examination, except cultures sealed prior to such examination, shall be discarded, and (iii) the BCG areas and all equipment which the person may have come in contact with shall be decontaminated.

(2) Personnel shall wear protective clothing and use devices to the extent necessary to protect the product from contamination.

(3) Any person not assigned to the BCG unit shall not be allowed into the production area at any time unless a medical examination shows the person to be free from mycobacterial disease.

§ 630.92 Reference BCG Vaccine.

A reference BCG Vaccine shall be obtained from the Director, Bureau of Biologics, HFB–1, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014, to determine the validity of the test for colony-forming units.

§ 630.93 Manufacture of BCG Vaccine.

(a) *BCG inoculum.* The inoculum of BCG used for production of a lot of BCG Vaccine shall not have been removed from the secondary seed lot in seed build-up for more than nine passages within a 6-week period.

(b) *Propagation of bacteria.* The culture medium for propagation of BCG Vaccine shall not contain ingredients known to be capable of producing allergenic effects in human subjects or causing the bacteria to become virulent for guinea pigs. The growth in each container shall be examined visually, and ony those cultures that have grown in a characteristic manner may be used in a vaccine.

(c) *Colony-forming units prior to and after freeze-drying.* The number of colony-forming units shall be determined on at least five vials of BCG Vaccine from each production lot prior to and after freeze-drying. The loss in viability after drying shall not exceed 90 percent.

§ 630.94 Test for freedom from virulent mycobacteria.

(a) Each lot of BCG Vaccine shall be tested to determine that it does not contain virulent mycobacteria. The test shall be performed using at least six guinea pigs each weighing between 250 and 300 grams. Vaccine intended for intradermal injection shall be tested by injecting the number of bacteria contained in at least 50 human doses into the guinea pigs. Vaccine intended for percutaneous use shall be tested by injecting into guinea pigs 50 times the number of bacteria estimated to be introduced parenterally by the recommended procedure. The test material for all tests shall be inoculated subcutaneously or intramuscularly into the guinea pigs. In order to assure the validity of the test, at least two-thirds of the animals on test shall survive an observation period of not less than 6 weeks. Any animal that dies during the observation period, and each surviving animal after sacrificing, shall be examined postmortem and shall show no macroscopic evidence of tuberculosis.

(b) In addition to the requirements of §§ 600.12 and 600.14 of this chapter, the manufacturer shall immediately report to the Bureau of Biologics if any virulent mycobacteria are found in any lot of BCG Vaccine, whether or not the manufacturer intends to submit samples and protocols of this lot to the Bureau of Biologics for release. All production and distribution of lots of BCG Vaccine produced from the same secondary seed lot as the contaminated lot of BCG Vaccine shall be discontinued until the manufacturer is notified by the Bureau of Biologics that production and distribution may be resumed. The manufacturer shall conduct a thorough and prompt investigation of the failure of the

lot to meet the required safety and purity specifications, including retesting the suspect lot and the source secondary seed lot and reviewing all manufacturing records and procedures to determine the probable cause of the failure. A written record of the investigation, including the retest results, shall be submitted to the Director, Bureau of Biologics.

§ 630.95 Potency tests.

(a) *Colony-forming units.* (1) A determination of the number of colony-forming units (CFU) shall be made on at least five vials of each lot of BCG Vaccine. The upper and lower limits of the viable count shall be established by the manufacturer for vaccines intended for both intradermal and percutaneous injection, and shall be specified in the license application. All tests for CFU shall be performed on vaccine reconstituted as for human use. Serial half-log dilutions shall be made as follows:

(i) An appropriate number of 16 x 125 millimeter screw-capped test tubes shall be filled with 4.5 milliliters of modified Youman's medium containing a final concentration of 0.5 percent bovine serum albumin.

(ii) An appropriate volume of the BCG Vaccine under test shall be added to the first tube and mixed well.

(iii) After mixing, 1.4 milliliters of the mixture shall be transferred to the second tube and mixed well. The transferring and mixing shall continue until all dilutions are completed. 1.4 milliliters from the last tube shall be discarded.

(2) After the serial half-log dilutions are completed, 0.5 milliliter of 1.5 percent agar solution, which has been cooled to 42° C., shall be quickly added, where necessary, to make a final concentration of 0.15 percent agar, and the contents of the tubes thoroughly mixed. After mixing, all tubes shall be incubated at 35° to 37° C. for 3 to 4 weeks. The tube from which counts shall be determined shall have between 10 and 50 colonies of BCG.

(3) The composition of modified Youman's medium is as follows:

Asparagine	grams	5.0
Monopotassium phosphate (KH_2PO_4)	do	5.0
Potassium sulfate (K_2SO_4)	do	.5
Magnesium citrate	do	1.5
Monosodium glutamate	do	19.0
Glycerine	milliliters	20.0
Distilled water q.s. to	do	900.0

(4) One hundred milliliters of 5-percent-aqueous solution of bovine albumin which has been sterilized by filtration shall be added to the Youman's medium to produce a final concentration of 0.5 percent of bovine albumin. The pH shall be adjusted to 7.0 with 5N sodium hydroxide.

(b) *Intradermal guinea pig test.* Two or more guinea pigs weighing at least 300 grams each shall be injected intradermally in four different sites with the following amounts and dilutions of each lot of BCG Vaccine:

(1) For vaccine intended for intradermal injection, 0.1 milliliter of undiluted vaccine, and 0.1 milliliter each of three dilutions of 1:10, 1:100, and 1:1000 of the undiluted vaccine in an appropriate diluent shall be injected intradermally into the guinea pigs.

(2) For vaccine intended for percutaneous injection, 0.1 milliliter of vaccine containing 1 to 9 x 10^5 CFU, and 0.1 milliliter each of three dilutions of 1:10, 1:100, and 1:1000 which have been prepared in an appropriate diluent shall be injected intradermally into the guinea pigs.

(3) The vaccine is satisfactory if (i) at the end of 2 to 4 weeks, nodules have developed which are graded in relation to the amount of the test dose with the largest dose inducing a nodule of between 4 to 10 millimeters in diameter and the smallest dose inducing essentially no nodule, (ii) by the end of 4 to 6 weeks, each guinea pig shows a degree of sensitivity such that an intradermal injection of no greater than 25 U.S. units of Tuberculin, PPD in 0.1 milliliter will induce an erythematous reaction at least 10 millimeters in diameter within 18 to 24 hours, and (iii) during the test period each guinea pig gains weight.

§ 630.96 General requirements.

(a) *Dose.* These standards are based on (1) vaccine intended for intradermal injection in a single human immunizing dose of 0.1 milliliter and (2) vaccine intended for percutaneous injection in a single skin application through which inoculation is made by a multiple puncture device.

(b) *Date of manufacture.* For dating purposes, the date of the test for determination of CFU shall be considered to be the date of manufacture of the vaccine.

(c) *Labeling.* In addition to the applicable requirements of §§ 610.60, 610.61 and 610.62 of this chapter, the package label shall bear the following information:

(1) The proper name of the product followed by specification of the route of administration.

(2) A statement to the effect that the enclosed vial contains live bacterial vaccine and should be protected against exposure to light.

(3) A statement that the vaccine shall be administered within 8 hours after reconstitution and advising that reconstituted vaccine not used within 8 hours shall be discarded.

§ 630.97 Samples; protocols; official release.

For each lot of vaccine, the following material shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, Building 29–A, 8800 Rockville Pike, Bethesda, MD 20014:

(a) A sample of no less than 40 milliliters of the product in final labeled containers, including a corresponding appropriate amount of the diluent to be used in reconstituting the vaccine.

(b) A protocol which consists of a complete summary of the manufacture of each lot, including all results of all tests which are required by all applicable regulations. If the protocol is not included in the shipment of the samples as required in paragraph (a) of this section, the protocol shall be sent to the Director, Bureau of Biologics, Food and Drug Administration, HFB–1, 8800 Rockville Pike, Bethesda, MD 20014.

(c) The product shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Bureau of Biologics.

The Commissioner proposes that the effective date of these regulations shall be 30 days after publication of the final order in the FEDERAL REGISTER.

Interested persons may, on or before May 17, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during regular business hours, Monday through Friday.

Dated: March 12, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–6131 Filed 3–15–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 160]

[CGD 73–246P]

LIFESAVING EQUIPMENT

Proposed Specification

The Coast Guard is considering amending the lifesaving equipment specifications by changing the buoyancy requirements for Type IV personal flotation devices approved under Subpart 160.064, by changing the title of the Subpart to "Marine Water Safety Devices", by deleting the words "special purpose" wherever they appear in the subpart, and by substituting the words "intended to be thrown" wherever the words "designed for grasping" appear in the Subpart.

Any interested person may submit written data, views, or arguments concerning this notice to the Executive Secretary, Marine Safety Council (G–CMC/82), Room 8234, U.S. Coast Guard, comment should include the docket number (CGD 73–246P) to which the comment is addressed, any specific wording recommended, and the reason and supporting data for any recommended change.

Each comment received before May 2, 1974, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8234, Commandant (G–CMC/82), U.S. Coast Guard, Washington, D.C. 20590, both before and after the closing date for the receipt of comments. The proposal may be changed in the light of the comments received.

As a result of studies completed by the Coast Guard during recent years, it has

been determined that the buoyancy requirement for foam buoyant cushions may be relaxed. Foam cushions were found not to lose an appreciable amount of buoyancy during normal use, thus a minimum of 18 pounds of buoyancy is considered satisfactory.

The studies indicated that kapok cushions did lose buoyancy during normal use. Compression of the kapok can cause the cushion to lose up to three pounds of buoyancy; however, this is compensated for by requiring twenty pounds of buoyancy.

In order to bring the buoyancy requirements for ring life buoys used for recreational boating in Subpart 160.064 in line with those approved for commercial use in Subpart 160.050, the buoyancy requirement will be changed to 16½ pounds of buoyancy in Subpart 160.064.

Foam cushion having the lower buoyancy requirement will be approved under specification Subpart 160.064. The dimensional requirements for these cushions have been added to § 160.064–2(d).

The title of Subpart 160.064 will be amended to read "Marine Water Safety Devices". The present title is confusing as it implies that all devices approved under this specification are truly special purpose which is the phraseology more appropriately applied to Type V Personal Flotation Devices. Devices approved under this specification are designed more specifically with recreational boating in mind and not restricted to a special purpose or event. Accordingly, the words "special purpose" would be stricken wherever they appear throughout the specification.

In consideration of the foregoing, the Coast Guard proposes to amend Part 160 of Title 46 of the Code of Federal Regulations as follows:

Subpart 160.064 Marine Water Safety Devices

1. By revising the heading of Subpart 160.064 to read as set forth above.

§ 160.064–2 [Amended]

2. By amending § 160.064–2 as follows:

a. In paragraph (a), by striking the words "special purpose", and by striking the words "intended for grasping by a person in water", and inserting the words "intended to be thrown".

b. In paragraph (b), by striking the words "special purpose".

c. In paragraph (c), by striking the words "special purpose" in the first sentence, and by striking the words "Special purpose buoyant devices designed for grasping by a person in water," and inserting the words "Water safety buoyant devices intended to be thrown," in the second sentence.

d. By adding paragraph (d) to read as follows:

(d) *Dimensions.* A foam cushion designed to be thrown must be 2 inches or more in thickness and must have 225 or more square inches of top surface area.

§ 160.064–3 [Amended]

2. Section 160.064–3 is amended as follows:

a. In paragraph (a), by striking the words "special purpose".

b. In paragraph (b), by striking the words "special purpose buoyant devices," and inserting the words "water safety buoyant devices".

c. In paragraph (b), by striking the words "Devices intended for grasping" and inserting the words "Devices intended to be thrown" in the fifth sentence.

d. By revising paragraph (d) to read as follows:

(d) *Buoyancy.* (1) Buoyancy for devices to be worn is as follows:

(i) Devices for persons weighing more than 90 pounds must have 15½ pounds or more of buoyancy.

(ii) Devices for persons weighing 50 to 90 pounds must have 11 pounds or more of buoyancy.

(iii) Devices for persons weighing less than 50 pounds must have 7 pounds or more of buoyancy.

(2) Buoyancy for devices to be thrown is as follows:

(i) Ring life buoys must have 16½ pounds or more of buoyancy.

(ii) Foam cushions must have 18 pounds or more of buoyancy.

(iii) A device other than those specified in paragraph (d)(2)(i) or (ii) of this section must have 20 pounds or more of buoyancy.

(3) The buoyancy values required in paragraph (d)(1) and (2) of this section must be as follows:

(i) For each device containing foam buoyant materials, the required buoyancy value must remain after the device has been submerged in fresh water for 24 or more continuous hours.

(ii) For each device containing kapok, the required buoyancy value must remain after the device has been submerged in fresh water for 48 or more continuous hours.

e. In paragraph (e), by striking the words "special purpose buoyant devices" and inserting the words "water safety buoyant devices".

§ 160.064–4 [Amended]

3. In § 160.064–4(a), by striking the words "special purpose buoyant device" and inserting the words "water safety buoyant devices".

§§ 160.064–6, 160.064–7 and 160.064–8 [Amended]

4. In §§ 160.064–6, 160.064–7 and 160.064–8 by striking the words "special purpose" from the first sentence of paragraph (a) of each section.

(Sec. 17, 54 Stat. 166, as amended (46 U.S.C. 526p), Sec. 5, 85 Stat. 215 (46 U.S.C. 1454), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46 (b) and (o)(1))

Dated: March 8, 1974.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74–6152 Filed 3–15–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–SO–9]

VOR FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal Airway between Montgomery, Ala., and Birmingham, Ala.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 17, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would designate alternate Airway V–7E from Montgomery, Ala., via INT Montgomery 358° T (355° M) and Birmingham, Ala., 140° T (137° M) radials, to Birmingham. Designation of this route would provide a numbered airway for a route over which aircraft are presently operating by use of radar vectors.

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

Issued in Washington, D.C., on March 12, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–6105 Filed 3–15–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–SO–32]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Pompano Beach, Fla., control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 1,

1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Pompano Beach control zone would be designated as:

Within a 5-mile radius of Pompano Beach Airpark (latitude 26°15'00" N., longitude 80°06'30" W.); within 3 miles each side of Pompano Beach VOR (latitude 26°14'52" N., longitude 80°06'32" W.) 319° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VOR; excluding the portion within the Fort Lauderdale, Fla. (Executive Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The proposed designation is required to provide controlled airspace protection for IFR operations at Pompano Beach Airpark in climb to 700 feet above the surface and in descent from 1,000 feet above the surface. The Federal Aviation Administration plans to assume operation of the city-owned Pompano Beach Airport Traffic Control Tower on June 20, 1974, in conjunction with the designation of this control zone.

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

Issued in East Point, Ga., on March 12, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-6273 Filed 3-15-74;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 74-SO-8]

RNAV ROUTE

Proposed Establishment and Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would revoke J-873R serving Columbia, S.C., to Atlanta, Ga., and replace it with new RNAV route J-869R.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 17, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would:

1. Revoke J-873R from Waypoint Irmos to Waypoint Lands. The revocation of this inbound route to the Atlanta, Ga., terminal area would improve air traffic control procedures by eliminating a crossing point which conflicts with northeastbound departure traffic from Atlanta.

2. Establish new RNAV route No. J-869R to serve from Columbia, S.C., to Atlanta, Ga., as follows:

Waypoint	Latitude and longitude	Ref. facility	RHO/THETA
Zolly	33°47'30" N., 81°23'00" W.	CAE	258.7° M/16.9
Augusta, Ga.	33°32'40" N., 82°08'00" W.	CAE	253.2° M/57.2
Sinca	33°05'19" N., 83°33'03" W.	AGS	250.4° M/76.3

This action is intended to simplify flight planning and improve traffic flow to and from the Atlanta terminal area.

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

Issued in Washington, D.C., on March 12, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-6107 Filed 3-15-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-12; Notice 1]

NEW PNEUMATIC TIRES FOR PASSENGER CARS

Replacement Size Designations

This notice proposes to amend Motor Vehicle Safety Standard No. 109 (49 CFR 571.109) to provide for labeling of "replaces" tire size designations.

Standard No. 109 presently requires each tire to be labeled with, "one size designation, except that equivalent inch and metric size designations may be used" (S4.3). The NHTSA has taken the position that this language prohibits what are commonly referred to as "dual-size markings" except when the marking indicates that one of the sizes is intended to replace the other.

Dual-size markings were traditionally a representation that a particular tire could be considered as meeting fully the criteria of two contemporaneous and separate tire size designations. Such tires did not in fact meet the physical dimension criteria in Standard No. 109 for both size designations, and as a consequence labeling of this type was specifically prohibited (36 FR 1195; January 26, 1971). Replacement size markings, however, represent that a particular size is replacing or superseding an existing size designation. The NHTSA believes this type of information to be advantageous to consumers, providing on the tire itself information that a specified size designation is intended to be used in place of another. Unlike traditional dual size markings, no misrepresentations are involved.

This notice would clarify the labeling requirements of Standard No. 109, to allow, subject to certain conditions, the labeling of replacement tire size designations. Manufacturers must intend the primary size to be a replacement size. This would not require the discontinuation of the existing size, but there should at least be a bona fide intent on the part of the tire manufacturer that the replacement size will eventually supersede the replaced size in terms of production and marketing.

The replacement or primary size designation would be required to be followed by the word, "REPLACES" and the replaced size, and the latter two items would be required to be no greater than one-half the height of the primary size marking. The use of other words or phrases to indicate replacement would be prohibited, such as the use of the phrase "also fits". While not presently prohibited if used to indicate replacement, the NHTSA believes the phrase "also fits" connotes dual-size markings rather than replacement size designations. The restriction for label size is intended to emphasize that the replacement information is of a secondary and purely informational nature.

The tire would be required to meet the physical dimension requirements of Standard No. 109 for both the primary and replaced tire size designations, and in no case would the aspect ratio of the two size designations be allowed to differ by more than 5 percent. The primary size would also be required to have a maximum load at least as great as the replaced size. These requirements are designated to ensure both that a replacement size is closely related in terms of physical dimensions and load carrying capacity to the replaced size, and that manufacturers do not indiscriminately designate newly developed tire size designations as replacements for existing sizes regardless of whether interchangeability in vehicle applications is practical or safe.

In light of the above, it is proposed that § 571.109 in Chapter V of Title 49, Code of Federal Regulations, be amended as follows:

1. S3, "Definitions", would be amended by the addition of the following definitions for "aspect ratio" and "section height":

"Aspect ratio" means the tire's section height divided by its section width, expressed as a percentage.

"Section height" means the linear distance between the tire beads and the tread surface, measured as the distance between two lines parallel to the tire axis and perpendicular to a tire diameter, one tangent to the tread surface and the other tangent to the bead surfaces closest to the tire axis.

2. S4.3 (a) would be amended to read:

S4.3 *Labeling requirements.*

* * * * *

(a) Except as provided in S4.3.4, one size designation, except that equivalent inch and metric size designations may be used.

* * * * *

3. A new S4.3.4 would be added to read:

S4.3.4 If a tire size designation is intended to replace an existing size designation, the tire may be labeled, immediately following the size designation, with the word "REPLACES", followed by the replaced size designation, in letters and numerals not more than one-half the height of the primary (replacement) size designation, if each of the following conditions is met:

(a) The maximum load for the primary size designation is at least as great as that of the replaced size designation;

(b) The tire meets the physical dimension requirements of S4.2.2.2 of this section for both the primary and the replaced size designations; and

(c) The difference between the aspect ratio of the primary size designation and the replaced size designation does not exceed 5 percent.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: May 17, 1974.

Proposed effective date: Publication date of final rule.

(Secs. 103, 112, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718, (15 U.S.C. 1392, 1401, 1403, 1407, 1421, 1422); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on March 12, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74-6203 Filed 3-15-74;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 526]

[Docket No. 73-55]

FREE TIME ON IMPORT CONTAINERIZED CARGO AT THE PORT OF NEW YORK

Evidentiary Hearing

On August 28, 1973, the Federal Maritime Commission issued a notice of proposed rulemaking (38 FR 23540), giving notice that it was considering amending General Order No. 8 (46 CFR 526) to make the provisions thereof applicable to containerized cargo.

Having carefully considered the comments, requests, and recommendations submitted to it pursuant to said notice the Commission is of the opinion that due to the complex nature of the containerization issue a full evidentiary hearing is called for in this proceeding. In addition, the Commission feels that the issues of demurrage free time and detention free time are so inexorably intertwined that to exclude the subject of detention free time from this evidentiary proceeding might result only in a limited form of regulation which would have the effect of precipitating new or unforeseen problems regarding container detention free time.

Therefore, it is ordered, That the Commission pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 17, 22, and 43 of the Shipping Act, 1916 (46 U.S.C. 816, 821, and 841(a)), is considering promulgation of the proposed rules set forth in the original notice as well as the promulgation of rules to regulate container detention free time at the Port of New York not inconsistent with General Order No. 8.

It is further ordered, That notice of this Supplemental Notice be published in the FEDERAL REGISTER; and

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge;

It is further ordered, That the Presiding Administrative Law Judge shall hear evidence regarding both demurrage free time and detention free time, and shall determine whether the rules amendment regarding free time and demurrage should be adopted and whether new rules need to be promulgated to regulate container detention time as well;

It is further ordered, That if the Presiding Administrative Law Judge finds the need for rules on either container free time and demurrage or container detention time applicable to the Port of New York that he recommend specific draft text for such rules;

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) not already participating in [1] and having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

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[FR Doc.74-6194 Filed 3-15-74;8:45 am]

[1] List of current participants contained in Appendix A, attached.

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1300, 1303, 1304, 1306, 1307, 1308, 1309]

[Docket No. 35613]

TRANSMISSION AND FURNISHING OF TARIFFS AND SCHEDULES TO SUBSCRIBERS AND OTHER INTERESTED PERSONS

Notice of Proposed Rulemaking and Order

Correction

In FR Doc. 74-5437 appearing at page 9205 in the issue for Friday, March 8, 1974, in the third column, fifth paragraph on page 9210, the word "subscribed" in the twelfth line should now read "subscriber" and the word "subscribed" in the first column, first paragraph, sixth line on page 9211 should also read "subscriber" respectively.

ATOMIC ENERGY COMMISSION

[10 CFR Parts 31 and 32]

LICENSING PROCEEDINGS: REVISION OF GENERAL LICENSE FOR BYPRODUCT MATERIAL CONTAINED IN CERTAIN DEVICES

Notice of Extension of Time To File Comments

On February 5, 1974 the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 4583) a notice of proposed changes in its regulations pertaining to the use of byproduct material in certain gauges and similar devices. The proposed changes, among other things, would require the user to register with the Commission prior to receiving byproduct material for use under the general license in § 31.5 of the Commission's regulation, 10 CFR Part 31, General Licenses for Byproduct Material. Related changes would be made in the requirements imposed on persons specifically licensed under 10 CFR 32.51 to distribute byproduct material in devices for use under the general license. Interested persons were invited to submit written comments or suggestions in connection with the proposed amendments by March 18, 1974.

In response to a request from the President, Measurex Corporation, the time within which comments may be filed is hereby extended to and including April 17, 1974. Copies of comments on the proposed amendments may be examined in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C.

(Secs. 81, 82, 161, 69 Stat. 935, 948, as amended; (42 U.S.C. 2111, 2112, 2201))

Dated at Washington, D.C., this 14th day of March 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Assistant Secretary of the Commission.

[FR Doc.74-6321 Filed 3-15-74;10:55 am]

Notices

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

DEPARTMENT OF STATE

Agency for International Development

[Amdt. to Delegation of Authority No. 27]

ASSISTANT ADMINISTRATOR FOR PROGRAM AND MANAGEMENT SERVICES

Delegation of Authority Relating to Personnel Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961 (26 FR 10608), I hereby amend A.I.D. Delegation of Authority No. 27, as follows:

SEC. 1. Section I is amended by adding thereto the following numbered paragraphs:

"22. To perform so much of the functions under Title VIII of the Foreign Service Act of 1946, as amended, as relate to establishing and maintaining retirement records for personnel participating in the Foreign Service Retirement and Disability System under section 625 (k) of the Foreign Assistance Act of 1961, as amended, and for transferring such records to the Department of State upon the separation, retirement or death of such personnel.

23. To approve, in accordance with section 636 of the Foreign Service Act of 1946, as amended, and 3 FAM 670 et seq., the voluntary retirement of personnel participating in the Foreign Service Retirement and Disability System, subject to the reservations set forth in Section III.

24. To extend the service, pursuant to section 625(k)(6) of the Foreign Assistance Act of 1961, as amended, and 3 FAM 670 et seq., of personnel participating in the Foreign Service Retirement and Disability System for a period of time not to exceed five years beyond mandatory retirement age, subject to the reservations set forth in Section III."

SEC. 2. Section III is amended by adding thereto, the following numbered paragraphs:

"4. To approve, in accordance with section 636 of the Foreign Service Act of 1946, as amended, and 3 FAM 670 et seq., the voluntary retirement of persons serving under the Executive Schedule (5 U.S.C. 5311 et seq.) and persons employed as Chief of Mission, Deputy Chief of Mission, A.I.D. Representative and the Chairman of the Development Assistance Committee of the Organization for Economic Cooperation and Development.

5. To extend the service, pursuant to section 625(k)(6) of the Foreign Assistance Act of 1961, as amended, and 3 FAM 670 et seq., of persons serving under the Executive Schedule (5 U.S.C. 5311 et seq.) and persons employed as Chief of Mission, Deputy Chief of Mission, A.I.D. Representative and the Chairman of the Development Assistance Committee of the Organization for Economic Cooperation and Development."

SEC. 3. This amendment to Delegation of Authority No. 27 shall be effective immediately.

Dated: March 6, 1974.

DANIEL PARKER,
Administrator.

[FR Doc.74-6174 Filed 3-15-74;8:45 am]

DIRECTOR, OFFICE OF PERSONNEL AND MANPOWER

Redelegation of Authority Regarding Personnel

SEC. I. Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 27, as amended, from the Administrator, I hereby redelegate to the Director, Office of Personnel and Manpower, the following authority:

A. The authority to exercise all of the authorities set forth in section I of Delegation of Authority No. 27, as amended, with respect to all personnel of the Agency for International Development, whether assigned to the United States or overseas, to the extent such provisions are applicable to such categories of personnel, subject to those reservations set forth in Delegation of Authority No. 27 and this Redelegation of Authority.

B. The authority set forth in paragraph 2 of section IV of Delegation of Authority No. 27, to the extent consistent with law, or by regulation of competent authority, to exercise the authority vested in the Administrator as head of an agency by statute or regulation, including those of other agencies, relating to any aspect of personnel authority or administration, and to establish policy and procedures relating thereto.

SEC. II. The following authority is reserved to the Assistant Administrator for Program and Management Services.

A. The authority to extend the service, pursuant to section 625(k)(6) of the Foreign Assistance Act of 1961, as amended, and 3 FAM 670 et seq., of personnel participating in the Foreign Service Retirement and Disability System for a period of time not to exceed five years beyond mandatory retirement age.

SEC. III. The authorities redelegated herein may be redelegated successively and may be exercised by persons who are performing the functions of designated officers in an acting capacity.

SEC. IV. The redelegation of authority to the Director, Office of Personnel and Manpower, dated November 26, 1969 (34 FR 19662) is hereby superseded.

SEC. V. This Redelegation of Authority shall be effective immediately.

Dated: March 7, 1974.

JAMES F. CAMPBELL,
Assistant Administrator for Program and Management Services.

[FR Doc.74-6175 Filed 3-15-74;8:45 am]

JOHN F. KEYES

Cancellation of Redelegation of Authority No. 99.1.4

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12836), dated May 1, 1973, from the Assistant Administrator for Program and Management Services, I hereby revoke Redelegation of Authority No. 99.1.4 to John F. Keyes, Overhead and Special Cost Branch, Support Division, Office of Contract Management (38 FR 22564). This revocation is effective immediately.

Dated: March 6, 1974.

JOHN F. OWENS,
Director, Office of Contract Management.

[FR Doc.74-6176 Filed 3-15-74;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 (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of committee: Army Materiel Acquisition Review Committee (AMARC).

Dates of meeting: 18-31 March 1974.

Proposed agenda: Committee members will discuss tentative findings and recommendations for incorporation in the final committee report.

The meetings are closed to the public because classified information dealing with development programs will be discussed.

FRANK A. CAMM,
Major General, GS,
Deputy Director, AMARC.

[FR Doc.74-6224 Filed 3-15-74;8:45 am]

U.S. ARMY BALLISTIC RESEARCH LABORATORIES SCIENTIFIC ADVISORY COMMITTEE

Notice of Advisory Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, notice is hereby given of the 2 May 1974 meeting of the U.S. Army Ballistic Research Laboratories, Scientific Advisory Committee in Building 328, Aberdeen Proving Ground, Maryland. The purpose of the meeting is to receive comments from the Committee regarding research and development projects presented at the Spring Technical Conference of the Laboratory Program.

This Meeting will not be open to the public.

R. J. EICHELBERGER,
Director.

[FR Doc.74-6112 Filed 3-15-74;8:45 am]

U.S. ARMY COASTAL ENGINEERING RESEARCH BOARD

Notice of Meeting

Correction

In FR Doc. 74-5008 appearing on page 8357 in the issue of Tuesday, March 5, 1974, delete the second line of the fourth paragraph "the public is precluded because of the" and insert in lieu of the line "the public since budgetary matters which".

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT ENVIRONMENTAL STATEMENT WHOLESALE POWER RATE INCREASE

Notice of Public Meeting

Notice of a series of public meetings is hereby given by the Bonneville Power Administration, to solicit public comment on BPA's proposed wholesale rate increase, now scheduled for December 1974.

The Bonneville Project Act (Pub. L. 329, August 20, 1937, 50 Stat. 731 as amended (16 U.S.C. 825a)) requires "recovery * * * of the cost of producing and transmitting * * * electric energy, including the amortization of the capital investment over a reasonable number of years." Pursuant to that Act, BPA is proposing new rate schedules for sale of electric energy to its wholesale customers to be effective December 20, 1974.

The purpose of these meetings is twofold: To present to the public an environmental statement concerning the proposed rate increase and to elicit comments from the public with respect to the environmental impact of the proposal.

The dates, hours, and place of the meetings are as follows:

Seattle, Washington: April 19, 1974, at 7:30 p.m. at the Seattle Center, Orcas Room, Seattle, Washington; *Kalispell, Montana:* April 22, 1974, at 7:30 p.m. at the Conrad National Bank, Community Room, 2 Main Street, Kalispell, Montana; *Wenatchee, Washington:* April 22, 1974 at 7:30 p.m. at the Douglas County PUD Auditorium, East Wenatchee, Washington; *Burley, Idaho:* April 23, 1974, at 1:30 p.m. at the Ramada Inn, 800 N. Overland, Burley, Idaho; *Portland, Oregon:* April 23, 1974, at 7:30 p.m. at the Bonneville Power Administration building auditorium, 1002 NE. Holladay, Portland, Oregon; *Walla Walla, Washington:* April 24, 1974, at 7:30 p.m. at the Marcus Whitman Hotel, Walla Walla, Washington; *Spokane, Washington:* April 25, 1974, at 7:30 p.m. at the U.S. Courthouse, West 920 Riverside, Spokane, Washington; *Eugene Oregon:* April 25, 1974, at 7:00 p.m. at the Eugene City Hall Council Chamber, 777 Pearl Street, Eugene, Oregon.

Oral and written statements will be accepted at this series of meetings. Members of the public who wish to be given preference in the order of appearance should contact the Bonneville Area or District Office in the area in which the particular meeting is to be held. However, all those present wishing to comment will be allowed to do so in the time remaining. Those wishing to comment orally are encouraged but not required to submit comments, whether oral or written, will be given consideration. Because of the technical nature of the subject matter, members of the public and other reviewers are also encouraged to familiarize themselves with the draft environmental statement before commenting.

Written comments on the draft environmental statement have been invited and will be accepted on or before Tuesday, April 30, 1974. Copies of the draft environmental statement are available for inspection at any of the BPA Area of District Offices or the headquarters building, Bonneville Power Administration, 1002 NE. Holladay Street, Portland, Oregon 97232. Copies of the draft environmental statement have also been placed in the Federal depository libraries in the BPA service area.

Additional or clarifying information may be obtained by writing or calling the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208; Area Code (503) 234-3361, extension 5140.

Dated: March 14, 1974.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.74-6278 Filed 3-15-74;8:45 am]

National Park Service

DINOSAUR NATIONAL MONUMENT

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before April 17, 1974, the Department of the Interior, through the Superintendent, Dinosaur National Monument, proposes to issue a concession permit to Wilkins Transportation, Inc., authorizing it to provide concession facilities and services for the public at Dinosaur National Monument for a period of five (5) years from January 1, 1974 through December 31, 1978.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service, and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before April 17, 1974.

Interested parties should contact the Superintendent, Dinosaur National Monument, P.O. Box 210, Dinosaur, Colorado 81610, for information as to the requirements of the proposed permit.

Dated: February 14, 1974.

RICHARD S. TOUSLEY,
Superintendent,
Dinosaur National Monument.

[FR Doc.74-6110 Filed 3-15-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10:00 a.m. on April 11, 1974 in the Library, Suite 500, 2120 L Street NW., Washington, D.C. 20037.

The Committee will meet to discuss a number of projects including a proposed study of emergency rulemaking procedures, a proposed manual on pre-rulemaking procedures and a pending study of procedures for the inter-agency transfer of information.

Attendance is open to the interested public, but limited to the space available. To the extent that time permits the Committee Chairman may allow public presentation of oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during or after the meeting. For further information concerning this committee meeeting contact John F. Cushman, Suite 500, 2120 L Street NW., Washington, D.C. 20037 or phone 202-254-7020. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MARCH 11, 1974.

[FR Doc.74-6179 Filed 3-15-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Illinois Inspection Points

Notice is hereby given pursuant to § 26.101 of the regulations (7 CFR 26.101) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that the following official inspection agencies which are designated under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as official inspection agencies have changed their names as follows:

Former name	New name	Location
Association of Commerce and Industry of McLean County.	Bloomington Grain Inspection Department.	Bloomington, Ill.
Decatur Grain Inspection	Decatur Grain Inspection, Inc.	Decatur, Ill.
Galesburg Chamber of Commerce Grain Inspection Department.	Galesburg Grain Inspection Department.	Galesburg, Ill.
Gibson City Chamber of Commerce Grain Inspection Department.	Gibson City Grain Inspection Department.	Gibson City, Ill.
Quincy Chamber of Commerce Grain Inspection Department.	Quincy Grain Inspection Department.	Quincy, Ill.

The changes in names do not involve changes in management or ownership.

Done in Washington, D.C., on March 12, 1974.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.74-6199 Filed 3-15-74;8:45 am]

Animal and Plant Health Inspection Service

ANIMAL WELFARE

List of Registered Exhibitors

Pursuant to the provisions of the Act of August 24, 1966, as amended by the Animal Welfare Act of 1970 (7 U.S.C. 2131 et seq.), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the following exhibitors are registered under said Act:

ALASKA

Alaska Children's Zoo, Box 1730, S. Star Route, Anchorage 99507.
Alaskaland Wildlife Park, Moore and Avenue of Flags, Fairbanks 99701.
Brown, Leon T., Jr., 3001 Mountain View Drive, Anchorage 99503.

ARIZONA

Arizona-Sonora Desert Museum, P.O. Box 5607, Tucson 85703.
Arizona Zoological Society, P.O. Box 5155, Phoenix 85010.
Belmonte Zauatta, 15520 North 38th Street, Phoenix 85032.
Randolph Park Zoo, 900 South Randolph Way, Tucson 85716.
Southwest Trail Dust Zoo, P.O. Box 4007, Bisbee 85603.
Tropic Gardens Zoological Park 6232 North 7th Street, Phoenix 85014.

ARKANSAS

Arkansas Communities, Inc., P.O. Box 1506, Hot Springs 71901.

CALIFORNIA

City of Merced, P.O. Box 2068, Merced 95340.
County of Santa Barbara, dba Waller Park, 123 East Anapamu Street, Santa Barbara 93101.
Denning, Marlo and Ruth, dba Frontier Village Petting Zoo, 490 Maher Road, Watsonville 95076.
Fisher, Frances, Box 1170, Star Route, Tehachapi 93561.
Henry, Ivan M., 2247 Parkway Drive, El Monte 91733.
Jones, Robert, P.O. Box 588, Bloomington 92316.
Krauter, Carl E. and Howard, dba Krauter Nursery, 2006 Kentucky Street, Bakersfield 93305.
McDermott, Clark D., 407 34th Avenue, San Francisco 94121.
Milhous, Oliver, dba Milhous Boys' Ranch, Alleghany Route, Nevada City 95959.
Orange County Harbors, Beaches and Parks District, 1901 Bayside Drive, Newport Beach 92662.
Prentice Park Zoo, 1700 East First Street, Santa Ana 92705.
Santa Barbara County Park Department, 1105 Santa Barbara Street, Santa Barbara 93101.
York, Lester, dba Little Baja, Highway I, Moss Landing 95039.

COLORADO

Arnold, Samuel P., The Fort, Morrison 80465.
City of Alamosa Zoo, 425 4th, Alamosa 81101.
City of Englewood, dba Belleview Park, Parks & Recreation Dept., R3400 S. Elati, Englewood 80110.
City of Greeley Parks Department, Greeley 80631.
City of Pueblo Parks and Recreation Dept., City Park Pavilion, Pueblo 81005.
Drake, Dean, 333 6th, Penrose 81240.
Engel, Henry J., Wray 80758.
Judish, Anthony L., 921 Long's Peak Avenue, Longmont 80501.
Jump Steady Corporation, Route 1, Box 203, Buena Vista 81211.
Krohn, John C., The Fort, SR Box 20AA, Morrison 80465.
McCulloch Properties, Inc., Pueblo West 81007.
National Park Village, 4600 Fall River Road, Estes Park 80517.
Poirier, Harold, Box 526, Delta 81416.
Riley Zoo, Cheland Park, Delta 81416.

CONNECTICUT

City of Hartford, 25 Stonington, Hartford, 06106.
City of Norwich, City Hall, Norwich 06360.
The Denison Pequotsepos Nature Center, Inc., P.O. Box 42, Mystic 06355.
Goodwin, Roger, Route 5, Warehouse Point 06088.
Mid-Fairfield County Youth Museum, P.O. Box 165, Westport 06880.
Herbert F. Moran Nature Center and Zoo, Municipal Building, New London 06320.
West Rock Nature Recreation Center, P.O. Box 2969, New Haven 06515.
Willington Game Farm, Old Farms Road, Willington 06279.

DELAWARE

Brandywine Zoo, 102 Middleboro Road, Wilmington 19804.

FLORIDA

Animal Kingdom, 233 E. Robinson Street, Orlando 32801.
Animal Playland, dba Armond's Animal Playland, Rt. 1, Box 147, St. Augustine 32084.
Blanchard, Charles D., 307 Coastal Highway, Vilano Beach, St. Augustine 32084.
Cline, John, 3732 Old Tampa Highway, Lakeland 33803.
Cristiani, Oscar, 2810 S. Jefferson, Sarasota 33579.
Clyde Beatty-Cole Brothers Circus, 1713 South Orange Avenue, Sarasota 33577.
Dickman, Joseph, dba Pirates World, 3311 N. 37 Street, Hollywood 33021.
Everglades Wonder Gardens, Bonita Springs 33923.
Fairyland Municipal Zoo, Lowry Park, North Boulevard & Sligh, Tampa 33604.
Fee, Harry W., Box 493, Gibsonton 33543.
Flipper's Sea School & Seaquarium, Porpoise Training Center, P.O. Box 2875, Marathon Shores 33052.
Gossing, G. & G. Stevens, Singletary Road, Box 9, Myakka City 33551.
Hanneford, Tommy, Hanneford Motel, Osprey 33559.
Holiday Inn Trav-L-Park, 2650 Holiday Trail, Kissimmee 32741.
Homosassa Springs, Inc., P.O. Box 8, Homosassa Springs 32647.
Hoover, David C., 665 W. 38th Street, Hialeah 33012.
Joyce, Jack, Box 1570, Winter Park 32789.
Jungle Larry's Safari Land, Inc., Fleischmann Boulevard and Goodlette Road, Naples 33940.
Keith, Justin, 5140 Davie Road, Davie 33314.
Krieg, Frederick and Agnus, dba Caloosa Animal Farm, Star Route 2, Box 360A, LaBelle 33935.
MGM's Bounty Exhibit, 345 Second Avenue, NE., St. Petersburg 33701.
Maas, Gary, 6971 Haverhill Road, West Palm Beach 33407.
Marine Attractions, Inc., 6500 Beach Plaza Road, P.O. Box 6086, St. Petersburg Beach 33736.
Marineland, Inc., R.F.D. 1, Box 122, St. Augustine 32084.
Masterpiece Gardens, Inc., P.O. Box 1230, Lake Wales 33853.
McKee Jungle Gardens, 300 U.S. 1, Vero Beach 32960.
Miracle Strip Jungleland, P.O. Box 2000, Panama City 32401.
Morris, Mrs. Bernice, dba Morris Enterprise, Edgewater 32032.
Museum of Sea and Indian, Star Route, Box 611, Destin 32541.
Noell, Mr. and Mrs. Robert M., P.O. Box 396, Tarpon Springs 33589.
Nowak, Edward, Jr., dba Swamparium, Route 5, Box 39, Cantonment 32533.
Owen, Cary B., dba Animal Korner, P.O. Box 9338, Panama City Beach 32401.
Parks Department, 1450 16th Street North, St. Petersburg 33704.
Parrot Jungle, Inc., 11000 SW. 57th Avenue, Miami 33156.
Porter, Mrs. Margaret B., P.O. Box 157, Gibsonton 33534.
Potter, Dean, P.O. Box 1092, Gibsonton 33534.
Ringling Bros. and Barnum and Bailey Combined Shows, Inc., P.O. Box 1528, Venice 33595.

Sanford Municipal Zoo, Park Avenue, Sanford 32771.
Sarasota Jungle Gardens, 3701 Bayshore Road, Sarasota 33580.
Baptist Schreiber, dba Capt. Schreiber Chimpanzees, Route 3, Box 48–X, St. Augustine 32084.
Shell Land Nov. Co., Inc., 14788 U.S. 19 South, Clearwater 33516.
Silver Springs, Inc., Ross Allen Reptile Institute, P.O. Box 367, Silver Springs 32688.
Silver Springs, Inc., International Deer Ranch, P.O. Box 367, Silver Springs 32688.
Sipek, Steve, 15341 NW 32nd Avenue, Opa Locka 33054.
Slom, Morris, Box 18623, Tampa 33609.
Spyke's Groves, 7250 Griffin Road, Fort Lauderdale 33314.
Squirrels Zooland, Route 1, Box 305, Gulf Breeze 32561.
St. Augustine Alligator Farm, P.O. Box 166, St. Augustine 32084.
Stephenson, Morris R. & Son, Bass Capital Taxidermist, Crescent City 32012.
Sugarhouse, Inc., 2805 North Tamiami Tr., North Fort Myers 33903.
Tarzan Zerbini, Route 2, Box 8, Sarasota 33580.
Tropical Wonderland, Inc., 4700 S. Washington Avenue, Titusville 32780.
Valegroves, 6990 Griffin Road, Fort Lauderdale 33314.
Weeki Wachee Spring, Inc., U.S. 19 and Fla. 50, Weeki Wachee 33512.
Wild Kingdom, Inc., 233 E. Robinson Street, Orlando 32801.
Wildlife Trust of Broward County, 2070 Griffin Road, Fort Lauderdale 33302.
Wilnow, Eric and Angela, 861 Oak Street, Fort Myers Beach 33931.
Wonders of Sea, Star Route, Carabelle 32332.

GEORGIA

City of Athens-Recreation and Parks Department, Memorial Park, Athens 30601.
Edwards, Lee, 3653 Dial Drive, Stone Mountain 30083.
Ketcham, Lewis E., Box 60A, Route 3, Woodstock 30188.
Lunsford, Dick, Rt. 2, Douglas 31533.
Okefenokee Association, Inc., Okefenokee, 31501.

HAWAII

Island Holidays, Ltd., dba Coco Palms Resort Hotel, Box 631, Lihue 96766.
Meadow Gold Farms, R.R. 1, Box 224, Haleiwa 96712.
Orchid Island Hotel, 211 Banyan Drive, Hilo 96720.
Pearl City Tavern, P.O. Box 246, Pearl City, 96872.

IDAHO

Wild Wild West, Inc., Route 7, Caldwell 83605.

ILLINOIS

Barnett, Chester E., P.O. Box 257, Lovington 61937.
Bower, Edward C., Route 2, Ava 62907.
Children's Farm, c/o Rockford Park District, 1401 North Second Street, Rockford 61107.
Children's Prairie Farm, 706 Holiday Park Drive, Champaign 61820.
Dundee Twnp. Park District, 21 N. Washington Street, Carpentersville 60110.
Hawthorne Circus Corp., Libertyville 60048.
Handel's Steak House, Route 1, Savannah 61074.
Illinois Department of Children and Family Services, 524 South Second, Springfield 62704.
Illinois Department of Conservation, 602 State Office Building, Springfield 62706.
Land of Lincoln Deer Park and Campground, Inc., Route 97, Tallula 62688.
La Salle County Environmental Education Center, Route 4, Ottawa 61350.
Niabi Zoological Preserve, Route 1, Moline 61265.
Parks and Recreation Department, Elgin 60120.
Phillips Park Zoo, Phillips Park, Aurora 60538.
Polar Dome Corp., Routes 72 & 25, East Dundee 60118.
Scoville Farm Zoo, Box 1136, Decatur 62525.
Sheppard, Jerry A., R.R. 4, Springfield 62707.
Springfield Park District, 2500 South 11th Street, Springfield 62703.
Stone, Lester R., Box 349, Route 1, East Moline 61244.
Talbott, Gnile, dba Talbott's Shady Oak Market, Manito 61546.
White Pines Deer Park, Inc., Route 3, Oregon 61061.

INDIANA

Kelly, Paul B. & Dorothy K., Peru, Indiana 46970.
Santa Claus Land, Inc., Box 36, Santa Claus 47579.

IOWA

Buffalo Ranch Museum, 310 Lovers Lane, Fayette 52142.
City of Fort Dodge Park Department, 1450 Oleson Park Avenue, Fort Dodge 50501.
City of Mason City Parks Department, 9 South Delaware Avenue, Mason City 50401.
Iowa State Conservation Commission, Boone 50036.
Polk County Conservation Board, Jester Park, Granger 50109.

KANSAS

Dodge City Wright Park Zoo, Dodge City 67801.
Perkin's Trained Dog Show, Box 351, Syracuse 67878.
Scandia Zoo, Scandia 66966.

KENTUCKY

Garvin, Charles, Beech Band Park, Bowling Green 42101.
Isaac W. Bernheim Foundation, Bernheim Forrest, Clermont 40110.
Mammoth Onyx Cave, Box 527, Horse Cave 42749.
Otter Creek Park, Vine Grove 40175.
Roundup Zoo, 3100 Dixie Highway, Erlanger 41018.
Shelton, James T., dba Funland Park, Box 372, Route 6, Corbin 40701.

LOUISIANA

Colacurcio, Bill, 522 Bourbon Street, New Orleans 70130.
Playland Amusements, Inc., Pontchartrain Beach, New Orleans 70122.

MAINE

Animal Forest Park, Box 404, York Beach 03910.
Rumford Wild Animal Park, Rumford Point 04279.
Simpson's Wild Animal Park, Old Road, Brunswick 04011.
Vaughn Gallop, Calais Road, Houlton 04730.

MARYLAND

Arnold's Shoes of Bowie, Inc., Rt. 450, Freestate Mall, Bowie, 20715.
Baltimore Zoo, Druid Hill Park, Baltimore 21217.
Columbia Association, 1000 Century Plaza, Columbia 21044.
Dykes Brothers Attraction, Merritt Road, Salisbury 21801.
Enchanted Forest Enterprises, Inc., 10040 Baltimore National Pike, Ellicott City 21043.
Hahn, Richard A., dba Catoctin Mountain Zoological Park, Thurmont 21788.
Haviland, Hal, P.O. Box 1222, Landover 20785.
Marjec, Inc., Shawnee-Land, Olney 20832.
Salisbury Zoological Garden, P.O. Box 791, Salisbury 21801.
Starsun Park, Rt. 1, Box 234, Whaleysville 21872.

MASSACHUSETTS

Araserv, Inc., Northampton Street, Holyoke 01040.
Children's Museum, Inc., P.O. Box 98, Dartmouth 02714.
City of Pittsfield, Pittsfield 01201.
Eastover, Inc., Lenox 01240.
Forest Park Zoo, Department of Public Parks & Recreation, Springfield 01108.
Frank Newhall Nook Memorial Park, 300 North Mair Street, Northampton 01060.
Johnson's Inc., dba Santa's Lookout, North Main Street, Middleton 01949.
Massachusetts Audubon Society, Lincoln 01773.
Mohawk Trading Post, Rt. 2, Mohawk Trail, Selburne Falls 01370.
Museum of Science, Boston 02114.
New England Aquarium, Central Wharf, Boston 02110.
Waltham Park & Recreation, City Hall, Waltham 02154.
Ward's Nursery, Inc., 610 South Main Street, Great Barrington 01230.

MICHIGAN

Animal Land, Inc., Batterson Road, Frederic 49733.
John Ball Zoological Gardens, 301 Market, S.W., Grand Rapids 49502.
Becker's Zoo, East Cass City Road, Ubly 48475.
Bertha Brock Park, Route 3, Box 295, Ionia 48846.
Cederberg, Ernest H., 2093 Coggins Road, Pinconning 48650.
City of Kalamazoo, City Hall, 241 West South Street, Kalamazoo 49006.
City of Mt. Pleasant, 120 South University, Mt. Pleasant 48858.
Claerhout, Emil and Madeling Schuster, 8887 Gratiot Road, Richmond 48062.
Clinch Park Zoo, Grand View Parkway, Traverse City 49684.
Clough, LeRoy and June, Evergreen Resort, Route 2, M–65, Hale 48736.
Currie-Wilson Enterprises, Post Office Box 227, Midland 48640.
Dickery, Darwin, L., Pine Ridge Amusement, 7784 Main Street, Birch Run 48415.
Dillon, Otto L., Inc., Route 1, Box 92, Grayling 49738.
Edison Institute, Greenfield Village, Dearborn 48121.
Elm Rest Service, 1507 S. Lake Mitchell Drive, Cadillac 49601.
Carl G. Fenner Arboretum, 2020 East Mt. Hope, Lansing 48910.
Finley, Merle, dba Longhorn Ranch, 7684 25 Mile Road, Washington 48094.
John Henes Park, 202 Henes Park Drive, Menominee 49858.
Hill, D. B. and Kay E., Santaland and the Woodshed, 2515 N. Euclid, Bay City 48706.
Humane Society of Macomb County, 11350 22 Mile Road, Utica 48087.
Huron County Road Commission, 417 South Hanselman, Bad Axe 48413.
Industrial Mutual Association, 901 East Second Avenue, Flint 48503.
N. E. Isaacson of Michigan, Inc., 5477 Sugar River Road, Gladwin 48624.
Johnny's Fish and Game Park, 5511 East 46½ Road, Cadillac 49601.
Kalamazoo Nature Center, 7000 N. Westnedge, Kalamazoo 49007.
King Animaland Park, Inc., 62000 Gratiot Avenue, Richmond 48062.
Loftis, Audrey Lee, 14140 Worden Road, Gregory 48137.
May, Howard, 394 Cambria Road, Hillsdale 49242.

Mayer, W. G., 7606 Hix Road, Westland 48185.
Mott Farm Program, G6140 Bray Road, Flint 48505.
Ogemaw Game Refuge, Ten Lakes Sportsmen Club, 5626 W. Rose City Road, West Branch 48661.
Peebles, Gloria, 18810 Cardoni, Detroit 48203.
Potter Park Zoo, 1301 South Pennsylvania Avenue, Lansing 48933.
Realm of the Wild, Inc., P.O. Box 267, Harrison 48625.
Rice, Elmer, 539 Golf Road, Lapeer 48446.
Saginaw Children's Zoo, 1694 S. Washington, Saginaw 48601.
Scidmore Park, Three Rivers 49093.
Smith, Curtis L., P.O. Box 204, Baldwin 49304.
Stephens, Yvonne R., dba Yvonne and Her Friends, Box 37, Williamsburg 49690.
Tesch, Harold, dba Lenawee Institute, 3046 Sutton Road, Adrian 49221.
Trall, Betty E., dba Betty's Pet and Garden Center, M–55, Zone 6, Houghton Lake 48629.
Waltz, Dirk B., 625 Linwood Beach Road, Linwood 48634.
Westra, Jim C., dba Animal Kingdom Wildlife Refuge, 9320 S. Division, Byron Center 49315.
Wilder, Dale, 9580 Dixie Highway, Clarkston 48016.

MINNESOTA

Ahrendt, Dwayne J., Jasper 56144.
Asander, Phyllis, dba Schmidt's Circus, R.R. 1, Dalton 56324.
Blue Mound Inn, Luverne 56156.
Boelter, James F., Route 3, McGregor 55760.
Brainerd Baxter Corp., dba Paul Bunyan Amusement Center, Box 563, Brainerd 56401.
Buffalo House, 2500 Guss Road, Duluth 55810.
Cook, Val S., Orr 55771.
Deer Town, Inc., Highway 71 North, Park Rapids 56470.
Duluth Zoo, 7210 Fremont Street, Duluth 55807.
Eggleston, Ogden C., Walker 56484.
Fort Detroit, P.O. Box 66, Detroit Lakes 56401.
Gopher Campfire Club, c/o H. P. Quade, Sr., 122 N. Main Street, Hutchinson 55350.
Granfor, Julian, Perley 56574.
High Town Deer Park, Route 3, Box 160, Bemidji 56601.
Himes, Robert L., dba Trapper Himes Wild Animal Farm, Ray 56669.
HiWay Trading Post, Hackensack 56452.
Ike's Chicken Shack, Browns Valley 56219.
Jacobson, E. N., Nevis 56467.
Jaegers, Sidney W., R.R. 1, Buffalo Lake 55314.
Kleven, Lyle, 3500 5th Street North, Minneapolis 55412.
Krachey, Donald W., dba Aqua Park Aquarium, 1008 East 1st Street, Park Rapids 56470.
LaBarge, Mr. and Mrs. Lisle, Jr., Route 1, Box 65A, Chisholm 55719.
Lewis, Walter D., Alexandria 56308.
McGregor Dairy Queen, Inc., Box 66, McGregor 55760.
Nelson, Irvin, Route 2, St. Peter 56082.
Oberle, Donald, Comfrey 56019.
Olmsted County Park and Recreation Division, 1421 3rd Avenue, S.E., Rochester 55901.
Pinske, Ben, Route 1, Gary 56545.
Riverside Inn, Side Lake 55781.
Sheppard, Duane, 510 Wilson Ave., N.E., St. Cloud 56301.
Smuda's Wildlife Zoo, Little Falls 56345.
St. Paul's Como Zoo, St. Paul 55103.
The Farm Supper Club, Inc., RR 4, Princeton 55371.
Village of Wadena, Box 30, Wadena 56482.
Virginia Park Commission, Olcott Park, Virginia 55792.
Wall Bros., Comfrey 56019.

MISSISSIPPI

McWilliams, Mrs. Eugene C., Rt. 1, Box 108, Picayune 39466.

MISSOURI

Clarksville Skylift, Inc., Clarksville 63336.
Hooten Holler Exotic Game Preserve, Ltd., P.O. Box 3463, Kimberling City 65686.
Jones, J. W., dba Buena Vista's Exotic Animal Paradise, Rt. 1, Strafford 65757.
Kirk's Animal Acts, Box 126, Rt. 2, Reeds Spring 65737.
Max Allen's Zoological Gardens, U.S. 54 S, Eldon 65026.
Ozark Deer Farm, Rt. 3, Eldon 65026.
Rivers, Johnny, Rt. 1, Box 262, Camdenton 65020.
Six Flags Over Mid America, Inc., P.O. Box 248, Eureka 63025.
The Squirrel House, P.O. Box 65, Gravois Mills 65037.
Szasz, Albert B., Rt. 1, Gerald 63037.

MONTANA

World Animal Odyssey, 2050 Euclid, Helena 59601.

NEBRASKA

Municipal Zoo, 1300 South 27th, Lincoln 68502.

NEVADA

Augspurg, August W., 6607 Escondido Street, Las Vegas 89109.
Berosini, Jan, 496 W. Keno Lane, Las Vegas 89109.
Canestrelli, Fred, 4842 Santa Barbara, Las Vegas 89121.
Farfan, Armando and Anna, 4040 Pearl, Las Vegas 89109.
Fischbacher, Siegfried, and Roy Uwe Horn, 904 Valley Drive, Las Vegas 89108.
Sparks Nugget, Inc., Box 797, Sparks 89431.
Vinicky, Jan, P.O. Box 14715, Las Vegas 89114.

NEW HAMPSHIRE

Animal Forest Park, 87 Shore Drive, Laconia 03246.
Brady, James, Jefferson 03583.
Clark's Trading Post, Box 1, North Woodstock 03262.
The Friendly Farm, Inc., Box 76, Dublin 03444.
Santa's Village, Inc., Box 8, Jefferson 03583.

NEW JERSEY

Alexander, Tibor, 62 Central Avenue, Hillsdale 07642.
Bergen County Park Commission, 575 Main Street, Hackensack 07601.
Cohanzick Zoo, Bridgeton 08302.
Collins, Mrs. Betty, Box 550, Route 23, Oak Ridge 07438.
Dawn Animal Agency, Inc., Meadow Gate Farm, Cross Road, Colts Neck 07722.
Division of Health—City of Trenton, Room 214, State Street, City Hall, Trenton 08611.
Hammond, Earl and Elizabeth, 197 Morristown Road, Gillette 07933.
Hunt's Circus, Post Office Box 66, Florence 08518.
Jones, Robert E., 151 North Annapolis Avenue, Atlantic City 08401.
LeVine, Charlotte, Box 34, Florence 08518.
Morgan, Les, R.D. 1, Jacksonville Road, Burlington 08016.
Phifer's Animal Farm, 197 Morristown Road, Gillette 07933.
Ricci, Henry, R.D. 6, Bridgeton 08302.
Terry, Franklyn T., 1451 Raritan Road, Scoth Plains 07076.
Turtle Back Zoo, 560 Northfield Avenue, West Orange 07052.
Woodford, Elizabeth M., Cedar Run Lake, Marlton 08053.

NEW MEXICO

City of Alamogordo, 511 10th Street Alamogordo 88310.
City of Clovis, P.O. Box 760, Clovis 88101.
Spring River Park and Zoo, City Hall, Roswell 88201.

NEW YORK

Fox's Wild Animal Farm, Inc., Route 152, West Sand Lake 12196.
Herman's Nursery, Inc., 660 Dutchess Turnpike, Poughkeepsie 12603.
Moreau, Margaret M., 1807 18th Street, Niagara Falls 14305.
Oppenheim Zoological Society of Niagara County, Inc., 2597 Niagara Falls Blvd., Niagara Falls 14304.
Popolizio, George Ross, R.D. 1, Holmes 12531.
Renssalaer County Schaghticoke Fair, Schaghticoke 12154.
Rix, Albert, R.D. 1, Middletown 10940.
Sabo, David, Route 44, Amenia 12501.
Thomas, J. and R. Janeen Wilds, P.O. Box 698, Greenwood Lake 10925.
Vidbel, Alfred, P.O. Box 114, Windham 12496.

NORTH CAROLINA

City of Asheville, City Hall, Asheville 28807.
Country Park Zoo and Natural Science Center, 4301 Lawndale Drive, Greensboro 27408.
Grandfather Mountain, Inc., Linville 28646.
Kiddie Zoo, P.O. Box 1810, Wilmington 28401.
North Carolina Museum of Life and Science, P.O. Box 8177, Durham 27704.

NORTH DAKOTA

Wahpeton Zoo, Wendell Langendorfer, Curator, Rural Route 2, Wahpeton 58075.

OHIO

Beam, Harry J., Jr., 5414 Wagonerford Road, Dayton 45414.
Camillo, Pat J. & Kathy R., 12119 Center Road, Mantua 44255.
Chovanic, David & Lawrence Humbarger, 133 McKim Street, Bellevue 44811.
Cleland's Deer Acres, Rt. 1, Bainbridge 45612.
Conley, Carl E., 4689 St., Route 276, Batavia 45103.
Diamond "O" Ranch, Inc., Wild Animal Zoo, 1000 Warner Rd. S.E., Canton 44707.
Eckenrode, Harry N., 1596 Grandview Avenue, Apt. B, Columbus 43212.
Elyria Parks & Recreation Dept. 1101 Prospect Street, Elyria 44035.
Bob Evans Farms, Inc., Box 154, Rio Grande 45674.
Fantasy Farm, Rt. 1, Middletown 45052.
Funtime, Inc., P.O. Box 184, Aurora 44202.
Khol, Rudy, 30770 Cannon Road, Solon 44139.
Lake Erie Nature and Science Center, 28728 Wolf Road, Cleveland 44140.
Moknach, Ken P., 34 West Main Street, Madison 44047.
Moore, Harry E., Box 32, Main Street, Cumberland 43732.
Nelson Ledge Park, Rt. 2, Box 292, Garrettsville 44231.
Rosselott, Lena, Box 25, Sardinia 45171.
Sea World of Ohio, Inc., P.O. Box 237, Aurora 44202.
Siedel Fun Farm, Inc., 21897 Westwood Drive, Strongsville 44136.
Sink, Randon, 38 Jasper Street, Dayton 45409.
Toledo Zoological Gardens, 2700 Broadway, Toledo 43609.
Vancel, William, 214 McKim Street, Bellevue 44811.
Wonderland Exhibits, Inc., 9480 State Rt. 14, Streetsboro 44240.

OKLAHOMA

W. V. Shearer, Route 1, Mooreland 73852.

OREGON

Salem Junior Woman's Club, 2380 E. Nob Hill, S.E., Salem 97203.

PENNSYLVANIA

The Academy of Natural Sciences, 19th and the Parkway, Philadelphia 19103.
Animal Gardens, Hershey Park, Hershey 17033.
Animaland, R.D. 6, Wellsboro 16901.
Birdland Park, R.D. 1, Covington 16917.
Black Forest Trading Post, R.D. 1, Ulysses 16948.
Blubaugh, Chauncey R., Route 1, Waynesboro 17268.
Colosimo, Dorothy, dba Lazy C Game Farm, R.D. 1, Zions Grove 17985.
Conneaut Lake Park, Conneaut Lake 16316.
Cornwall, Raymond A., Jr., 20 Riverside Drive, Warren 16365.
Department of Parks, Recreation and Conservation, 345 County Office Building, Pittsburgh 15219.
Dietch, Ralph J., dba Dorney Park Zoorama, Allentown 18104.
Eveland, Windsor G., R.D. 1, Mt. Union 17066.
Fantasyland Storybook Gardens, R.D. 1, Box 339, Gettysburg 17325.
Farmer's Exchange, Water Street, Alexandria 16611.
Fin, Fur, and Feather Trading Post, Star Route, Lockhaven 17745.
Forest Zoo and Animal Safari, R.D. 1, Ashville 16613.
Forker, Truby, Star Route, Tionesta 16353.
Frederick, Mabel E., R.D. 1, Watsontown 17777.
Guyer, Basil K., Fort Louden 17224.
Hampton Company, 712 Monroe Street, Stroudsburg 18360.
Headacres Dairy Farm, R.D. 2, Muncy 17756.
Heasley's Trading Post, R.D. 1, Lewis Run 16738.
Holler, Joseph, dba Deer Stop, R.D. 1, Easton 18042.
Kaufmann, George J., dba Angel Aquarium and Pet Supplier, Room 26, Great Southern Shopping Center, Bridgeville 15017.
Kiser Wildlife Ranch, R.D. 1, Box 117, Cairnbrook 15924.
Klondike Gift Shop, Kinzua Heights, Bradford 16701.
Leavengood, Robert D., 209 East Garden Road, Pittsburgh 15227.
Linvilla Orchards, 137 Knowlton Road, Media 19063.
Macks, Jim, The Cream, R.D. 11, Hellan Branch, Harrisburg 17105.
Mealy, Raymon and Lucille M., R.D. 1, Tionesta 16353.
Montgomery County Commissioners, dba Upper Schuylkill Valley Farm Park, Court House, Airy and Swede Streets, Norristown 19404.
Moon Valley Park, Inc., R.D. 1, Milford 18337.
Morrison's Grocery, R.D. 1, Tionesta 16353.
Mount Airy Lodge, Mt. Pocono 18344.
Nemacolin Farms, Route 40, Box 65, Farmington 15437.
Old McDonald's Farm, Inc., R.D. 1, Butler 16001.
Parmer, Woodrow W., R.D. 1, Needmore 17238.
Peacock Corners Game Farm, R.D. 4, Bloomsburg 17815.
Pennsylvania Dutch Farm, Grange Road, Mt. Pocono 18344.
Pocono Snake Country, Inc., Route 209, Box 238, Marshalls Creek 18335.
Pymatuning Deer Park, Box 397, Jamestown 16134.
Rayner, Kenneth, R.D. 1, Box 264, Edinburg 16116.
Riday's Wildlife Studio, R.D. 3, Stroudsburg 18360.
Ridge Run Camp Sites, Box 395, Route 1, Elizabethtown 17022.
Sherwood's Service Center, Box 285, Fort Loudon 17224.
V. T. Smith Dairy, 203 W. Weber Avenue, DuBois 15801.
Harry M. Stevens, Inc. of Pennsylvania, Bushkill Falls, Bushkill 18324.
Story Book Forest, Inc., Box F, Ligonier 15658.
Storyland, Schellsburg 15559.
Tioga Hunting Preserve, Tioga 16946.
Tocks Island Marine, Inc., R.D. 1, East Stroudsburg 18301.
Union County Sportsmen Club, Inc., Weikert 17885.
Yeagle, Norman G., 3020 Pennsylvania Avenue West, Warren 16365.

PUERTO RICO

Amador, Felix Jimenez, Rd. 482, Km 0.9, Bo. Cocos, Quebradillas 00742.
Antonucci, A., Route 5, Box 9, Burlington, Wisconsin 53105.
Becerra, Francisco Landron, Box 11098, Fernandez Juneos Station, Santurce 00910.
Congregacion de Mita, Inc., 235 Duarte Street, Hato Rey 00919.
Continental Circus, 989 Calle Puerto Principe, Urb. Las Americas, Pto. Nuevo 00920.
Garcia, Romano, RUA Pelotas, 291 Casa 1, Sao Paulo, Brazil.
Gran Circo Panamericano, Box 3945, San Juan 00904.
Horn, Roy Uwe and Seigfried Fischbacher, dba Siegfried and Roy, American Hotel, San Juan 00904.
Institute of Health Laboratories, Box 1730, Hato Rey Station, Hato Rey 00919.
Monoloro Park, Box 8302, Santurce 00910.
Ocean Life Park Aquarium, 105 Third Street, Villamar, Isla Verde 00913.
Rosado, Francisco Vazquez, Bda. Santa Clara, Box 674, Jayuya 00664.
Safari Parks, Inc., P.O. Box 777, Bayamon 00619.
University of Puerto Rico, Rio Piedras 00931.
Zoological Garden of Puerto Rico, P.O. Box 1085, Mayaguez 00708.

RHODE ISLAND

Crescent Park Recreation Corporation, Bullocks Point Avenue, Riverside 02915.

SOUTH CAROLINA

Animal Forest, Charles Towne Landing, 1500 Old Town Road, Charleston 29407.
Brookgreen Gardens, Murrells Inlet 29576.
City Council of Charleston, City Hall, Charleston 29402.
Cromer's P-Nuts, Incorporated, P.O. Box 163, Columbia 29201.
Eagleson, G. S., 730 Flat Street, Allendale 29810.
Greenville Zoo, Cleveland Park Drive, Greenville 29601.
Marvin, Frank M., Hollywood 29449.
Mattox, Fred D., P.O. Box 476, Gaffney 29340.
Nature Museum of York County, Rt. 4, Box 211, Rock Hill 29730.
Serpent City Jungle Land, Highway 17 North, Myrtle Beach 29577.
Smith, Elbridge, Rt. 1, Harleyville 29448.
Smith, William C., dba Smith's Truck Stop, Winnsboro 29180.
Stevenson, Clyde, Rt. 3, Lancaster 29720.

SOUTH DAKOTA

Erdmann Texas Longhorn Ranch, Rt. 1, Mitchell 57301.

TENNESSEE

Buck Sorell Enterprises, Inc., P.O. Box 77, Whitehouse 37188.
Mills, Bill, Rt. 1, Rockwood 37854.
Oliver, Betty L. & Delma Ree Miller, c/o Village of 1800, Highway 411 N., Etowah 37331.
Opryland USA, P.O. Box 2138, Nashville 37214.
Rucker, Hines, Watertown 37184.

TEXAS

Allen, Dianne Wilson, dba Wilson's Seals & Monkeys, P.O. Box 971, Donna 78537.
Baughman, Eleanor N., 2529 Clara Lane, Apt. 210, San Antonio 78213.
Baylor University Chamber of Commerce, Box 225, Union Building, Baylor University, Waco 76706.
Brownsville Animal Research Center, 1810 Central Boulevard, Brownsville 78520.
Caverns of Sonora, P.O. Box 213, Sonora 76950.
City of Andrews, Municipal Administration Building, Andrews 79714.
City of Childress, City Hall, Childress 79201.
City of Sinton, P.O. Box 1395, Sinton 78387.
Connor, James H., 804 Anthony Street, Gainesville 76240.
Craig, Max, dba Craigs Guanacos, 1612 South Street, Augustine Drive, Dallas 75217.
Duke, Ralph, R.R. 3, Box 187, Seagoville 75159.
Gibbs, Bob, Rt. 4, Box 550, Mission 78572.
Hall, Carmen A., Rt. 1, Box 762, Mesquite 75149.
Hall, James K., Rt. 1, Box 762, Mequite 75149.
Henry, Gary G., Box 3, Gainesville 76240.
Henry, Glen M., Box 292, Gainesville 76240.
Lucia, Tom, Rt. 3, Box 154, Weatherford 76086.
Lyons, Floyd T., Rt. 1, Box 8, Riesel 76682.
Madden, Linda, 724 Anthony, Gainesville 76240.
Neuces County Zoo, Box 347, Banquete 78339.
Pinson, Joanne & Dennie, Rt. 1, Gainesville 76240.
Siles, John, Box 15, Gainesville 76240.
Smith, James A. H., 1960 Peavy Road, Dallas 75228.
Steele, Bucky R., Box 179, Haymarket Road, Seagoville 75159.
Wonder World, P.O. Box 1369, San Marcos 78666.

VERMONT

Santa's Land, Inc., Rt. 5, Putney 05346.
Shortsleeves, William, Lowell 05847.
Trustees, Vermont Veterans' Home, 325 North Street, Bennington 05201.
Vermont Railroad Museum, RFD, East Ryegate 05042.

VIRGINIA

Bennett, W. M., Box 356, Christiansburg 24073.
Childress, Frank B., Rt. 1, Box 214, New Market 22844.
City of Newport News, Department of Recreation & Parks, 2400 Washington Avenue, Newport News 23607.
City of Richmond, Department of Recreation & Parks, 900 East Broad Street, Richmond 23219.
Department of Parks, Hampton City Hall, Hampton 23369.
G. A. Coleman Co., 916 Main Street, Lynchburg 24505.
Hofheimer's Inc., 325 Granby Street, Norfolk 23510.
Junior Woman's Club of Lynchburg, Virginia, Inc., P.O. Box 3262, Rivermount Station, Lynchburg 24503.
Martin, James R., 8725 Commodore Drive, Norfolk 23503.
Peninsula Nature & Science Center, 524 J. Clyde Morris Blvd., Newport News 23601.
Staunton City Zoo, P.O. Box 58, Staunton 24401.
Ocean View Amusement Park, North End of Granby Street, Norfolk 23503.
The Wishing Well Gift Shop, 9 Miles North of Skyline Drive, White Post 22663.

WASHINGTON

Berchtold, Eloise C., 601 Lane Road, Woodland 98674.
City of Centralia Park Department, City Hall, Centralia 98531.

Everett Park and Recreation Department, Forest Park, Everett 98203.
Inland Empire Zoological Society, Box 14258, Opportunity 99214.
Olympic Game Farm, Route 3, Box 903, Sequim 98382.

WEST VIRGINIA

Meadows, Ernest R., Rt. 4, Box 107, Grafton 26354.
Nunemaker, Richard A., dba Hawk's Nest Zoo, General Delivery, Anstead 25812.
Rider, John W., Jr., Rt. 2, Box 14B, Rainelle 25962.

WISCONSIN

Aqualand, Inc., Ephraim 54211.
Arcadia Sportsman's Club, Arcadia 54612.
Barthman, Virgil T., Route 1, Clear Lake 54005
Bay Beach Wildlife Sanctuary, 1660 East Shore Drive, Green Bay 54301.
Behn, Wilbert, Route 1, Aniwa 54408.
Belshaw, Robert D., Earl 54833.
Bill's Landing Deer Farm, Route 3, Hayward 54843.
Blackhawk Camp Ground, Box 686, Milton Junction 53564.
Blackhawk Ridge, P.O. Box 92, Sauk City 53583.
Bob's Chuck Wagon, Inc., Wisconsin Dells 53965.
Bodin's, Inc., Lakeshore Drive, Ashland 54806.
Brown County Reforestation Camp, Route 4, Green Bay 54301.
Chipman, Marvin C., Box 8, Danbury 54830.
Christensen, Carl A., dba Christy's Landscape Service, Box 852, Bellevue Road, Green Bay 54305.
City of Ashland, Park Department, Ashland 54806.
City of Black River Falls, Box 229, Black River Falls 54615.
City of Blair, Blair 54616.
City of Chippewa Falls, 30 West Central Street, Chippewa Falls 54729.
City of Fond du Lac, 76 East Second Street, Fond du Lac 54935.
City of Marshfield, Wildwood Park, Marshfield 54449.
City of Oshkosh, Menominee Park, P.O. Box 1130, Oshkosh 54901.
City of Stanley, Stanley 54768.
Clark County Hospital and Home, Route 2, Box X, Owen 54460.
Corallo, Anthony, dba St. Germain Village, Park, St. Germain 54558.
Connor Forest Industries, Camp 5 Farm, Laona 54541.
Cornford, M. J. and Allen H., Rural Route 1, Randolph 53596.
Deer Park Athletic C Club, Deer Park 54007.
Deisinger, Donald, Route 2, Antigo 54409.
Dorfman, Allen, dba Jack O'Lantern Lodge, Route 3, Eagle River 54521.
Duval, Everett, Route 3, New Auburn 54757.
Edgerton Conservation Club, Box 13J, Route 1, Edgerton 53534.
Fine R-K Ranch, Route 5, Hayward 54843.
Fitzgerald, James F., P.O. Box 348, Janesville 53545.
Forest County Deer Farm, Court House, Crandon 54533.
Fowler, Donald C., Route 2, Tomah 54660.
Gannon's Birchwood Resort, Rural Route 1, Lodi 53555.
Ge-Ca-Wa Lodge Deer Farm, Box 117A, Iron River 54847.
Grunewald, James, Route 2, Fall Creek 54742.
Gullickson, William, 1680 N. Farwell Avenue, Milwaukee 53202.
Hans Brothers, Rural Route 2, Jefferson 53549.
Hayward Game Farm, Inc., Route 3, Hayward 54843.
The David A. Hellman Foundation, Inc., P.O. Box 502, Menomonee Falls 53051.
Historic Sites Foundation, Baraboo 53913.
Horner, Everett, Route 1, Box 36, Waterford 53105.
Janesville Conservation Club, Box 129, Janesville 53545.
Johnson, A. R., c/o Murry Hill, Route 5, Box 9, Burlington 53105.
Jueds, Arnold, Route 1, Marion 54950.
Kamps, Margaret, dba Buck and Doe Forest, Box 277, Eagle River 54521.
Kapsy, Peter, Gilman 54433.
Kleven, David, Route 1, Sarona 54870.
Kling, Duane, Route 1, Box 169, Merrillan 54754.
Lange, Ervine P., 1623 Saemann Avenue, Sheboygan 53081.
Lebeck, Dr. Alvin, Route 2, Phillips 54555.
Levinson, Vivian, Route 1, Hayward 54843.
Lincoln Park Zoo, 736 Revere Drive, Manitowoc 54220.
Link Bros., Inc., Wilfred Link, Minong 54859.
Little Mexico Deer Farm, Route 2, Siren 54872.
Main Store, Star Route, Webb Lake 54892.
Menomonie Lions Club Game Park, Menomonie 54751.
Miller, Jerry Lee, Route 1, T.J.M. Ranch, West Bend 53095.
Milwaukee County Zoo, 10001 W. Blumound Road, Milwaukee 53226.
Monthg, Elgene H., Route 1, Chili 54420.
Nelson, John, Route 1, Wabena 54566.
Noziska, Mrs. Richard, Westboro 54490.
Nyguard, L. A., dba Kettles the Clown and his Animal Friends, Route 1, Box 175A, Wisconsin Dells 53965.
Ochsner Park, 903 Park Street, Baraboo 53913.
Olson, Alvin R., Route 2, Oxford 53952.
P-M, Inc., Eagle River 54521.
Park and Recreation Commission, City of Wisconsin Rapids, 441 West Grand Avenue, Wisconsin Rapids 54494.
Peck, Jim, dba Wildwood Wildlife Kingdom, Minocqua 54548.
Roman and Len Pliska, R.R. 1, Box 279-A, Custer 54423.
Quill Inn, Route 2, Box 264, Lady Smith 54848.
Racine Zoological Park, 2131 North Main Street, Racine 53402.
Radies, Mrs. R. A., Rt. 1, Big Falls 54950.
Rauchnot, John M., J. R. Ranch, Inc., Route 1, Hudson 54016.
Schesvold, James R., Route 1, Cameron 54822.
Schrock, J. J., Route 3, Medford 54451.
Setchell, Vern, Chetek 54728.
S. Shady, 60 Watts Street, Janesville 53545.
Shay, William L., Route 3, New Richmond 54017.
Simpson, Wayland and Martha, Rt. 4, Wampaca 54981.
Smykal, Kevin, Route 1, Dunbar 54119.
Sommers, Ray P., Route 1, Random Lake 53075.
St. Camillus Novitiate, R.R. 2, Box 220, Baraboo 53913.
Stevenson, Stanford A., Route 1, Bayfield 54814.
Sturgul, Francis G., Hazelhurst 54531.
Tollaksen, Russell, Route 1, Box 17, Wisconsin Dells 53965.
Twin Bucks Game Farm, 3407 Plover Road, Plover 54467.
Uncle Barney's Barnyard, Route 4, Baraboo 53913.
VanDyke, Richard H., Rt. 3, New London 54961.
Henry Vilas Park Zoo, 500 S. Randall Avenue, Madison 53715.
Vollrath Park Zoo, 117 Vollrath Boulevard, Sheboygan 53081.
Vougers Village, Inc., Box 395, Danbury 54830.
Walker, William R., Box 128, Amberg 54102.
Walters, Ivan, White Lake 54491.
Weber, Ellen, Star Route, Sayner 54560.
Welch, Francis, Luger Route, Phillips 54555.
Wendland, Fred, Park Falls 54552.
West, Elwyn, Rt. 3, Waupaca 54981.
White Birch Fisheries, Inc., Boulder Junction 54512.
Whitley, Elaine K., Star Route, Manitowish Waters 54545.
Wilderness Walk, Hayward 54843.
Wilkinson Gift Shop, Highway 53, Wascott 54890.
Wille, Gerhart, R.R. 2, Box 293, Waupun 53963.
Willers, Walter J. Box 74, Earl 54833.
Wisconsin Department of Natural Resources, Box 450, Madison 53701.
Wnek, Leon, Thorp 54433.
Woodside Ranch Resort, Inc., Rt. 3, Maugton 53948.

WYOMING

City of Cheyenne, Cheyenne 82001.
Hutmacher, Paul A., Route 2, Box 1357, Cheyenne 82001.
Lakeside Resort, Shoshoni 82649.

(Sec. 6, 80 Stat. 351, as amended, 84 Stat. 1561 (7 U.S.C. 2136), 37 FR 28464, 28477; 38 FR 19141, 9 CFR 2.127.)

Done at Washington, D.C., this 13th day of March 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-6200 Filed 3-15-74;8:45 am]

Forest Service

CONDOR ADVISORY COMMITTEE

Notice of Meeting

The Condor Advisory Committee will meet on April 11, 1974, at 10:00 a.m. in Room 1009, Appraisers Building, 630 Sansome Street, San Francisco, California 94111.

This meeting is open to the public. Persons who wish to attend should notify Mr. Edward R. Schneegas, USDA, Forest Service, Division of Range and Wildlife, 630 Sansome Street, San Francisco, California 94111 (415-556-5375). Written statements may be filed with the Committee before or after the meeting.

A public participation period is scheduled after the regular meeting.

DOUGLAS R. LEISZ,
Regional Forester.

MARCH 11, 1974.

[FR Doc.74-6188 Filed 3-15-74;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Notice of Meeting

A meeting of the Department of Commerce Technical Advisory Board will be held on Tuesday, March 26, 1974 from 9:30 a.m. to 5:00 p.m., and Wednesday, March 27, 1974 from 9:00 a.m. to 12 Noon in Room 6802, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value

to the business community. Tentative agenda items include:

1. General discussion on future direction and activities of the Board.
2. Government patent and antitrust policy, with emphasis on the nation's energy and materials needs.

A limited number of seats will be available to the press and to the public. The public will be permitted to file written statements or inquiries with the Chairman before or after the meeting.

Persons desiring to obtain further information concerning the Board should contact Mrs. Florence S. Feinberg, Room 3877, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 967–5065.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

MARCH 11, 1974.

[FR Doc.74–6137 Filed 3–15–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–81]

IMPROVEMENT OF NUTRIENT LEVELS OF ENRICHED FLOUR, ENRICHED SELF-RISING FLOUR, AND ENRICHED BREAD, ROLLS OR BUNS

Notice of Prehearing Conference

In the matter of amending the standards of identity for enriched flour, enriched self-rising flour, and enriched bread, rolls or buns to improve the nutrient levels.

In the FEDERAL REGISTER of February 11, 1974 (39 FR 5188), the Commissioner of Food and Drugs ordered that a public hearing be held in this matter.

Pursuant to § 2.74 (21 CFR 2.74), a prehearing conference for the simplification of the issues; the possibility of obtaining stipulations, admission of facts, and documents; the possibility of limitation of the number of expert witnesses; the identification, and if practicable, the scheduling of witnesses to be called; the advance submission in quintuplicate of all documentary evidence to be marked for identification; and such other matters as may aid in the expeditious disposition of the proceeding will be held in Room 4A–35, 5600 Fishers Lane, Rockville, Maryland 20852 beginning at 10 a.m. on Monday, March 25, 1974.

Reference is made to §§ 2.75 and 2.76 (21 CFR 2.74 and 2.75) relating to prehearing procedures.

Dated: March 6, 1974.

IRVING SOMMER,
Administrative Law Judge.

[FR Doc.74–6143 Filed 3–15–74;8:45 am]

Office of the Secretary

NATIONAL BLOOD POLICY

Request for Comments Regarding Proposed Implementation Plan

Correction

In FR Doc. 74–5368, Part III for the issue of March 8, 1974, appearing at page 9326, the closing date for the comment period found at the top of the third column on page 9326, should be changed from "April, 22, 1974", to read "May 7, 1974".

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. — FRA Pet. Nos. 83, 84; Notice 3]

VOICE TRAIN CONTROL SYSTEM

Extension of Time for Filing Comments

On January 4, 1974 the Federal Railroad Administration (FRA) published a notice of a hearing to be conducted upon the petitions of the Baltimore and Ohio Railroad Company (B&O) for approval of the general concept of Voice Train Control Systems (VTCS) and also for approval of installation and operation of VTCS on a portion of its lines in central Ohio. That notice contained a brief explanation of the VTCS and a description of the territory in which the B&O has proposed to install the system (39 FR 1088). Hearings on these petitions were conducted on January 22, 1974 and March 5, 1974. The dockets were to remain open until March 15, 1974 for filing of additional comments.

The Brotherhood of Railroad Signalmen and the Brotherhood of Locomotive Engineers have filed requests for additional time to submit the views and comments of their memberships. This request was made so that the Brotherhoods could have sufficient time to review the data submitted at the March 5, 1974 hearing as well as additional data which was requested of the B&O by the Hearing Officer at that hearing.

To provide all interested parties an adequate opportunity to express their views concerning this new system of train control, and for good cause shown in the Brotherhoods' request, the FRA has decided to extend the closing date for filing written comments until April 15, 1974. Persons wishing to file views or comments should identify the docket and notice numbers and submit all communications to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Comments received by April 15, 1974 will be considered before the FRA takes action on these petitions. Comments received after that date will be considered as far as practicable.

(Sec. 12, 24 Stat. 383, Sec. 441, 41 Stat. 498, sec. 6, 80 Stat. 939, 210 (49 U.S.C. 12, 26, 1655), § 1.49(g) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(g))

Issued in Washington, D.C., March 13, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74–6218 Filed 3–15–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–424—50–427]

GEORGIA POWER CO.

Notice of Change in Hearing Date and Location

On March 5, 1974, a notice of environmental hearing was issued scheduling an evidentiary hearing in this matter for April 9, 1974, at the Fulton County Courthouse, Atlanta, Georgia. The subject hearing date and location have now been changed, and the environmental hearing will commence at 9:30 a.m. local time on April 16, 1974, at the following location:

City Council Chambers
Waynesboro City Hall
Myrick Street
Waynesboro, Georgia 30830

The purpose of this evidentiary hearing before an Atomic Safety and Licensing Board is the same as set forth in the March 5 Notice, i.e., an evidentiary hearing to determine whether the Georgia Power Company (the Applicant) should be permitted to engage in certain preconstruction activities on the site of its proposed four-unit nuclear powerplant, designated as the Alvin W. Vogtle Nuclear Plant, Units 1, 2, 3 and 4, on the southwestern bank of the Savannah River, about 26 miles south-southeast of Augusta, Georgia and 15 miles northeast of Waynesboro.

This proceeding is in accordance with the Commission's proposed amendments to 10 CFR Parts 2 and 50,[1] which would allow applicants to apply for authorization to engage in limited site pre-construction activities (Limited Work Authorization or "LWA") prior to the hearing on, or issuance of, a construction permit for a power reactor. However, this may be done only after the full "NEPA"[2] review has been completed and an environmental hearing has been held. Before such an "LWA" may be issued, an Atomic Safety and Licensing Board must determine that all the environmental findings required for issuance of a construction permit may properly be

[1] See AEC's Statement of Considerations, proposed amendments to regulations, and Notice entitled "Pre-Construction Activities," 39 FR 4582, February 5, 1974.

[2] National Environmental Policy Act of 1969, Pub. L. 91–190. See also Appendix D to 10 CFR Part 50.

made, based on the evidentiary record.[3]

Notice of Availability of the Final Environmental (Impact) Statement (FES) was published in the FEDERAL REGISTER on March 8, 1974. 39 FR 9224. Copies of the FES are available for inspection in the Commission's Public Document Room, 1717 H St., NW., Washington, D.C. 20545; in the Burke County Library, 4th Street, Waynesboro, Georgia 30830; in the Bureau of State Planning and Community Affairs, Rm. 611, 270 Washington St., SW., Atlanta, Georgia 30309; and also at the Central Savannah River APDC, P.O. Box 2800, Augusta, Georgia.

Members of the public are welcome to attend the hearing. Persons who have filed requests to make limited appearance statements will be heard the morning of the first day of the hearing. Limited appearance statements may be filed in writing without an oral presentation, if desired.

Issued at Washington, D.C., this 13th day of March 1974.

It is so ordered.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.74-6166 Filed 3-15-74;8:45 am]

[Docket Nos. 50-458, 50-459]

GULF STATES UTILITIES CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Alan S. Rosenthal, Chairman
Dr. John H. Buck, Member
Michael C. Farrar, Member

Dated: March 11, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74-6168 Filed 3-15-74;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued four new guides in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 3, "Fuels and Materials Facilities Guides." Regulatory Guide 3.17, "Earthquake Instrumentation for Fuel Reprocessing Plants," describes an acceptable program for providing seismic instrumentation at fuel reprocessing plants. Regulatory Guide 3.18, "Confinement Barriers and Systems for Fuel Reprocessing Plants," provides information relative to establishing principal design criteria for confinement systems for radioactive material at fuel reprocessing plants. These systems are required to minimize releases of radioactive materials to the environment. Regulatory Guide 3.19, "Reporting of Operating Information for Fuel Reprocessing Plants," lists specific reporting requirements for licensees as specified in AEC regulations and as usually specified in licensee Technical Specifications. Regulatory Guide 3.20, "Process Offgas Systems for Fuel Reprocessing Plants," provides information relative to establishing principal design criteria for process offgas systems for reprocessing plants.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 3 Regulatory Guides currently being developed include the following:

General Design Guide for Process Building Ventilation Systems for Fuel Reprocessing Plants
General Fire Protection Guide for Fuel Reprocessing Plants
Standard Format and Content of License Applications for Fuel Reprocessing Plants
Standard Format and Content of License Applications for Plutonium Fuel Fabrication and Recovery Plants
Standard Format and Content of License Applications for Commercial Waste Burial Facilities
Quality Assurance Requirements for Protective Coatings Applied to Fuel Reprocessing, Plutonium Processing and Fuel Fabrication Plants (This guide will endorse ANSI Standard N101.4)
Protective Coatings (Paints) for Nuclear Plants (This guide will endorse ANSI Standard N512)

(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 11th day of March 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-6165 Filed 3-15-74;8:45 am]

[Docket No. 50-141]

STANFORD UNIVERSITY

Order Authorizing Dismantling of Facility

By application notarized September 20, 1973, and supplement dated November 19, 1973, Stanford University requested authorization to dismantle their reactor in accordance with a plan submitted to the Commission. Operation of the facility has been discontinued and all fuel has been removed from the reactor and shipped to an authorized reprocessing facility.

The Commission has reviewed the application in accordance with the provisions of the Commission's regulations and has identified an additional requirement that all planned liquid releases from the facility must be verified within 30 days of planned release to be within the standards established by 10 CFR Part 20 by current radiological analysis.

The Commission also has found that the dismantlement and disposal of component parts and waste from the facility in accordance with the regulations in 10 CFR Ch. I and the application, as modified, will not be inimical to the common defense and security or to the health and safety of the public. The bases for these findings are set forth in the Safety Evaluation by the Regulatory Staff dated January 30, 1974.

Accordingly, it is hereby ordered that Stanford University may dismantle their reactor covered by Facility License No. R-60, as amended in accordance with the Commission's regulations. The dismantling plan, as modified by this order, will replace the Technical Specifications in their entirety.

After completion of the dismantling and the decontamination, the submission of a report on the radiation survey to confirm that radiation levels in the facility area meet the values defined in the dismantling plan, as modified, and an inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Facility License No. R-60.

Dated at Bethesda, Md., this 12th day of March 1974.

For the Atomic Energy Commission,

DONALD J. SKOVHOLT,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.74-6167 Filed 3-15-74;8:45 am]

[Docket No. STN 50-480]

WESTINGHOUSE ELECTRIC CORP.

Receipt of Standard Safety Analysis Report

Westinghouse Electric Corporation, in response to Option No. 1 of the policy statement of the Atomic Energy Commission (the Commission) entitled "Methods of Achieving Standardization of Nuclear Power Plants," issued March 5, 1973, has filed with the Commission an eight-volume document entitled "Reference Safety Analysis Report-41" (RESAR-41), which was docketed March

[3] For environmental issues to be determined in this proceeding, see Commission's April 27, 1973 "Notice of Hearing on Application for Construction Permits" (published in 38 FR 10,751, May 1, 1973) and 10 CFR Part 50, Appendix D.

11, 1974. The tendered application for RESAR–41 was received on December 3, 1973. Following a preliminary review for completeness, it was accepted on February 13, 1974, for docketing. Docket No. STN 50–480 has been assigned to RESAR–41 and should be referenced in any correspondence relating thereto.

RESAR–41 has been submitted in accordance with the "reference system" option wherein an entire facility design or major fractions of it can be identified as a standard design to be used in multiple applications. RESAR–41 describes and analyzes a standard four-loop pressurized water nuclear steam supply system (NSSS) with auxiliary and safety systems. The reactor is designed for initial operation at a core thermal power level of 3800 megawatts.

When its review of RESAR–41 is complete, the Commission's Regulatory staff will prepare and publish a Safety Evaluation Report documenting the results of the review. In addition, RESAR–41 will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. Copies of the Safety Evaluation Report and the ACRS report will be made available to the public. A notice relating to the availability of these documents will be published in the FEDERAL REGISTER.

A copy of RESAR–41 is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. When available, the Safety Evaluation Report and the ACRS report will also be made available for inspection by the public at the AEC Public Document Room.

Dated at Bethesda, Md., this 11th day of March 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1–1, Directorate of Licensing—Regulation.

[FR Doc.74–6164 Filed 3–15–74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON CONTROL OF COMBUSTIBLE GASES FOLLOWING A LOSS OF COOLANT ACCIDENT (LOCA)

Notice of Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Working Group on Control of Combustible Gases Following A Loss of Coolant Accident (LOCA) will hold a meeting on March 25, 1974, in Room 1046, at 1717 H Street NW., Washington, D.C. The subject scheduled for discussion is control of combustible gases following a LOCA. This may include discussion of a Regulatory Staff working paper pertaining to a proposed Revision 1 to Regulatory Guide 1.7.

The Working Group is meeting with its consultants and members of the Regulatory Staff and their consultants to formulate recommendations to the ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the meeting will consist of an exchange of opinions and internal deliberations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–6322 Filed 3–15–74;10:55 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26502]

AIR PACIFIC LTD.

Notice of Prehearing Conference and Hearing

In the matter of Fiji-Majuro via Intermediate Points; Fiji-Pago Pago via Intermediate Points.

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 26, 1974, at 10:00 a.m. (local time) in Room 1031, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Ross I. Newmann.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before March 20, 1974.

Dated at Washington, D.C., March 12, 1974.

[SEAL] RALPH H. WISER,
Chief Administrative Law Judge.

[FR Doc.74–6180 Filed 3–15–74;8:45 am]

[Docket No. 26290, 23080–2; Order 74–3–59]

EASTERN AIR LINES, INC. AND PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1974.

By Order 74–1–75, dated January 11, 1974, the Board granted review of an order issued by the Postmaster General on January 3, 1974, requiring Eastern Air Lines to retain a Boston-New York-Atlanta flight and postponed the effective date of the Postmaster General's order pending review. Pursuant to section 232 of the Board's Regulations, Eastern filed an application, which was supplemented on January 8, 1974, requesting that the Postmaster General's order be canceled.

In support of its application Eastern alleges, inter alia, that each of the segments in issue (Boston-New York, Boston-Atlanta, New York-Atlanta) receives multiple daily nonstop service providing sufficient capacity to accommodate the needs of the Postal Service; that the subject flight was canceled in order to conserve fuel during the fuel allocation program; that there are numerous comparable markets which do not receive late-night service; and that the scheduling of a one-directional flight to satisfy the needs of the Postal Service would have an adverse effect on Eastern's overall scheduling.

In answer to Eastern's pleadings, as supplemented, the Postmaster General asserts, inter alia, that while there may be sufficient total capacity operated over each segment throughout the day there is no capacity available at the specific times required by the Postal Service; that the canceled Eastern cargo flight carried substantial amounts of mail; and that no alternative modes of transportation can be employed without serious and unacceptable delay to substantial volumes of priority mail.[1]

Upon consideration of the foregoing and all the relevant facts, we find that the public convenience and necessity do not require cancellation of the Postmaster General's order so long as Eastern is adequately compensated for providing the flight directed by the Postmaster General. Accordingly, we have decided to deny Eastern's application and to effectuate the January 3, 1974, order of the Postmaster General. This will require Eastern to reinstitute its canceled Boston-New York-Atlanta southbound flight. However, we will condition the effectiveness of the Postmaster General's order upon final adoption by the Board of the proposed minimum temporary service mail rate for the transportation of mail by Eastern pursuant to the order of the Postmaster General issued January 3, 1974, discussed in detail below.

This is a unique case in which the Board, for the first time, has been called upon to review an order of the Postmaster General under section 405(b) of the Act. This section requires the Board to evaluate the issues raised in accordance with the standards of the public convenience and necessity. The Postmaster General has demonstrated that Boston and New York, and the areas they serve, have enjoyed an ongoing pattern of late-night mail service by Eastern, allowing for same-day delivery of priority mail at Atlanta. Cancellation of Eastern's Boston-New York-Atlanta all-cargo operation has effectively eliminated this

[1] The Postmaster General filed two motions for expedited processing of Eastern's application. In view of the action taken herein, the motions are moot. It must be emphasized, however, that this is a case of first impression involving complex questions of policy which require a unique balancing of the interests of the affected carrier, the traveling and shipping public, and the Postal Service. In conformance with the mandate of section 405(b), the Board has accorded this case priority treatment and has acted as expeditiously as possible within the limits of our resources.

established pattern of mail service for which, as the Postmaster General asserts, there are no alternate modes of transportation. In these special circumstances, absent a compelling showing to the contrary, the allegations of the Postal Service for continuation of an ongoing service must be given substantial weight.

However, evaluating the public convenience and necessity in accordance with the statutory declaration of policy contained in section 102 of the Act, the Board is compelled to consider not only the needs of the Postal Service, but fostering and promoting economically sound air transportation as well. We are concerned, in this regard, that the mandatory operation of the flight will impose a financial burden on the carrier, a situation we find undesirable, especially in light of Eastern's present financial difficulties.[2] Nevertheless, relying on the Postmaster General's representations with respect to need for the service and the volume of mail the Postal Service proposes to tender to Eastern on the flight in issue, we will sustain the Postmaster General's order. However, we believe that it is desirable to take steps to insure that Eastern will be adequately compensated for the involuntary operation of the flight, and, consequently we propose to condition our action upon the establishment of a minimum rate of compensation, discussed below, to be paid by the Postmaster General for the operation by Eastern of the flight directed by the Postmaster General in his order issued January 3, 1974. By denying Eastern's application subject to the adoption of the below minimum temporary rate of compensation, the Board seeks to accommodate the needs of the Postal Service and at the same time insure that the economic burden of providing the mandatory flight is not assumed by the carrier.

Accordingly, we tentatively find and conclude that the fair and reasonable temporary mail rate to be paid to Eastern by the Postmaster General for the operation of the Boston-New York-Atlanta flight ordered by the Postmaster General, the facilities used and useful therefor, and the services connected therewith shall be $2,500, or the amount which the Postmaster General would be required to pay Eastern for the mail it tenders using the current temporary mail rate, whichever is higher. The $2,500 temporary rate of compensation is based upon the estimate of the Postmaster General in his January 3, 1974 order of the average daily volume of mail which the Postmaster General anticipates tendering to Eastern on the reinstituted flight,[3] to which was applied the current temporary mail rate formula for the segments in issue. Use of this figure as a temporary rate of compensation for the operation of the flight, coupled with Eastern's ability to attract additional commercial revenue, should insure that the carrier will not be financially distressed by the mandatory operation of the flight.[4] The temporary rate proposed herein will be subject to retroactive adjustment as required by the order establishing final service mail rates in Docket 23080–2.

Finally, we note that further reductions in fuel allocations requiring additional service cutbacks could upset the balance which we are trying to achieve between the needs of the Postal Service, the traveling and shipping public, and the affected carrier. Consequently, we will retain jurisdiction in this matter and reserve the power to amend, revise, suspend or cancel the order of the Postmaster General if the public convenience and necessity require.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 405, and 406 thereof, and the regulations promulgated in 14 CFR Part 302;

It is ordered, That:

1. Upon final Board adoption of the temporary service mail rate proposed herein, the application of Eastern Air Lines, Inc., to cancel the order of the Postmaster General issued on January 3, 1974, be and it hereby is denied;

2. Upon final Board adoption of the temporary service mail rate proposed herein, the order of the Postmaster General isued on January 3, 1974, be and it hereby is effective;

3. Eastern Air Lines, the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the temporary rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eastern Air Lines, Inc., for the operation of a Boston-New York-Atlanta southbound flight as ordered by the Postmaster General in his order issued January 3, 1974, pending the fixing of a final rate in the "Priority and Nonpriority Domestic Service Mail Rates Case," Phase 2, Docket 23080–2;

4. Further procedures herein shall be in accordance with 14 CFR, Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within seven days, and if notice is filed, written answers and supporting documents shall be filed within 14 days after service of this order;

5. If notice of objection is not filed within 7 days after service of this order, or if notice is filed, and an answer, which raises a material issue of fact, is not filed within 14 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps, short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the temporary rate specified herein;

6. If answer is filed presenting material issues of fact for hearing, the issues involved in determining the fair and reasonable temporary rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

7. This order shall be served upon all parties to Docket 23080–2.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–6182 Filed 3–15–74;8:45 am]

[3] For the year ended September 30, 1973, Eastern experienced an operating loss of over $14 million and a net loss of $16.8 million.

[3] 12,000 pounds on the Boston-New York segment and 16,000 pounds on the New York-Atlanta segment.

[4] Final adoption by the Board of the minimum rate proposed herein does not rule out the Board's taking other and different rate-related actions in future cases involving 405(b), should they arise.

[Dockets No. 25280 and 25513; Order 74–3–63]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Increased Fuel Costs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of March, 1974.

By procedural Order 74–2–91 of February 22, 1974, the Board set dates for the receipt of justification, comments and objections pertaining to agreements adopted by the International Air Transport Association (IATA) which would further increase passenger fares and cargo rates on or after March 15, 1974, generally by seven percent as a consequence of escalating fuel prices.[1]

Insofar as air transportation as defined by the Federal Aviation Act of 1958 is concerned, the agreements would increase passenger fares and cargo rates over the North/Central and South Pacific routes between the United States and Asia/Australia/Australasia, and international fares and rates to and from United States possessions in the Pacific.[2] For passenger travel to and from Japan, the increase would be three percent on all first-class and normal economy fares and seven percent on all promotional fares. For passenger travel and cargo shipments originating in Australia, the increase would be held to a maximum of three percent.

Justification has been submitted in support of the agreements by The Flying Tiger Line Inc. (Flying Tiger), Northwest Airlines, Inc. (Northwest), Pan

American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA). Comments have been received from Japan Air Lines Co., Ltd. (JAL), and RCA. The matter now stands ready for the Board's decision.

Flying Tiger submits a forecast for 1974 which reflects reductions in fuel consumption and staff which in total produce annual savings of $5 million. The carrier estimates that available ton miles in 1974 will aproximate 73 percent and revenue ton miles 74 percent of the 1973 level. System load factors are expected to be in excess of 65 percent by weight, which approximates a 75 percent cube load factor. Over the critical transpacific leg which has historically operated at weight load factors in the upper 70's and lower 80's, Flying Tiger alleges that there is obviously little it can do to increase space utilization. Based on these considerations, Flying Tiger projects that in the absence of the proposed increases, it will experience an operating loss of $3.6 million assuming current fuel costs—a decline of $21.7 million from its results in 1973. Even with the additional revenue and assuming no further fuel cost increases, the carrier alleges that it will still incur an operating loss of $1.3 million in 1974. Flying Tiger indicates that fuel expenses for 1974 will increase in excess of $10 million over 1973, and will account for 58.3 percent of flying operations expense in 1974, versus 35.7 percent a year earlier.

Northwest's revenue and expense projections assume the level of service provided in its current schedules, adjusted for a 15 percent reduction during the first half of 1974 because of the fuel shortage. Without the proposed fare and rate increases, Northwest projects a negative net profit of $2.9 million for 1974, and anticipates a $6.4 million net profit with the increases. Northwest indicates that total fuel-related expense increases amount to $32.3 million, whereas total revenues are anticipated to increase by only $19.5 million. During the period January–September 1973, Northwest's fuel cost per gallon averaged approximately 11 cents, as compared with the latest cost of 37.45 cents per gallon, an increase of 240 percent.

Pan American states that since December 1973 its fuel cost has increased from 24.19 cents to 33.02 cents per gallon, representing an increase of 160 percent over fuel costs for the year ending September 1973. As a consequence, Pan American projects an increase in the total cost of its Pacific combination services for the year ending March 31, 1975 in excess of $32.1 million, over the year ending September 30, 1973. On the other hand, revenues from the proposed agreements and the earlier agreement relating to fuel cost increases are expected to approximate $25 million. Absent the proposed instant fare and rate adjustments, Pan American projects a return on investment in its Pacific scheduled combination services of 8.5 percent. With the proposed increases the anticipated rate of return is estimated at 10.6 percent. In its all cargo services the projected rate of return, absent the proposed increases, is 0.7 percent, and 4.1 percent with the increases.

TWA alleges that, absent the proposed seven percent fuel related increase, its Pacific services would be operated at an even greater loss in 1974 than was incurred a year earlier. TWA's financial projections are based on a forecast fuel cost of 35 cents per gallon which, in light of January results and those anticipated in February and March, appears conservative. Although the limited availability of fuel has resulted in a significant reduction in previously planned scheduled operations for 1974, the associated cost savings will allegedly only partially offset the rising price of fuel. Consequently, TWA anticipates that its Pacific Division pre-tax loss will substantially exceed the $6 million experienced in 1973, despite reductions in the level of operation.

With respect to the more limited three percent increase in fares and rates from Australia, Pan American states that the fuel-cost situation in that country is quite different from that elsewhere. The cost of fuel at Sydney has increased by only 30 percent. Because of the nature of the fuel situation in Australia, and the position of the Australian transport authorities, the carriers reached a compromise to limit the increases for Australian originating passengers and freight to a maximum of three percent.

Northwest cites the exceptional treatment for normal-first class and economy fares to/from Japan which are proposed to be increased by three percent while the promotional fares would be increased by seven percent, alleging that this stems from the floating of the yen. Japan Air Lines points out that the lower-rated promotional fares should not be subsidized by higher normal fares, and that the difference in the percentage increases will have the effect of narrowing the disparity between normal and promotional fares. Japan Air Lines also indicates that in March 1974 its average cost per gallon of fuel will have increased by 178.1 percent over the cost per gallon incurred in the second quarter of 1973. In order for that carrier to recoup this increased cost, revenues would allegedly need to be increased by 18.33 percent.

RCA in its comments indicates that it does not oppose the granting of an emergency increase to offset rising fuel costs. RCA, however, strongly urges that the emergency increase be clearly earmarked as such, that it should be factually justified on the basis of proven costs, and that it should be applied equitably between passenger and freight service, between different areas of the world, and between all types of shipments.

Upon consideration of the carrier justifications and comments, we conclude that the request for an additional seven percent increase in passenger fares and cargo rates over the North/Central and South Pacific, and likewise the three percent involving Australia and Japan, appear warranted in view of increased costs of fuel which have been experienced and should not result in increased profits for the carriers. All of the four U.S.-flag carriers have furnished data which indicate the most recent prices they are being required to pay for fuel, and have provided forecasts which take into consideration various economy measures including but not limited to reduced operations and reductions in the personnel force. Our evaluation indicates that the projections are not unreasonable, that the increases herein requested are in fact related to the amount of service to be performed in the forecast period, and that increased profits will not flow from our approval.[3]

With respect to RCA's comments, we recognize that the increases would be incorporated into the fares and rates themselves, and not be applied as a surcharge which would be earmarked as such. We are aware that there may be some advantages to isolating an emergency increase of this sort. On the other hand, fuel costs are a necessary cost of doing business and are properly a part of the cost base upon which fares and rates are determined. Moreover, there is the advantage that the tariffs will more simply set forth the total rate or fare to be charged. Finally, the Board can, of course, rescind its approval of any IATA agreement at any time such action may be warranted.

By Order 73–9–58 dated September 14, 1973, the Board disapproved an IATA agreement which would have established first-class and normal economy fares over the South Pacific at levels higher than the sum of the individual sector fares over Honolulu. While this situation remains unresolved within IATA, many of the affected carriers have complied with the Board's findings, and have filed tariffs reflecting normal first-class and economy fares on this route which are equal to the sum of the local-sector fares. However, imposition of the proposed increase would once again result in through fares in excess of the sum of sector fares. We shall, therefore, condition our ap-

[1] The proposed increases would apply through March 31, 1975 and September 30, 1975 to passenger fares and cargo rates, respectively.

[2] Insofar as other than direct air transportation is concerned, the agreements provide for similar increases within Asia/Australia/Australasia and between Europe and Asia.

[3] We have difficulty with the unsupported profit and loss statement submitted by Flying Tiger, which would reduce revenue by an amount roughly equal to proposed service reductions, and we are unable to conclude whether such a reduction is reasonable. As regards fuel-cost increases, however, our evaluation of Flying Tiger's submissions indicates that the proposed increases appear warranted.

proval of the appropriate agreement now before us to require that under no circumstances shall its application result in through normal first-class and economy fares over the South Pacific which exceed the sum of the local-sector fares over Hawaii.

The Board, acting pursuant to sections 102, 204(a), 404(b), 412 and 1002 of the Act, makes the following findings:

1. It is not found that the following resolutions, set forth in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24209:			
R-1	005k	General Increases in Passenger Fares (New)	3.
R-2	005m	do	1/2/3.
24210:			
R-1	005n	do	3/1. N/Central Pacific.
R-2	005kk	General Increases in Cargo Rates (New)	3.
R-3	005mm	do	2/3.
R-4	005nn	do	3/1.
R-5	005oo	do	1/2/3.
24234	314	Special Rates for Personal Effects (Amending)	3/1. 1/2/3.

2. It is not found that the following resolution set forth in the agreement indicated, is adverse to the public interest or in violation of the Act, subject to the following condition:

Agreement CAB	IATA No.	Title	Application
24209:			
R-3	005n	General Increases in Passenger Fares (New)	3/1. South Pacific.

Provided that in no event shall the application of IATA Resolution 005n have the effect of establishing normal first-class and economy fares in air transportation, as defined by the Act, in excess of the sum of the local-sector fares over Honolulu.

Accordingly, It is ordered, That:

1. Those portions of Agreements C.A.B. 24209, 24210 and 24234 set forth in finding paragraph 1 above be and hereby are approved;

2. That portion of Agreement C.A.B. 24209 set forth in finding paragraph 2 above be and hereby is approved, subject to condition;

3. The carriers are hereby authorized to file tariffs implementing the approved agreements on not less than one day's notice for effectiveness not earlier than March 15, 1974. The authority granted in this paragraph expires with April 15, 1974;

4. Tariffs implementing Agreements C.A.B. 24209, C.A.B. 24210, R-1 and C.A.B. 24234 shall be marked to expire no later than March 31, 1975; and

5. Tariffs implementing Agreement C.A.B. 24210, R-2 through R-5 shall be marked to expire no later than September 30, 1975.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-6307 Filed 3-15-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee to this Commission will convene at 6:30 p.m. on March 20, 1974, in Room 512, 1121 Vermont Avenue, NW, Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW, Washington, D.C. 20425.

The purpose of this meeting shall be to discuss plans for followup activities to the District of Columbia SAC report on Minority Enterprises.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 11, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-6195 Filed 3-15-74;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 10:15 a.m. on March 21, 1974, in the Oak Room, Second Floor, Union Building, Michigan State University, East Lansing, Michigan 48823.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be (1) to receive report of SAC members on a two-day Native American Conference held in February 1974, (2) to discuss role Michigan SAC will undertake in a proposed Native American Project, and (3) to plan future activities on the Revenue Sharing Project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 11, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-6196 Filed 3-15-74;8:45 am]

NEBRASKA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska State Advisory Committee (SAC) to this Commission will convene at 1:00 p.m. on March 22, 1974, at the Courthouse, 10 and P Streets, Lincoln, Nebraska 68508.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting shall be to begin plans to determine the next project to be undertaken by the Nebraska SAC.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 11, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Specialist.

[FR Doc.74-6197 Filed 3-15-74;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 6:30 p.m. on March 18, 1974, Dumpling House Restaurant, 17 Division Street, New York, New York 10002.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss plans for a meeting of the New York SAC Subcommittee on Asian American Affairs.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 11, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-6198 Filed 3-15-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

MARCH 13, 1974.

On February 1, 1974, there was published in the FEDERAL REGISTER (39 FR 4128) a letter dated January 29, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishing a specific limitation for wool textile products in Category 121 produced or manufactured in the Republic of Korea and exported to the United States during the agreement year which began on October 1, 1973. It has been determined that the level of restraint established for Category 121 should have been 177,758 units, instead of 143,925 units.

Accordingly, there is published below a letter of March 13, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements amending the directive of January 29, 1974.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 13, 1974.

DEAR MR. COMMISIONER: This directive amends but does not cancel the directive issued to you on January 29, 1974 by the Chairman of the Committee for the Implementation of Textile Agreements regarding imports into the United States of wool textile products in Category 121 produced or manufactured in the Republic of Korea.

The first paragraph of the directive of January 29, 1974 is hereby amended to show a level or restraint of 177,758 units for Category 121 produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1973 and extends through September 30, 1974. This amended level of restraint reflects entries made through November 30, 1973. No adjustment has been made to reflect any entries made after November 30, 1973.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wood textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-6162 Filed 3-15-74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

WATER SUPPLY CHARGES; ENVIRONMENTAL ASSESSMENT

Notice of Intent

The Commission has prepared an environmental assessment of its proposed regulations relating to water supply charges. Assessment was made of the degree to which the charges would affect demand for water supply and for products and services associated with the water supply used in their production; and the impact upon the environment. The assessment has shown that change in the demand for water and the products and services associated with its use would be insignificant, and the impact on the environment would be neutral, should the water supply charges be implemented. Based upon the assessment, the Executive Director has determined that the proposed water supply charges regulations will not cause a significant environmental impact and that the preparation of an environmental impact statement is, therefore, not required.

Notice is hereby given of the Executive Director's intent to issue a Negative Declaration in accordance with the Commission's rules of practice and procedure as amended on December 12, 1973. The negative declaration will take effect on April 15, 1974, unless prior to that date interested parties submit written evidence sufficient to demonstrate good cause why an environmental impact statement on the regulations should be prepared.

Copies of the document "Environmental Assessment for the Proposed Sale of Water by the Delaware River Basin Commission" dated March 1974 are available upon request.

W. BRINTON WHITALL,
Secretary.

MARCH 8, 1974.

[FR Doc.74-6191 Filed 3-15-74;8:45 am]

WATER SUPPLY CHARGES

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on proposed amendments of its Administrative Manual—Basin Regulations to establish a system of water supply charges. The hearing will be held on Tuesday, March 26, 1974, in the auditorium of the Moore College of Art, Southeast corner of 20th and Race Streets in Philadelphia, commencing at 1:30 p.m.

Developed pursuant to Commission Resolution No. 71-4, the proposed program of charges would apply to water supply withdrawn under specified conditions from the surface waters of the four-state 13,000-square-mile Delaware River Basin. Revenues received by the Commission would be used to repay the Federal Government for the cost of water supply storage incorporated into existing and planned multi-purpose reservoirs as required by the terms of the Federal Water Supply Act of 1958. The Commission held a public hearing on the initial draft of water supply charges regulations on February 28, 1973. Substantial revisions were made as the result of that hearing and a revised draft (dated June 28, 1973) was distributed to news media, government agencies, business and civic organizations, and interested private citizens on August 3, 1973, along with a summary of hearing issues and Commission staff response thereto. The proposed regulations that are the subject of this hearing notice are identical to those distributed last August.

Commission staff has prepared an environmental assessment of the proposed water charges regulations. Based on that assessment, the Executive Director has determined that the proposed regulations will not cause significant environmental impact and that the preparation of an environmental impact statement is, therefore, not required. A notice of intent to issue a negative declaration was given on March 8, 1974 in accordance with the Commission's rules of practice and procedure as amended on December 12, 1973.

Draft of the proposed water supply charges regulations, the environmental assessment and other documents referred to in this notice are available upon request. All parties wishing to testify at the hearing are requested to notify the Secretary no later than 5 p.m. on March 25, 1974. Written statements may be submitted in lieu of oral testimony.

W. BRINTON WHITALL,
Secretary.

MARCH 8, 1974.

[FR Doc.74-6170 Filed 3-15-74;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

ISSUANCE OF NOTICES OF RIGHT-TO-SUE

Formal Ratification

Notice is hereby given that the Equal Employment Opportunity Commission at a Commission meeting on March 12, 1974, formally ratified the acts of the District Directors of EEOC District Offices in issuing Notices of Right-To-Sue pursuant to Commission practice instituted on October 15, 1969, and continued to the present.

Signed at Washington, D.C., the 13th day of March, 1974.

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.74-6159 Filed 3-15-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ANTIMICROBIAL PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 707), notice is hereby given that a meeting of the Antimicrobial Program Advisory Committee will be held at 8:30 a.m., March 26 and 27, 1974. The meeting on March 26 will be held in Conference Room 3305, Waterside Mall, and the meeting on March 27 will be held in Conference Room 412, East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C.

This will be the fifth meeting of this Committee. The agenda will allow a maximum time of one hour for public participation at the beginning of each session, provided the procedures established by the Committee for public participation have been followed. Any member of the public who desires to present an oral statement must: (1) Notify the Executive Secretary or the Chairman at least 48 hours prior to the meeting; (2) Identify himself by name and affiliation; (3) Identify the subject of the statement; (4) Estimate the time that will be required to present the statement; and, (5) Limit the statement to the agenda of the meeting, as published in the FEDERAL REGISTER.

The meeting will be devoted exclusively to a review and evaluation of EPA's proposed statement of policy regarding Labeling Claims for Residual Bacteriostatic and/or Self-Sanitizing Activity in Labeling of Pesticide Products (38 FR 163). The Committee will review and evaluate written comments submitted from interested persons in response to the above FEDERAL REGISTER notice.

Efforts are being made to obtain the services of eminent consultants to address the Committee at this meeting. The membership has agreed that the expertise of the consultants they have selected is desirable prior to the Committee's making any final recommendations. Because of the short notice, it is uncertain as to whether these consultants will be available at the fifth meeting.

The meeting will be open to the public. Any member of the public wishing to participate or present written or oral views should contact Dr. William G. Roessler, Ph. D., Executive Secretary, Antimicrobial Program Advisory Committee, (202) 755–2562, at least 48 hours prior to the meeting.

Dated: March 12, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.74–6154 Filed 3–15–74;8:45 am]

PRESIDENT'S AIR QUALITY ADVISORY BOARD

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the President's Air Quality Advisory Board will be held 10:00 a.m. on April 1 and 2, 1974, in the Administrator's Conference Room (11th floor), 401 M Street SW., Washington, D.C. 20460.

The Board advises the Administrator on matters of policy relating to the activities and functions of the Administrator under the Federal Clean Air Act. The purpose of the meeting is to present to the Board an overview of the Agency's Air Pollution Control Program and consider Board Activities for the coming year.

The meeting will be open to the public. A limited number of seats—approximately 10—will be available on a reserved first come basis. Any member of the public wishing to attend the meeting or requesting additional information should contact Robert F. Powell, Executive Secretary; EPA Telephone: 202–755–6906.

Oral statements or questioning of Board members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Board before or after the meeting.

ROGER STRELOW,
Acting Assistant Administrator for Air and Water Programs.

FEBRUARY 20, 1974.

[FR Doc.74–6155 Filed 3–15–74;8:45 am]

[OPP–32000/24]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

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.

On or before May 17, 1974, 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.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after this 60-day period.

APPLICATIONS RECEIVED

EPA File Symbol 12227–R. Abbot Chemicals, 18640 Parthenia Street, Northridge, California 91324. *Con-Ker.* Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 2.3%; Sodium carbonate 2.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5590–RLE. Aerosol Techniques, Incorporated, Old Gate Lane, Milford, Connecticut 06460. *No. 40A Multi Purpose Disinfectant Bathroom Cleaner.* Active Ingredients: o-Phenylphenol 0.100%; 4-Chloro-2-Cyclopentylphenol 0.080%; Lauric diethanolamide 0.200%; Triethanolamine Dodecylbenzenesulfonate 0.300%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 3533–LU. Airkem, a Div. of Airwick Inds. Inc., 111 Commerce Road, Carlstadt, New Jersey 07072. *Asepticare Disinfectant Virucide.* Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.15%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 0.15%; Ethanol 59.70% Isopropanol 0.42%; Essential oils 0.5%. Method of Support: Application proceeds under 2(b) of interim policy

EPA File Symbol 9087–T. Aspen Industries, Inc., P.O. Box 177—Route 281, Tully, New York 13159. *Tabex "Gentle" Concentrated Pool Chlorine.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100% (Available Chlorine 56%). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11501–RR. The Aquachem Co., Inc., 349 Greco Ave., Coral Gables, Florida 33146. *Pool-Care Super 60 Chlorine Concentrate.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8772–EN. Blue Cross Chemical Co., Div. of Zarov Chemical Co., 1301 S. First Ave., Maywood, Illinois 60153. *Blue Cross Sta-Chlor 100.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100% (Available Chlorine 56%). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9405–EN. Chemtech, a Div. of Airwick Inds. Inc., 380 North Street, Teterboro, New Jersey 07608. *Chemtech Spray #14.* Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.15%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 0.15%; Ethanol 59.67%; Isopropanol 0.43%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1941–TL. Elco Manufacturing Company, 111 Third Street, Pittsburgh, Pennsylvania 15215. *Elco Pine Odor Disinfectant.* Active Ingredients: Pine Oil 7.00%; Soap 7.25%; Sodium ortho-benzyl-para-chlorophenate 3.85%; Isopropyl Alcohol 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6284–EG. Kiefer McNeil-Division of McNeil Corporation, 999 Sweitzer Avenue, Akron, Ohio 44311. *Grantsport t.a.s.k. force Chlorine Tablet Cartridge.* Active Ingredients: Trichloro-s-triazinetrione 100%; Available Chlorine 90%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6284–EU. Kiefer McNeil-Division of McNeil Corporation, 999 Sweitzer Avenue, Akron, Ohio 44311. *Grantsport t.a.s.k. force Chlorine Tablets.* Active Ingredients: Trichloro-s-triazinetrione 100%; Available Chlorine 90%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6284–EE. Kiefer McNeil-Division of McNeil Corporation, 999 Sweitzer Avenue, Akron, Ohio 44311. *Grantsport t.a.s.k. force Granular Chlorine.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100%; Available Chlorine 56%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 777–UO. Lehn & Fink Products Co., Division of Sterling Drug, Inc., 225 Summit Avenue, Montvale, New Jersey 07645. *Lysol Brand Aerosol Foam Deodorizing Cleaner.* Active Ingredients: o-Phenylphenol 0.325%; Potassium laurate 0.554%; Tetrasodium Ethylenediamine Tetraacetate 0.324%; Alcohol 10.83%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 777–LN. Lehn & Fink Products Co., Division of Sterling Drug, Inc., 225 Summit Avenue, Montvale, New Jersey 07645. *Lysol Brand Granular Disinfectant Toilet Bowl Cleaner.* Active Ingredients: Sodium Acid Sulphate 73.75%; Mono Potassium Peroxysulfate 0.75%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 33593–R. Marzahl Chemical Company, Hackensack Avenue & 3rd Street, South Kearny, New Jersey 07032. *Chlorine.* Active Ingredients: Liquid Chlorine 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33012–E. Quad Chemical Corporation, 2779 E. El Presidio, Long Beach, California 90819. *Glidco Pine Oil–140.* Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33012–R. Quad Chemical Corporation, 2779 E. El Presidio, Long Beach, California 90810. *Glidco Pine Oil–150.* Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33734–R. J. R. Schneider Co., Inc., Post Office Box 878, Tiburon, California 94920. *Schneider Micro-Cide II.* Active Ingredients: 1-(3-chloroallyl)-3,5,7-triaza-1-azoniaadamantene chloride 67.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 557–RITG. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift G5E Malathion.* Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 55.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITE. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Miscible Oil 97%.* Active ingredients: Petroleum Oil 97.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITR. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Nutritional Spray No. 4 for Citrus.* Active Ingredients: Copper as Metallic 15.60%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITU. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Nutritional Spray No. 7 for Citrus.* Active Ingredients: Copper as Metallic 13.85%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITL. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Ne 8.6E Nemagon 86E.* Active Ingredients: 1,2-Dibromo—3-Chloropropane 68.9%; Other halogenated C-3 compounds 3.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITA. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Toxaphene V6E.* Active Ingredients: Toxaphene 57.08%; Heavy Aromatic Naphtha 38.28%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITT. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Nutritional Spray No. 6 for Citrus.* Active Ingredients: Copper as Metallic 14.90%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITI. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Gold Bear Nutritional Spray for Florida Plants.* Active Ingredients: Copper as Metallic (in basic copper sulphate) 8.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITO. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Par-ex Sodium Arsenite.* Active Ingredients: Sodium Arsenite 56.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 984–57. Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pennsylvania 17067. *Whitmoyer propanol 10%; 4 & 6-chloro-2-phenylphenol 7%; O-phenylphenol 6%; tetrasodium ethylenediamine tetraacetate 1.5%; p-tertiary amyphenol 1.0% 35.5%.* Method of Support: Application proceeds under 2(a) of interim policy.

Dated: March 12, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74–6053 Filed 3–15–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 74–218]

NCSA PLANS

Waiver of Requirements Granted State Broadcasters Association

1. The Commission has under consideration (1) waiver of the requirements of section 317 of the Communications Act of 1934, as amended, which has been granted to a number of state broadcasters' associations in connection with "Non-Commercial Sustaining Announcement" plans; and (2) information obtained regarding the operation of such plans.

BACKGROUND OF THE MATTER

2. Since 1962 the Commission has, under authority of subsection (d) of section 317 of the Communications Act and based upon petitions by a number of states broadcasters' associations, found that the public interest, convenience or necessity does not require that public service announcements broadcast under specified conditions by members of the associations be announced as sponsored or logged as commercial even though the state associations receive contributions from some of the non-profit organizations whose announcements are so broadcast. The state associations assist such organizations in planning, preparing, producing and/or distributing their announcements to member stations.[1]

3. In granting the first such waiver (Southern California Broadcasters Association; see footnote 1) the Commission stated that,

> Passing solely upon the facts before it, the Commission is of the view that it cannot be determined that no consideration inures to the member stations of SCBA as a result of the contributions made to the Association by the non-profit organizations. Under the circumstances, section 317(a) of the Communications Act would appear to require program material broadcast on behalf of such non-profit organizations to be identified as sponsored, and the Commission's rules would require such program material to be logged as commercial.[2] However, the Commission has also considered the compelling public interest benefits which flow to non-profit organizations of this type and to the public from these broadcasts and has concluded that (a) under these circumstances and in accordance with subsection (d) of section 317, public interest, convenience or necessity would be served by waiving the requirements of sponsorship identification, and (b) such material may continue to be logged as sustaining.

It was represented by the SCBA that no commitments or promises were made as consideration for the contributions and that all of the contributing organizations had for many years received time, announcements and similar cooperation from radio stations without regard to any contribution made to the Association.

4. Although there were no other precise conditions placed upon the waiver granted the Southern California Broadcasters Association, in making additional grants some years later the Commission set forth more specific conditions. Thus, in granting a waiver of section 317(a) to the Wyoming Association of Broadcasters (footnote 1, supra), the Commission stated,

[1] See, for example, letters to Southern California Broadcasters Association, 24 RR 284 (1962); Kansas Association of Radio Broadcasters, 4 FCC 2d 267 (1966); Wyoming Association of Broadcasters, 21 FCC 2d 238 (1969).

[2] In its subsequent grants of similar waivers, the Commission also stated that section 317(a) was applicable and that a Commission grant of a waiver pursuant to subsection (d) was necessary if announcements from contributing organizations were not to be identified as sponsored and logged as commercial.

In considering your request, we have noted that only your executive committee is aware of whether a contribution has been made to the association. In addition, we have noted that all requests from public service, non-profit organizations will be processed in the same manner, whether or not a contribution is made; that such organizations have been apprised of this fact; and that your member stations will not know whether or not a contribution has been made.

In granting the Wyoming request the Commission also stated,

However, the Commission is concerned with the possibility that some of the non-profit organizations . . . will be prompted to contribute by a belief that they will be discriminated against if they fail to contribute. In view of the representations contained in your letter, it is expected that in such eventuality you will take effective action to dispel any such misapprehension.

Similar language was appended to many other letters granting the requested waiver.

5. Monies received by state associations from non-profit organizations are in most cases used not only to finance the associations' assistance in preparing and distributing public service announcements or other program matter, but also to defray the general operating costs of the associations, as many associations have candidly indicated in requesting waiver of section 317(a). In some states, part of the contributions also is used to finance college scholarships or to defray the costs of attending radio operator schools. The assistance rendered the non-profit organizations ranges from merely advising member stations of the names and addresses of organizations seeking air time, to distributing spots prepared by the public service organizations and to writing and producing the spots, as well. Most state groups use the phrase, "Non-Commercial Sustaining Announcement plan" (hereinafter NCSA) in referring to the arrangement set forth above.

6. In an effort to ascertain the ways in which such NCSA plans were being operated, the Commission sent letters to all state associations asking which operate NCSA or similar plans and, if so, detailed information regarding operation of the plans.

Responses of Associations

7. Responses reveal that broadcasters' associations in 19 states operate NCSA or similar plans and that two of the associations have not applied for or been granted waiver of the provisions of section 317(a). Thirty-one states and the District of Columbia operate no NCSA plan. The maximum amount received in contributions in 1972 under such a plan was approximately $24,000, representing 37 percent of that association's total income. (In three cases, contributions represented 50 or more percent of total income.) The smallest amount contributed was $150, representing less than one percent of total income. Only four of the 19 reporting groups report that all of the money contributed was spent on processing, writing or distributing PSAs for non-profit organizations or for college scholarships. Most of the other state associations spent most of the contributed money on general operating expenses or their conventions. The proportion of contributions spent for operating expenses ranged up to 100 percent. All associations deny that promises or agreements have been made for preferential treatment of contributing organizations; however, it is obvious from other data supplied that in some cases, where all or most of the associations' contributions come from a single source or only two or three sources (e.g., state tourist departments or state fairs), that preferential treatment is being given such contributors. One association states candidly that if any other non-profit organization than its sole (and substantial) contributor sought assistance on a regular basis, the association would be inclined to discuss with it "the desirability of a contribution."

8. As to actions taken to dispel a possible belief by non-profit organizations that their material will be discriminated against unless they make contributions, some associations include such a statement in printed matter distributed to non-profit organizations,[3] some state they give such assurances orally, and others state that it is generally known that a contribution is not necessary. Responses reveal that requests for assistance are reviewed by only one official of the association in one instance, by two in others and by the entire board of directors of the association or a committee of its members in still others. The same holds true generally with respect to the persons having knowledge of which non-profit organizations have made contributions, and in what amounts. Most associations state that member stations do not know which organizations contribute, but one states its members are informed that this is a special project of the association, another states there is no reason why a member would not be informed of it inquired, a third candidly admits that member stations know who contributes. In certain other states, where the association receives its entire contribution from a single organization or only two or three organizations, there is reason to suspect that the member stations are aware of the arrangements.

9. Most state associations report that member stations are requested to report the number of spots broadcast for each campaign assisted by the association, and that such information is forwarded to the non-profit groups assisted, but that no discrimination in this respect is made between contributing and non-contributing organizations. However, in a few instances it appears that only contributors receive such reports. Almost all associations state that the spots they distribute to member stations are logged as PSAs (i.e., non-commercial), although a few state that some stations may log them as commercial.

10. The associations also were requested to list all campaigns assisted in calendar 1972, the nature of the assistance given, the number of spots broadcast by their members for each campaign if such information is available, and the amount, if any, contributed by each organization assisted. The responses reveal that from only one to as many as 23 organizations were assisted and that the assistance ranged from merely informing member stations of the names and addresses of non-profit organizations wishing assistance (which could then be contacted directly by each station if it desired) to distributing spots prepared by non-profit groups, to writing and distributing such spots, and, finally, to writing, producing and distributing spots. The reports in many cases indicate that no discrimination was practiced against non-contributors, in that the number of spots broadcast by member stations did not appear to vary in accordance with whether contributions were made, or the amounts of the contributions. In a few cases, however, assistance was granted only to contributing organizations and in still others there is reason to conclude that considerably more assistance was granted contributors than non-contributors (e.g., see last sentence of par. 7 above).

Discussion

11. On the basis of the responses received, it appears that many state associations are not operating their NCSA plans in the manner contemplated by the Commission when it granted waiver of the provisions of section 317(a), and that in some instances the state association is in effect serving as an advertising agency, collecting funds from non-profit organizations which then become, for all practical purposes, sponsors of the announcements broadcast on their behalf. These accounts are serviced much as an advertising agency might, and much or even most of the monies so received by many state organizations are used for their general operating expenses, thus proportionately reducing the amounts their members need contribute for this purpose. Although almost all associations state that they do not inform members which non-profit organizations make contributions, some acknowledge that they do so inform members and in some other cases, it strains credibility to assert that member stations do not have such knowledge, e.g., when one or two or three organizations are the only contributors.

12. We believe on the basis of the information available to us that many of the NCSA plans are not being operated as contemplated by us in granting waivers. Moreover, by the very nature of the arrangement, such plans are always

[3] We believe, however, that printed or mimeographed material distributed by some associations is misleading in that it states that the Commission has "approved" their NCSA plans and "given permission * * * to ask for a contribution for making this program available." Such language implies a direct endorsement by the Commission of attempts to obtain contributions, whereas the Commission merely granted a waiver of the provisions of section 317(a) under certain conditions.

likely to be conducted in a manner inconsistent with the assumptions on which the waivers were granted. It obviously is difficult, if not impossible, to conceal from member stations the identity of groups making contributions, and if member licensees have such knowledge, there is an obvious difficulty in treating non-contributors in exactly the same manner as contributors. Moreover, even if member stations have no such knowledge, there also is obviously a human temptation on the part of officials of the state associations to give a quid pro quo to contributors, since they are in many cases contributing one-half or more of the funds used by the association for general operating expenses and conventions.

13. As we have made clear many times, the obligation of each licensee is to ascertain the principal problems and needs of the area it serves and to program in such a way as to be responsive to those problems and needs. These interests are paramount, not the private interests of the licensee or its advertisers.[4] In the present case, the licensee's acceptance of public service announcements or other material provided by the state broadcaster's association must be based on the public interest, not on whether money is received either directly by the licensee or indirectly by reduction of the amount the licensee need contribute to the support of its state association. We now believe that continued grant of waivers of section 317(a) for NCSA and similar plans will tend to interfere with implementation of this policy, and therefore that all waivers previously granted must be rescinded after allowing a reasonable period of time for the associations to make whatever adjustments are necessary.

14. In no sense do we wish to imply that state broadcasters' associations do not provide a valuable service to their members or to broadcasting generally; to the contrary, most associations play a most useful role in providing for an interchange of ideas among their members, in informing them of statutes and Commission rules and policies affecting broadcasters, and in providing a means for collective expression to the Commission, the Congress and the public of the views of broadcasters. We wish to emphasize that we are not prohibiting acceptance of contributions by state associations from non-profit organizations, or the expenditure of substantial parts of such contributions on general association operating expenses. What we are doing is rescinding our grants of waivers of the provisions of section 317 (a) so that all announcements or programs broadcast by stations on behalf of contributing organizations must be announced and logged as sponsored and by whom, and computed as commercial matter. Thus, rescission of the waivers need not end acceptance by state associations of contributions, although we recognize that in some instances it may have the effect of reducing them in number.

15. Accordingly, for the reasons set forth above, *it is ordered*, That all waivers granted to date of the provisions of section 317(a) of the Communications Act of 1934, as amended, with respect to announcements on behalf of contributing organizations are rescinded effective March 1, 1975.[5]

Adopted: Februray 27, 1974.

Released: March 5, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6149 Filed 3-15-14;8:45 am]

[4] See, for example, our public notice on program-length commercials, 39 FCC 2d 1062, 26 RR 1023 (1973), and the cases cited there, where we expressed, among other things, our concern as to subordinating the public interest to the interests of advertisers or to the station's own economic interests. In adopting the Primer on the ascertainment of community problems by broadcast applicants, we emphasized that applicants are judged by the public interest standard, not their private economic interests, 27 FCC 2d 650, 676, 21 RR 2d 1507, 1533 (1971). This policy has deep roots. The Federal Radio Commission stated in its second annual report (1928) at page 168:

While it is true that broadcasting stations in this country are for the most part supported or partially supported by advertisers, broadcasting stations are not given these great privileges by the United States Government for the primary benefit of advertisers. Such benefit as is derived by advertisers must be incidental and entirely secondary to the interest of the public.

[5] By the Commission: Commissioners Burch, Chairman; and Hooks concurring but would have rescinded all waivers as of a date six months from issuance of the Memorandum Opinion and Order.

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 603]

KOPPEL BROS., INC.

Order of Revocation

By letter of February 28, 1974, Koppel Bros., Inc., 1400 East Anaheim Street, Wilmington, California 90744 surrendered its Independent Ocean Freight Forwarder License No. 603 for revocation because of a shipper connection prohibited by § 510.2(a) of the Commission's General Order 4 (46 CFR Part 510) and Section 44, Shipping Act, 1916 (46 U.S.C. 841b).

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 603 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Koppel Bros., Inc. be and is hereby revoked effective February 28, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Koppel Bros., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.74-6193 Filed 3-15-74;8:45 am]

SOUTH JERSEY PORT CORP. AND ITO CORPORATION OF AMERIPORT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreement, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 28, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Robert L. Pettegrew, Executive Director
South Jersey Port Corporation
Broadway & Morgan Boulevard
Camden, New Jersey 08104

Agreement No. T-2667-1, between the South Jersey Port Corporation (Port) and ITO Corporation of Ameriport (ITO), modifies the basic agreement which provides for the 5-year lease to ITO of Berths Nos. 5 and 6 and inland property at the Port's Broadway Terminal, Camden, New Jersey, for use as a marine terminal and purposes incidental thereto. The purpose of the modification is to (1) provide for the construction of Transit Shed TS-1, (2) increase the rental accordingly, with provisions for an increase in taxes and cost of living, (3) designate a fixed minimum annual rental, (4) exclude the the wharfage revenue, generated by cargo handled in Transit Shed TS-1, from the calculation of percentage rental, (5) provide for an 8-year lease term (with renewal options), (6) provide that the Port approve all firms performing stevedoring services within the leased premises, (7) provide

options for the exclusion of certain areas from the leased premises, with corresponding rental reductions, and (8) provide for ITO's payment of certain maintenance expenses.

By order of the Federal Maritime Commission.

Dated: March 13, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6192 Filed 3-15-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-7616]

CITIZENS UTILITIES CO.

Notice of Application

MARCH 12, 1974.

Take notice that on February 21, 1974, Citizens Utilities Company (Applicant) filed a supplemental application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short-term promissory notes in an aggregate principal amount not to exceed $38,000,000 outstanding at any one time.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Arizona, Colorado, Connecticut, Hawaii, Idaho, and Vermont.

The notes are to be issued pursuant to a credit arrangement with Marine Midland Bank—New York and certain other commercial banks now extending credit to applicant, or in the alternative, in the form of commercial paper to an established commercial paper dealer or dealers for resale in the customary commercial paper market without limitation as to the number of offerees or purchasers public or to institutional investors not for resale. All notes are to have a final maturity on or before April 1, 1975. The interest rate for notes issued pursuant to the bank credit agreement shall be at the prime commercial interest rate at Marine Midland Bank—New York for 90 day notes as of the date of issuance. The maximum principal amount of all notes to be issued pursuant to the supplemental application shall not exceed $38,000,000 outstanding at any one time.

The net proceeds from the sale of the notes will be used, together with other funds of the applicant, for the replenishment of the treasury for expenditures for current transactions and for the construction, extension and improvement of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 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 the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6138 Filed 3-15-74;8:45 am]

[Rate Schedule Nos. 13, etc.]

MURPHY OIL CORP. ET AL.

Notice of Rate Change Filings Pursuant to Commission's Opinion No. 639

MARCH 12, 1974.

Take notice that the producers listed in the Appendix A attached below have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before March 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Filing date	Producer	Rate schedule No.	Buyer	Area
Feb. 25, 1974	Murphy Oil Corp., 200 Jefferson Ave., El Dorado, Ark. 71730.	13	Texas Eastern Transmission Corp.	Other Southwest.
Do	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	205	Phillips Petroleum Co	Permian Basin.
Feb. 27, 1974	Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052.	94	Transcontinental Gas Pipe Line Corp.	Texas Gulf Coast.

[FR Doc.74-6140 Filed 3-15-74;8:45 am]

[Rate Schedule Nos. 51, etc.]

SKELLY OIL CO., ET AL.

Notice of Rate Change Filings Pursuant to Commission's Opinion No. 639

MARCH 12, 1974.

Take notice that the producers listed in the Appendix A attached below have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before March 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar. 1, 1974	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	51	Kansas Nebraska Natural Gas Co.	Hugoton Anadarko.
Mar. 4, 1974	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	270	United Gas Pipe Line Co	South Louisiana.
Do	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	110	Phillips Petroleum Co	Hugoton Anadarko.
Do	Sohio Petroleum Co	147	do	Do.

[FR Doc.74-6141 Filed 3-15-74;8:45 am]

[Docket No. E-8647]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Proposed Cancellation

MARCH 12, 1974.

Take notice that on February 26, 1974, Southern California Edison Company (SCE) tendered for filing the proposed cancellation of its Rate Schedule FPC No. 66, Edison-Arizona 1972 Service Agreement dated May 16, 1972, between SCE and Arizona Public Service Company (APS). SCE states that the said Rate Schedule terminated by its own terms on September 30, 1972. SCE also states no service has been provided since this latter date nor has a new Schedule been filed in its place.

SCE requests that the proposed cancellation become effective thirty days after filing, that is, on March 28, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6142 Filed 3-15-74;8:45 am]

[Docket No. RP72-121]

SOUTHWEST GAS CORP.

Notice of Filing of Revised Tariff Sheets

MARCH 12, 1974.

Take notice that on March 1, 1974, Southwest Gas Corporation (Southwest) tendered for filing Third Revised Sheet No. 13A and 13B, and First Revised Sheet No. 13C which constitute a portion of the General Terms and Conditions, all in Southwest's Federal Power Commission Gas Tariff, Original Volume No. 1.

Southwest states that the purpose of this filing is to revise its "Purchased Gas Adjustment Clause" to eliminate the reference to El Paso Natural Gas Company and replace it with Northwest Pipeline Corportion which has now succeeded El Paso. Also, Southwest states that the clause has been reworded so that the method of handling the increases or decreases associated with compressor station fuel and unaccounted for gas is clearly defined. Southwest requests an effective date of April 1, 1974, for these sheets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.18 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6139 Filed 3-15-74;8:45 am]

[Docket No. RP73-23]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Filing of Revised Tariff Sheets

MARCH 12, 1974.

Take notice that on February 28, 1974, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two gas tariff sheets to its Federal Power Commission Gas Tariff, Original Volume No. 1. The sheets are designated Fourth Revised Sheet No. 3-A (superseding Third Revised Sheet No. 3-A) and Fourth Revised Sheet No. 18-B (superseding Third Revised Sheet No. 18-B).

Lawrenceburg states that the sheets are being filed to reflect changes in the cost of gas purchased from Texas Gas Transmission Corporation (Texas Gas). According to Lawrenceburg, Texas Gas filed a "Motion to Substitute Tariff Sheets" in its Docket No. RP74-25, under which Texas Gas has requested that it be allowed to substitute new tariff sheets to become effective April 1, 1974, for those which it submitted in its original filing. Lawrenceburg tenders this filing in order to reflect increased costs of purchased gas due to Texas Gas' substitute sheet filing. In order for these revised sheets to become effective on the same date that the Texas Gas substitute sheets become effective, Lawrenceburg requests an effective date of April 1, 1974, and waiver of the notice requirements under Section 154.51 of the Commission's regulations. Lawrenceburg further states that it has mailed copies of this filing to its two wholesale customers, Lawrenceburg Gas Company and The Cincinnati Gas & Electric Company, and to the two interested state commissions, Public Service Commission of Indiana and The Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6144 Filed 3-15-74;8:45 am]

[Project Nos. 2225 and 2526]

PUBLIC UTILITY DISTRICT NO. 1 OF PEND OREILLE COUNTY, WASHINGTON

Order Dismissing Application for Amendment of License Denying Motion of Commission Staff Counsel To Dismiss Application and Fixing Deadline for Filing of Revised Application

MARCH 8, 1974.

On March 11, 1965, Public Utility District No. 1 of Pend Oreille County, Washington (District) filed an application for amendment of the license for Project No. 2225. This application proposed redevelopment of an existing project that is inoperative except for its reservoir facility. So extensive was the scope of the redevelopment that, in effect, a new project was proposed. Hence, the District was advised that an application for a license would be more appropriate. Accordingly, on June 14, 1965, the District filed an application for a license for Project No. 2526 encompassing all of the facilities proposed in the prior application for amendment. The District agreed that the license for Project No. 2225 should be surrendered upon issuance of the license for Project No. 2526.

The District's prosecution of its application for a license has been characterized by uncertainty and delay. Following the initial filing in 1965, several years passed without significant progress toward completion of the application. In a letter from the Commission's Regional Engineer dated April 2, 1970, the District was requested to report on the status of the project. In a letter dated June 12, 1970, the District stated that it was unable to sell the power from the proposed new project due to the high interest rates at the time. It proposed that the license application be left on file indefinitely until a determination could be made as to whether the interest rates would ever lower sufficiently to make the power saleable.

A February 9, 1973 letter by the Commission's Secretary pointed out that the District had neither completed its application nor indicated any intent to do so since the letter of June 12, 1970. The Secretary also pointed out that substantial changes had been made in the Commission's rules and regulations in the intervening years, and that consequently it would be necessary to either submit a new application for license for the project, superseding the original application in its entirety, or apply to withdraw the original application.

The District, in a letter dated March 2, 1973, requested that it be given an extension until December, 1974, during which the effect on project feasibility of the suggested rate increase by Bonneville Power Administration could be analyzed. It was indicated that the contemplated rate increase and the growing power shortages in the area would increase the likelihood that the project power could be sold. The District added that the extension of time would be used to prepare new exhibits and revise existing exhibits, in lieu of filing an entirely new application.

By a letter dated March 30, 1973, the Secretary reiterated his request that the District withdraw its application, and indicated that the withdrawal would be approved without prejudice to the filing of a new application at such time as the feasibility of the project could be definitely established. No further communications were received from the District with regard to its license application.

On December 7, 1973, Commission Staff Counsel filed a motion to dismiss both the application for amendment of license for Project No. 2225 and the application for license for Project No. 2526. In support of this motion, Staff Counsel cited the District's inability to demonstrate the financial feasibility of the project and its consistent failure to submit requested materials. On December 20, 1973, the District requested an extension of time to answer Staff Counsel's motion, and on January 7, 1974, the Commission issued notice of an extension of time to January 20, 1974. The District's answer to Staff Counsel's motion to dismiss, filed on January 18, 1974, asserted that "conditions now exist which definitely make the project feasible," and again requested that the District be granted an extension to December 31, 1974, in order to complete its original application.

The Commission has consistently shown in the past that it will not countenance undue delay in the determination of project feasibility at the expense of committing potential power resources and the Commission's administrative resources for an indefinite period of time.[1] Since Staff Counsel's motion was filed, however, the District has provided the Commission with affirmative evidence of the possible saleability of project power in the form of letters to the District from the City of Seattle Department of Lighting and The Washington Water Power Company, expressing interest in the project. Although these letters represent little more than an indication of willingness to discuss the project, the District proposes to submit quarterly reports on the progress of its attempts to arrange for the sale of project power.

Taking into consideration the increasing power demands in the area and the need to search out every potential avenue of power production, we find that the District should be afforded another opportunity to demonstrate the feasibility of the project. However, the District's request that it be allowed to supplement the existing application with new and revised exhibits cannot be accommodated. In the years since the application was initially filed there have been many amendments to the Commission's rules and regulations governing license applications.[2] Many of the previously submitted materials, and the comments thereon which were solicited from State and Federal agencies, are already inadequate and outdated. The administrative burden on the Commission Staff which would result from an attempt to bring the existing deficient application into conformity with current requirements would be too great. Therefore, the District will be required to submit a revised application for consideration by the Commission and for referral to Federal, State and local agencies, superseding the original application in its entirety. This revised application should conform to current regulations and should be submitted as a single bound document by December 31, 1974. If no such application has been submitted by that date, the Commission will, on its own motion, dismiss the existing application for a license for Project No. 2526 without prejudice.

Inasmuch as the application for amendment of the license for Project No. 2225 has been superseded by the application for a license for Project No. 2526, it is superfluous and will be dismissed accordingly.

The Commission finds. (1) The application for amendment of the license for Project No. 2225 has been superseded by the application for a license for Project No. 2526, and should be dismissed.

(2) It is appropriate and in the public interest to afford the District another opportunity to demonstrate the feasibility of the project, and Commission Staff Counsel's motion should be denied to the extent that it would dismiss the application for a license for Project No. 2526.

(3) The District should be required to submit a revised application for a license for Project No. 2526, superseding the existing application in its entirety.

The Commission orders. (A) The application for amendment of the license for Project No. 2225, filed on March 11, 1965, by Public Utility District No. 1 of Pend Oreille County, Washington, is hereby dismissed.

(B) Commission Staff Counsel's motion of December 7, 1973, is hereby denied to the extent that it would dismiss the application for a license for Project No. 2526.

(C) Public Utility District No. 1 of Pend Oreille County, Washington, shall submit a revised application for license for Project No. 2526 in the form of a single bound document by December 31, 1974: *Provided*, That if such application has not been submitted by that date, the Commission will, on its own motion, dismiss the existing application for license for Project No. 2526 without prejudice.

(D) Public Utility District No. 1 of Pend Oreille County, Washington, shall submit to the Commission quarterly reports on the progress of negotiations for the sale of power from Project No. 2526, as proposed in the January 18, 1974, answer to Staff Counsel's motion; such quarterly reports shall be filed March 31, June 30, and September 30, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-6145 Filed 3-15-74;8:45 am]

[1] See In re Rocky Mountain Power Company, 37 F.P.C. 329 (1967), rehearing denied, 37 F.P.C. 900 (1967), affirmed, Rocky Mountain Power Co. v. F.P.C., 409 F.2d 1122 (CADC 1969); In re Gasconade River Power Company, 1 F.P.C. 424 (1937).

[2] The most recent revision of Commission procedures pertaining to license applications is Order No. 501, issued January 10, 1974, prescribing amendments to Sections 4.31, 4.40, 4.42, 4.50, 4.60, 4.70, 4.82, 4.84, 5.1, 9.1, 9.10, 16.6, and 16.7 of the regulations under the Federal Power Act.

[Docket No. CP68-193 (Phase II), et al.]

NORTHERN NATURAL GAS CO. ET AL.

Proposed Contribution Refund Plan

MARCH 8, 1974.

Take notice that on February 19, 1974, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, submitted for Commission approval a proposed contribution refund plan in compliance with the order of the Commission issued in said docket December 23, 1969 (42 FPC 1266), all as more fully set forth in said proposal which is on file with the Commission and open to public inspection.

Northern states that the Commission in its order in the instant docket of December 23, 1969, imposed as a condition precedent to the commencement of construction of the branchlines proposed therein that specific dollar contributions be made to Northern in aid of such construction. It was further conditioned that if the actual volume of sales on a branchline during the third year of operation exceeded the projected total for that branchline, Northern, within 60 days after the end of the third year, would be required to submit a plan for refunding such portion of the contribution as may be appropriate. In this determination the same factors employed in the formula used to determine contributions would be used, except for the use of actual rather than estimated sales volumes.

Northern plans, upon Commission approval, to refund $31,032 to two distributors in fulfillment of its obligations under said order. Northern's proposed contribution plan is set forth in the appendix to this notice.

Northern states that the factors used in its proposed contribution refund plan are with one exception as required in the subject order. Northern states that this exception is a result of Northern's institution prior to the beginning of the third

year of service of a new premium seasonal Rate Schedule SS–1. Northern states that its Rate Schedule SS–1 provides for long-term firm seasonal service and therefore should be utilized in computing the proper refund of contributions in aid of construction. To this effect, Northern states it has computed a rate applicable for said service at the time of the issuance of the order to account for the revenues generated by this service. Northern states that as a result of this computation the demand and commodity rates utilized in the formula were adjusted by adding two dollars and twenty-five cents respectively.

Northern states that it intends to make the proposed refund promptly upon receipt of Commission approval.

Any person desiring to be heard or to make any protest with reference to said proposed contribution refund plan should on or before March 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX—CONTRIBUTION REFUND PLAN

To determine if a refund is required, the contribution was recalculated in accordance with the formula utilized in Docket No. CP68–193, (Phase II), et al. In recalculating the following procedure was utilized.

The contribution formula may be expressed as follows:

$$\text{Contribution} = \frac{[(S \times CR) + CDR] - [COS + (S \times VC)]}{CF}$$

where:

S=Annual sales as billed for the period December 27, 1972 through December 26, 1973, including volumes billed as Seasonal Service commodities.

CR=Commodity rate which is precisely same rate as utilized in the formula to determine the original amount of contribution, adjusted where applicable to reflect premium Seasonal Service.

Seasonal Service: Rate Zone 3=$.2375/Mcf, Rate Zone B=$.2521/Mcf, Rate Zone 3=$.4875/Mcf, Rate Zone B=$.5021/Mcf.

CDR=Contract Demand revenues arrived through utilization of the Contract Demand and Seasonal Service demand in effect on January 1, 1973, and the Contract Demand rates utilized in determining the original computation. Contract rates were adjusted to reflect Seasonal Service where applicable.

Seasonal Service: Rate Zone 3=$38.712/Mcf, Rate Zone B=$40.104/Mcf, Rate Zone 3=$20.900/Mcf, Rate Zone B=$21.368/Mcf.

COS=Cost of service which is precisely the same as utilized in the formula used to determine the original amount of contribution.

VC=Variable cost of gas which is precisely the same cost as that utilized in the formula to determine the original amount of contribution, i.e., $.180/Mcf.

CF=Contribution factor which is precisely the same factor as utilized in determining the original amount of contribution, i.e., 0.1050.

The contribution required, as recalculated, appears in column 10 of the tabulation. By comparing column 10 with column 5, which column shows the contribution as ordered, it was determined whether a refund was required. Where column 10 exceeded column 5, there would be no refund. Where column 10 showed no contribution required, the refund would be the entire amount of the contribution. When column 10 showed a contribution but it was less than the contribution showed in column 5, the difference between column 5 and column 10 would be the refund required.

Summary of contribution refunds

Branchline, community, State	Rate zone	Distributor	As filed estimated		Contribution as ordered	Actual			B/L cost of service and cost of gas	Contribution recalculated	Refund required
			Contract demand	Annual sales		Contract demand	Annual sales	Revenues			
	1	2	3	4	5	6	7	8	9	10	11
			Mcf	*Mcf*		*Mcf*	*Mcf*				
LeGrand, Iowa, LeGrand, Iowa	3	IELP	189	27,695	12,756	189	79,120	$26,108			
Seasonal service						106	1,182	2,792			
Total						295	80,302	28,900	$24,702	0	$12,756
Olin, Iowa, Olin, Iowa	3	IELP	276	40,338	28,825	276	31,312	18,121	21,667	$33,771	0
Quasqueton, Iowa, Quasqueton, Iowa	3	IELP	180	23,873	15,456	180	25,166	12,945			
Seasonal service						58	49	1,236			
Total						238	25,215	14,181	14,503	3,067	12,389
Mapleton, Iowa:											
Battle Creek, Iowa	3	IPS	285	43,700		285	32,094				
Danbury, Iowa	3	IPS	191	29,272		191	11,520				
Mapleton, Iowa	3	IPS	693	99,367		693	63,461				
Total			1,169	172,339	348,990	1,169	107,075	70,684	111,082	384,743	0
Amboy, Minn., Amboy, Minn	3	MNG	335	67,500	28,630	335	54,617	25,940			
Seasonal service						65	0	1,359			
Total						400	54,617	27,299	29,687	22,743	5,887
Paynesville, Minn.:											
Cold Spring, Minn	B	MNG	485	180,400		485	86,782				
Seasonal service						50	1,797				
Paynesville, Minn	B	MNG	757	207,346		757	207,346				
Seasonal service						50	2,587				
Richmond, Minn	B	MNG	282	34,500		282	19,375				
Seasonal service						20	0				
Rockville, Minn	B	MNG	89	10,200		89	12,632				
Seasonal service						30	94				
Roscoe, Minn	B	MNG	65	7,500		65	4,115				
Seasonal service						10	0				
Total						1,678	330,250	150,551			
Seasonal service						160	4,478	5,667			
Total			1,678	522,000	124,616	1,838	334,728	156,218	178,267	209,990	0
Total refund											31,032

[FR Doc.74–6024 Filed 3–15–74;8:45 am]

[Docket Nos. RI74-168, etc.]

AMOCO PRODUCTION CO. et al

Order Providing for Hearing and Suspension

MARCH 8, 1974.

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 Natural 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 I), 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] MARY B. KIDD, *Acting 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 No.
									Rate in effect	Proposed increased rate	
RI74-168	Amoco Production Co.	[3] 371	[2] 31	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan and Rio Arriba Counties, N. Mex., San Juan Basin) (Rocky Mountain Area).	$250	2-8-74		4-11-74	[1] 28.0	[1] 28.5	RI73-54.
	do	602	11	Northern Natural Gas Co. (Bearpaw Field, Hill and Blaine Counties, Mont., Montana-Dakota Subarea) (Rocky Mountain Area).	113	2-8-74		3-12-74	[5] 23.52	[4] 23.55	RI74-4.
RI74-4	Texaco, Inc.	298	8	El Paso Natural Gas Co. (Aneth Field, San Juan County, Utah) (Rocky Mountain Area).	93	2-7-74		(8)	22.0	[5] 28.6461	
RI174-169	do		9	do	3	2-7-74		10-24-74	[5] 28.6461	[7] 28.8872	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Subject to Btu adjustment from a base of 1,000 Btu per cubic foot.
[2] For gas from wells completed after June 1, 1970.
[3] Considered new gas pursuant to Opinion No. 639.
[4] 0.48 cent deducted for gas with Btu below 1,000 Btu per cubic foot.
[5] 24.4807 cents base rate plus 1.1345 cents tax reimbursement and 3.309 cents upward Btu adjustment from a base of 1,050 Btu per cubic foot.
[6] Not used.
[7] 24.4807 cents base rate plus 4.4065 cents upward Btu adjustment from a base of 1,000 BTU per cubic foot.
[8] The proposed rate increase is accepted pursuant to Opinion No. 658 insofar as it does not exceed the ceiling rate of 24.4807 cents per M ft³ plus Btu adjustment, effective as of Mar. 10, 1974, and the 1.1345 cents per M ft³ tax portion of the increase is suspended until Mar. 11, 1974, 1 day after expiration of the statutory notice period.

The proposed rate increases 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.

The proposed rate increase of Texaco Inc., designated as Supplement No. 8 to its FPC Gas Rate Schedule No. 298, is accepted pursuant to Opinion No. 658 insofar as it does not exceed the ceiling rate of 24.4807¢ per Mcf, plus Btu adjustment, effective as of March 10, 1974, but the 1.1345¢ per Mcf tax portion of the increase is suspended until March 11, 1974, pending determination as to whether ad valorem taxes are allowable in computing the area ceiling rate under Opinion No. 658.

Amoco's proposed tax increase under its FPC Gas Rate Schedule No. 602 is suspended for one day from the expiration of the statutory notice period.

[FR Doc.74-6025 Filed 3-15-74;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Barnett Bank of Lake Placid, Lake Placid, Florida, a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest bank holding company in Florida controls 50 banks[1] with aggregate deposits of approximately $1.6 billion, representing 7.9 percent of the total deposits in commercial banks in the State. Since Bank is a proposed new bank, consummation of this proposal would not immediately increase Applicant's share of commercial bank deposits in Florida.

Bank is to be located in the Sebring banking market (approximated by Highlands County and the community of Wauchula) where Applicant controls the largest bank in the market, holding approximately 30 percent of the area's total commercial bank deposits. The next four largest banks in the market each hold deposits of from 19 to 14 percent of the total market deposits. Since Bank is a proposed new b ank, consummation of the proposal would not eliminate any existing competition or increase the concentration of banking resources in the market. In view of the Sebring banking market's strong population growth, it does not appear that acquisition of Bank by Applicant would significantly reduce the prospects for future expansion or entry by other banking organizations. Nor is there any evidence that Applicant's proposal is an attempt to preempt a site before there is a need for a bank. It is the Board's judgment that competitive considerations are consistent with approval of this application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are generally regarded as satisfactory in view of Applicant's commitments to inject equity capital into certain of its subsidiaries. Bank, as a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to the banking factors are consistent with approval of the application. Although there is no evidence in the record that the major banking needs of the community are not adequately being

[1] All deposit figures are as of June 30, 1973, and reflect holding company formations and acquisitions approved by the Board through January 31, 1974.

served, Bank would serve as an additional source of full banking services and would have access, through Applicant, to considerable financial resources and expertise. Considerations relating to convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Barnett Bank of Lake Placid, Lake Placid, Florida shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective March 11, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6126 Filed 3-15-74;8:45 am]

DEPOSITORS CORP.

Order Approving Acquisition of Firestone Financial Corporation

Depositors Corporation, Augusta, Maine, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Firestone Financial Corporation ("Firestone"), Chestnut Hill, Massachusetts, a company that engages in the activities of commercial financing and financing second mortgages. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 29638). The time for filing comments and views has expired, and none has been timely received.

Applicant, the largest banking organization in Maine, controls six banks with deposits of approximately $266 million, representing 16.2 percent of the total deposits in commercial banks in that State.[1]

Firestone, a Massachusetts corporation with total assets of $3.5 million as of May 31, 1973, is principally engaged in the financing of restaurant, bakery, laundry, vending, and industrial equipment. As of May 31, 1973, Firestone had outstanding loans of around $3 million; of that amount, approximately 75 percent represents commercial loans, with the remainder being second mortgages. Firestone engages in commercial lending primarily in eastern Massachusetts, which encompasses the Boston area, and in which market it competes with a number of large national commercial finance firms. Neither Applicant nor any of its subsidiaries is engaged in commercial lending in Firestone's market area other than to a very limited degree. Applicant and its subsidiaries do not engage in making second mortgage loans. Accordingly, no significant existing competition would be eliminated in either commercial financing or the origination of second mortgage loans upon consummation of the subject proposal. There are sufficient potential entrants into these product markets so that the elimination of Applicant would not have any adverse effects on future competition upon approval of this application.

In its consideration of this application, the Board has considered a post-employment covenant contained in the employment agreement entered into between Firestone and the two principals and sole stockholders of Firestone. The covenant provides that the principals will not engage or participate in any manner in the financing business of the type engaged in by Firestone for a period of five years after termination of employment. The record indicates that the principals (who are also the founders of Firestone) during their employment term will have complete managerial control and decision making authority with respect to Firestone's business, and, by the very nature of the business, these principals will have substantial contact with Firestone's customers. Accordingly, the Board finds that the covenant's provisions are reasonable in duration, scope, and geographic area and are consistent with the public interest.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest. Applicant's greater access to financial resources may assure Firestone of more ready access to funds and enable it to become a more effective competitor; thus, competition with affiliates of larger regional and national commercial finance firms is likely to be stimulated.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Firestone is presently holding some realty for sale which the Board regards as an impermissible activity for bank holding companies. Thus, Board approval of the proposal is granted subject to the condition that Applicant divest itself of the tract of land at the earliest practicable time, but in no event later than two years from the date of this Order. Accordingly, Applicant's proposal to acquire Firestone is hereby approved subject to the above condition. The order herein is also subject to the conditions set forth in § 225.4 (c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Boston.

By order of the Board of Governors,[2] effective March 11, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6128 Filed 3-15-74;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Permitting Revision in the Method of Acquisition of Shares of the First National Bank of San Angelo and the First National Bank of Paris

By Order dated January 2, 1974, 1974 Federal Reserve Bulletin 128, the Board approved applications of First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, to acquire 100 percent, less directors' qualifying shares, of the successors by merger to (1) the First National Bank of San Angelo ("San Angelo Bank"), San Angelo, Texas, and (2) the First National Bank of Paris ("Paris Bank"), Paris, Texas.

Applicant requested approval on February 11, 1974, of a change in the manner of acquiring San Angelo Bank and Paris Bank from the acquisition through merger method as stated in the applications and the Board's Order to a direct acquisition of 70 percent or more of the voting shares of San Angelo Bank and 90 percent or more of the voting shares of Paris Bank through an exchange for cash. Applicant stated it has incurred difficulties in proceeding through acquisition by merger and that the proposed direct method of acquiring shares of San Angelo Bank and Paris Bank would result in a savings in both time and expense.

The Board has concluded that the request should be granted. The Board's Order of January 2, 1974, is hereby amended to permit Applicant to acquire 70 percent or more of the voting shares of San Angelo Bank and 90 percent or more of the voting shares of Paris Bank through an exchange for cash.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher and Holland. Absent and not voting: Governors Brimmer and Wallich.

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1973.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, and Holland. Absent and not voting: Governors Brimmer and Wallich.

By order of the Board of Governors,[1] effective March 11, 1974.

THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6127 Filed 3-15-74;8:45 am]

FIRST COMMERCE CORP.

Proposed Acquisition of First Boeing Data Services Inc.

First Commerce Corporation, New Orleans, Louisiana, 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 engage in a joint venture with Boeing Computer Services, Inc., Dover, New Jersey, and Kent, Washington, a wholly owned subsidiary of The Boeing Company, Seattle, Washington, and thereby to acquire voting shares of First Boeing Data Services, Inc., New Orleans, Louisiana, a de novo corporation. Notice of the application was published on December 19, 1973, in The Ruston Daily Leader, a newspaper circulated in the City of Ruston, Louisiana; on December 19, 1973, in The Times Picayune, a newspaper circulated in the City of New Orleans, Louisiana; on December 20, 1973, in the Houma Daily Courier & The Terrebonne Press, a newspaper circulated in the Parish of Terrebonne, Louisiana; on December 20, 1973, in the Advertiser, a newspaper circulated in the Parish of Lafayette, Louisiana; and on December 26, 1973, in The Lake Charles American Press, a newspaper circulated in Lake Charles, Louisiana.

Applicant states that the proposed subsidiary would engage de novo in the activities of providing bookkeeping and data processing services for the internal operations of Applicant and its banking and non-banking subsidiaries and the storing and processing of other banking, financial, or related economic data, such as performing payroll, accounts receivable or billing services of the types which national banks are permitted to perform. Additionally, Applicant states that the proposed subsidiary would engage in the activities of making excess computer time available to anyone, with the only involvement by the proposed subsidiary being the furnishing of facilities and necessary operating personnel; selling a by-product of a development program for a permissible data processing activity; and furnishing any data processing service upon request of a customer where such data processing service is not otherwise reasonably available in the relevant market area. 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 Atlanta.

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 April 8, 1974.

Board of Governors of the Federal Reserve System, March 8, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6123 Filed 3-15-74;8:45 am]

FIRST NATIONAL FINANCIAL CORP.

Order Approving Acquisition of an Existing Bank

First National Financial Corporation, Kalamazoo, Michigan, 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)), of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Sault Ste. Marie, Sault Ste. Marie, Michigan ("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. This Reserve Bank has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the 10th largest banking organization in Michigan with seven subsidiary banks and an additional bank acquisition approved but not yet consummated. Upon consummation of the acquisition of that bank, Applicant will control deposits of $424.6 million, representing 1.6 percent of the total commercial bank deposits in the State.[1] Consummation of the subject proposed transaction will increase Applicant's share of State deposits by 0.1 percentage points and will not significantly increase the concentration of banking resources in the State. Applicant would remain the 10th largest bank holding company in Michigan.

Bank (June 30, 1972, deposits of $17.4 million) is the second largest bank in the Sault Ste. Marie banking market[2] and controlled about 27 percent of total commercial bank deposits as of that date. The first and third largest banking organizations account, respectively, for approximately 40 and 22 percent of total commercial bank deposits. The banking office of Applicant that is nearest to Bank is located 45 miles to the south of Bank. No meaningful competition appears to exist between Bank and any of the banking offices of Applicant's present subsidiary banks. Moreover, it appears unlikely that significant competition between Bank and Applicant's subsidiary banks will develop in the future in view of the distances involved and the restrictive nature of Michigan's branching laws. It is concluded that consummation of the proposed transaction would not have any adverse effects on competition in any relevant area. Accordingly, competitive factors are considered to be consistent with aproval of the application.

The financial and managerial resources and future prospects of Applicant, its existing subsidiary banks and Bank are considered to be satisfactory. Banking factors are consistent with approval of the application.

Although there is no evidence to indicate that the financial needs of the community to be served are not currently being met, Applicant plans to offer trust services to the area through the trust department of its lead bank and, in addition, to assist Bank in providing a wider range of services and in expanding and improving services now available at Bank. Convenience and needs considerations lend some weight toward approval of the application.

It is this Federal Reserve Bank's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Chicago approves the application, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order, or (b) later than three months after the date of this Order unless such period is extended for good cause by the Board or this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective March 4, 1974.

[SEAL] ROBERT P. MAYO,
President.

[FR Doc.74-6120 Filed 3-15-74;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, and Holland. Absent and not voting: Governors Brimmer and Wallich.

[1] Unless otherwise noted, banking data is of June 30, 1973.

[2] The Sault Ste. Marie banking market is the relevant market and is approximated by the eastern tip of the Michigan Upper Peninsula, including eastern Chippewa and Mackinac Counties as well as Rudyard County to the west.

FIRST VIRGINIA BANKSHARES CORP.

Acquisition of Bank

First Virginia Bankshares Corporation, Falls Church, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of The Peoples National Bank of Rocky Mount, Rocky Mount, Virginia. 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 Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 8, 1974.

Board of Governors of the Federal Reserve System, March 11, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6121 Filed 3-15-74;8:45 am]

MERCANTILE BANCORPORATION, INC.

Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The First National Bank of Montgomery City, Montgomery City, Missouri. 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 St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 25, 1974.

Board of Governors of the Federal Reserve System, March 11, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6125 Filed 3-15-74;8:45 am]

NEW JERSEY NATIONAL CORP.

Acquisition of Bank

New Jersey National Corporation, Trenton, New Jersey, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Delaware Valley National Bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 27, 1974.

Board of Governors of the Federal Reserve System, March 11, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6124 Filed 3-15-74;8:45 am]

TOKAI BANK, LTD.

Formation of Bank Holding Company

The Tokai Bank Ltd., Nagoya, Japan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 99.87 percent of the voting shares of the Tokai Bank of California, Los Angeles, California, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than April 11, 1974.

Board of Governors of the Federal Reserve System, March 11, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6122 Filed 3-15-74;8:45 am]

PRAIRIE HOME, INC.

Order Approving Retention of the Assets of L. A. Westland Agency

Prairie Home, Inc., Lincoln, Nebraska, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain the assets of L. A. Westland Agency, Prairie Home, Nebraska ("Agency"), a company that engages in general insurance agency activities in Prairie Home (population of approximately 50).

The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 2310). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one bank, The Farmers Bank, Prairie Home, Nebraska ("Bank"), with deposits of $1.4 million, representing .03 percent of the State's total commercial bank deposits.[1]

Agency is a general insurance agency and has conducted its business from the premises of Bank in Prairie Home for the past 50 years. Prairie Home is an agriculturally oriented community located 4 miles east of Lincoln, Nebraska. Agency engages in the sale of general insurance and since Applicant's acquisition of both Bank and Agency in 1970, it has expanded its insurance sales to include credit life and accident and health insurance related to extensions of credit by Bank. As it is the only insurance agency in the rural community of Prairie Home, continued availability of these services through Applicant assures the residents of the Prairie Home area of a convenient source of insurance services. There is no evidence in the record indicating that approval herein would have adverse effects on competition in the relevant area nor result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

On the basis of the foregoing and other facts of record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) of the Act is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective March 8, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6115 Filed 3-15-74;8:45 am]

UNITED MISSOURI BANCSHARES, INC.

Order for Hearing

In the matter of the application of United Missouri Bancshares, Inc., Kansas City, Missouri, 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 Westport Bank, Kansas City, Missouri.

On March 1, 1974, notice of subject application was published in the FEDERAL

[1] All banking data are as of June 30, 1973.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher and Holland. Absent and not voting: Governors Daane and Brimmer.

REGISTER (39 FR 7998). Additionally, in accordance with section 3(b) of the Act (12 U.S.C. 1842(b)), notice of receipt of subject application was duly given to the Commissioner of Finance of the State of Missouri. Within 30 days thereafter, the Commissioner submitted to the Board in writing his statement expressing disapproval of the application. In light of the Commissioner's submission, the Board is required by section 3(b) of the Act to schedule a hearing on the application. Accordingly, *It is hereby ordered*, That, pursuant to section 3(b) of the Bank Holding Company Act (12 U.S.C. 1842 (b)), a public hearing with respect to this application be held in Kansas City, Missouri, before a duly designated Administrative Law Judge, such hearing to be conducted in accordance with the Board's rules of practice for formal hearings (12 CFR Part 263). Such hearing shall commence not less than ten nor more than thirty days after the effective date of this order. *It is further ordered*, That the following matters will be the subject of consideration at said hearing, without prejudice to the designation of additional related matters and questions upon further examination:

(1) Whether the proposed acquisition would result in a monopoly, or would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States;

(2) Whether the effect of the proposed acquisition in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or in any other manner would be in restraint of trade, and whether any anticompetitive effects found with respect to the proposed 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; and

(3) The financial and managerial resources and future prospects of the Applicant and of the bank proposed to be acquired, and the convenience and needs of the community to be served.

It is further ordered. That any person desiring to give testimony, present evidence, or otherwise participate in these proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before March 26, 1974, a written request containing a statement of the nature of the Petitioner's interest in the proceedings, the extent of the participation desired, a summary of the matters concerning which the Petitioner desires to give testimony or submit evidence, and the names and identity of witnesses who propose to appear. Requests will be submitted to the designated Administrative Law Judge for his determination and persons submitting them will be notified of his decision.

By order of the Board of Governors, March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6335 Filed 3-15-74;11:14 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D-43; Supplement 1]

FEDERAL EMPLOYEE PARKING

Revised Policy and Reporting Procedures

1. *Purpose.* This supplement prescribes revised policies and reporting procedures for assignment of parking spaces to physically handicapped employees and deletes separate reporting requirements for facilities which do not meet the 10/90 ratio.

2. *Effective date.* This regulation is effective March 18, 1974.

3. *Expiration date.* This regulation expires July 31, 1974, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all Federal agencies as defined in FPMR Temporary Regulation D-43.

5. *Background.* These changes have been made as a result of recent agency recommendations.

6. *Changes.* FPMR Temporary Regulation D-43 is amended as follows:

a. Insert in subparagraph 6e the word "Government" at the beginning of the first sentence.

b. Delete from subparagraph 7a(1) ", severely handicapped employees,".

c. Change subparagraph 7a(3) to read as follows:

(3) Where practical, the 10/90 ratio shall be applied at each Federal facility (Each agency shall maintain a list of all facilities at which it is not practical to achieve the 10/90 ratio.);

d. Change subparagraph 8a to read as follows:

a. *Assignment.* Agencies shall give first priority to official and visitor parking requirements when assigning parking spaces. Agencies shall also give priority to parking for severely physically handicapped employees who meet the definition in subparagraph 6e. Parking spaces not required for official or visitor parking or for severely physically handicapped employee parking shall be assigned for employee parking at the 10/90 ratio. Assignment of spaces to carpools shall be based on the number of regular members in the carpool. Carpools with the highest number of regular members shall receive the highest priority in receiving parking spaces; e.g., a carpool with six regular members shall be assigned a parking space before a carpool with five regular members. In determining the number of regular members in a carpool, a person who does not travel on a daily basis or who travels one way shall be counted on a pro rata basis; e.g., an individual who travels to and from work 3 days each week shall be counted as three-fifths of a regular member, and one who travels one way each day of the week shall be counted as one-half of a regular member.

e. Add a new subparagraph 10e as follows:

e. Steps that are being taken to improve the utilization of carpooling at those facilities where it is not practical to meet the 10/90 ratio.

f. Change subparagraphs 10e, f, g, and h, to 10f, g, h, and i.

g. Change paragraph 11 to read as follows:

11. *Assistance from GSA.* In order to facilitate the formation of carpools, the Administrator of General Services, with the cooperation of the Secretary of Transportation and the agencies involved, will provide assistance through the use of such aids as computerized carpool matching or carpool boards. He will also develop reciprocal agreements with private sector employers through State or local government agencies or other organizations operating carpool matching programs for the public and/or private sectors.

h. Delete from subparagraph 12a(1) "Isolated facilities under the control and jurisdiction of one agency with less than 25 parking spaces shall be exempt from this reporting requirement.".

i. Add the following to subparagraph 12a(1):

e. Number of employees assigned parking spaces in the basis of severe physical handicap.

j. Delete subparagraph 12a.(3).

k. Delete from subparagraph 12b "Isolated facilities under the control and jurisdiction of one agency with less than 25 parking spaces shall be exempt from this reporting requirement.".

l. Change subparagraph 12b(1) to read as follows:

l. Change subparagraph 12b(1) to paragraph 12a(1) (a) through (e), above;

m. Delete subparagraph 12b(3).

n. Change paragraph 13. to read as follows:

13. *Exceptions.* Exceptions to the policies set forth in this regulation must be submitted by the head of the agency to the Administrator of General Services who will recommend approval or disapproval to the Administrator, Federal Energy Office.

ARTHUR F. SAMPSON,
Administrator of General Services.

MARCH 12, 1974.

[FR Doc.74-6243 Filed 3-15-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARCHITECTURE CITY OPTIONS NATIONAL ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Architecture City Options National Advisory Panel to the National Endowment for the Arts will be held at 9 a.m. on March 18, 1974 in the first floor conference room of the Shoreham Building, 806 15th Street, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National

Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.74-6118 Filed 3-15-74;8:45 am]

National Endowment for the Arts

DANCE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Dance Advisory Panel to the National Council on the Arts will be held at 9:00 a.m. on March 23 and at 9:00 a.m. on March 24, 1974 in the Beaumont Theater Board Room of Lincoln Center Plaza, New York City. The meeting will continue at 9:00 a.m. on March 25, 1974 in the Metropolitan Opera Board Room of Lincoln Center Plaza, New York City.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (U.S.C. 552(b), (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

ED WOLFE,
Administrative Officer, National Foundation on the Arts and the Humanities.

[FR Doc.74-6173 Filed 3-15-74;8:45 am]

EXPANSION ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Expansion Arts Advisory Panel to the National Council on the Arts will be held at 9:00 a.m. on March 20, at 9:00 a.m. on March 21, and at 9:00 a.m. on March 22, 1974 in the first floor conference room of the Shoreham Building, 806 15th Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

ED WOLFE,
Administrative Officer, National Foundation on the Arts and the Humanities.

[FR Doc.74-6172 Filed 3-15-74;8:45 am]

VISUAL ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held at 11:00 a.m. on March 19, 1974 in the 1st floor conference room of the Shoreham Building, 806 15th Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

ED WOLFE,
Administrative Officer, National Foundation on the Arts and the Humanities.

[FR Doc.74-6171 Filed 3-15-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

REQUESTS FOR CLEARANCE OF REPORTS INTENDED FOR USE IN COLLECTING INFORMATION

Notice of List

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 13, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

U.S. DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
- Fruit Tree Survey (Wisconsin), Form ----, Single Time, Lowry, Apple & Cherry Producers.
- Farm Grain Storage Survey (Kansas), Form ------, Single Time, Lowry, Grain Farmers.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

National Institutes of Health, Mortality Survey—Hypertension Detection and Follow-Up Program, Form NIH-HL-14, Annual, Reese, Age-eligible Households HDFP Enumeration.

FEDERAL ENERGY OFFICE

Analysis of Impact of Gasoline Rationing Entitlement on the Commercial Sector, Form ------, Single Time, Weiner, 3860 Firms with IRS-EIN numbers plus 50 large firms.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, National Communicable Disease Surveillance—II. Disease Summaries, Form CDCBE 02/22, Occasional, Evinger (x), State and Local Health Departments.

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation:
- Return A—Monthly Return of Offenses Known to the Police, Form 12-95, Monthly, Evinger (x), All Law Enforcement Agencies Nationwide.
- Supplement to Return A—Monthly Return of Offenses Known to the Police, Form 12-85, Monthly, Evinger (x), Law Enforcement Agencies.

ACTION

Reference Evaluation for Applicant for OCP Recruiting Form A–157, Annual, Evinger (x), Applicants.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–6282 Filed 3–15–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 03/03–5114]

MODEDCO INVESTMENT COMPANY

Notice of Approval of Conflict of Interest Transaction

On October 26, 1973, the Small Business Administration published notice in the FEDERAL REGISTER (38 FR 29655) that MODEDCO Investment Company (MODEDCO), 1325 Massachusetts Avenue NW., Washington, D.C. 20005, a licensee under the Small Business Investment Act of 1958, as amended (the Act), had filed an application, pursuant to § 107.1004 (38 FR 30845, November 7, 1973), for approval of a conflict of interest transaction. The transaction involved the purchase of a subordinated debenture of Potomac Service Company (Potomac) in the principal amount of $150,000.

The sole stockholder and an officer and director of Potomac was Mr. Arthur Blount, Jr., who was an associate of MODEDCO by virtue of having been an officer and/or director of MODEDCO and/or its parent company, the Model Cities Economic Development Corporation.

Comments were received in opposition to the financing for a number of reasons which, among others, include (1) the close relationship existing between Mr. Blount and the licensee at the time of the financing; (2) the fact that the license was sponsored by and funded with Model Cities funds and that Mr. Blount was not a resident of the Model Cities Neighborhood, and (3) the failure to explore alternatives to the ownership of the laundry (Manhattan Laundry Company) by Potomac, i.e., Model Cities Community investors in the company, a public offering of the company stock, and ownership by employees of the company.

After careful consideration of all pertinent facts and information relating to the financing, including the continued existence of a small business concern, the preservation of jobs for more than 250 employees, and the economic impact on the community, SBA has deemed it judicious and in the best interest of the purposes of the Small Business Investment Act of 1958, as amended, to approve the transaction.

Accordingly, the financing made by MODEDCO to Potomac is hereby approved.

Dated: March 12, 1974.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.74–6116 Filed 3–15–74;8:45 am]

TARIFF COMMISSION

[337–33]

CERTAIN DISPOSABLE CATHETERS AND CUFFS THEREFOR

Notice of Resumption of Hearing

Notice is hereby given that the United States Tariff Commission will resume its public hearing in connection with investigation No. 337–33, Certain Disposable Catheters and Cuffs Therefor, on April 23, 1974, at 10:00 a.m. E.d.t. in the Hearing Room of the U.S. Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C. 20436, not later than noon, Thursday, April 18, 1974. It is requested that prehearing briefs be filed with the Secretary by April 16, 1974.

Notice of the institution of the investigation and the ordering of a public hearing for October 9, 1973 (subsequently postponed) was published in the FEDERAL REGISTER on August 15, 1973 (38 FR 22083). Notice of the postponement of the hearing was published in the FEDERAL REGISTER on September 19, 1973 (38 FR 26244). Notice of the public hearing held on March 12, 1974, was published in the FEDERAL REGISTER on February 7, 1974 (39 FR 4821).

Issued: March 13, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–6158 Filed 3–15–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Notice of Subcommittee Meeting

Notice is hereby given that the Project 1926/1910 Subcommittee of the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours & Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (20 U.S.C. 656) will meet on Thursday, April 4, and Friday, April 5, 1974, starting at 9:00 a.m. in Room 107 C, Main Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C. The meeting shall be open to the public.

The subcommittee will continue review of the General Industry Standards, Part 1910, to determine which individual items may be applicable to construction operations.

Written data, views, or arguments concerning the subject to be considered may be filed, together with 20 copies thereof, with the Committee Management Officer by April 2, 1974. Such submissions may also be filed with the Committee Management Officer at the meeting. Any such submissions will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to orally address the committee at the meeting should submit a written request to be heard, together with 20 copies thereof, to the Committee Management Officer no later than April 2, 1974. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed.

Communications may be mailed to:

N. Schnaubelt
Committee Management Office
Occupational Safety and Health Administration
1726 M Street, NW., Room 240
Washington, D.C. 20210

Signed at Washington, D.C., this 13th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–6190 Filed 3–15–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 466]

ASSIGNMENT OF HEARINGS

MARCH 13, 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 the date of this publication.

MC 76032 Sub 281, Navajo Freight Lines, Inc., application is dismissed.

MC–4963 Sub 40, Alleghany Corporation, FBA Jones Motor, now assigned April 8, 1974, will be held in Room B–2231, Federal Plaza, New York, N.Y.

MC 138195, Mid-Island Messenger Service, Inc., now assigned continued hearing April 1, 1974, at New York, N.Y., will be held in Room E–2222, 26 Federal Plaza.

MC 76032 Sub 282, Navajo Freight Lines, Inc., application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–6185 Filed 3–15–74;8:45 am]

[Notice 45]

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 April 8, 1974. 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-74895. By order of March 12, 1974, the Motor Carrier Board approved the transfer to Star Bus Lines, Inc., 1422 Broadway, Scottsbluff, Nebr., of Certificates Nos. MC-97549 (Sub-No. 3) and MC-97549 (Sub-No. 5) issued February 11, 1958, and September 23, 1960, respectively, to John G. Rutz, doing business as Star Bus Line, Scottsbluff, Nebr., authorizing the transportation of passengers and their baggage between points in Nebraska on specified routes and between Scottsbluff, Nebr., and Kimball, Nebr., respectively.

No. MC-FC-74976. By order of March 12, 1974, the Motor Carrier Board approved the transfer to Sloane's Transfer & Storage Co., Inc., 2121 South 15th Avenue, Phoenix, Ariz. 85007, of Certificate of Registration No. MC-96866 (Sub-No. 1) issued June 1, 1965, to Richard J. Follett, doing business as Sloane's Transfer & Storage Co., Phoenix, Ariz., evidencing the authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority granted in Certificate No. 3358 by the Arizona Corporation Commission.

No. MC-FC-75005. By order of March 12, 1974, the Motor Carrier Board approved the transfer to Wang Transport, Inc., Edison, N.J., of Permit No. MC-91505 issued to Alfred Lederer Transportation, Inc., dba Lederer Transportation, New York, N.Y., authorizing the transportation of: Paint, varnish, and toilet articles, and paint materials, between specified points in New York, and New Jersey. Robert B. Pepper, practitioner, 168 Woodbridge Ave., Highland Park, N.J. 08904.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6186 Filed 3-15-74;8:45 am]

[Notice 36]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 8, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 18302 (Sub-No. 1 TA), filed February 27, 1974. Applicant: STATE MOVING & STORAGE, INC., 1991 Utica Avenue, Brooklyn, N.Y. 11234. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) From (a) points in Westchester, Nassau, Suffolk, Rockland, and Putnam Counties, N.J.; Fairfield County, Conn., Hudson, Bergen, Essex, Passaic, Sussex, Morris, Warren, Union, Somerset, Middlesex, Monmouth, Mercer, Hunterdon Counties, N.J.; to (b) points in Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin, and Michigan; (2) From (a) New York, N.Y., to (b) points in Maine, Vermont, New Hampshire, Rhode Island, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin and Michigan; (3) From (a) points in Maine, Vermont, New Hampshire, Rhode Island, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin, and Michigan, to (b) New York, N.Y.; and (4) From points in (1)(b) to points in Connecticut, Maryland, Massachusetts, New Jersey, New York (except New York, N.Y.), Pennsylvania, New Hampshire, Vermont, Delaware, and Rhode Island, for 180 days. SUPPORTING SHIPPER: State Moving & Storage, Inc., 1991 Utica Avenue, Brooklyn, N.Y. 11234. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007

No. MC 35807 (Sub-No. 44 TA), filed February 26, 1974. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline coupons*, between points and places in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: General Services Administration, Building 4, Crystal Mall, Washington, D.C. 20406. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 45764 (Sub-No. 18 TA), filed February 28, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 38, Eddystone, Pa. 19029. Applicant's representative: Edward Kells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical generating equipment*, the transportation of which, because of size or weight, requires special equipment or special handling, *related parts and accessories, and materials and supplies* used in the installation thereof, between El Segundo, Calif.; East Hartford, Hartford, and Windsor, Conn.; Edgemoor and Wilmington, Del.; Intercession, Palm Beach, and West Palm Beach, Fla.; Louisville, Ky.; Baltimore, Md.; Ashland, Mass.; Minneapolis and St. Cloud, Minn.; Tenafly, N.J.; Holbrook, Long Island, and New York, N.Y.; Portland and Salem, Oreg.; Berwick, Philadelphia and Pittsburgh, Pa.; Brownsville, Houston, and Laredo, Tex.; and Beloit and Neilsville, Wis., on the one hand, and, on the other, points in the United States, for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority in MC 45764. SUPPORTING SHIPPER: Turbo Power & Marine Systems Inc., 1690 New Britain Avenue, Farmington, Conn. 06032. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 45764 (Sub-No. 19 TA), filed February 28, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 38, Essington, Pa. 19029. Applicant's representative: Edward Kells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Circuit breakers, electrical generating equipment, equipment and supplies* used by electrical generating stations and electrical transmission stations, which because of size or weight requires the use of special equipment or

handling, and *related parts and accessories* thereof, between the plantsite of General Electric Co., at or near Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, points and places in the United States (except Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia), for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority in MC 45764. SUPPORTING SHIPPER: General Electric Co., 6901 Elmwood Avenue, Philadelphia, Pa. 19142. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 50069 (Sub-No. 477 TA), filed February 25, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lube oil*, in bulk, in tank vehicles, from Indianapolis, Ind., to Hamilton, Ala., for 180 days. SUPPORTING SHIPPER: D. A. Stuart Oil Co., 2727 S. Troy, Chicago, Ill. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 51146 (Sub-No. 361 TA), filed February 27, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and carpeting*, from points in Virginia to Marshfield, Wis., and from points in South Carolina and Georgia to Marshfield, Wis., for 180 days. SUPPORTING SHIPPER: Rollohome Corporation, 115 East Upham, Marshfield, Wis. 54449 (Roland G. Frey, Secretary-Treasurer). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 85255 (Sub-No. 47 TA), filed February 27, 1974. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, Wash. 98154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials* for the production of aluminum, including chemicals in bags, aluminum fluride and cryolite, insulating brick, and refractor materials (including carbon lining and carbon cathode blocks), from Tacoma, Seattle, Bellingham and Vancouver, British Columbia, through Blaine, Wash., to the INTALCO Plant located by Ferndale, Wash.; and (2) *primary aluminum basis shapes i.e., ingot, billets, blooms, pig, or slabs—N.M.F.C.—item 13240* (weighing from 1,500 to 22,000 each), from the INTALCO Plant located at Ferndale, Wash., to Tacoma, Seattle, Bellingham and Blaine, Wash., for export by ship for 180 days. SUPPORTING SHIPPER: INTALCO Aluminum Corporation, P.O. Box 937, Ferndale, Wash. 98248. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Bldg., Seattle, Wash. 98104.

No. MC 95304 (Sub-No. 20 TA), filed February 25, 1974. Applicant: NORTHERN NECK TRANSFER, INC., Box 345, Montross, Va. 22520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from the plantsite of Johns Mansville Products Corp. at Jarratt, Va., to points in Connecticut, Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Rhode Island, for 180 days. SUPPORTING SHIPPER: Johns-Manville Corp., Greenwood Plaza, Denver, Colo. 80217. SEND PROTESTS TO: District Supervisor Clatin M. Harmon, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va.

No. MC 95876 (Sub-No. 147 TA), filed February 28, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, veneer, wood paneling and particle board*, from Oshkosh, Wis., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Ohio, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Pluswood, Inc., Box 1340, Oshkosh, Wis. 54901. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 100666 (Sub-No. 269 TA), filed February 27, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmett Drive, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Footville, Wis., to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPER: Triangle Pipe & Tub Co., Inc., P.O. Box 711, New Brunswick, N.J. 08903. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T–9038 U.S. Postal Service Building, New Orleans, La. 70113.

No. MC 102616 (Sub-No. 895 TA), filed February 26, 1974. Applicant: COASTAL TANK LINES, INC., P.O. Box 1555, Akron, Ohio 44309. Applicant's representative: Mr. James Annand (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles (1) from Breeze, Valmeyer, and West York, Ill., to points in Indiana, Kentucky, and Missouri; (2) from Dubulin and Jordan, Ind., to points in Illinois, Kentucky, Michigan, and Ohio for 180 days. SUPPORTING SHIPPER(S): Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 102616 (Sub-No. 896 TA), filed February 27, 1974. Applicant: COASTAL TANK LINES, INC., P.O. Box 1555, Akron, Ohio 44309. Applicant's representative: James Annand (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Dry plastics*, in bulk, from the plantsite of Foster Grant Company, Inc., at Chesapeake, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia, for 180 days. SUPPORTING SHIPPER: Foster Grant Co., Inc., 289 North Main Street, Leominster, Maine 01453. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 107403 (Sub-No. 884 TA), filed February 26, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Denatured alcohol*, in bulk, in tank vehicles, from Lawrenceburg, Ind. to Dover, Del., for 180 days. SUPPORTING SHIPPER: J. W. Haigwood, Assistant General Traffic Manager, Schenley Distillers, Inc., 36 E. Fourth Street, Cincinnati, Ohio 45202. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107515 (Sub-No. 894 TA), filed February 14, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872,

Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet*, from Winchester, Tenn., to Dallas, Tex., for 180 days. SUPPORTING SHIPPER: E & B Carpet Mills, Inc., 901 Showater Avenue, Dalton, Ga. 30720. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 111785 (Sub-No. 55 TA), filed February 26, 1974. Applicant: BURNS MOTOR FREIGHT, INC., R.F.D. No. 1, P.O. Box 149, U.S. Highway No. 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle Board*, from Lenoir, N.C., to Elkins, W. Va., for 180 days SUPPORTING SHIPPER(S): Allegheny Lumber Company, Box 409, Elkins, W. Va. 26241. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 113828 (Sub-No. 212 TA), filed February 26, 1974. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, from the plant site of Foster Grant Co., Inc., at Chesapeake, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia, for 180 days. SUPPORTING SHIPPER: Louis G. Buratti, Director of Traffic, Foster Grant Co., Inc., 289 North Main Street, Leominster, Mass. 01453. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 115311 (Sub-No. 162 TA), filed February 12, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, irregular routes, transporting: *Empty glass containers, corrugated cartons and fillers, and those materials and supplies* used in the manufacture of glass containers, except in bulk, between the plantsite of Midland Glass Company, Inc., near Warner-Robins, Ga., on the one hand, and, on the other, Jacksonville and Tampa, Fla.; Memphis, Tenn.; and Winston-Salem, N.C., for 180 days. SUPPORTING SHIPPER: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, N.J. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 117940 (Sub-No. 110 TA), filed February 25, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, pepper, and animal and poultry feed supplements*, in packages when transported in mixed shipments with salt and salt products in packages, from plantsite and facilities of Morton Salt Co., at Rittman, Ohio, to points in the District of Columbia, Virginia, Maryland, and North Carolina, for 180 days. SUPPORTING SHIPPER: Morton Salt Company, A Division of Morton-Norwich Products, Inc., 939 N. Delaware Avenue, Philadelphia, Pa. 19123. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 118159 (Sub-No. 139 TA), filed February 25, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, M.C.C. 209 and 766, from the plantsite and warehouse facilities of Iowa Beef Processors, Inc., at Emporia, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. SUPPORTING SHIPPER: Starr H. Lloyd, GTM, Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240-Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 118159 (Sub-No. 140 TA), filed February 25, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from the plantsite and warehouse facilities of Page Milk Co., Tulsa, Okla., to points in Colorado, Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, restricted to traffic originating at and destined to the named states, for 180 days. SUPPORTING SHIPPER(S): Page Milk Company, Eugene Stafford, Production Manager, 519 E. 7th Street, Tulsa, Okla. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission-Bureau of Operations, Room 240-Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 119897 (Sub-No. 17 TA), filed February 22, 1974. Applicant: A–1 TRANSPORTATION COMPANY, a Corporation, 3102 Maury Street, P.O. Box 21275, Houston, Tex. 77026. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum pitch*, in bulk, in tank vehicles, from the plantsite of Koppers Co., Inc., at or near Houston, Tex., to the plantsite of Consolidated Aluminum Company, at or near Harbor, La., for 180 days. SUPPORTING SHIPPER: Koppers Company, Inc., 850 Koppers Building, Pittsburgh, Pa. 15219. SEND PROTESTS TO: District Supervisor Mensing, Interstate Commerce Commission, Bureau of Operations, 515 Rusk Avenue, 8610 Federal Building, Houston, Tex. 77002.

No. MC 123074 (Sub-No. 9 TA), filed February 26, 1974. Applicant: M. L. ASBURY, INC., 1100 South Oakwood, Detroit, Mich. 48217. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, in bulk, in tank vehicles, from the International Boundary line between the United States and Canada at or near Port Huron, Mich., to points in the Lower Peninsula of Michigan located on and east of U.S. Highway 27 and on and south of Michigan Highway 46 on traffic having a prior movement in foreign commerce, for 180 days. SUPPORTING SHIPPER: Ashland Petroleum Company, P.O. Box 391, Ashland, Ky. 41101. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 125533 (Sub-No. 7TA), filed February 26, 1974. Applicant: GEORGE W. KUGLER, INC., P.O. Box 6064 (Ellet Station), 2800 East Waterloo Road, Akron, Ohio 44312. Applicant's representative: Mr. James M. Burtch, George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit and fittings* therefor, and *materials, supplies, and accessories* used in the installation thereof, from the plantsite of Carlon Products Corporation located in Mantua Township, Portage County, Ohio, to points in Minnesota, Iowa, Missouri, Arkansas, and Louisiana, and points east thereof, for 180 days. SUPPORTING SHIPPER(S): Carlon Products Corporation,

23200 Chagrin Boulevard, Building Three, Cleveland, Ohio 44122. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 126276 (Sub-No. 90 TA), filed February 26, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 S. La Salle St., Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from Hillside, N.J., to Delaware, Ohio, for 180 days. SUPPORTING SHIPPER: American Can Company, 100 Park Avenue, New York, N.Y. SEND PROTESTS TO: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 126881 (Sub-No. 12 TA), filed February 22, 1974. Applicant: RICHARD B. RUDY, INC., 203 Linden Avenue, Frederick, Md. 21701. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disposable grounding electrodes*, between Dickerson, Md., and Dayton, Ohio, for 180 days. SUPPORTING SHIPPER: Dudley Woodard, Manager, Radiation Processing and Services, Neutron Products, Dickerson, Md. 20753. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 127253 (Sub-No. 49 TA), filed February 26, 1974. Applicant: R. A. CORBETT TRANSPORT, INC., P.O. Box 728, Waskom, Tex. 75692. Applicant's representative: Kenneth Sitton, FM 9, Waskom, Tex. 75692. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Webster Parish, La., to points in Texas, for 180 days. SUPPORTING SHIPPER: Crystal Oil Co., P.O. Box 1101, Shreveport, La. 71163. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C 12, Dallas, Tex. 75202.

No. MC 133655 (Sub-No. 68 TA), filed February 27, 1974. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from the plant site of L. D. Schreiber Cheese Co. at Carthage, Mo., to points in Georgia and Florida, for 180 days. SUPPORTING SHIPPER: Robert Buchberger, General Traffic Manager, L. D. Schreiber Cheese Co., P.O. Box 610, Green Bay, Wis. 54305. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 135678 (Sub-No. 2 TA), filed February 27, 1974. Applicant: MIDWESTERN TRANSPORTATION, INC., 20 SW. 10th Street, Oklahoma City, Okla. 73125. Applicant's representative: Rufus H. Lawson, 2400 NW. 23d Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and those of unusual value), between Amarillo, Tex., and its Commercial Zone and Industrial Parks, and all points now authorized to serve out of Oklahoma City, Okla., and its Commercial Zone and Industrial Parks, including Oklahoma City, Okla., as authorized in Certificate of Public Convenience and Necessity No. MC 135678 Sub 1, for 180 days.

NOTE: Applicant states that he does intend to tack with his authority in Docket No. MC 135678 Sub 1.

SUPPORTING SHIPPERS: There are approximately 79 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 135874 (Sub-No. 38 TA), filed February 26, 1974. Applicant: LTL PERISHABLES, INC., 132nd and "Q" Streets, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 W. Center St., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor xehicle, over irregular routes, ransportin vehicle, over irregular routes, transporting: *Foodstuffs* in vehicles equipped with mechanical refrigeration, from Kansas City, Kans., and Kansas City, Mo., and their Commercial Zones to points in Nebraska (except Lincoln and Omaha, Nebr.); Iowa (except Sioux City an. Des Moines, Iowa); South Dakota; North Dakota (except Fargo, N. Dak.); Minnesota (except Minneapolis, Minn.); and Wisconsin (except Milwaukee, Wis.), for 180 days SUPPORTING SHIPPERS: Boyle's Famous Corned Beef Company, Tommy L. Stratton, Traffic Manager, 416 East 3rd Street, Kansas City, Mo. 64106; Food Shippers Association, J. C. Johnson, General Manager, 6500 Inland Drive, Kansas City, Kans. 66110; R. B. Rice Sausage Co., Harold Rice, President, 71 By-pass, Kansas City, Mo.; Ranch-Hand Foods, Inc., James W. Hall, Vice President and General Manager, 1101 So. Fifth, Kansas City, Kans.; The Keller Food Co., Joe Friedman, President, 2917 Brooklyn Ave., P.O. Box 4824, Kansas City, Mo. 64109; Totino's Finer Foods, Inc., Olivia, M. Bradley, Distribution Administrator, 7350 Commerce Lane, Fridley, Minn. 55421; Inland Storage Distribution Center, E. H. Bortner, Assistant Manager of Traffic, 6500 Inland Drive, Kansas City, Kans. 66110; Presto Food Products, Inc., Kenneth D. Smyers, Sales Manager, 1011 East 16th, Kansas City, Mo. 64108; Southeastern Public Service Company, doing business as Mid-Continent Underground Storage, Aaron Wright, Traffic Manager, P.O. Box 356, Bonner Springs, Kans. 66012; Leprino Cheese Company, James L. Barnhill, Regional Manager, 6615 Railroad Street, Raytown, Mo. 64133; and Lion Distributing Company, Thomas E. Marler, Assistant Branch Manager, 1327 East Ninth, Kansas City, Mo. 64106. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 North 14th Street Omaha, Nebr. 68102.

No. MC 136952 (Sub-No. 2 TA), filed February 26, 1974. Applicant: ADAMIC TRUCKING, INC., 15522 Rider Road, Burton, Ohio 44021. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 1330, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., to Cleveland, Ohio, for 180 days. SUPPORTING SHIPPER: Knall Beverage, Inc., 3562 West 69th Street, Cleveland, Ohio 44102. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 138148 (Sub-No. 3 TA), filed February 28, 1974. Applicant: JOSEPH J. SCHMIDT, 7499 Montevideo Court, Jessup, Md. 20794. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from Fort Wayne, Ind., to Aberdeen, Baltimore, Centreville, Edmondston, Salisbury, and Upper Marlboro, Md., and empty containers on return, for 180 days. SUPPORTING SHIPPERS: George O. Yewell, Jr., President, G & G Distributing, Inc., South Commerce St., Centreville, Md. 21617, Mr. Richard H. Parsons, President, Rich rd H. Parsons, Inc., 304 E. William St. Salisbury, Md. 21801, Mr. C. V. Fowler, Jr., Partner, Fowler Distributing Co., 314 W. Belair Rd., Aberdeen, Md. 21001, Mr. Abraham Genderson, President, A. Genderson & Sons, Inc., 4612 Ingraham St., Edmondston, Md. 20781. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 139277 (Sub-No. 1 TA), filed February 27, 1974. Applicant: AL E. HALL, doing business as AL E. HALL TRUCKING, P.O. Box 25, Gridley, Ill. 61744. Applicant's representative: Patrick H. Smyth, 327 S. La Salle Street, Suite 1000, Chicago, Ill. 60604. Authority

sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal roofing and siding, fabricated metal products, and parts, attachments and accessories* therefor, from the plantsite of Fabral Corporation, located at or near Gridley, Ill., to points in Minnesota, Wisconsin, Michigan, Iowa, Missouri, Indiana, Kentucky, and Ohio; and (2) *materials, supplies, and equipment* for the commodities described in (1) above, from points in Indiana and Ohio to the plantsite of Fabral Corp. located at or near Gridley, Ill., under contract in (1) and (2) with Fabral Corp. RESTRICTION: The transportation services authorized above are restricted against the transportation of commodities in bulk, for 180 days. SUPPORTING SHIPPER: Fabral Corporation, P.O. Box 310, Gridley, Ill. 61744. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 139318 (Sub-No. 1 TA), filed February 28, 1974. Applicant: FLORENCE PACKING COMPANY, 24711 Florence Road, Stanwood, Wash. 98292. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Suite 101, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Horse meat*, hanging, requiring mechanical refrigeration and railer equipped trailers, from Florence, Wash., to Los Angeles, and San Francisco, Calif., commercial airports and Blaine, Wash., on International Boundary between the United States-Canada. Restricted to traffic having an immediate subsequent movement by air, for 180 days. SUPPORTING SHIPPER(S): Florence Meat Sales, Inc., 24711 Florence Road, Stanwood, Wash. 98292. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 139427 (Sub-No. 1 TA), filed February 20, 1974. Applicant: DAVID L. NORDICK AND DOUGLAS D. HAUGH, doing business as NORDICK TRUCKING, 13164 Lakeview Granada Drive, Lakeside, Calif. 92040. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Missile air frame and wing assemblies, missile containers and empty packaging material* used, between El Cajon, Calif., and Tucson, Ariz., for 180 days. SUPPORTING SHIPPER: Maetec/Straza, 790 Greenfield Drive, El Cajon, Calif. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 139453 (Sub-No. 1 TA), filed February 28, 1974. Applicant: JOHN MILLIGAN, doing business as APACHE TRUCK LINE, Apache Creek Store, Apache Creek, N. Mex. 87830. Applicant's representative: James E. Snead, P.O. Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and by-products of lumber*, between points and places in Catron County, N. Mex., on the one hand, and, on the other, points in Apache and Pinal Counties, Ariz., for 180 days. SUPPORTING SHIPPER: H. L. Barnett, Central, N. Mex. 88026. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 139554 TA, filed March 1, 1974. Applicant: ROC TRANSPORT LTD., 15 Jane Street, Newcastle, New Brunswick, Canada. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Planer mill shaving, sawdust, bark, slabwood, wood trimmings, wood residues, and wood by-products*, from locations of suppliers of shipper in Ashland and Masardis, Maine, to port of entry in United States-Canadian Border at Houlton, Maine, for 180 days. SUPPORTING SHIPPER: Airscrew-Weyroc Canada Limited, P.O. Box 429, Morrison's Cove, Chatham, New Brunswick, Canada. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 139556 TA, filed February 15, 1974. Applicant: ANDERSON ARMORED CAR SERVICE, INC., 504 North McDuffie Street, Anderson, S.C. 29621. Applicant's representative: James Belk, P.O. Box 273, Anderson, S.C. 29621. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Letters of transmittal, checks, drafts, notes, money orders, travelers checks, and similar documents together with accompanying records or forms* incidental to the operation of the Federal Reserve Bank of Richmond, Va., between Columbia, S.C., and Charlotte, N.C., via Routes Interstate Highway 26, South Carolina Highway 21 and North Carolina Highways 21, 16, and 49, and return over the same routes, for 180 days.

NOTE.—Tacking is not involved and commodities in bulk will not be transported. SUPPORTING SHIPPER: Federal Reserve Bank of Richmond, P.O. Box 27622, Richmond, Va. 23261. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

MOTOR CARRIERS OF PASSENGERS

No. MC 64499 (Sub-No. 3 TA), filed February 28, 1974. Applicant: AMERICAN PACIFIC STAGE COMPANY, 213 13th Street, Sacramento, Calif. 95813. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express and baggage* of passengers in the same vehicle with passengers in charter operations where there is a prior or subsequent movement by rail (AMTRAK), between the AMTRAK passenger depot at Bakersfield, Calif., on the one hand, and, on the other, AMTRAK passenger depots at Los Angeles, Pasadena, and Glendale, Calif., for 180 days.

NOTE.—Applicant states that he does intend to tack with his regular-route authority performed for AMTRAK in the Los Angeles area. SUPPORTING SHIPPER: AMTRAK (National Railroad Passenger Corporation), 800 North Alameda, Los Angeles, Calif. 90012. SEND PROTESTS TO: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6187 Filed 3-15-74;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

PROFESSIONAL STANDARDS REVIEW

Designation of Areas

Title 42—Public Health

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

PART 101—PROFESSIONAL STANDARDS REVIEW

Designation of Professional Standards Review Areas

On December 20, 1973, there was published in the FEDERAL REGISTER (38 FR 34944–34951) a notice of proposed rulemaking implementing the provisions of section 1152 (a) of the Social Security Act as added by section 249F of the Social Security Amendments of 1972 (86 Stat. 1429–1430; (42 U.S.C. 1320C–1(a))), with respect to the establishment throughout the United States of appropriate Professional Standards Review Organization areas. The notice proposed that a new Part 101, entitled "Professional Standards Review," be added to Title 42, Code of Federal Regulations, and that Subpart A, entitled "Area Designation," be established therein. Interested individuals and organizations were given until January 21, 1974 to submit comments and suggestions on the proposed regulations. Subsequently the 30-day comment period was extended to February 5, 1974 (39 FR 2384). Comments and suggestions received with regard to this notice of proposed rulemaking, the responses thereto, and changes in the proposed areas are summarized below.

GENERAL DISCUSSION

The vast majority of comments were received from organizations and individuals in States in which multiple areas were proposed, suggesting their State be designated as a single area.

The Department's guidelines for the designation of areas, which are set out in § 101.2 of the regulations, were widely distributed, and public discussions of this material were held in the various regions of this Department. These guidelines, which were derived from the statutory language and the related legislative history, and a brief summary of their underlying premises, are:

1. Generally, an area should not cross State lines. The basis for this guideline is the provision of the law relating to the creation of Statewide Councils and the several references in the Senate Committee Report to areas established on a multi-county or State basis. In addition, the Medicaid program is organized on a State-by-State basis.

2. In general, an area should not divide a county. Considerations of administrative practicability serve as the basis for this guideline. However, in instances of large geographic areas or large county populations, it may be necessary and appropriate to divide a county.

3. Existing boundaries of local medical review organizations and local health planning areas should be considered. Since the Senate Finance Committee Report recognizes the existence of local professional medical review organizations, the current boundaries of these organizations should be considered. In addition, established health planning areas need to be considered as possible precedents.

4. An area should, to the extent possible, coincide with a medical service area and assure broad, diverse representation of all medical specialties. The PSRO area should be drawn to include, to the extent possible, the existing medical service or medical trade areas. Consideration should also be given to existing medical centers and to natural geographic barriers. In addition, effective peer review is attainable only if the review body has available to it the necessary range of professional expertise.

5. An area should generally include a minimum of approximately 300 practicing physicians. While the maximum can be expected to vary with local circumstances, generally, it should not exceed 2,500 practicing physicians. The purpose of an approximate limitation on the maximum size of an area's physician population is to emphasize the statutory concepts of local peer review responsibility and the active participation of local practicing physicians in the activities of the PSRO.

6. The designation of an area should take into account the need for effective coordination with Medicare/Medicaid fiscal agents. This principle is stated in the statute and the Senate Finance Committee Report. Since the PSRO is involved in the Medicare and Medicaid programs, it will have a significant effect on the claims process.

The proposals for the designation of various States as single areas were, except with respect to Georgia and Washington (see items 4 and 19 below), inconsistent with the guidelines discussed herein, and, accordingly, were rejected.

The designation of multiple areas in various large heavily populated States has, however, caused concern that Statewide organizations would be precluded from participation in the PSRO program. Such designations are not intended to exclude experienced State organizations.

As indicated in the December 20, 1973, notice of proposed rulemaking, arrangements of this sort have always been contemplated as fully consistent with the Department's policy that such arrangements (1) assure appropriate local autonomy and responsibility and (2) provide opportunities for existing Statewide organizations to make available their experience, knowledge, and capacity to the local organizations in the State.

Such organizations, serving as Statewide Professional Standards Review Organization Support Centers, could provide substantial support, guidance and aid to the local organizations within the State on a variety of professional, administrative and technical matters. This kind of assistance would, moreover, expedite organizational development of local PSROs through the introduction of common services.

Thus, in accordance with the legislative directives to the Secretary to provide for all necessary assistance in the establishment of local PSROs under sections 1156(a), 1163(c), and 1169 of Pub. L. 92–603, financial support will be available for the establishment of Statewide PSRO Support Centers to assist in the creation and operation of local PSROs, under appropriate arrangements.

Within the framework of the Secretary's policies and guidelines, a Support Center could carry out a number of functions such as general assistance and support to physicians in organizing to apply for planning funds. Other key duties could include assistance to local PSROs, upon request, in all phases of professional and technical activity. Finally, a Support Center under appropriate arrangements could provide assistance to State PSRO Councils in the accomplishment of their responsibilities under the Statute.

Financial support will also be available to physician organizations to plan and develop PSRO's in the areas designated below. Information as to the requirements of organizations wishing to apply is being published separately.

SPECIFIC COMMENTS

1. Comments proposed that Arizona be designated a single PSRO area. This was rejected because there are two local peer review organizations operating in the proposed areas which are in accord with the guidelines. (§ 101.5)

2. The designation of areas in California has been changed with respect to "Area XVIII—Los Angeles County". This change was deemed appropriate upon reconsideration of the following factors based on additional information furnished by the comments: size of the area and geographical configuration; number of physicians; location of major health care facilities, including teaching hospitals and clinics; and the existing patterns of patient referral. This change is consistent with the guidelines. Accordingly, 28 PSRO areas are designated in California with the addition of PSRO Areas XVIII through XXV covering Los Angeles County. (§ 101.7)

3. Comments suggested that the eight proposed areas in Florida were not consistent with medical practice patterns and that they be replaced by 12 areas to be consistent with such patterns. After reviewing the 12 suggested areas and additional information, it was concluded that such areas are consistent with medical practice patterns and the guidelines for designation of areas. Therefore, the designations are revised accordingly. All areas, except for Areas I and XII, are revisions of the proposed areas. (§ 101.12)

4. Proposals were received suggesting that Georgia be designated a single PSRO area. After consideration of the comments and additional information, it was concluded that since the Atlanta area is the locus of specialty and subspecialty care for the entire State and a Statewide continuing medical education program influences patterns of care throughout the State of Georgia, the designation of a single PSRO area for the

State was considered to comply with the guidelines. It is also noted that peer review is presently being carried out on a Statewide basis.

5. The areas of Guam, the Trust Territory of the Pacific Islands, Hawaii, and America Samoa, have been combined into a single area. This change was made upon reconsideration of the conditions in this area in light of additional information made available since the preliminary designation. In accordance with the guidelines, the factors considered were the number of physicians and facilities in Guam, American Samoa and the Trust Territory, distribution of medical specialties and the pattern of medical practice. (§ 101.15)

6. Comments were received recommending that Illinois be redesignated as a single Statewide PSRO area. Such a designation, however, would be inconsistent with the guidelines. It was also recommended that Area II, as proposed in § 101.17, be divided into two PSRO areas. Such a division would allow the Quad River Foundation for Medical Care, now operating in Kendall, Will, Grundy, and Kankakee Counties, to continue operations and would be consistent with the guidelines. Accordingly, Kendall, Will, Grundy, and Kankakee Counties are designated as a separate PSRO area. (§ 101.17)

7. Recommendations for a single Statewide PSRO area in Indiana were received. Such a designation, however, would clearly be inconsistent with the guidelines. Recommendations for the recognition of the current local medical service areas were also received. A careful analysis of these recommendations indicates that two of the proposed PSRO areas should be divided, resulting in a total of seven. Such a division complies with the guidelines. Areas IV, V, VI, and VII are revisions of the proposed areas. (§ 101.78)

8. During the comment period, a number of objections were received to the combination of the nine Maryland counties east of the Chesapeake Bay with the four counties west of the Bay into a single proposed PSRO Area V and the inclusion of the four Baltimore counties into a single proposed Area I. Upon consideration of the above objections and the receipt of additional information, boundaries were adjusted and two new PSRO areas are designated to bring the total number of PSRO areas in Maryland to seven. Areas I, V, VI, and VII are revisions of the proposed areas. These adjustments satisfy the objections and are in accord with the guidelines. (§ 101.24)

9. With respect to Massachusetts, comments were received that recommended PSRO areas should conform to the substate planning boundaries. Taking the comments and additional information into consideration, areas in Massachusetts were revised to more adequately reflect patterns of practice, and boundaries of local medical review organizations. Slight revisions were made in all proposed areas with the exception of proposed Area III. (§ 101.25)

10. Several changes were recommended for Michigan to recognize medical service areas, the medical homogeneity of counties, and to make the PSRO areas more consistent with medical referral patterns. The recommended modifications are consistent with the guidelines. The eight PSRO areas as shown in § 101.26 are changed to ten as a result of the recommended modifications. All of the ten areas with the exception of Areas I, V, and VIII are revisions of the proposed areas. (§ 101.26)

11. Comments received proposed a single Statewide PSRO area for Minnesota. Such a designation, however, is clearly inconsistent with the guidelines. It was also proposed that several counties be moved from proposed Area III to proposed Area I which would result in the areas being more consistent with health planning areas and the Sub-State Planning and Development Areas. The suggested change was made and it is consistent with the guidelines. (§ 101.27)

12. Comments were received requesting the designation of New Jersey as a single PSRO area. This was rejected, as not consistent with guidelines for the designation of PSRO areas. Chilton Hospital which is in Morris County, is included in Area II with Passaic County for PSRO purposes. This reflects an existing pattern of medical practice. (§ 101.34)

13. Changes in the State of New York reflect comments and information received about patterns of medical practice and the boundaries of local medical review organizations. A total of five changes were made, including the addition of three PSRO areas. Areas II, III, IV, VI, VII, IX, X, XII, and XIII are revisions of the proposed areas. (§ 101.36)

14. It was suggested that the four proposed areas in North Carolina were not consistent with medical practice patterns and that they be replaced by eight areas. After reviewing the eight suggested areas and taking into consideration additional information received, it was concluded that they are consistent with medical practice and with the guidelines for designation of areas. Therefore, the suggested eight areas are designated as the PSRO areas for North Carolina. All eight areas are revisions of the proposed areas. (§ 101.37)

15. Proposals to designate Ohio as a single area were rejected because such a designation would not satisfy the guidelines. The proposed PSRO areas were, however, revised to coincide with current review districts. As a result of the realignment, three new areas are added. Areas IV, V, IX, X, and XI are revisions of the proposed areas. (§ 101.39)

16. Several comments were received suggesting that Tennessee be designated a single area or that Shelby County be designated as one area and the remainder of the State be designated as the other area. These suggested changes were not made, because they do not reflect medical practice patterns and are otherwise inconsistent with the guidelines. It was decided to designate Shelby County and 11 surrounding counties as one area and the remainder of the State as the other area. This is consistent with medical practice patterns and the guidelines. (§ 101.47)

17. Comments were received recommending that Texas be redesignated a single Statewide PSRO area. Such a designation, however, would be inconsistent with the guidelines. Comments were also received recommending changes in the local areas. Accordingly, proposed Areas II, III, VI, and VII have been altered slightly to reflect greater compatibility with State Planning Districts; and, in proposed Area VII, with a medical planning area. Additionally, the large geographic area encompassing proposed Areas V and VIII has been divided into three PSRO areas, thereby creating a ninth PSRO area. (§ 101.48)

18. Comments were received suggesting that Virginia be designated a single PSRO area. The suggested change was not made, because it does not reflect medical practice patterns and would be inconsistent with the guidelines. (§ 101.52)

19. Proposals were received suggesting that the State of Washington be designated a single PSRO area. This change was made because additional information indicated that the Seattle-Tacoma-Bremerton area is the locus of specialty and subspecialty care for the entire State and a Statewide continuing medical education program influences patterns of care throughout the State of Washington. It is also noted that peer review is presently being carried on a Statewide basis. (§ 101.53)

20. Based on analysis of comments received, most of which recommended a single Statewide PSRO area, it was concluded that a two-area designation would be appropriate for Wisconsin. This designation allows the current medical care foundations to continue their activities and also preserves the integrity of the two historic medical service areas in the State. (§ 101.55)

21. In addition a number of minor editorial changes were made, and a number of typographical errors were corrected. Accordingly, the regulations as set out below are hereby adopted.

Effective date: These regulations are effective on March 18, 1974.

Dated: February 27, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: March 8, 1974.

CASPAR W. WEINBERGER,
Secretary.

PART 101—PROFESSIONAL STANDARDS REVIEW

Subpart A—Area Designations

Sec.

AUTHORITY: Title XI, Part B, Social Security Act; 42 U.S.C. 1320c—1320c–20.

§ 101.1 Definitions.

As used in this part:

(a) "Act" means the Social Security Act, as amended, (42 U.S. Chap. 7).

(b) "Area" means the geographical area within the boundaries of a State or within the boundaries of one or more counties or other political subdivisions in a State designated as constituting an area with respect to which a Professional Standards Review Organization may be designated, pursuant to section 1152(a) of the Act.

(c) "PSRO" means Professional Standards Review Organization.

(d) "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 may be delegated.

(e) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Trust Territory of the Pacific Islands.

(f) "Physician" means a licensed doctor of medicine or osteopathy.

§ 101.2 Guidelines for designation of areas.

The Secretary will designate appropriate areas with respect to which Professional Standards Review Organizations may be designated, and from time to time revise such area designations, as may, in his judgment be necessary, taking the following guidelines into consideration:

(a) Generally, an area should not cross State lines.

(b) In general, an area should not divide a county. However, in instances of large geographic areas or large county populations, it may be necessary and appropriate to divide a county.

(c) Existing boundaries of local medical review organizations and local health planning areas should be considered.

(d) An area should, to the extent possible, coincide with a medical service area and assure broad, diverse representation of all medical specialties. Consideration should also be given to the location of existing medical centers and to natural geographic barriers.

(e) An area should generally include a minimum of approximately 300 practicing physicians. While the maximum can be expected to vary with local circumstances, generally it should not exceed 2500 practicing physicians.

(f) The designation of an area should take into account the need for effective coordination with Medicare and Medicaid fiscal agents.

§ 101.3 Alabama.

The State of Alabama is designated as a single Professional Standards Review Organization area.

§ 101.4 Alaska.

The State of Alaska is designated as a single Professional Standards Review Organization area.

§ 101.5 Arizona.

Two Professional Standards Review Organization areas are designated in Arizona, composed of the following counties:

AREA I

Mohave	Yavapai
Coconino	Maricopa
Navajo	Gila
Apache	

AREA II

Yuma	Pima
Pinal	Santa Cruz
Graham	Cochise
Greenlee	

§ 101.6 Arkansas.

The State of Arkansas is designated as a single Professional Standards Review Organization area.

§ 101.7 California.

Twenty-eight Professional Standards Review Organization areas are designated in California, composed of the following counties with the exception of Areas XVIII through XXV which are composed of cities and parts of Los Angeles denoted by postal zone:

AREA I

Del Norte	Lake
Humboldt	Sonoma
Mendocino	

AREA II

Siskiyou	Glenn
Modoc	Butte
Trinity	Colusa
Shasta	Sutter
Lassen	Yuba
Tehama	Sierra
Plumas	

AREA III

Napa	Marin
Solano	

AREA IV

Nevada	Sacramento
Placer	El Dorado
Yolo	

AREA V

San Francisco

AREA VI

San Mateo

AREA VII

Contra Costa	Alameda

AREA VIII

San Joaquin	Calaveras
Amador	Tuolumne
Alpine	

AREA IX

Santa Clara

AREA X

Stanislaus	Merced
Mariposa	

AREA XI

Fresno	Madera

AREA XII

Santa Cruz	San Benito
Monterey	

AREA XIII

Kings	Tulare

AREA XIV

Kern

AREA XV

Mono	San Bernardino
Inyo	

AREA XVI

San Luis Obispo	Santa Barbara

AREA XVII

Ventura

AREA XVIII

Altadena	Tujunga
La Vina	Verdugo City
Pasadena	Alhambra
San Marino	El Monte
South Pasadena	Garvey
Eagle Rock	Monterey Park
Glendale	Rosemead
La Canada	San Gabriel
La Crescenta	South San Gabriel
Montrose	Temple City
Sunland	Wilmar

AREA XIX

Avalon	Wilmington
Dominguez	Harbor City
Hawaiian Gardens	Palos Verdes Estates
Lakewood	Palos Verdes Peninsula
Long Beach	San Pedro
Los Alamitos	
Terminal Island	

AREA XX

Agoura	Northridge
Calabasas	Reseda
Canoga Park	Saugus
Chatsworth	Sherman Oaks
Encino	Tarzana
Granda Hills	Van Nuys
Hidden Hills	Woodland Hills
Newhall	Lancaster

AREA XX—Continued

Littlerock	Pacoima
Palmdale	Panorama City
Pearblossom	San Fernando
Quartz Hill	Sepulveda
Burbank	Studio City
Mission Hills	Sun Valley
North Hollywood	Sylmar
Olive View	Toluca Lake

AREA XXI

Commerce	Duarte
Hacienda Heights	Glendora
La Mirada	La Puente
East Los Angeles	Monrovia
Los Nietos	Rowland Heights
Montebello	Sierra Madre
Norwalk	Temple City
Pico Rivera	Valinda
Santa Fe Springs	West Covina
Whittier	Claremont
Arcadia	La Verne
Azusa	Pomona
Baldwin Park	San Dimas
Covina	Walnut

AREA XXII

Culver City	Venice
Malibu	Westwood
Marina del Rey	Los Angeles
Mar Vista	Postal Zones:
Ocean Park	90034
Pacific Palsades	90049
Palms	90064
Playa del Rey	90066
Santa Monica	90073
Sawtelle	

AREA XXXIII

Gardena	Torrance
Hermosa Beach	Artesia
Lomita	Bell
Manhattan Beach	Bellflower
Palos Verdes	Bell Gardens
Redondo Beach	Willowbrook
Compton	El Segundo
Downey	Hawthorne
Home Gardens	Inglewood
Huntington Park	Lawndale
Lynwood	Lennox
Maywood	Los Angeles
Paramount	Postal Zones:
South Gate	90009
Rolling Hills	90045

AREA XXIV

Los Angeles Postal Zones:

90006	90003
90026	90008
20057	90011
90012	90037
90015	90043
90017	90044
90013	90047
90014	90056
90021	90059
90023	90061
90031	90062
90032	90004
90033	90005
90039	90007
90042	90010
90053	90016
90054	90018
90055	90019
90058	90020
90063	90035
90001	90051
90002	90065

AREA XXV

Beverly Hills Los Angeles Postal Zones:

90027	90046
90028	90048
90029	90068
90036	90069
90038	

AREA XXVI

Orange

AREA XXVII

Riverside

AREA XXVIII

San Diego	Imperial

§ 101.8 Colorado.

The State of Colorado is designated as a single Professional Standards Review Organization area.

§ 101.9 Connecticut.

Four Professional Standards Review Organization areas are designated in Connecticut, composed of the following counties:

AREA I

Fairfield

AREA II

Litchfield	New Haven

AREA III

Hartford

AREA IV

Tolland	Middlesex
Windham	New London

§ 101.10 Delaware.

The State of Delaware is designated as a single Professional Standards Review Organization area.

§ 101.11 District of Columbia.

The District of Columbia is designated as a single Professional Standards Review Organization area.

§ 101.12 Florida.

Twelve Professional Standards Review Organization areas are designated in Florida, composed of the following counties:

AREA I

Santa Rosa	Gadsden
Okaloosa	Liberty
Walton	Franklin
Holmes	Leon
Washington	Jefferson
Jackson	Madison
Bay	Wakulla
Calhoun	Taylor
Gulf	Escambia

AREA II

Hamilton	Lafayette
Suwannee	Dixie
Columbia	Gilchrist
Union	Putnam
Bradford	Citrus
Alachua	Hernando
Levy	Sumter
Marion	

AREA III

Nassau	Clay
Baker	St. Johns
Duval	Flagler

AREA IV

Pinellas

AREA V

Pasco	Hillsborough

AREA VI

Polk	Highlands
Hardee	

AREA VII

Lake	Orange
Seminole	Osceola

AREA VIII

Volusia	Brevard

AREA IX

Manatee	Charlotte
Sarasota	Glades
De Soto	Lee

AREA X

Indian River	Martin
Okeechobee	Palm Beach
St. Lucie	Hendry

AREA XI

Collier	Broward

AREA XII

Monroe	Dade

§ 101.13 Georgia.

The State of Georgia is designated a single Professional Standards Review Organization area.

§ 101.14 [Reserved]

§ 101.15 Hawaii, Guam, the Trust Territory of the Pacific Islands and American Samoa.

Hawaii, Guam, the Trust Territory of the Pacific Islands and American Samoa are designated as a single Professional Standards Review Organization area.

§ 101.16 Idaho.

The State of Idaho is designated as a single Professional Standards Review Organization area.

§ 101.17 Illinois.

Eight Professional Standards Review Organization areas are designated in Illinois, composed of the following counties:

AREA I

Jo Daviess	Ogle
Stephenson	De Kalb
Winnebago	Whiteside
Boone	Lee
Carroll	

AREA II

McHenry	Kane
Lake	Du Page

AREA III

Cook

AREA IV

Kendall	Grundy
Will	Kankakee

AREA V

Rock Island	Knox
Mercer	Stark
Henry	Marshall
Bureau	McDonough
Putnam	Fulton
La Salle	Peoria
Henderson	Tazewell
Warren	Woodford

AREA VI

Livingston	Macon
Ford	Moultrie
Iroquois	Douglas
McLean	Edgar
De Witt	Shelby
Piatt	Coles
Champaign	Cumberland
Vermilion	Clark

AREA VII

Adams	Morgan
Schuyler	Sangamon
Brown	Christian
Cass	Calhoun
Mason	Greene
Menard	Jersey
Logan	Macoupin
Pike	Montgomery
Scott	Hancock

AREA VIII

Madison	Richland
Bond	Williamson
Fayette	Saline
Effingham	Gallatin
Jasper	Union
Crawford	Johnson
Randolph	Lawrence
Perry	Washington
Franklin	Jefferson
Hamilton	Wayne
White	Edwards
Jackson	Wabash
Monroe	Pope
St. Clair	Hardin
Clinton	Alexander
Marion	Pulaski
Clay	Massac

§ 101.18 Indiana.

Seven Professional Standards Review Organization areas are designated in Indiana, composed of the following counties:

AREA I

Lake	La Porte
Porter	

AREA II

St. Joseph	Cass
Elkhart	Miami
Newton	Wabash
Jasper	Carroll
Starke	Warren
Marshall	Tippecanoe
Kosciusko	Clinton
Pulaski	Howard
Fulton	Tipton
Benton	Fountain
White	Montgomery

AREA III

Lagrange	Allen
Steuben	Huntington
Noble	Wells
De Kalb	Adams
Whitley	

AREA IV

Grant	Fayette
Blackford	Union
Jay	Franklin
Madison	Ripley
Delaware	Dearborn
Randolph	Jefferson
Henry	Ohio
Wayne	Switzerland
Rush	

AREA V

Boone	Bartholomew
Hamilton	Decatur
Putnam	Crawford
Hendricks	Jackson
Marion	Jennings
Hancock	Washington
Orange	Scott
Morgan	Clark
Johnson	Floyd
Shelby	Harrison
Brown	

AREA VI

Vermillion	Sullivan
Parke	Greene
Vigo	Monroe
Clay	Lawrence
Owen	

AREA VII

Knox	Pike
Daviess	Dubois
Martin	Warrick
Posey	Spencer
Vanderburgh	Perry
Gibson	

§ 101.19 Iowa.

The State of Iowa is designated as a single Professional Standards Review Organization area.

§ 101.20 Kansas.

The State of Kansas is designated as a single Professional Standards Review Organization area.

§ 101.21 Kentucky.

The State of Kentucky is designated as a single Professional Standards Review Organization area.

§ 101.22 Louisiana.

Four Professional Standards Review Organization areas are designated in Louisiana, composed of the following parishes:

AREA I

Caddo	Red River
Bossier	Natchitoches
Webster	Winn
Claiborne	Caldwell
Lincoln	Franklin
Union	Tensas
Morehouse	Sabine
West Carroll	Grant
East Carroll	LaSalle
Bienville	Catahoula
Jackson	Concordia
Quachita	Vernon
Richland	Rapides
Madison	Avoyelles
De Soto	

AREA II

Beauregard	Calcasieu
Allen	Jefferson Davis
Evangeline	Acadia
Lafayette	Vermilion
St. Martin	Iberia
Cameron	St. Mary
St. Landry	

AREA III

Point Coupee	Iberville
West Feliciana	West Baton Rouge
East Feliciana	East Baton Rouge
St. Helena	Livingston
Tangipahoa	Ascension
Washington	

AREA IV

Assumption	Jefferson
St. James	Orleans
St. John the Baptist	St. Bernard
	Terrebonne
St. Tammany	Lafourche
St. Charles	Plaquemines

§ 101.23 Maine.

The State of Maine is designated as a single Professional Standards Review Organization area.

§ 101.24 Maryland.

Seven Professional Standards Review Organization areas are designated in Maryland, composed of the following counties:

AREA I

Garrett	Washington
Allegany	Frederick

AREA II

Baltimore City

AREA III

Montgomery

AREA IV

Prince Georges

AREA V

Carroll	Baltimore
Howard	Harford

AREA VI

Anne Arundel	St. Marys
Calvert	Charles

AREA VII

Cecil	Dorchester
Kent	Wicomico
Queen Annes	Somerset
Talbot	Worchester
Caroline	

§ 101.25 Massachusetts.

Five Professional Standards Review Organization areas are designated in Massachusetts, composed of the following cities and townships:

AREA I

Williamstown	Chester
Clarksburg	Huntington
North Adams	Westhampton
Adams	Northampton
Monroe	Hadley
Florida	Amherst
Rowe	West Stockbridge
Heath	Stockbridge
Colrain	Lee
Leyden	Becket
Bernardston	Alford
Northfield	Great Barrington
Warwick	Tryingham
Orange	Monterey
Savoy	Otis
Charlemont	Blandford
Hawley	Russell
Buckland	Montgomery
Shelburne	Westfield
Greenfield	Southampton
Gill	Easthampton
Erving	Holyoke
Hancock	South Hadley
New Ashford	Granby
Cheshire	Chicopee
Windsor	Ludlow
Plainfield	Belchertown
Ashfield	Ware
Conway	Palmer
Deerfield	Warren
Montague	Egremont
Wendell	Mount Washington
New Salem	Sheffield
Lanesborough	New Marlborough
Dalton	Sandisfield
Hinsdale	Tolland
Peru	Granville
Worthington	Southwick
Cummington	West Springfield
Goshen	Agawam
Chesterfield	Springfield
Williamsburg	Longmeadow
Whately	East Longmeadow
Hatfield	Wilbraham
Sunderland	Hampden
Pelham	Monson
Pittsfield	Brimfield
Richmond	Wales
Leverett	Holland
Shutesburg	Royalston
Lenox	Athol
Washington	Phillipston
Middlefield	Petersham

AREA II

Winchendon	Templeton
Ashburnham	Gardner
Ashby	Westminster
Townsend	Fitchburg

AREA II—Continued

Lunenburg
Hubbardston
Princeton
Leominster
Lancaster
Shirley
Harvard
Ayer
Barre
Rutland
Holden
Sterling
West Boylston
Clinton
Bolton
Berlin
Northborough
Hardwick
New Braintree
Oakham
Paxton
Worcester
Shrewsbury
Westborough
West Brookfield
North Brookfield
Brookfield
East Brookfield
Spencer
Leicester
Auburn
Millbury
Grafton
Upton
Sturbridge
Southbridge
Charlton
Oxford
Dudley
Webster
Douglas
Sutton
Northbridge
Uxbridge
Mendon
Millville
Blackstone
Boylston
Dunstable
Pepperell
Groton
Westford
Littleton
Medway
Bellingham
Franklin

AREA III

Hudson
Sudbury
Wayland
Weston
Waltham
Newton
Needham
Wellesley
Natick
Sherborn
Marlborough
Southborough
Framingham
Ashland
Hopkinton
Holliston
Milford
Hopedale

AREA IV

Amesbury
Salisbury
Merrimac
Haverhill
West Newbury
Newburyport
Newbury
Groveland
Georgetown
Methuen
Rowley
Dracut
Tyngsborough
Chelmsford
Lowell
Tewksbury
Andover
North Andover
Lawrence
Boxford
Ipswich
Middleton
Topsfield
Hamilton
Essex
Gloucester
Rockport
Wenham
Beverly
Manchester
Danvers
Peabody
Salem
Marblehead
Swampscott
Lynn
Nahant
Saugus
Lynnfield
North Reading
Reading
Wilmington
Billerica
Carlisle
Bedford
Burlington
Lexington
Woburn
Stoneham
Winchester
Wakefield
Melrose
Malden
Medford
Everett
Chelsea
Revere
Winthrop
Somerville
Cambridge
Arlington
Belmont
Watertown
Brookline
Lincoln
Concord
Acton
Boxborough
Stow
Maynard
Boston
Dedham
Milton
Quincy
Randolph
Braintree
Holbrook
Weymouth
Hingham
Cohassett
Hull
Westwood
Dover
Medfield
Millis
Wrentham
Norfolk
Foxborough
Plainville
North Attleborough

AREA IV—Continued

Norton
Taunton
Raynham
Mansfield
Attleboro
Berkley
Dighton
Rehoboth
Seekonk
Freetown
Norwell
Scituate

AREA V

Norwood
Walpole
Canton
Sharon
Stoughton
Avon
Easton
Brockton
Abington
Rockland
Hanover
Whitman
Hanson
Pembroke
Marshfield
Duxbury
Kingston
Halifax
East Bridgewater
West Bridgewater
Bridgewater
Middleborough
Lakeville
Plympton
Carver
Wareham
Rochester
Marion
Plymouth
Bourne
Sandwich
Falmouth
Mashpee
Barnstable
Yarmouth
Dennis
Harwick
Brewster
Chatham
Orleans
Wellfleet
Truro
Provincetown
Gosnold
Gay Head
Chilmark
West Tisbury
Edgartown
Oak Bluffs
Tisbury
Mattapoisett
Acushnet
Fairhaven
New Bedford
Dartmouth
Westport
Fall River
Somerset
Swansea
Eastham
Nantucket

§ 101.26 Michigan.

Ten Professional Standards Review Organization areas are designated in Michigan, composed of the following counties:

AREA I

Keweenaw
Gogebic
Ontonagon
Houghton
Baraga
Marquette
Alger
Schoolcraft
Luce
Chippewa
Iron
Dickinson
Menominee
Delta
Mackinac

AREA II

Emmet
Cheboygan
Presque Isle
Charlevoix
Antrim
Otsego
Montmorency
Alpena
Leelanau
Benzie
Grand Traverse
Gladwin
Kalkaska
Crawford
Oscoda
Alcona
Wexford
Missaukee
Roscommon
Ogemaw
Manistee

AREA III

Mason
Lake
Osceola
Oceana
Newaygo
Mecosta
Muskegon
Montcalm
Ottawa
Kent
Ionia
Barry

AREA IV

Clare
Arenac
Isabella
Midland
Bay
Iosco
Saginaw
Huron
Tuscola
Sanilac
St. Clair

AREA V

Shiawassee
Genesee
Lapeer

AREA VI

Clinton
Eaton
Ingham
Livingston
Gratiot

AREA VII

Washtenaw
Lenawee
Monroe
Jackson
Hillsdale

AREA VIII

Wayne

AREA IX

Oakland
Macomb

AREA X

Allegan
Van Buren
Kalamazoo
Calhoun
Berrien
Cass
St. Joseph
Branch

§ 101.27 Minnesota.

Three Professional Standards Review Organization areas are designated in Minnesota, composed of the following counties:

AREA I

Kittson
Roseau
Lake of the Woods
Koochiching
St. Louis
Lake
Cook
Marshall
Beltrami
Itasca
Polk
Pennington
Red Lake
Norman
Mahnomen
Clearwater
Hubbard
Cass
Wadena
Crow Wing
Aitkin
Carlton
Todd
Morrison
Mille Lacs
Kanabec
Pine
Pope
Stearns
Benton
Sherburne
Isanti
Chisago
Wright
Clay
Becker
Wilkin
Otter Tail
Traverse
Grant
Douglas
Big Stone
Stevens

AREA II

Anoka
Hennepin
Ramsey
Washington
Carver
Scott
Dakota

AREA III

Swift
Lac Qui Parle
Chippewa
Kandiyohi
Meeker
Yellow Medicine
Renville
McLeod
Lincoln
Lyon
Redwood
Brown
Sibley
Nicollet
Le Sueur
Rice
Goodhue
Wabasha
Pipestone
Murray
Cottonwood
Watowan
Blue Earth
Waseca
Steele
Dodge
Olmsted
Winona
Rock
Nobles
Jackson
Martin
Faribault
Freeborn
Mower
Fillmore
Houston

§ 101.28 Mississippi.

The State of Mississippi is designated as a single Professional Standards Review Organization area.

§ 101.29 Missouri.

Five Professional Standards Review Organization areas are designated in

Missouri, composed of the following counties:

AREA I

Atchison	Platte
Nodaway	Clay
Worth	Ray
Harrison	Carroll
Mercer	Jackson
Holt	Lafayette
Andrew	Saline
Gentry	Cass
De Kalb	Johnson
Daviess	Pettis
Grundy	Bates
Buchanan	Henry
Clinton	Benton
Caldwell	Vernon
Livingston	St. Clair

AREA II

Putnam	Boone
Schuyler	Audrain
Scotland	Callaway
Clark	Montgomery
Sullivan	Cooper
Adair	Morgan
Knox	Moniteau
Lewis	Cole
Linn	Osage
Macon	Gasconade
Shelby	Miller
Marion	Maries
Chariton	Camden
Randolph	Pulaski
Monroe	Phelps
Ralls	Crawford
Pike	Dent
Howard	

AREA III

Lincoln	Franklin
Warren	St. Louis
St. Charles	St. Louis City

AREA IV

Barton	Texas
Cedar	Shannon
Hickory	Newton
Dallas	Christian
Laclede	Douglas
Dade	Howell
Polk	Oregon
Jasper	Mc Donald
Lawrence	Barry
Greene	Stone
Webster	Taney
Wright	Ozark

AREA V

Jefferson	Cape Girardeau
Washington	Carter
St. Francois	Ripley
Ste. Genevieve	Butler
Iron	Stoddard
Madison	Scott
Perry	Mississippi
Reynolds	New Madrid
Wayne	Dunklin
Bollinger	Pemiscot

§ 101.30 Montana.

The State of Montana is designated as a single Professional Standards Review Organization area.

§ 101.31 Nebraska.

The State of Nebraska is designated as a single Professional Standards Review Organization area.

§ 101.32 Nevada.

The State of Nevada is designated as a single Professional Standards Review Organization area.

§ 101.33 New Hampshire.

The State of New Hampshire is designated as a single Professional Standards Review Organization area.

§ 101.34 New Jersey.

Eight Professional Standards Review Organization areas are designated in New Jersey, composed of the following counties:

AREA I

Sussex	Morris
Warren	Except Chilton Hospital

AREA II

Passaic	Chilton Hospital

AREA III

Bergen

AREA IV

Essex

AREA V

Hudson

AREA VI

Union

AREA VII

Hunterdon	Middlesex
Somerset	Monmouth
Mercer	Ocean

AREA VIII

Burlington	Salem
Camden	Cumberland
Gloucester	Cape May
Atlantic	

§ 101.35 New Mexico.

The State of New Mexico is designated as a single Professional Standards Review Organization area.

§ 101.36 New York.

Seventeen Professional Standards Review Organization areas are designated in New York, composed of the following counties:

AREA I

Niagara	Wyoming
Orleans	Chautauqua
Erie	Cattaraugus
Genesee	Allegany

AREA II

Monroe	Seneca
Wayne	Yates
Livingston	Steuben
Ontario	

AREA III

St. Lawrence	Cortland
Jefferson	Tioga
Oswego	Broome
Cayuga	Chemung
Onondaga	Schuyler
Tompkins	

AREA IV

Oneida	Lewis
Herkimer	Chenango
Madison	

AREA V

Franklin	Fulton
Clinton	Warren
Hamilton	Saratoga
Essex	Washington

AREA VI

Schenectady	Schoharie
Montgomery	

AREA VII

Otsego	Rensselaer
Albany	Delaware

AREA VIII

Greene	Ulster
Columbia	Dutchess
Sullivan	Orange

AREA IX

Putnam	Westchester

AREA X

Rockland

AREA XI

New York

AREA XII

Richmond

AREA XIII

Kings

AREA XIV

Queens

AREA XV

Nassau

AREA XVI

Bronx

AREA XVII

Suffolk

§ 101.37 North Carolina.

Eight Professional Standards Review Organization areas are designated in North Carolina, composed of the following counties:

AREA I

Watauga	Swain
Avery	Transylvania
Caldwell	Jackson
Alexander	Henderson
Mitchell	Polk
Yancey	Graham
McDowell	Macon
Burke	Cherokee
Haywood	Clay
Buncombe	Madison
Rutherford	

AREA II

Surry	Rowan
Stokes	Davidson
Yadkin	Ashe
Forsyth	Alleghany
Iredell	Wilkes
Davie	Alexander

AREA III

Rockingham	Alamance
Caswell	Randolph
Guilford	

AREA IV

Person	Durham
Orange	Chatham

AREA V

Granville	Wake
Vance	Lee
Warren	Harnett
Franklin	Johnson

AREA VI

Halifax	Washington
Northampton	Tyrrell
Hertford	Dare
Gates	Wilson
Chowan	Greene
Perquimans	Pitt
Pasquotank	Beaufort
Camden	Hyde
Currituck	Lenoir
Nash	Craven
Edgecomb	Pamlico
Bertie	Jones
Martin	Carteret

AREA VII

Catawba
Lincoln
Cleveland
Gaston
Mecklenburg
Cabarrus
Stanly
Montgomery
Moore
Union
Anson
Richmond

AREA VIII

Wayne
Hoke
Cumberland
Sampson
Duplin
Onslow
Scotland
Robeson
Bladen
Pender
Columbus
Brunswick
New Hanover

§ 101.38 North Dakota.

The State of North Dakota is designated as a single Professional Standards Review Organization area

§ 101.39 Ohio.

Twelve Professional Standards Review Organization areas are designated in Ohio, composed of the following counties:

AREA I

Butler
Warren
Clinton
Hamilton
Clermont
Brown
Highland
Adams

AREA II

Darke
Shelby
Champaign
Miami
Clark
Preble
Montgomery
Greene

AREA III

Van Wert
Allen
Hancock
Seneca
Mercer
Auglaize
Hardin
Logan
Wyandot
Crawford
Marion

AREA IV

Williams
Fulton
Lucas
Ottawa
Defiance
Henry
Wood
Sandusky
Paulding
Putnam

AREA V

Lake
Geauga
Ashtabula

AREA VI

Summit
Portage
Trumbull
Stark
Mahoning
Columbiana

AREA VII

Coshocton
Tuscarawas
Carroll
Jefferson
Harrison
Belmont
Monroe

AREA VIII

Licking
Muskingum
Guernsey
Fairfield
Perry
Morgan
Noble
Athens
Washington

AREA IX

Hocking
Vinton
Meigs
Pike
Jackson
Gallia
Scioto
Lawrence

AREA X

Morrow
Knox
Union
Delaware
Madison
Franklin
Fayette
Pickaway
Ross

AREA XI

Erie
Lorain
Huron
Medina
Richland
Ashland
Wayne
Holmes

AREA XII

Cuyahoga

§ 101.40 Oklahoma.

The State of Oklahoma is designated as a single Professional Standards Review Organization area.

§ 101.41 Oregon.

Two Professional Standards Review Organization areas are designated in Oregon, composed of the following counties:

AREA I

Multnomah

AREA II

Clatsop
Columbia
Tillamook
Washington
Yamhill
Clackamas
Hood River
Wasco
Sherman
Gilliam
Morrow
Umatilla
Union
Wallowa
Lincoln
Polk
Benton
Marion
Linn
Jefferson
Wheeler
Grant
Baker
Lane
Deschutes
Crook
Coos
Douglas
Curry
Josephine
Jackson
Klamath
Lake
Harney
Malheur

§ 101.42 Pennsylvania.

Twelve Professional Standards Review Organization areas are designated in Pennsylvania, composed of the following counties:

AREA I

Erie
Warren
McKean
Potter
Crawford
Forest
Elk
Cameron

AREA II

Tioga
Bradford
Clinton
Lycoming
Sullivan
Centre
Union
Northumberland
Montour
Columbia
Snyder
Mifflin
Juniata

AREA III

Susquehanna
Wyoming
Lackawanna
Luzerne

AREA IV

Wayne
Pike
Monroe
Carbon
Northampton
Lehigh

AREA V

Mercer
Venango
Clarion
Jefferson
Clearfield
Lawrence
Butler
Armstrong
Indiana

AREA VI

Alleghany

AREA VII

Beaver
Washington
Westmoreland
Greene
Fayette

AREA VIII

Cambria
Blair
Huntingdon
Somerset
Bedford

AREA IX

Schuylkill
Perry
Dauphin
Lebanon
Berks
Cumberland
Lancaster
Fulton
Adams
Franklin
York

AREA X

Chester
Delaware

AREA XI

Montgomery
Bucks

AREA XII

Philadelphia

§ 101.43 Puerto Rico.

Puerto Rico is designated as a single Professional Standards Review Organization area.

§ 101.44 Rhode Island.

The State of Rhode Island is designated a single Professional Standards Review Organization area.

§ 101.45 South Carolina.

The State of South Carolina is designated as a single Professional Standards Review Organization area.

§ 101.46 South Dakota.

The State of South Dakota is designated as a single Professional Standards Review Organization area.

§ 101.47 Tennessee.

Two Professional Standards Review Organization areas are designated in Tennessee, composed of the following counties:

AREA I

Haywood
Madison
Henderson
Decatur
Shelby
Fayette
Hardeman
Chester
McNairy
Hardin
Lauderdale
Tipton

AREA II

Stewart
Montgomery
Robertson
Sumner
Lake
Obion
Weakley
Henry
Dyer
Gibson
Carroll
Benton
Crockett
Trousdale
Macon
Clay
Pickett
Houston
Dickson
Cheatham
Davidson
Wilson
Smith
Jackson
Overton
Fentress
Humphreys
Hickman
Williamson
Rutherford
Cannon
Scot
Campbell
Claiborne
Hancock
Hawkins
Sullivan
Johnson
Morgan
Anderson
Union
Grainger
Sevier
Hamblen
Jefferson
Cocke
Greene
Washington
De Kalb
White
Putnam
Cumberland
Perry
Lewis
Maury
Marshall
Bedford
Coffee

AREA II—Continued

Warren
Van Buren
Wayne
Lawrence
Giles
Lincoln
Moore
Franklin
Unicoi
Carter
Roane
Loudon
Knox
Blount
Bledsoe
Rhea
Meigs
McMinn
Monroe
Grundy
Sequatchie
Marion
Hamilton
Bradley
Polk

§ 101.48 Texas.

Nine Professional Standards Review Organization areas are designated in Texas, composed of the following counties:

AREA I

Dallam
Sherman
Hansford
Ochiltree
Lipscomb
Hartley
Moore
Hutchinson
Roberts
Hemphill
Oldham
Potter
Carson
Gray
Wheeler
Deaf Smith
Randall
Armstrong
Donley
Collingsworth
Parmer
Castro
Swisher
Briscoe
Hall
Childress
Hardeman
Bailey
Lamb
Hale
Floyd
Motley
Cottle
Foard
Wilbarger
Wichita
Cochran
Hockley
Lubbock
Crosby
Dickens
King
Knox
Baylor
Archer
Clay
Montaque
Yoakum
Terry
Lynn
Garza
Kent
Stonewall
Haskell
Throckmorton
Young
Jack
Scurry
Fisher
Jones
Shackelford
Stephens
Mitchell
Nolan
Taylor
Callahan
Eastland
Coleman
Brown
Comanche
Runnels

AREA II

Wise
Palo Pinto
Parker
Tarrant
Erath
Hood
Johnson
Somervell

AREA III

Grayson
Fannin
Collin
Hunt
Dallas
Rockwall
Ellis
Kaufman
Navarro
Cooke
Denton

AREA IV

Lamar
Red River
Bowie
Delta
Hopkins
Franklin
Titus
Camp
Morris
Cass
Rains
Wood
Upshur
Marion
Van Zandt
Smith
Gregg
Harrison
Henderson
Anderson
Cherokee
Rusk
Panola
Houston
Angelina
Nacogdoches

AREA IV—Continued

Shelby
Sabine
Trinity
San Jacinto
Polk
Tyler
Jasper
Newton
San Augustine
Hardin
Orange
Jefferson

AREA V

Andrew
Martin
Howard
El Paso
Hudspeth
Culberson
Reeves
Loving
Winkler
Ector
Midland
Glasscock
Sterling
Coke
Ward
Crane
Upton
Reagan
Irion
Tom Green
Concho
McCulloch
Jeff Davis
Pecos
Crockett
Schleicher
Menard
Mason
Sutton
Kimble
Presido
Brewster
Terrell
Gaines
Dawson
Borden

AREA VI

Mills
Hamilton
Bosque
Hill
Limestone
Freestone
Lampasas
Coryell
McLennan
Falls
Robertston
Leon
Madison
Llano
Burnet
Bell
Williamson
Milam
Brazos
San Saba
Grimes
Blanco
Travis
Bastrop
Lee
Burleson
Washington
Hays
Caldwell
Fayette

AREA VII

Walker
Montgomery
Harris
Liberty
Chambers

AREA VIII

Austin
Wharton
Fort Bend
Brazoria
Galveston
Matagorda
Waller
Colorado

AREA IX

Val Verde
Edwards
Real
Kerr
Bandera
Gillespie
Kendall
Comal
Kinney
Medina
Bexar
Guadalupe
Gonzales
Lavaca
Wilson
Maverick
Zavala
Frio
Atascosa
Karnes
De Witt
Victoria
Jackson
Dimmit
La Salle
McMullen
Live Oak
Bee
Goliad
Refugio
Calhoun
San Patricio
Aransas
Webb
Duval
Jim Wells
Nueces
Kleberg
Zapata
Jim Hogg
Brooks
Kenedy
Starr
Hidalgo
Willacy
Cameron
Uvalde

§ 101.49 Utah.

The State of Utah is designated as a single Professional Standards Review Organization area.

§ 101.50 Vermont.

The State of Vermont is designated as a single Professional Standards Review Organization area.

§ 101.51 Virgin Islands.

The Virgina Islands are designated as a single Professional Standards Review Organization area.

§ 101.52 Virginia.

Five Professional Standards Review Organization areas are designated in Virginia, composed of the following counties and independent cities:

AREA I

COUNTIES

Frederick
Clarke
Warren
Sheneandoah
Page
Rappahannock
Fauquier
Rockingham
Greene
Madison
Culpeper
Stafford
King George
Highland
Augusta
Albemarle
Orange
Louisa
Spotsylvania
Caroline
Bath
Rockbridge
Nelson
Fluvanna

INDEPENDENT CITIES

Winchester
Harrisonburg
Fredericksburg
Staunton
Waynesboro
Charlottesville
Buena Vista

AREA II

COUNTIES

Loudoun
Prince William
Fairfax
Arlington

INDEPENDENT CITIES

Alexandria
Fairfax
Falls Church

AREA III

COUNTIES

Alleghany
Craig
Botetourt
Bedford
Amherst
Appomattox
Campbell
Roanoke
Giles
Montgomery
Floyd
Franklin
Pittsylvania
Pulaski
Carroll
Patrick
Henry
Bland
Wythe
Grayson
Tazewell
Smyth
Buchanan
Russell
Washington
Dickenson
Wise
Scott
Lee

INDEPENDENT CITIES

Clifton Forge
Covington
Lynchburg
Roanoke
Radford
Norton
Bristol
Galax
Martinsville
Danville

AREA IV

COUNTIES

Buckingham
Cumberland
Goochland
Powhatan
Hanover
Henrico
New Kent
Charles City
Prince Edward
Amelia
Chesterfield
Prince George
Surry
Nottoway
Dinwiddie
Sussex
Charlotte
Lunenburg
Brunswick
Greensville
Halifax
Mecklenburg

INDEPENDENT CITIES

Richmond	Petersburg
Colonial Heights	South Boston
Hopewell	

AREA V

COUNTIES

Westmoreland	Mathews
Northumberland	King and Queen
Accomack	Gloucester
Richmond	King William
Lancaster	James City
Northampton	York
Essex	Southampton
Middlesex	Isle of Wight

INDEPENDENT CITIES

Williamsburg	Nansemond
Newport News	Portsmouth
Hampton	Norfolk
Franklin	Chesapeake
Suffolk	Virginia Beach

§ 101.53 Washington.

The State of Washington is designated a single Professional Standards Review Organization area.

§ 101.54 West Virginia.

The State of West Virginia is designated as a single Professional Standards Review Organization area.

§ 101.55 Wisconsin.

Two Professional Standards Review Organization areas are designated in Wisconsin, composed of the following counties:

AREA I

Douglas	Lincoln
Bayfield	Langlade
Ashland	St. Croix
Iron	Marinette
Vilas	Oconto
Burnett	Door
Washburn	Shawano
Sawyer	Menominee
Price	Waupaca
Oneida	Outagamie
Forest	Brown
Florence	Kewaunee
Polk	Richland
Barron	Sauk
Rusk	Columbia
Taylor	Dodge

AREA I—Continued

Grant	Adams
Iowa	Vernon
Dunn	Crawford
Chippewa	Waushara
Clark	Winnebago
Marathon	Calumet
Pierce	Manitowoc
Pepin	Marquette
Eau Clair	Green Lake
Buffalo	Fond Du Lac
Trempealeau	Sheboygan
Jackson	Dane
Wood	Jefferson
Portage	Lafayette
La Crosse	Green
Monroe	Rock
Juneau	

AREA II

Washington	Walworth
Ozaukee	Racine
Waukesha	Kenosha
Milwaukee	

§ 101.56 Wyoming.

The State of Wyoming is designated as a single Professional Standards Review Organization area.

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MONDAY, MARCH 18, 1974
WASHINGTON, D.C.

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PART III

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Proposed Rules

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1926]

[S–74–7]

TUNNELS AND SHAFTS, ILLUMINATION, SCAFFOLDING, MOTOR VEHICLES, SEAT BELTS, PNEUMATIC-TIRED EARTHMOVING HAULAGE EQUIPMENT, EXCAVATION, COFFERDAMS, AND SURFACE TRANSPORTATION OF EXPLOSIVES

Notice of Proposed Rulemaking and Public Hearing

The Advisory Committee on Construction Safety and Health has recommended a complete revision of the safety and health standards for tunnels and shafts contained in Subpart S of Part 1926 of Title 29 of the Code of Federal Regulations. The Advisory Committee has also made recommendations for revising the construction safety and health standards concerning illumination, scaffolding, equipment, motor vehicles, seat belts, pneumatic-tired earthmoving haulage equipment, excavation, cofferdams, and surface transportation of explosives.

Upon consideration of the recommendations and pursuant to authority in section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96; 40 U.S.C. 333), and in Secretary of Labor's Order No. 12–71 (36 FR 8754), it is proposed to amend Part 1926 of Title 29 of the Code of Federal Regulations as set forth below.

Interested persons are invited to comment on the proposed revisions. Written data, views, and arguments should be submitted in triplicate to the Office of Standards, Occupational Safety and Health Administration, attention J. Goodell, Room 240, 1726 M Street NW., Washington, D.C. 20210, on or before May 17, 1974. The data, views and arguments will be available for public inspection and copying at the above address.

In addition, oral data, views, and arguments will be received by an administrative law judge at a public hearing on June 26 and 27, 1974, in the Departmental Auditorium, Constitution Avenue between 14th and 12th Streets, NW., Washington, D.C. Beginning at 9:30 a.m. on June 26, 1974, a prehearing conference will be held in order to establish the order and time for the presentation of statements and settle any other procedural matters relating to the proceeding. The hearing will be conducted by an administrative law judge assigned by the Chief Administrative Law Judge of the Department of Labor. All documents that are intended to be submitted for the record at the hearing should be submitted in triplicate. The hearing shall be conducted, and the decisions will be made, in accordance with 29 CFR Part 1911.

Persons desiring to appear at the hearing must file a notice of intention to appear before May 31, 1974, with the Office of Standards, Occupational Safety and Health Administration, attention J. Goodell, Room 240, 1726 M Street, NW., Washington, D.C. 20210. The notice must contain the following information:

(1) The name and address of the person to appear;

(2) The capacity in which he will appear;

(3) The approximate amount of time needed for the presentation;

(4) The specific provisions of the proposals which will be addressed;

(5) The position that will be taken with respect to each provision addressed; and

(6) A summary of the evidence with respect to each such provision proposed to be adduced at the hearing.

A. *Summary of major general proposals.*

1. *Illumination.* The proposed revision of § 1926.56 would make a correction in the foot candle requirements for general construction areas, and add foot candle requirements for a new designation of outdoor, active construction areas. Also, the illumination requirements for tunnels and shafts would be relocated in § 1926.800(d)(1).

2. *Scaffolding.* It is proposed to revise § 1926.451(a)(6) to permit the use of No. 19 gauge U.S. standard wire because the No. 18 gauge wire presently required is not always available. Section 1926.451(a)(22) would be added, requiring all scaffold platforms to be secured in place and tightly planked to prevent tools or other material from falling through.

3. *Mechanized equipment.* In § 1926.600(a), new general requirements concerning the safe use of mechanized equipment are proposed. These new requirements primarily concern the lockout or tag-out of machinery or equipment when work is being performed on such machinery or equipment; non-return valves for multi-air connections for discharge lines; and safe access to mobile equipment operator stations or work platforms.

In § 1926.600(b), it is proposed to define the term "jumbo" and make the requirements for jumbos used in tunnel construction applicable to jumbos used in general construction.

4. *Motor vehicles.* It is proposed to revise the coverage provisions of § 1926.601(a).

5. *Material handling equipment.* a. *Seat belts.* In § 1926.602(a)(2), it is proposed to revise the requirements for seat belts on agricultural and light industrial tractors used in construction work. The title of the Society of Automotive Engineers J 333a–1970 reference standard would be corrected.

b. *Brakes.* There are no substantive changes proposed in the brake requirements in § 1926.602(a)(4). The proposal would simply add the effective date provisions previously located in § 1926.602(a)(8).

c. *Fenders.* It is proposed to revoke the requirement that fenders be installed on pneumatic-tired earthmoving haulage equipment by revising § 1926.602(a)(5) and revoking the effective date requirements of § 1926.602(a)(8). In lieu of a specific fender requirement, § 1926.602(a)(5) would be revised to require that pneumatic-tired earthmoving haulage equipment, capable of speeds in excess of 15 miles per hour, be designed or equipped and operated to protect the operator from exposure to material thrown radially from rotating tires.

It should be pointed out that the standard requiring the installation of fenders on pneumatic-tired earthmoving haulage equipment, 29 CFR 1926.602(a)(5) and (8) is presently suspended pursuant to a previous recommendation of the Advisory Committee. Notice of the suspension pending the outcome of the present rulemaking proceeding was published in the FEDERAL REGISTER on October 5, 1973 at 38 FR 27594.

6. *Excavation.* In § 1926.651, it is proposed to revise paragraph (t) to make the requirements concerning barricades and covers applicable to all excavations, and to add requirements for barricades for the protection of employees working adjacent to an excavation where the work is not directly connected to the excavation operation. Section 1926.651(t) presently requires that barrier physical protection be provided at all remotely located excavations.

7. *Concrete buckets.* The proposed revision of § 1926.700(d)(2) is not intended to make any substantive change in the standard. The purpose of the revision is to add language which was omitted in the earlier publication of the standard.

8. *Cofferdams.* Paragraph (c) of § 1926.802 would be revised to require that at least two means of rapid exit be provided for employees working in cofferdams. Also, proposed § 1926.802(d) would require that guardrails be provided on cofferdam walkways, bridges and ramps in accordance with § 1926.500. As proposed, § 1926.802(e) would require that cofferdams located close to navigable waters be protected from vessels in transit at all times, eliminating the present requirement that such protection be provided where possible.

9. *Surface transportation of explosives.* It is proposed to revise § 1926.902(i) by changing the rating required for fire extinguishers used on vehicles transporting explosives so as to require not less than 10BC rating (dry chemical type). The present requirements specify the use of a fire extinguisher with a rating of not less than 10 ABC. It is felt that the dry chemical type extinguisher would be preferable for use with the kind of fire encountered in the transportation of explosives.

B. *Summary of major proposed revisions in § 1926.800, concerning tunnels and shafts.*

1. *Scope.* Paragraph (a)(1) would be expanded to include the work areas located in and around tunnels, shafts, caissons, cofferdams, and in compressed air.

2. *Access and egress.* The proposed revision of paragraph (a)(2) would require that a safe means of egress be provided, in addition to a safe means of access presently required. Proposed paragraph (b)(6) would require that an emergency means of access and egress,

such as an escape route or a refuge chamber, be provided within 5000 feet of the face or heading.

3. *Barricade.* Presently paragraph (a) (4) requires that access to an unattended underground opening be restricted by gates or doors and that openings such as unused chutes and manways be tightly covered. The proposals, paragraph (a) (iv), would require that completed or unused sections of the tunnels be barricaded.

4. *Gassy operations.* Proposed paragraph (a) (2) would set forth the conditions which would require an underground operation to be treated as gassy. Also the proposed revision would require the use of permissible equipment in gassy operations, as classified by the U.S. Bureau of Mines or a nationally recognized testing laboratory, and would require the posting of all gassy operations to give notice that the operations are gassy.

5. *Records of hazardous conditions and requirements of safety program.* It is proposed to add a requirement that records be maintained, at the jobsite, of hazardous conditions such as major equipment, failures, earth or rock slides, cave-ins, fires, ruptures or explosions. Another new provision would require that each employer maintain, at the jobsite, a description of certain features of a safety program such as safety procedures involving ventilation, lighting and communication systems, emergency procedures, safety training program and the procedure for coordination of other employees working on or affecting the construction site.

6. *First aid and medical attention.* Additional first aid and medical attention requirements, not contained in Subpart D of part 1926, are proposed in paragraph (a) (5). The new requirements are specifically related to tunnel operations.

7. *Emergency provisions.* (a) *Hoisting.* Paragraph (b) would be amended to require that emergency hoisting facilities be provided at shafts when work is in progress.

(b) *Self rescuers.* Paragraph (b) (3) presently requires that self-rescuers approved by the Bureau of Mines be available near the advancing face for each face employee and be located on the haulage equipment and in other areas where employees might be trapped by smoke or gas. The proposed revision of paragraph (b) (3) would require that approved self-rescuers be provided for each person and be readily available in all underground areas where persons might be trapped by smoke or gas. The proposal would require that self-rescuers be approved by either the Bureau of Mines or the National Institute for Occupational Safety and Health (NIOSH).

(c) *Rescue crews.* Rescue equipment, including self-contained breathing apparatus, would be required for the use of each rescue crew member by new paragraph (b) (8).

(d) *Communication.* Paragraph (b) (4) would require communication systems in all shafts and lineal headings where voice communication is ineffective and would require that all telephone or other signal communication systems be independent of the tunnel power supply. Requirements for dual communication systems in specific areas would be added and the installation of such systems in series would be prohibited. Also, immediate means of communication would be required for employees who are isolated or working alone. Presently, paragraph (b) (4) requires that either telephone or some other communication system be provided between the work face and the tunnel portal and that such systems be independent of the tunnel power supply.

(e) *Emergency access and egress.* An emergency means of access and egress, such as an escape route or refuge chamber would be required within 5000 feet of the face of the heading by proposed paragraph (b) (6).

8. *Air quality and ventilation.* As proposed, paragraph (c) (3) would specify the conditions under which an employee would be permitted to work, for short periods of time, in concentrations of airborne contaminants which exceed the threshold limit values set forth in the 1970 edition of "Threshold Limit Values of Airborne Contaminants" adopted by the American Conference of Governmental Industrial Hygienists.

Paragraph (c) (1) (vi) presently requires that atmospheres in all active areas contain at least 20 percent oxygen. It is proposed to revise this requirement to require that the atmospheres in all underground areas contain at least 19.5 percent oxygen.

With respect to flammable gas, proposed paragraph (c) (6) would require that employees be withdrawn from working places when 20 percent of the lower explosive limit or higher concentration of flammable gas is detected in air returning from an underground working place or in air return. Presently, paragraph (c) (2) (vi) requires the removal of employees when 1.5 percent or higher concentration of flammable gas is detected in returning air.

It is proposed to require that mobile diesel-powered equipment used underground in gassy operations meet the requirements of certain Bureau of Mines Publications. This revision would eliminate the requirement that such equipment be approved when used in nongassy mines. The proposal is found in paragraph (c) (7). A new paragraph (c) (8) would be added prohibiting the idling of internal combustion engines in the intake air for more than five minutes.

In addition, it is proposed to revise the requirements concerning the need for mechanically induced primary ventilation in tunnels without adequate natural ventilation, reversible air flow in tunnels over 400 feet in length, failure of the ventilating system, re-entry of qualified and authorized employees into the adit, tunnel, shaft or other underground areas after the main fan or fans have been shut down, and the supply of quality air to all points of the tunnel.

9. *Illumination.* The requirements of paragraph (d) (1) would be revised to require that tunnel and shaft headings, drilling, marking, and scaling work areas underground have a minimum of 5 foot-candles of illumination. A minimum of 2 foot-candles of illumination at zero elevation would be required in all other underground areas. Presently a minimum of 10 foot candles of illumination is required in areas such as the shaft heading and 5 foot candles is required in all other underground areas.

A new paragraph (d) (2) would be added requiring automatic emergency lighting in the heading area. In addition, if the natural light or the emergency lighting system is not adequate for escape then each employee underground would be required to have a portable hand light or cap lamp.

10. *Fire prevention and control.* The requirements of paragraph (e) (1) (viii) requiring the use of fire-resistant hydraulic fluids would be revised. Proposed paragraph (e) (7) would require the use of fire-resistant hydraulic fluids in powered hydraulically-actuated underground machinery and equipment unless such equipment is protected by multipurpose fire extinguishers or a fire suppression system.

In addition, new requirements are proposed covering welding, cutting, and heating operations when an underground operation is considered gassy, storage of flammable materials near tunnels and shafts, and the use of non-combustible or fire resistant materials in buildings built for use within a tunnel or shaft.

11. *Ground support.* It is proposed to add new requirements for the protection of employees working ahead of support replacement operations and tunnel sets. Paragraph (h) (2) (v) would prohibit employees from working ahead of replacement operations unless alternate egress is provided. Paragraph (h) (2) (vii) would require temporary roof supports to be used where ground conditions require the use of such supports in order to protect employees working ahead of tunnel sets.

12. *Drilling—Jumbos.* The requirements for jumbos would be revised. The proposed revision would require that jumbos be chocked to prevent movement and that the decks be kept clean and be of the anti-slip type to prevent slipping hazards.

13. *Blasting.* A new paragraph (j) (2) would be added to require that blasting wires be kept clear of electrical lines, pipes, rails, and other conductive material except the earth.

14. *Haulage.* Paragraph (h) would be revised by adding new requirements concerning cab and canopy protection for powered mobile equipment, refuge stations, bonding of rails, safety chains in addition to couplings for connecting rail cars, pulling of man cars used to transport employees, and a prohibition against employees working from equipment that is not specifically designed or adopted for such use.

15. *Electrical equipment.* It is proposed to revise paragraph (L) by adding provisions to require that lighting circuits be located so that movement of personnel and equipment will not damage the circuits or disrupt the service and to require that non-metallic and

weatherproof light fixtures be used in all areas exposed to dampness.

16. *Hoisting.* Paragraph (m) concerning hoisting would be completely revised. The proposed revision primarily concerns inspection and maintenance of hoisting equipment, the proper use of hoists for men and for materials, the use of cranes as hoists, the maintenance of component parts of the hoists, safety devices, the use of manhoists while sinking shafts under or over 50 feet, manhoists used during tunnel construction, and material hoists.

A. Proposed miscellaneous amendments to Part 1926 of Title 29, Code of Federal Regulations:

1. In § 1926.56(a), Table D–3 would be revised to read as follows:

§ 1926.56 Illumination.

(a) *General.* Construction areas, ramps, runways, corridors, offices, shops, and storage areas shall be lighted to not less than the minimum illumination intensities listed in Table D–3 while any work is in progress:

TABLE D–3—MINIMUM ILLUMINATION INTENSITIES IN FOOT-CANDLES

Foot-candles:	*Area of Operation*
3	General construction area lighting.
5	Outdoors: Active construction areas, concrete placement, excavation and waste areas, accessways, active storage areas, loading platforms, refueling, and field maintenance areas.
5	Indoors: warehouses, corridors, hallways, and exitways.
10	General construction plant and shops (e.g., batch plants, screening plants, mechanical and electrical equipment rooms, carpenter shops, rigging lofts and active storerooms, barracks or living quarters, locker or dressing rooms, mess halls, and indoor toilets and workrooms).
30	First aid stations, infirmaries, and offices.

NOTE: For illumination underground, see § 1926.800(d).

* * * * *

2. In § 1926.451, paragraph (a)(6) would be revised and a new paragraph (a)(22) would be added, reading as follows:

§ 1926.451 Scaffolding.

(a) *General Requirements.* * * *

(6) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of no smaller than No. 19 gauge U.S. Standard wire ½-inch mesh openings, or the equivalent.

* * * * *

(22) All scaffold platforms shall be secured in place and shall be tightly planked in such a way as to prevent tools or other materials from falling through.

* * * * *

3. In § 1926.600, new paragraphs (a)(7), (8), (9), (10) and (b) would be added, reading as follows:

§ 1926.600 Equipment.

(a) *General requirements.* * * *

(7) When work must be performed on machinery or equipment, as for repairs, the equipment shall be locked out or tagged out and not restarted until all employees are clear.

(8) (i) Where there are multi-air connections for discharge lines from pressure vessels, compressors, and manifolds, they shall be equipped with nonreturn valves. This applies to discharge lines having a flow of compressed air greater than 60 cubic feet per minute.

(ii) Each air or steam hose connection shall be secured to prevent the hose from whipping.

(9) Safe access shall be provided to all mobile equipment operator stations or work platforms.

(10) Materials, tools, or equipment on mobile units shall not be loaded so as to cause injury to employees.

(b) *Specific equipment — Jumbos.* Jumbos used in other than tunnel operations shall meet the requirements of § 1926.800(i)(8). The term "jumbo" means a mobile carriage, designed with wings, platforms, or decks, upon which one or more drills may be mounted or other operations may be performed.

4. In § 1926.601, paragraph (a) would be revised to read as follows:

§ 1926.601 Motor vehicles.

(a) *Coverage.* This section applies to vehicles used in the performance of construction work on, or immediately adjacent to, a worksite. The requirements of this section do not apply to equipment for which rules are prescribed in § 1926.602.

* * * * *

5. In § 1926.602, paragraphs (a)(2), (a)(4), and (a)(5) would be revised, and paragraph (a)(8) would be revoked. As revised, § 1926.602 would read as follows:

§ 1926.602 Material handling equipment.

(a) *Earthmoving equipment; General.* * * *

(2) *Seat belts.* (i) Seat belts shall be provided on all equipment covered by this section and shall meet the requirements of the Society of Automotive Engineers, J386–1969, Seat Belts for Construction Equipment. Seat belts for agricultural and light industrial tractors used in construction shall meet the seat belt requirements of Society of Automotive Engineers J333a–1970, Operator Protection for Wheel Type Agricultural and Light Industrial Tractors.

* * * * *

(4) *Brakes.* All earthmoving equipment mentioned in paragraph (a)(1) of this section shall have a service braking system capable of stopping and holding the equipment fully loaded, as specified in Society of Automotive Engineers SAE–J237, Loader Dozer-1971, J236, Graders-1971, and J319b, Scrapers-1971. Brake systems for self-propelled rubber-tired off-highway equipment manufactured after January 1, 1972 shall meet the applicable minimum performance criteria set forth in the following Society of Automotive Engineers Recommended Practices:

Self-propelled scrapers	SAE J319b–1971
Self-propelled graders	SAE J236 –1971
Trucks and wagons	SAE J166 –1971
Front end loaders and dozers.	SAE J237 –1971

Equipment manufactured before January 1, 1972, which is used by any employer after that date, shall comply with the applicable rules prescribed herein not later than June 30, 1973.

(5) Pneumatic-tired earthmoving haulage equipment (trucks, scrapers, tractors, and tractors with trailing units), capable of speeds in excess of 15 miles per hour, shall be designed or equipped and operated so that the operator shall not be exposed to material thrown radially from the rotating tires.

* * * * *

(8) [Revoked]

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6. In § 1926.651, paragraph (t) would be revised to read as follows:

§ 1926.651 Specific exacavation requirements.

* * * * *

(t) All wells, pits, and shafts shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, and shafts shall be backfilled. Where employees are working adjacent to an excavation on work not directly connected with the excavation, such excavation shall be adequately barricaded.

* * * * *

7. In § 1926.700, paragraph (d)(7)(i) would be revised to read as follows:

§ 1926.700 General provisions.

* * * * *

(d) *Concrete placement.* * * *

(7) *Concrete buckets.* (i) Concrete buckets equipped with hydraulic or pneumatically operated gates shall have positive safety latches or similar safety devices installed to prevent premature or accidental dumping. Buckets shall be designed to prevent aggregate and loose material from accumulating on the tops and sides of the bucket.

* * * * *

8. In § 1926.802, paragraph (c) would be revised, paragraph (d) would be revised and redesignated paragraph (e) and a new paragraph (d) would be added. As revised § 1926.802 would read as follows:

§ 1926.802 Cofferdams.

* * * * *

(c) At least two means of rapid exit shall be provided for employees working in cofferdams.

(d) Cofferdam walkways, bridges, and ramps shall be provided with guardrails, in accordance with § 1926.500.

(e) Cofferdams located close to navigable waters shall be protected from vessels in transit.

9. In § 1926.902, paragraph (i) would be revised to read as follows:

§ 1926.902 Surface transportation of explosives.

* * * * *

(i) Each vehicle used for transportation of explosives shall be equipped with a fully charged fire extinguisher approved by a nationally recognized testing laboratory, in good condition, of not less than 10BC rating (dry chemical type). The driver shall be trained in the use of the extinguisher on his vehicle.

* * * * *

B. Proposed revision of § 1926.800, Tunnels and Shafts. Section 1926.800 is proposed to be revised to read as follows:

§ 1926.800 Tunnels, shafts, and related work areas.

(a) *General*—(1) *Application.* (i) The specific requirements of Subpart S of this part shall apply to work being performed in and around tunnels, shafts, caissons, cofferdams, in compressed air, and related work areas, in addition to applicable provisions of other subparts of this part.

(ii) Safe means of access and egress shall be provided and maintained to all working places.

(iii) When ladders and stairways are provided in shafts and steep inclines, they shall meet the requirements of Subparts L and M of this part.

(iv) Access to underground openings shall be restricted by gates or doors. Unused chutes, manways, or other openings shall be tightly covered, bulk-headed, or fenced off, and posted. Completed sections or unused sections of the tunnel that are not used by the employees shall be barricaded and made off limits. Conduits, trenches, manholes, and other openings shall meet the requirements of Subparts M and P of this part.

(v) Subsidence areas that present hazards to employees shall be barricaded and posted or supported.

(vi) Each operation shall have a check-in and check-out system that will provide positive identification of every employee underground. Positive identification, for the purpose of this subpart, includes, but is not limited to, a metal disc, tag, or other device worn by the employee for individual count and identification. An accurate record of the employees shall be kept on the surface.

(2) *Gassy operations.* (i) An underground operation shall be considered gassy and shall be operated thereafter as gassy if:

(*a*) Flammable gas or petroleum vapors emanating from the strata have been ignited in the tunnel; or

(*b*) A concentration of 0.25 percent by volume (5 percent of lower explosive level (LEL)) or more of flammable gas has been detected not less than 12 inches from the roof, face, floor, or walls in any open workings; or

(*c*) A concentration of 20 percent of LEL of petroleum vapors has been detected not less than 3 inches from the roof, face, floor, or walls in any open workings; or

(*d*) The tunnel is connected to a gassy excavation which subjects the employees to reasonable likelihood of danger; or

(*e*) The history or past experience indicates that flammable or petroleum vapors in hazardous concentrations are likely to be encountered in such tunnel.

(ii) Only permissible equipment, maintained in permissible condition, shall be used in gassy operations. For the purpose of this part, "permissible" as applied to any device, equipment, or appliance means that such device, equipment, or appliance is classed as permissible by the U.S. Bureau of Mines or a nationally recognized testing laboratory.

(iii) All gassy underground operations shall be prominently posted as a gassy operation at each underground entrance.

(3) *Record of hazardous conditions.* A record of hazardous conditions, such as major equipment failures, earth or rock slides, cave-ins, fires, ruptures or explosives, shall be maintained at the jobsite.

(4) *Safety program.* (i) Each employer shall establish an accident prevent program and a safety training program in accordance with § 1926.20(b), § 1926.21 (b), and paragraph (a)(4) of this section. There shall be available at the jobsite:

(*a*) A written statement of the accident prevention program, which shall include the safe procedures involving the ventilation, lighting, and communication systems to be used;

(*b*) Emergency procedures, including access and egress methods, and personal protective equipment to be used;

(*c*) The safety training program; and

(*d*) The plan of coordination with all other employers working on or affecting the construction site.

(ii) Each employee shall be issued a copy of the project's general safety rules prior to commencement of the employee's work at the project.

(iii) Each employer shall designate a competent person with responsibility to administer the safety program. A written record shall be maintained of the safety activities.

(iv) Regular weekly accident prevention training and instruction shall be given to each employee.

(5) *First aid and medical attention.* (i) First aid services and provisions for medical care shall be made available by the employer for his employees in accordance with requirements contained in Subpart D of this part.

(ii) First aid stations, when provided, shall have a minimum of 100 square feet of clear floor space with provisions for adequate light, ventilation, and sanitation facilities as specified in Subpart D of this part. All surfaces shall be maintained in a clean and sanitary condition and the floor shall be of impervious construction.

(6) *Immediate aid.* At least one person shall be on duty above ground when employees are working underground. Such person's primary duties shall include responsibility for securing immediate aid for employees underground in case of emergency.

(b) *Emergency provisions.* (1) Evacuation plans and procedures shall be developed and made known to the employees.

(2) Emergency hoisting facilities shall be provided at shafts when work is in progress.

(3) Self-rescuers approved by either the National Institute for Occupational Safety and Health (NIOSH) or the Bureau of Mines shall be provided for each person, and shall be kept readily available, in all underground areas where persons might be trapped by smoke or gas. The self-rescuers shall be maintained in good current operating condition. Employees shall be trained in their use.

(4) All shafts and lineal headings where voice communication is ineffective shall be provided with communication systems that meet the following requirements:

(i) Telephone or other signal communication systems shall be independent of the tunnel power supply;

(ii) Dual communications shall be provided between the working face or work area, and the top and bottom of the shaft(s), and the hoisting station, or surface where no hoist is involved. Such systems shall not be installed in series;

(iii) Communication systems shall be tested daily for proper working condition.

(5) Employees working alone or at isolated locations underground shall have means of immediate communication for assistance.

(6) Emergency means of access and egress, such as an escape route or a refuge chamber, shall be provided within 5000 feet of the face or heading.

(7) At tunnel operations employing 25 or more employees at one time underground, there shall be at least two rescue crews (10 employees divided between shifts). Rescue crews shall be trained in rescue procedures, in the use, care, and limitations of breathing apparatus, and the use and maintenance of fire-fighting equipment, and shall be retrained at least annually. Where there are fewer than 25 employees, no less than one-third shall be trained in such rescue procedures.

(8) Rescue equipment, including self-contained breathing apparatus, that is suitable for the operation shall be provided, maintained, and readily available for the use of each rescue crew member.

(c) *Air quality and ventilation.* (1) Instruments, approved for specific applications, shall be provided to test the atmosphere quantitatively for carbon monoxide, nitrogen dioxide, flammable or toxic gases, dusts, mists, and fumes that occur in a tunnel or shaft. Tests shall be conducted as frequently as necessary to assure that the required quality and quantity of air is maintained. A record of all tests shall be maintained for the duration of the project and be made available for inspection to authorized representatives of the Secretary.

(2) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(3) Except as provided in paragraph (c)(4) of this section, no employee may be allowed to work inside a tunnel or a shaft where there is an airborne concentration of a contaminant in excess of the applicable limit imposed by § 1926.55.

(4) Employees may work for short periods of time in concentrations of airborne contaminants which exceed the limits imposed by § 1926.55, provided they wear respiratory protective devices approved for protection against the particular hazards involved. The circumstances under which temporary, limited work may be permitted are as follows:

(i) In cases of emergency;

(ii) While environmental controls are being established; and

(iii) When necessary by the nature of the work, such as, but not limited to, welding, sandblasting, lead burning, and painting.

(5) Atmospheres in all underground areas shall contain at least 19.5 percent oxygen.

(6) If 20 percent of the lower explosive limit, or higher concentration of flammable gas, is detected in air returning from any underground working place(s) or in air return, the employees shall be withdrawn to a safe location and the power cut off to the portion of the area endangered by such flammable gas until the concentration of such gas is reduced to 10 percent of the lower explosive limit or less.

(7) Internal combustion engines used underground shall be diesel-powered. Mobile diesel-powered equipment used underground in gassy operations shall meet the requirements set forth in the following Bureau of Mines publications: Schedule 31, for Gassy Non-Coal Mines and Tunnels, Diesel Equipment Listing for Years 1967 through 1971, Part 1, Certified Diesel Engines and Certified Safety Components; and Information Circular 8354, Mobile Diesel-powered Transportation Equipment for Gassy Non-Coal Mines and Tunnels approved by U.S. Bureau of Mines.

(8) Internal combustion engines shall not be idled in the intake air in excess of five minutes.

(9) Tunnels, without adequate natural ventilation, shall be provided with mechanically induced primary ventilation in all areas. The direction of mechanical airflow shall be reversible in tunnels over 400 feet in length.

(10) Ventilation doors, not operated mechanically, shall be designed and installed so that they are self-closing and will remain closed regardless of the direction of the air movement.

(11) When there has been a failure of the ventilating system to the extent that its efficiency is substantially impaired, and ventilation has been restored in a reasonable time, all places where flammable gas may have accumulated shall be examined by a competent person and determined to be free of flammable gas before power is restored and work resumed.

(12) When the main fan or fans have been shut down with all employees out of the adit, tunnel, shaft, or other underground areas, no employee other than those qualified or authorized to examine the adit, tunnel, shaft, or other underground areas, shall go underground until the fans have been started and all areas have been examined for gas and other hazards, and declared safe.

(13) Ventilation and exhaust systems for tunnel excavation shall be of sufficient capacity to maintain a supply of quality air at all points in the tunnel. The supply of fresh air shall not be less than 200 cubic feet per minute for each employee underground. The linear velocity of the air flow in the tunnel bore shall not be less than 30 feet per minute in those tunnels where blasting or rock drilling is conducted or where there are other conditions that are likely to produce dusts, fumes, vapors, or gases in harmful quantities.

(d) *Illumination*—(1) *General.* All tunnel and shaft headings, drilling, mucking, and scaling work areas underground shall have a minimum of 5 foot-candles of illumination. All other underground areas shall have a minimum of 2 foot-candles of illumination at zero elevation.

(2) *Emergency lighting.* Automatic emergency lighting shall be provided in the heading area. Each employee underground shall have a portable hand light or cap lamp, Bureau of Mines-approved, available for emergency use unless natural light or the emergency lighting system is adequate for escape.

(e) *Fire prevention and control.* (1) The applicable requirements for fire prevention and protection specified in Subpart F of this part shall be complied with in all tunnel and shaft operations.

(2) Smoking and open flames shall be prohibited, and signs warning against smoking and open flames shall be posted so that they can be readily seen, in areas or places where fire or explosion hazards exist.

(3) The carrying of matches or lighters for smoking shall be prohibited in all underground operations where fire or explosion hazards exist.

(4) Not more than a 1 day's supply of diesel fuel shall be stored underground.

(5) Gasoline or liquefied petroleum gases shall not be taken, stored, or used underground.

(6) Oil, grease, or fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas, at safe distances from explosives magazines, electrical installations, and shaft stations.

(7) Approved fire-resistant hydraulic fluids shall be used in powered hydraulically actuated underground machinery and equipment unless such equipment is protected by multi-purpose fire extinguishers for classes A, B and C fires, or by a fire suppression system.

(8) Leakage of flammable fluids shall be corrected.

(9) Fires shall not be built underground.

(10) Noncombustible barriers shall be installed below welding or burning operations in or over a shaft or raise.

(11) Fire extinguishers or equivalent protection shall be provided at the head and tail pulleys of underground belt conveyors.

(12) If the underground operation is considered gassy, local gas checks shall be made prior to, and continuing during, any welding, cutting, and heating to be performed. If more than 10 percent of the LEL (lower explosive level) of a flammable gas or petroleum vapor is detected, all welding, cutting, and heating operations shall be suspended. A fire watch shall be maintained around the completed hot work or completed worksite until all possibility of fire is eliminated.

(13) Flammable materials or supplies shall not be stored within 100 feet of any tunnel or shaft opening. Where this is not practicable a fireproof barrier shall be placed between the stored material and the opening.

(14) Tunnel portal covers, shafts, change houses, and any buildings built for use within a tunnel or shaft, or within 100 feet of same, related to the job, shall be built of either noncombustible construction or of combustible construction having a fire resistance of not less than 1 hour.

(f) *Personal protective equipment.* Protective clothing or equipment shall be required to be used in accordance with Subparts D and E of this part.

(g) *Noise.* Noise exposures shall be controlled or limited in accordance with the requirements in Subpart D of this part.

(h) *Ground support.*—(1) *Tunnel portal area.* Portals shall be scaled, protected and supported where loose soil or rock or fractured material is encountered.

(2) *Tunnel area.* (i) A competent person shall examine and test the roof, face, and walls of the work area at the start of each shift and frequently thereafter. Examinations shall take place from the protection of supports where supports are used.

(ii) Loose ground shall be taken down or supported. Ground conditions along haulage ways and travelways shall be examined periodically and sealed or supported as necessary.

(iii) Torque wrenches shall be available at tunnels where rock bolts are used for ground support. Frequent tests shall be made to determine if bolts meet the required torque. The test frequency shall be determined by rock conditions and distance from vibration sources.

(iv) Damaged or dislodged tunnel supports, whether steel sets or timber, shall be repaired or replaced when structural integrity is impaired. New supports shall be installed whenever possible before removing the damaged supports.

(v) Employees shall not work ahead of support replacement operations unless alternate egress is provided.

(vi) All sets, including horseshoe-shaped or arched rib steel sets, shall be installed so that the bottoms will have required anchorage to prevent pressures from pushing them inward into the excavation. Lateral bracing shall be provided between sets to further stabilize the support.

(vii) Temporary roof supports shall be used where ground conditions require it in order to protect employees working ahead of tunnel sets.

(3) *Shafts.* (i) Small diameter shafts, which employees are required to enter, shall be provided with a steel casing, concrete pipe, timber, or other material of required strength to support the surrounding earth.

(ii) The casing and bracing shall be provided the full depth of the shaft, of at least 5 feet into solid rock, if possible, and shall extend at least 1 foot above ground level.

(iii) All wells or shafts over 5 feet in depth shall be retained with lagging, spiling, or casing.

(iv) In shafts, a competent person shall inspect the walls, ladders, timbers, blocking, and wedges of the last set to determine if they have loosened following blasting operations. Where found unsafe, corrections shall be made before shift operations are started.

(v) Safety belts shall be worn on skips and platforms used in shafts by crews working in the shaft when the skip or platform does not fill the opening to within 1 foot of the sides of the shaft, unless guardrails or cages are provided.

(i) *Drilling.* (1) Equipment that is to be used during a shift shall be inspected each shift by a competent person. Equipment defects affecting safety shall be corrected before the equipment is used.

(2) The drilling area shall be inspected for hazards before starting the drilling operation.

(3) Employees shall not be allowed on a drill mast while the drill bit is in operation.

(4) When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured, and the mast placed in a safe position.

(5) Receptacles or racks shall be provided for drill steel stored on jumbos.

(6) Before drilling cycle is started, warning shall be given to men working below jumbo decks.

(7) Drills on columns shall be anchored firmly before drilling is started and shall be retightened frequently thereafter.

(8) (i) The employer shall provide mechanical means for lifting drills, roof bolts, mine straps, and other unwieldy heavy material to the top decks of jumbos where the lift exceeds 10 feet.

(ii) The employer shall provide stair access to jumbo decks wide enough to accommodate two persons if the deck is over 10 feet in height.

(iii) On jumbo decks over 10 feet in height, guardrails which are removable (pipe in sockets with chain guards), or equivalent, shall be provided on all sides and back platforms where space and design permit.

(iv) When jumbos are being moved, riders shall not be allowed on the jumbo unless they are assisting the driver. All jumbos shall be chocked to prevent movement while employees are working thereon.

(v) Jumbos shall be kept clean to prevent the hazard of slipping. The decks shall be anti-slip type and they shall be secured to prevent displacement.

(9) Scaling bars shall be available at scaling operations and maintained in good condition at all times. Blunted and severely worn bars shall not be used.

(10) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed or controlled. Lifters shall not be drilled through blasted rock (muck) or water. The handling of misfires shall be in accordance with § 1926.911.

(11) Air lines that are buried in the invert shall be identified by signs posted nearby, warning all personnel.

(j) *Blasting.* (1) All blasting and explosives-handling operations shall be conducted in compliance with Subpart U of this part.

(2) All blasting wires shall be kept clear of electrical lines, pipes, rails, and other conductive material except the earth.

(k) *Haulage.* (1) Equipment to be used shall be inspected by a competent person before each shift. Equipment defects affecting safety shall be corrected before the equipment is used.

(2) Powered mobile equipment shall be provided with suitable brakes.

(3) Powered mobile haulage equipment shall be provided with audible warning devices. Lights shall be provided at both ends.

(4) (i) Powered mobile haulage equipment shall be equipped with cab, canopy, or other protective device to protect the operator from shifting or falling materials.

(ii) Where glass is used in cabs, it shall be of safety glass, or equivalent, in good condition, and shall be kept clean.

(5) Adequate backstops or brakes shall be installed on inclined conveyor drive units to prevent conveyors from running in reverse and creating a hazard to employees.

(6) (i) No employee shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the conveyor is specifically designed for the transportation of employees.

(ii) The employer shall not permit employees to ride in dippers, shovel buckets, forks, clamshells, or in the beds of dump trucks, or on haulage equipment not specifically designed for the transportation of employees.

(iii) Employees shall not be allowed to work from equipment that is not specifically designed or adapted for such use.

(7) Refuge stations shall be provided every 200 feet where a clearance of at least 2 feet from moving equipment cannot otherwise be provided for employees.

(8) (i) Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set, or other equivalent precautions are taken against rolling.

(ii) If the rails serve as a return for a trolley circuit, both rails shall be bonded at every joint, and the rails shall be cross-bonded every 200 feet.

(9) When dumping cars by hand, the car dumps shall be provided with tiedown chains or bumper blocks to prevent cars from overturning.

(10) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices.

(11) Equipment which is to be hauled shall be so loaded and protected as to prevent sliding or spillage.

(12) In addition to couplings, safety chains, or the equivalent, shall be used to connect cars in a train.

(13) Parked railcars shall be blocked securely.

(14) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

(15) Where necessary to prevent employee injuries, bumper blocks, or the equivalent, shall be provided at all track dead ends.

(16) Supplies, materials, and tools, other than small handtools, shall not be transported with employees in mantrip cars or on top of locomotives.

(17) When personnel are being transported on man-cars, the man-cars shall be pulled, not pushed.

(l) *Electrical equipment.* (1) Electrical equipment shall conform to the requirements of Subpart K of this part.

(2) Powerlines shall be well separated or insulated from waterlines, telephone lines, and air lines.

(3) Lighting circuits shall be located so that movement of personnel and equipment will not damage the circuits or disrupt the service.

(4) In all areas exposed to dampness, light fixtures shall be non-metallic and weatherproof.

(5) Transformers containing flammable oil shall not be used underground unless they are located in a fire-resistant enclosure and surrounded by a dike to contain the contents of the transformers in event of a rupture.

(m) *Hoisting*—(1) *General requirements.* (i) All hoists used for shafts and tunnels shall be designed by a qualified engineer competent in this field and shall be constructed and rated in accordance with such design.

(ii) Each hoist assembly shall be load-tested to 100 percent of its rated capacity upon installation, after any repairs or alterations affecting its structural integrity or operation of safety devices, and every six months during use. A written record of each test shall be maintained for the duration of the project and shall be made available for inspection to authorized representatives of the Secretary.

(iii) Upon installation, and weekly thereafter, each hoist assembly shall be checked to assure proper operation and condition of all components. A trial run of the cage or skip shall be made prior to transport of personnel when it has been out of service for one complete shift or longer.

(iv) The employer shall designate a qualified person who shall visually inspect all machinery, equipment, anchorages, and hoisting rope at the beginning of each shift, and during use as necessary, to make sure it is in safe operating condition.

(v) Cranes shall be tested and inspected in accordance with Subpart N of this part.

(vi) All unsafe conditions revealed by tests, checks, or inspections shall be corrected before use of equipment.

(vii) Employees shall not be permitted to ride on the top of the cage or skip ex-

cept for inspection or maintenance purposes.

(viii) A fire extinguisher, at least 2-A: 10-B:C (multi-purpose, dry chemical), shall be mounted in each hoist house.

(ix) Before maintenance, repairs, or other work is commenced in the shaft served by a cage, skip, or bucket, the operator shall be informed accordingly and given suitable instructions. A sign shall be installed at the shaft collar stating that work is being done in the shaft.

(x) Personnel and materials other than small tools and supplies shall not be hoisted at the same time, except that the operator may remain in those cages or skips which are designed to be controlled by an operator within the cage. Materials and supplies hauled in cages or skips operated by operators within the cage or skip shall be secured or stacked in a manner to preclude shifting.

(xi) Every shaft shall be provided with two means of interchanging distinct and definite signals between the hoist operator and every working level within the shaft including the bottom.

(xii) Personnel at shaft bottoms shall have protection from the movement of equipment, tools, or materials overhead, or the shaft shall be vacated during the operations that may be hazardous to persons below. When personnel are working at the shaft bottom, no conveyance or equipment shall be lowered directly to the bottom. It shall be stopped at least 15 feet above the bottom of the shaft and remain there until the signal to lower is received from the bottom of the shaft.

(xiii) Where glass is used in hoist house windows, the glass shall be of safety glass or equivalent.

(xiv) In multiple-drum hoists, the controls shall be in a console arrangement.

(xv) Hoist equipment and the operator shall be protected from inclement weather by a roof or hoist house.

(xvi) Rope to be used for hoisting personnel shall be wire rope providing a factor of safety not less than 10 when new. Rope to be used for hoisting material shall have a factor of safety not less than 5 when new. The safety factor shall be calculated by dividing the breaking strength of the wire rope, as given in the manufacturer's rating tables, by the total load to be hoisted including the weight of the wire rope in the shaft when fully let out, plus a proper allowance for impact and acceleration.

(xvii) Wire rope used for hoisting shall be securely fastened at both drum and cage or skip ends and, when in use, shall not be fully unwound; at least two full turns shall remain on the conventional drum hoist so as to protect the end fastening at drum from overload.

(xviii) Wire rope shall not be used when any of the following conditions exist:

(*a*) Six randomly distributed broken wires in one rope lay, 3 broken wires in one strand in one lay, or one valley break (a valley break is a wire break occurring between 2 adjacent strands); or

(*b*) Abrasion, scrubbing, flattening, peening, or any severe change causing loss of more than one-third of the original diameter of the outside wires in any given area; or

(*c*) Evidence of any heat damage, or any damage caused by contact with electrical wires, or marked corrosion of the rope; or

(*d*) Reduction from nominal diameter of more than $\frac{3}{64}$-inch for diameters up to and including $\frac{3}{4}$-inch; $\frac{1}{16}$-inch for diameters $\frac{7}{8}$ to $1\frac{1}{8}$ inches; and $\frac{3}{32}$-inch for diameters $1\frac{1}{4}$ to $1\frac{1}{2}$ inches.

(xix) Except for eye splices in the ends of wire rope slings and for endless rope slings used for hauling material, each wire rope used in hoisting, lowering, or in pulling loads, shall consist of one continuous piece without knot or splice.

(xx) The connection between the hoisting rope and the cage or skip shall be a non-spinning type.

(xxi) All manhoists shall be equipped with landing level indicators at the operator's station.

(xxii) Cranes used to hoist employees shall be designed so that the load hoist drums are powered in both directions of rotation and the brakes are automatically applied upon power release or failure. Drum-operating levers shall be of a type that will automatically return to the "stop" position when the operator's hand is removed, or a deadman switch and emergency button shall be used. Lowering against brake or friction with drums in free-wheeling shall not be allowed when working in shafts except during clamshell operations.

(2) *Manhoisting—sinking shafts 50 feet or less in depth.* (i) The cages or skips shall have all sides enclosed by ½-inch wire mesh, not less than No. 14 U.S. gauge, or equivalent, to a height of at least 42 inches, with a positive locking door that does not open outwardly, and shall have a protective canopy.

(ii) The hoist or crane shall be of such design that the cage or skip is powered up and powered down and so arranged that the load stops if the motor stops. No system of lowering against the brake or friction with the drum in free-wheeling shall be allowed.

(iii) The drum-operating lever shall be of a type that returns automatically to the "stop" position when the operator's hand is removed unless, as a substitute, the throttle that controls the drum speed automatically stops the drum and slows the engine to idling speed when the throttle is released, or a deadman switch and emergency button shall be used.

(iv) The travel speed of the cage or skip shall not exceed 200 feet per minute.

(3) *Manhoisting—sinking shafts over 50 feet in depth.* (i) The cages or skips shall have all sides enclosed by ½ inch wire mesh, not less than Number 14 U.S. gauge, or equivalent, to a height of at least 42 inches, with a positive locking door that will not open outwardly, and shall have a protective canopy.

(ii) The protective canopy shall cover the top in such a manner as to protect those inside from objects falling in the shaft. It shall be steel plate, at least 3/16-inch in thickness, or material of equivalent strength, sloped to outside, and so arranged that a section may be readily pushed upward to afford emergency egress.

(iii) The hoist or crane shall be of such design that the cage or skip is powered up and powered down and so arranged that the load stops if the motor stops. No system of lowering against the brake or friction, with the drum in free-wheeling, shall be allowed.

(iv) The drum-operating lever shall be a type that returns automatically to the "stop" position when the operator's hand is removed unless, as a substitute, the throttle that controls the drum speed automatically stops the drum and slows the engine to idling speed when the throttle is released, or a deadman switch and emergency button shall be used.

(v) The travel speed of the cage or skip shall not exceed 200 feet per minute, unless controlled as outlined in paragraph (b) (4) of this section.

(vi) Shafts shall be equipped with guide rails or guide cables of such design that the cage or skip upon which men ride shall be prevented from undue sway.

(vii) Cages or skips operating on guides or guide cables shall be equipped with bridles and broken-rope safety latches, dogs, or equivalent, that will stop and hold 150 percent of capacity load in the event the hoisting cable parts.

(4) *Manhoisting—during underground operations.* (i) Manhoists used during tunnel or other underground construction shall be equipped with guides.

(ii) In manhoists, the control shall be such that it will return to the "stop" position when the hand of the operator is removed from the control lever, or a deadman switch and emergency button shall be used. The brakes shall be automatically applied.

(iii) The manhoists shall be equipped with at least two brakes, each capable of stopping and holding 150 percent of their rated capacity.

(iv) Manhoists shall be designed so that the load is powered up and powered down.

(v) Manhoists shall be equipped with limit switches to prevent overtravel at the top and bottom of the shaft.

(vi) Manhoists running in excess of 200 feet per minute shall be equipped with slow-down devices for each landing approach.

(vii) Manhoists shall be equipped with bridles and broken-rope safety latches, dogs, or equivalent, that will stop and hold 150 percent of capacity load.

(viii) Manhoists shall be equipped with overspeed governors as follows:

(*a*) The overspeed governor shall be located where it cannot be struck by the cage or the counterweight and where there is adequate space for full movement of governor parts. Overspeed governors for cage safeties shall be set to trip at overspeeds as follows:

(*1*) At not less than 115 percent of rated speed; and

(2) At not more than the tripping speed listed opposite the applicable rated speed given in Table S–1. Maximum tripping speeds for intermediate rated

speeds shall be determined from Table S–1.

TABLE S–1.—*Shafts Less Than 1,000 Feet In Depth*

[Maximum speeds in feet per minute at which speed governor trips and governor overspeed switch operates]

Rated speed	Maximum governor trip speed	Maximum speed at which governor overspeed switch operates, down
0–125	175	[1] 175
150	210	[1] 210
175	250	225
200	280	252
225	308	277
250	337	303
300	395	355
350	452	407
400	510	459
450	568	512
500	625	563
600	740	703

[1] Governor overspeed switch not required on car speed governors.

NOTE: Speeds up to 1700 feet per minute will be allowed for deeper shafts provided acceleration, deceleration, and all cage and hoist components are properly engineered for the rated speed.

(b) Counterweights, where provided, shall have overspeed governors set to trip at an overspeed greater than, but not more than 10 percent above that at which the car speed governor is set to trip.

(c) Overspeed governors shall have their means of speed adjustment sealed. Seals shall be of a type which will prevent readjustment of the governor speed without breaking the seal.

(ix) Each cage shall be equipped with a device which will prevent its movement when the door is open.

(x) Cages shall be provided with sides, gates, and protective canopy. Sides and gates shall be made of iron or steel, ½-inch wire mesh not less than No. 14 U.S. gauge, or equivalent materials. Sides shall be not less than 6 feet in height. Gates shall not open outwardly and shall be hung on hinges or work in slides. The protective canopy shall protect those inside from objects falling in the shaft. It shall be of steel plate, at least 5/16-inch in thickness, or material of equivalent strength, sloped to the outside, and so arranged that a section may be readily pushed upward to afford emergency egress.

(5) *Material hoisting.* (i) While sinking shafts over 50 feet in depth, the material cage, skip, or bucket shall be guided to prevent undue sway.

(ii) In all completed shafts, material hoists shall be equipped with guides.

(iii) Cages, skips, or buckets, operating on guide rails or guide cables, shall be equipped with bridles and broken-rope safety latches, dogs, or equivalent, that will stop and hold 150 percent of capacity load. If double-drum clam buckets are used, only shaft guides will be required.

(iv) All material hoists except cranes shall be equipped with landing level indicators at the operator's station. The marking of wire rope for this purpose is prohibited.

(v) Material being raised or lowered shall be secured to prevent material from snagging and falling into the shaft.

(vi) Employees shall not be permitted to ride material cages, skips, or buckets in shafts of any depth except for inspection and maintenance.

(Sec. 6, Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655); sec. 107, Pub. L. 91–54, 83 Stat. 96 (40 U.S.C. 333); Secretary of Labor's Order No. 12–71, 36 FR 8754).

Signed at Washington, D.C., this 11th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

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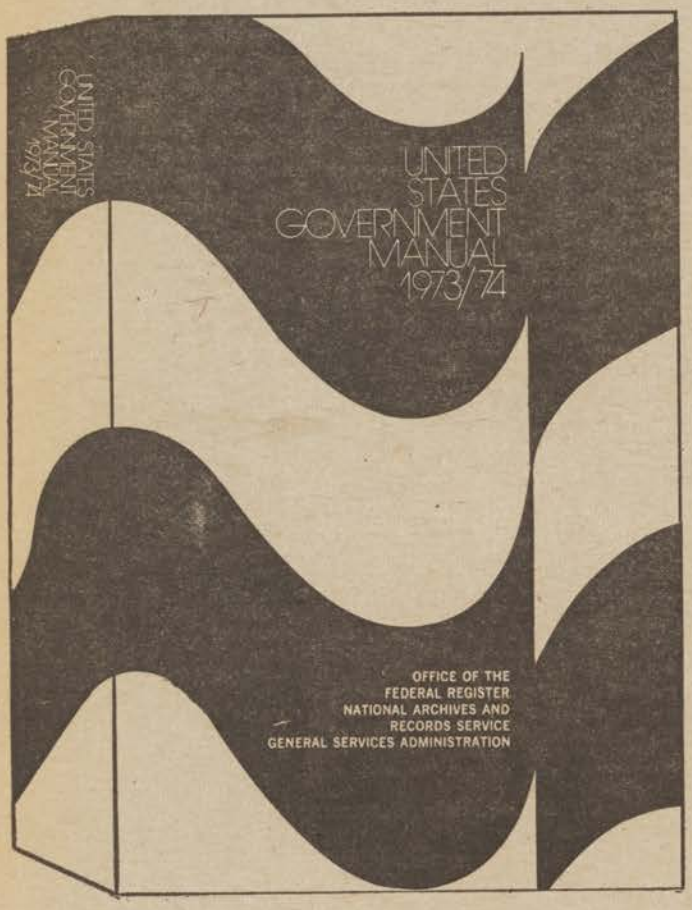

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